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Multilateral Institutions as Panacea for Crime Prevention in Africa: A Case Study of African Union Mechanisms

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Abstract

The article assesses the role of multilateral institutions in crime prevention in Africa. It seeks to explore the role of continental organization, most importantly, African Union, in the area of providing leadership towards solving teething problem of crime in Africa. The scourge of terrorism, insurgency, and banditry is a menace that has continued to ravage the continent of Africa for decades. The incessant unleashing of act of terror on innocent people has gained the attention of some multilateral institutions within the global system; and with cooperation and assistance of global partners the African Union has launched itself to be part of the crusade. The near-breakdown of law and order in the central, West, and Horn of Africa has attracted the attention of African Union in recent decade which ultimately led to the emergence of new mechanisms within the framework of African Union to respond to some of these seemingly new threats. Thus, the current research attempts to explore those mechanisms that are established by the African Union to respond to all forms of crime within the continent, most especially in the West Africa sub-region where terror attacks, insurgency and banditry have posed serious threat to the corporate existence of states. In conducting the research, the use latent content analysis is employed to mine data from existing literature and documents.

Keywords: Crime; multilateral institutions; African Union; Africa; Organizations

1. Introduction

Regional organizations or bodies have become an important organ in an effort at translating the principle of Responsibility to Protect (R2P) into practice (William & Bellany, 2012; Weltz, 2012). It signifies an obligation on the part of states in relinquishing certain sovereign rights and privileges which were hitherto regarded as inviolable, and it has even become an important aspect vital for the protection of civilians from gross human right abuses in such a situation where the state is absent, or incapable in providing the needed protection, or the main perpetrator of crimes against its populations. Regional organizations play a vital role and usually regarded as organs with close proximity to a situation whereby fragile states cannot maintain or extend a semblance of security in all parts of its territory or unable to fulfill its obligations. Regional organizations play a key role and often represent the first point of call in such situations of failure where dysfunctional states can neither guarantee law and order throughout their territory nor fulfil key international obligations (Aning & Okyere, 2016; Starman & Hayatou, 2010). Thus, regional organizations have been described as important partners in

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safeguarding and maintenance of peace and security for a number of reasons. First, the UN is noticeably overstrained in protection peacekeeping and duties. Secondly, regional organizations owing to their proximity to the conflict areas, have a better understanding of the environment and crises situation making them legitimate actors in the enforcement of peace and in the peacemaking process. Thirdly, regional organizations are increasingly becoming vital organs in determining the course of action to be taken in a certain conflict situation, thereby allowing the UNSC to legitimately authorize an intervention for human protection purposes in a member state (Minya, 2018). Virtually all continents have regional and sub-regional multilateral institutions that are established to serve some purposes (Moller, 2009). African as a continent established the Organisation of Africa Unity (OAU) IN 1963 which later metamorphosed to African Union (AU) through Sirte Declaration by African leaders. In order to bolster the mandate of the continental organization, the new one, AU, is meant to have wider scope and relevance contemporary to African problems (Oladimeji, 2022; Krleg, 2016). Thus, the AU has been acclaimed in its determination for the adoption of policies that strive to protect civilian populace against mass atrocity crimes. By adopting Article 4(h) it has shifted focus from the doctrine of non-interference to nonindifference. The adoption of Article 4(h) of the Constitutive Act of 2000 gives legal basis for the continental body to intervene in respect of grave humanitarian catastrophe such as war crime, crimes against humanity as well as genocide. By Article 4(h) (Ani, 2016), AU member states have agreed and acknowledged the notion of sovereignty as responsibility, principally conceding their attachment to nonintervention posture. Accordingly, the recognition of this responsibility means that

