

Africa's Resistance to Peacekeeping's Normative Change

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Introduction

Recent statistics from the United Nations (UN) Department of Peacekeeping Operations (UNDPKO) shows that most peacekeeping or multidimensional peace support operations occur in Africa. Furthermore, the majority of peacekeepers are also stationed on the continent. In addition, several African states are increasingly becoming important troop and police contributing countries (T/PCC) around the world. The end result is that while African states may not necessarily have the wherewithal to initiate and sustain complex peace operations, they are major contributors in terms of manpower and the sheer political will to contribute. Such a consistent approach to saying yes when the UN requests for troops certainly ought to give African states some leverage in considering their concerns about contemporary peace support operations.¹ The three basic principles of peacekeeping, namely consent of the parties, impartiality, and non-use of force except in self-defence and defence of the approved mandate, have traditionally underpinned the practice and conduct of peacekeeping operations.² These principles have shaped the design, mandates and objectives of peacekeeping operations since its inception. More importantly, how they approach and why TCCs engage in peacekeeping operations have also been influenced largely by these principles. However, as peacekeeping evolved to meet the changing needs and challenges of contemporary conflicts – predominantly intra-state – especially in Africa, and added to

the changing international security environment, these principles have been stretched, sometimes misinterpreted, and are constantly reinterpreted and revised. That is, while the traditional principles governing peacekeeping remain as core principles today, there is an increasing lack of consensus on the interpretations of the principles and approaches to contemporary peacekeeping operations between states; especially those in the Global North, mostly Western countries, and those in the Global South, made up of developing countries and emerging powers like China, Brazil, India and South Africa,³ but not least financially constrained but major contributors from Senegal, Nigeria, Ghana and Kenya.

This difference in the understanding and interpretation of the existing norms has resulted in a growing chasm and dissatisfaction with current approaches to peacekeeping operations and the key parameters for interventions in contemporary conflicts. Increasingly, as a result of the shortfalls in the application of these norms in past UN operations in countries such as Bosnia, Somalia and Rwanda in the 1990s, new norms including democratization, human rights, as well as the Responsibility to Protect (R2P) and the Responsibility while Protecting (RwP) have increasingly become very vital components of contemporary peace operations and peacebuilding efforts.⁴ However, the approaches to implementing these emerging norms have created suspicions, particularly among African countries, about UN peacekeeping as a regime change mechanism targeting mainly the Global South. The recent North Atlantic Treaty Organisation (NATO)-led UN intervention in Libya

1 See for example, Kwesi Aning and Festus Aubyn, 'Ghana', in Alex J. Bellamy and Paul D. Williams (ed.), *Providing Peacekeepers: The Politics, Challenges and Future of United Nations Contributions*, Oxford: Oxford University Press, 2013. See also, Kwesi Aning, 'Foreword', in Mikael Erikson and Roland Kostic (ed.), *Mediation and Liberal Peacebuilding: Peace from the Ashes of War?*, London: Routledge, 2013.

2 United Nations, *UN Peacekeeping Operations Principles and Guidelines ['Capstone Doctrine']*, New York: Department of Peacekeeping Operation and Field Support, 2008.

3 Sharon Wiharta, Neil Melvin and Xenia Avezov, *The New Geopolitics of Peace Operations: Mapping the Emerging Landscape*, Stockholm International Peace Research Institute (SIPRI), September 2012.

4 Kwesi Aning and Samuel Atuobi, 'ECOWAS, West Africa and the Responsibility to Protect', in W. Andy Knight and Frazer Egerton (ed.), *The Routledge Handbook of the Responsibility to Protect*, London: Routledge, 2012.

did very little to erase these suspicions,⁵ similar to the French interventions in Côte d'Ivoire⁶ and Mali.⁷ Furthermore, with the increasing role of regional organisations in peacekeeping, there has also been a shift from norms of absolute sovereignty and non-intervention, to one of greater solidarity characterized by the norms of shared responsibility.⁸

This paper explores the changing contours of the peacekeeping landscape within the context of both existing and emerging norms around the contentious subject of intervention. In conjunction with the above, it discusses what is perceived as the key issues that are contributing to shaping these norms, and how African states have responded to such changes and/or reform agendas of the prevailing international security frameworks. The paper begins with a discussion on the changing nature and character of contemporary conflicts, and how they have impacted on the development of peacekeeping norms. The argument here is that the nature of intra-state conflicts in Africa poses particular operational challenges to peacekeepers and thus to the normative frameworks under which such operations are sanctioned. Furthermore, it explores the extent to which, and how African countries have responded to these normative changes. Next, we examine what the paper perceived as the new forms of intervention on the African continent and how they impact on the UN's peacekeeping normative frameworks.

