Protecting Civilians in Armed Conflict: The Case of the African Union Mission in
Somalia

by

Nafisa A. Abdulhamid

Submitted in partial fulfilment of the requirements
for the degree of Doctor of Philosophy

at

Dalhousie University
Halifax, Nova Scotia
August 2021

Dedication

To my mother and best friend, Fatma S. Abubakar, who has been the greatest source of

strength and inspiration through every step of my life, and who encouraged me to go on

many different adventures,

Including this one.

Table of Contents

List of Tables

List of Figures

Abstract

      Protracted armed conflicts have proliferated in Africa since the 1990s with the rise of intra-state conflicts and activities aimed at causing harm to civilians by both state and non-state actors. This has led to regional and international efforts by the United Nations (UN) and the African Union (AU) responding to, and seeking to mitigate, the conflict. Of all the challenges facing AU peace and security operations, the question of how to protect civilians is most pressing. The Union continues to confront this challenge through the non-indifference norm, as outlined in Article 4(h) of the AU Constitutive Act, which emphasizes its duty to intervene in instances of genocide, war crimes, and crimes against humanity. When it was adopted, the norm embodied several possibilities concerning how it could have been operationalized in practice; it could have either aligned with the Responsibility to Protect (R2P), the Protection of Civilians (POC), or some combination of the two. While much of the literature on norms is rooted in the Western experience, scholars have recently drawn attention to African agency, arguing that the region's unique political, economic, social, and cultural experiences contribute to the conceptual development of civilian protection norms. To advance this conceptual and empirical debate, this dissertation examines the process and degree to which civilian protection norms have been localized, internalized, and operationalized by the AU, both regionally and in the African Union Mission in Somalia (AMISOM). I make two substantial arguments about the internalization of civilian protection norms by the AU, and how they have been operationalized in AMISOM. First, despite sharing similar normative foundations, both grounded in providing protection for civilian populations, there is a clear distinction between R2P and POC. African leaders have gravitated towards the latter, particularly because it is perceived as less threatening to them and does not open the door to regime change (particularly in the wake of the 2011 NATO-led intervention in Libya). Second, while POC has become the primary way of operationalizing the non-indifference norm at the regional level, it has proven to be difficult to internalize in practice, as highlighted by the mission in Somalia.

List of Abbreviations Used

ACLED	Armed Conflict Location and Event Data Project
ALC	African Liberation Committee
AMIB	African Union Mission in Burundi
AMISOM	African Union Mission in Somalia
AO	Area of Operations
APF	Africa Peace Fund
APRM	African Peer Review Mechanism
APSA	African Peace and Security Architecture
ASEAN	Association of Southeast Asian Nations
ASF	African Standby Force
AU	African Union
AU PSC	African Union Peace and Security Council
CCTARC	Civilian Casualty Tracking Analysis and Response Cell
CEWS	Continental Early Warning System
CIVIC	Center for Civilians in Conflict
CSSDCA	Conference on Security, Stability, Development and Cooperation in Africa
DPKO	UN Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
EPON	The Effectiveness of Peace Operations Network
EU	European Union
FGS	Federal Government of Somalia
FPU	Formed Police Units
FRY	Federal Republic of Yugoslavia
HRDDP	Human Rights Due Diligence Policy
HRPG	Human Rights, Protection, and Gender
ICC	International Criminal Court
ICJ	International Court of Justice
ICISS	International Commission on Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Persons
IED	Improvised Explosive Devices
IFP	Indirect Fire Policy
IGAD	Intergovernmental Authority on Development
IGASOM	IGAD Peace Support Mission to Somalia
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IPO	Individual Police Officers
IRA	Interim Regional Administration
KDF	Kenya Defence Force
KLA	Kosovo Liberation Army

MONUSCO	UN Stabilization Mission in the Democratic Republic of Congo
NATO	North Atlantic Treaty Organization
NTC	National Transitional Council
NGO	Non-governmental Organizations
NSSP	National Security Stabilization Program
OAU	Organization of African Unity
OCHA	Office for the Coordination of Humanitarian Affairs
OSCE	Organization for Security and Co-Operation in Europe
POC	Protection of Civilians
PoW	Panel of the Wise
PSC Protocol Council	Protocol Pertaining to the Establishment of the Peace and Security
PSD	Peace and Security Department
PSOD	Peace Support Operations Division
PSO	Peace Support Operations
R2P	Responsibility to Protect
REB	Research Ethics Board
REC	Regional Economic Community
ROE	Rules of Engagement
RPF	Rwandan Patriotic Front
SCIC	Supreme Council of Islamic Courts
SEA	Sexual Exploitation and Abuse
SGBV	Sexual and Gender-Based Violence
SLT	Senior Leadership Team
SNA	Somali National Army
SNISA	Somali National Intelligence and Security Agency
SNSF	Somali National Security Forces
SPF	Somali Police Force
TCC	Troop Contributing Countries
TFG	Transitional Federal Government
TFI	Transitional Federal Institutions
TNG	Transitional National Government
UCDP	Uppsala Conflict Data Program
UN	United Nations
UNAMID	UN-AU Mission in Darfur
UNAMIR	UN Assistance Mission for Rwanda
UNHCR	UN High Commissioner for Refugees
UNMISS	UN Mission in South Sudan
UNOCI	UN Operation in Cote d'Ivoire
UNOSOM	UN Operation in Somalia
UNSOA	UN Support Office for AMISOM
UNSOM	UN Assistance Mission in Somalia
UNSOS	UN Support Office in Somalia
USC	United Somali Congress
VIP	Very Important Persons

Preface

I was born and raised in Mombasa, Kenya. Growing up, I was exposed to political, security, and humanitarian crises both in my country and regionally. My interest in, and passion for, human security and civilian protection is shaped by two pivotal moments. My most vivid memory of political violence in Kenya was in December 2007, when former President Mwai Kibaki was declared the winner of the Kenyan presidential election. Supporters of Raila Odinga, Kibaki's main opponent, alleged electoral manipulation, and engaged in mass protests and violent rampages against the Kikuyu ethnic group (to which Kibaki belongs). This plunged the country into fifty-nine days of ethnic violence between Kikuyu, Luo, and Kalenjin communities, leaving approximately 1500 civilians dead, 3000 innocent women and girls raped, and over 300,000 people internally displaced. The conflict in Somalia also continues to have real-life implications for its neighbors. On Saturday, September 21, 2013, I received a traumatic phone call from my mother informing me that my cousin was being held hostage by *al-Shabaab* gunmen at the Westgate Mall in Nairobi. *Al-Shabaab* claimed that the attack was in retaliation for the deployment of the Kenyan Defence Forces in their home country, Somalia. My cousin, along with hundreds of other civilians who were either killed or wounded during the attack, had nothing to do with the Kenyan military's activities in Somalia, but were systematically punished and terrorized by the attackers.

These two incidents illustrate what happens when governments fail to protect their own people, and cemented my deep interest in, and concern with, the fate of civilians in highly volatile political and security situations. My doctoral research is therefore motivated by concerns with African agency, both regionally and locally, and the degree

to which African governments and armed forces can successfully absorb and internalize policies and practices of civilian protection.

Acknowledgements

I have iterated, since the very beginning, that pursuing post-secondary education was an act of resistance against patriarchy and the restrictive borders it draws around what women can and cannot do. Pursuing a doctorate degree in political science was the ultimate form of defiance towards the limits that culture and society place on the value of women. The writing of this dissertation, and the completion of the PhD, has simultaneously been one of the most difficult and most rewarding experiences of my life. It has been a very long journey, filled with laughter and tears, and successes and failures. Through it all, I was blessed to have the love, support, and empathy of my chosen family and community.

This dissertation sought to conduct meaningful research in ways that tell the important, but often forgotten and untold, stories of civilian populations. My most heartfelt gratitude goes to all the individuals that trusted me with their stories during my field research in Nairobi, Kenya, Kampala, Uganda, and Addis Ababa, Ethiopia. Although I am unable to name these individuals specifically, I am deeply appreciative of their commitment to my research study, and for sharing parts of their lives and journeys with me, some of which were not always easy to disclose. I am thankful to my grandparents, Ali Abubakar and Aisha Hussein Abdulkadir, for hosting me in their beautiful home in Mombasa, Kenya during this period, and for instilling in me the importance of storytelling as a way of passing on generational knowledge. When I was not actively "on the field," I spent mornings asking my grandfather about his experience with decolonization in Kenya, and afternoons listening to my grandmother tell me stories

about what her childhood. These experiences made me feel more connected to my ancestors, my identity, and my homeland.

My doctoral journey was incredibly meaningful because of my committee. I am deeply grateful to my phenomenal supervisor, Dr. David Black, who has placed empathy and care at the centre of our academic and personal relationships. His willingness to listen to, and advocate for, me especially on issues of racial and gender inequality, is unmatched. Dr. Black has displayed unwavering commitment to my success in academia and beyond and remains one of the most pivotal foundations and mentors of my academic career. Thank you to Dr. Peter Arthur for continuing to support me beyond the parameters of my dissertation, for constantly reminding me of home, and for introducing me to one of the best intellectual communities for African studies - the Canadian Association for African Studies (CAAS). Dr. Ruben Zaiotti – thank you for always having my best interest at heart, and for pushing me both intellectually and professionally. I have really enjoyed working and collaborating with all three of you throughout these past four years.

I thank the "Fab Five" – Adam MacDonald, Julia Rodgers, Susan Manning, and Tari Ajadi. I feel blessed that the PhD program brought us together and enabled us to form strong and supportive relationships. I am most grateful for our hilarious group chat that got me through even the roughest patches of this journey. A special thank you to Adam, who started his PhD at the same time as I did, and who continued to support me throughout every milestone in this program and beyond. Thank you to Tracy Powell for her friendship and kindness during my time at Dalhousie. Her ability to care so deeply

about students, together with her unwavering compassion, made her one of my favorite aspects of the program.

I am grateful for academic friends I met along the way – most notably, Catherine St. Jacques and her family, who continue to host me every time I go to Ottawa and make me feel right at home. Catherine, you are one of the biggest blessings to come out of the graduate program at Dalhousie. I am forever grateful for your sisterhood and friendship. Thank you to my wonderful friend, Amy Mackenzie, for your kindness, guidance, and patience while I was determining my post-PhD path. Your insights and expertise in the policy world were instrumental in shaping my professional trajectory. I also thank the exceptional Dr. Asha Jeffers for always being ready to laugh with me during both times of celebration and times of uncertainty. Thank you for always putting academia into perspective and highlighting all the other wonderful things life has to offer.

I am blessed to have a strong support base throughout Canada, all of whom make their cities and provinces feel like home to me. In Toronto, I am especially thankful for Lola Adeyemo, Dr. Nikita-Kiran Singh, and Naftal Mataro for all the laughter, adventures, and guidance you have shared with me during the past four years. Thank you to my brothers, Jamal Abdulhamid and Jamil Abdulhamid, for having my back no matter what. In Alberta, I thank Darylle So, Luay El Jamal, and Bashair Alibrahim who are like family to me. I truly feel at home, and at peace, whenever we are together. In Vancouver, I am thankful for my best friend, Collins Maina, for being a constant pillar of faith, support, and empathy, and for never failing to remind me of who I am and what my values are. Collins, thank you for taking the time to understand what the PhD program entails so that you could better understand me and my needs. I could have never imagined

how our lives would turn out when we first moved to this country ten years ago – but look at us now!

Last, but certainly not least, I thank my beloved family. To my parents, Fatma S. Abubakar and Ahmed Abdulhamid, thank you for never discouraging my desire to learn and my drive for curiosity. You have both believed in your daughter at every step of the way, never discouraging me from embarking on new and unchartered territories. Thank you for celebrating each victory with me, no matter how big or small, and for encouraging me to keep pushing when faced with different challenges. I hope that my accomplishments and my being make you proud parents. I love you both immensely. To my sister, Ranya Abdulhamid, you have been the greatest source of light and love in my life from the day you were born. I remember so clearly knowing then that we would always be sisters for life. Thank you for allowing me to be a child again whenever we are together.

Chapter 1: Introduction

Background

Protracted conflicts have proliferated in Africa since the 1990s. The Uppsala Conflict Data Program (UCDP) reported 630-state and non-state armed conflicts on the continent between 1990 and 2015.[1] The continent has witnessed an increase in intra-state armed conflicts and calculated activities aimed at harming civilians by both state and non-state actors. Conflicts on the continent are exacerbated by pre-existing conditions of poverty, epidemics, and natural and man-made environmental disasters.[2] International and regional efforts to react and respond to these conflicts have often manifested in highly militarized peace and security operations, with varying degrees of success.[3] In 2020, there were 12 active peacekeeping missions in Africa led by the United Nations Department of Peacekeeping Operations (UNDPKO). For the African Union (AU), a regional organization that was established in 2002, consists of 55 African Member States, and is responsible for promoting unity and solidarity on the continent, 2020 was projected to be a landmark year. The AU's "silencing the guns" initiative was aimed at "ending all wars, civil conflicts, gender-based violence, violent conflicts and preventing genocide in

---

[1] Paul D. Williams, "Continuity and Change in War and Conflict," *Prism: a Journal of the Centre for Complex Operations* 6, no. 4 (2016), 34

[2] See Paul Henri Bischoff, Kwesi Aning and Amitav Acharya (eds), *Africa in global International Relations: emerging approaches to theory and practice* (Abingdon: Routledge, 2016); Pamela Aall and Chester A. Crocker (eds), *Minding the gap: African conflict management in a time of change* (Waterloo: The Centre for International Governance Innovation, 2016); Ezeabasili E. Ifeoma, "The Nature of Conflict in Africa and Its Impact on African International Relations," *World Affairs: The Journal of International Issues* 15, no. 3 (2011): 88-112

[3] Malte Brosig and Normal Sempijja, "Does Peacekeeping Reduce Violence? Assessing Comprehensive Security of Contemporary Peace Operations in Africa," *Stability: International Journal of Security and Development* 7, no. 1 (2018): 1-23; Virginia Page Fortna, "Does Peacekeeping Keep Peace? International Intervention and the Duration of Peace after Civil War," *International Studies Quarterly* 48, no. 2 (2004): 269-292

the continent."[4] However, armed conflicts on the continent persist. Between January 2019

and February 2021, the Armed Conflict Location and Event Data Project (ACLED)

recorded 61,007 instances of political violence, including armed clashes, suicide

bombings and missile attacks, and 72,257 fatalities, including violence against civilians.[5]

The changing nature of armed conflict in Africa, from large-scale battles and wars

to "multiple, co-existing agents[6] who engage in a variety of strategies to make their place

within the political landscape,"[7] has led to the deployment of militarized peacekeeping

operations by the UN and the AU, whose peacekeepers also engage in counterterrorism,

stabilization, counterinsurgency, and war-fighting elements. Trends collected and

analyzed by ACLED and UCDP highlight three important issues. First, peacekeeping

missions deployed to conflict zones without a stable and legitimate government, and

where there is no peace to keep, cause missions to deviate from the traditional parameters

of peacekeeping, especially with respect to maintaining impartiality among warring

parties. Second, missions that are deployed to protect civilians and establish effective

government institutions need adequate funding, resources, and training for their

peacekeepers in order to have a clear and feasible exit strategy. Third, peace operations

---

[4] African Union, "Silencing the Guns," https://au.int/en/flagships/silencing-guns-2020, accessed February 26, 2021

[5] Armed Conflict Location & Event Data Project, "Regional Overview: Africa 13-19 February 2021, https://acleddata.com/2021/02/24/regional-overview-africa13-19-february-2021/, accessed February 26, 2021

[6] These groups include local militias, pro-government militias, political militias, external groups with local partners, and rebel groups who seek to oust the government. These groups engage in different types of conflicts, including election-related violence and ethnically charged conflict.

[7] Armed Conflict Location & Event Data Project, "Conflict Trends (NO. 55): Real-Time Analysis of African Political Violence," February 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/ACLED_Conflict-Trends-Report-No.55-February-2017-pdf.pdf, accessed June 17, 2021

should also be well suited to address both national level political issues and local level social, economic, and cultural dynamics.

Of all the challenges the AU is faced with, the question of how to protect civilians in armed conflict remains among the most urgent. Africa represents a pressing context for the study of civilian protection in armed conflict, especially with new wars emerging in Libya, the Central Africa Republic, Sudan, South Sudan, Nigeria, and Somalia since 2011. Civilians remain the most prevalent target of armed combatants, many of whom are killed, persecuted unjustly, or displaced. The challenge of protecting civilians is also encountered globally at the UN level, with Security Council resolutions calling upon peacekeepers to protect civilians, thereby acknowledging that durable peace, and stable and legitimate governance structures can only be established if civilians remain unharmed during conflict. Regionally, the AU confronts this challenge through its non-indifference norm, as outlined in Article 4(h) of the AU Constitutive Act, which underscores the Union's duty to intervene in a Member State in instances of genocide, war crimes, and crimes against humanity. The non-indifference norm is perceived as the AU's commitment to not remain indifferent to mass atrocities affecting civilians on the continent. To understand the degree to which the AU and its peace and security operations have succeeded in addressing the challenge of civilian protection, it is necessary to examine how the Union has chosen to internalize and localize the non-indifference norm in both policy and practice. This dissertation explores the process of norm localization and internalization in the AU as a whole, and more specifically in the African Union Mission in Somalia (AMISOM), the AU's largest and most difficult peace and security operation to date. Since the collapse of the federal government in 1991,

Somalia entered an extensive period of political and armed conflicts, and clan-based feuds over power, land, resources, and revenues. Peace and security operations, like AMISOM, are the primary means for conflict management to-date. However, Somalia (like many other sites of contemporary peace and security operations) represents a complex case because AMISOM is only one player in the broader constellation of actors attempting to stabilize the country. AMISOM offers a particularly important case for examining the operationalization of non-indifference in AU peace and security operations through the process of norm localization and internalization, since it will inevitably loom over all future, comparable operations on the continent.

In this dissertation, "civilian protection" is conceptualized as a multi-tiered approach, which uses International Humanitarian Law (IHL) in general and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War in particular, to inform the normative standard of protection. This emphasizes three main categories of protection, namely: a) the protection of civilians from physical harm; b) the protection of human rights and the provision of humanitarian relief to civilian populations; and c) ideally, the establishment of a secure environment. However, the third category is typically the most challenging to achieve in an armed conflict. It is crucial to think of civilian protection in this multilayered manner, especially because it continues to inform and influence both UN peacekeeping and AU peace and security operations. At the UN level, the Department of Field Support's *Operational Concept on the Protection of Civilians in UN Peacekeeping Operations* (2010) described protection as involving: a) the protection of a political process as part of the conflict resolution; b) the protection of civilians from harm; and c) the establishment of a protective environment that contributes

to the safety and protection of civilians.[8] At the AU level, the *Draft Guidelines for the*

Protection of Civilians in African Peace Support Operations (2010) confirms that the

Protection of Civilians (POC) norm "includes activities undertaken to improve the

security of the population and people at risk and to ensure the full respect for the rights of

groups and the individual."[9] In an optimal situation, civilians should enjoy all three

categories of protection; however in practice, protection from physical harm is the

primary focus of most peacekeeping operations, and this research study. This is because

all the other categories of protection are contingent upon the first. That being said, a

comprehensive approach to civilian protection requires the fulfillment of all three

categories. However, this comprehensive approach is often neglected in practice.

This introductory chapter outlines the theoretical approach used to frame this

research project, the research questions and main arguments, and the methodological

approach adopted. It also provides a brief history of the international civilian protection

agenda, and the origins of civilian protection in African peace and security operations to

set the scene for the conflict in Somalia and the role of AMISOM. Finally, the

contributions to knowledge and the chapter breakdown will be detailed.

Norm Localization and Institutionalization

While different theoretical approaches, including the English School,

Postcolonialism, and Neorealism, are most often used to either justify or argue against

intervention for civilian protection purposes, they are insufficient in understanding the

process by which civilian protection norms are (or are not) diffused, internalized, and

---

[8] Williams, "Enhancing Civilian Protection in Peace Operations," 16
[9] African Union, *Draft Guidelines for the Protection of Civilians in African Union Peace Support Operations*, 5

localized in the African context. The study of norms offers an important analytical framework for examining how AU Member States promote and respond to norm creation, evolution, diffusion, and internalization, specifically in this case around norms of civilian protection.[10] Of particular importance to this dissertation is the concept of "norm localization,"[11] or the process by which norm entrepreneurs and advocates find congruence between global and local values and beliefs. Norms can be localized; seemingly foreign norms can be reinterpreted and re-represented to allow for acceptance in local contexts. Localization includes the active re-construction, through grafting, framing, and discourse, of foreign norms by local actors, resulting in the former developing harmony and similarity with local values and practices. An international norm needs to be translated into a local context or empirical environment for it to be implemented. In the African context, the localization of global norms of civilian protection, including Responsibility to Protect (R2P) and POC, involved a process of re-conceptualizing and re-framing them into the "non-indifference" norm that is outlined in Article 4(h) of the AU Constitutive Act. African actors continue to redefine, re-shape, and challenge international norms, resulting in a modified version of the norms that consider African interests and needs. Norm localization offers a comprehensive framework for understanding how and why global norms of civilian protection get diffused into the African context, and the extent to which these norms are internalized in both policy and practice. This dissertation, through an examination of the pivotal case of

---

[10] See: Martha Finnemore, "Constructing Norms of Humanitarian Intervention," *Paper presented at the Annual Meeting of the International Studies Association*, Washington, DC. (1994); Ann Florini, "The Evolution of International Norms," *International Studies Quarterly* 40 (1996): 363-389; Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52 (1998): 887-917
[11] Amitav Acharya, "How Ideas Spread: Whose Norm Matter? Norm Localization and Institutional Change in Asian Regionalism," *International Organization* 58, no. 2 (2004): 239-275

AMISOM, highlights the complex, multi-dimensional and halting nature of the process of norm localization. The analysis of norm internalization, both at the regional and local levels, also illustrates the protracted process of norm diffusion and localization.

