CHAPTER 9

Africa’s Post-Colonial Foreign Policy: Assessing History, Imagining the Future

INTRODUCTION

The number, and range of issues that are often considered, attributed to and analyzed under the umbrella of foreign policy are numerous, and are by no means capable of being addressed in one tome. The initial goal of a study such as this is to attempt to examine issues that have been adjudged to be of importance to the Organization of African Unity (OAU), and its successor, the African Union (AU) and their member states, but from a more institutional perspective. This placed the whole enterprise of this volume into a rather unusual position: one of studying issues, decisions, their implementation and outcomes from an unusual source of foreign policy, i.e., an organization, as opposed to the traditional sources of foreign policy, i.e., actors, interests, audiences and elites from inside the state. It is important to restate the differences between foreign and domestic policy and reiterate that these sources are not mutually exclusive.

To wit, domestic policy and foreign policy is differentiated thus: “if the primary target lies outside the country’s borders, it is considered foreign policy, even if it has secondary consequences for politics inside the country,” and vice versa. Importantly, there are issues outside of

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1 Ryan K. Beasley, Juliet Kaarbo and Jeffrey S. Lantis, “The Analysis of Foreign Policy in Comparative Perspective.” In Ryan K. Beasley, Juliet Kaarbo, Jeffrey S. Lantis and Michael

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S. M. Magu, Explaining Foreign Policy in Post-Colonial Africa, https://doi.org/10.1007/978-3-030-62930-4_9
the country that impact domestic policy, just as there are issues inside a (different) country that can affect the domestic policy of a country; the spread of COVID-19 is a prime example, in the reactions to infection rates. Likewise, when the Chernobyl nuclear reactor #4 experienced failure and a meltdown in the former Soviet Union in 1986, although it was theoretically a Soviet domestic issue, the radioactivity that was blown into Eastern Europe and into Scandinavia made it a domestic issue with foreign origins. Many other issues follow similar trajectory, particularly in Africa: Kenya has hosted some of the world’s biggest refugee camps at Dadaab and Kakuma, as a result of the drought and Somali state failure, while Tanzania, Burundi and the Congo hosted millions of refugees fleeing the 1994 Rwanda genocide. Foreign policy issues are not just about a country’s economy; they are also about trade, about humanitarian crises and a host of other issues.

It is also useful, as Neack suggests, to ‘back up,’ to think of the subject itself, and the commonly held view of foreign policy, that ‘you know it when you see it.’ Hence, positions such as Tanzania’s support for the ANC and other liberation groups fought against apartheid ought to be self-evident; Tanzania, as one of the Frontline States, supported these causes not necessarily because such support was in its own direct interest, but as part of a broader OAU policy position. Yet, Tanzania’s actions had implications both at home and around the continent, and the world. Foreign policy has thus been defined as “a product of the decision of an individual or a group of individuals … as the behavior of states,” but also as “intentions, statements, and actions of an actor–often, but not always, a state–directed toward the external world and the response of other actors to these intentions, statements and actions.” Because foreign policy preferences are thought to be influenced by the international system, the societal environment of a nation-state, the governmental setting, the bureaucratic roles played by policy-makers and the individual characteristics of foreign policy elites. It is the case then that some positions invite

T. Snarr, Eds., Foreign Policy in Comparative Perspective: Domestic and International Influences on State Behavior, 1st ed. (Thousand Oaks: CQ Press, 2013), 3.

2 Laura Neack, The New Foreign Policy: U.S. and Comparative Foreign Policy in the 21st Century (Lanham, MD: Rowman & Littlefield Publishers, 2003), 25.

3 Neack, The New Foreign Policy, 26.

4 Brian Schmidt, “Theories of US Foreign Policy.” In Michael Cox and Doug Stokes, Eds., US Foreign Policy, 2nd ed. (New York: Oxford University Press, 2012).
such levels of consensus that rationale is not necessary; that the Rwanda genocide, or the holocaust during World War II were an abomination are unlikely to find credible dispute. Therefore, it is unlikely that Nyerere, with his *ujamaa* philosophy, may have needed to explain support for ANC to the *ndugu*.

**O/AU Foreign Policy: Africa’s Preferences,Parsed**

The task of analyzing foreign policy actions is all the more complex when approached from an institutional and continental perspective. Granted, one might assume that some of the foreign policy preferences were similar across all the countries in Africa—all African countries were opposed to minority rule and the apartheid-like conditions in Rhodesia and in South Africa, even when they disagreed on the approach that would best bring to an end these conditions. For newly independent Third World Countries, the condemnation of apartheid was full throttle, but that of the international system was more nuanced. This was evident through the continuation of trade with the apartheid regime, support of Israel, which supported South Africa which in turn supported Rhodesia and supported the Portuguese, a NATO member state, in its Angola against the independence movements combined the international system, governmental setting and the societal conditions in these particular states, in a way that allowed for the generalization and analysis of foreign policy from an African institutional perspective. There were characteristics germane to the leaders of newly independent African nations that favored anti-apartheid movements and dedication to the end of apartheid. Most African leaders were compatriots of luminaries such as Mandela, Oliver Tambo and Walter Sisulu; they had been activists in the Pan-Africanist Movement and other pro-liberation movements. Others had suffered the same fates—imprisonment, as was the case with Jomo Kenyatta—and their understanding of the inherent deprivation of rights by colonial governments united the leaders, soon-to-be presidents. But besides that, the abhorrent nature of colonialism and apartheid unified not only African leaders, but also human rights activists and anti-imperialists around the world.

The study of Africa’s foreign policy is therefore possible within the realm of certain, not all, issues. A further benefit of the institutional foreign policy study approach is that more than anywhere, Africa’s battles
have largely been fought in blocs; the issues Africa experienced lent themselves better to resolution through group and consensus actions. With Rhodesia’s UDI and South Africa’s apartheid rule, the active support of anti-regime groups challenged the very existence of those regimes. While the likelihood that South Africa would eventually abandon the apartheid regime, and Rhodesia would open up to include the majority as other former British colonies had done might have been a matter of time, the shaming of the regimes, of activities they took part in, or those states that collaborated with them, and the near-solid boycotts likely hastened the fall of the regimes. Especially in these cases, and in other issues such as states’ borders, the defense and respect of sovereignty were issues better tackled as a continental bloc. Other issues lent themselves to the same approach: the representation in the UN’s major organs (other than the Security Council—where Africa has 3 non-permanent seats), or ECOSOC, where Africa has the highest number of seats (14, but perhaps illustrative of how unimportant Africa is), and the location of a number of UN Funds in Africa such as UNEP and UN Habitat—were concessions best reached through exertion of influence as a bloc, rather than individual countries.

‘Groupthink’ and joint action among African countries—through the OAU, AU or the UN—have been beneficial in some instances, but the same approach has impeded any reforms that Africa might have hoped to accomplish in any substantive ways. African institutions and groups have mostly operated on the premise of inclusion and geography. The OAU and AU have always existed as communities of geography, not of choice as is the case with the ECSC-EEC-EU. While exclusion marked Africa’s interactions with the international system until about 1960, the predictable pendulum swing to the complete opposite, i.e., automatic inclusion, the outcome is that there are few, if any costs, to members who violate the sacrosanct principles of the organization(s). Notably, there is a contention between official rhetoric and reality, in actions and reactions of the OAU and its successor. In particular, the tension between absolute, indivisible sovereignty pitted against versus coup d’états. On the one hand, the OAU holds sacrosanct the principle of absolute sovereignty, and shuns intervention in the internal affairs of its member states. In Sierra Leone in 1996, after the overthrow of Ahmad Tejan Kabbah’s democratically elected government by low-level military leaders of the Revolutionary United Front (RUF), the UN, OAU, ECOWAS, EU and the Commonwealth condemned the coup, and the Nigerian
government, with the blessing of ECOWAS/ECOMOG, initiated a low-intensity conflict to oust the military rebel leaders, while ECOWAS placed an embargo on oil, arms and weapons, while at the same time deploying military forces and urge restoration of the Kabbah government.5

Other interventions were to be seen, and not quite condemned. One of the most glaring, recent examples of a ‘not a coup d’état’ change in government—one that introduced stratospheric levels of moral conundrum on whether Mugabe leaving power by means of a ‘not a coup d’état’ could be cheered, or at most, not be condemned, was the November 15, 2017 ‘change in leadership’ in Zimbabwe. The increasing societal tensions from inflation to the idea of Zimbabwe = Mugabe—in addition to other reasons—stemmed most immediately from the progressive elevation of Zimbabwe’s First Lady Grace Mugabe, up the party leadership, soon to become the vice-president with potential to succeed her husband. It was seen as an attempt to impose a dynastic rule (37 years) in the event of the 93-year-old president’s departure.6 There was a glaring lack of condemnation of the ‘situation’ by African leaders and the OAU, choosing the more acceptable term for the change of government. The military in Zimbabwe was instrumental in removing Mugabe from power as Zimbabweans demonstrated in major cities, and when the military was commanded by this venerated freedom fighter, it refused orders to quell the protests, much as was the case with the Arab Spring uprisings.

Apologists for why it was not a coup pointed to the rather unusual circumstances: there were ‘negotiations’ for Mugabe to leave power and go into exile—decidedly not a favorite tactic of coup plotters; ultimately, Mugabe ‘was stepped down.’ Everyone danced around the issue of what was military action sporting all the ingredients of a military coup, although no world leader called it that. They called it a ‘military intervention.’7 There was rapid rapprochement with all

5 David Wippman, “Pro-democratic Intervention by Invitation.” In Gregory H. Fox and Brad R. Roth, Eds., Democratic Governance and International Law (Cambridge: Cambridge University Press, 2000).