member states can no longer hide under the cover of sovereignty as justification to engage in gross human right violations against their own citizens (Aning & Samuel, 2011; Aning & Okyere, 2015). Besides Article 4(h), the continental states under the auspices of the AU have expressed their commitment and resolve to the doctrine R2P in respect of the adoption of 'the common African position on the proposed reform of the United Nations in 2005. during its 7th Extraordinary Executive Council Meeting at Ezulwini, in Swaziland. The Ezulwini Consensus underlines the AU's political recognition of the doctrine of R2P and its stance on the application of force as well as the implementation of Article 4(h) interventions (Lotze, 2013; De Wall, 2005). Besides, the AU as a continental body has established mechanisms within the fabric of AU to respond to crimes and related issues on the continent. Such mechanisms is therefore the focus of this research, to explore and assess the role of these mechanism in crime prevention within the continent. It also attempts to delve into the effectiveness of these instruments in responding to continental problems. In doing this the research is divided into four broad sections. Section One introduces the research and discusses the background of AU's adoption of global practice in intervention. Section Two delves into literature review where subsections are formed to capture AU institutions for the prevention of Mass Atrocity Crime in Three discusses the Africa. Section research methodology while section Four concludes the research.

2. Literature Review

This section discusses relevant literatures in relation to the current research. It attempts to review research works that are relevant to the study. In this way, literatures on AU

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as a mechanism for solving continental problems, African Peace and Security Council, the Continental Early Warning System, African Standby Force as well as the Panel of the Wise are reviewed under separate sub-heading. The research thus adopts thematic literature review process that captures the essence of the research.

AU as a Mechanism for Continental problems

The AU continues to be regarded as a regional organization and as a forerunner in the development, advancement, as well as in the entrenchment of the doctrine of R2P in the global human right discourse. The AU has demonstrated to be an organ in the application of the principle of R2P in the prevention mass atrocities especially in Mali, Somalia and the Central African Republic (CAR). The AU has also been complementing UN in its efforts in the prevention of genocide, war crimes and crimes against humanity in the continent (Williams and Bellany, 2012; De Coning, 2019). However, the AU and UN are seen in most cases to be indecisive in taking a timely and actionable response on the proper solutions to violence. A case in point is Libva debacle where the institutions took a different course of action before arriving at a consensus in relation to the conflict (Oladimeji 2022; AU Assembly, 2015). In spite of the pledge of AU to hold member states in respect of their obligation to the principle of R2P, the near absence of consensus within the organization and between it and other international organs presents an enormous challenge with regards to the implementation of the core mandate of preventing crime on the African continent. A member state seems to be failing in the observation of those standards may possibly be subjected to a crippling economic and political sanctions (Maru, 2003; Dellamy & Dunne, 2016). The

Constitutive Act of AU stipulates the right of the continental body in specific situations, to intervene in any member state as well as the right of any member states to also request for an intervention. Profiting from the experiences of its predecessor, the OAU, the AU has instituted principles and standards that epitomize the ideas of crime prevention and has also undertaken a more interventionist posture through its structures, bodies, mechanisms, and legal frameworks (Aning & Aubyn, 2013; Appiah-Mensah, 2006). Institutional arrangements through which AU operationalizes Mass atrocity crime prevention mechanism includes, the AU Peace and Security Council (AUPSC), Continental Early Warning System (CEWS), the Panel of the Wise and African Standby Force (ASF). The African Peace and Security Architecture (APSA), as it is generally known, is envisioned to deal with the implementation of peace and security policy of the continental organ. All these institutional mechanisms are given attention under separate subheadings in this research.

Moreover, the adoption of a resolution on 'Strengthening the Responsibility to Protect in Africa' held in Brazaville, the Republic of Congo in 2007, at the 42nd Session of the African Commission on Human and People's Rights featured the significance of R2P in an important policy document of AU (Akinbi, 2015: Murithi and Charles, 2010). The doctrine of R2P received an extensive support within the structure and AU institutional system as well as in policy and academic circles (Anning & Okyere, 2015). Such stance requires the AU to intervene in the domestic or national affairs of member states, as well as allowed the development of a suitable method in responding to crises situations on the continent. These methods gave the AU the prerogative to intervene in conflict

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situations with all the available instruments at its disposal including sanctions such as the mediation effort in respect of postelectoral crisis of 2008 in Kenya (Minya, 2018; Ahmad & Oladimeji, 2022).

