

Challenges facing the African Union (AU) in the implementation of the Responsibility to Protect (R2P): a case study of the 2010/2011 intervention in Côte d'Ivoire

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Declaration

I hereby declare that the dissertation submitted for the Master of Security Studies degree at the University of Pretoria, apart from the help of the recognized, is my own work and has not been formerly submitted to another university for a degree.

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Abstract

Mass humanitarian atrocities – many of them perpetrated by governments against their own people – continue to wreak havoc across Africa. These crises demand decisive action by the African Union (AU), the intergovernmental organisation that presides over peace and security on the continent. Since its formation, the AU has established a set of norms and institutions that reflect the principles of the Responsibility to Protect (R2P), and by its own declaration, has shifted its approach away from the notion of ‘non-interference’ (as espoused by its predecessor, the Organisation of African Unity) to a new position of ‘non-indifference’.

However, despite its rhetorical commitment to the implementation of R2P, the AU’s handling of the 2010 Côte d’Ivoire crisis was so weak that the United Nations Security Council (UNSC) authorised an intervention led by France. The incapacity of the AU to resolve the conflict raised questions about the organisation’s rhetoric of ‘African solutions to African problems’.

This study analyses the AU’s handling of the Côte d’Ivoire crisis, and thereby implicitly investigates the organisation’s challenges in operationalizing the R2P in Africa. The methodology of an extensive literature survey is employed to gather evidence of conceptual and institutional deficiencies within the AU, and possible coordination problems between the AU, ECOWAS and the UNSC in their management of African conflicts. The purpose of the study is thus to contribute to the wider intellectual discourse on R2P operationalization, and specifically aimed at strengthening the AU’s ability to implement its own peace and security agenda.

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If there is money in Africa to make war, then there is money to make peace.

*I dedicate this study to all Africans who believe in the prospect of peace and security in
Africa.*

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Abbreviations/Acronyms

ACIRC	African Capacity for Immediate Response to Crises
APRM	African Peer Review Mechanism
APSA	African Peace and Security Architecture
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
AUPSC	African Union Peace and Security Council
CEWS	Continental Early Warning System
ECOMICI	Economic Community of West African States Mission in Côte d'Ivoire
ECOWAS	Economic Community of West African States
EU	European Union
FN	Forces Nouvelles
FPI	Front Populaire Ivoirien
FRCI	Forces Republicaines de Côte d'Ivoire
ICISS	International Commission on Intervention and State Sovereignty
IEC	Independent Electoral Commission
IMF	International Monetary Fund
IRIN	Integrated Regional Information Networks
ISS	Institute for Security Studies
LMA	Linus Marcoussis Agreement
MPCI	Mouvement Patriotique pour la Côte d'Ivoire
MSC	Military Staff Committee
MUNICI	United Nations Mission in Côte d'Ivoire
NATO	North Atlantic Treaty Organisation
OAU	Organisation of African Unity
PCRD	Post-Conflict Reconstruction and Development
PDCI	Parti Démocratique de la Côte d'Ivoire
PoW	Panel of the Wise
PSC	Peace and Security Council
R2P	Responsibility to Protect
RDR	Rassemblement des Republicains

REC	Regional Economic Community
SADC	Southern African Development Community
SANDF	South African National Defence Force
SPF	Special Peace Fund
UN	United Nations
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNOCI	United Nations Operation in Côte d'Ivoire
UNOSASGPG	United Nations Office of the Special Adviser of the Secretary-General on the Prevention of Genocide
UNOWA	United Nations Office of West Africa
UNSC	United Nations Security Council
UNSG	United Nations Secretary General
WSOD	World Summit Outcome Document

CHAPTER 1:

INTRODUCTION

1.1 Identification of the research theme

The end of the Cold War saw significant changes in international relations. Prominent among these changes was the willingness of the United Nations Security Council (UNSC) in the 1990s to recognize intrastate conflicts and humanitarian crises as threats to international peace and security and the right of the international community to intervene to prevent and stop such crises. The idea finds expression in the 2001 International Commission on Intervention and State Sovereignty (ICISS) report on Responsibility to Protect (R2P), which focuses on preventing and halting mass atrocities such as genocide, war crimes, ethnic cleansing and crimes against humanity.

Since its inception, the concept of R2P has received a lot of regional support, and it is widely recognised that regional organisations have an important role to play in implementing R2P. This has been apparent also in Africa, which many believe was instrumental in the genesis of the concept. Within the African context, the R2P is embodied in Article 4(h) of the AU Constitutive Act, the first intergovernmental organisation ever to enshrine this principle in its Charter. It recognises the right of the Union to intervene in its member states in cases of grave circumstances of humanitarian rights violation, namely war crimes, genocide and crimes against humanity.

Côte d'Ivoire has been one of these cases. The country, which achieved its independence from France in 1960 under the leadership of President Félix Houphouët-Boigny, was once considered one of the most developed and stable countries in Africa (Yéré 2007: 50). However, at the beginning of the 1980s, the economic and political prosperity experienced by the country slowly started to unravel. First, economically and then politically. The financial crisis, the rising demand for social services, as well as the wave of democratisation in the late 1980s, led to the introduction of multi-party politics in 1990. After Houphouët-Boigny's death in 1993, the country started experiencing political instability, marked by a coup d'état and several army mutinies and the introduction of citizenship-orientated discrimination,

based on the use of the concept of ‘Ivoirité’, which all together caused the 2002 civil war (Akindès 2009: 121-125; Pillai 2009: 26 & 72; Yabi 2012: 1-2).

Several intergovernmental organisations such as the UN, the AU, and the Economic Community of West African States (ECOWAS), as well as state actors such as France and South Africa, played an important role in ending the civil war by 2007 (Akindès 2009: 123-126; Pillai 2009: 26 & 72; Yabi 2012: 1-2). However, in 2010 the much expected elections that were supposed to consolidate peace, instead led to conflict and caused an unprecedented humanitarian crisis that ended in April 2011 when forces loyal to Alassane Ouattara, the declared winner of the presidential election, with the help of French and UN forces arrested the incumbent president, Laurent Gbagbo (Langer 2010: 19-20; Ogwang 2011: 1-3).

The humanitarian crisis that unfolded after the elections offered an obvious opportunity for the AU to be instrumental in resolving the crisis and to show its commitment to the R2P concept. However, the organisation’s paralysis in the face of the crisis raised questions about the extent to which the AU has lived up to expectations created by the rhetoric of “African solutions to African problems”, and its ability to implement its own peace and security agenda.

The aim of this study is to identify the challenges the AU faces when implementing the R2P. By using Côte d’Ivoire as a case study, the research endeavours to contribute to a more focused research agenda to address those challenges in order to assist with the operationalisation of R2P and strengthening of the AU’s mandate to ensure peace and security on the continent.

1.2 Literature overview

In order to explore the theme, a preliminary review of relevant literature is undertaken. It is divided into three sections: the first deals with the conceptualisation of R2P and regional organisations’ institutionalisation of the R2P concept, with specific focus on the AU. The second section provides a survey of the 2011 intervention by the international community in the Côte d’Ivoire crisis, as mandated by UNSC Resolution 1975. In the third section, the review focuses on the AU’s own responses, and critique of those responses.

1.2.1 Conceptualisation of R2P and the AU's institutionalisation of the concept

Traditionally, security was the purview of the state, in its capacity as both provider and object of security. The argument was that as long as the state was secure, so would be its people. However, with the end of the Cold War and the proliferation of humanitarian crises which in many cases were orchestrated and perpetrated by the state itself, new voices emerged that challenged the traditional state-centric view of security therefore, making way for a more expansive security agenda (Smythe 2013: 14).

Critical security theorists such as *inter alia* Buzan (1991), Snyder (2008) and Weiss (2007: 12-25) contributed to a broadening as well as a deepening of the concept of security to include issues other than military threats, and referent objects other than the state. These theorists argued for a paradigm that emphasised human security rather than state security as the referent object of security. This changing understanding of security has led to a shift from the sacrosanct understanding of sovereignty as absolute control and shield for atrocity. As pointed out by Breakey (2012: 12-13), Gumedze (2010: 155) and Thakur (2011: 1-14), the concept of sovereignty has become conditional, becoming a matter of responsibility, not just power. It is in this context that the ICISS was established.

In its 2001 report entitled *The Responsibility to Protect* (R2P), the Commission stresses the idea that states have the primary responsibility to protect their citizens. Yet, when states cannot or would not protect their citizens in cases of genocide, war crimes, ethnic cleansing and crimes against humanity, the responsibility to protect shifts towards the international community of states. The report was endorsed in principle by all UN member states at the 2005 World Summit and affirmed in the World Summit Outcome Document (WSOD) (UN A/60/150 2005). However, the content of the WSOD on R2P differed in several ways from that advocated by the ICISS. As discussed by commentators such as Breakey (2012: 16), Stamnes (2009: 75), Thakur (2011: 1-3), and Weiss (2007: 98-99), the WSOD in paragraph 139 cautioned that intervention can only occur with an explicit UNSC mandate and limited the scope of R2P to four specific atrocity crimes, namely: genocide, war crimes, ethnic cleansing and crimes against humanity, ensuring thus the exclusivity of the concept.

However, since the WSOD's endorsement of the concept of R2P in 2005, debates in the international community about the conceptual parameters of R2P has intensified. Two groups have emerged in this debate. One group denies nearly any importance of the R2P concept due to the constraints on absolute sovereignty that it entails. This is a recurrent criticism in the work of Hugo Chavez and David Chandler (in Breakey 2012: 27) as well as Ngugi wa Thiong'o, Jean Bricmont, and Noam Chomsky who also vigorously criticised the concept during the 23 July 2009 UN General Assembly's *Interactive Thematic Dialogue on the Responsibility to Protect* (UNGA 2009). The other group is comprised of advocates of R2P such as Gareth Evans (2008), and UN Secretary-General Ban Ki-Moon (United Nations A/63/677 2009), who argue that R2P is a milestone in the debate on humanitarian intervention. Contrary to the critics, this latter group argues that R2P in fact supports states' sovereignty.

The discourse became even more polemical in the aftermath of the 2011 intervention in Libya, which revealed a serious lack of consensus about the military implications of R2P. Sceptics about R2P, such as the Chinese and Russian governments, and various other states that had actually supported the intervention in Libya, with hindsight came to the conclusion that the intervention had been a ruse for regime change. This issue was also raised by many commentators during the implementation of Resolution 1975 in Côte d'Ivoire (United Nations 2011). This issue lies at the heart of the Brazilian Government's new concept of "Responsibility While Protecting" introduced on 11 November 2011 (Federative Republic of Brazil 2011:1; Breakey 2012: 28).

Despite criticisms of the concept, there is little doubt that R2P has changed the international community's attitude with respect to the protection of populations from atrocities. A significant number of governments from the global South, especially from Sub-Saharan Africa and Latin America, joined the West in defending the new principle. Most importantly, regional support for R2P was also apparent in Africa. Africa, according to Spies and Dzimiri (2011: 38), "as much as any other region of the world, and perhaps to a larger extent than any other continent, can claim ownership of the R2P idea". Similarly, Bellamy (2011b: 13) adds that the concept of sovereignty as responsibility and the idea of the R2P emerged from Africa. Indeed, former Sudanese diplomat Francis Deng and his colleagues are credited with being the first to articulate the idea of sovereignty as responsibility (Deng *et al.* 1996). Bellamy (2011b: 13) explains that two other events anchor Africa's ownership of the concept.

The first was the Rwanda genocide of 1994, an event that triggered African intellectual reflection on the idea of sovereignty. The second was the development of the African peace and security architecture (APSA), which dealt with many of the same issues later raised in relation to R2P.

Bellamy (2011b: 14) notes the particular importance of the AU Constitutive Act including Article 4(h) which established “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” (AU 2000: 6-7). Commentators such as Spies and Dzimiri (2011: 39) as well as Powell (2005: 1) point out that the AU’s embrace of the principle occurred a year before the ICISS report on R2P was issued and five years before the WSOD’s endorsement of the concept of R2P. The Union characterises this as a shift from non-intervention to non-indifference. Therefore, by adding Article 4 (h) to its Constitutive Act African leaders made the protection of populations from grave circumstances such as war crimes, genocide and crimes against humanity an explicit security issue. The work of the Copenhagen School is important to understand this process.

Buzan *et al.* (1998: 24) explain that, according to the Copenhagen School:

...a securitizing move takes place when an issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure. In other words by uttering the phrase 'security' in connection to an issue, the issue is accorded special urgency and priority, and is elevated above the workings of everyday politics.

Therefore, any time the AU invokes Article 4(h) in relation to an issue, it is generating a speech act or a securitisation move and a catalyst for action essential to mobilise timely and decisive international action in response to the commission, or imminent commission, of mass atrocity wherever it occurs.

Consequently, and as Dersso (2012: 27) explains, compared to the Organisation of African Unity (OAU), the most revolutionary feature of the AU’s security culture became Article 4(h), which indicates a rethinking of the traditional concepts of sovereignty. Bellamy (2009: 78) observes that this article was amended in 2003 to include other “serious threats to

legitimate order” and an additional paragraph was added, Article 4 (J), which formalised the members’ right to request intervention (see also AU 2000: 7). After the adoption of the AU Constitutive Act, African governments reaffirmed their support to R2P in the *Ezulwini Consensus*, which reiterated states’ obligations to protect their own citizens. The *Ezulwini Consensus*, “affirmed the UN Security Council’s primary responsibility for the maintenance of international peace and security, but also noted that in certain cases regional organisations might intervene on behalf of human rights without prior Security Council approval” (AU 2005b; Dembinski; Reinold 2010: 15). Murithi (2009: 94), in a discussion of the AU transition from non-interference to non-indifference in African conflicts, explains that the AU Commission sought to strengthen this point by issuing its Strategic Plan and Vision 2004–2007, which also reiterates the importance of intervention to promote peace and security as a necessary requirement for governance and development.

Bellamy and Davies (2009: 144-145) argue that the role of regional organisations was set out primarily in Chapter VIII of the UN Charter, which provides that regional organisations may “deal with matters related to international peace and security, pursue peace measures prior to referring a matter to the Security Council, may undertake enforcement actions under the authority of the Security Council but not without such authority, and must keep the Security Council fully informed of their activities”. However, whereas these authors recognise the important role that regional organisations can play in implementing R2P, they also raise some concerns about the role and capacity of regional organisations. Similar concerns are expressed in the 2009 UN Secretary-General’s report: “Implementing the Responsibility to Protect” (United Nations A/63/677 2009).

Thus, whereas Orford (2011: 19) and Bellamy and Davies (2009: 152-153) stress the important role that regional organisations should play in implementing R2P, the latter note that to date, relatively little attention has been paid to the capacity and challenges faced by regional organisations. This view is also supported by the UN Secretary-General (United Nations A/63/677 2009) and Carment and Fischer (2009: 261-290), who identify three critical issues on this matter. They argue that there are important limits on the transfer of knowledge between regional organisations. They also add that the sharing of experience and region-to-region co-operation may be challenging knowing that regional norms might dictate different priorities, set different thresholds and courses of action.

Acharya (2004: 240-260) states that regional actors do not simply refute or accept new global norms, but more often adapt them to their local circumstances by modifying them to make them more responsive to local situations. R2P continues to be a highly controversial and contested concept whose opaqueness has made it possible for regional actors to attach markedly different meanings to it and thus make it consistent with their respective political agenda and regional context. Therefore, the concept offers ample opportunity for contestation, re-interpretation, and modification, especially for purposes of norm localisation. In this regard, Ladnier (as quoted by Reinold 2013: 97) argues that the African version of R2P is at odds with Article 2(4) of the UN Charter: whereas R2P emphasises the need for prior authorisation by the UN Security Council, it is not considered as a *sine qua non* for the AU to launch a humanitarian intervention. As stated in the AU Constitutive Act, the AU – not the UNSC – may assume primary responsibility in dealing with humanitarian crises on the continent.

Moreover, Carment and Fischer (2009: 268-290) note that many of the regional organisations in the global South lack the analytical capacity and resources to conduct early assessment and undertake mediation efforts to prevent conflict escalation. Regarding the case of the AU, they argue that whereas there have been very clear Charter and institutional commitments to intervention to restore peace and security since 2004, the problem is related to limited resources which cause incapacity and inability. Furthermore, Haugevik (2008: 14-23) finds that whereas the European Union (EU) and the North Atlantic Treaty Organisation (NATO) have strong prevention and reconstruction capacities, the AU is still attempting to build such capacities. Therefore, the AU lacks the resources and political clout needed to hold states to account. Haugevik (2008: 14-22) also mentions the problem of lack of political will, a view shared by The Stanley Foundation in its summative report on a collection of papers delivered at a 2011 conference on *The Role of Regional and Sub-regional Arrangements in Strengthening the Responsibility to Protect* (2011: 4-6).

Furthermore, Bellamy and Davies (2009: 155-156) equally argue that implementation agenda need to reflect the fact that many regional arrangements are nascent and still developing regional norms, identities, and capacities. Finally, the lack of co-operation and co-ordination between the AU and the UN has been identified as a key challenge. During 2012, a Security Council meeting on this topic produced a consensus statement titled: *The Security Council Commits to 'Effective Steps' to Enhance Relationship with African Union in Conflict Prevention, Resolution, with Unanimous Adoption of 2033*.

As stated by US Ambassador to the UNSC Susan Rice during the UNSC meeting, “the African Union had sometimes indicated that it believed it had been ignored or disregarded by the Security Council, while the latter often felt the former had not given consistent views on issues and had been slow to act on urgent matters” (UNSC 2012 SC/10519). This was the case particularly during and after the 2011 NATO intervention in Libya, during which the AU felt marginalised and completely side-lined by the UNSC throughout the resolution of the conflict. Many African commentators and heads of state criticised the UNSC for its lack of leadership and support to the AU in the field of conflict resolution and capacity-building. They have called for a need to build a much more effective strategic relationship and partnership between the two organisations, and have stressed the need to develop a clearly defined division of labour and responsibilities between them (UNSC 2012 SC/10519).

From the foregoing, it is clear that regional organisations have a role to play in implementing R2P. Consequently, following the 2010 contested presidential election in Côte d’Ivoire and the humanitarian crises that occurred, it was expected that the AU would be instrumental in stopping the humanitarian crisis. However, AU’s inability to act raises concerns regarding its capacity, and willingness to deal with complex emergencies in Africa.

1.2.2 Overview of the international community’s intervention in the Côte d’Ivoire crisis

Several works relating to international intervention in Côte d’Ivoire exist. Commentators such as Cook (2011: 3), Obi (2011: 14); Ogwang (2011: 2-3) and Yabi (2012: 2), have observed that whereas the 2010 elections in the country, were supposed to consolidate peace; it instead pushed the country back to the verge of civil war with both the incumbent, Laurent Gbagbo, and his rival, Alassane Ouattara, claiming victory.

It is in this context and at the demand of the international community (notably France), that the UNSC was forced to act. As discussed by Cook (2011: 1-3), the UNSC passed Resolution 1975 on 30 March 2011, noting Gbagbo’s attacks on civilians as likely constituting crimes against humanity, and authorising the UN, led by the French Licorne forces, to use “all necessary means to carry out its mandate to protect civilians, including to prevent the use of heavy weapons” (UNSC S/RES/1975 2011b). As stated by Serrano (2011: 92) this resolution signalled a shift and a “readiness of the council to take action when outrageous conduct shocks the conscience of mankind”.

Nonetheless, both the internationally recognised victory of Ouattara and the French military intervention have been widely debated and criticised. Indeed, the outbreak of conflict raised several questions regarding the role and performance of regional as well as international organisations, and their commitment to R2P in resolving the conflict. According to Martins (2011: 83) judged by the background of the conflict and the sheer amount of information available prior to the elections, the international community failed to prevent the outbreak of violence. Hence, the first pillar of R2P, namely the Responsibility to Prevent, was not adhered to. Furthermore, as articulated by Apuuli (2012: 157), Martins (2011: 78 & 82-84) and Yabi (2012: 1-4), when confronted with the *fait accompli*, the international community's responses further complicated the resolution of the conflict. The lack of unity, leadership, and coherence among various actors as well as overlapping diplomatic efforts undertaken at regional level created immense disorganisation that made co-ordination difficult. Consequently, as Martins (2011: 82-83) observes, the lack of a clear and single approach to the resolution of the conflict only added instability to the political situation. For instance, in the African context while Nigeria from the beginning of the crisis adopted a clear stance on the resolution of the crisis, rejecting a negotiated power-sharing resolution of the conflict, South Africa's stance on the crisis was ambiguous and confusing.

However, on the international front Martins (2011: 82) praised the UN for keeping to its mandate of maintaining peace throughout the conflict and finding a suitable solution to the crisis. "By opening up the path for Ouattara's forces to take Abidjan, the UN stood by its condemnation of Gbagbo's electoral manipulations while still attempting to prevent major loss of life" (Martins 2011: 82).