Exploring the Shifting Security Landscape in Africa and Changing Peacekeeping Norms

Contemporary peacekeeping operations have been largely shaped by the conflict environments within which such operations take place. Today, inter-state conflicts have practically ceased to exist. Instead, the vast majority of recent conflicts have been intra-state conflicts which are characterized by a multiplicity of actors, including governments and non-state actors like rebel and secessionist or separatist groups. In most cases, the parties involved in these intra-state conflicts are more complex and difficult to identify. Likewise, although the factors underlying their causes may include governance, ethnic, resources and religious factors, they are also not clearly defined.⁹ A growing intersection of recent conflicts especially in Africa with organized crimes, like drug trafficking, piracy and in some instances terrorism, has also been pronounced. The current crises in Mali and the Sahel region of West Africa are a graphical

case in point. But even more excruciating is the use of violence or the deliberate targeting of civilians as a tactics of war in these modern conflicts. For example, massacre, torture, starvation, enslavement, forced conscription and organized rape have been used as weapons of terror during the conflicts in the Democratic Republic of Congo (DRC) and Darfur.¹⁰ Additionally, in many of these modern conflicts, there are at times no legitimate governments, because state authority had collapsed and power is diffused and always shifting. As a result, most contemporary peacekeeping operations operate in void and volatile environments, where large scale violence is still on-going and in the absence of any ceasefire or peace agreements. This has made it very difficult for peacekeeping missions to secure the consent of host states, particularly when such governments are under intense attacks and perceive the international community as particularly hostile to their interests.

Against this background, international responses to contemporary conflicts have seen peacekeeping becoming more intrusive, large scale, comprehensive and increasingly part of long-term peace and state building initiatives. UN Peacekeepers are now routinely tasked to undertake a wide variety of complex tasks, spanning from helping to build sustainable institutions of governance, to human rights monitoring, to implementing security sector reforms (SSR) duties, to the disarmament, demobilization and reintegration (DDR) of former combatants.¹¹ Given the complex environment in which peacekeepers have to operate today, coupled with the more ambitious and complex mandates of current peacekeeping operations, it has become difficult to uphold the existing principles of peacekeeping, which were originally developed as a means of dealing with inter-state conflict. For this reason, the traditional principles of peacekeeping have undergone several significant reinterpretations and revisions.

To begin with, the calculated targeting of civilians by both state actors and non-state actors in current conflicts has influenced the reconceptualization of state sovereignty.¹² Now, the concept of sovereignty holds that a key tenet of a state's sovereign right is its responsibility to protect its citizens from genocide, war crimes, ethnic cleansing and crimes against humanity, and that the international community should assist states in their efforts to do so.¹³ Consequently, should a state fail to protect its citizens from imminent or unfolding atrocities, the international community should take "timely and decisive" collective action through the various provisions set out in the UN Charter.¹⁴ This is what has become known as the R2P

5 See Richard Falk, 'NATO intervention in Libya: Acting beyond the UN mandate', *Third World Resurgence*, No. 253, September 2011, pp. 39–42.

6 See for example, Thabo Mbeki, 'What the world got wrong in Côte d'Ivoire', *Foreign Policy*, 29 April 2011, available at http://www.foreignpolicy.com/articles/2011/04/29/what_the_world_get_wrong_in_cote_d_ivoire.

7 On Mali, see David Lewis, 'West Africa fears Mali spillover', *New Straits Times*, 20 January 2013, available at <http://www.nst.com.my/mobile/opinion/columnist/west-africa-fears-mali-spillover-1.204270>.

8 On this critical point, see the African Union's position in African Union, 'The Common African Position on the Proposed Reform of the United Nations: "The Ezulwini Consensus"', Executive Council, 7th Extraordinary Session, Addis Ababa, 7–8 March 2005, Ext/EX.CL/2(VII).