Research Questions and Main Arguments

This dissertation seeks to paint a more comprehensive picture[12] of AMISOM's overall effectiveness and impact, with a substantive focus on the protection of civilian populations in Somalia.[13] To do so, it is guided by the following research questions:

1. How has the non-indifference norm been institutionalized by the AU in both continental procedures and within AMISOM? Why has this process gravitated towards POC over R2P?

2. What challenges are faced in the process of institutionalizing these norms in complex African peace and security operations, such as AMISOM? What is the

---

[12] Most of the literature on AMISOM focuses primarily on the military aspects of the mission and tends to neglect an analysis of the implications of the mission's activities and operations on civilian populations. For analyses of the military aspects of AMISOM, see Peter Albrecht and Signe Cold-Ravnkilde, "National Interests as Friction: Peacekeeping in Somalia and Mali," Journal of Intervention and Statebuilding: Security Governance/IOs in Africa 14, no. 2 (2020): 204-220; Peter Albrecht and Cathy Haenlein, "Fragmented Peacekeeping: The African Union in Somalia." *The RUSI Journal* 161, no. 1 (2016): 50-61; Walter Lotze and Paul D. Williams, *The surge to stabilize: Lessons for the UN from the AU's experience in Somalia* (New York: International Peace Institute, 2016); Paul D. Williams, *Fighting for Peace in Somalia: A History and Analysis of the African Union Mission (AMISOM), 2007-2017. First ed.* (Oxford, United Kingdom: Oxford University Press, 2018); Paul D. Williams, "AMISOM under Review," *The RUSI Journal* 161, no. 1 (2016):40-49; Paul D. Williams, "Lessons for 'Partnership Peacekeeping' from the African Union Mission in Somalia," *International Peace Institute* (2019): 1-13.

[13] For other treatments, see Sahr Muhammedally, "Minimizing Civilian Harm in Populated Areas: Lessons from Examining ISAF and AMISOM Policies," *International Review of the Red Cross* 98, no. 901 (2016): 225-248; Paul D. Williams, "The African Union Mission in Somalia and Civilian Protection Challenges," *Stability: International Journal of Security and Development* 2, no. 2 (2013): 1-17; Tim Murithi, "The African Union's Evolving Role in Peace Operations: The African Union Mission in Burundi, The African Union Mission in Sudan and the African Union Mission in Somalia," *African Security Studies* 17, no. 1 (2008): 69-82; Natasja Rupesinghe, "The Civilian Casualty Tracking Analysis and Response Cell in the African Union Mission in Somalia: An emerging best practice for AU peace support operation?" *Norwegian Institute of International Affairs* 3 (2019): 1-4; Paul D. Williams, "The ambiguous place of civilian protection in the African Union Mission in Somalia," in *Protecting Civilians in African Union Peace Support Operations: Key Cases and Lessons Learned* edited by Jide Martyns Okeke and Paul D. Williams (PDF, 2017)

distinction between norm localization and internalization in principle and in practice?

3. What effect has AMISOM's activities had on the political and security situation in Somalia, especially for civilians most affected by the crisis? In other words, what have been the practical and political consequences of efforts to institutionalize POC in AMISOM?

Overall Arguments: The Arduous Trajectory of Norm Localization

This dissertation makes four main arguments about the internalization of POC in Africa and the challenges of operationalizing it in practice, as reflected in the case of AMISOM. First, the AU's focus on non-indifference embodied several possibilities concerning how it could have been operationalized in practice. More precisely, it could have either aligned with R2P, POC, or some combination of the two. To some it was seen as a step towards the regional adoption of R2P, largely because the two norms were being popularized and promoted at the same historical moment.[14] However, the AU gravitated towards the much older and more "traditional" foundations of POC in IHL to anchor its regional approach to civilian protection. The AMISOM case highlights that discussions about internalizing POC in AU peace and security operations were well underway beginning in the late 2000s. After the 2011 NATO-led intervention in Libya, which led to active regime change and the violent removal of Muammar al-Qaddafi, the AU pushed R2P to the margins. The Libyan intervention crystallized the preference for POC in the

---

[14] Neomi Gal, Or, "Africa's Response to R2P: The Non-indifference Approach and Global-regional Cooperation," *Global Responsibility to Protect* 7, no. 1 (2015): 3-30; Natalie Zähringer, "Norm Evolution within and across the African Union and the United Nations: The Responsibility to Protect (R2P) as a Contested Norm," *The South African Journal of International Affairs* 20, no. 2 (2013): 187-205; Kwesi Aning and Fiifi Edu-Afful, "African Agency in R2P: Interventions by African Union and ECOWAS in Mali, Cote D'Ivoire, and Libya," *International Studies Review* 18 (2010): 120-133.

AU; Libya highlighted to African state leaders that R2P opens the door to regime change. Still, while POC came to be the primary way of operationalizing the non-indifference norm, it has proven to be difficult to internalize in practice, as manifested in the case of AMISOM. At the AU level, the global POC norm is arguably connected to the idea of "African solutions to African problems" and the unspoken sense of brotherhood among African leaders and states.[15] As such, Africans are understood to have a responsibility to one another and cannot remain indifferent to the suffering of their fellow Africans. This norm has been clearly underpinned in Article 4(h) of the AU Constitutive Act.

Second, despite sharing similar normative foundations grounded in providing protection for civilians, there is a clear distinction between R2P and POC. While R2P is limited to four atrocity crimes (genocide, crimes against humanity, ethnic cleansing, and war crimes), POC involves a greater list of challenges that may threaten civilian lives and their rights under IHL (including displacements, starvation, and access to medical supplies). POC is also restricted to instances of armed conflict and expects both state and non-state actors, who are party to the armed conflict, to protect civilians. POC is more firmly cemented and prevalent in AU missions on the continent. African leaders have gravitated to the POC norm because it is less threatening, does not actively open the door to regime change, and seeks the consent of the host state before intervening. The appeal of this approach should be understood in the context of African leaders' prioritization of state sovereignty and self-determination in the post-independence era.

---

[15] Frank Aragbonfoh Abumere, "Introducing Normativity in African International Politics," *South African Journal of Political Studies* 47, no. 3 (2020): 342-360; Nbubuisi Christian Ani, "Three Schools of Thought on 'African Solutions to African Problems,'" *Journal of Black Studies* 50, no. 2 (2019): 135-155; Mulugeta Gebrehiwot Berhe, "The Norms and Structures for African Peace and Efforts: The African Peace and Security Architecture," *International Peacekeeping* 24, no. 4 (2017): 661-685

Third, AMISOM does not represent a traditional peacekeeping mission, in the UN sense of the term. It is a stabilization mission that also performs counterinsurgency, anti-terrorism, and humanitarian activities. AMISOM has therefore positioned itself as a party to the conflict in Somalia, making it a target for *al-Shabaab* and other non-state armed groups. This has direct implications for the applicability of the UN's approach to POC in peacekeeping to the conflict in Somalia. Over time, AMISOM has adapted to the complex socio-political dynamics in Somalia, incorporating a POC mandate in its rules of engagement, an indirect fire policy, reporting mechanisms, pre-deployment and in-mission training for troops, and a new civilian casualty tracking system. The progressive internalization of POC among AMISOM contingents can be understood as a response to the need to secure a measure of consent from Somalians for its operations.

Lastly, one of the issues relating to civilian protection in the AMISOM case is that POC encompasses different meanings and approaches to different actors. This has direct practical implications for how different actors, including troops from AMISOM's various contingents, operate on the ground and significantly complicates its implementation. Even after the AU seemed to have increasingly settled on the importance of POC, it had not determined how (or initially even indicated an intention) to apply it to the Somalian case in practice. This demonstrates that for norm localization and internalization to become fully consolidated, they need to be operationalized within the local level. This process has a long and difficult road to travel, from seeming consensus at the continental level, to effective implementation at the local level where it matters most for civilians. These issues will be unpacked further in the chapters that follow.

Methodological Approach

Case Study: Somalia

This dissertation focuses on a single critical case-study to illustrate and explain why and how the process of norm localization occurs at the AU and within AMISOM. The two are directly inter-related; as the AU's most important and protracted operation to date, AMISOM is a critical testing ground for the adaptation and implementation of the AU's version of POC in practice. This study is situated in relation to the extensive analysis done by Williams on Somalia as the AU's largest and most ambitious peace and security operation,[16] and its implications for contemporary peace operations elsewhere. Somalia is one of the world's deadliest and most protracted wars. An analysis of POC within the mission reveals the halting and complex process of norm localization, which has direct implications for the fate of civilians in a highly volatile situation. Unlike in other African peace and security operations, where the UN partners with the AU and local actors,[17] the AU stands at the apex of the mission's operationalization and leadership in Somalia. Moreover, the lessons learned from AMISOM, especially in how the mission has engaged with civilian protection norms, will have important implications for future AU-led peace and security operations.

AMISOM was deployed to Mogadishu, Somalia on January 19, 2007 with approximately 1,650 Ugandan troops and was mandated to perform six primary tasks: a) to protect senior members of the Transitional Federal Government (TFG) and other very important people who were involved in the political reconciliation process; b) to conduct an enforcement campaign against *al-Shabaab* and other clan and sub-clan based actors

---

[16] Williams, *Fighting for Peace in Somalia*
[17] Such as in Mali (MINUSMA), the CAR (MINUSCA), and South Sudan (UNMISS)

who violently opposed the TFG; c) to provide training and support to the Somali security forces; d) to deliver humanitarian and medical assistance to those in need; e) to engage in policing; and f) to provide training, operational and logistical support to TFG security forces.[18] In 2018, AMISOM consisted of troops from Burundi, Djibouti, Ethiopia, Kenya and Uganda. AMISOM's police force came from Ghana, Kenya, Nigeria, Sierra Leone, Uganda and Zambia. The mission's first four years of operation also included offensive attacks against *al-Shabaab,* ultimately pushing the insurgent group out of Mogadishu in 2011. When the Federal Government of Somalia (FGS) replaced the TFG in 2012, the AU Peace and Security Council (PSC) asked the AU Commission to review AMISOM's operations and develop ways to implement the priorities of the new federal government. Over time, AMISOM's mandate evolved, transforming it into a multidimensional peace support mission that operates not only in Mogadishu, but also in south and central Somalia. Despite these advances, AMISOM continues to face political and military challenges, primarily concerning the protection of civilians. While AMISOM was initially mandated to protect the TFG and its institutions, engage in counter-insurgency operations against *al-Shabaab* and other anti-TFG forces and provide humanitarian and medical relief to civilians, the mission's troops have also been accused of harming civilians. Civilian harm by AMISOM troops has occurred directly through indiscriminate firing at civilians who are mistaken for *al-Shabaab* fighters, and indirectly by failing to actively civilians from *al-Shabaab* attacks. As a result, in 2013, AMISOM adopted an explicit POC mandate based on the AU's four-tiered approach towards civilian protection. This includes protection as part of the political process; protection from

---

[18] AU Peace and Security Council, *Communique PSC/PR/Comm(LXIX)* (Addis Ababa: AUPSC, 2007), https://www.peaceau.org/uploads/communiqueeng-69th.pdf, accessed September 25, 2020

physical violence; a rights-based approach; and the establishment of a protective environment.[19] AMISOM has attempted to adopt and implement policies and procedures in order to meet its civilian protection obligations under IHL, including the development of a new indirect-fire policy and a civilian casualty tracking mechanism. Even so, the complexity of the situation in Somalia and its neighbors continues to pose an array of challenges to the mission and its POC mandate.

Research Design

To answer the research questions outlined in the previous section, this dissertation combined a series of qualitative research methods and engaged in *triangulation,* or "the combination of methodologies in the study of the same phenomenon."[20] Triangulation involved the researcher employing three types of methods to mitigate bias and produce more reliable research. The research process therefore consisted of four parts. First, a desk analysis analyzing relevant secondary and historical literature was conducted. Second, a document analysis of primary official documents from the different departments of the UN and the AU followed. As a regional organization, the AU is expected to adhere to Chapter VIII of the UN Charter. The AU therefore receives its legitimacy from the UN, which is responsible for international peace and security. The document analysis relied on a thorough examination of resolutions, protocols, documents, and doctrines that were adopted at the UN and AU levels both before and after AMISOM was authorized. A historical analysis of how these diplomatic processes at the AU

---

[19] African Union, *Draft Guidelines for the Protection of Civilians in African Union Peace Support Operations*, 2010, http://www.peaceau.org/uploads/draft-au-poc-guidelines-english.pdf, accessed December 1, 2020

[20] Norman K. Denzin, *The Research Act: A Theoretical Introduction to Sociological Methods* (Chicago, IL: Aldine, 1970), 291

occurred, and the operationalization of the doctrines and protocols at the AMISOM level was also carried out. The historical analysis involved the introduction of three other smaller cases in the dissertation: 1) the aftermath of the Rwandan genocide (1994) and its implications for the emergence and adoption of both R2P and the non-indifference norm; 2) ethnic cleansing in Kosovo (1999) and its implications for establishing the parameters of R2P; and 3) the Libyan intervention (2011), which cemented the AU's approach to non-indifference in the form of POC. The historical analyses highlighted how the norms of civilian protection moved through the process of institutionalization, diffusion, and localization. Third, the researcher conducted in-person semi-structured interviews with practitioners, scholars, diplomats, and non-governmental actors. Interviews allowed the researcher to assess norm institutionalization, in how the norm has been institutionalized into regional protocols and resolutions, and within AMISOM's operations and activities on the ground. Fourth, the researcher analyzed the data collected and presented the information acquired. The following section describes in detail each of the four stages.

Review of Secondary and Historical Literature

This research drew upon secondary and historical academic literature to provide the background knowledge necessary to trace the origins of IHL and the POC norm internationally - particularly how certain historical events led to the adoption and ratification of the Geneva Conventions. Analyses of other historical events, such as the genocide in Rwanda and ethnic cleansing in Kosovo in the 1990s, highlighted the need for, and development of, R2P, POC, and non-indifference as normative commitments to civilian protection. Secondary and historical literature was also relied upon to understand the history of the former Organization of African Unity (OAU) and the present AU, as

the primary regional organization responsible for the maintenance of peace and security on the continent. A historical analysis of the Libyan intervention (2011) uncovered key reasons for the AU's ultimate gravitation towards POC over R2P. In addition, the researcher used historical literature to sketch the tumultuous and complicated history of Somalia since the fall of President Barre's regime in 1990.

Document Analysis of Primary Documents

Systematic document analysis requires that documents be examined in ways that extract meaning, develop understanding, and produce empirical knowledge. In addition to the review of academic and historical literature, the researcher conducted a systematic document analysis of primary official documents mostly pertaining to IHL and civilian protection, UN peacekeeping, AU peace and security operations, and AMISOM. The documents were interpreted by the researcher to measure the extent to which POC has been localized and internalized in the AU generally, and the AMISOM mission specifically. Document analysis was important for several reasons. First, the documents provided the data to support the historical context of the different events and, in a way, bear witness to the past. The documents helped the researcher locate the historical origins of certain norms and issues, and measure the processes by which they are deepened or internalized into peacekeeping missions. Second, document analysis proved to be efficient and cost effective, offering the researcher the opportunity to access a wide range of documents from different regional organizations. Third, in some cases, the documents illuminated certain key gaps and generated important interview questions. Lastly, the documents offered a way to track and map institutional change and development.

For the purpose of this dissertation, the following types of documents were thoroughly examined and interpreted:

a) UN Security Council resolutions

b) International Committee of the Red Cross reports on the Protection of Civilians

c) UN Secretary-General reports

d) UN press releases

e) Geneva Conventions and the Protocols Additional to the Geneva Conventions

f) The OAU Charter and the AU Constitutive Act

g) AU Peace and Security Council Communiqués

h) AU guidelines on the protection of civilians

i) AU press statements

j) AMISOM rules of engagement(s)

k) AMISOM mandates

l) AMISOM POC strategies

m) AMISOM mission implementation plans

While an analysis of these documents was useful and important, they did not provide all the information necessary to answer the research questions, particularly about whether the norms are institutionalized in practice in the context of peace and security operations. In addition, most of the documents were dated, requiring a more current perspective especially on the situation in Somalia. The protocols, mandates and resolutions offer limited, and often biased (depending on the organization in question) information about what types of actions were proposed in theory. As a result, they did not provide

information and insight about how these proposed policies were applied and enacted in practice.

Interviews

As part of the research process, the researcher travelled to East Africa in late June 2019 to interview a range of AMISOM and AU officials; UN representatives in Nairobi (from UNSOM, UNSOS and OCHA); external (bilateral and multilateral) partners; Western diplomats; and representatives from Somali civil society organizations, journalists, and NGOs. In total, fifteen semi-structured interviews were conducted between July and December 2019 in Nairobi, Kenya, Kampala, Uganda, and Addis Ababa, Ethiopia in accordance with Dalhousie University's Research Ethics Board (REB) certification. Most of the interviews took place in person, especially with participants from the AU and the UN. However, because the researcher was unable to travel to Somalia due to the tumultuous political and security situation, interviews with participants stationed in Somalia were conducted by phone on WhatsApp.

Initially, the researcher personally recruited participants through email using publicly available contact information. These participants were identified through the literature review and document analysis process which helped identify key individuals relevant for this research study. Each email to the potential participants included an invitation to participate in the study. A sample email of the invitation can be found in Appendix A. The researcher also used snowball sampling by asking participants who had information relevant to the research to pass along her contact information to other potential participants. Potential research participants also received an invitation to participate in the research via email.

Interviews were conducted with the explicit verbal consent of the participants on a confidential, not-for-attribution basis to allow for candid discussion. The verbal consent process constituted of the following: first, the researcher verbally explained the research project to the participant, providing them with all necessary information (including the purpose of the study, the risks and benefits of the study, and the process of how to withdraw from the interview). Second, the researcher provided the participant with a copy of the research description, along with the formal letter from the REB authorizing the interview. These documents are attached in Appendix B.

Each interview took approximately 1.5 hours, with 15 minutes to go over the consent process and 45 minutes to 1 hour for the actual interview. Interviews were based on the following general questions, although sometimes the researcher pursued leads that the participants presented:

1. How do you understand the concept of "civilian protection"?

2. Why, in your opinion, has the conflict in Somalia lasted so long?

3. To what extent do you think AMISOM has evolved or changed since its inception (in 2007)?

4. What do you think are some of the regional interests involved in Somalia/AMISOM?

5. To what extent do you think the protection of civilians norm has influenced African intervention practices?

6. What, in your opinion, have been some of the successes and limitations of AMISOM?

The researcher acknowledged that participants could face professional risks as their participation in this study could involve critical reflection on their organization's goals, mandates and activities. In addition, while most of the information discussed during the interviews was public knowledge, some reflected the participant's personal perspectives and experiences. All interviews were therefore confidential, with the researcher concealing the identities of all participants by using generic identifiers to refer to them in this dissertation. In addition, the researcher makes no direct reference to the department and/or organization the participants belong to. Still, the interviews were incredibly informative and allowed the researcher to measure norm internalization in AU peace and support operations, and especially in AMISOM's training measures. The interviews gave important insights on four sets of issues: a) how the AU works in practice, including how AU officials perceive and internalize the non-indifference norm and the "African solutions to African problems" ideal; b) the relationship between the AU, the UN, and bilateral and multilateral partners; c) the complexity of political, social, security, and economic dynamics in Somalia, especially with regards to the different warring factions; d) how AMISOM operates on the ground, including its evolving mandates, its successes, and its limitations; and d) perspectives by Somali NGOs, civil society organizations and journalists concerning AMISOM perpetrating civilian harm. These interviews helped clarify and/or affirm the information found in the historical and secondary literature, and the official primary documents of the AU and the UN. While in East Africa, I also monitored the everyday sources of information (including TV news segments, radio broadcasts, and newspapers), and was presented with opportunities to participate in meetings with AU, UN, and civil society organizations. All of these

contributed to my field notes and formed part of the empirical material I was able to draw upon for my analysis.

Data Analysis

The process of data analysis was ongoing throughout the course of this research. It involved organizing the data, reading through the data collected, thematically organizing the information, presenting the findings in tables and charts, and interpreting the findings. The researcher created tables using Microsoft Word to thematically organize her findings from the review of the secondary and historical literature, the document analysis of primary documents, and interviews. The findings were used to inform the chapters of this dissertation.