Several commentators and analysts took a rather radical position when analysing the role of the international community in the conflict. Among these are Fritz Nganje and Nicasius Check (2011: 8), who share the view that, "what masqueraded as a collective security effort under the aegis of the UN was largely a French-inspired intervention executed with the blessing of like-minded veto wielding members of the UNSC, in the spirit of what could be termed great power reciprocity". They argue that France "took advantage of the institutional deficiency that is characteristic of governance processes in the continent to align the [Côte d'Ivoire's] outcome with its interest" (Nganje and Check 2011: 10). This view is reinforced by Thabo Mbeki (2011) in his article *What went wrong in Ivory Coast?*

Furthermore, Bellamy (2011a: 3) criticises the intervention for instigating regime change agenda. By recognising Ouattara's victory, he argues that the UN had explicitly taken side and therefore right from the start regime change was already a possible option to end the conflict. This criticism is echoed by Serrano (2011: 99-100). Nevertheless, while not supporting the idea that regime change should ultimately be the result of intervention in the name of R2P, Homan and Ducasse-Rogier (2012: 4) argue that it can be the consequence of intervention when, the regime that is supposed to protect its population fails to do so as was the case in Côte d'Ivoire.

By the same token, and while denouncing regime change agenda pursued by France in Côte d'Ivoire, Moncrieft (2012: 32-35) observes that the conspiracy theories are fed by France's penchant for destabilising or supporting authoritarian regimes on the continent to further its interests. He points out, however, that many Francophone Africa activists and leaders, the Gbagbo' regime included, tend to play the 'blame game', often putting their failures, wrongdoings and shortcomings on external factors, and shirking responsibilities, blaming France for all their countries' ills (Moncrieft 2012: 32).

1.2.3 Overview of the AU's responses to the crisis in Côte d'Ivoire

The AU held several meetings and deployed multiple diplomatic missions following the outbreak of violence after the 2010 contested elections. It endorsed the ECOWAS decision of 7 December 2010 recognising Ouattara as President of the country, and on 9 December 2010 it suspended Côte d'Ivoire's membership from the organisation until such time as "the democratically elected President effectively assumes state power" (AUPSC PSC/AHG/COMM(CCLIX 2011a: 3). The organisation took a principled stance on the unconstitutional change of government in accordance with the Lomé Declaration of July 2000, its Constitutive Act and the African Charter on Democracy, Elections and Governance. Basset and Straut (2011: 139) argue that the AU "recognized the unconstitutional regime change when [it] saw it, and the position [it] took [was] consistent with [its] stated policies and previous actions on illegal seizure of power". However, despite the AU's success in denouncing the unconstitutional change of government, the organisation was widely criticised by commentators such as Kasaija Phillip Apuuli, Gilles Yabi, and Nicolas Cook for not preventing the humanitarian crisis from occurring and, when it did, from failing to stop it in a timely manner.

Cook (2011: 55-67) explains that prior to the elections a number of irregularities already conjured up the possibility that the election would be controversial. The AU should arguably have been more prepared to effectively deal with the crisis and implement the responsibility to prevent. Consequently, although the AU chairperson Teodoro Obiang Nguema Mbasogo declared that the “AU was actively involved in the resolution of the Ivorian crisis” (AU PSC/PR/2 (CCLXXIII). 2011c: 5), analysts such as Apuuli (2012: 151), Yabi (2012: 3), and Martins (2011: 82) remain sceptical and critical of his view. These critics accuse the AU of performing in a feeble and lacklustre manner. Their views are supported by Rupiya (2012: 171) who explains the internal divisions in the AU which, ostensibly stood firmly with ECOWAS and the UN in recognising Ouattara as the winner of the election but failed to adopt a unified position on the resolution of the conflict. This explained why some saw the organisation’s failure as being self-inflicted; because “had it taken very strong, united and assertive stances when the crises first broke out, possibly it would not have been marginalised and ignored by the other actors”, as Apuuli (2012: 137) asserts.

Furthermore, while Cook (2011: 29 & 36) points out the success of the AU for having commissioned the *Report of the Chairperson of the Commission on the situation in Côte d’Ivoire* (AU PSC/PR/2 (CCLXXIII). 2011c) and thereby having advocated a united AU approach to resolve the conflict despite internal division, Martins (2011: 82) argues that the report was not accepted by either side of the conflict. It was released too late, and no longer applicable to the situation by the time it was published. Aning and Atuobi (2011: 16) also assert that at various meetings held by the AU during the crisis, the organisation barely mentioned R2P as the basis of decision-making and mitigation of the conflict. This raises questions about the AU’s commitment to the R2P concept, and its implementation to stop humanitarian crises from occurring on the continent. According to Aboagye (2011: 35) a possible explanation for AU’s hesitancy to refer to R2P in its handling of the crisis, is the organisation’s delay in operationalising the African Peace and Security Architecture (APSA), especially to establish the African Standby Force (ASF), which is crucial for the implementation of its Article 4(h) and 4(j) on the right of intervention by the organisation. This handicap created a vacuum that France was willing to fill in the case of Côte d’Ivoire. These various critics (Aboagye 2011: 34-35; Aning and Atuobi 2011: 13; Apuuli 2012: 157; Rupiya 2012: 165-171) agree that externally, the AU displayed a rather ambiguous resolve, compared to ECOWAS, and the UN was not able to effectively co-ordinate its relations with the continental bodies.

In contrast to the AU, ECOWAS has been praised for playing a much more active role in bringing the conflict to an end. As Serrano (2011: 92) argued “resolution 1975 on Côte d’Ivoire jointly tabled by France and Nigeria followed the lead taken by ECOWAS and its resolution A/RES.1/03/11 of 25 March 2011”. This view is not without criticism: according to Martins (2011: 76) and Yabi (2012: 1-2), even though ECOWAS took the lead in mediation and peacekeeping, the organisation did not display a united strategy in dealing with the conflict and in mobilising resources to undertake a forceful intervention. The organisation faced many challenges similar to those faced by the AU, especially the lack of unity among its members, lack of resources to undertake a military intervention, and lack of political will from its membership to deploy troops, which all together hindered its effectiveness (Martins 2011: 81-82; Nganje and Check 2011: 7).

1.3 Formulation and demarcation of the research problem

The main research problem of this study is encapsulated in the following research question: Why does the AU struggle to operationalise the Responsibility to Protect when faced with a humanitarian crisis in one of its member states? The question will be investigated by focusing on a recent case, namely the international intervention in Côte d’Ivoire in 2011.

Exploration of the research problem will be guided by the following subsidiary research questions:

- 1) To what extent has R2P become ‘localised’ in Africa, and specifically within the context of the AU Peace and Security architecture?
- 2) Why was the wider international community, rather than the African region, leading the R2P response to the crisis in Côte d’Ivoire?
- 3) How can the AU’s capacity to operationalise R2P be strengthened through its co-operation with ECOWAS and the UNSC.

Based on the questions posed and taking into consideration the background of the Côte d’Ivoire crisis as well as the extensive AU involvement in the conflict since 2002, this study will investigate the challenges facing the AU in implementing R2P in Africa despite its commitment to the principle. The study makes three assumptions. Firstly, whereas the AU has made determined rhetorical commitment to the implementation of R2P to stop

humanitarian crises when they occur on the continent, the Côte d'Ivoire crisis exposed the conceptual and institutional deficiency as well as internal divisions within the AU when dealing with the implementation of R2P. Secondly, the AU lacked a coherent strategy to deal with the humanitarian crises that occurred during the post-electoral conflict. Thirdly, the Côte d'Ivoire crisis reveals the existing tensions between the AU, ECOWAS and the UNSC in their management of African conflicts.

In terms of chronological demarcation, the study will focus on the period during which the humanitarian crisis in Côte d'Ivoire developed, as from 2010, until the actual intervention by the UN in 2011, with some focus on the immediate aftermath.

1.4 Research design and methodology

This study will be largely based on a documentary literature review, for which both primary and secondary sources will be used. The researcher will consult primary sources such as the *AU Constitutive Act*, the *UN Charter*, UNSC and AU PSC Resolutions and policy pronouncements by governments or organisations regarding the crisis under review, and secondary sources including books, journal articles, other periodicals and policy briefs that deal with the main research question and the sub-questions that have been identified. The approach and method adopted will be qualitative and analytical. No ethical implications are foreseen, as individuals will not be used as units of analysis, and all sources are in the public domain.

1.5 The structure of the research

Chapter One of this mini-dissertation introduced the research theme and the objectives of the study. It explained the research problem and explanatory propositions, and provided an overview of the methodology used.

Chapter Two presented a theoretical and conceptual framework for the study, situating it within the field of human security and particularly within Critical Security Studies. Two schools of thought were used as analytical lenses: the Copenhagen School and Third World Security view. Departing from the assumption that R2P has African roots; the chapter

examined the concept from an African perspective, and traced the localisation of R2P in the peace and security architecture of the AU.

Chapter Three provided a contextual background to the Côte d'Ivoire crisis and considered the role played by the broader international community, notably the UNSC and the implementation of Resolution 1975 by France.

Chapter Four provided a more focused analysis of the various initiatives taken by the AU to secure an end to the conflict. The chapter, moreover, assessed the extent to which the AU operationalised R2P through the various components of its Peace and Security Architecture in resolving the Ivorian crisis. In addition, an inventory of the challenges facing the AU in its implementation of R2P is provided.

Chapter Five concluded by looking at the lessons learnt from the AU's handling of the crisis, and proposed constructive ways to strengthen existing relations between the AU, ECOWAS and the UNSC to manage and respond to crises emerging on the continent. Crucially, this chapter contained conclusions and proposals on how to strengthen the AU's capacity to respond to African conflicts.

CHAPTER 2:

CONCEPTUAL FRAMEWORK: HUMAN SECURITY, R2P AND THE AU

2.1 Introduction

With the end of the Cold War, critical security studies emerged as a major criticism of traditional security studies and called for a rethinking of the ontology of traditional security studies. These alternative views insisted on the broadening, deepening and shifting of the focus of security studies away from its exclusive focus on state security, toward a focus on human security. Contrary to the expectations for a peaceful and co-operative new world order in the post-Cold War era, the global environment became characterised by increased insecurities and conflicts in the form of intra-state wars. Concern over increase in human rights atrocities strengthened the case of the critical security advocates, convincing the international community that something must be done to protect populations at risk from such heinous crimes. This culminated in the establishment of the ICISS and the birth of the R2P.

Africa, compared to any other continent, has played an important role through the work of prominent African norm entrepreneurs such as Francis Deng and former UN Secretary-General Kofi Annan, in the birth and the institutionalisation of the R2P concept. This is especially evident in Article 4(h) of the AU's Constitutive Act of 2000, which acknowledges human security to be as important as state security. However, while R2P originated within African security context, its theoretical development and articulation was subsequently done outside the continent, and localised back into the AU Peace and Security Architecture. Therefore, starting with the assumption that R2P has African roots; this chapter examines the concept from an African perspective, and traces the localization of R2P in the peace and security architecture of the AU. The chapter is divided in three sections. The first section discusses the broadening and deepening of security studies, to expand the conceptual framework from an exclusive focus on state security, to encompass a holistic appreciation of human security. The second section explores Acharya's idea of norm localisation while the last section, draws on the findings of the first two sections, to provide a discussion and analysis of AU's localisation of R2P in its Peace and Security Architecture.

2.2 Critical security studies: from state security to human security

The failure of traditional security studies theorists – especially realists – to predict the end of the Cold War, led to a major rethink of security studies. The proven limited analytical value of realism made way for alternative theoretical perspectives to emerge and to be taken seriously. This meant a shift away from the state-centric militarism of traditional orthodoxy in security considerations. In fact, these alternative views pointed out the limitations of realism in understanding many of the key issues emerging within states and beyond their borders, especially in developing (or ‘Third World’) countries (Snyder 2008: 7-10; Williams 2008: 1-5).

Instead of a peaceful new world order that was expected to follow the end of the Cold War, the global environment became characterised by increasing chaos from military as well as non-military threats. These brought insecurity to both the state and society. With specific reference to developing countries, non-military threats such as poverty, environmental hazards; drug trafficking and transnational crime; international migration and intra-state conflict became sources of existential threats and insecurity. While at the global level proxy wars and inter-state conflicts considerably declined, the number of intra-state conflicts increased. Such conflicts present distinct challenges for the maintenance of not just internal but also regional and broader international peace and security. Along with increased interdependence of states in a globalised world, a reconceptualisation of traditional norms previously thought to be stone-cast was forced (Arnold 2008: 190-192; Hardie 2009: 217-218; Guraziu 2008: 9-10).

Reflecting on the contextual limitations of traditional security studies, security theorists from the Third World School argue that: “if there were good reasons for the dominance of traditional security analyses in International Relations they are not, and never were, any relevant for understanding the Third World” (Pettiford 1996: 300). Theorists such as Ayoob (1995) point out that Third World states had a different evolution and differ in many ways from their European counterparts. The process of state formation in the Third World gave rise to states that are weak, hence: “the dimensions of the security problem, and the concept of security itself, in the Third World... are very different from those applied to, and common in the literature of, developed west” (Ayoob 1984: 46). In the case of Africa, wa Mutua (1995: 4) notes that the post-colonial states have failed “to inspire loyalty in the citizenry; to produce a political class with integrity and a national interest; to inculcate in the military, the police,

and the security forces their proper roles in society; to build a nation from different linguistic and cultural groups; and to fashion economically viable policies”.

Consequently, it is posited that Western ideas and norms cannot simply be imposed on Africa – or any other regional context, for that matter. It is also instructive to note that many of the conflicts emerging in the post-Cold War era are fought in developing (“Third World”) countries, and the majority of them are intra-state in nature. In addition, within many developing countries, internal challenges of state-building mean that insecurity is not understood solely in terms of military capacity to withstand external threats. Indeed, often insecurity is a result of internal factors and is viewed in broader terms than the narrow military focus (Acharya 1997: 300-302; Peoples and Vaughan-Williams 2010: 50-51).

Drawing on the prominence of Third World security contexts, critical security studies emerged as a sub-field of security studies, and advocated the broadening and deepening of the field. Critical security theorists hold that with the decline of military threats to the state and the resultant demise in prominence of military tools, and in the light of the proliferation of non-military threats to the state, the study of security should extend to other referent objects under and below the state, and investigation of a wider range of insecurities (Snyder 2008: 7-10; Williams 2008: 1-10). The work of Barry Buzan, Ole Wæver, and Jaap de Wild – a group of authors that form the core of the so-called Copenhagen School – is important to establishing the broadening and deepening of security studies. Buzan, a leading scholar challenged the narrow view of security, and argued for a sectoral view of security in his book *People, States and Fear* (1991). Without denying the importance of military threat, he argued that the security of human collectivities is threatened by a multitude of issues that the study of security should take into consideration. He expands the concept of security away from the exclusive emphasis on military security to include four more sectors: the political, the economic, the societal, and the environmental (Buzan 1991: 14).

However, it was not until 1998 that Buzan and his Copenhagen School colleagues deepened the notion of security away from the state as the only referent object of security (Snyder 2008: 38-39). Events such as the Bosnia ethnic cleansing and the Rwanda genocide brought the attention to the arguments of critical security theorists to the effect that a “secure state does not automatically mean secure people” (Kaur 2012: 2). In many cases the state fails to protect its people. Empirical evidence shows that in some cases the state is even the active perpetrator of structural violence against its own people (Peoples and Vaughan-Williams

2010; Snyder 2008: 41-42). As a result, in their book *Security: A new framework of analysis*, Buzan *et al* (1998) include referent objects other than the state, such as the individual, society and the international system, thereby shifting the focus from state security to human security.

The appeal of the shift towards human security appears in amongst others, the work of the UN Development Programme (UNDP). As early as 1994, the UNDP report on Human Development defined human security as “safety from such threats as hunger, disease, and repression [broad definition]. [Furthermore,] it means protection from sudden and hurtful disruptions in the patterns of daily life [narrow definition]” (UNDP 1994: 23). Nonetheless, due to difficulties in operationalising the broad definition, the narrow definition of human security gained influence in policy-making and in the academia (UNDP 1994: 20-30). This shifted the focus from the broad everyday issues of insecurity towards a narrow focus on the protection of individuals from violence. The characteristic ferocity of intra-state conflicts, considered in conjunction with the growing inclination to use the individual as referent object, provided the underlying conceptual perspective for the development of R2P (Kaur 2012: 1; UNDP 1994).

2.3 Norm localisation framework

Since its inception, R2P has gained the attention of analysts who have commented on the regionalisation or localisation of the concept. According to Acharya (2004: 245), “to localize something is to invest it with the characteristics of a particular place. [It is] an active construction of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices”. His argument is that foreign norms have to be adapted to fit existing local norms and respond to local needs, because regions face different security challenges and threats.

Furthermore, regions have different identities, political dynamics and security cultures, which are important in determining a regional reception of a new norm (Acharya 2004: 239-252; Haacke and Williams 2007: 2-22). No region is just a “passive recipient” of a foreign norm; instead regions are “active borrowers and localizers” (Acharya 2004: 7). International norms are not passed on to the regional level, but must first pass through different regional contexts, wherein they are localised to fit with the agent’s identity and prior beliefs and practices. Norms that are at odds with regional practices and security culture will either be pruned – that

is pared down or adjusted to be compatible with regional norms – or rejected altogether (Acharya 2004: 7; Dembinski and Reinold 2010: 2-3).

According to Acharya (2004: 248), norm localisation is likely to occur if the following four conditions are met:

- First, norm takers will only accept norms that strengthen their existing social identity and enhance their legitimacy and authority;
- Second, in case existing local norms are embedded in a regional security culture, new foreign norms will likely be localised, rather than accepted entirely;
- Third, norm localisation is more effective when a number of legitimate and authoritative local norm entrepreneurs are capable of defending and promoting the localisation of the norm;
- Lastly, a strong regional identity will facilitate the region's localisation of a foreign norm.

It is in this context that debates on R2P localisation unfolded. As will subsequently be discussed, arguments followed that, contrary to other regions, R2P has its origins in the African continent. As Wolf (2012: 112) points out, the localisation of R2P is essential to its survival and prosperity in any regional context. There are several reasons behind his argument. First, localisation is important to “solidify [the concept’s] ambiguous character” (Wolf 2012: 112). This is because the concept remains very open and prone to different interpretations. Second, as Robert Cox (2000: 232) argues, “an externally imposed order would remain fragile [and] vulnerable to the charge of imperialism”. Therefore, R2P localisation can add greater credibility to humanitarian intervention. Third, local engagement remains an essential element to Africa and the world in the achievement of a prominent pillar of R2P: the responsibility to prevent.

2.4 The Responsibility to Protect and its African roots

As previously noted the doctrine of R2P has deep roots in Africa, and the idea of ‘sovereignty as responsibility’ predates the establishment of the ICISS. According to Edward Luck (Special Adviser to the UN Secretary-General on the Responsibility to Protect from 2008 to 2012), R2P “emerges quite literally, from the soil and soul of Africa” (Luck 2008). This view

is supported by Williams (2009b: 413), who observes that Africa “is one of the most important crucibles in which R2P was forged”. Armed conflicts in Africa (often resulting in internecine killings, genocide and other crimes against humanity) caused *inter alia* by ethnic cleavages, persistent poverty and underdevelopment provided the reason for constructive articulation of R2P concept. These fratricidal wars have produced disastrous consequences not only for the African continent but the world in general. In addition, it is in Africa that most of the world’s failed states are found. Furthermore, since independence, intra-state wars occur more frequently on the continent due to the weakness of the post-colonial African state. Furthermore, it is the 1994 Rwandan genocide and others cases of mass atrocities that convinced the world that something must be done to prevent mass atrocities from occurring, and that a normative doctrine to that effect needed to be developed as a matter of urgency (Driscoll 2009; Williams 2009b: 397-398).

In fact, it is the norm entrepreneurship of two prominent Africans, the Sudanese scholar and diplomat Francis Deng, and former Secretary-General of the UN, the Ghanaian Kofi Annan, that prepared the conceptual background for the development of R2P, and provided the immediate catalyst for the establishment of the ICISS. Therefore, the R2P concept cannot be considered as completely external to Africa. Its emergence is immutably and inimitably connected to African politics. The notion of “sovereignty as responsibility” on which the 2001 ICISS report was based, was originally formulated by Deng in 1996. Dealing specifically with the issue of internally displaced populations, Deng *et al* (1996: 4) argued that sovereignty is not only about rights but also responsibility; and that international assistance was required in case a state did not have the will or lacked the capacity to fulfill its sovereign responsibility. This transformed the hitherto sacrosanct equation of sovereignty with non-interference, to the principle of sovereignty as responsibility (Bellamy 2009: 21-23, Kikoler 2009: 5; Nash 2010: 5-6).

In 1999, intent on advocating intervention for humanitarian relief, Kofi Annan in his capacity as UN Secretary-General challenged the international community to find a solution, once and for all, to the conceptual and practical dilemma surrounding humanitarian intervention, and a rethink of the traditional understanding of sovereignty. As Annan (2000) phrased it, “If humanitarian intervention is, indeed, an unaccepted assault on sovereignty, how should we respond to a Rwanda [and] to a Srebrenica?” In response to his plea, in 2000 the Canadian government established the ICISS. The Commission had two prominent African participants:, Algerian diplomat and former UN official Mohamed Sahnoun, who acted as the co-chair of

the ICISS, and South African Cyril Ramaphosa, former Secretary-General of the African National Congress (ANC).