The institutionalization of Commission of Inquiry on the crises of South Sudan, International Support Mission to Central African Republic (MISCA) as well as the deployment of troops to International Support Mission in Mali (AFISMA), demonstrate an increasing and a vital role the AU could play in the prevention of mass atrocity crime and the maintenance of peace and security in the continent (Aning, Okyere, 2015; Albrecht, Cold-Raynkilde & Haugegaard, 2017). However, there persist issues relating to the operationalization of the principle within the continent in spite of the modest achievement attained as can be seen by an increase in the deployment of peacekeeping missions on the continent. As noted by Aning and Samuel (2011), AU leaders have in most instances moved away from interpretation of crises situations through the lens of Article 4(h), especially in respect of apparent abuses of human rights. In Côte d'Ivoire and Libva, the AU failed to activate Article 4(h) despite clear circumstances of mass human right violations that can be regarded as an act of war crimes as well as the commission of crimes against humanity were continually reported by both Non-governmental organizations and the international community (Ero, 2013; Krleg, 2016). In situations where the AU had cause to intervene, as in places like Sudan, Burundi, as well as Somalia, the consent of the state involved has been secured and consequently, intervention has appeared to be conducted within a peacekeeping mandate. In a way therefore the AU as an organization has been alive to its mandate of crime prevention on the continent.

The Peace and Security Council

The peace and Security Council came into being by adopting the Protocol related to its establishment (PSC Protocol) of the AU in 2002 and it is the most important and the dominant operational constituent of the APSA (ISS Africa, 2015). The PSC is comparable to the UNSC made up of 15 member states, ten elected for a two-year term and five for a term of three years. PSC represent 'a collective security and early warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa' (Herbst, 2014). The Protocol directs the PSC to recommend intervention in a situation that may possibly result in the commission of mass atrocity crimes to the Assembly of Heads of State. The PSC has authorized interventions in Burundi, Sudan, as well as in Comoros, Somalia, the Central African Republic, and Mali (Murithi, 2014). The capacity of the PSC in creating awareness and to rally international support in conflicts situations in Africa makes it the most important organ of the APSA. Though it has not yet invoked Article 4(h) so as to allow an intervention to occur in a member state. Although this does not obstruct the continental organization in upholding its interventionist obligations, evoking Article 4(h) is vital and essential in advancing the principle of R2P by sending a clear message to probable perpetrators of mass atrocity crimes, specifically those that are related to the commission of genocide, war crimes, and crimes against humanity (De Waal, 2005). The only impediment effecting the full efficiency of the PSC is the interests of states within the African continent. This scenario of states' interest played out in dislodging military takeover in few African states of Chad, Mali, Guinea and Sudan. Of all 14 coups detat experienced within the global system since 2017 all but one (in Myanmar) occurred in Africa (Mwai, 2022). Because of the connection of some

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these regimes with other African states it has been difficult for the PSC to dislodge the activities of unconstitutional change of government in Africa and unless the PSC takes a strong bold against such act, the trend may continue.

The Continental Early Warning System The Continental Early Warning System (CEWS) is the structure put in place in monitoring the possibility of violent conflicts within member states. It serves as an indicator in providing a timely intelligence for policy makers on the potential of a conflicts situation, so as to body taking the continental enable appropriate decisions. The CEWS is vital and essential for the effective performance of PSC protocol established by Article 12(1) (ISS Africa, 2015). It lays much emphasis on prevention and provision of intelligent information to concerned states within the continent. It operates with other regional blocs through an appropriate communication medium and it also involves an observation and monitoring hub called the 'Situation Room' in charge of the analysis and collection of data using a proper early warning indicator (AU, 2013). It also links the Regional Economic Communities monitoring and observation units directly with the Situation Room by transmitting data of their various regions (Anning & Okyere, 2015). The commission applies the data collected through the early warning system and advises the PSC on potential and possible threats to peace and security in the continent by recommending the proper course of action to be taken.