6 Takavafira Masarira Zhou, “Governance, Democratisation and Development in Post-Mugabe Zimbabwe.” In Fidelis Peter Thomas Duri, Ngonidzashwe Marongwe and Munyaradzi Mawere, Eds., Mugabeism after Mugabe? Rethinking Legacies and the New Dispensation in Zimbabwe’s ‘Second Republic’ (Masvingo: Africa Talent Publishers PVT, 2019).

7 Farai Maguwu and Shakespear Hamauswa, “BRICS and the New Scramble for Zimbabwe in the Aftermath of the Military Coup.” In Justin van der Merwe and Patrick
and sundry, including the UK. More importantly, the new president, Emmerson Mnangagwa, was welcomed around the world, attending a World Economic Forum meeting in Davos, Switzerland two months after coming to power, attending AU Assemblies and addressed the 74th Session of the United Nations General Assembly (general debate) on September 25, 2019. Another instance of the ‘not-coup-coup’—although this one perhaps—was carried out in April 2019 against Sudan’s president, Omar Hassan Ahmed el-Bashir, Sudan’s ruler for almost 39 years. Given that he has been on the ICC’s radar for almost a decade, has presided over ruinous conflicts and the split of Sudan, and that he was not a darling of the neoliberal world order, there was not much grief over his ouster. Indeed, more and more, it appears that ‘negotiating’ African leaders out of power with the threat of the military hanging over the proceeds has caught on—understandably, because—Gaddafi.

There is precedent for accepting the ‘new’ leaders as representatives of their countries at international and regional organizations; this is not just limited to Africa. While the tension between sovereignty and intervention continues, even in countries where misery reigns, a la Zimbabwe and Sudan, accepting these leaders at meetings of global organizations has a long history—with good reason. It is estimated that Africa has seen more than 200 coups attempts, with about 80 of them succeeding. Still, African countries impose no costs to countries that experience these illegal transfers of power. At the same time, there have been countries that were actively seeking changes in other countries’ governments in nefarious ways. It is plausible too, that because African leaders know that the OAU and its successor, the AU, have no enforcement mechanisms for their rules, the lack of significant pushback creates impunity. It is also true that a healthy number of African leaders came to power through military coups. Indeed, the intervention in Sierra Leone under Nigeria’s military forces was not devoid of irony: Sani Abacha had come to power by deposing his predecessor.

More importantly, it is perhaps useful to divide issues OAU, AU and broadly, Africa, has grappled with from a continental perspective as was done previously. There are other issues that may not quite make it to the agenda of the OAU, either because they are not continent-wide, or because Africa is not necessarily involved, or affected, by these issues.

Bond, Eds., *BRICS and Resistance in Africa: Contention, Assimilation and Co-optation* (London: Zed Books, 2019), 121.
One wonders what the position of the AU is, on the issue of nuclear weapons, or the question of deployment of weapons in space—or the moon. Some issues are so far removed that only those countries directly involved, or affected, might have a position thereof. The more critical issues revolve around less—celestial—issues, for example the question of the relevance of AU to Africans, AU’s position on issues of governance, democracy, human rights, humanitarian intervention, terrorism, the issue of post-colonial settlements and reparations, as was the case in Kenya. There are questions of corruption and its effect on interstate relations especially in the age of terrorism. The African Diaspora has been a source of remittances that impact countries’ economies—does the AU have a position on such issues? There are questions on global institutions and Africa’s representation. For its near 20 percent of the world’s population and fully 25 percent of the member states of the UN, Africa is not represented in the UN Security Council—but neither is India, whose population exceeds Africa’s. Other issues of interest include Africa’s position on climate change—which has been affecting Africa disproportionately. AU unveiled Agenda 2063, a century after its founding; it is thus useful to examine such issues in the context of the AU.

**OAU/AU Dispersed Foreign Policy Issues of Note**

Besides these continent-wide issues, there are other issues that affect the continent, in different ways, often depending on geography, climate, religion, ethnicity or proximity to issues germane to a region. For example, NATO has an ongoing collaboration program and increase in support for the Group of Five for the Sahel (G5 Sahel), formed in 2014 in Nouakchott, Mauritania, by the host, together with Burkina Faso, Chad, Mali and Niger, and where France has had an ongoing military mission to quell the separatist violence by the National Movement for the Liberation of Azawad (MNLA), and where France hopes for more intervention by other NATO members. At the same time, NATO, given the dual membership of some of its members in NATO and EU, has had to carry out law enforcement and just as regularly, humanitarian rescue missions

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8 Eloïse Bertrand and Nic Cheeseman, “Understanding the G5: Governance, Development and Security in the Sahel, NATO Allied Command Transformation (ACT) OPEN Publications, vol. 3, no. 2, spring 2019.

9 Bertrand and Cheeseman, “Understanding the G5,” 2019.
for overcrowded and capsizing boats plying their trade in the Mediterranean Sea,\(^{10}\) with refugees fleeing various types of violence through North Africa—whether it’s the conflict in Libya and Somalia, poverty in Chad, Eritrea and Ethiopia, or the dual conflict-poverty issues in such countries as Niger, Mali, Burkina Faso, Nigeria, Congo, Congo-Brazzaville and parts of Cameroon. These issues are unlikely to directly affect countries that are, for example, in the southern parts of the African continent and may not necessarily warrant AU actions. It is therefore useful to consider some of the issues with more general implications for the continent, some which have received significant attention, while some, even as they occur and have significant impact on Africa—for example, climate change—have not been at the forefront of OAU/AU actions.

**State Fragility, State Failure and the Rise of Violent Non-State Actors**

Somalia, its complex history and some of its recent challenges have been discussed elsewhere, but it is in the context of state failure that this section revisits the troubled nation. Whether or not Somalia’s colonial experiences and its division into three distinct regions each administered by a different European power, or its attempts at integration into one nation after independence, or even the subsequent attempts at accomplishing the project for the Greater Somalia in unsuccessful wars with Ethiopia, Djibouti and Kenya, the Horn has been one of those troublesome spots in Africa’s history. What compounds Somalia’s situation is that its neighbor, Ethiopia, has been the center of African affairs, Egypt to the north is thought of as the cultural center of the Arab world, while countries like Kenya and Tanzania to the south have enjoyed mostly prolonged periods of peace and prosperity, serving as Africa’s gateway to the Arabian peninsula and Southeast Asia through history, while serving as a bastion of pro-western ideological and commercial interests. But Somalia has been a perennial challenge. This was especially the case after the fall of the government of Mohammed Siad Barre in 1991, and the progressive disintegration of the nation, the declaration of independence

\(^{10}\)Douglas Herbert, “NATO Chief ‘Optimistic’ That Allies Will Support France in Sahel Region.” *The Interview*, Modified: November 29, 2019. [https://www.france24.com/en/africa/20191129-interview-nato-chief-stoltenberg-optimistic-allies-will-support-france-sahel-france-macron-french-military-mali-operation-barkhane](https://www.france24.com/en/africa/20191129-interview-nato-chief-stoltenberg-optimistic-allies-will-support-france-sahel-france-macron-french-military-mali-operation-barkhane).
by the Republic of Somaliland in 1992,\textsuperscript{11} a devastating drought followed by a most destructive famine that led to the famous ‘black hawk down’ episode. Although the world didn’t quite know it then, a new era had arrived—not just of the short-lived US hegemonic reign, but that of state failure.

Somalia’s state failure, a condition that reached an unprecedented 3rd decade, started out as a civil war that, between the resulting famine and the conflict, killed over 400,000. Preponderant US power, the absence of a contender and images of armed militia riding in open pick-up vehicles interspersed with the horror of starving children and displaced families meant that the approval of UN Security Council resolution 751 (1992) in April 1992, intended to monitor a cease-fire and introduce peace-keeping troops under the UNOSOM I mission was approved. Prior to the authorization of UNOSOM I, negotiations between the major factions in Somalia were supported by the OAU, the League of Arab States (LAS) and the Organization of the Islamic Conference (OIC), including sending representatives to the UN for a December 1991 ceasefire negotiation. UNOSOM transitioned into the Unified Task Force (UNITAF) in December 1992, its mandate not only to keep the peace, but to also deliver humanitarian assistance. Among the African states that contributed military forces to UNITAF were Botswana, Egypt, Morocco, Nigeria, Tunisia and Zimbabwe, a demonstration of the high levels of commitment to the mission. Meetings at UNECA Headquarters in Ethiopia, involving the UN, ECA, LAS, OAU, OIC, NAM, and the Chairman of the Standing Committee of the Countries of the Horn were involved in negotiations to establish permanent peace. Ultimately, UNITAF would transition to UNOSOM II, established in March 1993, with an increase of troops to 37,000.\textsuperscript{12} Although UNOSOM II’s deployment terminated in March 1995, this in no way suggested that Somalia was ready to resume its place among the sovereign nations. Indeed, the challenges were about to become worse, both for the country and international shipping.

\textsuperscript{11}Robert Oakley, “America’s Security Role: The Horn of Africa.” In Patrick M. Cronin, Ed., \textit{Global Strategic Assessment 2009: America’s Security Role in a Changing World} (Washington, DC: National Defense University Press, 2009).

