



Africa's Evolving Security Architecture

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Africa currently portrays the image of a continent riddled with territorial disputes, armed ethnic conflicts, civil wars, violence and the collapse of governments and ultimately states. The last forty years reveal that in Africa there have been at least 30 major conflicts which claimed the lives of seven million people, and displaced more than 20 million. The longest-lasting and most debilitating of these conflicts have always occurred within sovereign states, have assumed various forms – states against their own population, dominant ethnic groups against minorities, religious groups against others – and have fostered warlords and various other actors benefiting from the turmoil.

Either by default or design, African states have failed thus far to find lasting solutions to these problems. Instead for many years, African leaders relied on the international community to resolve conflicts on the continent, despite its repeated failure to do so successfully.

Already at the time of liberation from colonial rule, the African scholar Ali Mazrui noted: "Pax Africana asserts that the peace of Africa is to be assured by the exertions of Africans themselves." However it is only now at the start of the new millennium that Africa is finally on its way to develop new ways of dealing with conflicts on the continent.

Since the launch of the African Union (AU) in July 2002, African leaders have initiated important steps towards the creation of an African security regime for maintaining security and managing conflicts that would enable Africa to avoid over-reliance on the international community and which seeks to provide African solutions to African problems.

Introduction

The principles and objectives of the AU security policy are defined in the Constitutive Act of the African Union (CAAU) of July 2000. The preamble of the Act states that the member states of the Organization of African Unity (OAU) 'are conscious of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda'. The need for a common African defense and security policy is spelt out in Article 3(a) to (h) as well in Article 4(d) of the Act, which calls for the 'establishment of a Common Defense Policy for the African Continent' (CADSP).

Subsequently, at their Extraordinary Session held in Sirte, Libya, at the end of February 2004, the Heads of State and Government adopted the Solemn Declaration on the CADSP. The CADSP, which is largely premised on the concept of human security, identifies the common security threats to the continent; the principles and values underlining the CADSP; the objective and goals of such a Policy; as well as the implementing organs and mechanism, and the building blocks of the CADSP. The CADSP provides a framework for a regular review and close monitoring of the implementation of all instruments relevant to Africa's efforts to promote peace and security.

The Peace and Security Council of the African Union

In July 2001 the Assembly of the OAU, as a first step towards the creation of a collective African security regime, endorsed the central organ of the OAU

Mechanism for Conflict Prevention, Management, and Resolution as one of the organs of the AU. Consequently, at the first session of the Assembly of the AU on 9 July 2002, the Peace and Security Council (PSC) of the AU was established as a standing decision-making organ. The PSC Protocol came into effect on 26 December 2003, after having been ratified by the requisite 27 Member States. By mid-2004, 36 Member States had ratified the Protocol.

According to its founding protocol, the PSC is described as 'a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa'. It is to be supported by the Commission of the AU (via the chairperson of the Commission and its Peace and Security Department), a Panel of the Wise, a Continental Early Warning System (CEWS), an African Standby Force (ASF) and a special fund (see Diagram 1). In addition to this new structure is a Military Staff Committee whose function is to advise and assist in all questions relating to military and security requirements for the promotion and maintenance of peace and security in Africa.

It is envisaged that the CEWS will be linked to situations rooms in each of Africa's five regions with the purpose to share information with the PSC in the case of impending conflicts. Should preventive diplomacy through either the chairman of the Commission of the AU or the Panel of the Wise fail, this system should trigger the deployment of peacekeepers of the African Standby Force to prevent or reduce bloodshed. Preferably the UN would mandate the deployment of the ASF under a mandate from the UN, but if necessary, the PSC is authorized as a regional organization in terms of

Chapter VIII of the UN Charter to deploy peacekeepers.

The PSCI has considerable powers and may, in conjunction with the chairperson of the Commission of the AU

- undertake peace-making and peace-building functions to resolve conflict where they have occurred;
- authorize the mounting and deployment of peace support missions;
- recommend to the Assembly intervention in a member state in respect of severe circumstances, namely war crimes, genocide and crimes against humanity;
- institute sanctions whenever an unconstitutional change of government takes place in a member state;
- implement the common defense policy of the AU;
- follow-up the progress towards the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, respect of the sanctity of human life and international humanitarian law by member states;
- support and facilitate humanitarian action in situations of armed conflicts or major natural disasters.