In its report, published in 2001, the Commission argued that the state has a primary responsibility to protect its people. However, when a state is unwilling or unable to protect its people, or when the state becomes the perpetrator of violence against its own people, the international community has a responsibility to act, in extreme cases, with military force as a last resort (ICISS 2001; Kikoler 2009). In 2004, Kofi Annan established the High-level Panel on Threats, Challenges and Change, *inter alia* to further develop the concept of R2P. He subsequently played a central role in mustering the international leadership needed for the adoption of R2P by world leaders at the 2005 World Summit (Bellamy 2009: 76).

Reflecting on its non-Western roots, Williams (2009b: 398) points out that “it is important to remember that R2P ... resonates with a wide variety of indigenous and endogenous conceptions of community responsibility on the continent”. This is particularly related to the notion of Pan-Africanism and the African tradition of *Ubuntu* “a Bantu word which refers to the affirmation of humanity through the acknowledgement of others” (Spies and Dzimiri 2011: 40; Emerson 1962: 280). The idea of Pan-Africanism is based on the assumption that “all Africans have a spiritual affinity with each other” consequently creating a sense of African identity and unity. It came to be closely associated with the notion that ‘one does not sit and watch when one’s neighbor’s house burns to the ground’. It is a call for action to help and provide assistance in case of alarming circumstances (Gumedze 2011: 53-54; Emerson 1962: 280).

Extending from roots to pertinence in the post-colonial era, the R2P concept has been implemented in Africa more often than anywhere else in the world (Luck 2009: 15). Since the end of the Cold War, Africa has witnessed more conflicts than any other continent and has hosted about half of all UN peacekeeping missions (Luck 2009: 15). Violent conflict in the form of civil war, state failure, and the risk of mass atrocities, remain the most challenging security problem facing the continent. As a result, a major impetus and the *raison d’être* for the establishment of the OAU and its successor the AU, was the need to ensure peace and security on the continent. The OAU was established to ensure complete independence of the continent from colonialism, the end of racism and Apartheid, and the promotion of unity among African states. Furthermore, the organisation was also established to defend the sovereignty and territorial integrity of its members.

However, after 39 years of existence it produced mixed results. The OAU achieved little in terms of protecting the human (or humanitarian) rights of African citizens, and it could neither influence its members' domestic politics nor monitor their internal behaviours. In fact, the OAU embraced a policy of non-interference and non-intervention in the internal affairs of its member states. This paralysed the organisation and reduced it to a mere observer of human suffering and oppression on the continent. In time, it became evident that some of its mandates were outdated, that the OAU could no longer deal with the new challenges facing the continent, and that the organisation needed to be transformed, if not actually replaced (Apuuli 2013a: 117; Muhire 2013: 67-72; Sarkin 2009: 16).

2.5 R2P localisation in the African Union Peace and Security Architecture

There was grave dissatisfaction with the OAU's peace and security performance, given its inability to respond to chronic unconstitutional changes of government, endemic intra-state conflict, and state failure in places such as Somalia. The Rwandan genocide represented the worst case of the OAU's impotence. This combined with the international community's passivity, particularly the UNSC's neglect of African problems, convinced African leaders that they could no longer rely on outsiders. That they needed to depart from the OAU and replace it with an organisation sufficiently empowered to deal effectively with the new challenges facing the continent. This involved providing 'African solutions to African problems' (Bellamy 2009: 78; Haacke and Williams 2007: 25-26). Resultantly, the AU was established on 26 May 2001 in Addis Ababa. Compared to its predecessor, the AU received a broader mandate and adopted a much more interventionist security approach through its legal and institutional framework. The AU became the first regional organisation to formally adopt a view of security as being more than a military concern. To the AU therefore, security encompasses human security issues and the recognition of the safety of Africans as being as important as state security (Muhire 2013: 76; Murithi 2009: 94-95).

The need to protect African citizens from atrocities became enshrined in Article 4(h) of the AU's Constitutive Act which established "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" (AU 2000: 6-7). In addition, as set out in

Article 4 (p), the AU also has the right to suspend member state governments that come to power unconstitutionally (AU 2000: 7).

Evidently, half a decade before R2P was disseminated and popularised through the WSOD, the AU had already enshrined this principle in its Constitutive Act, and declared its adherence to the norm. The WSOD followed the path set by the AU in its legal framework. Consequently, “by 2005 when R2P was adopted at the UN, a normative basis had been set for the congruence between R2P and Article 4(h)” (Powell and Baranyi 2005: 2). Article 4(h) of the AU Constitutive Act and R2P, although formulated in different terms, are rooted in the same school of thought and based on Deng’s idea of sovereignty as responsibility. They both seek the same outcome: firstly, they are both pro-sovereignty and acknowledge the state as the primary protector of its citizens; secondly, they both support the protection of civilians from humanitarian rights atrocities, and thirdly they only promote the use of force as a last resort. Although Article 4(h) does not use the term ethnic cleansing, it has the same threshold for intervention as R2P, namely the inability or failure of the state to meet its responsibility to protect its people (Aning and Atuobi 2009: 4; Powell and Baranyi 2005: 5; Kuwali 2009: 92-94).

In addition, and compared to other regional organisations, the AU has made instrumental headway in institutionalising R2P. As Landsberg (2012a: 7) phrases it, “there has been a policy, norms and institutions revolution in Africa”. Following the Rwandan genocide, African leaders became aware that in order for the continental organisation to achieve the goals and objectives set up in its Constitutive Act, they needed to depart from the OAU’s notion of non-interference by providing the organisation with institutional mechanisms required to intervene in its member states in cases of grave circumstances – genocide, war crimes and crimes against humanity. The establishment of the AU Peace and Security Architecture (APSA), in accordance with the Protocol on Peace and Security Council, became one of the most important institutional efforts in implementing the R2P in Africa. The APSA aims at ensuring regional stability and order, through conflict prevention and resolution.

The APSA includes six institutional pillars: the Peace and Security Council (PSC); the Panel of the Wise (PoW); the Military Staff Committee (MSC); the African Standby Force (ASF); the Continental Early Warning System (CEWS), and the AU Special Peace Fund (AU 2014a: 28-39; Debrah 2009: 1-10; Gänzle and Franke 2010: 1-4). The PSC was established in May

2004 and serves as the main organ responsible for collective security and early warning responses to African crises. Article 3 of the PSC Protocol (AU 2003: 5) outlines six objectives of the organ, namely, the promotion of peace and stability on the continent; the anticipation and prevention of conflicts; the promotion and implementation of peace-building and post-conflict reconstruction activities. Others include the coordination and harmonisation of continental efforts in the prevention and combating of terrorism in all its aspects; and the development of a common security defense policy for the AU. Equally stressed is the encouragement of democratic principles, good governance and the rule of law as well as the protection of human rights on the continent.

The PoW and the MSC are two advisory bodies of the AU. The PoW is designed to be an innovative approach to conflict resolution, which simultaneously plays a supportive role to the PSC and the AU's preference for peaceful resolution of conflict through mediation, diplomacy and good-office. While the PoW acts as a politically independent civilian advisory organ of the AU in which the aforementioned mechanisms are implemented, the MSC is responsible for advising the PSC on all military and security related issues. The ASF is a multi-national military force of the AU responsible for ensuring the prevention of atrocities, as well as supporting the implementation of the PSC and the AU's right to intervene through timely deployment of peace support troops (AU 2014a: 37-38; Neethling 2005: 1-3).

The CEWS is mandated to provide early warning indications of threats and risks to peace and stability in Africa, through the proactive collection and analysis of data. The aim of the Early Warning System is to anticipate conflicts on the continent and inform the AU and its organs on various emerging trends. Crucially, the Special Peace Fund is the central organ responsible for financing the AU's peace and security operations and its organs. Although these organs' performance will be assessed in the following chapters, it is important to note at this stage that they have achieved mixed results and are at different stages of development and institutionalisation (Karock 2014: 1-6; Ruiz-Gimenez 2011: 1-2 & Williams 2009a: 603-611).

By establishing the APSA organs, the AU formally recognised its duty and right to prevent, react, manage, and intervene in grave circumstances such as genocide, war crimes and crimes against humanity on the continent. Ruiz-Gimenez (2011: 1-2) reinforces the view that the AU, through its APSA, has played a prominent role in the institutionalisation of R2P. According to her, "the continent has not... been a mere object of intervention... [It] has

implemented several initiatives, including the creation of a new African Peace and Security Architecture (APSA) - informed by concepts such as African solutions to African problems, R2P, and the more home-grown idea of the politics of non-indifference - which aspires to act in the complex and difficult world of the resolution of African conflicts” (Ruiz-Gimenez 2011: 1-2).

Resultantly, the Responsibility to Prevent is to be achieved through the Continental Early Warning System (CEWS), as well as the Panel of the Wise. The Responsibility to React is to be projected by the African Standby Force (ASF), and the Responsibility to Rebuild is to be achieved through the Post-Conflict and Reconstruction Development Framework (PCRD). The PCRD Policy was adopted in Banjul in 2006 and is aimed at ensuring post-conflict reconstruction. Its goal is to ensure that peace agreements are effectively implemented through sustained post-conflict reconstruction and peace building efforts after the end of conflict. The ultimate aim is to address the root causes of conflict in order to avoid the relapse of violence and to consolidate peace, which is essential for long-term sustainable development and growth (AU 2014a: 28-32; AU 2014b; ; Apuuli 2013a: 120-121; Murithi 2009: 93).

Besides the Constitutive Act, several other legal instruments reinforce the AU’s commitment to human rights protection and the right to intervene in grave circumstances. The *African Charter on Human and Peoples’ Rights*, the *African Charter on Democracy, Elections and Governance* and the *Protocol Relating to the Establishment of the Peace and Security Council* of the AU and the *Ezulwini Consensus* each recognises the importance of ensuring human rights protection in Africa (Aning and Atuobi 2009: 94). They are all in line with the AU Constitutive Act and recognise politically instigated violence as one of the most important sources of instability on the continent.

The *African Charter on Human and Peoples’ Rights*, although developed before the inception of R2P, provides Africa with its own unique human rights framework. Adjovi (2012) explains the distinctiveness of the African Charter compared to other international human rights laws. He points out firstly that – contrary to first generation rights that only focus on individual rights – the African Charter also considers the collective rights of the community. Secondly, the African Charter combines different sets of human rights in one document. As stated by Adjovi (2012):

When one looks at the drafting context of the international bill of rights, it is quite exceptional the way in which the African Charter juxtaposes previously compartmentalised rights: on one hand, civil and political rights are brought together with economic, social and cultural rights, and, on the other hand, individual and collective rights viewed in tandem.

Furthermore, while most human rights laws imply that rights automatically evoke duties, the African Charter is unique in the sense that it considers and explains both the rights and duties of the individuals. Finally, Adjovi (2012) states that although the Charter's emphasis on decolonisation and racial discrimination is obsolete, it is still important when it comes to minority rights protection especially regarding the right to self-determination.

The *African Charter on Democracy, Elections and Governance* aims to promote the respect and protection of human rights, good governance, and democratic principles on the continent. The *Protocol Relating to the Establishment of the Peace and Security Council of the AU* provides the institutional framework needed to operationalise the AU's APSA regarding conflict prevention, peace building, and post-conflict reconstruction. It acknowledges the AU's right to intervene to protect Africans and to prevent or stop humanitarian crises on the continent. Equally important, the *Ezulwini Consensus* represents the common African stance on R2P and commits the AU to the protection of human rights. It supports the traditional respect for state sovereignty and territorial integrity, but also acknowledges the responsibility of individual states to protect their own citizens. Similar to the *AU Constitutive Act*, the ICISS report and the WSOD as well as, the *Ezulwini Consensus* asserts that only when the state fails to fulfill its responsibility, will the international community step in. It reinforces the need to empower regional organisations to implement R2P and supports regionally led R2P operations (AU 2005b; Aning and Atuobi 2009: 94; Tieku 2013: 37; Dembinski and Reinold 2010: 15).

However, while Article 4(h) of the Constitutive Act is congruent with R2P, the AU's interpretation of R2P does differ from the one articulated in the WSOD. To begin with, whereas the WSOD emphasises the need for prior authorisation by the UNSC, this is not considered a *sine qua non* for the AU to intervene in its member states when grave circumstances are present. The right to intervene as articulated in Article 4(h) is decided by the AU Assembly and does not hinge on UNSC approval. It is therefore implied that African states have the primary responsibility to protect, but when they fail, it is the AU – not the international community at large – that bears secondary responsibility.

The first reason behind the deliberate omission of UNSC authorisation is Africans' deep-seated mistrust and disillusionment with the UNSC, and their fears of exploitation and domination by outside powers. As Abass (2012: 218) has argued, "precedents of the Security Council's extremely costly inaction in African conflicts [especially following state failure in Somalia and the Rwandan genocide], have left many Africans comprehensively disillusioned about leaving the implementation of R2P to the exclusive charge of the Security Council". The inaction, selectivity, double standards and the power politics of veto-wielding UNSC members come at a high cost to Africa.

The AU's interpretation of R2P is arguably shaped by a number of factors: the lingering resentment about the legacy of colonialism, the desire to resort to African solutions rather than imported strategies; the type and scale of the security problems facing the continent; the traditional African quest for peaceful, consensus-based resolution of conflicts; and the interplay between state security and human security (Dembinski and Reinold 2010: 16-18). Importantly, the AU Constitutive Act also acknowledges that "the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent" (AU 2000).

Consequently, the urgent need to respond in a timely manner to these conflicts seems logical to explain the AU's right to intervene prior to a UNSC mandate, and the AU's acknowledgement for a *post factum* UNSC approval (Abass 2012: 218; Kuwali 2009: 12). In addition, Africa is one of the few continents that have no permanent representation on the UNSC, despite the fact that African states comprise more than a quarter of the UN membership. Africa is therefore pushing for UNSC reform to ensure a much more equal say and representation in decision-making within the international body that exerts the highest authority on peace and security in international relations (wa Thiong'o 2009: 4). The interplay of these factors have led the AU to Africanise R2P, pruning the concept to make it more compatible to the realities of the continent (Dembinski and Reinold 2010: 18).

The AU's right to intervene is set on a conviction that humanitarian protection is one of the major purposes of the UN under Article 1(3) of its Charter. By this consideration, "an intervention aimed solely at putting an end to human rights violations within a state, rather than acquiring its territory or impinging on its political independence, falls outside the proscription of use of force under the UN Charter... [Therefore,] the AU's statutory right to intervene does not impair a state's judicial statehood or legal independence in terms of

Article 2(7) of the Charter, but [only] curtails their autonomy in domestic affairs” (Kuwali 2009: 19-20). Moreover, while the AU does formally acknowledge the existence of a broader range of threats to human security, the organisation still has to compromise between its commitment to R2P and member states’ habitual commitment to regime security, as well as their strong loyalty toward each other. Writing in a pre-AU era, Abi-Saab (1962: 103) commented that:

For the newly independent states, sovereignty is the hard won prize of their long struggle for emancipation. It is the legal epitome of the fact that they are masters in their own house ... Once they have achieved independence and reacquired sovereignty, they are very reluctant to accept any limitation of it.

A much more recent article reflects on the same issue. Evans (2009: 3) during the 23 July 2009 UN General Assembly’s *Interactive Thematic Dialogue on the Responsibility to Protect* stated that:

Those in the global South [are] much more inclined to take an absolute view of state sovereignty, understandably enough given that so many of them [are] very proud of their newly won sovereign independence, very conscious of their fragility, all too conscious of the way in which they had been on the receiving end in the past of not very benign interventions from the imperial and colonial powers and not very keen to acknowledge the right of such powers to intervene again, whatever the circumstances.

Often this informs the AU preference for peaceful resolution of conflict through diplomacy, mediation, and the non-use of force (Abdulai 2010). This proves less intrusive and often occurs with the host country’s consent.

2.6 Conclusion

This chapter has discussed and analysed conceptual issues relating to the study. Attention was placed on the broadening and deepening of the focus of security from different theoretical perspectives. Equally explored in the chapter is the idea of norm localisation with specific reference to the AU’s articulation of R2P in its Peace and Security architecture. It emerged that the end of the Cold War allowed for much-needed space to broaden and deepen security studies beyond its previous state-centric and militarist emphasis of realism. With its

acknowledgement of the importance of human security, Critical Security Studies recognised and pushed for an approach that attaches as much value to human security as it does to state security. This provided the underlying perspective for the development of R2P. However, it is Africa through its ideas, experiences, and institutions (notably the AU), that provided the basis for the inception and institutionalisation of R2P.

Nonetheless, while the AU's right to intervene and the R2P are congruent, the AU had to prune or localise R2P in order for the latter to conform to its security culture, interests and political dynamics. The aim is to ensure that the AU's implementation of R2P is in line with African realities and the distinct challenges confronting the continent.

In this context, the next chapter will seek to determine how the AU's policy and institutional commitment to Article 4(h) of its *Constitutive Act* and by extension the R2P, plays out in reality. The main question asked is how likely is the AU to move from rhetorical commitment to R2P to action to implement the R2P, in cases of mass humanitarian atrocities across the continent and move R2P from aspiration to reality. Using the 2010 Côte d'Ivoire post-electoral crisis as a case study, the following chapters will determine whether the AU was able to implement its own peace and security agenda to stop human rights abuses and mitigate violence against civilians.

CHAPTER 3:

CONTEXTUAL BACKGROUND TO THE 2010 CÔTE D'IVOIRE POST-ELECTORAL CRISIS AND THE INTERNATIONAL COMMUNITY'S RESPONSES

3.1 Introduction

At the 2005 World Summit, the world's Heads of State and Government committed to protect populations from humanitarian catastrophes, whenever and wherever they occurred, especially, if such populations were failed by their own governments. The Côte d'Ivoire presented a good example of this situation between 2002 and 2010. The outbreak of conflict after the much anticipated 2010 elections and the humanitarian crisis that unfolded offered an obvious opportunity for the international community, notably the AU, to intervene and show commitment to its own self-imposed right and responsibility to protect. However, the crisis served as a tragic reminder of the challenges that confront normative efforts to prevent atrocities and protect populations at risk. The crisis also raises questions regarding the international community's commitment to R2P, and the role played by France (the former colonial ruler), the regional actors (the AU and ECOWAS), and the UN in addressing the humanitarian dimensions of the conflict. This chapter aims to identify, analyse and explain the root causes and dynamics of the Ivorian conflict, and to assess the roles and motivations of key actors in the conflict with the goal of evaluating their commitment to the R2P.

To explore these questions, the first section of this chapter provides an historical overview of the Ivorian political development up to the 2010 elections. In the overview evolution of the political crisis is traced. The second section analyses the post-2010 electoral conflict and its effects on regional peace and stability. The last section discusses various initiatives undertaken by the AU, ECOWAS, the UN and France to end the conflict. The AU's initiatives are outlined only at a cursory, descriptive level, because analysis of its efforts follows in Chapter 4.

In terms of chronological demarcation, the historical scope of this chapter briefly covers the period starting with Côte d'Ivoire's independence in August 1960, and then focuses on the period during which the humanitarian crises in the country unfolded. This is precisely from

2010, until the actual intervention by the UN in 2011, with some focus on the immediate aftermath.

3.2 The historical context of the 2010 post-electoral crisis

The root causes of Côte d'Ivoire's post-electoral conflict in 2010 date back to the 1990s. This period was characterised by economic crisis in Côte d'Ivoire as a result of decline in the international price of cocoa and coffee in the presence of rising demands for social reform and democratisation. The introduction of multiparty politics expanded political space and increased fierce competition for political power among different ethnic groups in the country. The succession crisis that followed Felix Houphouët-Boigny's death in 1993 worsened the situation. In order to understand and discuss the 2010 post-electoral violence, this section provides an overview of the historical context prior to the 2010 elections.

3.2.1 Post-independence Côte d'Ivoire

Côte d'Ivoire gained its independence from France in August 1960 under the leadership of Felix Houphouët-Boigny, who ruled until his death in 1993. Soon after coming to power, Boigny, then leader of the *Parti Démocratique de la Côte d'Ivoire* (PDCI), established a one-party neo-patrimonial political system, and ensured political and economic stability through a number of tactics. Under his rule, Côte d'Ivoire experienced impressive economic growth and political stability, and became known as 'the African miracle'. The high revenue from cocoa and coffee as well as foreign investment enabled Boigny to sustain his political ambitions and grip on power (Bellamy and Williams 2011: 289-290; Langer 2010: 4-5; Martins 2011: 73; Yéré 2007: 50).