\textsuperscript{12}UN Department of Peacekeeping Operations, “Somalia—UNOSOM I: Background,” \textit{DPKO}. Available from https://peacekeeping.un.org/mission/past/unosom1backgr2.html.
Although the intervention in Somalia had some blessing from the OAU, the OAU in no way abandoned its commitment to the principle of non-intervention in the internal affairs of member states, no matter how limiting such a policy was. “Maintenance of the non-intervention principle regardless of internal conditions severely restricted the OAU’s ability to engage in many conflict resolution activities, particularly in the case of civil wars.”\(^{13}\) This was even more noticeable as the low-intensity conflicts all over the African continent, previously fairly well managed by a bipolar world disorder, erupted into full-throttle civil wars. “The immediate post-Cold War period became one of the darkest, bloodiest and bleakest of times for Africa [...] from Liberia to Sierra Leone, from Somalia to Rwanda, OAU member states were ‘disintegrating individually,’”\(^{14}\) while the OAU adopted an ostrich-head-in-the-sand posture and refused to recognize new realities, the US, burned by Somalia and the failure in Rwanda, while NATO and the European Union were preoccupied with the conflagration of the former Yugoslavia. Indeed, the failure of the Weberian state as conceived in Africa was happening in the most spectacular fashion, and in a post-Cold War environment, there was little in the way of a pre-existing rule-book, or solutions to this new phenomenon.

Of special importance was the realization that even though the world was unwilling to intervene to stop state failure, even temporarily, interested parties would not hesitate to intervene when they perceived that their interests, directly or indirectly, were threatened. For the US, the 9/11 attacks heightened the issue of terrorism, and made intervention the first option, notwithstanding OAU/AU’s hurt feelings—or those of any other parties—the poster-child here was Iraq. As previously discussed, the US was involved in EU–NAVFOR’s Operation ATALANTA, including the now-Tom Hanks famous *Captain Phillips* rescue; yet the progress and territorial gains made by the Islamic Courts Union (ICU), a militant group in Somalia with the wherewithal to defeat the patchwork of warlords and the EU, UN, AU, Arab. League, everybody-supported,

\(^{13}\) P. Godfrey Okoth, “Conflict Resolution in Africa: The Role of the OAU & the AU.” In Alfred G. Nhema and Paul Tiyambe Zeleza, Eds., *The Resolution of African Conflicts: The Management of Conflict Resolution & Post-Conflict Reconstruction* (Oxford: James Currey, 2008), 23.

\(^{14}\) Solomon Dersso, “African Foreign Policy Making in the African Union: Peace and Security.” In Francis Onditi, Gilad Ben-Nun, Cristina D’Alessandro and Zack Levey, Eds., *Contemporary Africa and the Foreseeable World Order* (Lanham: Lexington Books, 2019), 350.
Nairobi-located Transitional Federal Government (TFG) to create a fundamentalist state with sympathies to violent non-state actors, or terrorists, the US was alarmed and quickly forgot Black Hawk Down. In 2006, the ICU overreaching into Ogaden “caused the Ethiopian army—supported with considerable U.S. assistance including two airstrikes – to move into Somalia […] it quickly routed the ICU militias.”\textsuperscript{15} To date, the US continues to carry out missions in Somalia, some of which are launched from US-Kenyan bases on Kenya’s territory, although the murkiness and the dearth of information to the public often makes such activities known only when there are unintended consequences, attacks or other unusual events—such as the recent Al Shabaab attack on a Kenyan base at the coast of Kenya, in which US troops were targeted.

Most scholars acknowledge the ethnic dimensions of conflict in Africa, and in many instances where states ‘fail’ other than in Somalia, the failure can be attributed to some element of ethnicity that is built on different foundations: political parties are formed along ethnic lines, government is often dominated by certain ethnic groups and conflict’s fissures often reflect these divisions.\textsuperscript{16} Even as they have failed (and Africa’s states top every list, every criteria of state failure), the most common reaction to a failed state is to reconstruct it, rather than completely abrogate its existence, even when it is recognized that state failure implies the inability to carry out the functions expected of a state.\textsuperscript{17} Perhaps that is because, like George Orwell hypothesized, all states do not fail the same way, neither do they stay failed, and indeed Iqbal and Starr note the different amounts of time states stay failed—in total, their findings show 120 years of state failure of 27 states;\textsuperscript{18} therefore, considering Rwanda in this context, state failure is reversible. AU’s determination not to intervene even in failed states often supersedes the need to reconstruct states to fulfill their obligations under the ‘responsibility to protect’ doctrine. But in 2006, the IGASOM (IGAD Support Mission to Somalia) was authorized, followed by AMISOM (AU Mission to Somalia), which has continued to have

\textsuperscript{15} Oakley, “America’s Security Role,” 2009, 312.

\textsuperscript{16} Richard H. Shultz Jr. and Andrea J. Dew, \textit{Insurgents, Terrorists, and Militias: The Warriors of Contemporary Combat} (New York: Columbia University Press, 2006).

\textsuperscript{17} Serge Sur, \textit{International Law, Power, Security and Justice: Essays on International Law and Relations} (Oxford: Hart Publishing, 2010).

\textsuperscript{18} Zaryab Iqbal and Harvey Starr, \textit{State Failure in the Modern World} (Stanford: Stanford University Press, 2016).
backing and authorization through the UN Security Council Resolution 2372(2017) AMISOM.\textsuperscript{19} Regional (IGAD) and continental (AU) intervention in a failed state was more of an outlier than the norm; majority of interventions to date have been carried out by the UN, NATO and the US.\textsuperscript{20}

Intervention to reconstruct states has often produced undesirable outcomes, no matter the good intentions of the Responsibility to Protect (R2P) doctrine. While everyone might sympathize with the plight of Libyan civilians who were protesting 42 years of leadership by Muammar Gaddafi and were fired upon—the AU certainly did, and condemned the use of violence on civilians\textsuperscript{21}—the outcome of NATO’s intervention in Libya to enforce a no-fly zone almost confirmed the prophecy that Libya would disintegrate into another failed state, just as Iraq, Afghanistan, Yemen and other countries had, following some type of intervention. The position of the AU was also surprising, given that Gaddafi, instrumental in strong-arming Africa into the AU, was elected AU president in 2009.\textsuperscript{22} But some consider this to be an inevitable development, indeed a new trajectory in AU’s approach to issues that impact member countries, based on the 2002 AU Charter adoption and the key premise of ICISS’ Responsibility to Protect doctrine, adopted by the UN. The latter saw AU intervention in Comoros, Kenya, Mali, Cote d’Ivoire, Mauritania and Zimbabwe. Indeed, the actions taken in these disparate situations resolving post-election violence, peacemaking, implementation of electoral outcomes and taking leadership on issues of importance to Africa have given the AU legitimacy, even when the past has been marked by inaction (Rwanda) or being on the wrong side of history, at least initially.

\textsuperscript{19} Jude Cocodia, \textit{Peacekeeping and the African Union: Building Negative Peace} (New York: Routledge, 2018).

\textsuperscript{20} Patrick M. Regan, “Interventions into Civil Wars: literature, Contemporary Policy, and Future Research.” In Edward Newman and Karl DeRouen, Jr., Eds.,\textit{ Routledge Handbook of Civil Wars}, (New York: Routledge, 2014).

\textsuperscript{21} Christopher M. Blanchard, \textit{Libya: Unrest and U.S. Policy}, (Washington, DC: Congressional Research Service, 2011).

\textsuperscript{22} Blanchard, \textit{Libya}, 2011.
On Terrorism

The connection between conflict and terrorism made, more often than not by nations other than those in Africa. It is the case that some of the nefarious actors, by their pronouncements or affiliations, often fit the definition of terrorists. The designation becomes troublesome, considering that the label was quite liberally plastered on all manner of African independence leaders—Kenyatta, Mandela, Mugabe—and so often, the maxim that ‘if he is ours, he is a freedom fighter’ and ‘if he is theirs, he is a terrorist’ often holds. Broadly, the OAU and the AU have been reticent in labeling actors terrorists yet the body has signed onto, and lived up to its commitments on legislation, treaties, organizations and frameworks of decreasing and eliminating the work and support by terrorist organizations and persons. For example, long before the twin attacks of 9/11 that really shone the light on terrorism, Kenya and Tanzania had experienced terrorist attacks, carried out by Al Qaeda and targeting US embassies in both countries in 1998, with monumental destruction of life and facilities. Two years earlier, Ethiopian Airlines Flight 961 was hijacked between Addis Ababa and Nairobi, the hijackers demanding asylum in Australia, before ditching near Grande Comore, Comoros. In 1994, Air France Flight 8969 was hijacked in December 1994 by the Armed Islamic Group of Algeria—in the aftermath of a military takeover and annulment of elections which the Islamic Salvation Front (FIS) was poised to win, with the plane ending up in Marseilles and stormed by French commandos. Almost two decades before was the most famous hijacking/terrorist incident, when Air France Flight 139 from Tel Aviv to Paris was diverted to Libya and then Uganda, and later stormed to free the hostages.