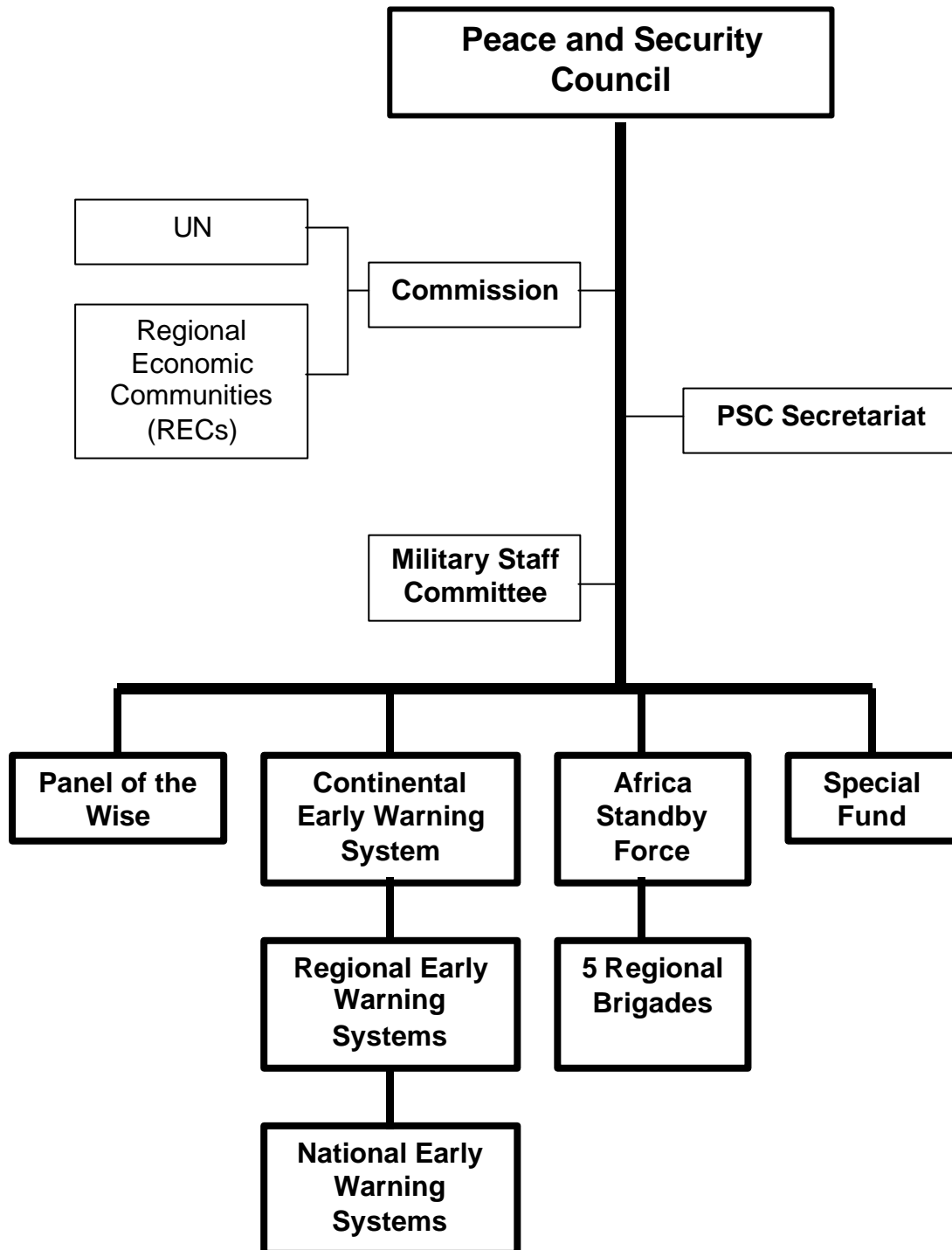
In March 2004, the AU's executive council elected 15 member states to

serve on the PSC. Five countries, one per region – Central, East, North, Southern, and West Africa – were elected to serve for a three-year term, with 10 others to serve for a term of two years.