Through the effective use of patronage and force, the system of ethnic quotas, and the promotion of a culture of political dialogue and tolerance, Boigny managed to maintain a sense of national unity considered high and stable by most African standards. In order to avoid a military challenge (which at the time was prevalent in West Africa) to his rule, Boigny curtailed the army's authority and status. He subsequently built close bilateral military ties with Côte d'Ivoire's former colonial ruler, France, which became responsible for ensuring the country's military security and protection from internal threats and external aggression. This became official with France's deployment of battalion 43^e Bima in Port

Bouët, near Abidjan (Yéré 2007: 51). Boigny had effectively reduced Côte D'Ivoire's national army to a simple gendarmerie incapable to defend its own country. This had devastating and lasting consequences after his death (Bovcon 2009: 13; de Tessières 2011: 194; Mouctar Bar 2012: 3-4; Gregory 2000: 443).

In order to ensure a cheap supply of labour and increase cocoa and coffee production, Boigny introduced a system of liberal land ownership laws to attract immigrant workers from neighbouring countries, especially from Burkina-Faso and Mali. This resulted in large immigrant settlements in Côte d'Ivoire. "In 1998, such foreigners accounted for over 4 million people or roughly 25 per cent of the population... 50 per cent of these foreigners or non-Ivorians were born in Côte d'Ivoire" (Langer 2010: 2-3). Despite the economic growth witnessed, Boigny's strategy had an adverse impact in that it heightened a socio-economic North-South divide. Despite his attempts to develop the North, the latter failed to experience the same level of development as that experienced in the resource rich South (Langer 2010: 5-7; Ogwang 2011: 2-3). "In 1975, income per capita in the North was about 22 per cent lower than the national average and as much as 65 per cent lower than in Abidjan" (Langer 2010: 5).

The divide between the North and South was exacerbated by the economic crisis of the 1980s where sharp fall in cocoa and coffee prices, resulted in national revenue decline. The economic crisis coupled with government corruption, austerity measures advocated by the International Monetary Fund (IMF); a decrease in living standards, and increased demand for socio-political reforms, contributed to the deepening of social tensions. This resulted in widespread political and popular unrest. Unable to sustain his patronage system and facing increasing public discontent and feeling that things were slipping from his grasp, Boigny abandoned one-party rule and introduced multi-party elections in May 1990. On 28 October 1990, multi-party elections were held between the incumbent and the main opposition party – the *Front Populaire Ivoirien* (FPI) – led by Laurent Gbagbo. Boigny won the elections albeit with signs of election fraud and manipulation (Akindès 2004: 17-20; Langer 2010: 6; Ogwang 2011: 3; Martins 2011: 73; Zouandé 2011: 48-53).

In order to address the economic crisis, and inability to rule due to illness, Boigny appointed Alassane Ouattara, a Muslim from the North and former IMF economist, as the chairman of the Inter-ministerial Committee for the Co-ordination of the Stabilisation and Economic Recovery Programme, and later as Côte d'Ivoire's Prime Minister. However, Boigny did not

live long enough to witness the changes he hoped for. He died in December 1993, and was succeeded by Henri Konan Bedié, the then President of the National Assembly (Bellamy and Williams 2011: 289-290; Martins 2011: 73; Yéré 2007: 52; Zouandé 2011: 52).

3.2.2 The securitisation of identity and the 2002 civil war

In the post-Boigny era, a number of sensitive issues that had been skilfully repressed or avoided by Boigny's regime became major causes for concern. The securitisation of identity, ethnicity and citizenship became the main threat to peace (Akindès 2004: 17-19; Langer 2010: 24).

According to Buzan *et al* (1998: 25), "securitisation is constituted by the intersubjective establishment of an existential threat with a saliency sufficient to have substantial political effects". Consequently, a security threat is a social construct aimed at moving an issue from normal day politics to the realm of urgency. A security issue is thus a speech act, with political intent and whose success depends on an audience's acceptance. As articulated by Abrahamsen (2005: 60), "securitisation is not... merely a symbolic or linguistic act but has clear practical and political implications for how to deal with particular issues... Securitization is a political choice, a decision to conceptualise an issue in a particular way". Justifiably, the Copenhagen School warned against the unquestioned use of security, because portraying an issue as a security issue or an existential threat can easily "upset orders of mutual accommodation among units... Security is thus a self-referential practice, because it is in this practice that the issue becomes a security issue; not necessarily because a real existential threat exists but because the issue is presented as such a threat" (Buzan *et al* 1998: 26 and 24).

It is in light of this that Liow (2004: 28) argues that "securitisation theory will experience comparatively less resonance when applied to political landscapes where strong states set the parameters for political and security discourse, and where the state, not the relevant audience of popular opinion, determines what is to be kept in or out". Although Liow (2004: 28) was analysing the securitisation of Indonesian migrants in Malaysia, his conclusions are nonetheless relevant and applicable to the Ivorian case. Contrary to the Copenhagen School, he argues that in strong states the government rather than the people initiates, defines, and carries out the securitisation process, with limited popular consent or participation, and as

such determines the success of a securitisation act. Thus, the government is the “securitizer”, and also dictates the response of the target audience.

Upon becoming president, Boigny’s successor Bédié played on the existing tensions between the migrants (known as *allogènes*) and indigenes in Côte d’Ivoire to manipulate and mobilise political support. As Konaté (2004: 5) observes, the source of Côte d’Ivoire’s “nightmare” was when Bédié portrayed the *allogènes* as “aliens, foreigners, others who are invading the country and posing a political and economic threat to the autochthones...” In 1994, Bédié ensured passing of the New Citizenship Act, which officially led to the introduction of the doctrine of *ivoirité*, or ivoirity, and the subsequent Electoral Code Law, under which any candidate running for presidential elections must have resided in the country five years prior to his candidacy and must have native Ivorian parents (Akindès 2009: 118, Langer 2010: 8; Zouandé 2011: 58).

Although Bédié initially claimed that the use of the concept of ivoirity was only aimed at creating cultural unity among Ivorians, it soon became obvious that the doctrine was a strategic political move aimed at excluding Alassane Ouattara, the leader of the *Rassemblement des Republicains* (RDR) from running for the 1995 elections. Due to Gbagbo’s refusal to participate in the elections and the exclusion of Ouattara – whose parents were allegedly from Burkina Faso – Bédié won the elections by a landslide. The use of ivoirity also had an impact beyond the political sphere, and “led to a general erosion of Northern Ivoirians’ social standing, and cultural status, *de facto* making them secondary citizens in Côte d’Ivoire”, according to Langer (2010: 8). This exacerbated intergroup ethnic tensions and divisions, and increased resentment among the excluded Northern population (Zouandé 2011: 58).

The concept of Ivoirity encouraged the predominantly Christian Southerners to view themselves as true Ivorians, and characterised the overwhelmingly Muslim Northerners as foreigner or non-Ivorians. Bédié, by playing the identity card, justified the mobilisation of state resources and emergency measures to counter the perceived economic and political threat created by foreigners. The ultimate aim was to prevent those considered non-Ivorians access to the highest office of the country and ensure the continued dominance of the Akan ethnic group over power and resources (Akindès 2004: 27-30 ; Konaté 2004: 5-10; Yéré 2007: 58-61; Zouandé 2011: 75-80).

A prominent characteristic of conflicts categorised to be identity-conflict, is that “the security of identity [is] framed as an existential situation in which identity can become non-negotiable... Communities in conflict will tend to focus on the perceived danger posed by others as object that threatens them most. New norms of violence and hostility are established between conflicting identity groups, myths and narratives of pain and suffering are emphasized; mutual distrust and opposing mirror-images are perpetuated” creating an intractable conflict (Schwartz 2009: 3 and 15-16; Cook-Huffman 2009: 19-25).

In addition to the above, the 1998 Land Reform Law led to major expropriation, sometimes forcefully, of land from those considered non-Ivorians. This law effectively deepened feelings of exclusion and frustration among the non-Ivorians. Moreover, religion played an important role in the conflict because of the overlap between ethnic and religious identity. The rhetoric of religious leaders, both Christian and Muslim, contributed to the politicisation of religion and the militancy of their followers (Konaté 2004: 12-14; Zouandé 2011: 76-77).

Bédié’s inability to improve Côte d’Ivoire’s economic crisis, his pursuit of discriminatory politics and favouritism, coupled with the grievances within the armed force, resulted in the 1999 coup d’état led mostly by a group of non-commissioned young officers, headed by General Robert Gueï. Initially, Gueï tried to bridge the divide between the North and the South, and opposed the politics of ivoirity. However, when he decided to run for the October 2000 elections he resorted to his predecessor’s tactics and excluded two of his opponents – Bédié and Ouattara – from participating. The elections went ahead but violence erupted when Gbagbo was declared the winner of the presidential election, and Gueï refused to admit defeat. The riots and protests were led by the RDR and FPI supporters, and ultimately forced Gueï to flee the country, leaving Gbagbo to assume the presidency (Akindès 2009: 120-122; Cook 2011: 3; Langer 2010: 1-2).

Gbagbo proclaimed himself to be a democratic reformer, but he failed to resolve the ethno-nationalistic crisis and the deepening North-South divide. Similar to Bédié and Gueï, he excluded Northerners from his government. In January 2001, a group of dissatisfied soldiers predominantly from the North attempted a coup d’état. Failing to take Abidjan, the rebel group, called the *Movement Patriotique Pour la Côte d’Ivoire* (MPCI), retreated to Bouaké. In less than a year, they managed to secure a hold in the North leading to effective partitioning of the country. Violent confrontations between rebel and government troops

flared and by the end of September 2002, Côte d'Ivoire had plunged into civil war (Akindès 2009: 120; Cook 2011: 3; Langer 2010: 1; Vidjannangni 2011: 72).

3.2.3 The international community's responses to the 2002 civil war

The international community responded promptly to the crisis. In September 2002 following Gbagbo's request and in order to protect its nationals living in Côte d'Ivoire, the French forces stationed in the country launched a military intervention to stop the violence. They managed to stop the rebel advance to the capital city, Abidjan, creating a buffer zone between the antagonists, and by October 2002 managed to secure a ceasefire.

At this stage it was clear that the situation in Côte d'Ivoire presented a threat to regional peace and security. ECOWAS thus called an extraordinary summit on 29 September 2002, and a contact group comprising of representatives from Ghana, Guinea-Bissau, Mali, Niger, Nigeria, Togo, and the AU, was set up to mediate the conflict. A month later the regional body's mediating team was able to bring the government and rebels together in Lomé, Togo. The peace talks resulted in the Accra I Agreement, which called on the antagonists to cease fire and engage in constructive dialogue that would bring about the peaceful resolution of the conflict. On 18 December 2002, in order to monitor the ceasefire agreed to by the parties in October 2002, ECOWAS deployed its first peacekeeping mission in Côte d'Ivoire, the Economic Community of West African States Mission in Côte d'Ivoire (ECOMICI). This force was later absorbed in the UN Peacekeeping Operation in Côte d'Ivoire (UNOCI), following UNSC Resolution 1528 of 27 February 2004. ECOWAS' efforts however, did not achieve any substantial changes. Its mediation efforts were undermined by a number of political difficulties: lack of unity amongst ECOWAS members (*inter alia* with Burkina Faso and Liberia openly supporting the rebels); lack of funding, and the antagonists' lack of commitment to the peace talks. In addition, ECOMICI faced major operational challenges and was heavily dependent on France for technical and financial support (Akindès 2009: 121; Langer 2010: 10-11; Obi 2011: 10).

Following ECOWAS' failure, France initiated the Linas Marcoussis Peace talks on January 2003, resulting in the Linas Marcoussis Agreement (LMA). Facilitators from ECOWAS, the AU and the UN brokered the agreement, and it was at this stage that South African President Thabo Mbeki, in his capacity as the AU Chairman, became personally active in the quest for

a solution to the Ivorian crisis. During the ten days of negotiation that brought together the parties and facilitators, the parties agreed to form an inclusive government of national reconciliation headed by an appointed prime minister with executive powers, and a team of ministers designated by all the parties involved. They also agreed that presidential elections would take place in October 2005. The agreement addressed several sensitive issues such as the reform of the rules of eligibility for the presidency (in order to include candidates with either an Ivorian mother or father) the reform of the Electoral Commission, and the revision of the Citizenship Code and the 1998 Rural Land Ownership Law. Under the agreement, the government of national reconciliation was to introduce a naturalisation bill which would allow foreigners once denied their citizenship rights to claim the latter (Langer 2010: 11-12; Obi 2011: 10-11; Zouandé 2011: 109-110).

Nonetheless, the parties failed to follow through on their engagement. As a result, and in order to build consensus between the parties and ensure the implementation of the LMA, ECOWAS chairman John Agyekum Kufuor arranged peace talks in Accra from 6 to 7 March 2003, which concluded with the ACCRA II Agreement. The parties re-stated their commitment to the LMP provisions, and agreed to implement without delay the provisions of the ACCRA II Agreement. In support of ECOWAS and French peacekeeping missions, the UNSC on 13 May 2003 adopted Resolution 1479, which established the United Nations Mission in Côte d'Ivoire (MUNICI), to strengthen and support the mandate of ECOWAS ceasefire monitoring mission that was operating alongside the French Licorne forces – whose presence and role had been officially authorised by UNSC Resolution 1464 of 4 February 2003.

Under the watch of MUNICI, the government and the rebels, renamed *Force Nouvelles*, met on 4 July 2003 and signed *the End of War Declaration*, which marked the start of the disarmament process. Despite the promises made by the parties, however, little was done to implement the provisions of the agreement. Gbagbo established the government of national unity, but no substantive power was given to the prime minister. In addition, implementation of the agreement's provisions on citizenship rights and land ownership was problematic, because it challenged the FPI's political future and electoral success, by boosting electoral support for the RDR. Frustrated by Gbagbo's lack of commitment, the rebel group withheld its participation in the government of national unity and the process of disarmament (Langer 2010: 12-13; Zouandé 2011: 109-110).

In order to resolve the stalemate, ensure the implementation of the LMA and Accra II provisions, and move the peace process forward, ECOWAS summoned the parties to Accra on the 29 and 30 July 2004. The parties committed to new deadlines to implement the LMA. It should be mentioned that, although both Accra II and III were held in West Africa under the banner of ECOWAS, the peace talks were flexible enough to allow and welcome the participation and involvement of a significant number of African Heads of State and Government, drawn from all Africa's sub-regions. It is in this regard that Thabo Mbeki, a vehement supporter of the idea of *African solutions to African problems*, took leadership of the peace process which concluded with the Accra III Agreement. His personal involvement ensured the success of the negotiations, and his role was welcomed by all the parties. "In the eyes of the Ivorian President, Mbeki was the only head of state present at Accra to have a history worth noting... The only one who could defend his position by a career as a freedom fighter as Gbagbo believed himself to be" (Akindès 2009: 134). The rebels also accepted Mbeki's recommendations, because they believed he would be more "sensitive and receptive to the exclusion and disproportionate citizenship in their country" (Akindès 2009: 134).

In an endeavour to force the rebels to disarm, and in violation of the ceasefire agreement, Gbagbo in November 2004 authorised the Ivorian Air Force to conduct air strikes on the rebel stronghold in the North. In the course of the attacks nine French peacekeepers were killed. This prompted the French Licorne forces, which by then had increased to 4700 soldiers, to retaliate violently by destroying most of Côte d'Ivoire's air force. The bilateral relations between Côte d'Ivoire and France deteriorated immediately, sparking widespread anti-French protests (Akindès 2009: 132; Langer 2010: 14).

It was during this turmoil and judging from his previous active engagements to end the Ivorian conflict that the AU on 9 November 2004, appointed Mbeki to mediate the conflict. Although his mediation was short-lived, Mbeki managed to bring together for the first time the five main protagonists; Gbagbo, Bédié, Ouattara, Guillaume Soro and Seydou Diarra, in Pretoria from 3 to 6 April 2005. Under the auspices of the AU, the parties signed the Pretoria Agreement, which bound them to abide by the roadmap proposed by Mbeki and all the relevant UNSC resolutions. The government also agreed that all political parties signatory to the Pretoria Agreement would be allowed to participate in the forthcoming elections. Furthermore, new disarmament deadlines were agreed upon (AU Assembly/AU/Dec.67 (IV) 2005a: 1; AUPSC PSC/Min/Comm.(XXXIV) – (ii) 2005: 1-3). But as it had by now become the habit, the persistence of disagreement and the lack of commitment from all the parties

hindered the implementation of the agreement (Akindés 2009: 129-138; Langer 2010: 14-15; Kumalo S/Z005/270 2005: 1-10). As the election date drew closer, and afraid of the power vacuum that would ensue once the Gbagbo incumbency ended, the AU postponed the election to a year later (AUPSC PSC/AHG/Comm(LXIV) Rev. 1 2006: 1-5). The elections that were re-scheduled for 30 October 2006 would eventually not take place until 2010 (Langer 2010: 16; Zounmenou 2011: 8).

It was only in 2006, following tougher pressure from the UNSC, that Gbagbo committed to finding a home-grown solution to the conflict. During December 2006, he declared his intention to engage in dialogue with the rebels. This resulted in the Ouagadougou Peace Accord between Laurent Gbagbo and Guillaume Soro - the Secretary General of the FN. The Peace Accord was markedly different from prior initiatives. The peace process was undertaken and managed by the parties themselves, and gave a much bigger say and role to the rebels. This made Gbagbo and Soro accountable for the success of the agreement. In addition, compared to previous peace endeavours, the peace talks were not rushed, and the parties managed to agree on an inclusive power-sharing government that was acceptable to both. The parties reached consensus regarding the most contentious issues of identification, disarmament, and the elimination of the buffer zone ('zone of confidence') separating the government controlled South of the rebel controlled North (Langer 2010: 17; Piccolino 2014: 236-237). Furthermore, the involvement of neighbouring countries, especially Burkina-Faso, was decisive in the success of the peace process. Guillaume Soro was appointed Prime Minister on 31 March 2007 and a new transitional government was announced pending the election scheduled for end June 2008. On 18 October 2007, in order to move the electoral process forward, the UN Secretary-General appointed Choi Young-jin as the Special Representative for Côte d'Ivoire to monitor the electoral process and certify election results. This led to the relaunch of the stalled identification process, as well as the disarmament processes and the establishment of the Joint Operation Plan to unify the government and rebel forces, to disarm and dismantle the militias, and ensure security sector reform (Ayangafac 2007: 1-11; Langer 2010: 17-18; UNSC 2014; Piccolino 2014: 237-238).

The Ouagadougou Peace Accord endorsed by the AU, ECOWAS and the UN marked a turning point in the resolution of the conflict, and officially ended the civil war or at least the prevalence of violence. Nevertheless, the elections scheduled for April 2008 were postponed until 31 October 2010. It is important to note that the UN through the Special Representative of the UN Secretary-General, Choi Young-jin, the United Nations Office of West Africa

(UNOWA), and the AU through the PSC were constantly involved in monitoring the security situation and reported on the progress or lack thereof made prior to the 2010 elections. Nonetheless, the process leading up to the 2010 elections proved challenging and complex. While tremendous achievements were made on the identification of nationals and voter registrations – albeit with irregularities and unrealistic targets, delay in the preparation and publication of the electoral lists, controversy over the composition and the impartiality of the Independent Electoral Commission (IEC) – little progress was made regarding the disarmament of rebel forces and government militia.

Additionally, the establishment of the Integrated Command Center never materialised, further accentuating the division of the country. Moreover, prior to the election, none of the parties to the conflict was held accountable for crimes committed; perpetuating a vicious cycle of impunity and a general mistrust in the security forces. Nonetheless, postponing the elections for the seventh time would have been unacceptable (Ayangafac 2007: 1-5; Boutellis 2011: 9-11; de Tessières 2011: 200-207; Obi 2011: 12-13).

3.3 The 2010 post-electoral crisis

In spite of several logistical problems, and despite the challenges mentioned above, Côte d'Ivoire's long-awaited presidential election took place on 31 October 2010, with Gbagbo, Ouattara, and Bédié running as opponents. While the first round of elections occurred in an atmosphere free of violence, the same could not be said of the second round between Gbagbo and Ouattara. As it was expected, and unfortunately turned out to be the case, the second run pushed the country back to the brink of war (Zounmenou 2011: 8). The results announced by the IEC proclaimed Ouattara the winner of the election with 54% of the vote against Gbagbo's 46% (Langer 2010: 20). These results were endorsed by the Special Representative of the UN Secretary-General, Choi Young-jin.

Subsequently, these results were endorsed by the AU, ECOWAS and the UN. Unfortunately, as critics had predicted, Gbagbo contested the results, claiming election fraud and rigging in the northern opposition stronghold area. The constitutional council then cancelled more than 660 000 votes in seven areas favourable to Ouattara and proclaimed Gbagbo the winner of the elections (The Carter Center 2011: 9; Bellamy and Williams 2011: 832). Following the political stalemate, the country once again was plunged into violence, which claimed the lives

of many and undermined the long and sustained efforts by the AU, ECOWAS, the UN and France to stabilise the country.

A significant number of analysts had agreed that the 2010 presidential elections would be instrumental in consolidating peace in Côte d'Ivoire (The Carter Center 2011: 18; Nganje and Check 2011: 4; Straus 2011: 481). Judged by the high voter turnout of 80%, many Ivorians were hopeful that the election would mark the end of the crisis and steer the war-battered country toward stability. However, as it unfortunately turned out, the disputed elections sparked a new round of violence between militants loyal to Gbagbo and Ouattara respectively. As a result, the security situation deteriorated tremendously, especially the humanitarian and socio-economic situation in the country. The violence, particularly in various districts of Abidjan and the West of the country, was marked by grave human rights violations and abuses against the civilian population, which led to widespread displacement. The pattern of violence was marked by retaliation, reprisal attacks, and killings (Bellamy and Williams 2011: 833; UNGA 2011; The Carter Center 2011: 6-8).