These, for all intents and purposes, appeared to be hijackings by specific militant groups (terrorist incidents) with rather far-fetched causes that most Africans could not quite identify with, for example the situation between Israel and Palestine. The phenomenon of state supporters of terrorism brought about a new, frightening dimension; whatever the motivations for Uganda and Libya were, most African countries steered

23 Thomas Kwasi Tieku, “The African Union.” In Jane Boulden, Ed., Responding to Conflict in Africa: The United nations and Regional Organizations (New York: Palgrave Macmillan, 2013).
clear of these elements of sponsoring terrorist movements. Perhaps with good reason: Operation Entebbe demonstrated that a country could incur the wrath of a more militarily capable country at whim, as did the Air France Flight 8969. On the other hand, in considering the duality of the conditions of state failure and harbor (and actions) by violent non-state actors, i.e., terrorists, Africa has seen a rise in these instances and actors—from Islamic Courts Union, to Al-Shabaab, Al Qaeda in the Maghreb (AQIM), Boko Haram, their affiliations with the Islamic State, and the less fundamentalist oriented groups, such as the Lord’s Resistance Army in Uganda and M-23 in the Congo.

The AU’s responses on terrorism can be quite confounding, based on its actions (or no actions). In 1997, Sudan was accused of harboring and supporting terrorists, through funding and providing safe haven for terrorists. Granted, there were other unrelated accusations, for example, human rights violations relating to the future state of South Sudan and the Darfur region. Even as it was being accused of these ‘crimes,’ in 1996, it expelled Osama Bin Laden, who had been accused of being a mastermind of the first Twin Towers bombing in February 1993. Most of the countries in the Horn of Africa, with whom Sudan had rather chilly relations, suspended diplomatic relations with the country. Following the US attack on Sudan with cruise missiles as a response to the Kenya/Tanzania US embassy bombings, Sudan denied any responsibility or connection to the terrorists, pointing to the fact of having expelled Osama. But Sudan’s woes went deeper; it had been accused of harboring individuals accused of attempting to assassinate then-Egyptian President Hosni Mubarak in Ethiopia in 1995, and had declared a holy war (jihad) against Ethiopia in 1997. Sudan did back down: in 2000, “Sudan had signed all 12 international conventions for combating terrorism.” At the same time, after the 1998 retaliatory attack, Sudan appealed to the UNSC for a fact-finding mission to establish whether, in fact, the bombed plant had produced chemical weapons; “the draft resolution was supported by the Arab states and the OAU but was blocked by the US.”

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24 Edmund Jan Osmanczyk and Edmund Jan Osmańczyk, (ed.), *Encyclopedia of the United Nations and International Agreements: A to F, 3rd Edition, Volume 3: N–S* (New York: Routledge, 2003), 2256.

25 Myra Williamson, *Terrorism, War and International Law: The Legality of the Use of Force Against Afghanistan in 2001* (New York: Ashgate Publishing, 2009), 141.
There were also the other kind of terrorist events that more closely suggested they were ‘crimes against humanity,’ committed as war atrocities to put fear into the citizenry; the use of child soldiers by Joseph Kony and the Lord’s Resistance Army, or the conflict in Sierra Leone where non-combatants’ hands were slashed, were more of this variety. In the second decade of the twenty-first century, a different phenomenon arose; one that frighteningly combined terrorist groups with territorial conquest: the Mali rump state created by groups affiliated with AQIM, or Boko Haram, where they use both the coercive tactics but also pair them with administrative practices such as tax collections have become more menacing. This latter phenomenon has been more apparent in the failed, failing and fragile states, in ways that allow terrorists to find relatively safe space, as was seen in Pakistan with regard to Osama bin Laden. Here, the challenges to Africa’s capabilities show: despite globally ‘viral’ Kony 2012 documentary, or the worldwide hashtag #bringbackourgirls, not much happened to resolve these two issues, and it is therefore understandable when (now the) AU does not articulate a position on drone and targeted cruise missile airstrikes to eliminate terrorists who might carry out such activities, especially if the government has insufficient control over their territories to facilitate their capture and denial of territory.

The AU and its predecessor, the OAU, have undertaken actions related to combating terrorism and related issues. These include, as far back as 1992 under OAU, adoption of AHG/Res.213 (XXVIII), a Resolution on the Strengthening of Cooperation and Coordination among African States26 to fight terrorism and extremism. Two years later, in Tunis, the ordinary Session adopted AHG/Del.2 (XXX), the Declaration on the Code of Conduct for Inter-African Relations27; this resolution built on the previous resolution, rejecting extremism and terrorism under the guises of sectarianism, tribalism, ethnicity or religion. In 1999, the OAU Convention on the Prevention and Combating of Terrorism28 was adopted in Algiers, with current ratification at 40 members. Shortly after the terrorist attacks on the US in September 2001, legislation on harboring, financing, movement and other elements of stopping terrorist

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26 The African Union, “The African Union Counter Terrorism Framework,” Divisions—African Union Peace and Security, Updated 23 November 2015. Available from http://www.peaceau.org/en/page/64-counter-terrorism-ct.
27 African Union, “The African Union Counter Terrorism Framework,” (2015).
28 African Union, “The African Union Counter Terrorism Framework,” (2015).
attacks gained traction in countries and international organizations. The AU adopted the Dakar Declaration Against Terrorism on October 17, 2001. The framework acknowledged other issues intertwined with terrorism: drug trafficking, transnational crimes, money laundering and weapons proliferation. Following, in 2002, representatives of African nations adopted the AU Plan of Action on the Prevention and Combating of Terrorism followed by the establishment of the African Centre for the Study and Research on Terrorism (ACSRT) whose director doubles up as the AU Special Representative for Counter-Terrorism Cooperation. The last major action was the drafting of the African Model Law on Counter Terrorism in 2011, adopted as Assembly/AU/Dec.369 (XVII).

Legislation and cooperation between countries, regions and organizations to rein in terrorism is important, and its importance has only grown over the past quarter century as more sophistication to transport, targets and ease of access has increased. Globalization and the Internet have made it much easier to recruit from afar, but also made available unregulated content that has the potential to indoctrinate youth without detection. Terrorism has become truly a transnational issue, and terrorist incidents now do not only target western interests in African countries which tend to be less well protected. As has been repeatedly demonstrated, African countries and their interests have seen an increase in targeting, either for collaborating with ‘infidels’ or to make political points or support affiliated groups, as has happened with the Kenyan Mombasa Republican Council (MRC). As the targets have increased and proliferated, terrorists’ methods also change, and adapt frequently. Boko Haram’s notoriety in forcibly strapping suicide vests to young girls and blowing them up in markets, the increasing incidents of improvised explosive devices (IEDs) targeting AMISOM troops have been reported. Other groups, such as the Movement for the Emancipation of the Niger Delta (MEND), have resorted to kidnapping oil workers. In Libya, militant groups often described as terrorists have engaged in every kind of vice: from human trafficking to weapons sales, kidnappings to organ sales,

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29 African Union, “The African Union Counter Terrorism Framework,” (2015).  
30 African Union, “The African Union Counter Terrorism Framework,” (2015).  
31 African Union, “The African Union Counter Terrorism Framework,” (2015)  
32 African Union, “The African Union Counter Terrorism Framework,” (2015).
everything goes. In Mogadishu itself, where conflict has spanned generations, successive Somali governments have seen political assassinations, roadside bombs, truck bombs and even the use of Man-portable air-defense systems (MANPADS) has increased, with highly consequential outcomes.

Neighboring countries have not been spared—even countries that are not easily, or directly accessible. A number of terrorist attacks have also been quite symbolic. In 2010, Al Shabab-affiliated suicide bombers, in Kampala, Uganda, attacked a FIFA World Cup football watch party at the Ethiopian Village and Kyadondo Rugby Club.33 At the time, Uganda had a significant presence of peacekeepers in Somalia under the AMISOM mission; the attack did not change Uganda’s commitment to continuing participation in the mission. Other attacks especially in Somalia have included direct attacks on peacekeepers and military camps (e.g., early 2019 in El Adde, where an estimated 300 Kenyan troops were thought to have been killed), to armed, multi-hour attacks at Garissa University in Kenya, the Westgate Mall, and cases of grenades being thrown into crowds in cities and thoroughfares, the low-intensity attacks have increased as AMISOM’s mission continues in Somalia, while in countries such as Nigeria, Boko Haram’s tactics and attacks, and their fealty to Al Shabaab, have been especially lethal.34 Interestingly, Al Shabaab, who have often procured funding and support from the US, have also called for attacks on the Mall of America in Minneapolis—rather unwisely, as that often invites a drone strike.35 The goals, growth, affiliations, tactics and outcomes of these terrorist groups are nefarious enough to warrant concerted joint actions to make a dent in their recruitment and influence, particularly on desperate youth eager to make money any which way.

33 Kris Inman, “The Legacy of Exile: Terrorism in and Outside Africa from Osama Bin Laden to Al-Shabaab.” In Benjamin N. Lawrence and Nathan Riley Carpenter, Eds., Africans in Exile: Mobility, Law, and Identity (Bloomington: Indiana University Press, 2018).

34 Richard Warnes, “Al Shabaab.” In Colin P. Clarke, Terrorism: The Essential Reference Guide (Santa Barbara: ABC-Clio, 2018).