Gabon, Ethiopia, Algeria, South Africa and Nigeria were elected for the first three-year term, while Cameroon and Congo (Central Africa), Kenya and Sudan (East Africa), Libya (North Africa), Lesotho and Mozambique (Southern Africa), and Ghana, Senegal and Togo (West Africa) were elected to serve the two-year term.

In its regional representation, the PSC is similarly structured as its predecessor, the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution (established by the OAU in 1993). However, there are significant improvements in the composition of the Council. The previous principle of rotation saw countries in each sub-region succeed one another as members on the Central Organ in automatic alphabetical sequence, with the consequence that not always the most capable or most appropriate country was (s)elected. Due to this principle Zimbabwe become a member of the Central Organ of the Mechanism during the 2003 AU Summit meeting in Maputo – despite widespread concerns about developments in that country. The same principle saw Libya being endorsed by the AU Executive Council for membership of the UN Human Rights Commission in 2001.

Diagram 1: Structure and Elements of the Peace and Security Council of the African Union



Now members of the PSC need a two-third majority vote cast in a secret ballot to be elected. This means that should the Western sub-region of Africa (corresponding with ECOWAS) wants to propose, for example, Ghana as a candidate, Ghana would also need significant support in the other four sub-regions to be voted on to the PSC.

In two respects the Protocol has additional requirements for election to the PSC. Each of the five sub-regions must now also submit a list of five candidate countries for its three slots on the council. In other words, Southern Africa may decide that it wants Mozambique, South Africa and Angola as its three candidates, but must submit a list that includes an additional two countries.

A second innovation is that the Protocol states 10 substantive criteria that candidate countries have to meet to be eligible for election. These include recent contributions to peacekeeping, the capacity to shoulder the responsibilities entailed in membership of the council, and financial contributions to the AU and the Peace Fund. However, what may be termed the most important and contentious requirement is that the 15 PSC members should show respect for constitutional governance, rule of law and human rights.

It is clear that the domestic legitimacy and the international confidence in the PSC rests on how this last requirement is interpreted; it is extremely likely that in terms of most interpretations, only South Africa, out of the five selected countries to serve for a three-year term, would qualify. In respect of human rights, the key states Algeria, Ethiopia and Nigeria would in all likelihood fail the test.

The relationship between the PSC and the UN

The charter of the UN states that its primary objective is to maintain international peace and security. It has the right (via the security council) to use sanctions, blockades, and military force to this end. Chapter VI and VII of the charter specify in detail how and when these activities may be used. According to chapter VIII, the security council may further use regional arrangements or agencies for enforcement action under its authority. In terms of the charter, the AU or any sub-regional organization that intends to undertake enforcement action must therefore seek the prior authorization of the UN-security council.

The preamble of the protocol on the PSC is 'mindful' of the provisions of the UN charter, as well as the need to forge closer co-operation and partnership between the AU and the UN in respect of promoting peace and security in Africa. The primacy of the UN is confirmed in article 17(1) which emphasized that 'in the fulfillment of its mandate.....the PSC shall co-operate and work closely with the UN security council, which has the primary responsibility for the maintenance of international peace and security'. However, what happens if the UN is unwilling or unable to authorize appropriate action in a timely manner (as happened in Rwanda in 1994)? In such a case, should the AU take bold steps?

Neither the CAAU nor the protocol establishing the PSC are clear in this regard, leaving sufficient leeway for the AU to sanction intervention without prior UN Security council approval. Regional organizations can of course act and seek *post facto* approval as happened with the belated blessing of

the Economic Community of West African States (ECOWAS) intervention in Liberia and Sierra Leone – as did the North Atlantic Treaty Organization (NATO) in Kosovo. But the litmus test will remain the interpretation of ‘appropriate’ by the UN Security Council, which provides that body with a ready excuse for inaction or to side-step endorsement of actions by regional organizations.