9 For a detailed analysis of how such conflict dynamics pose challenges to multilateral interventions, see Kwesi Aning, 'The Challenges to Multilateral Interventions – UN, ECOWAS and Complex Political Emergencies in West Africa: A Critical Analysis', *Journal of Asian and African Studies*, Vol. 4, Nos. 1–2, 2005, pp. 1–20.

10 See Alex J. Bellamy and Paul D. Williams, 'The Responsibility to Protect and the Crises in Darfur', *Security Dialogue*, Vol. 36, No. 1, 2005, pp. 27–47; Tim Murithi, (2009), 'The African Union Foray into Peacekeeping: Lessons from the Hybrid Mission in Darfur', *Journal of Peace, Conflict and Development*, Issue 14.

11 See 'History of Peacekeeping', *UNDPKO*, available at <http://www.un.org/en/peacekeeping/operations/surge.shtml>.

12 Wiharta, Melvin and Avezov, *op. cit.*

13 UN General Assembly, '2005 Summit Outcome', A/60/I, 2005, para. 138–40; Alex J. Bellamy and Paul D. Williams, 'The new politics of protection? Côte d'Ivoire, Libya and the responsibility to protect', *International Affairs*, Vol. 87, No. 4, 2011, pp. 825–850.

14 *Ibid.*; Ramesh Thakur, *The Responsibility to Protect: Norms, Laws, and the Use of Force in International Politics*, London: Routledge, 2011; Victoria Holt and Glyn Taylor with Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations: Success, Setbacks and Remaining Challenges*, New York: UNDPKO; United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 2009.

concept, which was unanimously adopted by UN member states at the 2005 World Summit. In reality, the R2P concept has shaped international reaction to most conflicts in Africa, particularly during the Libyan crisis and the post-electoral violence in Côte d'Ivoire. In line with the R2P concept, the protection of civilians (PoC) has become one of the fundamental tasks of contemporary peace operations. And this has manifested in the regular use of Chapter VII of the UN Charter by the UN Security Council (UNSC) to mandate peacekeeping operations to use all "necessary means" to deter forceful attempts to disrupt the political process, protect civilians under imminent threat of physical attack, and assist national authorities to maintain law and order.¹⁵

Predictably, including the protection of civilians (PoC) in peacekeeping mandates has necessitated a trend towards more robust peacekeeping, where the non-use of force except in self-defence and defence of the mandate principle have been severely challenged, and the principle of consent of the main parties to conflict very tenuous. However, though, most African States support the notion that peacekeeping can be deployed without the consent of the parties, and have also not objected to the use of force by UN-led missions, there are concerns about robust peacekeeping interventions that go beyond UNSC mandates. Countries such as South Africa have, for example, cautioned the use of civilian protection mandates as a façade for other political agendas, such as regime change, and that actions to protect civilians should not go beyond the 'letter and spirit' of UNSC resolutions.¹⁶ Thus, there are concerns among states on protection of civilian mandates or humanitarian interventions being used to pursue other ulterior motives and agendas. Furthermore, many African countries are also concerned about the interpretation and application of UNSC mandates authorizing the use of force to protect civilians. This is because in certain conflict situations, such as the post-electoral violence in Côte d'Ivoire in 2011, the manner in which the protection of civilians mandate was carried out resulted in unintended consequences, including harm to civilians and civilian assets and, moreover, compromised the neutrality and impartiality of UN peacekeepers. In this particular case, the UNSC passed Resolution 1975, which recognized Alasane Ouattara as president, condemned Laurent Gbagbo's refusal to cede power and authorized the UN Operation in Côte d'Ivoire (UNOCI), which was supported by French forces, to "use all necessary means" to protect civilians under threat. Accordingly, in efforts to protect civilians, UNOCI and the French forces carried out air strikes on the positions held by Gbagbo, destroying heavy weapons and weapon stockpiles, and thereby turned the tide of the battle in Ouattara's favour, though both were culprit of civilian brutalities. This situation, however, blurred the lines between the protection of civilians and regime change, and raised serious questions about the proper interpretation of UNSC Resolution 1975, as well as the place of impartiality in the intervention.¹⁷ Indeed, some critics, such as former South African President Thabo Mbeki, for instance bla-

med the failings of UNOCI to protect civilians in Côte d'Ivoire on the abandonment of impartiality and the undue influence exerted by France.¹⁸ Clearly, as the case of Côte d'Ivoire demonstrates, the use of force against Gbagbo's forces and not against the Republican Forces of Côte d'Ivoire (RFCI) of Ouattara, which had also breached the ceasefire and massacred civilians, compromised the neutrality and impartiality of UNOCI. But more importantly, though the UN's involvement in Côte d'Ivoire helped stabilize the situation and minimize civilian casualties, and the fact that the UN had argued that UNOCI's action was undertaken in self-defence and to protect civilians, the intervention brought to the fore the need for operational guidelines and the required capabilities needed at the tactical level to fulfil protection of civilian mandates in peacekeeping.