35 Michael McCaul, Failures of Imagination: The Deadliest Threats to Our Homeland—and How to Thwart Them (New York: Crown Forum, 2016).
O/AU and Climate Change: Implications for a Changing—Warming Planet

Although the environment has been one of Africa’s less obviously important issues—at least from an OAU and AU perspective, given such issues as liberation and economic development, but the twin issues of environmental stewardship and climate change have been of special importance to the continent. The first of these important actions was the 1964 adoption of a ‘Declaration on the Denuclearization of Africa’; this was important, given that in the subsequent years, South Africa successfully developed up to 6 nuclear warheads. It was supplemented by the 1996 Treaty of Pelindaba, with the stewardship of IAEA, which established the African continent and islands considered to be in Africa, as an Africa Nuclear Weapons Free Zone, to include nuclear weapons testing. The convention was ‘drafted on the recommendation of the OAU’ reflecting both the importance and global, IGO actions on protection of certain areas of the planet, such as the 1959 Antarctic Treaty. The 1968 adoption of the African Convention on the Conservation of Nature and Natural Resources urged all African states to undertake necessary steps to conserve nature for both economic and ecological reasons. Of particular note was its rich diversity of wildlife. Beginning in 1996 with input and participation of the IUCN, UNEP and UNECA, the Revised African Convention on the Conservation of Nature and Natural Resources was adopted in 2003 at AU’s second summit. The revised version included additional protocols and imposed a ban and outlawed trade especially in endangered wildlife species.

Institutionally, the establishment of the United Nations Environmental Programme (UNEP) in 1972 after the Stockholm Conference, the first of a number of major environmental conferences, and the location of

36 Alexandre Kiss and Dinah Shelton, Guide to International Environmental Law (Leiden: Martinus Nijhoff Publishers, 2007).

37 John Scanlon and Françoise Burhenne-Guilmin (eds.), International Environmental Governance: An International Regime For Protected Areas (IUCN Environmental Policy and Law Paper) (Gland, Switzerland & Cambridge, UK: IUCN, 2004).

38 Kiss and Shelton, Guide to International Environmental Law, 2007.

39 World Conservation Union, An Introduction to the African Convention on the Conservation of Nature and Natural Resources, IUCN Environmental Policy and Law Paper No. 56 Rev., 2nd ed. (IUCN: Bonn, Germany, 2006).
its headquarters in Nairobi, Kenya, marked not only a nod to the environment’s importance, but also of the Global South. Arguments abound though, that even as this was the first United Nations Fund or Program to locate its headquarters in the developing world (UN Habitat followed, Nairobi, 1977), UNEP was not vitally important, and further, locating its headquarters in Nairobi only served to marginalize the organization and its functions, since it was not in the major ‘decision-making’ nerve centers of the UN, New York or Geneva.40 In the 1990s, there was, indeed, a concerted effort by developed nations to move the UNEP office from Nairobi to Geneva, efforts adamantly opposed by African—and Global South nations, implying underrepresentation and the Global North nations riding roughshod over the Global South. Notwithstanding, doubts abound, whether UNEP in Nairobi actually serves the interests of developing countries, even as UNEP remains part of the discussions on UN reform,41 although the Global South would much rather discuss Security Council reform. The efficacy and importance of UNEP’s premier environmental agency, in the context of more substantive global agreements such as the Rio ’92 UNFCCC, the Kyoto Protocol and the Paris Climate accords to which it wasn’t more of a key player than western powers, remains questionable.

Environmental issues span more than just global emissions reductions, or a ban on the testing of nuclear weapons. For Africa, climatic and environmental issues extend further, to constructs on merely feeding its rapidly growing population from resources that are quickly approaching carrying capacity. Nowhere else except perhaps for Asia, with a 4.7 billion population (or 60% of the world population), of whom an estimated 58% works in agriculture, is climate more likely to have an effect as significant as it does Africa. An estimated 60% of Africa’s current 1.38 billion people, 850 million people, depend on agriculture as their primary economic activity. Africa’s farmers are mostly engaged in small-scale subsistence farming, mostly to feed oneself and family, with the occasional surplus for sale. Besides farming, nomadic pastoralism occurs in its vast arid and

40 Helmut Volger, “UN Office Nairobi.” In Helmut Volger, Ed., A Concise Encyclopedia of the United Nations: Second Revised Edition (Leiden: Martinus Nijhoff Publishers, 2010).

41 Urs P. Thomas, “Environmental Politics, Trade and United Nations Reform.” In Eric Fawcett and Hanna Newcombe, Eds., United Nations Reform: Looking Ahead after Fifty Years (Toronto: Science for Peace, 1995).
semi-arid stretches of savannah grasslands just below the Sahara Desert. Animal husbandry, limited in size and scope, on small farms between 1–5 acres, and almost all of these wholly dependent on increasingly irregular rainfall patterns, supplements the vanishingly few, mostly foreign-owned large-scale farms.

Poor farming methods, lack of social safety nets, dependence on agriculture to be both the path out of poverty and source of food have implications for agriculture. Yield from small farms, with few productivity enhancement interventions, is inconsistently low and leads to alternating cycles—accompanied by the obligatory images of swollen rivers and flimsy houses swept away in deluges of floods, followed by annual, sometimes periodic, and in recent years, fairly regular multi-year droughts. In study after study, results find that “total net farm revenues resulted from the incomes generated by dryland crops that are rain-fed, irrigated crops and livestock.” The study also found that, predictably, “African crop production is sensitive to climate and hotter and drier regions are likely to be affected most. Increases in temperature and decrease in precipitations have a negative impact on the net revenue.” Other studies have shown that climate change is an additional negative factor to the challenges that already face smallholder farmers—poor soil quality, market access, costs of inputs, government support—among others constraints. African farmers, leaders and citizens likely do not need studies to tell them what is self-evident: rains are failing more often, producing millions of farmers in need of food handouts, imported from the west.

There are a number of correlations inferred from Our World in Data, the first of which suggests a link between economic activity (which also correlates with level of a country’s development) and food in/security—ironically, but understandably, given such factors as historic levels of

42 Salvatore di Falco, “Adaptation to Climate Change in Sub-Saharan Agriculture: Assessing the Evidence and Rethinking the Drivers.” In Cyndi Spindell Berck, Peter Berck and Salvatore Di Falco, Eds., Agricultural Adaptation to Climate Change in Africa: Food Security in a Changing Environment (Environment for Development), 1st ed. (New York: Routledge, 2018), 87.

43 Falco, “Adaptation to Climate Change,” 88.

44 Obert Jiri and Paramu Mafongoya, “A Synthesis of Smallholder Farmers’ Adaptation to Climate Change in Southern Africa: Averting Adaptation Vacuums.” In Walter Leal Filho, Belay Simane, Jokasha Kalangu, Menas Wuta, Pantaleo Munishi and Kumbirai Musiyiwa, Eds., Climate Change Adaptation in Africa: Fostering Resilience and Capacity to Adapt (Cham: Springer International Publishing AG, 2017).
poverty, levels of education, necessary initial capital outlays necessary to purchase agricultural inputs—those farmers who also use farming as the primary economic activity but primarily depend on rainfall are more likely to experience hunger, malnutrition and lower standards of living, especially if and when crops fail for successive seasons. Climate change also bares its fangs in the El Niño and La Niña weather phenomena, occurring in recurring cycles of about 7 years. Further, prolonged natural events and environmental disasters such as the locust invasion in the Horn of Africa, the most recent of which began in December 2019 just as the COVID-19 pandemic was starting to ravage the world, make combating such infestations exceedingly difficult, given the diversion of resources to more pressing matters. Some environmental effects also occur in the middle of conflicts: Somalia and Yemen the origin of the locust infestation are in the middle of multi-year civil wars, droughts, the pandemic and the long rains that begin in April also regularly sweep away people and crops, exacerbating hunger.

Poor governance and poor planning around disaster management and food security are also significant issues in most African countries: floods are almost always followed by drought, both cause hunger, but neither of these provoke any planning for water harvesting and subsequent irrigation in the more arid and semi-arid areas. Neither are there long-term plans for food security and storing dry goods so as to assure food security. The challenges of climate change, the environment and indicators for well-being are further starkly illustrated, even though there was a marked decrease in the negative indicators. Even with improvement in these indicators, the persistence of agriculture as the mainstay, and the reality of economies and jobs not growing at the same rate, continues to put pressure on the environment, available resources, arable land, increases human-wildlife conflict, decreases forest cover due to clearance for farming, habitation and energy purposes exerts increasing pressure. Africa’s population has continued to grow: for example, at independence, in 1960, the population was estimated at 283.4 million.

This was important: in 30 short years, Africa’s population more than doubled, rising to 630.4 million in 1990. It more than doubled again, rising to an estimated 1.3 billion by early 2020—thus even as there are decreases evident in HDI indicators that are linked to the environment, the sheer numbers are staggering. Between 1990 and 2017, there was a visible percentage drop in the level of undernourishment, from 30% (190 million) to 20% (261 million); thus, although the rate declined, the
actual numbers increased by close to 70 million. Other data follow in the
general trends discussed previously. The percentage population of under-
nourished Africans in 2000 was 28%, while in 2018 it had dropped to
22.80%. This was in keeping in line with the average drop in prevalence of
undernourishment as a percentage of population in developing countries
since 1970; between 1990 and 2015, the rate fell from 23.3 to 12.90%.
On the Global Hunger Index, in 2018, most countries in South Asia and
sub-Saharan Africa received a score in the ‘serious’ or ‘alarming’ category.
Most countries across Latin America, East & Central Asia and Eastern
Europe had low hunger levels within the ‘low’ or ‘moderate’ categories.
Even more alarming, in the ‘severe food insecurity’ variable, in 2018, 9.2
percent of the world population was considered severely food insecure;
Africa saw an increase from 20 percent in 2014 to 25 percent in 2018. 45
Decidedly, these numbers do not bode well for Africa, whose population
is projected to nearly double again in the next 30 years, reaching 2.2
billion by 2050.46

Africa’s abundance of wildlife and other attractions—geographic, topog-
raphical and even human—holds a great potential for responsible
exploitation in ways that can provide economic support and growth
of a number of countries, although this requires long-term planning,
particularly of shared resources such as wildlife that traverse sovereign
nations—and a bit of peace and stability. Having significant endowment
in natural resources, even as abundantly as oil is in the Gulf and Arabia is
useful, and these nations provide are a good example for Africa. Their
move away from petro carbons, primarily oil, and towards renewable
energies such as solar and wind and biogas has led to diversification of
their economies. While Africa may not benefit from constructing indoor
skiing ranges in the middle of the Savannah, its management of the envi-
ronment, coupled with climate change and its impact on the survival
of wildlife as biodiversity and a source of tourist dollars is important.
Tourism, in countries like Morocco, Egypt and Mauritius, brings these

45 Max Roser and Hannah Ritchie, “Hunger and Undernourishment,” Published online
at OurWorldInData.org, Retrieved on May 21, 2020 from https://ourworldindata.org/
hunger-and-undernourishment [Online Resource].