The CEWS is central to the realization of AU's mandate. The AU will be seriously hampered in its effort to tackle the many security challenges in Africa without the capability to analyze, monitor and develop a formal and an appropriate response and policy options with regards to threats to peace and security (Lotze, 2013). It is based

on this framework that the harmonization between AU and RECs is very important. Though substantial progress has been achieved in respect of collaboration between the CEWS's and the RECs such as West African Early Warning Network as well as the Conflict Early Warning and Response Mechanism of the intergovernmental Agency for Development. However, according to Oladimeji (2022) the linkage between early warning and response mechanisms is still very weak. This situation needs to be as to addressed so appreciate the importance and significance of CEWS as an efficient conflict prevention instrument in Africa. Again, for PSC to achieve its mandate Mwai (2022) observes that the CEWs must be strengthened to provide necessary technical and intelligence assistance to the PSC periodically.

The African Standby Force

The African Standby Force (ASF) is amongst the important components of the AU as a rapid response force intended as a measure in preventing counter the commission of mass atrocity crime in the continent. Article 13 of the PSC Protocol made provision for the establishment of the ASF to be comprised of a standby multidisciplinary unit consisting of civilian and military components in their respective states and ready to be deployed on a short notice or notification (Akinbi, 2015). The force is to be made up of regional brigades (Anning and Okyere, 2015). The force duty mission involves observation. or monitoring and other tasks related to peace support missions and to intervene in member states in an event of grave humanitarian crisis or in restoration of peace and security at the request of a member state.

In this case, it is imperative for the RECs and the Regional Mechanisms (RMs) to plan and enhance their capabilities as

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instruments for the achievement of AU's commission initiative for the attainment of peace, security and stability of the continent. The main idea behind the establishment of ASF is to provide the continental body with the needed capabilities for a rapid response to conflict by deploying peacekeeping forces to conduct an interventionist mission pursuant to Articles 4(h) and 4 (j) of the AU Constitutive Act (Muithi, 2016). Furthermore, in view of an increase in demand for both regional, and UN peacekeeping missions in Africa, the ASF represents one of the most significant and impressive scopes of the new peace and security architecture envisioned for rapid deployment, peacekeeping, peace-building, disarmament, demobilization, as well as reintegration and humanitarian assistance. However, the establishment and relevance of ASF as one of the most important components of APSA to respond to conflicts in Africa is not attained. It has been regarded and described as ineffective apparently as a result of not been utilized since unveiling the ASF project in 2003 (Oladimeji & Adamu, 2022). It was this circumstances that prompted the AU Assembly to institute the African Capacity for Immediate Response to Crises (ACIRC) at its 22nd Session, held in Addis Ababa in May, 2013 (Ero, 2013). The primary objective of ACIRC is to form a rapid response apparatus competent to stabilize a crisis conditions before the deployment of ASF (Ero, 2013; Mimya, 2018). Though the ASF consist of a Rapid Deployment Capability (RDC), this unit needs to be integrated in the ACIRC component so as to enhance the AU's capability to respond rapidly to commission of mass atrocity crime in the absence of a prompt response international community. from the However, the relevance of the African standby force established as one of the key critical components of APSA to respond to

crisis situations in the continent is not vet realized, it has been regarded as ineffective as a result of its non-utilization. According to De Conning (2019) such ineffectiveness and redundancy of the institution is stemmed from lack of adequate financial capability and other related resources to launch effective operation in all trouble spots in Africa. As long as most African states remain in abject poverty most of instruments may continue these to experience inefficiency.

The Panel of the Wise

The Panel is an advisory and consultative in nature and operation. This instrument is charged with the responsibility of collaborating with CEWs with the aim of containing conflicts before it fully breaks out. Its arrangement, makeup and mandate are as defined in Article 11 of the PSC Protocol. Its main function or responsibility is to advise the PSC and the Commission on issues concerning the promotion of peace and security as well as stability in the African Continent. The Panel is to act independently on issues that it regards important in enhancing human security in Africa. The panel can also act on the request of PSC or at the behest of the commission and more importantly as it deems necessary (Murithi & Charles, 2010; Dunne & Grifkins, 2011). The panel consists of five members elected amongst the men of proven integrity and must have made significant contributions in the maintenance of peace and security, as well as the development of the continent. The Panel modalities require that the members constituting the panel should not be politically active as at the period of their tenure. The Panel is meant to play a supportive role rather than an institution on its own; though it can independently voice out and assert itself on an issue pertaining to the maintenance of peace and security in the continent.