The Origins of the International Civilian Protection Agenda

As noted, the core focus of this dissertation is on the process by which, and degree to which, civilian protection has been internalized and operationalized by the AU, both regionally and in its AMISOM operation. As a concept, civilian protection emanated from the belief that there should be constraint and compassion during armed conflict.[21] Justifications for the use of force during war can be found in the Just War tradition, which emerged as an important ethical reflection that attempts to distinguish between justifiable and unjustifiable uses of force in armed conflict. The Just War tradition is divided into two sets of requirements: *jus ad bellum* (the conditions under which states may resort to war) and *jus in bello* (the conditions regulating the conduct of parties in armed conflict). On the one hand, *jus ad bellum* embodies three core principles: substantive, prudential

---

[21] Alex J. Bellamy, *Fighting Terror: Ethical Dilemmas* (London; New York: Zed Books, 2008); Ken Booth and Nicholas J. Wheeler, *The Security Dilemma* (Basingstoke: Palgrave-Macmillan, 2009); Louise Doswald-Beck, "The Civilian in the Crossfire," *Journal of Peace Research* 24, no. 3 (1987): 251-62.

and procedural. There are four substantive criteria. First, individuals must wage war for the common good, and not out of hatred or arrogance. A soldier that kills another must do so only because it is absolutely necessary to defend the common good or to right a terrible wrong. Second, war can only be waged for just cause, which is limited to self-defence, the defence of others, the punishment of wrongdoers, and the restoration of peace.[22] Third, military and political leaders must ask themselves whether the use of force is the only necessary, and most proportionate, course for righting a wrong. *Jus ad bellum's* prudential criterion asks whether there is a reasonable chance of success by waging a war. In addition, the procedural criterion gives authority to political leaders to sanction war. On the other hand, *jus in bello* governs the conduct of war using three basic yet fundamental rules. These include the principle of discrimination, making it illegal and morally illegitimate to intentionally target non-combatants; the principle of proportionality, so that military targets can only be attacked when "their military value outweighs the foreseeable destruction that will result;"[23] and the prohibition of combatants from acting in ways that will violate the laws of war. Albeit slightly ambiguous, the Just War tradition, particularly through *jus in bello,* makes a fundamental distinction between combatants and non-combatants.

In *On the Law of War and Peace* (1625)*,* Hugo Grotius declared that "no action should be attempted whereby innocent persons may be treated with destruction."[24] The Hague Convention (1907) and the Geneva Conventions (1949) also established four conditions to determine whether an individual can be considered a combatant during

---

[22] Alex J. Bellamy, *Fighting Terror: Ethical Dilemmas,* 21
[23] Ibid., 28
[24] Hugo Grotuis, *On the Law of War and Peace*. Translated by A.C. Campbell. (Kitchner, ON: Batoche Books, 2001), 63

armed conflict: "that of being commanded by a person responsible for his subordinates; that of having a fixed distinctive sign recognizable at distance; that of carrying arms openly; and that of conducting their operations in accordance with the laws and customs of war."[25] The Geneva Conventions and subsequent Protocols (1977) continue to serve as the foundational treaties of IHL. Importantly, Common Article 3 of the Geneva Convention committed *all* parties in a non-international conflict (i.e., civil wars and internal armed conflicts) to adhere to human rights during armed conflict. In addition, the Fourth Geneva Convention, or the Convention Relative to the Protection of Civilian Persons in Time of War (1950), offered humanitarian protection for civilians in conflict zones. Article 51(5)(b) of the first Geneva Protocol also prohibited any attacks "which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."[26] IHL established the normative standard for civilian protection by broadening the group of individuals who need protection during armed conflict to include those who do not participate, or who stopped participating, in the conflict. IHL is also supplemented by international human rights law and its inalienable rights, international refugee law, and international criminal law. The distinction between combatants and non-combatants is necessary and defensible because it requires critical reflection about who deserves protection from harm during armed conflict. Developments in IHL were triggered by the failure of states and the international community, personified by the UN Security Council, to prevent the genocides, crimes

---

[25] Larry May, "Killing Naked Soldiers: Distinguishing between Combatants and Noncombatants," *Ethics & International Affairs* 19, no. 3 (2005), 40

[26] International Committee of the Red Cross, *Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (Geneva, Switzerland, 1949), 37

against humanity and war crimes that occurred in the 1990s. Conflicts in Rwanda, Bosnia, Liberia, Kosovo, and Somalia, to name a few, highlighted the extent to which civilians bore the brunt of violence during armed conflict.

In 1996, the International Committee of the Red Cross (ICRC) facilitated a series of workshops to develop a standard for civilian protection work. The workshops defined protection as "all activities aimed at ensuring full respect for the rights of the individuals in accordance with the letter and spirit of the relevant bodies of law," including IHL, human rights law and refugee law.[27] The ICRC's work in the 1990s therefore situated the POC, as both a normative commitment and policy development, in these important international legal frameworks. Efforts to distinguish non-combatants from combatants, and therefore protect civilians, were also cemented in the UN Charter (1945), which prohibited the use of force except in instances of self-defence and collective enforcement authorized by the Security Council under Chapter VI for the restoration and maintenance of international peace and security. In the aftermath of the Cold War, the UN Security Council mandated the use of force to protect civilians in peacekeeping operations. This highlights a paradigm shift in how "threats" to international peace and security are conceptualized, making them firmly grounded in human rights and civilian protection. Since 1999, 14 UN missions have been mandated to protect civilians from physical violence and, in 2019, 8 of those 14 missions had a POC mandate.[28] The international protection agenda has also been adopted and internalized at the regional level, including

---

[27] Sylvie Giossi Caverzasio, and International Committee of the Red Cross, Strengthening Protection in War: A Search for Professional Standards: Summary of Discussions among Human Rights and Humanitarian Organizations (Geneva: International Committee of the Red Cross, 2001), 19

[28] "Twenty Years of Protecting Civilians through UN Peacekeeping Operations: Successes, Challenges, and New Frontiers," *International Peace Institute,* May 22, 2019, https://www.ipinst.org/2019/05/twenty-years-of-poc-successes-challenges#3, accessed October 2, 2020

at the AU, which is the focus of this dissertation. However, and perhaps more importantly, there is currently no universally accepted definition for POC, including universal guidance on implementation, leading to conflicting interpretations between human rights groups, humanitarian institutions, and peacekeeping organizations. While to some, POC involves the protection of civilians *from physical harm,* to others, the norm encapsulates the protection of human rights, the provision of humanitarian relief to those in need, and the involvement of developmental activities.[29] Despite the prominence of POC among peacekeepers, practitioners and policymakers, the norm does not enjoy comparably extensive discussion in academic literature to humanitarian intervention and R2P. While R2P, as a normative framework, involves the responsibility and right to intervene, by all means necessary, to protect people from grave humanitarian abuses, POC is proactive and reactive in how it applies IHL, human rights law, and refugee law in an operational area where troops have been deployed to protect civilians at risk of physical harm. For the purpose of this dissertation, R2P and POC are described as siblings who share similar origins and conceptualizations, but still embody important differences. A detailed comparison of R2P and POC, at both the international level and the African regional level, can be found in later chapters.

UN Secretary-General Kofi Annan first referenced POC in his 1998 report on *Causes of Conflict and the Promotion of Durable Peace in Africa and Sustainable Development in Africa,* in which he stated: "In the strongest way possible, international pressure must be brought to bear on all warring parties to respect the human rights of

---

[29] Haidi Willmot, Ralph Mamiya, Scott Sheeran and Marc Weller eds., *Protection of Civilians* (New York, NY: Oxford University Press, 2016)

civilians, including relief workers, in situations of armed conflict."[30] The United Nations

Mission in Sierra Leone (UNAMSIL) in 1999 became the first UN peacekeeping mission

to have a POC mandate, authorizing peacekeepers to "take all necessary action to…

afford protection to civilians under imminent threat of physical violence, taking into

account the responsibilities of the Government of Sierra Leone" and the Economic

Community of West African States Monitoring Group (ECOMOG).[31] Furthermore, in

2000 the Security Council reaffirmed "its intention to ensure, where appropriate and

feasible, that peacekeeping missions are given suitable mandates and adequate resources

to protect civilians under imminent threat of physical danger."[32] In addition, the Brahimi

Report published in 2000 recommitted UN Member States to the maintenance of

international peace and security, and recommended a set of doctrinal and operational

improvements to UN peacekeeping. In particular, the report recommended that UN

peacekeepers "who witness violence against civilians should be presumed to be

authorized to stop it, within their means, in support of basic United Nations principles."[33]

POC and its principles have evolved to become increasingly mainstreamed in policy

documents and peacekeeping missions, defining who should be protected and who

embodies the duty and right to protect civilians in armed conflicts.

---

[30] Kofi Annan, "The causes of conflict and the promotion of durable peace and sustainable development in Africa," *Report of the Secretary-General to the Security Council* (April 1998), 11

[31] UN Security Council, *Security Council resolution 1270 (1999) [on establishment of the UN Mission in Sierra Leone UNAMSIL],* 22 October 1999, S/RES/1270 (1999), https://www.refworld.org/docid/3b00f22814.html, accessed March 2, 2021

[32] UN Security Council, *Security Council resolution 1296 (2000) [on protection of civilians in armed conflicts],* 19 April 2000, S/RES/1296 (2000), https://undocs.org/S/RES/1296(2000), accessed October 23, 2020

[33] UN General Assembly, *Report of the Panel on United Nations Peace Operations,* A/55/305-S/2000/809, 21 August 2000, https://undocs.org/pdf?symbol=en/a/55/305, accessed October 23, 2020

Civilian Protection in African Peace and Security Operations

Discussion and debate about civilian protection in Africa must be understood within the context of the global evolution and mainstreaming of POC, with the UN at the forefront of policy development and practice.[34] The first civilian protection mandate in Africa was issued in 1960 by then UN Secretary-General Dag Hammarskjöld who authorized peacekeepers in Congo to "protect [civilians] against acts of violence… to all people, white and black" because the "prohibition from intervention in internal conflicts cannot be considered to apply to the senseless slaughter of civilians or righting arising from tribal hostilities."[35] However, as previously mentioned, the first official UN mission to explicitly have a POC mandate was UNAMSIL in 1999. Civilian protection has become an important issue for African peace and security for three key reasons. First, civilians are often caught in the crossfire between warring parties, making them the primary victims in African conflict. Second, and especially after the failure of the international and regional communities to respond and react to the Rwandan genocide, the AU began taking steps towards integrating issues of protection into their peace and security operations. In 2000, the *Working Draft Manual for African Military Practitioners* argued that:

> The protection of a non-combatant's basic right to life and dignity is a
> fundamental element of all military operations. Should members of a [peace
> support force] who are designated as combatants witness war crimes, but take no

---

[34] Annette Seegers, "Implementing the Protection of Civilians Norm," in *African Actors in International Security: Shaping Contemporary Norms* edited by Katharina Coleman and Thomas K. Tieku (Boulder, Colorado: Lynne Rienner, 2018), 174

[35] Paul D. Williams, "Enhancing Civilian Protection in Peace Operations: Insights from Africa." *A Research Paper from the Africa Center for Strategic Studies* (2010), 4

action to stop them, they themselves become parties to that war crime. The

prevention of abuses of basic human rights and the imposition of justice will

require a peace enforcement force that is appropriately trained and configured for

such tasks.[36]

The document also defined "protection" as a peacekeeping operation that involves "the

creation of a secure environment [including] the protection of basic human rights and the

safeguarding of individuals, communities and installation."[37] Third, the AU Constitutive

Act, adopted in 2001, introduced Article 4(h) which outlined the Union's right and duty

to intervene in a Member State for issues pertaining to genocide, war crimes, and crimes

against humanity. Article 4(h) is perceived as the AU's commitment to non-indifference,

or the idea that Member States cannot, and should not, remain indifferent to mass

atrocities happening to civilians on the continent. For its part, the AU has invoked Article

4(h) on numerous occasions, authorizing intervention in Burundi, Sudan, and Somalia.

Contributions to Knowledge

This dissertation adds to the literature on the internalization of POC in AMISOM,

particularly analyses undertaken by Williams,[38] and makes three important contributions

to both the field of International Relations (IR) and the study of African peace and

security operations. First, and most broadly, it contributes to efforts to bring to the fore

---

[36] Peace Missions Programme, *Peace Support Operations: A Working Draft Manual for African Military Practitioners,* February 2000, 45

[37] Ibid., 94

[38] Paul D. Williams, "Enhancing Civilian Protection in Peace Operations: Insights from Africa," *A Research Paper from the Africa Center for Strategic Studies* (2010): 1-68; Paul D. Williams, *Fighting for Peace in Somalia: A History and Analysis of the African Union Mission (AMISOM), 2007-2017. First ed.* (Oxford, United Kingdom: Oxford University Press, 2018); Paul D. Williams, "The African Union Mission in Somalia and Civilian Protection Challenges," *Stability: International Journal of Security and Development* 2, no. 2 (2013): 1-17; Paul D. Williams, "The ambiguous place of civilian protection in the African Union Mission in Somalia," In *Protecting Civilians in African Union Peace Support Operations: Key Cases and Lessons Learned.* Edited by Jide Martyns Okeke and Paul D. Williams (PDF, 2017)

the often-forgotten African voices of IR. Discussions of Africa within the traditional narratives of IR either completely sideline the continent or use it as an example of misconduct, violence, and corruption on the international stage. This dissertation underscores the importance of African agency in norm emergence, contestation, diffusion, localization, and internalization. It also highlights the different dimensions of norm localization and the ways in which POC has been incorporated in AU peace and security operations. The example of how the AU has localized the POC norm reveals *African applications* of universal norms. African actors continue to translate global norms in ways that make sense for the continent. Most chapters in this dissertation are intentional in using scholarship, knowledge and experience from African scholars, practitioners, and commentators to conceptualize and understand the internalization of civilian protection norms in peace and security operations on the continent. In doing so, this dissertation actively contributes towards a decolonized discipline, helping to overcome the problematic silencing of marginalized communities.

Second, this dissertation uses a combination of qualitative methods to uncover several important characteristics of AMISOM, the AU's longest, most expensive and, arguably, most complicated mission to date. The mission in Somalia was deployed thirteen years ago and has undergone numerous changes to its initial mandate. This dissertation makes a particular contribution to our current understanding of the status of AMISOM and the in-mission POC mandate within it. In addition, the analysis of POC within AMISOM offers both scholars and practitioners important lessons about how to operate effectively in an active conflict zone, and why protecting civilians should always be a fundamental goal of any AU mission. In particular, the analysis presented in chapter

five unveils the layers of complexity in Somalia with regards to the relationships between the federal government, the regional governing bodies, the various clans and sub-clan groups, different militant groups, *al-Shabaab*, AMISOM and the UN.

Third, this dissertation provides an extended analysis of the process by which the AU's non-indifference norm relates to the POC norm, and how this has been operationalized in the context of Somalia. As chapter six illustrates, the AMISOM case highlights that the process of norm localization entails ongoing negotiation and compromise between power politics, national and material interests, and a commitment to civilian protection. The process of norm localization is iterative and depends on a series of experiences and decisions over time. Perhaps most importantly, the case of AMISOM reveals that the legitimacy of a mission in the eyes of the local population relies heavily on whether it protects civilians. The internalization of an explicit POC mandate is therefore in the direct interest of a mission's leadership and goals.

Scope and Limitations of the Study

Before proceeding, it is important to clarify the scope and limitations of this study. First, and perhaps most importantly, this dissertation examines the extent to which the AU has internalized the POC norm as specifically manifested in its mission in Somalia. While this dissertation makes reference to the historical causes of the conflict in Somalia, it primarily focuses on the time period between 2007 (when AMISOM was first deployed) and 2019 (when the researcher conducted field interviews). The history of the civil war in Somalia only provides background information within which to understand and contextualize the events that led to the authorization of AMISOM. Second, while AMISOM consists of an array of departments, contingents and duties, this dissertation

focuses on AMISOM in relation to civilian protection policies and practices. The researcher acknowledges that this limits the scope of the study as it does not offer a comprehensive and exhaustive assessment of the successes and limitation of the current mission. However, as the interviews, policy documents and secondary literature will reveal, civilian protection is a fundamental yet still underdeveloped component of any peace and security operation. AMISOM in Somalia illustrates that a mission's relationship with civilian protection is a key indicator of its overall success. Third, the inability to travel directly to Somalia deprives the analysis of important local voices and their accounts of how the AMISOM operation continues to impact civilian populations. In light of this limitation, the researcher used news stories, reports from Amnesty International and Human Rights Watch, and accounts from Somali journalists to include local civilian perspectives about AMISOM. Ultimately, this study presents an important step towards a larger research agenda about civilian protection in peacekeeping, peace and security, and humanitarian operations undertaken by regional organizations.

Chapter Breakdown

This dissertation is divided into five chapters. *Chapter Two,* "The Historical and Conceptual Origins of Civilian Protection," offers a review of the literature on the origins of the civilian protection agenda and important developments in international law. This chapter argues that the failure of international efforts to prevent and respond to genocides and other mass atrocity crimes in Rwanda and Bosnia in 1990s propelled state and non-state actors to advocate for a framework for civilian protection. This chapter elaborates on the relationship between POC and R2P, emphasizing the important of distinguishing the two when looking at how AU missions are operationalized on the ground. *Chapter*

Three, "Constructivism and the Dynamics of Norm Localization," makes the case for why a constructivist approach, grounded in norm localization by African actors, is the most appropriate way of conceptualizing the diffusion and internalization of civilian protection norms in Africa. It also offers a detailed analysis of the dynamics of norm localization, to varying degrees, in the AU and its missions. In particular, it highlights how African actors have been crucial to the development and diffusion of norms and normative practice especially through the establishment of the AU and the non-indifference norm. *Chapter Four,* "Non-Indifference in the African Union: the Journey towards Civilian Protection," traces the transition from the OAU and the norm of non-interference to the AU and the principle of non-indifference. Importantly, it analyzes what "non-indifference" means in practice, especially in relation to the POC norm. This chapter also argues that the AU operates as a regional filter for the proliferation of norms by facilitating a space for international norms get discussed, contested, localized and internalized. Non-indifference in the AU highlights the process of norm localization by which African leaders translate international norms in ways that are more appropriate for the continent. *Chapter Five,* "The African Union Mission in Somalia: An Evolving Mandate," traces the historical events that led to the authorization of AMISOM by both the AU PSC and the UN Security Council in 2007. The mission in Somalia offers an important assessment for the extent to which the AU and AMISOM have localized the POC norm in its mandates and operations. This chapter provides a historical and contextual analysis of the crisis in Somalia, an overview of regional and international engagement in the country, and where AMISOM fits within these broader peace and reconciliation efforts. This country-specific political and security information is

necessary for understanding the context within which AMISOM was first deployed in 2007. *Chapter Six,* "The African Union Mission in Somalia and the Civilian Protection Dilemma," uses interview data to critically assess AMISOM's POC mandate, including why it took years for the mission to adopt an explicit POC mandate, what mainstreaming POC means in practice, the resources allocated towards civilian protection, and the limitations of these processes. Importantly, this chapter explores the impact of civilian harm allegations by AMISOM troops on the legitimacy of the mission, and the extent to which the AMISOM leadership has internalized POC into new policies, training, and civilian tracking mechanisms for the mission. Lastly, the concluding *Chapter Seven* draws together key empirical and theoretical insights of the research project, outlines political, strategic, and operational policy recommendations for AMISOM and the AU, and offers directions for future research.

Chapter 2: The Historical and Conceptual Origins of Civilian Protection

Introduction

There continues to be much discussion and debate about what constitutes the "protection of civilians" in armed conflict. While some argue that it implies the provision of safe passage, asylum, and safety for non-combatants, others claim that the concept should also include physical protection as well as ensuring that civilians have access to shelter, medical treatment, clean drinking water, and education. With different international organizations and institutions adopting varying meanings of, and approaches to, protection that arguably reflect specific interests, responsibilities and mandates of the actors involved, there has been an urgency to solidify who is considered a "civilian," what their "protection" might entail, and how this can be effectively achieved in practice. Generally, civilians have been understood as non-combatants. However, as modern armed conflicts and peacekeeping operations illustrate, there are blurred lines between combatants and non-combatants, making it difficult to distinguish between the two. Importantly, towards the end of the 1990s, the ICRC organized a series of workshops with human rights and humanitarian organizations where participants defined "protection" as:

> All activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law i.e., human rights, humanitarian and refugee law. Human rights and humanitarian organizations must conduct these activities in an impartial manner, not on the basis of race, national or ethnic origin, language or gender."[39]

---

[39] Caverzasio et al., *Strengthening Protection in War,* 19

This definition grounded POC in three key international legal frameworks: IHL, international human rights law, and international refugee law. POC should be understood as a positive duty to protect civilians from threats to their rights to life and safe livelihood, while simultaneously also respecting these rights. POC is therefore directly related to strengthening the protection of civilians from harm in instances of armed conflict. The concept has been embedded into the responsibilities of the UN Security Council, as well as the mandates of most of its peacekeeping operations since the late 1990s. The UN Security Council has also actively implored other regional organizations who engage in armed conflict, including the AU, to uphold their legal obligations to protecting civilian populations. This introductory chapter offers a review of the literature on the contemporary protection agenda. This is done in four parts. First, it traces the origins of the contemporary civilian protection framework to key developments in international law. Second, it explores how POC has been embedded into the UN framework and UN Security Council peacekeeping operations. Third, this chapter outlines the failure of the UN to prevent and respond to the genocide in Rwanda and ethnic cleansing in Kosovo, thus propelling state and non-state actors to propose the R2P doctrine as another component of the protection agenda. Fourth, it outlines the relationship between R2P and POC, before briefly exploring the AU's relationship with POC in peacekeeping missions on the continent.