46 Emil Suzuki, “World’s Population Will Continue to Grow and Will Reach Nearly
10 Billion by 2050,” World Bank Blogs. July 8, 2019. Retrieved on May 21, 2020
from https://blogs.worldbank.org/opendata/worlds-population-will-continue-grow-and-
will-reach-nearly-10-bilion-2050.
countries up to 22% of their foreign exchange, although tourism to Africa only accounts for 4% of the global totals.\textsuperscript{47} As Toulmin further notes, “many countries on the tourist trail already have very variable climates. Rising temperatures and water shortages will make them less appealing destinations. The distribution of wildlife will alter as a result of increased drought and changed temperatures.”\textsuperscript{48}

More than anything else, Africa would do well to focus on developing climate change policy with mitigation strategies and the foresight of a population that will nearly double in the next 30 years, a full decade before the terminal date for the 2063 Agenda. Africa’s climate policy needs to be an active, rather than a reactive agenda. Major environmental and climate goals can be achieved. The tendency, the proclivity, to blame the rain gods, corruption at all levels of government ought to be replaced by farsighted climate policy and action. The opportunity for leaders to exercise god-complex, beg the west in order to embezzle must be the exception, rather than the rule. Nations’ forming watershed and environmental resources to preserve Africa’s heritage and biodiversity, conserve animals but achieve food sustainability and environmental stewardship are more important now. As China, the US and India point fingers and play chicken, Africa’s future depends on climate action. The importance of environmental sustainability made it to both the MDGs and their successors—for a good reason. In fact, the UN Sustainable Development Goals (SDGs) read as though they were made for Africa: poverty, hunger, clean water and sanitation, energy, economic growth, sustainable communities, climate action and life below water and above land are essentially the definition of the climate actions that Africa must take—collectively, with enforcement, to stand a chance.

\textit{AU and Regional/Global Governance: Diluting Sovereignty with Responsibility to Protect}

At first glance, the concepts of governance, humanitarian intervention and the end of the Cold War might not appear connected; yet global geopolitical changes can often elevate the importance of an issue that countries may have had little to no concern for. The bipolarity of the

\textsuperscript{47} Camilla Toulmin, \textit{Climate Change in Africa} (London: Zed Books, 2012).

\textsuperscript{48} Toulmin, \textit{Climate Change}, 139.
Cold War era came to an end after the fall of the Soviet Union; the unipolar moment that saw unrivaled US hegemony also introduced a new dynamic to world order: the illusion of global governance, with significant implications for African countries. Issues that had hitherto been unimportant suddenly became part of a new wave of democratization, good governance and multiparty politics. These changes were urged on from two primary directions; the first was from donors, who emphasized implementation of the Washington Consensus proposals and the Structural Adjustment Programs that became a pre-condition for aid necessary due to the economic downturns of the 1970s and the slow recovery of the 1980s; in a number of the countries, aid programs were suspended, sometimes completely stopped pending the implementation of such changes. The second source of the push for change was domestic pressure from pro-democracy activists. The later was often part of long-running protest movements and rebellions reacting to the one-party state tilt of most African countries in the 1960s and 1970s after a brief period of multiparty politics, while some were inspired by the broader sense of the wind of change sweeping across the world, the changes to the communist regimes in the Soviet Union, the Tiananmen Square in China, the transformations in Romania and the restive crowds in Hungary.

There was largely general consensus, driven by a newly assertive US, on the emphasis for better governance as a precondition for aid by western donors, under such auspices as “The Paris Club,” even where specific countries had established prior programs or had colonial history with the countries. At the height of the use of this punitive phase of withholding aid, “at least 18 countries on the continent had their aid withheld during the early 1990s due to human rights abuses, military coups, corruption, or civil conflict.” Malawi, Kenya, Rwanda and Nigeria found themselves in this unenviable group. Just as often as the donors settled on the conditionalities, they were equally divided in the cases of a number of countries. For example, given Uganda’s long-running history of coups

49 Angelique Haugerud, The Culture of Politics in Modern Kenya (Cambridge: Cambridge University Press, 1993).

50 Danielle Resnick and Nicolas van de Walle, “Democratization in Africa: What Role for External Actors?” In Danielle Resnick and Nicolas van de Walle, Eds., Democratic Trajectories in Africa: Unravelling the Impact of Foreign Aid (Oxford: Oxford University Press, 2013).

51 Resnick and van de Walle, “Democratization in Africa,” 35.
and counter-coups, and Museveni’s 4-year-old government (1996–1990 when such deliberations were ongoing), “European donors preferred to maintain the status quo due to Uganda’s role as a beacon of stability in East Africa. France appeared to be one of the least enthusiastic donors towards democracy, despite the rhetoric of Mitterrand and La Baulle.” The French, in some cases, applied pressure for the same kind of reforms, changes referred to in the Soviet fashion as ‘Paristroika.’ Some of the programs were deeply unpopular and caused demonstrable harm to the economy (e.g., Zambia), with reversals in HDI and economic indicators.

Soon, it was clear that all animals were not equal. African countries pointed out the west’s hypocrisy and inconsistency in donors’ positions. For example, the initial and long-term US support for non-democratic regimes in Africa and other areas such as Pakistan, Chile, Zaire and Malawi, “continues to be the basis of survival” of those autocratic regimes, and thus the conditionalities appeared to be mere pretexts for propagating underdevelopment in Africa. Democratic transitions did not necessarily produce better governance; in fact, most of the regimes that emerged as a result of the inorganic push to democratize were varied. “Stable autocracies emerged where incumbent, strong [political] parties faced a strong security threat. Volatile electoral democracies emerged when weak or non-existent authoritarian parties faced no security threat; but where weak parties faced serious security threats, the result was chronic regime instability.” Over the next 30 years, trajectories toward democratization, while necessarily unsuccessful, ushered in a period that opened up more space for the support of, for and by civil society, featuring the work of such organizations as USAID, the National Endowment for Democracy and USIA; the democratic space opened up much more, support for democracy-promoting organizations increased, while greater

52 Resnick and van de Walle, “Democratization in Africa,” 36.
53 Mohameden Ould-Mey, “Structural Adjustment Programs and Democratization in Africa: The Case of Mauritania.” In John Mukum Mbaku and Julius O. Ihonvbere, Eds., Multiparty Democracy and Political Change: Constraints to Democratization in Africa (New York: Routledge, 2018).
54 Sahr John Kpundeh (ed.), Democratization in Africa: African Views, African Voices (Washington, DC: National Academy Press, 1992).
55 Nancy Bermeo and Deborah J. Yashar, “Mechanisms Matter.” In Nancy Bermeo and Deborah J. Yashar, Eds., Parties, Movements, and Democracy in the Developing World (Cambridge: Cambridge University Press, 2016), 198–199.
political space opened, although this did not necessarily produce lasting political change.\textsuperscript{56}

In a few instances, transition to democracy occurred, and democratic rule held, primarily under incumbent ruling parties that attempted (sometimes under fraudulent circumstances) to consolidate their rule, but also by undertaking such practices as buying out rivals, assassinations or defections through financial incentive.\textsuperscript{57} “Specifically, for liberal multiparty electoral democracy to acquire its rightful place in the continent and gain proper foundation, credence and legitimacy, a number of issues need to be considered,”\textsuperscript{58} these include respect for laws and institutions, principled leadership, government by leaders, rather than ruling, people-centered constitutions, civil, political rights and freedoms respected and allow for diversity, democratisation of political parties, and electoral commissions be independent.\textsuperscript{59} The transition to democracy introduced a new, conflictual dimension even as they failed to change governments. Around elections, African countries have seen significant levels of conflict, some at the instigation of their leaders. Parties more often than not reproduced the schisms that had been evident in society, but now were given some legitimacy. Political parties were not formed on the basis of ideology even as they numbered in their hundreds; the key organizing principle was ethnic affiliation. Ethnicity was being reproduced as democracy, and in the context of the winner-take-all systems, communal conflict that often required external intervention increased.

For most of the history of the existence of the Westphalian state, the principal principle was sovereignty, a concept that undergirded African independence and was sacrosanct by OAU’s charter and standards. As such, a seismic shift occurred; its genesis was the aftermath of Yugoslavia’s disintegration, the massacres with names such as Srebrenica, the Foča ethnic cleansing, and closer home, the Rwanda massacre and

\textsuperscript{56} Jude Howell and Jenny Pearce, \textit{Civil Society & Development: A Critical Exploration} (Boulder: Lynne Rienner Publishers, 2002).