A similar critique of the use of force, which raised issues of sovereignty and local ownership, has also been expressed with regards to the recent NATO intervention in Libya, which was also premised on the R2P principle.¹⁹ For the first time, the UNSC authorized the use of force for human protection purposes without the consent of a legitimate government.²⁰ But more importantly, while countries like Nigeria, Gambia, and Senegal defended NATO's role in Libya and even recognized the National Transitional Council (NTC) of Libya as a legitimate representative of the Libyan people, others such as South Africa objected to the military intervention by NATO.²¹ But on the whole, many African Leaders accused NATO of going beyond the UN mandate and siding with the NTC with the aim of achieving regime change under the guise of protecting civilians.²² NATO was also charged for completely disregarding the African Union (AU) Road Map for Libya and the AU's strong commitment to the respect of the unity and territorial integrity of Libya, as well as rejection of any foreign military intervention in whatever form with this aim.²³ However, it is also worthwhile to note that the Libyan crisis also brought into view the critical need to reinterpret the role of the AU and its credibility and legitimacy in ensuring peace and security on the continent. This is because it was the AU's uncoordinated response that allowed NATO to bypass African authority.²⁴

New Interventions vis-à-vis UN Peacekeeping Normative Frameworks

At least two new forms of interventionism can be identified in the current peacekeeping landscape in Africa. The first is what has been described as 'Western interventionism', and the other being the increasing role of regional organisations such as the AU in peacekeeping operations. On the former, the dilemmas raised by Western countries' misuse, misapplication and some-

15 Kwesi Aning and Naila Salihu, 'Accountability for Intervention: Negotiating Civilian Protection Dilemmas with Respect to Economic Community of West African States and African Union Interventions', *African Security*, Vol. 4, No. 2, 2011, pp. 81–99; Kwesi Aning and Naila Salihu, 'The Protection of Civilians in Peace Support Operations: Lessons from Côte d'Ivoire', *Conflict Trends*, Vol. 12, No. 2, 2012, pp. 25–32.

16 Bellamy and Williams, 'The new politics of protection?', *op. cit.*

17 *Ibid.*

18 Thabo Mbeki, *op. cit.*

19 See the UN Security Council Resolution 1973, 17 March 2011.

20 Bellamy and Williams, 'The new politics of protection?', *op. cit.*

21 Uduma Kalu, 'Libya: Why Nigeria broke with Gaddafi', *Vanguard*, 26 August 2011, available at <http://www.vanguardngr.com/2011/08/libya-why-nigeria-broke-with-gaddafi>.

22 Sally Khalifa Isaac, 'NATO's Intervention in Libya: Assessment and Implications', *IEMed Mediterranean Yearbook 2012*, Barcelona: European Institute of the Mediterranean (IEMed), 2012, pp. 121–123.

23 See African Union, 'Communique', Peace and Security Council, 265th meeting, Addis Ababa, 10 March 2011, PSC/PR/COMM.2(CCLXV).

24 Brooke A. Smith-Windsor (ed.), *AU-NATO Collaboration: Implications and Prospects*, NATO Defense College Forum Papers, Rome: NATO Defense College and Institute for Security Studies, 2013.

times disregard to the limit and purposes of UN peacekeeping mandates has been a serious concern for most African States. To the extent that humanitarian motives are now used as a fascia to pursue other political agendas is quite worrying. The Libyan and Ivorian crises provide the leitmotif for the concerns of African states, best encapsulated by the concerns expressed by the AU. The aftermath of the Libyan and Ivorian crises and the on-going Malian conflict have, for example, sparked debates on the West's use of UN peacekeeping and humanitarian mandates as a way of pursuing its own parochial interests. For instance, the push by the US, France and the UK for a military intervention in Libya through UNSC resolution 1973, which led to the eventual overthrow and death of Muammar Gaddafi, has been linked to their interests in the country's vast oil resources and regime change other than for purely civilian protection.²⁵ This form of interventionism as perceived by some African scholars has questioned not only the legitimacy and credibility of UN peacekeeping, but also limited Africa's willingness to sometimes cooperate and support their implementation.²⁶