For Africa, the path of military intervention by regional organizations without an unequivocal and significant involvement of the international community is a dangerous way to go and may over time undermine the global responsibilities of the UN Security Council for peace and security. At the same time, the AU, like its predecessor, might become hostage to a collection of weak, failing, and undemocratic states, which are incapable of providing security beyond that required to protect the self-serving interests of their presidents.

The African Standby Force

It is envisaged that by 2010, Africa will have a UN-style military force ready to police the continent's trouble spots. The African Standby Force (ASF) will consist of five regionally based brigades. During phase 1 (up to June 2005), the AU will develop the capacity for the management of scenarios 1-2 missions, as outlined in the Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee of May 2003 (namely, AU/regional military advice to a political mission, and AU/regional observer missions co-deployed with a UN mission). The Regional Economic Communities (RECs) would in the same time period complement the AU by establishing regional forces up to a brigade level grouping to achieve Scenario 4 capabilities (namely an

AU/regional peacekeeping force for Chapter VI of the UN Charter and preventive deployment missions). The AU intends to manage a roster of 300-500 military observers and 240 police officers to be held in member states on 14 days notice to move. In this timeframe, the AU also aspires to establish a standby system of formed police units that would be comprised of two company-level formed units (approximately 225 police) on 90 day notice to deploy in support of a complex peacekeeping operations.

During phase 2 (1 July 2005 to 30 June 2010), it is envisaged that, by the year 2010, the AU will have developed the capacity to manage complex peacekeeping operations (Scenario 5), while the RECs continue to develop the capacity to deploy a mission headquarter for Scenario 4, involving AU/regional peacekeeping forces.

The highly ambitious deployment target envisioned by the ASF aims to ensure deployment within 30 days of the adoption of a resolution for traditional peacekeeping operations, complex peacekeeping operations within 90 days, and recommendations for the establishment of a robust military force able to deploy in 14 days in rapid response to situations of genocide.

It is not a simple exercise to undertake peacekeeping operations in Africa. Previous experiences have shown that such operations present serious practical challenges to forces assuming a peace support role. Peacekeeping interventions require strong command and control, communications, interoperability, logistics and equipment. The right to intervene must be paralleled with the capacity to do so.

It takes time and considerable resources to create and establish pre-conditions necessary to sustain the complete range of capabilities needed to fully undertake peace support operations or deal with situations of genocide or mass ethnic cleansing. At present, most African countries lack the capacities to support even the most basic missions, and are also unwilling or unable to pay the cost required to upgrade training and equipment. Africa will therefore need to develop key partnerships as it makes progress towards acquiring the necessary capabilities to meet its long-term vision of playing a significant role in African security.

Other Institutional Arrangements

The aim of the **Continental Early Warning System (CEWS)** is to 'facilitate the anticipation and prevention of conflicts'. The idea is for the Chair of the Commission of the AU to use information gathered by the system to advise the PSC on potential conflicts and threats to peace and security in Africa and to recommend the best course of action. Once established, the heart of the CEWS will consist of a Situation Room, located at the Conflict Management Directorate of the AU in Addis Ababa. The Situation Room will, in turn, be linked to the observation and monitoring units of sub-regional organizations, such as those being established within the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) in the Horn of Africa and the Southern African Development Community (SADC). The functions of these sub-regional organizations are to collect and process data at their respective levels and to transmit them to the continental Situation Room.

The PSC Protocol determines that the CEWS is to collect and analyze country data on the basis of an appropriate 'early warning indicators module'. In theory this requirements sets the stage for an 'objective' process according to which the CEWS tracks the situation in its 53 member states, and alerts the PSC – via the Chairperson of the Commission – when there are indications of rising tensions (expressed in terms of deviations from the norm).

Although simple in theory, this is a hugely ambitious undertaking, both in technical and – especially – in political terms. In Africa, good governance and conflict prevention are two sides of the same coin. The key early indicators of intra-state conflict and regional instability have repeatedly proven to be an abuse of power and transgression of human rights, bad governance and circumvention of democracy. Until now, no African country seems to be prepared to recommend the intervention of the AU in circumstances such as these.