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The secretariat of the Panel was supposed to function in conjunction with relevant units of AU Commission in analyzing data collection on the development of the continent. It also conducts research on issues related to peace, identification of experts on peace related issues, the production and distribution of panel reports. accelerate coordination and communication concerning the panel as well as other bodies of AU. The Panel of Wise Men have made considerable contributions in the discourse of peace and security in the continent towards conflict dealing with issues that prevention. involves circumstances of impunity, justice, good governance, gender issues as well as democratization processes.

Based on the preceding reviews on MNJTF, UN peacekeeping, AU as a mechanism for continental problems, peace and security council, the African standby force and the Panel of the wise, the continental early warning system of responsibility to protect, it has been established that few studies or no studies have viewed or examined the MNJTF within the perspective of R2P (de Montclose 2015; Akinola 2015; De Coning et al. 2016; Mensa-Bonsu, 2016; Assanvo et al. 2016;). It is against this background that, this study examines responsibility to protect in light of the operations of Institutions for Multilateral Crime Prevention in Africa as well as the fight against insurgency in the lake Chad basin.

3. Methodology

This study adopts hermeneutics approach to analyze the role multilateral institutions in crime prevention in Africa. A hermeneutics approach in research refers to the theory and practice of interpretation, where interpretation involves an understanding that can be justified. It describes both a body of historically divers methodologies for interpreting texts, objects, and concepts, and a theory of understanding (Roger, 2008). It is a methodological approach that hinges mainly on interpretation of research texts. The study further examines the pattern of relationship that exists between the two concepts through the evaluation of relevant theoretical literature. The literature includes the Peace and Security Council, the Continental Early Warning System, African Standby Force and the Panel of the Wise. Also, in the research, a descriptive research design was used as it assumes a prior knowledge of the research questions and problems before the research began. In addition, descriptive research design allows for diverse method of data collection that ensures an adequate process and procedure in obtaining extensive information regarding the research questions (Seaman, 2008). An advantage of hermeneutics study method is that it enables the researcher gain a deeper understanding of how multilateral body like AU responds to continental crimes through various organizational mechanisms. Thus, the review of published scholarly works, and other documents alike, provided a reliable source for analysis. The research method is qualitative in nature. The qualitative method is used because details from the data generated, for the purpose of analyzing the role of AU in crime prevention in Africa cannot be quantified and also, because qualitative method tends to be more flexible (allows for broader range of utilization) —" range of techniques" (Roger, 2008).

4. Conclusion

The research has enunciated the role of African Union in preventing crime in Africa. Such efforts have been recognized in combating terrorism and insurgency in Mali, Niger, Cameroon, Nigeria and Chad. The seeming anarchical nature of some states within the continent has been regarded as impediment to the role African Union could play in mitigating crime. Some

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states within the continent do not possess vibrant institutions to respond to all forms of crime and this has resulted in widespread crime in Africa. African Union is not particularly empowered to respond to crime within the internal atmosphere of a state but it can respond as such crime possess threat to international community. The research thus found that African Union, like most of its 54 states, is very poorly staffed, most especially the Standby Force, to respond to issue of crime in all corner of Africa. The Mali political stalemate of 2014 testifies to this inefficiency of African Union in responding to crime in Africa. It took the intervention of France to dislodge menacing terror groups in Mali and other neighboring states between 2011 and 2014. Thus, the current political stalemate in West African states of Mali, Nigeria, Chad, Cameroon, Central African Republic and Sudan can only be mitigated through the revitalization of AU mechanism for crime prevention as well as having meaningful intelligence collaboration with other multilateral organisations.

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