With respect to the role of African regional organisations in peacekeeping, a new generation of interventions seems to be emerging, one that clearly shifts from the non-use of force except in self-defence and in defence of the mandate to humanitarian intervention.²⁷ Previously, under the umbrella of the now defunct Organization of African Unity (OAU), African states were strongly opposed to military intervention. The regional organization was modelled on the principles of state sovereignty and non-interference in the affairs of member countries. Nevertheless, the 2002 African Union Constitutive Act subsequently established "the right of the Union to intervene in member states [...] in respect of war crimes, genocide and crimes against humanity as well as a serious threat to legitimate order".²⁸ With the ever-increasing number of intra-state conflicts, which often deliberately target civilians, the principle of the non-use of force is no longer in sync with the reality on the ground. Therefore, the AU, together with its sub-regional organisations like the Economic Community of West African States (ECOWAS), has assumed the greatest responsibility of resolving conflict on the continent. However, the debate on multilateral intervention in Africa continues to be shaped mainly by Western interests.²⁹ But to demonstrate the new approach to peace operations on the African continent, the operations embarked on in the Darfur region of Sudan (2004–2007), the elimination of Uganda's Lord's Resistance Army that

commenced in 2012, the on-going mission in Somalia and the Burundi operations (2002–2003) provide some reference points. Despite approving in principle the need to intervene in severe humanitarian crises, African states remain cautious of intervention and are unwilling to authorize forceful intervention in the face of disagreement between warring factions. In spite of these difficulties, African states still have to contend with other serious challenges related to the funding and equipping of their militaries for peace operations.

Conclusion

Clearly, the complex security environments in which peacekeepers operate or are deployed today represent a major challenge to the existing peacekeeping norms. Especially, the deliberate targeting of civilians in modern conflicts has made the strict adherence to normative principles of consent, impartiality and non-use of force except in self-defence very challenging. Hence, the emergence of new norms such as R2P with its corollary re-conceptualization of state sovereignty, and the use of humanitarian motives to pursue ulterior agendas, including regime change as exemplified in the case of Libya and Côte d'Ivoire. This in part has contributed to Africa's gross suspicions of Western dominated UN-led humanitarian interventions.

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25 Khalifa Isaac, *op. cit.*; see also Andreas Buro and Clemens Ronfeldt, 'NATO intervention in Libya is in its own (oil) interest', *Internationaler Versöhnungsbund*, 4 April 2011, available at [http://www.ifor.org/publications/Nato%20in%20intervention%20in%20Libya%20is%20in%20its%20own%20\(oil\)%20interest.pdf](http://www.ifor.org/publications/Nato%20in%20intervention%20in%20Libya%20is%20in%20its%20own%20(oil)%20interest.pdf); See also Kwesi Aning, Frank Okyere and Mustapha Abdallah, 'Addressing Emerging Security Threats in Post-Gaddafi Sahel and the ECOWAS Response to the Malian Crisis', *KAIPTC Policy Brief*, No. 1, May 2012, available at <http://www.kaiptc.org/Publications/Policy-Briefs/Policy-Briefs/Addressing-Emerging-Security-Threats-in-Post-Gadda.aspx>.

26 Mashudu Godfrey Ramuhala, 'Post-Cold War Military Intervention in Africa', *Scientia Militaria: South African Journal of Military Studies*, Vol. 39, Nr. 1, 2011, pp. 33–55.

27 Andrew Cottey, 'Beyond humanitarian intervention: the new politics of peacekeeping and intervention', *Contemporary Politics*, Vol. 14, No. 4, 2008, pp. 429–446.

28 See African Union, 'The Constitutive Act', Lome, 11 July 2000, available at http://www.africa-union.org/root/au/aboutau/constitutive_act_en.htm.

29 T. Modibo Ocran, 'The Doctrine of Humanitarian Intervention in Light of Robust Peacekeeping', *Boston College International and Comparative Law Review*, Vol. 25, No. 1, 2002, pp. 1–58.