\textsuperscript{57} Rachel Beatty Riedl, \textit{Authoritarian Origins of Democratic Party Systems in Africa} (Cambridge: Cambridge University Press, 2014).

\textsuperscript{58} Korwa Gombe Adar, Abdalla Hamdok and Joram Rukambe, “Elections in Africa: The Way Forward.” In Korwa Gombe Adar, Abdalla Hamdok and Joram Rukambe, \textit{Electoral Process and the Prospects for Democracy Consolidation: Contextualising the African multiparty elections of 2004} (Pretoria: Africa Institute of South Africa, 2008).

\textsuperscript{59} Adar, Hamdok and Rukambe, “Elections in Africa,” 2008.
the low-intensity conflict that has plagued the Great Lakes Region for decades. Following the 2001 ICISS report on the Responsibility to Protect and the subsequent adoption of the General Assembly Resolution A/RES/60/1 during its Sixtieth session on October 24, 2005, the concept of sovereignty was transformed. To wit, the change articulated that “state sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself; [and] where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.”\textsuperscript{60} In essence, the very premise that was central to the OAU and now to the AU was under threat. Would Africa’s affinity to the indivisible, unalterable fidelity to the principle of sovereignty persist?

Just as was the case with the environmental issues, the African Union was forward-looking in the context of corrective action, at least in principle. Kuwali and Viljoen note that Article 4(h) of the Constitutive Act of the African Union (AU Constitutive Act), adopted in 2000 and entering into force in 2001 as the basis for AU’s 2002 launch, provided for intervention on this basis. “(h) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.”\textsuperscript{61} The UN, unlike the AU, has mechanisms for intervention in conflict situations, under the doctrine of the Responsibility to Protect. Interventions can stem from actions at the discretion of the Prosecutor of the International Criminal Court, the prosecutorial jurisdiction for crimes against humanity covered by the Responsibility to Protect (R2P) doctrine, or the Secretary General of the United Nations, the request of a member of the UN Security Council or the invitation by a country or as part of the settlement of disputes, as was the case in Kenya in 2008. The AU, almost two decades after it came into existence and despite a number of potential intervention opportunities—in Kenya, Burundi, Egypt, Tunisia, Libya, Sudan, Ivory Coast, the Congo and Republic of Congo, to name but

\textsuperscript{60} ICRC, \textit{The Responsibility to Protect: Research, Bibliography, Background. Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty} (Ottawa, CA: IDRC, 2001).

\textsuperscript{61} African Union. “Constitutive Act,” (Web). Available from https://au.int/en/constitutive-act.
a few, has not initiated any interventions besides the support of missions such as the UN Mission to the Congo (MONUSCO), the UN stabilization mission to the DRC—AFIMSA, the UN + stabilization mission in Mali (MINUSMA), among others.62

For Africa and the AU, both the gaps in the application of the “right of the Union to intervene in a Member State pursuant to a decision of the Assembly,” particularly establishing at what point intervention is needed (e.g., whether a genocide has to be occurring as in 1994 Rwanda, or electoral violence such as 2015 Burundi, or 2008 in Kenya), the origin of such actions toward intervention—such as parallels to the UN Security Council emergency meetings—or in this case, meetings of the Peace and Security Council (PSC) or if initiated by the Panel of the Wise and whether the Assembly can overrule the recommendations of the council, particularly given the regional distribution of seats and countries’ interests. Of note is the reality that to date, the AU has never invoked AU’s article 4(h).63

Where the AU and its Peace and Security Council (PSC) have hesitated in taking actions, the UN Security Council, individual countries and the ICC Prosecutor(s) have not shied away from taking actions to refer cases, or initiate prosecution. The first such indictment was for Joseph Kony, four years after the court started work. But it would take on an ominous note for African leaders, when Omar al-Bashir, Sudan’s president, was summoned to the ICC on March 4, 2009.

The resolution of other issues, the African position on these, the precise actions to take, the level of jurisdiction, the level of foreign governments and whether or not African leaders would arrest a fellow leader and hand them over to the ICC have not always been as clear—indeed, they have raised issues of note, not even slightly addressed by the AU. For example, even though a Belgian court, prosecuting him under ‘Belgian War Crimes Law’ found former US/French protégé and Chad president, Hissène Habré, often referred to as Africa’s Pinochet for the deaths of 40,000 and torture of over 200,000. The ultimate trial of Habré—after

62 Dan Kuwali and Frans Viljoen, “Introduction.” In Dan Kuwali and Frans Viljoen, Eds., Africa and the Responsibility to Protect: Article 4(h) of the African Union Constitutive Act (New York: Routledge, 2014).
63 International Refugee Rights Initiative, “From Non-Interference to Non-Indifference: The African Union and the Responsibility to Protect,” (International Refugee Rights Initiative, 2017).
10 years of back and forth over jurisdiction based on Senegal’s establishment of an international, Extraordinary African Chambers court, a special tribunal established after Senegal’s parliament passed a law allowing for it, ended with a guilty verdict for crimes against humanity and a life sentence; arguably a first especially in Africa. The earlier back-and-forth jurisdictional tiff brought in the AU in the era of the responsibility to protect, leading to the appointment at the 2006 AU Summit, of eminent African jurists to decide on (a) the validity of the Belgian guilty conviction, (b) Habré’s extradition request and (c) whether Habré could be tried by an African country or court. Elsewhere, this has been suggested to be the first instance of the AU’s intervention under Article 4(h) in a member country’s affairs.64

The case of Sudanese president, Omar al-Bashir, was a little more complex. Coming at the end of the near 4-decade war with a restive south marked by the Naivasha Peace Process and the Comprehensive Peace Agreement (CPA) that allowed for a referendum on the status of the south, an arrest warrant by the ICC was issued in 2006 for Bashir, on account of the Darfur conflict, which raged between 2003 and 2008. Al-Bashir was accused of bearing the greatest responsibility, as the head of state, for facilitating use of state resources (military, police, militia and especially Janjaweed militia) to commit crimes against humanity including rape, murder, extermination, forcible transfer, disappearance and torture of non-Arab populations that included the Fur or Darfur. Regional and international reaction was mixed; for example, in 2013, Bashir attended an international AIDS conference in Nigeria, which made no attempt to arrest him; Nigeria’s president argued that doing so would jeopardize the Comprehensive Peace Agreement and other regional peace initiatives, but also reflected a broader African reticence toward arresting one of their own, to hand him over to a court considered the ‘court for Africans.’ 65

In 2015, Bashir came closer to being arrested as he attended an AU summit; South African civil society members went to court seeking a judgment and to compel the government to adhere to its obligations to the

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64 Ibrahima Kane, Nobuntu Mbelle and AfriMAP, Towards a People-driven African Union: Current Obstacles & New Opportunities (Oxford: African Books Collective, 2007).

65 Mark Leon Goldberg, “Sudan’s Bashir Travels Freely to Nigeria. A Huge Blow to the ICC,” UN Dispatch—United News & Commentary, Global News Forum, July 15, 2013. https://www.undispatch.com/sudans-bashir-travels-freely-to-nigeria-a-huge-blow-to-the-icc/. 
Rome Statute, to arrest Bashir and hand him over to the ICC. Al-Bashir departed South Africa early Monday morning even as the High Court ruled he should not leave before it ruled on [South Africa’s obligation] to arrest him and hand him over to the ICC; as a signatory to the Rome Statute establishing the ICC, South Africa was obligated to arrest him. Later, the president of the High Court, Judge Dunstan Mlambo, ruled perhaps in a face-saving measure, that “he should have been held, ‘the government’s failure to arrest Bashir is inconsistent with the Constitution.’” 66 At the same time, even countries that might have been expected to be on the side of punishment for perpetrators of genocide waffled; besides the (mostly split) support for Sudan among the African Union, member states of the Arab League and the OIC were less supportive of the ICC and its warrant, but also so were the governments of neighboring countries, most alleging a neo-colonial attitude toward Africa and Sudan. The US, despite expressing support for ICC and its investigations, held that “we are under no obligation to the ICC to arrest President Bashir. We’re not a party to the Rome Statute. And let’s leave it at that.” 67 Inexplicably, the US left the onus on Bashir to ‘do the right thing’ about the warrant.

Another remarkable case was that of Kenya’s 2007 post-election violence. Following the announcement of the election results, ethnic violence broke out primarily between members of the Kikuyu ethnic group, whose incumbent’s candidate was announced as the winner, and the Luo ethnic group, the challenger of whom was catching up to the incumbent. 68 Relative to most of the other situations in which there have been some sort of intervention—including Libya, Kenya’s situation was surprising, but the country was relatively ‘stable’ and potentially less likely to lead to a failed state. Yet when Kenya could no longer fulfill its accepted “responsibility to protect their populations from genocide, war

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66 David A. Graham, “How a Suspected War Criminal Got Away: Omar al-Bashir’s Escape from South Africa and the dilemma of the International Criminal Court,” *The Atlantic*, June 16, 2015. https://www.theatlantic.com/international/archive/2015/06/omar-bashir-sudan-icc/395930/.

67 Alexis Arieff, Marjorie Ann Browne, Rhoda Margesson and Matthew C. Weed, *International Criminal Court Cases in Africa: Status and Policy Issues*, (Washington, DC: CRS, 2010), 16.