On 19 January 2011, the UN Secretary-General's Special Adviser on the Prevention of Genocide and the Responsibility to Protect, Edward Luck, and the Special Advisor to the Secretary-General on the Prevention of Genocide, Francis Deng, raised concerns about the deteriorating humanitarian situation and reminded the parties of their responsibility to protect the civilian population. In their statement, Deng and Luck (UN OSASGPG 2011: 1) expressed concerns "about the possibility of genocide, crimes against humanity, war crimes and ethnic cleansing in Côte d'Ivoire", and that clashes left unchecked could lead to mass atrocities. By 24 March 2011, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Valerie Amos, confirmed that "more than 460 people have been killed, and many more wounded... An estimated 500 000 people have been displaced inside the country, and over 90 000 have fled the country" (UN Office for the Coordination of Humanitarian Affairs 2011: 1). By June 2011, an estimated 187 266 Ivorians had fled the country and the death toll had increased to more than 3000 (UNGA 2012: 5). In this context and concerned about the impact of the conflict in an already unstable country and region, and the continuing reported violence that the regional and international community was rallied into action.

3.4 The international community's responses to the crisis

The international community played a critical role in ending the Ivorian conflict. It stood united in recognising Ouattara as the elected president of Côte d'Ivoire, and in condemning the acts of violence against civilians. Nonetheless, the outbreak of violence following the political deadlock raised many questions regarding the role and performance of regional and international organisations and their commitment to the R2P in resolving the conflict. Judged by the background of the conflict, and the sheer amount of information available prior to the elections, the parties themselves and the international community failed to adhere to the first pillar of R2P – the responsibility to prevent. Various analysts (Langer 2010: 1; Martins 2011: 82; Nganje and Check 2011: 4; Straus 2011: 489; The Carter Center 2011: 65; Zounmenou 2011: 8-9) writing on the conflict forewarned the prospect of a disputed election due to the existing level of polarisation prior to the election, and the fact that neither side was prepared to accept defeat. Besides, since 2002 the various peace agreements had all failed to deal with the underlying causes of the 2002 civil war. In addition, as reported by the Centre for Conflict Resolution and the Friedrich Ebert Stiftung (2012: 26) “between 19 and 25 per cent of elections in Africa are marred by conflicts”. This demonstrates that post-electoral violence or the fear thereof is the norm rather than the exception in Africa.

3.4.1 Regional responses to the crisis

Following the outbreak of violence the two regional organisations, the AU and ECOWAS held several meetings and deployed multiple diplomatic missions in order to avoid the escalation of violence and its adverse devastating impact on the volatile West African region. The crisis in a number of ways represented a real threat to regional peace and stability. Firstly, an escalation of violence in Côte d'Ivoire would be devastating for neighbouring Liberia and Sierra Leone; both already vulnerable as a result of protracted intra-state conflicts. Secondly, for the AU and ECOWAS, allowing Gbagbo's intransigence and violation of the democratic process would set a dangerous precedent, given that 18 African countries were conducting elections during 2011 (Kent-Brown *et al* 2011: 12). Last but not least, a situation of 'one country two presidents' contradicts both the AU and ECOWAS's principles on elections and democracy (Cooke 2010; Kent-Brown *et al* 2011: 12).

On 4 December 2010, AU Commission Chairperson Jean Ping appointed Mbeki to mediate a peaceful solution to the crisis. Mbeki advocated for a negotiated settlement, but his attempts failed to yield any results. Moreover, AU calls for Gbagbo to cede power, were ignored. On 9 December 2010 the AU Peace and Security Council (AUPSC) endorsed the results of the election (as announced by the electoral commission and confirmed by the UN Special Representative) recognising Ouattara as the elected President of Côte d'Ivoire. The organisation also suspended Côte d'Ivoire's membership from all its activities in accordance to Article 4 (p) of its Constitutive Act (AUPSC PSC/AHG/COMM(CCLIX 2011a: 3; Cooke 2010; Martins 2011: 75-76).

Following Mbeki's failure, on 27 December 2010 the AU appointed former Kenyan Prime Minister Raila Odinga to mediate a peaceful resolution to the conflict. Odinga's efforts were, however, also unsuccessful. On 25 January 2011, AU chairperson Bingu wa Mutharika held talks between Gbagbo and Ouattara, but his attempts were also in vain. With these failures, the AU Peace and Security Council met on 28 January 2011, and established the *High-Level Panel for the Resolution of the Côte d'Ivoire Crisis*, comprising heads of state of Tanzania, Burkina-Faso, Chad, Mauritania and South Africa as well as the Chairperson of the AU Commission, Jean Ping and the president of ECOWAS Commission James Victor Gbeho. The Panel was mandated to "evaluate the situation and formulate, on the basis of relevant AU and ECOWAS decisions, an overall political solution" to the crisis (AUPSC PSC/PR/2 (CCLXXIII) 2011c: 2). The panel, after many visits to the country, reported their findings and recommendations on 9 and 10 March, during the 265th meeting of the AUPSC; a month after the initial deadline (AU Assembly/AU/4/XVII 2011: 4-5; AUPSC PSC/PR/2 (CCLXXIII) 2011c: 1-3).

The High-Level Panel affirmed its support for Ouattara, condemned the escalating humanitarian crisis, guaranteed a safe exit for Gbagbo, and advocated for a political solution to the crisis through the establishment of a government of national unity led by Ouattara, as well as the implementation of the pending aspects of the Ouagadougou Peace Agreement and other related reforms (AUPSC PSC/PR/2 (CCLXXIII) 2011c: 2). Interestingly, however, despite Gbagbo's rejection of the High-level Panel's recommendations, the AU went ahead and appointed Jose Brito as the High Representative in charge of the implementation of the political solution. To make matters worse, Ouattara rejected the appointment of Jose Brito due to his ties with Gbagbo. At this point, it was obvious that the AU was at an impasse in its

efforts to resolve the conflict (Apuuli 2012: 75-76; AU Assembly/AU/4/XVII 2011: 4-5; Centre for Conflict Resolution and The Friedrich Ebert Stiftung 2012: 143-145).

At the sub-regional level, efforts to resolve the crisis were also destined for failure. On 7 December 2010, during its Extraordinary Session of the Authority of Heads of State and Government on Côte D'Ivoire, ECOWAS heads of states condemned the insecurity that unfolded after the elections, and recognised Ouattara as the elected president of Côte d'Ivoire, urging Gbagbo to respect the democratic process. In accordance to Article 45 of the ECOWAS Protocol on Democracy and Good Governance, ECOWAS suspended Côte d'Ivoire from all the decision-making bodies of the organisation (ECOWAS N^o188/2010 2010b). On 24 December 2010, frustrated by Gbagbo's reluctance to relinquish power and the deteriorating political and security situation, especially its impact on regional security, ECOWAS heads of state met in Abuja, expressing their "support for a travel ban, freeze on financial assets and all other forms of targeted sanctions imposed by regional institutions and the international community" on Gbagbo and his associates (ECOWAS ECW/CEG/ABJ/EXT/FR./Rev.0 2010a: 4). The heads of state also agreed to dispatch a special high level delegation to Côte d'Ivoire to find a peaceful solution to the crisis. In addition, they warned Gbagbo that in case he failed to hand over power by 3 January 2011, the regional body would be left with no alternative but to take more drastic actions, including the use of force. To emphasize their position, the heads of state in accordance with Article 22 of the 1999 Protocol "instructed the President of the ECOWAS Commission to convene without delay a meeting of the committee of chiefs of defence staffs in order to plan future action... in the event that their message is not heeded" (ECOWAS ECW/CEG/ABJ/EXT/FR./Rev.0 2010a: 4).

Following the summit, ECOWAS set up a high-level delegation comprised of presidents Boni Yayi of Benin, Pedro Pires of Cape Verde and Ernest Bai Koroma of Sierra Leone. The Presidents visited Côte d'Ivoire on 28 December 2010 and 3 January 2011, and attempted to persuade Gbagbo to relinquish power with dignity. However, their mediation efforts were unsuccessful because none of them wielded sufficient political or economic leverage necessary firstly, to persuade or compel Gbagbo to cede power, or secondly, to convince the parties to change their hard-line position. Another short-lived mediation effort was undertaken by former Nigerian president Olusegun Obasanjo on 10 January 2011 (Apuuli 2012: 142-143; Bellamy and Williams 2011: 834; Kent et al 2011: 12; Zouandé 2011: 123-125).

As the various mediation processes were underway, ECOWAS military chiefs met to discuss the possibility of military actions to oust Gbagbo in case the mediations failed. However, although ECOWAS has previously conducted military intervention in Liberia and Sierra Leone, the possibility of an ECOWAS-led military intervention in Côte d'Ivoire never materialised (Bellamy and Williams 2011: 834; Martins 2011: 81-82).

As a result, and self-proclaiming its inability to solve the Ivorian crisis, ECOWAS turned to the UN. By March 2011, the security situation further deteriorated raising concerns over the excessive use of force against civilians and human rights violation. During its summit on 24 March 2011, ECOWAS resolved that “the crisis in Côte d'Ivoire has now become a regional humanitarian emergency... [and] requests the United Nations Security Council to strengthen the mandate of UNOCI, enabling the mission to use all necessary means to protect life and property [in order] to facilitate the immediate transfer of power to Ouattara” (ECOWAS A/RES.1/03/11 2011: 2).

3.4.2 The UN and France's responses to the crisis

Several months into the political stalemate, Gbagbo continued to dismiss all diplomatic missions undertaken by the AU, ECOWAS and the UN. None of these mediation initiatives made substantive progress, and on 20 December 2010 the UNSC adopted Resolution 1962, expressing concern about the use of violence against the civilian population, and reminding the warring parties of their responsibility to protect. The UNSC mandated Secretary-General Ban Ki-Moon to continue his attempts at finding a political solution to the crisis. Worried about the potential escalation of violence, the UNSC agreed to dispatch an additional 500 temporary personnel and assets from the UN mission in Liberia to supplement UNOCI (UNSC S/RES/1962 2010: 1-4). On 19 January 2011, fearing that the political and security situation could only but escalate, the UNSC passed Resolution 1967, expressing concern about the violence against civilians and UNOCI personnel, and warning that those responsible for human rights violation would be held accountable. It further authorised the UN Secretary General to deploy an additional 2000 military personnel to UNOCI. For the first time since the outbreak of the conflict, UNSC Resolution 1967 made no reference to the government of Côte d'Ivoire's own responsibility to protect. The resolution reiterated the UNSC's “authorization and its full support given to the special representative of the Secretary-General to use all necessary means to carry out UNOCI's mandate, including

protection of civilians” (UNSC S/RES/1967 2011a: 2). The UNSC condemned the Côte d’Ivoire government’s failure to protect the population and the need for the international community to fulfil this responsibility (UNSC S/RES/1967 2011a: 1-2; Lotze 2011: 368).

The situation in Côte d’Ivoire changed considerably when Ouattara formed the *Forces Republicaines de Côte d’Ivoire* (FRCI) on 17 March, and the fighting between Gbagbo and FRCI militias escalated, with widespread and massive human rights violations. The attacks on civilians in the town of Duékoué from 28 to 29 March were some of the worst cases of mass killing and serious human rights violations that occurred since the beginning of the conflict. As a result, and as the FRCI advanced, the need for protection of civilians from imminent threat became critical (Bellamy and Williams 2011: 833-834; Straus 2011: 483-487). In this context and at the demand of the international community, notably France, the UNSC was forced to act decisively (Apuuli 2012: 145-146; Bellamy and Williams 2011: 826-835; Martins 2011: 82).

France, from the beginning of the Ivorian crisis, was the only prominent state actor in the conflict. In line with the rest of the international community, France endorsed Ouattara as the legitimate elected president and deployed its diplomatic network to guarantee sanctions against Gbagbo and his associates. With mounting violence, and a certain African paralysis, on 30 May 2011 the UNSC unanimously passed Resolution 1975, imposing an asset freeze on Gbagbo and four of his associates. The UNSC urged Gbagbo to step down immediately and “considering that the attacks against civilians could amount to crime against humanity... The UNSC mandated UNOCI and supporting French forces to use all necessary means to protect civilians under imminent threat to physical violence... and to prevent the use of heavy weapons against the civilian population”. Both the AU and ECOWAS endorsed the UNSC Resolution (Mohamed 2011: 1-2; UNSC S/RES/1975 2011b; Wyss 2014: 133).

This marked the beginning of the military intervention by UNOCI and the French Licorne force starting on April 2011, which ended on 11 April 2011 with the arrest of Gbagbo by FRCI and UN forces. Ouattara subsequently assumed the role of president of Côte d’Ivoire. The hybrid UN and French Licorne forces’ intervention prevented massive killing and ended the crisis (Apuuli 2012: 146; Lotze 2011: 370-374; Wyss 2014: 133-142).

3.5 Conclusion

As from 2002, the country once known as the ‘African miracle’ entered a downward spiral of violence that lasted a decade and claimed many lives. The root causes of the conflict in Côte d’Ivoire – a combination of socio-political, economic, and ethno-nationalistic issues – were exacerbated by lack of responsible leadership following Felix Houphouët-Boigny’s death, and the use of deep-seated ethno-religious and nationalistic exclusionary politics created tension within the population and ultimately pushed the country into civil war.

The much anticipated 2010 election, which many hoped would effectively stabilise the country and consolidate peace, instead sparked a new cycle of violence in the war-battered country. The outbreak of conflict threatened the already unstable West African region and menaced the long-running and costly international efforts and engagement to stabilise the country. The international community reacted promptly to stop the conflict; however, the resurgence of violence raises questions regarding the international community’s commitment to R2P, and the role played by the AU, ECOWAS, the UN and France in stopping the conflict. While praising the extensive and costly engagement and initiatives by these members of the international community to end the conflict, this chapter has shown that they (and the warring parties themselves) failed to prevent or to address sufficiently the outbreak of violence that followed the 2010 contested elections.

Judging from the sheer amount of literature on unresolved problems and tensions prior to the elections; the international community was forewarned and should have taken appropriate measures to prevent the outbreak of violence and to respond appropriately to the conflict once it had broken out. However, and notwithstanding the international community’s failure to prevent the crisis, the African organisations’ paralysis, and the partial intervention by the hybrid UNOCI-French Licorne, this chapter concludes that given the circumstances, the various interventions – both diplomatic and military – were swift and decisive in ending the conflict. The international community therefore succeeded in staving off a far worse outcome. Nonetheless, why was the wider international community, rather than the AU, leading the R2P response to a crisis in the AU’s ‘backyard’? This pivotal question will be addressed in the chapter that follows.

CHAPTER 4:

THE AU'S EFFORTS TO RESOLVE THE CÔTE D'IVOIRE POST-ELECTORAL CRISIS: A CRITICAL PERSPECTIVE

4.1 Introduction

Since its worldwide endorsement at the 2005 World Summit, implementation of R2P has proven more challenging and complex than expected when the concept was first conceived. This has been the case particularly in Africa, a continent rife with violent conflicts and humanitarian catastrophe.

Keeping in mind that the AU has localised R2P to the extent that the norm anchors the organisation's peace and security regime, and against the background of decisive actions by other stakeholders (as discussed in the previous chapter), this chapter seeks to critically assess the AU's efforts in relation to the 2010 Côte d'Ivoire crisis. The aim is thus to determine whether the AU upheld its commitment to R2P under Article 4(h) of its Constitutive Act. The main question is why the wider international community, rather than the AU, was at the forefront of the military intervention that ended the conflict. What challenges did the AU face in the implementation of R2P to stop the atrocities committed against civilians in Côte d'Ivoire? And how can these challenges be addressed?

Accordingly, the first part of this chapter provides a critical assessment of the AU's engagement with other international actors that responded to the conflict: ECOWAS, France and the UNSC. This will be followed by a more detailed analysis of the AU's own efforts, in order to see whether it had implemented the letter and spirit of Article 4(h) of its charter. The various pillars of the APSA will be used as an analytical skeleton. Finally, an inventory of the challenges that faced the AU in its implementation of R2P *vis-à-vis* Côte d'Ivoire is provided. The inventory will assist with formulation of constructive recommendations on how to strengthen the AU's capacity to implement R2P.

4.2 Critical assessment of the AU's engagement with ECOWAS, France, and the UNSC in the process of solving the Côte d'Ivoire crisis

This section critically assesses the AU's engagement with ECOWAS, France, and the UNSC in the process of solving the Côte d'Ivoire crisis. The aim is to identify the reasons why, contrary to general expectations, the AU was not at the forefront of initiatives to resolve the Ivorian post-electoral crisis.

4.2.1 The AU and ECOWAS: opportunity missed to find an African solution to the Ivorian crisis

Increasingly in Africa, especially in West Africa, elections are becoming a source of conflict and instability with a high toll on state and human security. As Lamin (2011: 2) argues “it appears that contestation for political power among competing elites has become so fierce and the stakes so high that virtually no election in the sub-region [West-Africa] today is likely to pass off without some kind of dispute in which one party or the other rejects the outcome”. In Côte d'Ivoire, the 2010 elections were perceived as the ultimate means to end the decade-long conflict in the country, and guaranteed a return to normalcy. However, as it turned out the elections heightened conflict and pushed the country to the verge of civil war. As the crisis emerged it was expected that the sub-regional body, ECOWAS, would be instrumental in ending the conflict (Zounmenou and Loua 2011: 1-2).

By 1991, it became clear that in order for ECOWAS to realise its objectives of regional integration and development and adapt to the changing nature of the post-Cold War era, the organisation had to broaden its agenda and shift from solely focusing on economic issues to addressing issues of good governance, peace, and security. Acknowledging the importance of the security-development nexus, ECOWAS reviewed its institutional policies and in 1999 the organisation adopted the *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security* which, in 2001, was supplemented by the *Protocol on Democracy and Good Governance* (ECOWAS 1999; ECOWAS 2001). Therefore, by the time the Ivorian post-electoral crisis erupted, ECOWAS had the regional legitimacy and was supposed to have the potential and capacity to intervene diplomatically and militarily to protect civilians and end the conflict. This begs the question then of why it was the French Licorne forces working alongside UNOCI that led the military intervention instead of ECOWAS or the AU?

One can argue that ECOWAS could have played a much more prominent role if its member states were united and willing to support the organisation in its endeavour to end the conflict. Although throughout the conflict ECOWAS itself took a consistent and principled position (as acknowledged and commended by this study) the organisation had to battle internal differences and partisan disputes amongst its member states. Nigeria, Burkina-Faso, Senegal, and Sierra Leone supported Ouattara, while Ghana and The Gambia supported Gbagbo (Bassett and Straus 2011: 130-132; Apuuli 2012: 151).

In addition, ECOWAS' threat to forcibly remove Gbagbo never materialised. To begin with, the military chiefs of ECOWAS were well aware that the organisation lacked the resources and capacity to carry out the threat. They also knew that the organisation could not undertake an effective military intervention in Côte d'Ivoire due to the various political and financial challenges of the organisation. ECOWAS member states especially Ghana and Nigeria – the two main powers in the region – were not willing to contribute troops. Ghana invoked the problem of overstretched military resources, while Nigerian President Goodluck Jonathan was hesitant, possibly on account of his imminent battle for re-election (Bassett and Straus 2011: 133; Yabi 2012: 4). Some member states also feared for the safety of their citizens living in Côte d'Ivoire, if reprisal attacks were to occur. Importantly, the UN did not support the possibility of ECOWAS military intervention. Alain le Roy, the UN Under-Secretary General for Peacekeeping Operations clearly stated that the UN distanced itself from any military intervention undertaken by ECOWAS (Akande 2011).

Therefore, with the apparent lack of support from its member states and the UN, it was obvious that ECOWAS could not intervene and also that any hasty military intervention adventure could create more problems and result in high casualties (Apuuli 2012: 142-143; Bellamy and Williams 2011: 834; Boutellis 2011: 13). Resultantly, although it can be argued that the fact that ECOWAS had to turn to the UN and France undermines the organisation credibility, and was indeed an embarrassment as asserted by Yabi (2012: 3), this study nonetheless contends that ECOWAS' decision was wise considering all the challenges the organisation faced.

Another equally important obstacle was the ambiguity regarding AU-ECOWAS relations in ending the conflict. On the one hand, the two organisations seemed to have co-operated during their respective undertakings to resolve the conflict. For instance, on 17 December 2010 the Chair of the AU Commission Mr. Jean Ping, and the AU Commissioner for Peace

and Security Mr. Ramtana Lamamra, travelled to Abuja where they consulted with the Chair of ECOWAS, Nigerian President Goodluck Jonathan, before departing for Abidjan with the President of ECOWAS Commission, Victor Gbeho. In addition, on 29 January the Chairs of the AU and of ECOWAS co-chaired the AU High-Level Meeting on Côte d'Ivoire. After the appointment of the AU High-Level Panel, the President of ECOWAS Commission on 22 February 2011 joined the panel in Abidjan (UNSC S/2011/21 2011c: 6-8).