Developments in International Law

The historical origins of civilian protection can be found in several ethical, cultural, and religious perspectives throughout history. In particular, Just War Theory has received the most comprehensive reflection about the conduct of persons in warfare.

Although the Just War tradition does not necessarily denounce war, it compels state and military leaders, as well as members of the international community, to use restraint during war. Walzer suggests that the Just War tradition is a "doctrine of radical responsibility" because it holds both political and military leaders responsible and accountable for the welfare and security of their own people *and* non-combatants on the opposing side.[40] Just War theory's two components, *jus ad bellum* and *jus in bello,* offer greater insight about the laws of war. While *jus ad bellum* relates to laws governing when states or international organizations can use force against another state, *jus in bello* concerns the laws about the conduct of armed conflict. The Just War tradition, particularly through *jus in bello*, makes an important distinction between combatants and non-combatants. This then formed the foundations for the contemporary laws of war, which were developed after the end of the Second World War. This section illustrates the development of POC as codified in the Geneva Conventions, particularly in the Fourth Convention of 1949, the Additional Protocols (1977), and customary international law.

While the first three Geneva Conventions concerned combatants in warfare, the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War was the first legal attempt to develop and codify the protection of civilian populations in war. It detailed the proactive obligation to protect civilians, with Article 1 of the General Provisions stating that, "the High Contracting Parties undertake to respect and ensure respect for the present Convention in *all* circumstances."[41] The articles that follow specify where and how the protection of civilians in armed conflict will be carried out. For

---

[40] Michael Walzer. *Arguing About War.* (New Haven, Conn: Yale Nota Benne, 2005), 14
[41] International Committee of the Red Cross, *Convention (IV) relative to the Protection of Civilian Persons in Time of War*, (Geneva, Switzerland, 1949)

instance, Articles 13 to 26 declare that civilian hospitals, medical personnel, and medical transportation vehicles should be exempted from attack. Articles 14 and 15 call for the creation of "neutralized zones" to provide shelter to non-combatants, civilian persons, and sick or injured combatants from attack. Article 14 also provides for the establishment "in occupied areas, hospital and safety zones… to protect [the sick and wounded, children, mothers, and the elderly] from the effects of war."[42] In his analysis of combatant POC as outlined in the Fourth Geneva Convention, Breakey argues that POC entails negative duties which are "concerned with prohibiting actions that harm others."[43] According to this provision, combatant POC "prohibits actions that target or endanger civilians and civilian objects."[44] These actions include protection against the targeting of civilians, sexual assault and exploitation, murder, destruction of cultural and private property, and forced displacement. Civilians are also protected from indiscriminate targeting and disproportionate attacks.[45] In addition, as stipulated by Article 1 of the Fourth Geneva Convention, there is a positive, proactive duty for combatants to do no harm to non-combatants in times of war. Breakey claims that this might include state and military leaders educating themselves and their armed forces in their POC duties and obligations and holding individuals accountable for their actions.[46] However, as Doswald-Beck argues, the Fourth Geneva Convention only provides active protection for medical activities, and "does not include any compulsory regulation of hostilities conducted

---

[42] Ibid.
[43] Hugh Breakey, "The protection of civilians in armed conflict: four concepts," in *Norms of Protection: Responsibility to Protect, Protection of Civilians and their interaction* (UN: New York, 2013), 44
[44] Ibid.
[45] Ibid.
[46] Ibid.

behind enemy lines."[47] This excludes those who might not be sheltered in the "safe zones" or "hospital zones" which are legally immune from attack.

Generally, treaties are binding only to parties that agree to them. However, the rules and principles which are part of customary international law are binding to parties and non-parties. Since the Geneva Conventions are universal, "their general principles, although not all the detailed rules implementing these principles, are now customary law binding on non-parties."[48] Over time, the Geneva Conventions have been updated and clarified as a direct result of the impartial and dedicated work of the ICRC. These updates were meant to complement rather than replace the Geneva Conventions in order to enrich customary international law. To this end, the ICRC organized a series of conferences and workshops that resulted in a protocol on international armed conflict and a protocol on internal armed conflict. After both protocols were debated and negotiated, they were adopted as Protocols Additional to the Geneva Conventions of 12 August 1949 in June 1977. The Two Additional Protocols of 1977 offered an amendment to the 1949 Geneva Conventions, codifying the law of armed conflict and detailing the conduct of activities. The first Protocol supports the prohibition of attacks on civilian populations and civilian-related objects and advocates for the distinction between the treatment of civilians and combatants. Article 48 of the first protocol states:

> In order to ensure respect for the protection of civilian population and civilian
>
> objects, the parties to the conflict shall at all times distinguish between the civilian

---

[47] Louise Doswald-Beck, "The Civilian in the Crossfire," *Journal of Peace Research* 24, no. 3 (1987): 254
[48] Waldeman A. Solf, "Protection of Civilians against the Effects of Hostilities under Customary International Law and under Protocol I," *American University Journal of International Law and Policy* 1, no. 1 (1986): 124

population and combatants and between civilian objects and military objectives

and shall accordingly direct their operations only against military objectives. [49]

This rule has several important meanings. First, it prohibits civilian populations from

being attacked and any activities designed to incite fear among civilians. Second, it

reaffirms the principle of proportionality and prohibits indiscriminate attacks on civilians,

defined as "attacks which are not directed as a specific military objective and/or which do

not sufficiently limit the extent of incidental change."[50] This also prohibits any form of

carpet bombing, a tactic often used during the Second World War. Third, it outlines steps

that parties to a conflict should take in order to prevent or reduce the number of civilian

casualties. Solf argues that while the contents of the first Protocol "do not preclude

attacks that may cause civilian casualties… [they] require that parties to the conflict

direct their military operations only against military objectives."[51] Article 52 clarifies

military objects as those "which by their nature, location, purpose or use make an

effective contribution to military action and whose total or partial destruction, capture or

neutralization, in the circumstances ruling at the time, offers a definite military

advantage.[52] Solf therefore argues that "to the extent that Protocol I clarifies and

implements the principle of civilian immunity and the principle of distinction, its

---

[49] International Committee of the Red Cross, *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)* (Geneva, Switzerland, 1977)

[50] Doswald-Beck, "The Civilian in the Crossfire," 256

[51] Solf, "Protection of Civilians against the Effects of Hostilities under Customary International Law and under Protocol I," 129

[52] International Committee of the Red Cross, *Protocol Additional to the Geneva Conventions of 12 August 1949*

provisions should be considered customary law,"[53] making them binding to both parties and non-parties.

The second Additional Protocol sought to protect civilians in non-international armed conflicts. Article 1 of the second Additional Protocol states,

> This Protocol […] shall apply to all armed conflicts which are not covered by Article 1 of the (first Protocol) and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerned military operations and to implement this Protocol.[54]

Protocol II makes important advances towards the protection of civilians in domestic armed conflict by prohibiting the torture and ill-treatment of detainees, as well prohibiting warring parties from declaring that there shall be no survivors in the war. In addition, those in custody have the right to food, drink, the free practice of their religion, medical care, and the right to receive letters.[55] Article 4 also prohibits children under the age of 15 from participating in hostilities and obliges parties to remove children from the area where hostilities are taking place.[56] Article 6 further protects underage persons by prohibiting the death sentence for anyone under the age of 18 during the time of war.

---

[53] Solf, "Protection of Civilians against the Effects of Hostilities under Customary International Law and under Protocol I," 130

[54] International Committee of the Red Cross, *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)* (Geneva, Switzerland, 1977)

[55] Charles Lysaght, "The Scope of Protocol II and Its Relation to Common Article 3 of the Geneva Conventions of 1949 and other Human Rights Instruments," *American University Law Review* 33, no. 9 (1983): 12

[56] International Committee of the Red Cross, *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts*

Moreover, Article 10 prohibits the punishment of any person providing medical care and service, regardless of who that person is, and doctors are obliged under IHL to protect the privacy and anonymity of persons in their care. Protocol II recognizes the right of Red Cross and similar organizations to organize "relief actions for the civilian population which are of an exclusively humanitarian and impartial nature."[57] The protection of civilians forms the bedrock of Protocol II with Article 13 explicitly stating that civilian populations have the right to enjoy protection from the dangers of armed conflict. Civilians should also be free from starvation, or any other methods aimed at attacking them. Lysaght claims that while Protocol II "constitutes a significant advance" from the 1949 Geneva Conventions, there seems to be a weakness in implementation and enforcement of the principles.[58] However, since the two Protocols are meant to supplement the 1949 Geneva Conventions, it can be argued that the principles and enforcement provisions in the latter should also apply to Protocol II. International effort to strengthen IHL, IHRL, and refugee law have become the legal foundations for civilian protection. Developments in international law have then been adapted by important international organizations, including the UN.

The United Nations Security Council, Peacekeeping, and the Protection of Civilians

The UN Security Council forms the bedrock of the UN framework and is responsible for international peace and security. It has long been charged with responsibility for peacekeeping operations around the world, although the consideration of civilian protection has not been explicitly stated. In 1999, the UN Security Council

---

[57] Ibid.
[58] Lysaght, "The Scope of Protocol II and Its Relation to Common Article 3 of the Geneva Conventions of 1949 and other Human Rights Instruments," 15

passed its first thematic resolution on the protection of civilians in armed conflict

(resolution 1265), actively calling for the respect for and adherence to IHL, human rights

law, and refugee law and condemning the targeting of civilians.[59] Resolution 1265

expressed the Security Council's "willingness to respond to situations of armed conflict

where civilians are being targeted or humanitarian assistance to civilians is being

deliberately obstructed."[60] It also called upon Member States to ratify and adopt human

rights treaties, "end impunity and to prosecute those responsible for genocide, crimes

against humanity and serious violations of international humanitarian law."[61] In 2000, the

Security Council adopted resolution 1296, reaffirming "its intention to ensure, where

appropriate and feasible, that peacekeeping missions are given suitable mandates and

adequate resources to protect civilians under imminent threat of physical danger."[62] In

addition, in March 2007, UN Secretary-General Kofi Annan assembled a Panel on United

Nations Peace Operations, which was chaired by Mr. Lakhdar Brahimi. This Panel was

tasked with assessing the limitations of the UN peace operations framework and the

manner in which these missions are undertaken. That same year, in August, the Panel

published the Brahimi Report, which aimed "to offer frank, specific and realistic

recommendations for change."[63] The report applauded the Secretary-General's desire to

include the protection of civilians in armed conflict to the actions of the Security Council

and UN peacekeepers, giving them explicit authority to prevent and stop atrocities

directed towards civilian populations. This report remains important even today because

---

[59] UN Security Council resolution 1265, *S/RES/1265/1999,* 17 September 1999, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Civilians%20SRES1265.pdf, accessed October 20, 2020
[60] Ibid.
[61] Ibid.
[62] UN Security Council, *Security Council resolution 1296 (2000)*, 3
[63] UN General Assembly, *Report of the Panel on United Nations Peace Operations*, iii

it outlined key normative and institutional recommendations for UN peacekeeping. For example, it emphasized that "the consent of the local parties, impartiality, and the use of force only in self-defence should remain the bedrock principles of peacekeeping," but also noted that in instances of intra-state or transnational conflicts, consent can be temporary or partial.[64] In addition, it also made clear that "impartiality is not the same as neutrality or equal treatment of all parties in all cases for all time,"[65] especially since the targeting of civilians constitutes a direct threat to international peace and security and can warrant action by the Security Council. In instances where civilians are being attacked, peacekeepers "may not only be operationally justified in using force but morally compelled to do so."[66] Notably, peacekeepers, "troops or police, who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic United Nations principles"[67] outlined in the UN Charter and the Security Council's commitment to international peace and security. However, the Brahimi report also expressed concern "about the credibility and achievability of a blanket mandate in this area."[68]

Table 1: UN Peacekeeping Operations with POC Mandates (1999 - 2019)

UN Peacekeeping Operation	Years of Operation
UNAMSIL (Sierra Leone)	1999 – 2005
MONUC (DRC)	1999 – 2010
UNMIL (Liberia)	2003 – 2018
ONUB (Burundi)	2004 – 2006
UNOCI (Cote d'Ivoire)	2004 – 2017
MINUSTAH (Haiti)	2004 – 2017

---

[64] Ibid., ix
[65] Ibid, 9
[66] Ibid.
[67] Ibid., x
[68] Ibid.

UN Peacekeeping Operation	Years of Operation
UNMIS (Sudan)	2005 – 2011
UNIFIL (Lebanon)	2006 -
UNAMID (Darfur)	2007 -
MINURCAT (Chad)	2009 – 2010
MONUSCO (DRC)	2010 -
UNMISS (South Sudan)	2011 -
UNIFSA (Abeyi)	2011 -
MINUSMA (Mali)	2013 -
MINUSCA (CAR)	2014 -
MINUJUSTH (Haiti)	2017 - 2019

Source: United Nations Department of Peace Operations, *The Protection of Civilians in United Nations Peacekeeping: Handbook* (New York, NY: United Nations, 2020), 3

According to Kjeksrud et al., POC discourse within the UN is a result of "organizational norm development and promotion within parts of the larger UN bureaucracy,"[69] most notably the Office for the Coordination of Humanitarian Affairs (OCHA). In 2003, OCHA defined "protection" as:

> All activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of human rights, refugee and international humanitarian law. Protection [also] involves creating an environment conducive to respect for human beings, preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring dignified conditions of life through reparation, restitution and rehabilitation.[70]

OCHA also defined the protection of civilians in armed conflict as:

---

[69] Stian Kjeksrud, Jacob Aasland Ravndaal, Andreas Øien Stensland, Cedric de Coning, and Walter Lotze, "Protection of Civilians: Comparing Organizational Approaches," in *Protection of Civilians* edited by Haidi Willmot, Raplh Mamiya, Scott Sheeran, and Marc Weller (New York, NY: Oxford University Press, 2016), 12

[70] Office of the Coordination of Humanitarian Affairs, *Glossary of Humanitarian Terms in relation to the Protection of Civilians in Armed Conflict* (New York, NY: UN, 2004), 24

Structures and policies developed by the UN, states and other humanitarian actors, and based in international law, human rights and refugee law, to protect vulnerable populations from the effects of armed conflict, ranging from the most immediate priorities of minimizing civilian casualties to more long-term priorities of promoting the rule of law and security, law and order within a state.[71]

To this end, upon the request from the President of the Security Council to the Secretary-General, the Security Council produced an Aide Memoire for the Consideration of Issues pertaining to the Protection of Civilians in Armed Conflict. The Aide Memoire, which has been periodically updated by OCHA through subsequent years, outlines the Security Council's main objectives pertaining to civilian protection in its peacekeeping operations. It is also a product of consultations and negotiations between OCHA and the Security Council and compiles the agreed-upon language from Security Council resolutions and presidential statements. The first Aide Memoire was adopted by the Security Council in March 2002. Its objectives included:

i)   Ensuring security for displaced individuals and host communities;

ii)   Ensuring access to a safe environment for humanitarian workers;

iii)   Ensuring the respect for and compliance with IHL and IHRL;

iv)   Protecting women and girls from gender-based violence;

v)   Strengthening the rule of law and the capacity of local police and judicial systems;

vi)   Involving women in decision-making and incorporating gendered viewpoints at all levels and in all areas of the reconciliation process;

---

[71] Ibid., 25

vii)   Ensuring the rights of children by actively preventing their recruitment, putting an end to abduction, and supporting the reunification of families;

viii)   Enforcing arms control, mine action, reconciliation, and reconstruction mechanisms; and,

ix)   Enforcing action on demobilization, disarmament, and rehabilitation of soldiers.[72]

The current Aide Memoire is about 250 pages, was adopted by the Security Council in September 2018 and offers a more comprehensive understanding of civilian protection, thereby reflecting new issues being faced in conflict situations. Some of the new UN Security Council objectives relating to POC include:

i)   Protecting and assisting people affected by conflict in strict adherence for IHL, IHRL, international refugee law, and Security Council resolutions;

ii)   Prohibiting gross human rights violations, including murder, torture, cruel, treatment, and mutilation, against those not involved in the conflict;

iii)   Prohibiting arbitrary arrest or detention, sexual abuse and exploitation, and any other form of sexual violence;

iv)   Prohibiting the recruitment of children to be used by any of the conflicting parties;

v)   Prohibiting the trafficking of persons, slavery, and slave trade in any form;

vi)   Providing humanitarian relief and medical supplies during armed conflict; and

---

[72] UN Security Council, "Statement by the President of the Security Council," *S/PRST/2002/6*, 15 March 2002, https://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2002/6, accessed October 22, 2020

vii)   Prohibiting the persecution of individuals based on their race, religion,

nationality, political opinion, or membership of a social group.[73]

A couple of important elements stand out from both the definitions provided by OCHA and the Security Council's Aide Memoires. First, the UN Security Council, as the body primarily responsible for the maintenance of international peace and security, acknowledges and believes that civilian protection is required by international law and, importantly, actors bound by international law have the obligation to enforce protection. Second, physical protection and material relief are interconnected. In instances of armed conflict, civilians are directly threatened by physical insecurity *and* do not have access to material needs, including food, medical care, and a safe environment. Williams argues that this represents the primary "fault line" between "humanitarian organizations, which think of protection in terms of the fulfillment of human rights and legal norms," and military organizations, which limit protection to physical defense of persons and communities.[74] In an attempt to clarify the UN's relationship with civilian protection especially in peacekeeping operations, the UN DPKO, in 2008, published its Principles and Guidelines document, arguing that:

> The protection of civilians requires concerted and coordinated action among the
>
> military, police and civilian components of a United Nations peacekeeping
>
> operation and must be mainstreamed into the planning and conduct of its core
>
> activities. United Nations humanitarian agencies and non-governmental
>
> organization (NGO) partners also undertake a broad range of activities in support

---

[73] UN Security Council, "Statement by the President of the Security Council," *S/PRST/2018/18*, 21 September 2018, https://undocs.org/S/PRST/2018/18, accessed October 22, 2020
[74] Williams, "Enhancing Civilian Protection in Peace Operations," 15

of the protection of civilians. Close coordination with these actors is, therefore, essential.[75]

The *Protection of Civilians in United Nations Peacekeeping* Handbook, published in 2020, also cements POC in UN peacekeeping operations, especially since the first POC-mandated peacekeeping mission was authorized in Sierra Leone in 1999. The handbook lists 16 UN peacekeeping operations with explicit POC mandates since 1999, with 14 of these being deployed in Africa. To this end, the POC mandate in UN peacekeeping is:

> Without prejudice to the primary responsibility of the host state, integrated and coordinated activities by all civilian and uniformed mission components to prevent, deter or respond to threats of physical violence against civilians, within the mission's capabilities and areas of deployment, through the use of all necessary means, up to and including deadly force.[76]

The current UN DPKO's operational concept illustrates a three-tiered approach to POC, which are mutually reinforcing and should be simultaneously implemented. The first tier involves the protection of civilians through dialogue and engagement, including "active, structured and regular dialogue with perpetrators or potential perpetrators of violence against civilians."[77] It also emphasizes engagement with different communities in an inclusive way that will ensure members feel heard and supported. The second tier entails providing protection from physical violence "through protective presence,

---

[75] United Nations DPKO/ DFS, *United Nations Peacekeeping Operations: Principles and Guidelines* (New York: United Nations, 2008), 28

[76] United Nations Department of Peace Operations, *The Protection of Civilians in United Nations Peacekeeping: Handbook* (New York, NY: United Nations, 2020), 3

[77] United Nations Department of Peace Operations, "The Protection of Civilians in United Nations Peacekeeping," November 1, 2019, https://peacekeeping.un.org/sites/default/files/poc_policy_2019_.pdf, accessed October 22, 2020

interpositioning, the threat or use of force, or facilitating safe passage or refuge."[78] It involves four major phases: prevention, deterrence, pre-emption, response, and consolidation. Notably, "actions under [tier two] are implemented as part of a comprehensive, integrated approach, with close coordination between civilian and uniformed components."[79] The third tier involves the establishment of a protective environment and prevention of the re-emergence of threats of physical violence. Tier three protection is understood as also entailing the promotion of legal protection under IHL, IHRL, and refugee law, and the provision of humanitarian assistance. All three tiers should be "mutually accommodating and should be taken forward simultaneously, in accordance with mission mandates and in light of the circumstances on the ground."[80] Williams argues that the interrelationship between the three tiers should be highlighted, especially because "research from populations suffering from armed conflict has consistently shown that locals rarely see the utility of separating out what they see as intimately connected issues."[81] Ultimately, the goal of the three-tiered approach to POC in UN peacekeeping operations is to first identify the protection risks facing civilians in the particular situation before delegating roles and responsibilities to the different contingents of the mission. In 2011, the UN Secretariat published a framework for mission-wide strategies which have been implemented in different UN missions, including the AU-UN Mission in Darfur (UNAMID), the UN Stabilization Mission in the

---

[78] Ibid.
[79] Ibid.
[80] United Nations Department of Peacekeeping Operations/ DFS, "Draft DPKO/ DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations," 2010, http://www.peacekeeping.org.uk/wp-content/uploads/2013/02/100129-DPKO-DFS-POC-Operational-Concept.pdf?LMCL=PuDGQQ, accessed October 23, 2020
[81] Paul D. Williams, "The R2P, Protection of Civilians, and UN Peacekeeping Operations," in *The Oxford Handbook of the Responsibility to Protect* edited by Alex J. Bellamy and Tim Dunne (Oxford: Oxford University Press, 2016), 533

DR Congo (MONUSCO), and UN Operation in Cote d'Ivoire (UNOCI), and the UN Mission in South Sudan (UNMISS). The UN Secretariat also completed a number of POC training modules in 2011 and, the following year, established a "Protection of Civilians Coordination Officer" in the DPKO.[82] However, although POC has become a popular concept that is frequently used and embedded in the UN peacekeeping framework, there continues to be debate over its understanding and operationalization in different situations of armed conflict.