68 Stephen Magu, *The Socio-Cultural, Ethnic and Historic Foundations of Kenya’s Electoral Violence: Democracy on Fire* (New York: Routledge, 2018).
crimes, crimes against humanity and ethnic cleansing, the international community, through the United Nations (UN), commits to ‘the responsibility to use appropriate diplomatic, humanitarian and other peaceful means…to help to protect populations.’\(^{69}\) In Kenya’s case, rapid negotiations between the AU’s Panel of Eminent Persons, an agreement to establish a Government of National Unity (GNU)—followed the same year by Zimbabwe—quickly settled the issue. Part of the peace settlement and the power sharing agreement was the Waki envelope, containing names of individuals thought to bear the greatest responsibility for the post-election violence and who would be persecuted at the ICC, if Kenya failed to establish the mechanism; it was unable to.

By the time the Kenyan case made it to the ICC the prosecution simply targeted six individuals, charges against three of them, i.e., Muhammed Ali (Commissioner of Police), Henry Kosgey and Francis Muthaura were dropped between 2012 and 2013. The remaining charges against three individuals, Uhuru Kenyatta, William Ruto and Joshua Sang’ were seen as the most problematic. For even though the charges had been related to the 2007 General Election, in 2013, Uhuru Kenyatta was elected president of Kenya, and William Ruto his deputy president. In Kenya, this split opinion, but mostly, on the side of ‘neo-colonialism,’ on the need to focus on healing and forgiveness—considering that the top two leaders, who had been allegedly on different sides of the ‘bloodletting,’ were now president and deputy president. The notion that the ICC was targeting Africans did indeed gain a lot of traction; Ethiopia’s then Prime Minister suggested that the ICC was undertaking ‘race-hunting’ and Kenyatta, at the same address, lamented that the ICC did not respect African countries’ sovereignty.\(^{70}\) Desalegn also suggested that the cases especially against Kenyatta and his deputy should be referred to domestic courts; this position had a lot of support from other African leaders.\(^{71}\)

\(^{69}\) Ademola Abass, “The African Union and the Responsibility to Protect: Principles and Limitations.” In Julia Hoffmann, André Nollkaemper and Isabelle Swerissen, Eds., Responsibility to Protect: From Principle to Practice (Amsterdam: Pallas Publications, 2012), 214.

\(^{70}\) Lyal S. Sunga, “Has the ICC Unfairly Targeted Africa or Has Africa Unfairly Targeted the ICC?” In Triestino Mariniello, Ed., The International Criminal Court in Search of its Purpose and Identity (New York: Routledge, 2015).

\(^{71}\) Mark S. Ellis, Sovereignty and Justice: Balancing the Principle of Complementarity Between International and Domestic War Crimes Tribunals (Newcastle Upon Tyne: Cambridge Scholars Publishing, 2014).
African leaders and the AU demanded changes to the standards of evidence, court funding from NGOs (suspected to be interested parties), safeguarding the rights of the accused and the court’s power and use of *proprio motu* (its own initiative) to initiate cases. For their part, the accused complied with the terms of the court, including the unprecedented first, when a sitting president attended a hearing of the ICC, before the requirement to attend in person was relaxed. Kenyatta “emphasized that he took his obligations before him seriously. Second, Kenyatta referred to the charges before him as a personal challenge given that the crimes he stood accused of committing were alleged to have taken place prior to his assuming office.” Kenyatta and his deputy’s actions had a different impact: ICC prosecutes ‘those bearing greatest responsibility’ to the crimes committed. At the time of his prosecution, he held no official titles or positions, although it is the case that such individuals as Felicien Kabuga were accused of funding, rather than personally committing these crimes. At the same time, the issue of prosecuting African leaders in European courts must of necessity brook accusations of neo-colonialism, even if that was not necessarily the intent.

The post-Cold War era has produced both challenges and potential pathways to address good governance, for both Africa and the world—rather unfortunately, as a result of some of the most horrible genocides the modern world has endured, including in Rwanda and on an ongoing basis, in the Great Lakes region of Africa. The inaction during these genocides spurred the world to enter a period of reconfigured sovereignty, clearly a different phase for both Africa and the global community. Africa’s integration of the right to intervene in an AU member state’s internal affairs—even though it has not done so on any appreciable scale particularly based on Article 4(h) of the AU Constitutive Act, the implications of the Rome Statute and the International Criminal Court, the rapid intervention by different organs—whether it’s the ad hoc constituted Panel of Eminent Persons in the case of Kenya’s 2007 post-election violence have been of immense value. The functional partnership, the threat of intervention through the AU, the intervention in places such as the Ivory Coast by Africa’s partners (France), IGAD’s intervention under IGADSOM that

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72 Ellis, *Sovereignty and Justice*, 2014.

73 Serena Sharma, *The Responsibility to Protect and the International Criminal Court: Protection and Prosecution in Kenya* (New York: Routledge, 2016), 111.
turned into AU’s peacekeeping mission in Somalia under AMISOM, and ECOWAS intervention in Gambia have demonstrated a renewed level of activity that bears promise. Organs of the African Union, together with Regional Economic Communities (ECOWAS—and its military arm ECOMOG), foreign ‘partnerships’ and pressure from such bodies as in the case of Laurent Gbagbo in the Ivory Coast, France, have been enforcers of the R2P and article 4(h) precepts, and it is clear that Africa’s investment in the pursuit of better governance outcomes might have just that much more promise.

**Concluding Thoughts: From Pan-Africanism to Agenda 2063—A Future of Our Own**

There is much to be hopeful for, for the future of Africa, across the different levels of engagement and actions, even as the challenges before its citizens, leaders, institutions and its future continue to require new, collaborative, forward-thinking solutions and partnerships. Institutions that the continent has sought to engage to build this future have begun to coalesce. The continent is site to a creative, dynamic and youthful workforce, potentially a blessing but also likely a burden on creating jobs for the future, in a continent where its 150 million shy of a billion population still works in the agricultural industry. Institutionally, Africa evinces a renewed promise of Pan Africanism, a promise that is becoming more evident and more pronounced through regional and continental level activities. For Africa especially, Regional Economic Communities have brought about greater cooperation and collaboration, and have, for the first time, demonstrated the potential molding a path to continental integration, even as the world’s largest free trade area works to become a customs union. At the leadership level actions include fostering better leadership through the New Partnership for Africa’s Development and the African Peer Review Mechanism (APRM). Africa’s Agenda 2063 is quite ambitious, and Africa is more than halfway to this goal; among other priorities, there are issues, stops along the path, including reaching the Sustainable Development Goals, still quite a ways.

There is much to do, but there are also conclusions that can be reached. First, it is evident that cooperation is a defining principle of the interactions between African countries, and has been even before they first banded together to form the Organization of African Unity in 1963. But even as they cooperated, this cooperation was beset by regional, personal,
ideological and historical rivalries that often stood in the way of accomplishing their goals as expeditiously as possible. Malawi and Ivory Coast’s approach to the issue of South Africa’s apartheid government is a clear example of the early challenges. The recent tiff with the Eco—whether to establish it as a new currency or to rename the CFA with France’s permission shows these rifts. Countries that colonized Africa continue to exert an inexplicable, but tight grip on these countries, now independent for six decades. The levels of control are especially notable with Francophone countries, although former British colonies continue to be active participants and members of the Commonwealth. The diffusion of centers of power for English-speaking countries has seen this hold fracture, but the admiration and the collaborations evident in the Anglophone, the Francophone and Lusophone countries continue to be a barrier to African countries’ ability to collaborate, to unite and to adopt more Africa-centric common positions on issues.

Regional Economic Communities, or RECs, have been a feature of Africa, since before most African countries gained independence. These regional organizations continued for the most part, and in some instances were transformed. At the same time, some failed—one of the spectacular failures was by the first East African Community (EAC I), while in other areas, the economic communities either took on a linguistic (French) flavor, or suffered great suspicion (as was the case with ECOWAS, which was started by Nigeria). Personalities were also a factor in the effectiveness—or not—of the different RECs and even the continental organizations; Félix Houphouët-Boigny’s aversion to flying anywhere else but France is well known. Africa’s goals must also be pursued not by imitating other countries, but by defining a future for Africa, and as a well-regarded West African intellectual, Abdou Cisse once said, Africans have to start to ask: ‘what questions are we not asking?’ It might sound more like the whole Rumsfeldian ‘unknown unknowns,’ but Africa needs to think about the questions it’s not asking, thinking about unknown unknowns. A continent, for instance, that has sunshine most places most of the day, need not suffer the same power challenges as does the snowy North America or a cold Europe; floods do not have to be followed by drought, and sixty years later, it is actively embarrassing to still not have food security. This is especially critical, halfway to 2063.

In the context of thinking about the questions not being asked, Africa’s youth is rapidly growing at a pace that jobs cannot keep up with. The time to plan for the youth’s future is not when the youth are adults;
Africa must start asking those questions of, ‘what jobs do they need?’ It is also paramount to involve the same youth, not as token representatives, but in ways that recognize that the youth will be designing the future. Designing and defining this future with ‘like-minded nations’ such as those in the Global South and in the Caribbean and Pacific is practical, but partnerships where African nations can obtain useful technology transfer from the Global North to aid in creating their own technology solutions to specific African challenges are necessary, and urgent. It is necessary for Africa to consider issue linkage—even those issues that they are not thinking about. In all cases, considering Africa’s experience, the current realities, the future needs and pathways to there is more important than those approaches that seek to import what has worked in the west. Africa must define, design and then implement the future that it must dream. This extends to, and includes foreign policy.

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