In order to support the efforts of the PSC and those of the Chairperson of the Commission of the AU, particularly in the area of conflict prevention, a **Panel of the Wise** will be established, comprising five 'highly respected African personalities', selected on the basis of regional representation and appointed for three years. The modalities of the functioning and the members have not yet been determined.

The establishment of the **Peace Fund** as provided for in the Protocol is to provide the necessary financial resources for peace support activities and other activities related to peace and security. It is to be financed with requisitions from the AU's regular budget, as well as from voluntary

contributions from state and non-state sources inside and beyond Africa.

To address the financial and operational activities related to peace and security, the OAU already established a Peace Fund in 1993. Today, the fund is still supported by an annual contribution of 6 % from the AU regular budget, as well as by voluntary contributions from member states and outside donors. Since the inception of the Peace Fund, a total of just over US\$ 96 million has been mobilized. Over three quarters of this amount is from partners of the AU and only one quarter from member states.

The AU aims to raise member state contributions to the regular budget and subsequently increase the amount from the regular budget dedicated to the Peace Fund from 6 to 10 %.

The annual OAU budget amounted to approximately US\$ 32 million (however, in May 2002 the OAU budget was carrying about US\$ 52 million in arrears). The current annual budget needed to cover the costs of AU staff alone is estimated to reach US\$ 57 million. If calculations are based on these budget estimates, the proposed increase from 6 to 10 % would provide an additional US\$ 5.7 million, as opposed to an increase of US\$ 1.8 million based on the old OAU budget.

Clearly, the AU will require a budget several times larger than the OAU's if it is to contribute meaningfully to peace and security on the continent. A funding proposal for implementing the AU's peace and security agenda has been drafted; it projects an amount of US\$ 120 million over three years. Sub-regional peace operations under the auspices of the AU will not come cheap, and there is no guarantee of reimbursement from the African Union.

For example, the provisional budget for the 3,500-strong AU Mission in Burundi amounts to US\$ 121 million. Even though this is far more modest than the budgets of the big UN missions in Africa, the fact remains that lead nations, such as South Africa and Nigeria, will not be willing to bear the brunt of the cost for AU operations.

Realizing the financial constraints, African leaders adopted a resolution at the African Union summit in Maputo in July 2003, requesting the European Union to establish a Peace Facility from funds allocated to their countries under the existing cooperation agreements with the EU. At the end of March 2004, the European Council approved a Euro 250 million Peace Facility (PF) to promote African peacekeeping operations. This amount is composed of Euro 126,4 million from allocations earmarked to African countries under the 9th European Development Fund (EDF), the financial instrument of the Cotonou Agreement (1.5 per cent will be 'shaved off' each country allocation). Euro 123,6 million come from unallocated reserves in the long-term 'development envelope'. The EU has declared that it will not include the Facility money in its accounting for aid spending to the OECD Donor Assistance Committee (DAC). Member states have pledged that EDF funding for the peace Facility is an interim measure and that alternative sources will be considered in the light of a review after 1 year.

The main objectives of the PF will be to (i) promote African solutions to African crises by providing the AU with the 'financial muscle' to back up its political resolve with concrete acts; (ii) encourage African solidarity through financial contributions from all African countries; and (iii) create the necessary conditions for development. The use of the PF is restricted to the

financing of African-led peacekeeping operations. Military expenditure such as arms, ammunitions or salaries of troops will not be eligible for funding.

Already in June, the EU decided to support the AU peacekeeping operation in Darfur, Sudan with 12 million Euro from the PF. For a period of 12 months the African Union observer mission is now ensuring that the rules and provisions of the ceasefire in Darfur are implemented.

The Darfur Crises: The role of the AU

For the AU the Darfur crisis is both an opportunity and a test. It will provide the AU with an opportunity to show its commitment to resolve African conflicts with African solutions. It will also test the AU's ability and capacity to give effect to the new provisions of the Peace and Security Council.