The Responsibility to Protect

The R2P doctrine and the POC are distinct yet closely interrelated norms. Their relationship has become the center of many important debates within the UN system, especially about what roles each concept should play in UN peacekeeping operations. Williams argues that it is important to clarify the relationship between R2P and POC because "the failure to protect civilians always damages [the UN's] credibility."[83] Tardy also argues that POC and R2P "share the same normative foundations in the sense that they are both about providing protection to populations that are threatened by armed groups or governments"[84] in direct violation of IHL, IHRL, and refugee law. The following cases illustrate how instances of mass atrocities in Rwanda (1994) and Bosnia (1999) were vitally important in the development, diffusion, and internalization of the R2P norm in both international policy and practice. The failure of the UN to prevent and respond to these mass atrocities in the 1990s led to the emergence of the R2P doctrine, and intensified calls for effective implementation of POC.

---

[82] Ibid.
[83] Ibid., 524
[84] Thierry Tardy, "The Dangerous Liaisons of the Responsibility to Protect and the Protection of Civilians in Peacekeeping Operations," *Global Responsibility to Protect* 4, no. 4 (2012), 429

The Rwandan Genocide

R2P is a political doctrine established to prevent mass atrocity crimes, namely genocide, and ethnic cleansing. It is a moral and political principle grounded "in concerns to generate greater respect for the existing legal obligations of states to prevent these atrocity crimes and to challenge the prevailing norm in international society of non-intervention in cases of mass atrocities."[85] In 1994, the UN failed to protect civilians in the Rwandan genocide. In the span of 100 days, one million Tutsis and modern Hutus were murdered by Hutu extremists. Animosity between the Tutsis and the Hutus had been established for years. Before colonization, Hutus made up 81% of the Rwandan population, while the Tutsi made up 17% and the Twa made up less than 1% of the population.[86] The frontiers between the three groups were permeable and it was difficult to distinguish between people who belonged to each group. In addition, intermarriage was a common occurrence between the groups, and they all shared the same religion and language. Colonial rule under Germany superimposed the idea of "ethnic difference" especially between the Hutu and the Tutsi. Under Belgian colonial rule, the Tutsi were favored based on their "high pre-colonial standing and for their supposed racial superiority."[87] As a result, the Tutsi minority were perceived by the Hutu majority as cooperating with the Belgian colonizers. In 1993, the Belgians assigned identification cards to the local people that ethnically classified individuals as Hutu, Tutsi or Twa, with classifications being "random [and] based on physical or economic assets, often ignoring

---

[85] Ibid.

[86] Jeremy Sarkin and Carly Fowler, "The Responsibility to Protect and the Duty to Prevent Genocide: Lessons to Be Learned from the Role of the International Community and the Media during the Rwandan Genocide and the Conflict in the Former Yugoslavia," *Suffolk Transnational Law Review* 33, no. 1 (2010), 5

[87] Ibid.

birth."[88] This resulted in the systemic discrimination for the Hutus. The colonial racial

policies "eroded pre-colonial flexibility of ethnic identity, establishing rigid boundaries

based on ethnicity."[89] When it was time to withdraw from Rwanda, the Belgians aligned

themselves with the Hutus, who had positioned themselves as willing to take power from

the Tutsi, violently if need-be. In 1959, the Belgian handed over authority in Rwanda to

Hutu leaders, leading to the displacement and murder of Tutsi people.

While ethnic tensions and animosity between the Hutus and the Tutsi were

prevalent in post-independent Rwanda, with political parties forming along ethnic lines,

the immediate impetus of the genocide came in April 1996. On April 16, 1994, a plane

was shot down over Kigali, killing Rwandese President Habyarimana, the Hutu President

of Burundi, and ten other officials. Violence ensued as extremists and government-owned

radio stations disseminated messages that incited Hutus to avenge the death of President

Habyarimana. Radio and television broadcasts included statements like "you cockroaches

[Tutsi] must know you are made of flesh! We won't let you kill! We will kill you!" and

"the graves are not yet quite full. Who is going to do the good work and help us fill them

completely?"[90] During this time, Tutsis and moderate Hutus, including those who had

negotiated the Arusha Accords,[91] were targeted. In fourteen days, 250,000 Tutsis were

killed, "which gives the Rwandan genocide the dubious distinction of being the most

---

[88] Ibid.
[89] Ibid., 6
[90] Ibid., 10
[91] In 1993, President Habyarimana and the Rwandan Patriotic Front (RPF) convened in Arusha, Tanzania to negotiate a power-sharing arrangement in Rwanda and signed the Arusha Accords, which granted the RPF and other opposition parties majority seats in the cabinet. RPF forces were also consolidated into the Rwandan army. Among Rwandan Hutus, the Arusha Accords were perceived as a form of surrender to the RPF and the rebel forces.

efficient and fastest genocide seen in modern history."[92] Within a hundred days, 800,000 Tutsis and moderate Hutus had been killed.

Although it lacks a concrete recommendation on how to intervene in instances of genocide, the UN Convention on the Prevention and Punishment of Genocide implies an obligation on the part of the UN to intervene. As Article 8 of the Convention states, "any Contracting Party may call upon the competent organs of the UN to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide."[93] In October 1993, the UN Security Council passed resolution 872, which established the United Nations Assistance Mission for Rwanda (UNAMIR). The mission set-up a peacekeeping force to "contribute to the security of the city of Kigali inter alia within a weapons-secure area established by the parties in and around the city," and, perhaps more importantly, to "monitor the security situation."[94] The mission's mandate was very limited, only involving the monitoring of hostilities and not authorization to intervene. Emphasis on monitoring was championed by the United States, recalling their negative experience in Somalia. UNAMIR was headed by Canadian Brigadier-General Romeo Dallaire, with about 2500 peacekeepers from Bangladesh, Ghana, and Belgium. In November 1993, General Dallaire drafted the rules of engagement (ROE), stating "there may also be ethnically or politically motivated criminal acts committed during this mandate which will morally and legally require UNAMIR to use all available means to halt them. Examples are executions, attacks on

---

[92] Sarkin and Fowler, "The Responsibility to Protect and the Duty to Prevent Genocide," 11
[93] UN General Assembly, "Convention on the Prevention and Punishment of the Crime of Genocide," 9 December 1948, https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf, accessed October 23, 2020
[94] United Nations Security Council resolution 872, S/RES/872/1993, 5 October 1993, http://unscr.com/en/resolutions/doc/872, accessed October 23, 2020

displaced persons or refugees."[95] In January 1994, General Dallaire received information

from a Hutu informant about the whereabouts of weapons that would be used to

exterminate the Tutsi population. The informant also offered to take UNAMIR forces to

the location of the weapons cache. However, the UN Secretariat denied General Dallaire

the ability to confiscate the weapons, claiming that UNAMIR "cannot repeat, cannot take

an active role… UNAMIR's role should be limited to a monitoring function."[96] The word

"genocide" was officially used to describe the situation in Rwanda only on April 13,

1994.[97] On April 19, 1994, Belgium began withdrawing its peacekeeping forces from

Rwanda, leaving General Dallaire with only 503 troops. In addition, UN Security Council

resolution 921, passed on April 21, 1994, reduced the number of peacekeeping troops to

270. The UN and member states failed to provide UNAMIR with the troops and

equipment necessary to prevent and respond to the genocide. It is widely acknowledged

that the UN failed to protect civilians in the 1994 Rwandan genocide, which exterminated

one million people.

Kosovo

In 1989, Serbian President Slobodan Milosevic removed Kosovo's autonomy and

placed it under Belgrade's authority. As a result, ethnic Albanian politicians declared

Kosovo's independence in July 1990 and "established parallel institutions that Serbia, in

control of government in the formerly autonomous province, refused to recognize."[98]

---

[95] Romeo Dallaire quoted in Siobhan Wills, *Protecting Civilians: The Obligation of Peacekeepers* (Oxford: New York; Toronto: Oxford University Press, 2009), 31

[96] Romeo Dallaire and Brent Beardsley, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (Toronto: Random House Canada, 2003), 167

[97] Sarkin and Fowler, "The Responsibility to Protect and the Duty to Prevent Genocide," 14

[98] Mohamed Sahnoun and Gareth J. Evans, *The Responsibility to Protect report of the International Commission on Intervention and State Sovereignty* (Canadian Electronic Library. Books Collection. Ottawa, Ont.: International Development Research Center, 2001), 109

Ibrahim Rugova became the unofficial president of Kosovo. Civil war resulted in huge population movements triggered by ethnic cleansing and the establishment of an ethnically homogenous territory "through the forcible removal of ethnic groups… by various methods, including expulsion and death."[99] In particular, Bosnian Serbs committed heinous crimes against humanity, including organized rape and internment in concentration campus, against Croats and Albanian Muslims. In 1998, Serbian police in Kosovo killed suspected Albanian separatists and, on March 31, the UN Security Council passed resolution 1160, condemning "the use of excessive force by Serbian police and terrorist action by the Kosovo Liberation Army (KLA), imposed an arms embargo, and expressed support for a solution based on the territorial integrity" and autonomy for the Kosovar Albanians.[100] UN Security Council resolution 1199, passed on September 23, 1998, reaffirmed "that the deterioration of the situation in Kosovo, Federal Republic of Yugoslavia (FRY), constitutes a threat to peace and security in the region."[101] Under Chapter VI of the UN Charter, the Security Council demanded an immediate ceasefire to improve the situation in the FRY, the cessation of all actions by the security forces, the return of refugees and internally displaced persons (IDP), and the free access of humanitarian supplies to those in need. The Security Council also added that if these demands were not met, it would "consider further action and additional measures to maintain or restore peace and stability in the region."[102] Milosevic and his Serbian forces continued to undertake attacks and massacres against Kosovar Albanians. In October

---

[99] Sarkin and Fowler, "The Responsibility to Protect and the Duty to Prevent Genocide," 14
[100] Sahnoun and Evans, *The Responsibility to Protect report of the International Commission on Intervention and State Sovereignty,* 110
[101] UN Security Council resolution 1199, *S/RES/1199 (1998),* 23 September 1998, http://unscr.com/en/resolutions/doc/1199, accessed October 27, 2020
[102] Ibid.

1998, the North Atlantic Treaty Organization (NATO) authorized a phased air campaign

against Milosevic's forces in Kosovo. NATO Secretary-General Javier Solana argued:

"The Allies believe that in the particular circumstances with respect to the present crisis

in Kosovo as described in UNSC resolution 1199, there are legitimate grounds for the

Alliance to threaten, and if necessary, to use force."[103] In addition, the FRY's Chief of

General Staff and NATO's Supreme Allied Commander in Europe also established an air

verification mission over Kosovo on October 15, 1998. Moreover, "an agreement signed

by the FRY foreign minister and the chair-in-office of the Organization for Security and

Co-operation in Europe (OSCE) provided for a verification mission in Kosovo,"[104] and

for the FRY to adhere to Security Council resolutions 1160 and 1199.

Both United States President Clinton and United Kingdom Prime Minister Blair

stressed that NATO's actions in Kosovo were prompted by humanitarian concerns and

the need to protect Kosovar Albanians. However, at the emergency session of the UN

Security Council on March 24, Russia, Belarus, China and India opposed NATO's

actions in Kosovo as a violation of the UN Charter. France, the United States, and

Canada argued in favor or NATO's actions because the FRY was in direct violation of

resolutions 1199 and 1203.[105] In the end, a resolution calling for the end of NATO's air

strikes was rejected by the Security Council. Sahnoun and Evans argue that NATO's 78-

day air bombing campaign intensified civilian suffering and ethnic cleansing, resulting in

"750,000 refugees in Albania and Macedonia, as well as 250,000 IDPs at the border."[106]

---

[103] Javier Solana quoted in Sahnoun and Evans, *The Responsibility to Protect report of the International Commission on Intervention and State Sovereignty,* 110
[104] Sahnoun and Evans, *The Responsibility to Protect report of the International Commission on Intervention and State Sovereignty,* 112
[105] Ibid.
[106] Ibid., 113

As a result, the FRY launched legal proceedings against 10 NATO members to the International Court of Justice (ICJ) and requested them to "issue an injunction, based in part on provisions of the Geneva Convention, calling for the immediate cessation of bombings."[107] Ultimately, the ICJ declined the FRY's requests. Towards the end of the conflict, NATO deployed a Kosovo Force, working under the UN Interim Administration Mission in Kosovo, of 20,000 troops to provide the territory with security. The UN took responsibility for civil administration and capacity building, while the United Nations High Commissioner for Refugees (UNHCR) took over all humanitarian affairs. In addition, the European Union (EU) took over Kosovo's post-war reconstruction and rehabilitation, and the OSCE became responsible for long-term institution building.[108] NATO's intervention in Kosovo was, and continues to be, controversial. While the intervention was widely viewed as moral and legitimate as a response to grave humanitarian atrocities, it was not exactly legal.

Aftermath

The appointment of Kofi Annan as the UN Secretary-General in 1997 shifted the institution's focus to critically investigating its failure to react appropriately and prevent the genocide in Rwanda and ethnic cleansing in Kosovo. Annan launched high level inquiries into the UN's response, or lack thereof, to the genocides of the 1990s. The Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda's report, which was published in 1999, began by applauding the actions of the UN personnel in Rwanda before underscoring that a "force numbering 2,500 should have been able to stop or limit massacres of the kind which began after the plane crash which

---

[107] Ibid.
[108] Ibid.

killed the presidents of Rwanda and Burundi."[109] In addition, the report acknowledged

UNAMIR's limited mandate and its ineffectiveness due to "a lack of intelligence about

the true nature of what was happening and by command and control problems."[110] The

report also condemned the Security Council and UN Member States' lack of political will

to react effectively to the situation in Rwanda.

The Independent International Commission on Kosovo, which was established by

the Swedish government in August 1999, also recommended "revising the so-called

inviolability of sovereign states so that sovereignty becomes conditional on the

observance of certain minimal but universal and clear standards of behavior."[111] The

Commission offered the following assessment of the humanitarian crisis in Kosovo and

the lack of effective response from the UN Security Council:

> The intervention was legitimate, but not legal, given existing international law. It
>
> was legitimate because it was unavoidable: diplomatic options had been
>
> exhausted, and two sides were bent on a conflict which threatened to wreak
>
> humanitarian catastrophe and generate instability through the Balkan peninsula.
>
> The intervention needs to be seen within a clear understanding of what is likely to
>
> have happened had intervention not taken place: Kosovo would still be under Serb
>
> rule, and in the middle of a bloody civil war. Many people would still be dying
>
> and flows of refugees would be destabilizing neighboring countries.[112]

---

[109] UN Security Council, "Report of the Independent Inquiry into the actions of the United Nations during the 1994 Genocide in Rwanda," *S/1999/1257,* 15 December 1999, https://www.un.org/en/ga/search/view_doc.asp?symbol=S/1999/1257, accessed October 27, 2020
[110] Wills, *Protecting Civilians,* 41
[111] The Independent International Commission on Kosovo. "The Kosovo Report." August 1999. https://reliefweb.int/sites/reliefweb.int/files/resources/F62789D9FCC56FB3C1256C1700303E3B-thekosovoreport.htm. Accessed October 27, 2020.
[112] Ibid.

The Kosovo Report highlighted important concerns about how to respond to human rights abuses while complying with the appropriate consent required to protect civilians, and how these two relate to state sovereignty, "particularly in light of the fact that states are unlikely to be willing to contribute to robust peacekeeping operations unless they also serve state interests."[113] In 2000, Kofi Annan's Millennium Report stated:

> Some critics were concerned that the concept of "humanitarian intervention" could become a cover for gratuitous interference in the internal affairs of sovereign states. Others felt that it might encourage secessionist movements deliberately to provoke governments into committing gross violations of human rights in order to trigger external interventions that would aid their cause. Still others noted that there is little consistency in the practice of intervention, owning to its inherent difficulties and costs as well as perceived national interests – except that weak states are far more likely to be subjected to it than strong ones.[114]

Ultimately, Kofi Annan asked how the international community should respond to gross human rights violations and protect civilians if humanitarian intervention infringes on state sovereignty.

R2P was therefore proposed as a direct response to the lack of humanitarian intervention protocols, the lack of regulation surrounding interventions, especially in the 1990s, and the challenge of compromising state sovereignty for the protection of human rights. R2P sought to reframe and redefine the conditions for using military force to protect civilians from heinous, state-perpetrated crimes. In 2001, the International

---

[113] Wills, *Protecting Civilians,* 46
[114] Kofi A. Annan, *We The Peoples: The Role of the United Nations in the 21st Century* (United Nations Department of Public Information: New York, NY, 2000), 47

Commission on Intervention and State Sovereignty (ICISS) was established by Lloyd Axworthy and the Government of Canada, co-chaired by Gareth Evans and Mohamed Sahnoun, and constituted members of the UN General Assembly. The Commission was convened to respond to Kofi Annan's question: "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systemic violations of human rights that offend every percept of our common humanity?"[115] The ICSS recognized "the long history, and continuing wide and popular usage, of the phrase 'humanitarian intervention,' [and] made a deliberate decision not to adopt this terminology."[116] It primarily aimed at replacing the flawed concept of "humanitarian intervention" by transforming the debate away from "sovereignty as control" to "sovereignty as responsibility." The R2P "envisages a larger purpose than that of a military intervention becoming strongly connected to the issue of human rights and development and thereby winning more legitimacy than [humanitarian intervention]."[117] The process of negotiating the terms of R2P included both closed-door meetings with members of the ICISS and frequent negotiations with state governments, civil society groups, NGOs and international organizations. In addition, five formal meetings with all the commissioners were held in Ottawa on November 5-6, 2000, in Maputo on March 11-12, 2001, in New Delhi on June 11-12, in Wakefield on August 5-9, and in Brussels on September 1. Madokoro argues that both the ICISS commissioners and the Government of Canada "believed from the outset that conceiving of a new phrase

---

[115] Ibid.
[116] Report of International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (International Development Research Centre: Ottawa, Canada, 2001), 9
[117] Aurora Martin, "Human Security: From Humanitarian Intervention to Responsibility to Protect," *Cogito – Multidisciplinary Research Journal,* no. 2 (2018), 92

could help mitigate the seemingly confrontational relationship between the norms of

humanitarian intervention and state sovereignty."[118] The ICISS sought to establish a new

phrase that would improve "the mindset with which the debate [concerning humanitarian

intervention] is conducted."[119] This primary objective was widely supported, especially

by NGOs who argued that "a change in terminology could also help to move the debate

away from how it had traditionally been developed."[120] Gareth Evans, the co-chair of the

Commission, argued that the new phrase should be "one that would capture the flavor of

what we probably all wanted to say about the moral imperative of responding to atrocity

crimes, be succinct and memorable, and, while having some continuity with the debate of

which we had all been part over the last decade, also mark an escape from its sterility and

divisiveness."[121] Evans coined the term "responsibility to protect" and, at the Geneva

roundtable in January 2001, "participants broadly endorsed the ICISS's possible approach

to thinking of intervention in terms of a 'responsibility to protect,' as opposed to a 'right

to intervene.'"[122]

Bellamy argues that the intellectual origins of the R2P come from the notion of

"sovereignty as responsibility," a term coined by Francis Deng, the UN Special

Representative on Internally Displaced Persons. In an effort to reconcile state

responsibility with international humanitarian action for displaced persons, Deng argued

---

[118] Daisuke Madokoro, "International Commissions as Norm Entrepreneurs: Creating the Normative Idea of the Responsibility to Protect," *Review of International Studies* 45, no. 1 (2019), 108
[119] Gareth Evans and Mohamed Sahnoun, "Intervention and state sovereignty: Breaking new ground," *Global Governance* 7, no. 2 (2001), 121
[120] Madokoro, "International Commissions as Norm Entrepreneurs," 108
[121] Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Washington, DC: Brookings Institution Press, 2008),5
[122] Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Research, Bibliography, Background* (Ottawa: International Development Research Centre, 2001), 355

that sovereignty was a form of responsibility a state had towards its citizens.[123] While

Deng's work, which was housed at the Brookings Institution, involved organizing a team

of experts to study IHL, IHRL, and international refugee law to develop and analyze legal

norms applicable to IDPs, Kofi Annan used "sovereignty as responsibility" to challenge

world leaders to reconcile the traditional conceptualization of sovereignty with the belief

that human beings had fundamental rights that need to be protected and upheld. [124] The

ICISS report, published in December 2001, therefore outlined the norms and standards of

foreign military intervention for civilian protection purposes.[125] The report's main theme

was "the idea that sovereign states have a responsibility to protect their own citizens from

avoidable catastrophe – from mass murder and rape, from starvation – but that when they

are unwilling or unable to do so, that responsibility must be borne by the broader

community of states."[126] Some commentators suggest that R2P transformed the discourse

surrounding military intervention for civilian protection purposes by explicitly

proclaiming it an *obligation* instead of a right. While one may or may not choose to

exercise a right, an obligation constitutes "a moral imperative to act" for the protection of

civilians.[127]

R2P arguably reshaped debates around global security in three fundamental ways.