Yet, the role played by and the impact of each of the organisations during these meetings is unclear and not explained in the various resolutions they adopted. The ambiguity might be explained by the fact that the individuals mentioned – in their capacities as Chair of the AU Commission, the AU Commissioner for Peace and Security, and Chair of ECOWAS – were not able to translate or convey what was agreed upon during their various meetings back to their respective organisations. It might also have been the result of a lack of co-ordination, and direct discussions at the highest level of the two organisations. Throughout the conflict, apart from the initiatives previously described, there was no opportunity for the AU and ECOWAS to come together to discuss, share information and jointly take decisions about appropriate measures to be taken to resolve the crisis.

This lack of clarity or coherence regarding their respective roles, responsibilities and mandates might be the reason why many concluded that the AU and ECOWAS lacked a clearly defined division of labour during the post-crisis management period. Findings from other studies also support the conclusion reached by Aning and Atuobi (2011: 13) to the effect that the lack of unity of response, duplication of efforts, and confusion between the two regional bodies that were supposed to find an African solution to the Ivorian crisis, hindered their effectiveness and any leadership role they could have played to resolve the crisis. This inhibited the implementation of their own self-imposed responsibility to protect Africans from humanitarian catastrophe.

On top of that, the lack of co-ordination and consensus between the AU and ECOWAS regarding who should lead the various peacemaking efforts, or who in the African context has primary responsibility to resolve the conflict, was a major hindrance to their effectiveness and explained their divergent approaches to the crisis (Obi 2011: 6 and 17-19; Yabi 2012: 3). First of all, ECOWAS military chiefs and member states knew the organisation could not undertake military intervention. Secondly, ECOWAS made a wise decision to approach the UNSC to require that the latter fulfill its primary responsibility to resolve the conflict.

However, it was only after requesting the UNSC to fulfill its primary responsibility, that ECOWAS requested the AU Commission to establish the AU-ECOWAS joint facilitation team (ECOWAS A/RES.1/03/11 2011). In sum, ECOWAS completely bypassed the AU, and disregarded the organisation's authority at the continental level. Based on the principle of subsidiarity, comparative advantage, and complementarity, ECOWAS should have approached the AU before taking the issue to the UNSC. In other words, and not necessarily intentionally, ECOWAS undermined the AU's leadership role in resolving the conflict.

Undertaking different *ad hoc* mediation initiatives, with no clear line of co-operation and co-ordination, undermined their efforts to resolve the conflict, and decreased the bargaining power the African organisations would have had, had they pursued a more co-ordinated strategy. In terms of subsidiarity, it would have been prudent for ECOWAS to take the lead in mediation – under a clearly defined AU mandate and official endorsement – because of its comparative advantage in the West African region considering its proximity to the conflict and mandate to ensure regional instability. Its years of expertise in dealing with regional conflicts, compared to the AU, are also a compelling consideration. Had ECOWAS and the AU integrated and co-ordinated their efforts, as well as used a clearly defined institutionalised AU-sub-regional organisations' division of labour and responsibility, they could have been able to formulate a unified and coherent strategy to resolve the conflict and play a much more active and leading role than what transpired. Given their lack of military capacity and the non-existence of a rapid deployment force on the continent to undertake an effective military intervention, a unified position would also have afforded them more leverage to jointly take ownership of the various resolutions introduced by the UNSC.

4.2.2 Why were the French Licorne Forces leading the UN military intervention to stop an African conflict? France's opportunistic diplomacy.

The question this section seeks to answer is why France, rather than the AU, played the leading role in the R2P-guided intervention in Côte d'Ivoire.

France's engagement and relations with Africa are complex and have revolved around the idea of *Françafrique* – a principle coined by Houphouët-Boigny in 1955 to characterize “the close and amicable ties between his country and the former colonial power, France” and can be interpreted as “France's sphere of influence or its *pré carré*” (Bovcon 2011: 5 and 2).

However, with time “Françafrique has become synonymous with the obscure, influential and in many instances, highly controversial policies authorised and undertaken by the presidencies of the Fifth Republic in shaping the political and economic agenda of the African continent in order to maintain French influence and interests” (Arampoorthy 2011).

Although Nicolas Sarkozy upon coming to power criticised *Françafrique*, and vowed to distance himself from this network of patrimonial relations between France and African leaders, promising a fresh start and transparency in France’s foreign and military policy in Africa, it transpired that throughout his term in office, what was witnessed instead was continuity rather than rupture. In Africa, especially in Francophone Africa, France has major economic and strategic interests. In addition, France has arguably only been able to maintain its status as a global player thanks to its support-base in Africa. In order to protect its strategic interests in Africa (and, one could argue, in pursuit of neo-colonial objectives) “France continues to intervene in African security affairs where and when it deems necessary” (Wyss 2013: 83).

Regarding Franco-Ivorian relations specifically, Wyss (2014: 133) affirmed that “Côte d’Ivoire is not just any of France’s former African colonies; instead, since decolonisation it has enjoyed a privileged place in the so-called French *pré-carré* (backyard) in Francophone Sub-Saharan Africa. It is the second largest economy in West Africa after Nigeria. In Côte d’Ivoire, France has large investments, a permanent military base, and the largest expatriate South of the Sahara”. As a result, there was no doubt that France would play an active role in protecting its interests and thereby determine the outcome of the crisis. As explained in Chapter 3, since 2002, France has become more actively involved in Côte d’Ivoire, first militarily to protect French nationals and their interests by acting as a buffer zone between the North and the South of the country, and later as a mediator through the LMA. With the outbreak of violence following the contested election in 2010, France was once again given an opportunity to continue to pursue its interests in Africa, but this time with the blessing of the international community.

The outbreak of conflict threatened the long and costly efforts to stabilise the country that France had undertaken since 2002. As stated by Bovcon (2011: 20) “Operation Licorne [was], after all, one of the biggest and most costly French military operations abroad”. Bovcon (2009: 14) argues, with realist cynicism, that if anarchy remains the perpetual nature of the international system “it is almost impossible to expect a state to contribute its material

and human resources solely on humanitarian grounds”. Therefore, as it became evident that ECOWAS and the AU could not solve the crisis, and in the absence of an African solution to the crisis, France skillfully took advantage of the opportunity provided by the African organisations’ paralysis to determine the outcome of the conflict and protect its interests (Nganje and Check 2011: 10). If, as Bovcon points out, states coexist in an anarchical world, then France’s *raison d’être* is the protection and promotion of its national interest or *la raison d’état*. There was no doubt that France would play a central and leading role to resolve the conflict, despite all the possible suspicions and accusations of imperialist and neo-colonial practices (Bovcon 2009: 17).

Throughout the Ivorian conflict, France acted diplomatically astutely by making use of the UN multilateral framework to lobby and mobilise international support in its favor. To begin with, France is a permanent member of the Security Council, allowing it to wield a lot of influence over the agenda and decisions of the UNSC. It made use of this influence to initiate and draft almost all the UNSC Resolution on the situation in Côte d’Ivoire (Wyss 2013: 95-96). Through active diplomacy France managed to get the support of all three African non-permanent member states serving on the UNSC at the time of the conflict – Nigeria, Gabon and South Africa – for the adoption of Resolution 1975. In Nigeria’s case, the country had raised the possibility of a military intervention since the beginning of the conflict, and its support of Resolution 1975 thus seemed rational – it also initiated the Resolution. Gabon’s vote could be explained by the close historical, cultural, economic, military, and political patronage relations with its former colonial ruler, France. Gabon is an important ally of France, and the Bongo regime has remained France’s closest ally in Central Africa and the epitome of *Françafrique* in Central Africa. Through political clientelism, Omar Bongo remained a powerful figure in French politics, a relationship that enabled him to enjoy 42 years of perceived stability in Gabon and the smooth succession in 2009 by his son Ali Bongo, was largely thanks to France’s support (Bernault and Tonda 2009: 15-19; Gardinier 2000).

South Africa’s affirmative vote on Resolution 1975 was rather intriguing. South Africa was the only one among the three African countries to raise concern about the results announced by the IEC and the unquestionable international recognition of Ouattara as the winner. The President of ECOWAS Commission, even accused South Africa of deploying a warship to Côte d’Ivoire in support of Gbagbo; an accusation South Africa categorically rejected (Kikoler 2014: 334; Obi 2011: 14-15). In addition, South Africa was the only state which

after supporting a UNSC Chapter 7 Resolution still encouraged the AU Commission to appoint a special envoy to resolve the conflict peacefully (UNSC S/RES/1975 2011b). Although little is known about the content of the meeting between French President Sarkozy and South African President Zuma during the latter's state visit to France in March 2011, many believed Sarkozy contributed to changing President Zuma's position on the Ivorian conflict. According to Wyss (2013: 97) the French President was perhaps successful in this regard as a result of South Africa's "isolation in the AU's Peace and Security Council". Realpolitik, Sarkozy's pragmatism and France's rational choice behavior, all played an important role in gathering African non-permanent UNSC members' support.

France received an official invitation from the UNSG requesting the French Licorne to support the resource-constrained and over-stretched UNOCI forces. This legitimised the French Licorne intervention and provided the best disguise for France to intervene in Côte d'Ivoire and pursue its interests under the guise of a multilateral framework (Moncrief 2012: 23-30). In addition, it has been argued that France since 2002 wanted to instigate a regime change in Côte d'Ivoire. This is based on the argument that since the 2004 clash between the Ivorian defense force and the French Licorne which resulted in widespread anti-French protests, France's relations with Gbagbo deteriorated rapidly and became characterised by animosity, mistrust, and confrontation (Wyss 2013: 99; Zounmenou and Lamin 2011: 10-11). In addition, by overtly supporting Ouattara forces (which incidentally also committed human rights violations, notably in the West of Côte d'Ivoire) and acting as the kingmaker, the Licorne forces undermined the UN's operation credibility and impartiality. On the whole then, the French Licorne forces were "more equal than the African and UN actors" (Wyss 2014: 137).

Nonetheless, despite these realities, it is important to note that from the beginning of the conflict, regime change was the end goal of all the initiatives undertaken by the international community. By recognising Ouattara as the president-elect of Côte d'Ivoire, the AU, ECOWAS and the UN explicitly acknowledged that in order to solve the electoral deadlock, Gbagbo must leave power (Serrano 2011: 99-100). Over and above, it is unlikely that Resolution 1975 would have passed without African regional organisation support. As asserted by Bellamy and Williams (2011: 837), "the specific language on the use of force for protection purposes in Resolution 1975 was facilitated by ECOWAS' earlier announcement that force could be the legitimate means of responding to the crisis. Without strong regional support it is very unlikely that events would have unfolded in this manner".

In addition, there would have been no opportunity for France to play such an active and leading role had the AU and ECOWAS been able to solve the conflict. Both the AU and ECOWAS were given enough time to respond and find a solution to the crisis; however, they both lacked coercive power. Throughout the conflict, as argued by Apuuli (2012: 137) and Yabi (2012: 3), the AU's performance was feeble. Based on this assessment it is logical to conclude that the AU failures and supposed marginalisation was self-inflicted. Furthermore, while the French intervention has been widely and rightly criticised by Africans such as Mbeki and various French scholars as neo-imperialist, it was nonetheless legal and legitimate (Wyss 2013: 82; Zounmenou 2011: 31). Firstly, the French Licorne Force was officially requested to intervene alongside UNOCI by the UN Secretary-General (UNSG 2011). Secondly, the French Licorne intervened under UNSC Resolution 1975, which was endorsed unanimously by the UNSC. Moreover, all three AU members on the UNSC (South Africa, Nigeria, and Gabon) voted in favor of Resolution 1975.

In sum, the case of Côte d'Ivoire shows that while France's intervention was driven by the protection of its economic and strategic interests in Côte d'Ivoire (a motive which unfortunately is at the core of the predominantly negative and undermining perception regarding foreign R2P implementation in Africa) it nonetheless ended the fighting and ensured the protection of civilians. As Zounmenou, Motsamai and Nganje (2012: 19) argued, "despite the doubts, the alternative of standing idly on the sidelines yet again would have added to the shameful long list of rejecting the collective responsibility to protect".

4.2.3 The UN-AU relationship in handling the conflict: a critical appraisal

The need for closer co-operation and co-ordination between the AU and the UN was first outlined implicitly in the broader provisions of Chapter VIII of the UN Charter and then, explicitly, set out in the *Declaration of Enhancing UN-AU Cooperation: Framework for the Ten Years Capacity Building Programme for the AU* (AUPSC PSC/PR2.(CCCVII) 2012a: 2). Essentially, the Declaration jointly signed by the UNSG and the Chairperson of the AU in 2006 (AU Commission 2006) stated that:

Bearing in mind the wide range of fundamental challenges facing Africa, and pursuant to the World Summit Outcome, we [the UNSG and the Chairperson of the AU Commission] further undertake to deepen and broaden the cooperation between our two organization, as appropriate, through consultations between us and senior officials, and talks at the staff level,

as well as through the implementation of the projects/ programmes within the context of the evolving Framework for the Ten Year Capacity Building Programme for the Africa Union (the Framework). We reiterate that the evolving Framework should be conceived as the UN's overall strategic framework for cooperation with the AU, and whose main objective should be to enhance the capacity of the AU Commission and African subregional organizations to act as effective UN partners in addressing the challenges to human security in Africa.

The reason behind this was to strengthen the AU-UN co-operation and effectiveness when they are dealing with issues of common interest on the African continent. It is in line with this expressed aspiration that this section analyses the AU-UN partnership during the 2010 Ivorian crisis.

An extensive review of the AU and UN communiqués, press releases and statements, decisions and resolutions on the issue of Côte d'Ivoire, reveals that the two organisations partially worked together, at least at the level of the UN Secretariat and the AU Commission and AU PSC level. For illustrative purposes, on 29 January 2011, UNSG Ban Ki Moon co-chaired the High-Level Meeting on Côte d'Ivoire, with the Chairs of ECOWAS and the AU. During this meeting the AU appointed the High-Level Panel for the peaceful resolution of the conflict (UNSC S/2011/211 2011c). Furthermore, in its report on the activities of the UN Office for West Africa (UNOWA), the UNSG provided an outline of the role played by his office in collaboration with the AU. In his words (UNSC 2011d: 5-6):

As part of the United Nations efforts to assist in finding a peaceful solution to the post-election crisis in Côte d'Ivoire, I maintained close contact with key African leaders to encourage them in their efforts to secure a peaceful outcome to the crisis... As part of the United Nations efforts to consult with our African partners, I dispatched my Special Representative for West Africa, accompanied by my principal Deputy Special Representative for Côte d'Ivoire, on a special assignment to Angola, Burkina-Faso, the Gambia, Ghana, Mali and South Africa from 18 to 25 January. As agreed upon with the African Union, my Special Representative for West Africa cooperated closely with the African Union and contributed to the work of the team of experts and of the high-level panel.

It is clear then that the office of the UNSG co-operated with various AU entities at different stages of the conflict. What is less clear is the nature of the roles played by the UN Secretariat, the chair of the AU Commission, and the AUPSC Chair during these endeavours.

The question also arises as to how effective these joint ventures were in creating synergy at the highest level of the AU and the UN, namely at the PSC and the UNSC level.

Unfortunately, specific details about the contribution of the UNSG and his Special Representatives are not clarified in the various reports. In other words, while the UNSG employed positive semantics (wording such as assist, consult, co-operate, contribute, participate) there is no clarity on what exactly the UNSG and his Special Representatives did and how they did it. Neither the UNSG nor the PSC clarified this. In addition, during the conflict there was no consultative meeting between members of the UNSC and the PSC. The fourth consultative meeting took place on 9 July 2010, before the conflict, and the fifth almost a year later, on 21 May 2011, after the resolution of the conflict (AUPSC 2012a). When the Ivorian crisis emerged, there was thus no joint PSC-UNSC deliberation on emergency measures. As much as it is clear that the UNSG was actively involved with and worked with the AU, one should recall that according to the UN Charter (UN 1945) the UNSG is “the chief administrative officer” of the UN whereas the UNSC has “primary responsibility for the maintenance of international peace and security”.

Given these points, there was no guarantee that the UNSG interaction with the AU could influence decisions taken at the UNSC. Consequently, one cannot make a definitive conclusion regarding the outcome of this co-operation in terms of synergy, and decision-making at the highest level of both organisations. At the same time, it is important to note that the UNSC throughout the conflict commended the efforts of the AU in finding a peaceful solution to the conflict. Furthermore, in *Resolution 1975* of 30 March 2011 the UNSC commended the efforts of the PSC and the AU High-Level Panel (UNSC S/RES/1975 2011b). In addition, on 5 April after *Resolution 1975* was passed the PSC welcomed the Resolution and “encouraged UNOCI, within the framework of the relevant resolutions of the Security Council of the UN, to vigorously implement its mandate to protect civilians” (AUPSC PSC/PR/BR.1(CCLXX) 2011b: 2).

From the foregoing, it can be concluded that while there was no direct PSC-UNSC consultation on the Ivorian crisis, the UN and the AU nonetheless commended each other’s efforts and did not work against each other as was the case during the Libyan intervention. By the same token, it seems the PSC – consciously or not – accepted to play a secondary role in the resolution of the conflict. In fact, it never considered the option of military intervention to resolve the conflict, but welcomed UNSC Resolution 1975 which gave UNOCI an

offensive mandate under Chapter 7 of the UN Charter to protect civilians. It encouraged UNOCI to ‘vigorously’ implement this mandate.

This position has raised several questions. Firstly, is it plausible that the PSC did not consider military intervention because it knew the UNSC would do so? Or was this a conscious decision by the PSC because it knew the organisation does not have the capacity to effectively undertake such intervention? Secondly, could this also possibly explain why all three AU member states serving on the UNSC voted in favour of Resolution 1975? These questions are subsequently addressed.

4.3 The AU’s handling of the conflict: how committed was the AU to its Article 4(h) and R2P?

The humanitarian crises that unfolded after the Ivorian post-electoral crisis offered a unique opportunity for the AU to show its commitment to R2P, and specifically to Article 4(h) of its own Constitutive Act, to resolve the conflict. The aim of this section is to establish the extent to which the AU used each of its APSA pillars to address the crisis. In other words (and regardless of its success), whether it moved from rhetorical commitment to R2P to actual implementation and operationalisation of its Peace and Security Architecture. As outlined in Chapter 2, the establishment of APSA within the *AU Constitutive Act and the Protocol on the Peace and Security Council* framework is one of the most important institutional endeavours for implementing the R2P in Africa, by means of conflict prevention and resolution. The APSA includes six institutional pillars: the Peace and Security Council (PSC), the Panel of the Wise (PoW), the Military Staff Committee (MSC), the African Standby Force (ASF), the Continental Early Warning System (CEWS), and the AU Special Peace Fund (AU 2014a: 28-39).

4.3.1 The Peace and Security Council and the Ivorian crisis

After the outbreak of the conflict the PSC in its communiqué following its 252nd meeting, took a principled position and suspended Côte d’Ivoire from all its activities. The PSC raised concern about the unfolding humanitarian crises and called on all the parties to respect the electoral outcome and the will of the people. It particularly made a plea to Gbagbo to hand over power without delay to the internationally recognised winner of the elections, Ouattara

(AUPSC 2010b). In its 28 January 2011 Communiqué during its 259th meeting the PSC under the authority of the AU appointed a High-Level Panel for the resolution of the crisis in Côte d'Ivoire. Of importance, the PSC (AUPSC PSC/AHG/COMM(CCLIX 2011a: 3) stated that the High-Level Panel conclusions and recommendations “will be binding on all the Ivorian parties”. However, the AU High-Level Panel report as it turned out took too long to develop and by the time it was finally published the situation had changed considerably and the Ivorian parties did not seem to take it seriously.

One cannot help but wonder if this instance of non-compliance with a PSC decision is an isolated case, or an indictment of the PSC's standing in Africa. Some critics are of the opinion that African leaders have deliberately kept the AU and its organs, especially the Commission and the PSC, in a weak position vis-à-vis themselves. The AU Constitutive Act as Zähringer (2013: 191) has stated, “clearly illustrates that power in the AU remains in the hands of the member states and not with the institutional structures”. The problem here, as demonstrated in the Ivorian case, is that many AU member states do not uphold or respect the organisation's principles on promotion of human rights, the consolidation of democratic institutions and culture, and good governance and the rule of law (AU 2000: 3; Williams 2009a: 608). As the Ivorian case illustrated, a number of African states are themselves perpetrators of human rights abuses against their own citizens, and use the traditional Westphalian principles of sovereignty and non-interference, as a rhetorical shield against international accountability (Landsberg 2012b: 9; Murithi 2012: 51).