Article 4 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union states that the AU has the right to intervene only (i) in cases of grave circumstances, namely war crimes, genocide and crimes against humanity or (ii) after a request has been made by a member state to restore peace and security in that particular country. The second "threshold criteria" is in line with Article 51 (self-defence clause) and the general provisions of Chapter VII of the UN Charta (breaches and threats to international peace and security). With the first criteria, the African Union follows - at least in principle - suggestions made by the International Commission on Intervention and State Sovereignty who stated in its report "The Responsibility to Protect" of December 2001, that military action, which go beyond the provisions made by the UN Charta, can be legitimate only in cases

of "large scale" loss of life, with genocidal intent or not, and in cases of large scale "ethnic cleansing", actual or apprehended.

The AU follows this new concept, except for where the AU states that genocidal or "ethnic cleansing" must be intentional: only then is intervention legitimate.

This new doctrine which has not yet entered the international law or international common law as an accepted norm, raises two questions: What does "large scale loss of life" mean? and "What are the operations requirements for interventions?".

How can we classify the Darfur crisis? Is Darfur genocide that has happened and must be punished? Or, is it genocide that could happen and must be prevented? The US congress claims that genocide has occurred in Darfur. The African Union says it is not genocide.

Nigerian President Obasanjo, also the current Chair of the African Union, told as press conference at the UN-headquarters in New York in September 23: "Before you can say that this is genocide or ethnic cleansing, we will have to have a definite decision and plan and program of a government to wipe out a particular group of people, then we will be talking about genocide, ethnic cleansing. What we know is not that. What we know is that there was an uprising, rebellion, and the government armed another group of people to stop that rebellion. That's what we know. That does not amount to genocide from our own reckoning. It amounts to of course conflict. It amounts to violence."

The AU sees the Sudan as a site of two contradictory processes. The first

is the Naivasha peace process between the SPLA and the Government of Sudan, whose promise is an end to Africa's longest festering civil war in the south of the country. The second is the armed confrontation between an insurgency and anti-government militias in Darfur. Both crises, in the south and the west, are seen as different aspects of a connected process.

The peace process in the South has caused divisions within both the government of Sudan and the SPLA. The government in Khartoum is divided, between those who pushed the peace process, and those who believe too much was conceded in the Naivasha talks. This internal opposition responded by arming and unleashing several militias, known as the Janjawid. The result is a spiral of state-sponsored violence and indiscriminate spread of weaponry.

Tensions within the ruling circles in Khartoum and within the opposition SPLA have given rise to two anti-government militias. The Justice and Equality Movement has historical links to the Islamist regime and was organized in Khartoum as part of an agenda for regaining power (and has a more localized and multi-ethnic presence in Darfur), and the SLM/A is linked to the southern guerrilla movement SPLA.

In sum, all those opposed to the peace process in the south have moved to fight in Darfur.

Based on the analysis that the Darfur crisis was one of conflict and that there was no genocide, the AU's first priority was to stop the fighting and push the peace process. Within this framework, the AU's first step was to revitalize the September 2003 ceasefire agreement and the peace negotiations between

the Sudanese government and the SLM/A which stalled at the end of 2003.

Under the auspices of the AU commission, negotiations for a new ceasefire agreement took place between March and April 2004 in neighbouring Chad, which resulted in the signing of the 8 April 2004 Humanitarian Ceasefire Agreement on the Darfur conflict and a protocol on the Establishment of Humanitarian Assistance in Darfur, at a time, when international interest in the violence was minimal.

As part of the ceasefire agreement, an AU observer mission with 136 military observers and a 300-strong protection force was deployed.

At the same time, in an effort to find a lasting solution to the crisis, negotiations started to resume the political dialogue between the Sudanese parties within the framework of the April agreement. The first round of the inter-Sudanese peace talks took place in Addis Ababa, Ethiopia. The second round occurred in September 2004, in Abuja, Nigeria where it was decided to increase the number of peacekeepers by some 3 500 extra African troops and some 800 police officers. They are tasked with monitoring the fragile ceasefire between the rebels and the government. The hope is that by deploying more teams in more areas their presence will deter further violence. But villagers will only feel truly secure if the rebels and government find a solution to their conflict. And that lies in the hands of politicians, not AU soldiers.