First, at least in theory, it replaced a state-centric approach to security with the idea of

human security, thereby endorsing and reinforcing a people-centered approach to

---

[123] Alex J. Bellamy, *Responsibility to Protect: The Global Effort to End Mass Atrocities* (Cambridge: Polity, 2009), 2

[124] Ibid., 3

[125] Ayca Cubukcu, "The Responsibility to Protect: Libya and the Problem of Transnational Solidarity," *Journal of Human Rights* 12, no. 1 (2013): 45

[126] Report of International Commission on Intervention and State Sovereignty, *The Responsibility to Protect,* VIII

[127] Cubukcu, "The Responsibility to Protect," 45

international relations. This is reflected in the idea that states bear responsibility for the

protection of their citizens from human rights violations. States are also accountable to

both their own populations and the international community for the fulfillment of this

obligation.[128] Second, as previously mentioned, R2P proposed the idea of "sovereignty as

responsibility," where sovereignty rests with the people, and where the state is defined by

its responsibility, both in its duty and capacity, to the people. Glanville argues that,

although it was framed as a radical departure from the "traditional" conceptualization of

sovereignty, the idea of "sovereignty as responsibility" has deep historical roots.[129]

Sovereignty has always been framed in absolute terms, where a state enjoys the rights to

autonomy and self-governance, and freedom from foreign interference. If understood in

this manner, the idea that sovereignty is conditional on the ability and willingness of a

state to protect its citizens from mass atrocity crimes represents a critical departure.

However, Glanville points to ideas articulated by Locke, Rousseau, and by American and

French revolutionaries who argued that the sovereign was always responsible for the

protection of its people.[130] The role of the ICISS, then, was to build upon the historical

roots of "popular sovereignty" and reconcile it with intervention and human rights. The

Commission argued that "state sovereignty implies responsibility, and the primary

responsibility for the protection of its people lies with the state itself."[131] However,

residual responsibility lies with the international community. Ultimately, "where a

population is suffering serious harm, as a result of internal war, insurgency, repression or

---

[128] Luke Glanville, *Sovereignty and the Responsibility to Protect: A New History* (Chicago; London: University of Chicago Press, 2014), 171
[129] Ibid., 1
[130] Ibid., 7
[131] Report of International Commission on Intervention and State Sovereignty, *The Responsibility to Protect,* XI

state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect."[132] In an effort to build consensus among world leaders, the Commission reaffirmed the value of sovereignty as an important function in international relations that protects states in "a dangerous world marked by overwhelming inequalities of power and resources."[133] In addition, the Commission also declared that sovereignty "had a normative force in that it recognized the equal worth and dignity of peoples, protected their 'unique identities and their national freedoms,' and affirmed 'their right to shape and determine their own destiny."[134] Despite this, the Commission argued that sovereignty was not absolute and did not give states the right to mistreat their citizens. Third, R2P became grounded, in theory, in the pillars of the Responsibility to Prevent, the Responsibility React, and the Responsibility to Rebuild, thereby explicitly outlining the obligations of states within the international system before, during and after a conflict. Glanville argues that R2P "entails a positive duty… [that requires] states [to] take action on behalf of the international community to protect vulnerable people beyond their borders."[135] In principle at least, R2P transformed the protection of civilians into an international responsibility; it offered a way of transcending political differences that often impede efficient and sufficient action in the face of humanitarian crises.

The ICISS report also outlined six criteria for military intervention. First, humanitarian intervention must be authorized by a right authority, namely the UN Security Council wherein the permanent-five members are encouraged to refrain from

---

[132] Ibid.
[133] Ibid.
[134] Glanville, *Sovereignty and the Responsibility to Protect,* 191
[135] Ibid.

using their veto power "where quick and decisive action is needed to stop or avert a significant humanitarian crisis."[136] Second, interventions need to have a just cause signified by a substantial loss of lives or killing caused by large-scale ethnic cleansing, war crimes, crimes against humanity, or genocide. This also applies to situations where crimes have already occurred or in situations where atrocity crimes are anticipated. Third, right intention, underscored by humanitarian interests, must drive interventions. Fourth, military interventions are only justified as the last resort once all other preventative measures, such as economic sanctions, have been exhausted. Fifth, the use of force should be proportional by being "the minimum necessary to secure the defined human protection objective."[137] Sixth, military interventions are only justified and considered successful if they can reasonably be anticipated to achieve humanitarian objectives. As such, the ICISS stipulated the means by which a military intervention can be justified and conducted.

Despite being established outside the UN framework, the R2P doctrine became enmeshed within the UN agenda in the report by the UN High-Level Panel on Threats, Challenges and Changes, which declared:

> We endorsed the emerging [R2P] norm that there is a collective international
> responsibility to protect, exercisable by the Security Council authorizing military
> intervention as a last resort, in the event of genocide and other large-scale killing,

---

136 Report of International Commission on Intervention and State Sovereignty, *The Responsibility to Protect,* 51
137 Ibid., XII

ethnic cleansing or serious violations of international humanitarian law which

sovereign governments have proved powerless or unwilling to prevent.[138]

In 2005, the R2P doctrine was unanimously adopted by heads of state at the World

Summit. Paragraph 130 of the World Summit document reads:

> Each individual state has the responsibility to protect its populations from
>
> genocide, war crimes, ethnic cleansing and crimes against humanity. This
>
> responsibility entails the prevention of such crimes, including their incitement,
>
> through appropriate and necessary means… The international community should,
>
> as appropriate, encourage and help states to exercise this responsibility and
>
> support the United Nations in establishing an early warning capability.[139]

The R2P was also heavily promoted by former UN Secretary-General Ban Ki-Moon who

published numerous reports, including "Implementing the Responsibility to Protect"

(2009), "Early Warning, Assessment and the Responsibility to Protect" (2010), and "The

Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to

Protect" (2011). Furthermore, the ICISS emphasizes that the "Security Council should be

the first port of call on any matter relating to military intervention for human protection

purposes."[140] However, it also did not exclude the possibility that the General Assembly,

regional organizations, and coalitions of states can also assume the responsibility to

protect if the Security Council fails to do so. The institutionalization of R2P into the UN

---

[138] UN General Assembly, 59th Session, "Follow-up to the Outcome of the Millennium Summit" (A/59/565), 2 December 2004, https://documents-dds-ny.un.org/doc/UNDOC/GEN/N04/602/31/PDF/N0460231.pdf?OpenElement, accessed February 4, 2019.
[139] U.N. General Assembly, 60th Session, "Draft Resolution Referred to the High-level Plenary Meeting of the General Assembly by the General Assembly at its Fifty-Ninth Session" (A/60/L.1), 15 September 2005, http://www.globalr2p.org/media/files/wsod_2005.pdf, accessed February 4, 2019
[140] Report of International Commission on Intervention and State Sovereignty, *The Responsibility to Protect,* 53

agenda highlights its continued relevance in international relations. R2P is therefore not a single norm, but "a collection of shared expectations that have different qualities."[141] It also includes expectations about states behavior towards populations under their care.

The Relationship between POC and R2P

While some of the literature on civilian protection treat and use POC and R2P interchangeably, the UN Secretary-General's 2012 report expressed concern "about the continuing and inaccurate conflation" of the two concepts.[142] While the two might share similar elements, they also have importance differences. In the report, the Secretary-General argued that POC "is a legal concept based on international humanitarian, human rights and refugee law," while R2P "is a political concept, set out in the 2005 World Summit Outcome."[143] Importantly, while POC "relates to violations of international human rights law in situations of armed conflict," R2P "is limited to violations that constitute war crimes or crimes against humanity," including genocide and ethnic cleansing.[144] Williams argues that POC and R2P cannot be entirely separated from each other because they share similar normative goals and "overlap in the issues they address."[145] Both POC and R2P are rooted in the primary concern of protecting civilians from atrocity crimes, and both stem from the same set of legal conventions, including IHL, IHRL, refugee law and the UN Charter. In his 2009 report on the implementation of the R2P, the UN Secretary-General stated,

---

[141] Bellamy, "The Responsibility to Protect," 160

[142] United Nations Secretary-General, "Report of the Secretary-General on the Protection of Civilians in Armed Conflict", UN doc S/2012/376, 22 May 2012, https://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_4150.pdf, accessed October 28, 2020

[143] Ibid.

[144] Ibid.

[145] Williams, "The R2P, Protection of Civilians, and UN Peacekeeping Operations," 525

It should be underscored that the provisions of paragraphs 138 and 139 of the

Summit Outcome are firmly anchored in well-established principles of

international law. Under conventional and customary international law, states

have obligations to prevent and punish genocide, war crimes and crimes against

humanity. Ethnic cleansing is not a crime in its own right under international law,

but acts of ethnic cleansing may constitute one of the other three crimes. The

Summit's enunciation of the responsibility to protect was not intended to detract

in any way from the much broader range of obligations existing under

international humanitarian law, international human rights law, refugee law and

international criminal law.[146]

Ultimately, R2P actually reinforces the legal obligations of Member States to comply

with the UN Charter and refrain from the excessive use of force towards civilian

populations. Both POC and R2P therefore expect states to bear primary responsibility to

protect civilians, especially in instances where mass atrocities are taking place, and both

perceive the UN Security Council as the main source of authority. However, both

concepts also "envisages [other] roles for non-governmental actors, including organized

armed groups and humanitarian NGOs."[147] It is also important to note that "neither POC

nor R2P are synonymous with 'humanitarian military intervention' – defined as the use of

military force without host state consent aimed at preventing or ending widespread and

grave violations of human rights,"[148] including ethnic cleansing, genocide and crimes

---

[146] United Nations General Assembly, "Report of the Secretary-General: Implementing the responsibility to protect," A/63/677, 12 January 2009, https://www.un.org/ruleoflaw/files/SG_reportA_63_677_en.pdf, accessed October 28, 2020
[147] Williams, "The R2P, Protection of Civilians, and UN Peacekeeping Operations," 527
[148] Ibid., 528

against humanity. Albeit generally constituting military action to prevent or react to atrocity crimes, POC and R2P frameworks also visualize wide-ranging roles for police, civilian, and NGO components. In addition, in most peacekeeping operations, UN peacekeepers will continue to encounter challenges pertaining to both POC and R2P. Peacekeepers "will therefore act as instruments in operationalizing both R2P and POC agendas."[149] In those situations, although peacekeepers are most likely to face POC-related atrocities, the main policy objective should be to ensure that the two concepts continue to work effectively in tandem with each other.

This dissertation argues that, although POC and R2P share many similarities, especially in their origins and conceptualization, the two concepts should be understood as having important differences. The AU has gravitated towards a relatively conservative and limited vision of the non-indifference norm due to its historical experience with external intervention, which has left deep sensitivities about sovereignty and the fear of regime change. POC in the AU is therefore a sovereignty-affirming approach. In fact, the premise of AMISOM is also about deepening the security of the officially recognized government of Somalia. The following illustrates key distinctions between POC and R2P. First, R2P is limited to the four atrocity crimes outlined in the World Summit Outcome document: genocide, crimes against humanity, ethnic cleansing and war crimes. POC clearly includes these atrocity crimes, but also encompasses a broader list of challenges that may threaten civilian populations and their rights under international law. POC-related issues include displacements, starvation, and access to medical supplies, humanitarian needs, and a safe environment. Civilians "may [therefore] have many more

---

[149] Ibid., 526

rights than protection from R2P's four atrocity crimes."[150] Second, POC is restricted to

instances of armed conflict, while R2P "applies in all places at all times because it is

concerned with any political context in which the four atrocity crimes are incited or

perpetrated."[151] For example, R2P was invoked during the 2007-2008 post-elections

violence in Kenya, where disputed elections results led to the eruption of ethnic

resentment and violence killing 250 civilians in December 2007.[152] Third, POC expects

both states and non-state actors, who are all party to the armed conflict, to protect

civilians. In contrast, R2P places primary responsibility to protect on the state in question.

If the state is unwilling or unable to protect civilians, the international community, under

the authority of the UN Security Council, has the responsibility to protect, sometimes

using coercive military action. Fourth, under R2P, military action can be authorized by

the UN Security Council against the host state, without consent from said state, if it is

perpetuating atrocity crimes against civilian populations. POC, once authorized in a UN

peacekeeping operation, can include the use of military force "at the tactical level with

the authorization of the Security Council and [*only with* the] consent of the host nation

and/or the main parties to the conflict."[153] Ultimately, it is important to distinguish

between POC and R2P, especially in contemporary peace and security operations. While

some commentators suggest that conflating POC and R2P politicizes IHL's legal

nature,[154] Williams argues that "the idea that POC is somehow apolitical or neutral should

be dismissed," particularly because most of the parties involved in implementing POC

---

[150] Ibid., 528
[151] Ibid.
[152] Abdullahi Boru Halakhe, "R2P in Practice: Ethnic Violence, Elections and Atrocity Prevention in Kenya," *Global Center for the Responsibility to Protect,* no. 4 (2013), 3
[153] United Nations DPKO/ DFS, *United Nations Peacekeeping Operations,* 34
[154] Tardy, "The Dangerous Liaisons of the Responsibility to Protect and the Protection of Civilians in Peacekeeping Operations," 440

often have political and/or national interests in play. A more detailed assessment of the differences between R2P and POC, especially in the AU, will be discussed in subsequent chapters.

The Protection of Civilians in the African Union

As will be elaborate in the latter chapters of this dissertation, the international protection agenda has also been adopted and internalized at the regional level, including at the AU. The AU Constitutive Act (2000) provides "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."[155] Normative discussions and negotiations in the AU following the failure to protect civilians during the 1994 Rwandan genocide mirrored discussions about R2P at the international level. Most notably, the Constitutive Act was adopted about two years after the Kosovo report and a year after the ICISS report on R2P. In fact, the Constitutive Act's language around non-indifference towards genocide, war crimes and crimes against humanity resembles that of R2P. Wills describes the Constitutive Act as "the first international treaty to recognize the right to intervene for a humanitarian purpose."[156] The Union's focus on non-indifference was widely perceived as an important step towards the regional adoption of R2P, especially since the two norms were broadly institutionalized during a similar moment in time. In theory, non-indifference in the AU *could* have been the regional manifestation of R2P. However, and especially after the NATO-led

---

[155] African Union, *Constitutive Act of the African Union* (Addis Ababa, Ethiopia: African Union, 2000), article 4
[156] Wills, *Protecting Civilians,* 53

intervention in Libya (2011), the Union decided to cement its approach to civilian

protection in POC and IHL.

While the AU, as a regional organization, is not a state and is therefore not party

to the Geneva Conventions of 1949 or fundamental IHL treaties, 51 African states have

ratified four of the Geneva Conventions and the International Covenant on Civil and

Political Rights. In addition, 49 African states have also ratified the first Additional

Protocol to the Geneva Conventions.[157] Fowkes argues that, for the AU, "those aspects of

IHL or IHRL obligations that are discharged by training will importantly be borne by

African states bound by those bodies of law."[158] Member States are therefore obliged to

adhere to IHL, despite the fact that these laws are not necessarily binding on the Union as

a regional body. African states have also been active contributors towards the

development of IHL. Such contributions include: the adoption of the African Charter on

Human and Peoples' Rights; the development of children rights in the African Charter on

the Rights and Welfare of the Child; the former Organization of African Unity (OAU)'s

Convention Governing Specific Aspects of Refugee Problems in Africa; and efforts on

furthering environmental protection in the African Convention on the Conservation of

Nature and Natural Resources and the Bamako Convention.[159] In addition, the AU's PSC

Protocol explicitly expresses "the respect for the sanctity of human life and international

humanitarian law."[160] The Protocol also extends the Council's authority "within the

---

[157] James Fowkes, "The Relationship between IHL and IHRL in Peacekeeping Operations: Articulating the Emerging AU Position," *Journal of African Law* 61, no. 1 (2017), 9
[158] Ibid.
[159] Gus Waschefort, "Africa and International Humanitarian Law: The More Things Change, the More They Stay the Same," *International Review of the Red Cross,* 98, no. 902 (2016), 614
[160] Protocol relating to the Establishment of the Peace and Security Council of the African Union (PSC Protocol), 9 July 2002, Art. 3(f)

framework of its conflict prevention responsibilities… respect for the sanctity of human life and international humanitarian law by Member States."[161]

With regards to civilian protection, an interdepartmental working group within the AU Commission has worked closely with the UN, with funding from European and other foreign sources, to develop "an operational concept on the protection of civilians in its peace support operations."[162] The group adopted a rights-based conceptualization of POC, bearing great resemblance with the ICRC's definition of POC outlined in 1996. As latter chapters will elaborate, the AU was driven to think about and operationalize non-indifference (as stipulated in the Constitutive Act) as POC. In 2010, the AU defined POC in its *Draft Guidelines on the Protection of Civilians in Peace Support Operation* as:

> Activities undertaken to improve the security of the population and people at risk, and to ensure the full respect of the rights of groups and individuals recognized under regional instruments, including the African Charter of Human and People's Rights, the African Union Convention for the Protection and Assistance for Internally Displaced Persons, and the Convention Governing the Specific Aspects of Refugee Problems in Africa, and international law, including humanitarian, human rights and refugee law.[163]

The AU's POC guidelines outline a four-tiered approach to protection. First, civilian protection is part of an overall political process and the transition state from a situation of

---

[161] Ibid., Art. 7(1)(m)

[162] Matthias Dembinski and Berenike Schott, "Converging Around Global Norms? Protection of Civilians in African Union and European Union Peacekeeping in Africa," *African Security* 6, no. 3-4 (2013), 286

[163] African Union, *Draft Guidelines for the Protection of Civilians in African Union Peace Support Operations* 2010

armed conflict to one of sustainable and inclusive peace. Second, protection involves the

protection from physical violence, especially any attempt to reduce the ability of certain

armed groups to subject civilians to violence. Third, protection constitutes monitoring

and reporting of civilian harm, and building capacity for the local population to protect

human rights. Fourth, protection involves the establishment of a safe environment rooted

in "early recover and reform measures" for sustainable peace.[164] The AU's four-tiered

approach to civilian protection continues to inform peace and security operations (PSO)

PSO's on the continent, albeit with varying degrees of success. The AU has also

expressed a desire "to follow a comprehensive interpretation of POC, to support its

troops' adherence to humanitarian and human rights law, and to actively provide POC in

PSO."[165] However, as will be discussed in further detail in *Chapter Five*, the AU

continues to face POC implementation challenges in its operations, including the failure

to protect civilian populations from harm and accusations of AU troops being one of the

perpetrators of harm towards civilians.