The first deduction is that the AU is not a supranational organisation, as a result the organisation and its organs depend entirely on the member states for their existence and functioning. To compound the matter, for the majority of the AU member states sovereignty and non-interference in their domestic affairs take precedence over humanitarian concerns. Furthermore, a number of AU member states, many of them serving on the PSC, the highest decision making body on peace and security in Africa, are themselves perpetrators of human rights abuses against their own citizens. In fact Côte d'Ivoire was serving a two-year term on the PSC when the conflict broke out. Indeed, although the AU member states formally declared their commitment to R2P at the continental level, *inter alia* through the *Ezulwini Consensus*, many of them have not incorporated its provisions at the national level. Regrettably, the AU lacks an effective monitoring and sanctions system to punish non-compliance and recalcitrant states (Cilliers 2010: 49). For instance, according to the statistics provided by the Centre for Conflict Resolution and the Friedrich Ebert Stiftung (2012: 24):

One-third of the AU member states actively oppose efforts to entrench human rights and democracy principles... Only 33 African countries have acceded to the APRM [African Peer Review Mechanism], of which a mere 17 had undertaken the review process by January 2013. Many African countries have also not signed the agreements regarding women's rights (ratified by 36 states), and combating corruption (ratified by 34 states). Moreover, seven African states have not signed the Protocol establishing the Peace and Security Council.

Consequently, the AU does not have sufficient authority over its member states to force them to comply with its rules and decisions, and often fully depends on the goodwill and co-operation of leaders and their moral suasion to comply. It is important to note that many of these leaders violate their own citizens' rights with impunity, and restrain from criticising each other regardless of regime conduct (witness the 2015 appointment of Robert Mugabe as AU Chairman). As a result, "the AU remains an intergovernmental organization... dependent upon the will of its members, who shape and shove the organization and sometimes even undermine it" (Welz 2014: 5).

Another important obstacle that impedes the AU's effectiveness is lack of unity. In the Ivorian case, following the electoral deadlock, Angola, Uganda, the Democratic Republic of Congo, Chad, The Gambia, Equatorial Guinea and South Africa sided with Gbagbo, contradicting the AU's position which requested Gbagbo's departure and respect of the electoral outcome (Apuuli 2012: 151-152; Cook 2011: 11; Rupiya 2012: 171). Although these tensions are often unavoidable and the norm in any intergovernmental organisation dealing with competing national interests; they nonetheless undermined the credibility of the AU and its ability to reach any consensus among its member states regarding the preferred line of action to end a humanitarian crisis.

Against this background, Landsberg's (2012b: 9) view that "although member states have ratified the Constitutive Act, the risk remains that many governments would prefer the status quo to remain even at the risk of creating a weak AU" becomes instructive. The question then is, did African leaders in 2000 have the same vision for the AU? Was the creation of the AU based on a widespread regional cohesion or was the move "a hasty political decision by the AU member states in response to the Rwandan Genocide without thinking through all its requirements and implication?" (ISS/APSTA 2009: 10). Considering all this, it was not surprising that the PSC was not able to act authoritatively to resolve the Ivorian crisis.

4.3.2 The Continental Early Warning System and the Ivorian crisis

Based on the exploration and analysis of the former Chairperson of the AU Commission and the PSC Communiqués, press releases, speeches and reports it is not clear if the CEWS played any role in resolving the Ivorian conflict. Neither the Chairperson of the AU Commission nor the PSC – the two recipients of early warning from the CEWS – mentioned the CEWS in their various statements about the AU’s efforts to resolve the conflict. In addition, it is not clear if the AU Liaison Office in Côte d’Ivoire was used as an alternative to the CEWS. According to the AUPSC (2012b) the Liaison Office was mandated to “represent the AU with the government of Côte d’Ivoire”, to monitor the situation on the ground, support in co-ordination with ECOWAS and the UN, the efforts of the Ivorian parties. No mention is made regarding the institutional link between the Liaison Office and the CEWS.

Nonetheless, regardless of the fact that information might have been omitted for political reasons, an analysis of the PSC undertakings in resolving the conflict – since the CEWS is supposed to provide information to the PSC – can shed light on the effectiveness (or not) of the CEWS. To begin with, prior to the elections, the PSC in its *Report on the evolution of the crisis exit process since the signing of the Ouagadougou Political Agreement* of 28 June 2010 – five months before the elections – identified a number of unaddressed problems (AUPSC 2010a). However, after the first round of elections, the PSC made no reference to the possibility of a contested second round. According to the Peace and Security Protocol (AU 2003: 17-18), the CEWS is mandated “to facilitate the anticipation and prevention of conflicts”. On this account, if the argument is that the PSC gets its information from the CEWS, one can conclude that the CEWS failed to anticipate and prevent the destructive effects of the post-electoral crisis. However, due to the lack of information on the CEWS’ role in the PSC handling of the conflict, one cannot conclusively determine if the failure was at the level of early warning or at the level of early action or lack of will of the relevant decisions makers to act on the early warning provided. In other words, whether the problem was early warning or early action.

All this, notwithstanding, an analysis of the CEWS handling of the conflict cannot downplay the challenges currently facing the CEWS. Sovereignty and non-interference often hinder the collection of reliable information inside member states, as well as timely action. In addition, early warning is useless without the political will to act. Furthermore, at the moment the Regional Economic Communities (RECs) that must act as the complementary elements of the

CEWS, are at different levels of development and operationalisation (Aboagye 2012: 1-4). Another challenge relates to overlapping membership of many of the RECs, which creates unnecessary problems such as the duplication of mandate, resources diversion and wastage, resources deficiencies, lack of co-ordination; and hindering regional integration and harmonisation. Last but not least, the lack of human and financial resources translates *inter alia* into staff shortage, lack of qualified staffs, and lack of equipment (Centre for Conflict Resolution and the Friedrich Ebert Stiftung 2012: 12-25; High Level Panel of the Audit of the AU 2007: 126-137).

4.3.3 The Panel of the Wise and the Ivorian crisis

According to the AU Peace and Security Protocol (AU 2003: 16):

The Panel of the Wise shall advise the Peace and Security Council and the Chairperson of the Commission on all issues pertaining to the promotion, and maintenance of peace, security and stability in Africa... At the request of the Peace and Security Council or the Chairperson of the Commission, or at its own initiative, the Panel of the Wise shall undertake such action deemed appropriate to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission for the prevention of conflict.

In the case of Côte d'Ivoire, the PoW conducted no pre-election visits to the country. After the outbreak of the conflict, it published a Communiqué at its 9th meeting whereby it expressed concerns about the contested election and restated its support for the AU Commission's efforts to resolve the conflict. Apart from its words of encouragement, the PoW played little role in the resolution of the conflict and seemed to have been sidelined. It did not pronounce itself and was not involved in any of the mediation efforts undertaken during the crisis intervention period. The obvious reason might be that it is a nascent organ of the APSA architecture, and has not developed an institutionalised mediation process yet. Another reason might be the lack of supportive resources in terms of staffing and funding (AU 2010b: 32; High Level Panel of the Audit of the AU 2007: 100).

Instead of the PoW, the AU set up two *ad hoc* mediation processes to resolve the crisis. However, while the AU mediation efforts were symbolically important, the organisation's choice of mediators raised concerns. To begin with, the AU has a tendency to rely on the same small pool of mediators. As discussed by Handy (2013), this might be justified by the

lack of a “wide corpus of professional mediators” on the continent. In the case of Côte d’Ivoire, the choice of Mbeki and Odinga as mediators was puzzling on many accounts.

On the one hand, although Mbeki’s mediation during the 2002 civil war achieved a quick success, he was forced to withdraw following accusations of bias in favour of Gbagbo (Akindès 2009: 140). Keeping this in mind, it is hard to imagine a scenario where he would have been able to convince the parties, especially the Ouattara camp, to accept his recommended negotiated settlement. In addition, from the beginning of the conflict it was highly unlikely that the parties and the international community would agree to a power-sharing solution. Particularly, because none of the parties was willing to engage in negotiation, let alone admit defeat. Furthermore, neither the AU nor ECOWAS or the UN were willing to accept a power-sharing deal that would once again leave Gbagbo in power, especially because since 2003 the Ivorian government had been (ostensibly) a unity government with Gbagbo as president (Observatoire de l’Afrique 2011: 1-3; Cooke 2010; Martins 2011: 75-76).

On the other hand, Odinga prior to his appointment by the AU had publicly expressed partiality, and repeatedly criticised the AU preference for a peaceful solution. Already on 17 December 2010, during a press conference ten days before his appointment as the AU Special Envoy, Odinga stated, “Gbagbo must be forced out, even if it means by military force... The AU should not be lamenting all the time... The AU should develop teeth” (BBC News Africa 2010). Although his judgment of the situation was justifiable, it nonetheless highlights that prior to his appointment, Odinga had no faith in the mandate he was chosen to implement. It is important therefore to note that although Mbeki and Odinga’s expertise and experience in mediation is not being questioned, it certainly did not help that both were partial towards one of the parties and at times openly contradicted the position of the AU.

To be clear, at the operational level every conflict situation is different and thus there cannot be ‘a one size fits all solution’ to mediation. However, hasty and *ad hoc* mediations, with no clarity regarding criteria for mediators’ selection, have proven to be ineffective and unsustainable in preventing conflict on the continent. There is a pressing need to develop a flexible institutional mediation process and strengthen the PoW, if the AU is serious about conflict prevention in general, and R2P in particular.

4.3.4 The African Standby Force, the Military Staff Committee and the Ivorian crisis

The ASF is a multinational military force of the AU responsible for ensuring the prevention of atrocities, as well as supporting the implementation of the PSC and the AU's right to intervene through timely deployment (AU 2003: 18-19). It is in line with this provision that a MSC has been established "to advise and assist the Peace and Security Council in all questions relating to military and security requirements" (AU 2003: 20).

An analysis of the AU's handling of the Ivorian crisis shows that the AU never saw the need to be advised by the MSC on the conflict, or an intervention by the ASF. To begin with, throughout the conflict the AU on numerous occasions expressed concern over the humanitarian crisis. In its *Report of the Peace and Security Council on its activities and the state of peace and security in Africa at the Seventeenth Ordinary Session of the Assembly of the Union*, the PSC characterised the humanitarian crises as a 'bloodbath' (AU Assembly/AU/4/XVII 2011: 5). According to the Oxford Dictionary of English (2010: 182) a bloodbath is "an event or situation in which many people are killed in an extremely violent way". In addition, during its 270th meeting the PSC (AUPSC PSC/PR/BR.1(CCLXX) 2011b: 1) "expressed its deep concern over the grave humanitarian consequences caused by the deterioration of the security situation... The Council deplored the loss of many lives, condemned the violation of human rights and other abuses in the context of military conflict". If the interpretations of the humanitarian crises by the PSC are examined in relation to Article 4(h) of the Constitutive Act; the question that comes to mind is when does a 'bloodbath' become a grave circumstance of war crimes, genocide and crimes against humanity? And at what stage, or how, do the AU and the PSC decide when the threshold of Article 4(h) has been reached, so that intervention becomes necessary?

It is surprising that throughout the conflict, and despite its concern over the humanitarian crises the AU and the PSC barely mentioned Article 4(h) or the R2P (Aning and Atuobi 2011: 14-15). In other words, according to the AU's conceptualisation of the conflict, the Ivorian post-electoral crisis and subsequent human rights violations did not meet the requirements as set out by Article 4(h) – the violence therefore did not pass the threshold of grave circumstances of war crimes, genocide and crimes against humanity. This choice of the AU and the PSC, whether deliberate or not, was unfortunate, considering that the need for rapid

military deployment to protect civilians from imminent mass atrocities – already anticipated by ECOWAS and reiterated by the UN Secretary-General’s Special Adviser on the Prevention of Genocide and the Responsibility to Protect – was necessary and clearly called for. By the time the AU High-Level Panel reported on their findings and recommendations, the available policy options had rapidly narrowed down, and it was obvious that diplomatic pressure alone would not be sufficient to end the crisis. There was a pressing need for early action, yet the AU never considered this possibility, and was still insisting on peaceful resolution of a conflict that had turned violent, with an escalating human cost and imminent threat of humanitarian disaster.

The argument is not that military intervention is the only option to implement R2P, but rather that when peaceful means are ineffective and unable to prevent human rights atrocities; preventive intervention becomes vital to protect civilians. When faced with an R2P implementation capacity deficit, the AU should as a minimum invoke R2P explicitly and request the UNSC to intervene. After all, the UNSC has primary responsibility for international peace and security, in terms of Article 39 of the UN Charter; which states that “the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security” (UN 1945). The AU could therefore, in full compliance with international law, have shifted the burden of intervention onto the UNSC. It is important to note however, that inasmuch as the AU never considered military intervention, it welcomed UNSC Resolution 1975 which gave UNOCI an offensive mandate under Chapter 7 of the UN Charter to protect civilians, and even encouraged UNOCI to ‘vigorously’ implement this mandate. That being the case, the argument can be made that the AU’s reluctance to invoke R2P or its Article 4(h), had been a conscious omission, strengthening criticism that the organization remains unwilling to intervene in one of its member states, and that the African security culture still prioritises sovereignty and non-interference over human rights considerations.

The delay and lack of political will to operationalise the ASF means that the AU lacks the combat readiness and enforcement means to undertake forceful intervention when the need arises – as was the case with the Ivorian crisis. The first phase of AMANI Africa - a joint strategic partnership between the AU and the EU aimed at strengthening the AU’s capabilities in conflict resolution – also outlined these shortcomings (AU 2011). As a consequence of these shortcomings, the AU tends to avoid reference to Article 4(h) or the R2P, and when it

undertakes peace missions, they tend to be *ad hoc*, with no clear vision and sustainability. The fear of not being able to respond credibly with the proper and appropriate capabilities, and the probability of bringing greater risks might be a reason behind the AU's hesitancy to mention Article 4(h) or R2P in the case of Côte d'Ivoire. Notwithstanding, due to the current level of instability and the recurrence of conflicts on the continent, the importance of the ASF cannot be overstated. Despite this reality, peace operations in Africa are underfunded (Centre for Conflict Resolution and The Friedrich Ebert Stiftung 2012: 12-25; High Level Panel of the Audit of the AU 2007: 126-137). Ironically, as of 30 September 2013, 11 of the top 20 countries contributors to the UN Peacekeeping forces were African (UN 2013: 1). These statistics show that African peacekeepers are active participants in the UN peacekeeping forces. Why have they not demonstrated this optimism at the continental level?

In a recent move to remedy the delay in the operationalisation of the ASF, the Chairperson of the AU Commission Nkosasana Dlamini-Zuma proposed the idea of the African Capacity for Immediate Response to Crises (ACIRC). This idea was spearheaded by the failure of the AU and ECOWAS to mount an African-led mission to resolve the Malian crisis. ACIRC is intended to provide the AU with a rapid reaction force, that will be African-owned and led, and that will provide the AU with "a flexible and robust force, made up of military/police capabilities, force enablers and multipliers, equipment and resources to be voluntarily provided by member states on the basis of their willingness and capabilities" (AUPSC 2013: 1). The idea of establishing this force has many merits but also challenges.

The idea of ACIRC gives the much needed hope that something is being done to achieve the ideal of 'African solution to African problems'. However, as good as it sounds, there are already many challenges and disagreements about its establishment. First of all, there is no consensus among AU member states regarding the establishment, operationalisation, and funding to support this new force. Many think the idea is too rushed, and fear it might suffer the same fate as the ASF (Apuuli 2013b: 81-81; Rous 2013: 3). In addition, the establishment of the new force might divert resources and attention away from the ASF. Why create another organ of the APSA, when the ones that already exist deserve serious attention? In addition, the fact that its funding will be based on voluntary contribution by member states might be problematic, because if AU member states have been reluctant to contribute resources to the AU peace operations, and to the ASF; how likely is it that they will suddenly have a change of heart regarding ACIRC? Furthermore, the voluntarist nature of this initiative leaves it open to abuse in the absence of oversight. Moreover, does South Africa, that is championing this

idea, have the resources to support this force? Allison (2015: 3) unpacks this by asking “can SANDF really afford ACIRC, to which it has pledged half a brigade worth of troops and equipment?” Where does this leave the AU vision to prevent and stop violent conflicts, and human rights atrocities in Africa?

4.3.5 The Peace Fund and the Ivorian crisis

It is important to note that there is no direct connection between the Peace Fund and the Ivorian crisis. Nonetheless, an analysis of the challenges facing the Peace Fund can help understand some of the problems the AU and its organs faced in its handling of the Ivorian conflict.

First of all, since its genesis, the AU has suffered from a chronic and perpetual lack of financial resources (Williams 2009a: 618). While African leaders are amongst some of the most vehement supporters of ‘African solutions to African problems’, they have intentionally been reluctant to provide the AU with the much needed funds for its effectiveness. This remains the major obstacle to progress. As of January 2009, only twenty-three of the (then) 53 AU member states were up to date with their contributions to the AU’s regular budget (AU Executive Council DOC.EX.CL/453(XIV) 2009: 10). In addition, Williams (2009a: 618) adds that “since 1 January 2006, 75% of the Union’s regular budget has been paid for by just five countries: Algeria, Egypt, Libya, Nigeria and South Africa”. Additionally, “between 2008 and 2011, African states provided only two per cent of the AU’s Peace Fund to cover various activities in the field of peace and security” (Vorrath 2012: 1-2). As a possible explanation to African states’ lack of contribution to the AU, one cannot ignore the current economic situation on the continent, and the prevalence of underdevelopment and instability – which translates into state weakness and sometime genuine inability of some states to contribute to the AU’s Peace and Security agenda. Nonetheless, this state of affairs has kept the AU from appropriately staffing its organs and institutions with experienced and professional staff, increased the AU’s overdependence on external donors, and prevented the AU from operationalising the APSA.

Secondly, the current overdependence of the AU on external donors to fund its institutions and peace operations raises many paradoxes. To be sure, the AU has only been able to function thanks to the financial, logistical and military support of external donors. According to Vorrath (2012: 1-2) between 2008 and 2011, 98 per cent of the AU’s Peace Fund was

provided by external donors. While these contributions are what has kept the AU going, this state of quasi-total dependence raises many questions. First of all, it might discourage AU member states from assuming their responsibilities to an organisation they created themselves. Secondly, it is a major hindrance to the organisation's autonomy in norm and agenda setting, as well as decision making authority. The consequence is that it prevents the development of an effective homegrown African capacity. The question then is to whom the AU is accountable: to its donors, its member states, or Africans in general? Thirdly, external donors tend to be selective in their support of the AU; focusing only on the aspects of the AU that promote their individual agenda and interests. This often makes the co-ordination and management of donor's contributions difficult, and burdensome for the already overstrained AU staff. To compound matters further, these contributions are often unreliable and short-term, and therefore unsustainable (Bachmann 2011: 13-18; High Level Panel of the Audit of the AU 2007: 106).

To conclude, Africans are as much to be blamed as foreigners. Their lack of political will to support and strengthen the AU is the main reason behind this state of affairs. As Nganje (2012: 11-12) stated:

Although the structure of imperialism continues to impact negatively on the affairs of the continent, it is the lack of commitment and foresight on the part of the African leadership that sits at the centre of the continent's weak crisis response competency and poses the greatest threat to the well-being of Africa today. Africa's political leadership, it was suggested, has failed to rise above the appeal of parochial politics to commit to the collective development of the continent. In this context, the assertion that Africa lacks the resources to take full charge of its own peace operations borders on the ridiculous. Given the abundant wealth of the continent, it is only a lack of political will and a distorted sense of responsibility that could explain the overreliance on outside assistance, even to the point of accommodating instability.

4.4 Conclusion

In this chapter, a critical assessment of the AU's engagement with other international actors that responded to the Ivoirian conflict, namely, ECOWAS, France and the UNSC was provided. This entailed a discussion and analysis of the AU's efforts specifically to determine whether the organisation had implemented the letter and spirit of Article 4(h) of its Charter.

The various pillars of the APSA were used as analytical tools to show the challenges that confronted the AU in its implementation of R2P in the Ivorian crisis.

One would expect that the principle of R2P that emerged from Africa, is enshrined in the AU Constitutive Act, and speaks directly about the realities on the African continent would be accepted and implemented to stop mass atrocities whenever and wherever they occur on the continent. The Ivorian conflict offered a unique opportunity for the AU to show its commitment to Article 4(h) of its Constitutive Act and use its own Peace and Security Architecture to address the crisis. However, as it turned out during the AU's handling of the conflict, the AU still battles to make use of APSA to prevent or stop mass atrocities from occurring on the continent. This chapter demonstrated that while the AU localised R2P at the legal-institutional level through its Peace and Security Architecture, the organisation barely made use of its APSA components to resolve the conflict.

The chapter also demonstrated that the AU and its member states have not yet internalised what R2P means in the African context, and how they propose to operationalise it. While Côte d'Ivoire was clearly an R2P case, the AU refrained from mentioning R2P throughout the conflict and took an ambiguous position regarding the use of military force. The Ivorian case highlighted the AU's reluctance, often conscious, to intervene militarily in its member states to implement R2P and its Article 4(h).