The AU's reaction to the Darfur crisis shows that the AU is able to develop political programmes, show commitment to and give effect to those

programmes. Based on its own analysis and withstanding external pressures, the AU did not wait for the UN, which was again split on this issue, in finding resolutions to this conflict. This bodes well for the future.

Conclusion

Peace and security is recognized as the absolute prerequisite for the establishment of an effective African Union and regional economic integration, alongside the attainment of good governance and economic development. Similarly, in order to achieve peace and security it is necessary to develop the required doctrines, institutions, and processes to underpin regional peace and security.

Until today, there is a multiplicity of initiatives for peace and security in Africa. But it seems that most of them are ad-hoc responses to specific problems. All are worthwhile. Some are well coordinated – while in other cases there are poorly-managed or poorly-coordinated initiatives that cover the same ground. At the same time, more than any other continent, Africa needs a workable and coherent peace and security architecture.

The current political climate on the continent, as evidenced by the concept of African Renaissance, the economic program NEPAD and the establishment of the African Union indicates that the time is right for integrating existing peace and security issues within a unifying framework, in such a way that they retain their essential autonomy and dynamism, but complement one another more effectively.

Less than three years after the inauguration of the African Union in Durban, South Africa, an African security architecture is taking shape at

a remarkable pace. Although the provisions in the various Acts, Protocols and Rules and Procedures reflect a certain degree of inconsistency and lack of clarity, the intentions now expressed in these AU documents are a huge step forward and a positive opportunity for change. It appears that the AU is structurally better organized than its predecessor, the Organization of African Unity (OAU) to deal with conflict resolution and to coordinate efforts in the field of peace and security on the continent. Also, there seems to be a greater political will amongst African leaders to deal with the problems on the continent from a continental platform.

Addressing the preconditions for peace is a demanding agenda, involving complex institutional processes and linkages. And much has to be clarified in this regard.

- There is a pressing need for a roadmap that outlines the relationship between the African Union and the other pre-existing peace and security institutions, especially the sub-regional organizations (RECs), given the fact that the principal responsibilities for enforcing peace and security has been assumed by the RECs. For historical reasons, there has been no formal structural relationship between the OAU and RECs, and there appears to be no clear plan yet to resolve this problem. An immediate question is, what kind of interface is required between the AU and the RECs? Should there be several structures specific to the functions of the RECs or is one single interface required?
- Although to be addressed is the question on what mechanisms will be required to promote and monitor consistency between RECs' policies

and their compatibility with the long-term aim of regional convergence.

- An ongoing issue is that the formal mandates of Africa's organizations, and decisions taken by their highest bodies, are not matched by genuine collective commitments and capacities for monitoring or implementing these resolutions. There is an imbalance between form and substance. This is not a problem if the realities regularly catch up with the aspirations after a while, but in the case of Africa, this is often not the case. There is a tremendous backlog of unfulfilled commitments, which only serve to discredit multilateralism within Africa.
- Most enforcement capacities remain based outside the continent, partly in response to weak African capacities. Therefore, the notion of shared responsibility and burden-sharing between African role-players and the United Nations (UN) – which is still the pre-eminent international organization responsible for international peace and security – needs to be adequately clarified. If there is to be greater coherence of peace and security activities within Africa, a clearer mechanism for coordination with the UN will be required. The challenge is to establish a sound, legitimate and acceptable basis for UN-African involvement in joint ventures so as to ensure appropriate responses to security crises. The issues “When and where to intervene?”; “Who should intervene?”; and “How to

intervene?” should be thrashed out in a very practical manner.

One of the learning points from the 1990s peacekeeping experiences is the need to achieve more legitimacy and greater consistency especially with regard to multinational intervention action. This is especially so when the security of people is seriously at risk. Being more legitimate and more consistent is not only necessary in dealing with conflicts, but also with regard to the principles and doctrines that guide operations.

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