---

[164] Jide Martyns Okeke and Paul D. Williams, eds. *Protecting Civilians in African Union Peace Support Operations: Key Cases and Lessons Learned,* (African Centre for the Constructive Resolution of Disputes, 2017), 13
[165] Dembinski and Schott, "Converging Around Global Norms?" 287

Figure 1: The Four-Tiered Approach to the Protection of Civilians
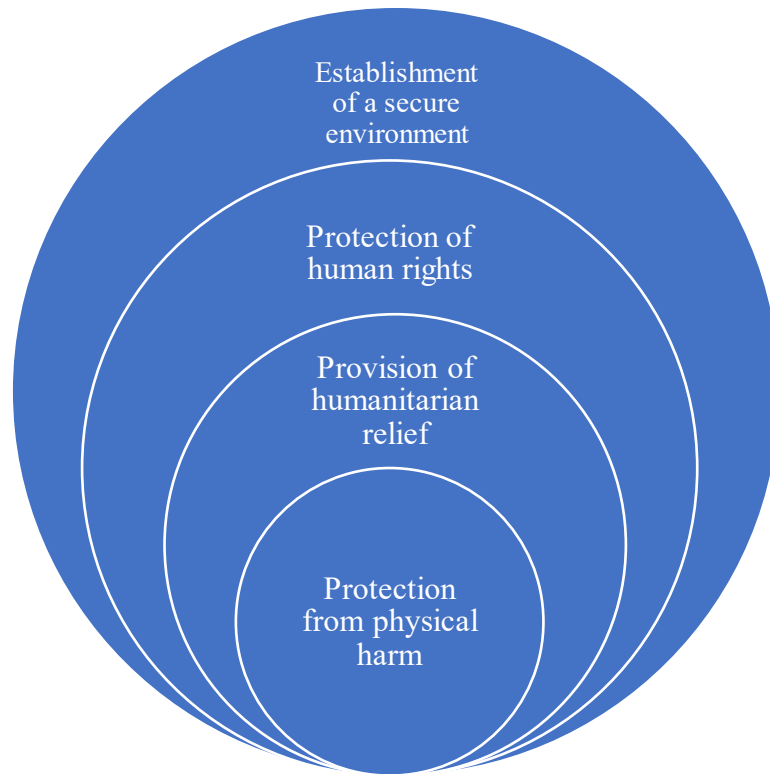
Conclusion

The protection of civilian populations in armed conflict continues to be one of the primary challenges facing both UN peacekeeping missions and AU peace and security operations. In the 1990s, the ICRC organized a series of workshops in an effort to define what is meant by "protection," who constitutes a "civilian," and what civilian protection looks like in practice. The ICRC's definition of civilian protection rooted the concept in IHL, IHRL, and international refugee law. POC therefore involves the protection of civilians from harm in situations of armed conflict. Over time, POC has been cemented into the UN Security Council's responsibilities towards the provision and maintenance of

international peace and security. Other regional organizations, including the AU, have also contributed towards the development of POC and IHL, and have incorporated POC into their PSOs. This introductory chapter traced the origins of the protection agenda to the three Geneva Conventions and the two Additional Protocols. It also illustrated how POC was embedded in the framework of the various UN departments and the UN Security Council, particularly with the adoption of key resolutions and reports on civilian protection. This chapter explored the UN's failure to prevent and respond to genocide in Rwanda and ethnic cleansing Bosnia, and how this led both state and non-state actors to propose and champion the R2P doctrine. Importantly, the relationship between POC and R2P was illustrated, making it clear that while the two concepts share similar origins and conceptualizations, it is important to distinguish the two, especially when looking at how AU PSOs are operationalized. This chapter argued that while the negotiations and adoption of non-indifference in the AU's Constitutive Act mirrored the discussions about R2P internationally, the Union was pushed towards cementing its approach to civilian protection in POC rather than R2P. This was particularly the case after the 2011 NATO-led intervention in Libya, which led to active regime change under the auspices of R2P. The next chapter, on "Constructivism and the Dynamics of Norm Localization," will make the argument for why a constructivist theoretical approach is the most useful and appropriate way of thinking about the diffusion and internalization of civilian protection norms in the African context, particularly why the AU was driven towards adopting POC over R2P.

Chapter 3: Constructivism and the Dynamics of Norm Localization

Introduction

Constructivist scholars, often rooted in Western experiences, have introduced the concepts of norm emergence, change, diffusion, localization, and contestation, which form the basis of this chapter. Missing in this literature are the contributions of Global South actors and agents, especially in the African context, in the establishment and development of important norms. Discussions of Africa within this Western narrative present an interesting paradox. While Africa is often sidelined by most mainstream constructivist accounts of global norm development and diffusion, it remains a popular case-study, representative of how these norms are dismissed in practice. It is therefore "often assumed in this literature that global norms originate in materially powerful Northern countries."[166] The absence of extensive literature and analysis about the important contributions by non-Western actors and agents in IR literature is dubious, particularly because "it distorts the reality of how international norms are in fact created."[167] This chapter highlights Africa's agency, exhibited by efforts made by states, scholars, nonstate actors and officials, in developing and shaping key norms of civilian protection, including R2P and POC. Regional organizations, particularly the AU, have been crucial to the development of civilian protection norms. Since its inception in 2001, the AU has actively debated and negotiated what "non-indifference" means on the continent, ultimately gravitating towards internalizing, to varying degrees, a POC approach in policy and practice in its PSOs. African actors and agents continue to shape

---

[166] Eric Helleiner, "Introduction," *Global Governance* 20, no. 3 (2014), 359

[167] Katharina P. Coleman and Thomas K. Tieku, "African Actors in International Security: Four Pathways to Influence," in *African Actors in International Security: Shaping Contemporary Norms* eds. Katharina P. Coleman and Thomas K. Tieku (Boulder, Colorado: Lynne Rienner Publishers, 2018), 2

the development and evolution of global norms of civilian protection. This chapter argues that a constructivist approach, rooted in norm localization by African actors, is the most appropriate way of understanding the diffusion of global civilian protection norms to and within Africa. First, this chapter begins by outlining how different theoretical approaches, namely the English School, Postcolonialism, and Neorealism, engage with humanitarian intervention for the purpose of civilian protection. While these three approaches are most commonly used to either justify or argue against humanitarian intervention, they are insufficient in understanding the diffusion and internalization of civilian protection norms in the African context. Second, it outlines a brief overview of social constructivism, norms and their significance, and the norm life cycle. Third, it details the dynamics of norm localization as the process by which civilian protection norms are internalized, to varying degrees, into AU policies, discourses, and missions. This will also include a discussion about how the process of norm entrepreneurship, cascade and institutionalization reflect different power-laden perspectives of their champions. Finally, this chapter concludes by analyzing how institutionalized norms are often measured, as well as how national and material interests intersect with constructivism's logic of appropriateness.

The English School of International Relations and Civilian Protection

English School scholars argue that states establish an international society based on two key assumptions about their shared values and common interests. First, states consider the impact of their decisions and actions on other states. Second, the international society "signif[ies] the presence of intricate patterns of social interaction

that display the rules of the game for regular interaction."[168] Accordingly, an international society is "a particular manifestation of international anarchy" in which states have formed "a significant degree of confidence in the motivations and intentions of other [states]."[169] There are two distinct variants within the English School, each differing in how it interprets the goals and conduct of international society. The traditional *pluralist* view underscores the primacy of state sovereignty as a means of safeguarding a particular way of life, and intervention, for any purpose, as a clear and dangerous violation of that way of life and a state's inherent rights. To achieve this desired and shared goal, states have agreed to cooperate in establishing international institutions, diplomacy and law, all of which seek to maintain and preserve the balance of power. In addition, the plural nature of the international system indicates the ultimate impossibility of agreeing on what constitutes human rights. The laws of civil society "ought not to be grounded in abstract metaphysical natural laws,"[170] such as universal human rights that form the foundation of civilian protection norms and practices. The alternative English school perspective, *solidarism,* emphasizes the idea that being human and belonging to the human race precedes the positivist institutions that make up the international society of states. States are therefore collectively obliged to defend human rights. The solidarist position is based on the idea that egregious human rights violations within state borders are a matter of concern of the international community, and that international order is best secured when these rights are protected. In a solidarist international system, individuals are entitled to

---

[168] Paul D. Williams, "The 'Responsibility to Protect,' Norm Localization, and African International Society," *Global Responsibility to Protect* 1 (2009), 395

[169] Ken Booth and Nicholas J. Wheeler, *The Security Dilemma* (Basingstoke: Palgrave-Macmillan, 2009), 97

[170] Richard Devetak, "Between Kant and Pufendorf: Humanitarian Intervention, Statist Anti-Cosmopolitanism and Critical International Theory," *Review of International Studies* 33 (2007), 152

basic human rights and freedoms from being harmed or killed. In the event of large-scale

harm or killing where the sovereign state is either the perpetrator of the crime or

unwilling, or unable, to prevent it, then it is the responsibility of the international society

to intervene in the internal affairs of the state and protect civilians.[171] The solidarist

approach supports the use of humanitarian intervention on the basis of the norms and

values that members of the international society share and respect, particularly norms

pertaining to protecting civilians. This, by implication, pushes for the reconceptualization

of traditional Westphalian sovereignty. For example, the failure of the international

community to effectively prevent and respond to the genocide in Rwanda (1994) and

ethnic cleansing in Kosovo (1998) reinforced the impetus for solidarism and its case for

humanitarian intervention for civilian protection purposes. In December 2001, solidarist

norms and values were strongly manifested in the ICISS and the R2P, thereby

transforming the global security agenda in the post-Cold War era, particularly how we

perceive state sovereignty and "our" duty to intervene. Although the English School

variants of pluralism and solidarism continue to capture the complex dynamics of

humanitarian intervention in contemporary international society, that is, of what is and

what could be, on their own, they prove insufficient in capturing the contributions of

African actors in the development, evolution, and localization of civilian protection

norms. In particular, this approach does not enable a comprehensive examination of

whether and how norms of civilian protection have evolved over time, and the extent to

---

[171] Tim Dunne, "The English School and Humanitarian Intervention," *E-IR*, February 17, 2016, https://www.e-ir.info/2016/02/17/the-english-school-and-humaniteventsarian-intervention/, accessed February 5, 2019; Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford, UK: Oxford University Press, 2000)

which they have been integrated and institutionalized into intervention practices especially in the African context.

Postcolonialism and Civilian Protection

One of the major critiques of the solidarist case for humanitarian intervention for civilian protection purposes is that its ideas are mirrored in the assumed cultural and racial superiority of the 19th century standard of civilization - that is, the "legal doctrine that maintained that Europeans had the right to colonize other groups, to govern their future development, and to remake them in the image of Europe."[172] The standard of civilization included a set of economic and political requirements that would classify a state as "civilized." Some of these requirements include an organized political bureaucracy, the subscription to international law, and the guarantee of life, dignity and property to citizens.[173] Entry into the international society required acceptance of, and adherence to, European standards of civilization as the basis for a state's internal structure and foreign affairs. European states, in expanding the standard of civilization, enforced unequal treatment, capitulation, and protectorate regimes in Asia, Africa and the Levant, thereby implementing a framework for the first global international system that included these non-European regions. Postcolonial scholars see an uncanny resemblance between the pursuit of the standard of civilization and humanitarian intervention, both containing undertones of "Western superior right and universal moral responsibility to save and civilize the Other."[174] A postcolonial critique of intervention for civilian

---

[172] Andrew Linklater, "The English School Conception of International Society: Reflections on Western and non-Western Perspectives*,*" *Ritsumeikan Annual Review of International Studies* 9 (2010), 4
[173] Gerrit W. Gong, *The Standard of "Civilization" in International Society* (Clarendon Press. Oxford, 1984), 20
[174] Mojtaba Mahdavi, "A Postcolonial Critique of Responsibility to Protect in the Middle East," *Perceptions XX*, no. 1 (2015): 9.

protection purposes finds its origins in the precept that "it is both unethical and dysfunctional to maintain hegemonic concepts of international order, international morality and international law," especially since the historical experiences of the colonizer and the colonized are simply incomparable.[175] Ramesh Thakur, one of the twelve authors of the ICISS report, noted:

> [The European colonizers] came to liberate "us" [the colonized indigenous peoples] from our local tyrants and stayed to rule as benevolent despots. In the name of enlightenment, they defiled our lands, plundered our resources and expanded their empires… Should they be surprised that their fine talk of humanitarian intervention translates in our consciousness into efforts to resurrect and perpetuate rule by foreigners? That we look for the ugly reality of geostrategic and commercial calculations camouflaged in lofty rhetoric?[176]

Mamdani also argues that there is nothing different about the post-Cold War era; state sovereignty is not actually accountable to international human rights. Rather, the international humanitarian order "draws on the history of modern Western colonialism."[177] Accordingly, "humanitarianism does not claim to reinforce agency [of those being protected], only to sustain bare life… its tendency is to promote dependency. Humanitarianism heralds a system of trusteeship."[178]

This is a fair criticism, particularly in instances when civilians in previously colonized states are being "saved" by Western states like in the case of Libya in 2011.

---

[175] Ibid., 11
[176] Ramesh Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect* (Cambridge: Cambridge University Press, 2006), 267
[177] Mahmood Mamdani, *Saviors and Survivors: Darfur, Politics, and the War on Terror* (New York: Pantheon Books 2009), 267
[178] Ibid.

However, the issue of dependency is less present in situations where intervention for civilian protection purposes comes from the state's neighbors. For example, in most cases, there is less dependency on Western powers when civilian protection missions are authorized and realized by regional organizations, such as the AU. While postcolonialism is useful in questioning the seemingly impartial nature of civilian protection norms and practices, it is unable to account for mechanisms of norm development, adaption and diffusion by African actors within the Africa context, which is the primary focus on this dissertation. In addition, it is also insufficient in capturing the dynamics of African agency and its distinct "regional normative ideals of consensual decision-making, group preference formation, and the principle of solidarity."[179]

Neorealism and Civilian Protection

Neorealism, or structural realism, finds its roots in the assumption of an anarchic international system where there exists no central authority to govern or oversee international politics.[180] Waltz emphasizes how the structure of the international system affects state actions and outcomes in international politics.[181] The anarchic international system, characterized by competition and conflict between stats, creates a self-help system, pushing states to provide for their own security in the form of short-term relative gains. The uncertainty of the international system is only exacerbated by the security dilemma, where one state's comfort is the source of another state's distress. This does not necessarily mean that states are unable to coexist. Rather, "a state of war exists if all

---

[179] Thomas Kwasi Tieku, "Theoretical Approaches to Africa's International Relations," in *Handbook of Africa's International Relations*, ed. Tim Murithi (New York: Routledge 2014), 23
[180] Kenneth N. Waltz, *The Theory of International Politics* 1st ed. (New York, Random House, 1979), 12
[181] Kenneth N. Waltz, "The Origins of War in Neorealist Theory," *Journal of Interdisciplinary History* 18, no. 4 (1988), 617

[state actors] lust for power… but so too will a state of war exist if all states seek only to ensure their own safety."[182] According to neorealism, "intervention even for worthy ends, often brings more harm than good."[183] Neorealists oppose a state's use of its own military and financial resources to pursue anything other than its own national interests, or the sum total of a state's material and security interests.

Morgenthau, neorealism's classical counterpart, also argued: "Intervene we must where our national interest requires it and where our power gives us a chance to succeed. The choice of these occasions will be determined… by a careful calculation of the interests involved and the power available."[184] Although Morgenthau saw these calculations as having ethical dimensions, states will often only engage in intervention for civilian protection purposes if it also serves their own national interests. In effect, "the higher the expected utility [i.e., the interest for the intervening state or group of states], the higher the risk the decision-maker is willing to take in order to achieve [its] objectives."[185] National interests can thus never be divorced from humanitarian intervention because states seek to maximize their own security through self-help measures in an anarchic international system. Williams, citing Clapham, critiques realist approaches to humanitarian intervention because they obscure the importance of non-state actors, especially in regions where "the dividing line between 'states' and 'non-states' has become so blurred as to be virtually imperceptible."[186] Realist approaches, and

---

[182] Ibid., 620

[183] Kenneth N. Waltz, "Structural Realism after the Cold War," *International Security* 25, no. 1 (2000), 13

[184] Hans Morgenthau, "To Intervene or Not to Intervene," *Foreign Affairs* 45, no. 3 (1967), 436

[185] Tom J. Farer, Daniele Archibugi, Chris Brown, Neta C. Crawford, Thomas G. Weiss, and Nicholas J. Wheeler, "Roundtable: Humanitarian Intervention After 9/11," *International Relations* (London) 19, no. 2 (2005): 228

[186] Christopher Clapham, "Degrees of statehood," *Review of International Studies* 24, no. 2 (1998), 153 cited in Paul D. Williams, "From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture," *African Affairs* 106, no. 423 (2007), 255

their emphasis on the primacy of material considerations, also fall short of understanding the complexities of regional cultural dynamics. In particular, realist approaches are unable to understand why and how African norms of solidarity play increasingly important roles in garnering support for civilian protection on the continent.

Social Constructivism: A Brief Overview

Constructivism is fundamentally rooted in the idea that humans are social beings, and that the international system is socially constructed.[187] Structures and agents are mutually constituted; actors create structures and social structures also construct and empower actors.[188] Agents interact with other agents and structures in order to make sense of themselves, one another, and the system they make up. The material world continues to shape and be shaped by human action and interaction because of the "normative and epistemic interpretations of the material world."[189] The international system is therefore a product of social meanings that develop from interaction between actors. In addition, institutions are constructed based on *collective understandings,* meaning that they are essentially "reified structures that were once upon a time conceived *ex nihilo* by human consciousness… [but] these understandings [are] subsequently diffused and consolidated until they [are] taken for granted."[190] For constructivists, humans possess the capacity to learn and reflect, which then impacts the ways in which actors "attach meaning to the material world and cognitively frame the world they know, experience and

---

[187] Nicholas Onuf, "Constructivism: A User's Manual," in *International Relations in a Constructed World* ed. Vendulka Kubalkova, Nicholas Onuf, and Paul Kowert (New York: M.E. Sharp Inc. 1998), 59
[188] Martha Finnemore, "Constructing norms of humanitarian intervention," in *The culture of national security: Norms and identity in world politics* eds. Peter K. Katzenstein (New York: Columbia University Press, 1996), 153
[189] Emanuel Adler, "Seizing the Middle Ground: Constructivism in World Politics," *European Journal of International Relations* 3, no. 3 (1997), 322
[190] Ibid.

understand."[191] Collective meanings help people understand why things are a certain way, and how they should exercise their material power. Constructivists emphasize that meanings are not fixed but can change over time depending on the ideas and beliefs actors hold. Importantly, ideas "are the medium and propellant of social action [because] they define the limits of what is cognitively possible and impossible for [actors]."[192] If this is the case, anarchy can mean different things for different actors depending on the meanings they assign to it. As Wendt famously argued,

> There is no 'logic' of anarchy apart from the practices that create and instantiate one structure of identities and interests rather than another; structure has no existence or casual powers apart from process. Self-help and power politics are institutions, not essential features of anarchy. Anarchy is what states make of it.[193]

Moreover, the neorealist concept of "self-help," or the idea that states should all strive towards security independence, only structurally determines an actor's behavior if there is a single understanding of anarchy. However, as constructivists argue, the effects of anarchy are not the same across the various contexts of international relations. Instead, they argue that a "continuum of anarchies" is possible.[194]

Constructivism maintains that identities in international relations and domestic politics are necessary. Actors can have multiple identities that are socially constructed through interaction with other actors. Identities are representations of an actor's understanding of who they are, which in turn indicates their interests. This is important

---

[191] Ibid.

[192] Ibid., 323

[193] Alexander Wendt, "Anarchy is What States Make of It: The Social Construction of Power Politics," *International Organizations* 46 (1992), 395

[194] Ted Hopf, "The Promise of Constructivism in International Relations Theory," *International Security* 23, no. 1 (1998), 174

because identities constitute interests and actions. A state's identity indicates its preferences and actions; a state then understands other states according to the identity it has given them "while simultaneously reproducing its own identity through daily social practice."[195] This understanding of identity contrasts that of neorealism, which assumes that all actors in the international system have a singular, eternal identity of being self-interested states who have the same a priori interests. Importantly, states have no control over how their identities are received and perceived by others. Constructivism therefore takes the identities of states, and other non-state actors, as a variable that are contingent on political, social, historical and cultural contexts. In this way, constructivists aim at understanding both how some interests come to fruition *and* how others do not. Missing interests "are understood by constructivists as produced absences, omissions that are the understandable product of social practices and structures."[196] Furthermore, the "social practices that constitute an identity cannot imply interests that are not consistent with the practices and structure that constitute that identity."[197] In treating interests and identity in this way, states are assumed to have a larger range of choices of action, and these choices are limited by the mutually constructed social practices and structures. In this way, constructivism attributes greater agency to states, albeit an agency that is restricted by the intersubjective understanding of other actor's identities, practices and interests.

According to constructivists, international relations can be understood by paying attention to both discursive and material powers. However, this has also led some to

---

[195] Ibid., 175
[196] Ibid., 176
[197] Ibid.

dismiss constructivism as an "unrealistic" and "idealistic" perspective. In response, Walker argues that,

> To suggest that culture and ideology are crucial for the analysis of world politics is not necessarily to take an idealist position… on the contrary, it is important to recognize that ideas, consciousness, culture, and ideology are bound up with more immediately visible kinds of political, military, and economic power. [198]

The idea that discourses give meaning to political realities so that individuals are able to make sense of themselves, each other, and the world in which they live is not new. Michel Foucault articulated the relationship between power and knowledge, illustrating how actors can frame certain issues so that other actors receive this information or "common knowledge." [199] For constructivists, the "power of social practices lies in their capacity to reproduce the intersubjective meaning that constitute social structures and actors alike." [200] In a socially constructed community, social practices produce predictability and reduce uncertainty about what courses of actions other actors will take. Actors are able to fully exercise their identity in a socially constructed community when the relevant community "acknowledges the legitimacy of that action, by that actor, in that social context." [201] This is likely to ensure that the meanings of actions of different actors within a community are well known.