It was also highlighted that in the case of Côte d'Ivoire the AU consciously accepted to play a secondary role compared to ECOWAS, France and the UNSC. Moreover, its reluctance to invoke R2P or its Article 4(h) explicitly was a conscious omission that confirmed its unwillingness to intervene in one of its member states, regardless of the severity of the crisis. Therefore, while the AU has the right and responsibility to intervene, the protection of sovereignty still trumps its normative role. The chapter concludes then that the AU deliberately avoided invoking R2P and Article 4(h) in the case of Côte d'Ivoire and did not move R2P from aspiration to reality.

The major problem that was highlighted is the lack of will and commitment of AU member states to support and strengthen the organisation and their unwillingness to cede some of their sovereign power to the AU. And it seems despite all their rhetorical commitment to strengthen the organisation and give it the resources and power it desperately needs, AU member states would rather maintain the *status quo* than to strengthen an organisation that would be able to hold them accountable for their domestic abuses. The inventory taken in

this chapter will assist with formulation of constructive recommendations on how to strengthen the AU's capacity to implement R2P. This will form part of the discussion of the next chapter.

Chapter 5:

CONCLUSION

5.1 Introduction

Starting from the premise that violent conflicts continue to wreak havoc across Africa, this study set out to identify, assess, and analyse the challenges facing the AU in the implementation of the R2P on the African continent. The main research question was why the AU struggles to operationalise R2P when faced with a humanitarian crisis in one of its member states. This question was investigated using the 2010 Côte d'Ivoire post-electoral crisis as a case study. This chapter will give an overview of the findings and make recommendations on how to strengthen the AU capacity's to deliver on Article 4 (h) of its Constitutive Act, which implicitly commits the organisation to R2P.

5.2 Overview of the research

The first chapter introduced the research theme and set out the objectives of the research. An overview of the literature related to the development of R2P, and regional organisation's institutionalisation of the principle, was provided. A brief survey was also done of the 2011 intervention by the international community in Côte d'Ivoire, with a focus on the AU's responses to the humanitarian crisis. This was followed by an explanation of the research methodology used in the course of the study.

The second chapter employed Third World Theory and the framework provided by the Copenhagen School to situate R2P within the normative framework of critical security studies. It was highlighted that in contrast to traditional security studies theorists' expectation that the end of the Cold War would result in a peaceful and co-operative new world order, the post-Cold War era has been characterised by increasing conflicts in the form of intra-state wars and the proliferation of humanitarian crises – many of them happening as a result of abuses perpetrated by states themselves. The chapter drew on the work of Third World School theorists such as Mohammed Ayoob and Makau wa Mutua, to demonstrate the limitation of traditional security studies in the African context. They have pointed out that state formation in Africa remarkably differed from that which occurred in the developed West and that post-colonial African states are weak relative to their Western counterparts.

The resulting insecurity in Africa therefore needs to be viewed in a broader terms than the narrow military focus of traditional security studies. Internal factors, often coinciding with a high incidence of human rights atrocities, are therefore of great significance.

It was argued that the failure of traditional security studies theory to explain conflict in the non-Western world (in particular) provided the opening for critical security studies to gain credence in the post-Cold War era. Critical security theorists from the Copenhagen School have challenged the traditional state-centric view of security, thereby making way for a more expansive security agenda. Their work contributed to the broadening and deepening of security to include issues other than military threats, and referent objects other than the state. They argue for a paradigm that equates the importance of human security with that of state security. It was this changing understanding of security, and concern over humanitarian atrocities in full view of the international community (such as Rwanda in 1994 and Srebrenica in 1995) that led to a review of the sacrosanct understanding of sovereignty as absolute control and license to perpetrate atrocities against domestic targets. The international community's sense that a new humanitarian paradigm was needed to protect populations at risk, culminated in the establishment of the ICISS and its landmark report on R2P.

Chapter Two also highlighted the pivotal contribution of Africa to the genesis of the R2P norm. Firstly, it was argued that Africa's continued experiences of armed conflict, intra-state wars, state failure, and mass atrocities, resonated with the rationale behind R2P. Secondly, it was demonstrated that African norm entrepreneurs, notably Francis Deng, initiated the conceptual background for the development of R2P. A fellow African, UN Secretary-General Kofi Annan, ensured the UN's institutional backing and called for the establishment of the ICISS. Thirdly, reflecting on its African roots, this section pointed out that the principle of R2P echoes the philosophical premises of Pan-Africanism and the African tradition of *Ubuntu*. Finally, yet importantly, it was emphasised that the AU was the first regional organisation to enshrine the guiding principles of R2P in its Constitutive Act, and institutionalised it in its peace and security architecture even before R2P was endorsed at the WSOD.

Nonetheless, despite the AU's contribution to the birth of R2P, this chapter concluded that the theoretical development and articulation of the principle was subsequently done primarily outside the continent, and localised back into the AU peace and security regime.

The third chapter provided the contextual background to the 2010 Ivorian post-electoral conflict, and a descriptive narrative of the international community's response to the crisis. The first section illustrated the historical context prior to the 2010 election in order to trace and analyse the root causes, dynamics, and catalysts of the crisis. It was argued that the root causes of the conflict were a combination of social, political, and economic factors that date back to the 1990s. It was highlighted that the securitisation of 'Ivoirité' – a concept employed to differentiate between 'true' Ivorians and those considered *allogène* or migrants – created an atmosphere of xenophobia that was the immediate catalyst to the 2002 civil war.

Chapter Three also provided a brief analysis of the various efforts undertaken by the international community to end the 2002 civil war. It was highlighted that although the international community especially the AU, ECOWAS, the UN, and France all played a critical role in ending the civil war, they nonetheless failed to prevent the 2010 post-electoral conflict. It was argued that judged by the sheer amount of information of the prospect of a disputed 2010 election, and especially knowing that the root causes of the 2002 civil war had not been addressed, the international community was forewarned. However, the warnings were not heeded and the international community therefore missed an opportunity to prevent the outbreak of violence and the humanitarian crisis that ensued.

The chapter then explored the role of the regional actors (the AU and ECOWAS), the UN, and France (the former colonizer), in order to determine their commitment to R2P in addressing the humanitarian dimension of the conflict. It was revealed that the various mediation initiatives undertaken by the regional organisations were in vain and failed to resolve the conflict. It was pointed out that the hybrid UNOCI-French Licorne intervention explicitly supported Ouattara, thereby becoming impartial and instigating a regime change. However, the intervention was decisive and ended the conflict, therefore preventing a far worse outcome.

Chapter Four built on the findings of Chapters Two and Three to assess the AU's efforts in resolving the 2010 post-electoral humanitarian crisis. The main question the chapter set out to answer was why the wider international community rather than the AU was at the forefront of the military intervention that ended the conflict.

The chapter forwarded a skeptical view of the AU's commitment to implement R2P during the Ivorian conflict. In the first instance, it was highlighted that the AU did not make use of the institutional framework it established to implement Article 4(h) of its Constitutive Act.

Apart from the PSC, which attempted to resolve the conflict but was not able to act authoritatively, the AU hardly used the other components of APSA to operationalise Article 4(h). Even more problematic, the organisation barely mentioned R2P or the provisions of Article 4(h) during the conflict.

The chapter also highlighted that ECOWAS and the AU missed the opportunity to find an African solution to the Ivorian conflict. They failed to co-ordinate their responses and lacked a clearly defined division of labour during their handling of the conflict. This resulted in lack of unity of responses, duplication of efforts and confusion. With regard to the AU-UN relationship vis-à-vis the conflict, it was highlighted that the AU and the UNSC did not contradict each other, as was the case during the Libyan crisis. They partially worked together through the active involvement of the UNSG and its organs during the various mediation efforts undertaken by the AU. Notwithstanding, it was pointed out that inasmuch as the UNSG co-operated with the AU there is no clear evidence that this influenced decisions taken at the UNSC or the PSC.

As a result and in the absence of an African solution, France skillfully took advantage of the African organisations' paralysis to further its own agenda in Côte d'Ivoire. It was highlighted that France has major interests in Côte d'Ivoire and one way or another would determine the outcome of the conflict. It made use of the multilateral framework provided by the UNSC to sideline the struggling AU, get the support of the three African non-permanent members of the UNSC, and lobby the international community for support to intervene in Côte d'Ivoire. It was also established that the French Licorne intervention undermined the UN operation's neutrality and partiality. Nonetheless, Chapter Four revealed that UNOCI and French Licorne intervention ended the fighting and reduced the suffering of innocent civilians.

5.3 Summative conclusions and lessons learnt

Based on the analysis of the AU's handling of the Ivorian post-electoral crisis, the following challenges have been identified:

The first is the AU's reluctance to explicitly invoke R2P and Article 4(h). Since its formation, the AU has established a set of norms and institutions that reflect the principles of the R2P, and by its own declaration has shifted its approach away from the notion of non-interference espoused by its predecessor the OAU, to a new position of non-indifference (AU 2000: 6-7).

However as the Ivorian crisis revealed, the AU has to compromise between its commitment to R2P and its member states' continued prioritization of regime security, sovereignty, and non-interference. This, it has been argued by critics, reflects the AU's unwillingness to intervene in its member states, regardless of the severity of human rights violations. The study revealed that while the AU has the right and the responsibility to intervene to prevent and stop mass atrocities whenever they occur on the continent, sovereignty and non-interference still trump the R2P as guiding principles of the AU and its member states.

The second challenge identified, closely related to the one above, is the lack of political will and commitment of AU member states to support and strengthen the organisation. The AU remains an intergovernmental organisation, which depends entirely on its member states for its existence and functioning. The problem however, as Williams (2009: 608) asserts, is that a number of the AU member states have very poor human rights credentials, and do not uphold the organisation's principles on the promotion of human rights or good governance. For most of the AU member states, sovereignty and non-interference supersede issues of human rights and protection of civilians. Even more troubling, a number of AU member states that have served on the PSC, the highest decision-making body of the AU, are known for perpetrating human rights abuses against their own citizens. This is the main reason why many Africans criticise the AU as 'a club of dictators' (Cilliers 2010: 48). In the same vein, although the AU member states have formally declared their commitment to R2P at the continental level, most of them have not incorporated its provisions at the national level. The same can be said of other policies endorsed by member states at the continental level, but disregarded at the national level. This reveals the gap between the AU's values and ideals and those of its member states (Welz 2014: 7). In sum, it seems that despite AU member states' rhetorical commitment to human rights and civilian's protection, in reality they prefer to maintain the *status quo* and the perpetual culture of conservatism.

The third challenge is the AU's unwillingness to operationalise its own peace and security architecture. While the APSA is the main institutional framework through which the AU intends to implement R2P, throughout the Ivorian conflict the AU barely made use of the APSA pillars. The problem was not so much whether the AU was involved in an attempt to resolve the conflict; but rather how effective it was. The AU clearly lacked the capacity in terms of the development of its Peace and Security Architecture to implement an effective strategy, and to move from rhetorical commitment to R2P and Article 4(h) to actual implementation. Active involvement must always be backed up by the required means to

ensure effectiveness, but instead of being an enforcer of its own policies, the AU acted more like an adviser.

An analysis of the MSC and the ASF showed the ambiguity and incoherence regarding the AU's implementation of R2P. Even though the AU and the PSC on many occasions during the Ivorian conflict raised concern about the humanitarian crisis, which the PSC referred to as a 'bloodbath' (AU Assembly/AU/4/XVII 2011: 5), neither the AU nor the PSC considered the need to invoke R2P or Article 4(h). The study revealed that this omission was an indictment of the AU, especially since all the peaceful means to resolve the conflict had been unsuccessful, and the crisis had reached a threshold of imminent humanitarian crisis. The argument was made that since the UNSC has primary responsibility for international peace and stability, when faced with an R2P implementation capacity deficit, the AU should as a minimum explicitly invoke R2P and requests the UNSC to intervene.

The fourth challenge is the chronic lack of financial resources that plagues the AU (Williams 2009a: 618). While African leaders are amongst some of the most vehement supporters of 'African solutions to African problems', they have been reluctant to provide the AU with the much needed funds for its effectiveness. This state of perpetual lack of resources slows down the AU's operationalisation of APSA, and increases the AU's overdependence on external donors, with all the related challenges. This state of affairs is unsustainable in the long run, and is a major hindrance to the development of a homegrown African capacity.

The fifth challenge identified is the lack of a clearly formalised division of labour between the AU and its RECs. The RECs are the constitutive components – beyond the institutions comprising the APSA – that anchor the AU's conflict prevention and resolution framework in each of the regions of the continent. However, with the exception of ECOWAS (and to a lesser extent, SADC) the other RECs have not developed their individual sub-regional mechanisms to support the AU in this regard (Aboagye 2012: 1-4). Nonetheless, although ECOWAS is the most advanced REC in terms of its security arrangements, the Ivorian conflict revealed that ECOWAS still faces numerous challenges. Furthermore, the study exposed the level of mistrust and competition between the AU and ECOWAS. During the period in which both organisations sought a resolution to the Ivorian crisis, there was no clarity or coherence regarding their respective roles, responsibilities, and mandate. As a result, the AU and ECOWAS were not able to implement their own self-imposed

responsibility to protect Africans from humanitarian catastrophe, and to provide an African solution to a specific and urgent African crisis.

The sixth challenge identified is the absence of a formal framework governing the AU engagement with former colonisers, when dealing with conflicts of common interest on the continent. The study reveals that former colonisers, in this case France, do not intervene in their sphere of influence solely for humanitarian motives. Based on its historical and extensive links with Côte d'Ivoire, it was easy for France to sideline the AU, and take the lead to resolve the crisis – a shameful indictment of the AU's authority in its own backyard.

Finally yet importantly, the lack of co-operation and consultation between the UNSC and the PSC was identified as an important challenge to conflict resolution on the African continent. The lack of joint decision-making and frequent, institutionalised consultations between the PSC and the UNSC continues to be a major challenge. This often sends mixed signals to conflicting parties, creates confusion, and delays early and appropriate actions. There is an urgent need for clarity of engagement and division of labour between the UNSC and the AU's PSC, in order to synchronise their individual comparative advantages when dealing with conflicts of common interest.

In sum, after evaluating the AU handling of the Ivorian crisis, the preliminary primary and secondary assumptions of this study have been validated. The first assumption stated that whereas the AU has made determined rhetorical commitment to the implementation of R2P to stop humanitarian crises when they occur on the continent, the Côte d'Ivoire conflict exposed the conceptual and institutional deficiency as well as internal divisions within the AU when dealing with the implementation of R2P. The second assumption highlighted the existing tensions between the AU, ECOWAS and the UNSC in their management of African conflicts. However, the third assumption, which stated that the AU lacked a coherent strategy to deal with the Ivorian crisis, has not been proven by the research. Upon analysis of the case study, it was found that the AU did, indeed, have a consistent policy. The policy was non-military intervention, in the crisis. The position the AU took from the outset was to resolve the conflict peacefully, and it did not deviate from this position throughout its handling of the crisis. Although the AU supported UNSC Resolution 1975, which allowed the use of force to protect civilians, the AU itself never considered the use of military intervention. Therefore, regardless of its failures to resolve the conflict and its lack of commitment to implement R2P and its Article 4(h), the AU did in fact adhere to a consistent position throughout the conflict.

5.4 Challenges experienced in the course of research

A major challenge experienced during the course of this research was the inability to conduct field research due to financial and time constraints. As a result, the researcher did not have access to insiders' views on the dynamics within the AU, and could not clarify the content of primary and secondary resources. Since the study evaluated the extent to which the AU utilised the APSA components and the level of co-ordination between ECOWAS, the UN, and the AU, a major challenge was the insufficiency and vagueness of information regarding the role played by the latter at various levels and stages of the international attempts to address the crisis.

5.5 Recommendations for further research

Beyond the analysis provided, a number of issues were not addressed in the course of the research, as a result of both time constraints and the analytical scope available for a mini-dissertation. These issues are summarised through the following questions, which could inform a future research agenda on the same theme:

- Firstly, since the AU has acknowledged mass atrocities as a major threat to peace and security on the African continent, and has enshrined the need to act to prevent and stop their occurrence through Article 4(h), what then are the criteria used by the AU to determine the existence (or imminent threat of) 'mass atrocities?' In other words, at what stage, or how, do the AU and the PSC decide when the threshold of Article 4(h) has been reached, so that intervention becomes necessary?
- Secondly, since the AU fully depends on its member states for its survival and effectiveness, what measures can be taken to mobilise the political will of AU member states? Are there any incentives that can be employed to strengthen AU member states' commitment to the organisations' effectiveness?
- Thirdly, considering the culture of non-interference and sovereignty on the African continent, what kind of preventive measures can be taken before the outbreak of conflict?
- Fourthly, considering the need to stop the perpetuation of impunity on the continent, what would constitute an effective sanction system in the African context?

- Lastly, why do former colonisers continue to exert more influence on African states than the AU manages to do, and how can the AU be capacitated to remedy its ‘junior’ position *vis-à-vis* these foreign actors?

5.6 Conclusion and recommendations

Mass atrocities – many of them perpetrated by governments against their own people – continue to be a major challenge to peace, security and development on the African continent. In order to respond effectively, the AU adopted a much more interventionist stance and shifted away from the OAU’s notion of non-interference, by providing the organisation with the legal and institutional mechanisms required to intervene in its member states in case of grave circumstances such as genocide, war crimes and crimes against humanity. The AU enshrined the R2P principle in Article 4(h) of its *Constitutive Act of 2000*. However, as the Ivorian post-electoral conflict revealed, the AU still battles to translate its rhetorical commitment to R2P and Article 4(h) to reality, and use its peace and security architecture to prevent, manage and resolve conflicts on the continent. The study demonstrated that the AU, its organs, and its member states have not yet internalised what R2P means in the African security culture, and how they propose to operationalise it. R2P has been localised only partially in the African context and has to constantly compete with sacrosanct notions of sovereignty, non-interference, and non-intervention. Often, and as demonstrated during the Ivorian crisis, this informs the AU’s preference for peaceful resolution of conflict through diplomacy and mediation, and manifests in the organisation’s reluctance to intervene militarily (Abdulai 2010); a position which is less intrusive but also less decisive. In the case of Côte d’Ivoire, the AU failed to translate its rhetorical commitment to R2P to actual implementation and to provide an African solution to the conflict.

Nonetheless, despite the numerous and never-ending challenges and deficiencies facing the AU, the organisation has made great strides toward achieving its yearning for peace and security on the continent, even if it has a long way to go. African leaders and Africans must realise that war is expensive, but so is peace. Peace is a long-term project rather than a once-off achievement, and Africans must take the required measures to strengthen the AU in order to deliver on its mandate to secure peace and security on the continent.

In light of these realities, the study makes the following recommendations:

- **Need for African consensus on R2P operationalisation:** The AU and its member states should develop a template outlining how they propose to implement R2P and Article 4(h). This will provide clarity regarding R2P localisation in the African context and the conditions for its implementation.
- **Need for political commitment and will:** The AU member states should take greater responsibility to ensure peace and security on the continent. AU member states must also realise that without conducive conditions, the AU cannot achieve its objectives. AU member states' consent, consensus, and support play a decisive role on whether the AU will and can implement R2P and Article 4(h). The legal and institutional commitment to implement R2P and Article 4(h) are in place, what is needed now is the will to implement them. The need for attitudinal shift and renewed political commitment cannot be overstated. This is especially valid because insecurity in the African context is borderless. AU member states must realise that strengthening the AU is also in their national best interest.
- **Prioritise conflict prevention:** The full operationalisation of the CEWS and the PoW is crucial to prevent conflict on the continent. The CEWS and the PoW should become more visible and active on the continent. This should be a priority considering the cost and complexity of military intervention, and the delay to operationalise the ASF. To be clear, coercive means is an important deterrence and early action tool, however military intervention is not a sustainable conflict resolution approach. As a matter of urgency, the AU must institutionalise its mediation capacity and processes if it is serious about peaceful resolution of conflicts.
- **AU and the RECs:** Priority should be given to capacitating the RECs, because the AU's peace and security framework depends on them. As articulated by the High Level Panel of the Audit of the AU in 2007, the RECs should support the AU in all its endeavors, in order to achieve greater harmonisation and co-ordination of policies. Undermining the AU is of little value and inhibits effective integration. The discrepancies between the AU and the RECs should be addressed adequately. There is a need to clearly outline the role, responsibility, and mandate of the AU vis-à-vis those of the RECs.

- **AU and former colonisers:** There is a need for more clarity about the rules of engagement of external actors, notably former colonisers that have extensive institutional influence in Africa.
- **AU-UN:** The AU is a young organisation, which is still consolidating its nascent conflict resolution mechanisms while concurrently having to deploy them to resolve conflict on the continent. For a variety of reasons, the AU needs the support of external partners, and the support of the UN in particular is crucial. The relationship between the two organisations needs more formalisation through a clear yet flexible template that will enable full utilisation of their respective comparative advantages. It is essential that the questions of who does what, when, and how are answered, as these actions relate to implementation of R2P. In addition, there is a need for more flexible and informal consultative meetings between the PSC and the UNSC as conflicts emerge on the continent. The *Declaration of Enhancing UN-AU Cooperation* and *UNSC Resolution 2033* are excellent starting points, but their provisions should be implemented and adhered to. The human cost of inaction is simply too high.

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