Constructivism, some argue, is an approach to understanding the social world that is based on two fundamental assumptions. First, it assumes that actors exist and function

---

[198] R.B.J. Walker, "East Wind, West Wind: Civilizations, Hegemonies, and World Orders," in *Culture, Ideology, and World Order* eds. R.B.J Walker (Boulder, Colorado: Westview Press, 1984), 3
[199] Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings*, *1972-1977*, trans. Colin Gordon (New York: Pantheon Books, 1980), 93
[200] Hopf, "The Promise of Constructivism in International Relations Theory," 178
[201] Ibid., 179

in an environment that is social and material in nature. Material structures are only given meaning, however, by the social context in which actors understand them. For example, the United Kingdom possessing 500 nuclear weapons seems less threatening to the United States than North Korea having 5 nuclear weapons. It is not the nuclear weapons themselves that matter, but which actor possesses them. Second, this environment also gives actors an understanding of their own interests, and the interests of others. This means that agency and structure are mutually constituted; structures influence agency and agency also influence structures. Constructivist scholars "question the materialism and methodological individualism upon which much contemporary IR scholarship has been built."[202] Despite this, constructivism does not deny casual explanations or science. It merely challenges realism and liberalism on ontological and epistemological foundations. When it comes to causality, constructivism "subscribes to a notion of social causality that takes reasons as causes."[203] This is because "doing something for reasons means applying an understanding of 'what is called for' in a given set of circumstances."[204] Actors therefore do things rationally and consciously for socially constituted reasons by their "collective interpretations of the external world and the rules they act upon."[205] Adler positions constructivism as an alternative to rationalist approach and argues that is occupies a middle ground between materialism and idealism. According to him,

> Constructivism seizes the middle ground because it is interested in understanding
> how the *material,* subjective and intersubjective worlds interact in the social

---

[202] Jeffrey T. Checkel, "The Constructivist Turn in International Relations Theory," *World Politics* 50, no. 2 (1998),

[203] Adler, "Seizing the Middle Ground," 329

[204] Anthony Giddens, *The Constitution of Society* (Berkeley: University of California Press, 1984), 345

[205] Adler, "Seizing the Middle Ground," 330

construction of reality, and because, rather than focusing exclusively on how structures constitute agents' identities and interests, it also seeks to explain how *individual agents* socially construct these structures in the first place.[206]

Norms and their significance

Norms have a fundamental role in understanding the effectiveness of both international organizations, such as the UN, and regional organizations, like the AU. The study of norms was popularized in the late 1990s by constructivists like Martha Finnemore, Kathryn Sikkink, and Audie Klotz. However, the study of norms has not been deemed universally significant, especially by realist scholars who stress the primacy of national interests as the drivers of state actions in international and regional organizations. Still, norms continue to offer a useful and necessary analytical framework for understanding how AU Member States champion and respond to norm creation, evolution, and internalization, specifically around norms of civilian protection to ensure regional stability.

State interests are shaped by their social identities, which are constructed through state interaction with the intersubjective norms of society. In most constructivist literature, norms are defined as "standards of appropriate behavior" and become instrumental in understanding the intention behind the actions of different actors, as well as their perceived identity within the international system.[207] Krasner, in his work on regimes, also found that norms that help make regimes constitute "standards of behavior defined in terms of rights and obligations."[208] Norms are understood as "a set of

---

[206] Ibid., 330

[207] Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52 (1998), 891

[208] Stephen D. Krasner, International Regimes (Ithaca, NY: Cornell University Press, 1983), 3

intersubjective understandings readily apparent to actors that make behavioral claims on those actors."[209] Norms embody a sense of "oughtness," or how an actor *should* behave, which can apply to individual actors or to others who witness that behavior and are able to assess it.[210] Although there is only indirect evidence of norms, as well as actors' motivations for political action, norms continue to propel actors to justify certain actions. These justifications, as exhibited in discourses and political practice, allow for the study of effectiveness and expansive nature of certain norms. It is important to distinguish between the mere existence and strength of norms, and the real behavioral change motived by norms, although the strength of norms and the behavioral change motivated by them are, presumably, interconnected.

Norms play an important role in determining state preferences. This is because both interests and preferences are socially constructed, meaning that states need to learn what they want and what they do not want. Typically, there are two main categories of norms. Regulative norms constrain and order behavior while constitutive norms create new interests, agents or actions. Constitutive norms help define an actor's identity by determining "the actions that will cause Others to recognize that identity and respond to it appropriately."[211] Constructivist scholars also identify evaluative or prescriptive norms, which embody the sense of "oughtness" that separate norms from other types of regimes.[212] Despite the different categories, and because norms embody standards of appropriate behavior, "both the intersubjective and the evaluative dimensions are

---

[209] Martha Finnemore, "Constructing Norms of Humanitarian Intervention," *Paper presented at the Annual Meeting of the International Studies Association*, Washington, DC. (1994), 2
[210] Ann Florini, "The Evolution of International Norms," *International Studies Quarterly* 40 (1996), 356
[211] Hopf, "The Promise of Constructivism in International Relations Theory," 173
[212] Finnemore and Sikkink, "International Norm Dynamics and Political Change," 891

inescapable when discussing norms."[213] Actors only know what is appropriate based on how other states around them react to, or judge, their behavior. We can distinguish between "norm-breaking" and "norm-conforming" behavior because the former triggers disapproval from other states while the latter generates praise.[214] Finnemore and Sikkink make an important point about the promotion of norms. They argue that, by definition, there are no "bad" norms:

> Norms most of us would consider "bad" – norms about racial superiority, divine right, imperialism – were once powerful because some groups believed in their appropriateness (that is, the "goodness") of the norm, and others either accepted it as obvious or inevitable or had no choice but to accept it. Slaveholders and many non-slaveholders [for instance] believed that slavery was appropriate behavior; without that belief, the institution of slavery would not have been possible.[215]

Once embedded in local, regional or international organizations, norms act as structures that then shape actors' behaviors.[216] Perhaps the most significant feature of norms is that they are perceived as constituting legitimate behavior. Regardless of the circumstances leading to norm development, they need to be perceived as being legitimate before they are even considered to be a norm. Norms are therefore "obeyed not because they are enforced but because they are seen as legitimate."[217] Legitimacy entails a willingness to support and comply with rules even if they go against specific individual interests.[218]

---

[213] Ibid., 892
[214] Ibid.
[215] Ibid.
[216] J.E. Thomson, "Norms in International Relations: A Conceptual Analysis," *International Journal of Group Tensions* 23 (1993), 73
[217] Florini, "The Evolution of International Norms," 365
[218] Andrew Hurrell, *On Global Order. Power, Values and the Constitution of International Society* (Oxford: Oxford University Press, 2007), 78

Moreover, legitimacy facilitates "voluntary compliance" that actors give when they believe a rule, decision, or command is rightful, even if it contradicts their narrow self-interests."[219] Those norms that do not have legitimacy also lack a legally binding quality. As a result, state behavior may be consistent with norms but its rationale for compliance is more strategic than normative.[220] Adherence to certain norms can happen because they align with a state's strategic national interests instead of it being deemed as appropriate behavior. The importance of norms, thus, lies in their ability to bestow legitimacy. Legitimate norms then have within them a "logic of appropriateness" – states comply with certain norms not because of the consequences of disobedience, but because these norms are perceived to be legitimate, and therefore appropriate. Compliance with human rights norms, for example, have a "taken-for-granted" quality that goes beyond adhering to the demands of powerful states in the international system.[221] Similarly, failure to comply requires uncomfortable acts of rationalization and justification.

The study of norms has important implications beyond the simple fact that norms matter. It is also imperative to examine which norms should be upheld, adhered to, and why. Norms emerge because they are required by local, regional and international actors for cooperation. Once agreed upon, norms can guide, inspire, rationalize, and justify behavior; they can also express an understood expectation of behavior.[222] Norms can also be ignored, but norms are considered to be important because in their absence, "exercises

---

[219] Christian Reus-Smit, "International Crises of Legitimacy," *International Politics* 44 (2007), 163
[220] Jason Ralph and Adrian Gallagher, "Legitimacy Faultlines in International Society: The Responsibility to Protect and Prosecute after Libya," *Review of International Studies* 41, no. 3 (2015), 557
[221] Brian Greenhill, "The Company You Keep: International Socialization and the Diffusion of Human Rights Norms," *International Studies Quarterly* 54 (2010), 129
[222] Friedrich Kratochwil and John Ruggie, "International Organization: A State of the Art on an Art of the State," *International Organization* 40, no. 4 (1986), 767

of power, or actions, would be devoid of meaning."[223] Norms arise in response to a

different challenges and circumstances that do not have prior frameworks for response;

norms are "an interface that provides a means of guaranteeing sanctity in the face of

uncertainty in interstate relations."[224] Norms therefore provide actors with both

opportunities and constraints. The development of norms comes with the assumption that

that respecting communally agreed-upon values, rules and beliefs by all actors will

benefit everyone. As a result, it is expected that producing this "common good" will

encourage widespread compliance and support for the specific norm. However, the

emphasis on norms and values does not necessarily place constructivism as the antithesis

of rationalism; rather, constructivism argues that an actor's identity, values and interests

are constituted by the social structures in which they reside. Essentially, the "relationship

between actors and structures is mutually constitutive, with actors also shaping the

generative structures of world politics that create identity, interests and values."[225] It

should, however, be noted that while norms shape interests and interests shape action,

neither connection is conclusive; a state's interests can be shaped by factors other than

norms. Any investigation of norms and their significance will also include the fact that

norms and their meanings evolve through intersubjective interactions in different social

contexts. This means that by default, norms are contested. This is crucial in "beyond-the-

state contexts where no 'categorical imperatives' are in practice' and where 'the context,

---

[223] Hopf, "The Promise of Constructivism in International Relations Theory," 173
[224] Linda Darkwa and Philip. Attuquayefio, "Analysis of Norm Diffusion in the African Union and the Economic Community of West African States," *African Conflict & Peacebuilding Review* 4, no. 2 (2014), 15
[225] Alex J. Bellamy, "Humanitarian responsibilities and interventionist claims in international society," *Review of International Studies* 29 no.3 (2003), 327

or situation, within which activities take place is extremely important."[226] While some norms are relatively stable over time and place, they also continue to remain flexible.

Norm Life Cycle

Norm Emergence, Norm Entrepreneurship and Norm Advocacy

Finnemore and Sikkink outline three stages of the emergence and adoption of norms in international organizations, in what they call the "norm life cycle."[227] The first stage, norm emergence, is where norms originate through the leadership and guidance of norm entrepreneurs. Norms are carefully and actively developed by actors who have strong beliefs in which rules, regimes and values should account for appropriate behavior in their particular communities. Norm entrepreneurs become important advocates for the particular norm they are championing. Norm emergence in international or regional organizations involve the leadership of particular individuals or member states, who become norm entrepreneurs, "with diverse sets of motivations, [and] may inspire others of the need to embrace the adoption and promotion of particular norms."[228] Within the context of the AU, the Rwandan genocide (1994) and the failure of the UN and the OAU to prevent and react to it motivated some African leaders to advocate for the transformation of the organization to the AU, and equip it with the resources needed for it to effectively respond to future humanitarian crises. Norm entrepreneurs identify and describe issues using language and discourse that "frame" and amplify them. Frames constitute persuasive ways to "fix meanings, organize experience, alert others and their

---

[226] Jackson 2005, 19-20 quoted in Antje Wiener, "Contested Meanings of Norms: A Research Framework," *Comparative European Politics* 5, no. 1 (2007), 6

[227] Finnemore and Sikkink, "International Norm Dynamics and Political Change," 896

[228] Jide Martyns Okeke, "An Ambivalence to the Norm Cycle: The African Union's 'New' Approach to Continental Peace and Security," in *African Foreign Policy in International Institutions* eds. Jason Warner and Timothy M. Shaw (Contemporary African Political Economy. New York, NY: Palgrave Macmillan, 2018), 20-21

interests that possibly their identities are at stake, and propose solutions to ongoing problems."[229] Norm entrepreneurs construct persuasive and suitable frames that target particular actors with the goal of getting them to support the norm they are developing. Frames are therefore the "key means by which advocates impute social knowledge into their communicative acts."[230] Because frames rely on shared understandings, they are "potentially central in resolving the question of which particular appeals advanced by advocates are persuasive."[231] Frames are useful in naming, emphasizing, and interpreting issues, thereby enabling norm entrepreneurs to advocate for a particular set of rules or values. Norm entrepreneurs "frame issues so that target audiences can see how well newly proposed ideas coincide with already accepted ideas and practices."[232] In essence, actor A tells actors B, C, and D that a new normative set of rules Z should be supported and adhered to because Z has similarities to already established norms X and Y. African leaders, scholars, and nonstate organizations have used the examples of the Gacaca courts in Rwanda and the Mato Oput ceremony of the Acholi people in Northern Uganda to convince AU Member States to accept the international norms of conflict resolution and civilian protection. The Mato Oput ceremony entails drinking "a bitter potion made from the leaves of the Oput tree" as a means of forgiveness and reconciliation after conflict.[233] In addition, in the 1990s, African norm entrepreneurs, primarily Kofi Annan (Ghana), Francis Deng (Sudan), and Boutros Boutros-Ghali (Egypt), were involved in

---

[229] Michael N. Barnett, "Culture, Strategy and Foreign Policy Change: Israel's Road to Oslo," *European Journal of International Relations* 5, no. 1 (1999), 25
[230] Rodger A. Payne, "Persuasion, Frames, and Norm Construction," *European Journal of International Relations* 7, no. 1 (2001), 43
[231] Ibid.
[232] Ibid.
[233] B. Afako, "Reconciliation and justice: 'Mato Oput' and the Amnesty Act," 2002 cited in Nbubuisi Christian Ani, "Three Schools of Thought on 'African Solutions to African Problems'" *Journal of Black Studies* 50, no. 2 (2019), 145

constructing, conceptualizing, and convincing important states to accept and embrace the prevailing norm of intervention for civilian protection purposes.[234] As Coleman and Tieku argue, participation by African actors is "especially critical where the proposed norm addresses an issue to be prevalent in African states," including humanitarian crises, "because local knowledge and allies are crucial to the credibility of international mobilization efforts."[235] Frames can help explain how certain acts of communication become persuasive rhetorical tools used by agents to advocate for their normative beliefs and values. Persuasion, in this way, is an attempt by norm entrepreneurs to "change the utility functions of other players to reflect some new normative commitment."[236] This is an especially useful and important tool because norms continue to engage in highly contested contexts where their values compete with other norms for interest and support.[237] As such, efforts to promote new norms take place within the standards of appropriateness defined by prior norms.[238] Framing is connected to the process of norm localization, which will be discussed later in this chapter.

It is equally important to examine what motivates norm entrepreneurs to challenge an existing logic of appropriateness and advocate for a new norm. Advocates for new norms can be motivated by empathy, altruism or the belief in a shared understanding of common humanity. However, norm advocacy can also stem from an actor's understanding of their own self-interest. The 2011 Libyan intervention, for example, highlighted the impossible nature of divorcing national interests from humanitarian

---

[234] Linda Darkwa, "Humanitarian Intervention," in *African Actors in International Security,* 25
[235] Coleman and Tieku, "African Actors in International Security,"4
[236] Finnemore and Sikkink, "International Norm Dynamics and Political Change," 914
[237] Ibid., 897
[238] Ibid.

missions, especially because intervening states had particular material stakes in intervening. Similarly, in many AU missions, material and security interests are important determinants for regional and neighboring states. Essentially, "motives… are mixed; humanitarian motives may be genuine but may be only one part of a larger constellation of motivations driving state action."[239] Yet, even when actors undertake certain actions for self-interested reasons, they "may still become accidental norm entrepreneurs if their behavior is internationally perceived as implementing an existing norm in a particular way."[240] Whatever the motivations may be, norm entrepreneurs need an organizational platform at the international or regional level which they can use to promote their norms. Organizational platforms include non-governmental organizations (NGOs), transnational advocacy organizations and networks, and international institutions. Generally, emergent norms need to become institutionalized in specific, and important, international organizations in order for them to move towards the second stage in the life cycle. The institutionalization of emergent norms in international law and in bilateral foreign policies greatly contributes to norm cascade "both by clarifying what, exactly, the norm is and what constitutes violation… and by spelling out specific procedures by which norm leaders coordinate disapproval and sanctions for norm breaking."[241] Once norm entrepreneurs persuade key states to become norm leaders and adopt the new norm, "the norm reaches a threshold or tipping point."[242] Although there is no normative means of explaining *why* the threshold is reached, empirically, a norm reaches a tipping point when one-third or more of the states in the system agree to adopt

---

[239] Finnemore, "Constructing norms of humanitarian intervention," 4
[240] Coleman and Tieku, "African Actors in International Security," 12
[241] Finnemore and Sikkink, "International Norm Dynamics and Political Change," 900
[242] Ibid., 901

the norm in question, and when "important" states adopt the norm. For example, if African states and peoples are overly affected by a particular norm, their participation in the norm's emergence and development is imperative. African states were disproportionately affected by colonization; their participation in the advocacy for state sovereignty and non-interference on the international stage was therefore crucial. Other non-African states who debate whether or not to accept the new norm "may be especially swayed by the positions and arguments of the actors most affected by the issue at stake."[243] African actors, who usually vote internationally as a unified bloc, can also act as norm skeptics who campaign against a proposed norm. African states make up almost a quarter of UN Member States and have fifty-four votes in the General Assembly. If African governments form a unified voting bloc against the proposed norm, they can hinder progress towards the norm's emergence "or force significant changes to the proposed norm before it can emerge."[244]

Norm Cascade

Once a norm emerges, it needs cascading, a process whereby states engage in "dynamic imitation" with norm entrepreneurs promoting the adoption and acceptance of the norm. The primary means of promoting norm cascade "is in an active process of international socialization intended to induce norm breakers to become norm followers."[245] International socialization in this case consists of endorsements or opposition by foreign policy decision-makers that are reinforced by incentives or sanctions. A host of international organizations, as well as non-state norm entrepreneurs,

---

[243] Coleman and Tieku, "African Actors in International Security," 4-5
[244] Ibid., 5
[245] Finnemore and Sikkink, "International Norm Dynamics and Political Change," 902

all play significant roles in socialization by "pressuring targeted actors to adopt new policies and laws and to ratify treaties and by monitoring compliance with international standards."[246] The process of socialization therefore remains the primary mode of norm cascade. States end up adhering to norms in the second stage of the norm cycle because of the identities they embody as members of the international community. This is because, as previously mentioned, a state's identity, which is shaped by the intersubjective socio-cultural context of the international system, also influences its behavior. Part of a state's identity can therefore be its willingness to comply with certain international norms. At the tipping point, "enough states and enough critical states endorse the new norm to redefine appropriate behavior for the identity 'state' or some relevant subset of states."[247] In the African context, the AU's establishment of the Constitutive Act and Member States' willingness to adhere to the norm of sovereignty as responsibility arguably reflects the need to promote continental peace and security "through a collective responsibility aimed at primarily resolving crisis situations through African leadership."[248] States may respond to socialization, or "peer pressure," to comply with new normative change because they want to be recognized as legitimate actors in the international or regional organization. States that fail to comply with new standards of appropriate behavior can be faced with both material and reputational sanctions. States care about receiving legitimacy because "it has become an essential contributor to perceptions of domestic legitimacy held by a state's own citizens."[249] In 2000, fifty-three African state ratified the AU Constitutive Act, thereby exhibiting their adherence to the

---

[246] Ibid.
[247] Ibid.
[248] Okeke, "An Ambivalence to the Norm Cycle," 21
[249] Finnemore and Sikkink, "International Norm Dynamics and Political Change," 903

norms enshrined in the convention and receiving legitimacy among their own domestic constituencies. The challenge, of course, is that the norms they endorsed in the Constitutive Act were often violated in practice. This indicates that the process and degree of norm acceptance is not linear in nature, and instead involves a series of wavering commitments from Member States.

Norm Internalization

The third and final stage of the norm life cycle is "internalization," which occurs when a new normative change becomes widely accepted and, in turn, internalized domestically by states and non-state actors. The resemblance of new norms with older, pre-existing norms is also likely to influence their degree of compliance and adaptation. This is especially pervasive "for norms within international law, since the power or persuasiveness of a normative claim in law is explicitly tied to the 'fit' of that claim within existing normative frameworks."[250] The connection between new, emerging norms and local, pre-existing norms is an important aspect of the norm life cycle. This process helps explain why and how transnational norms shape important international and regional organizations. Norm entrepreneurs use "grafting… or incremental norm transplantation… to institutionalize a new norm by associating it with a pre-existing norm in the same issue area, which makes a similar prohibition or injunction."[251] Once a norm is internalized, its appropriateness or viability is no longer discussed; instead, "the norm is consensually adopted and comes to form part of the expected standards of behavior."[252]

---

[250] Ibid., 908

[251] Amitav Acharya, "How Ideas Spread: Whose Norm Matter? Norm Localization and Institutional Change in Asian Regionalism," *International Organization* 58, no. 2 (2004), 244

[252] Okeke, "An Ambivalence to the Norm Cycle," 21

Norm Localization

For the purposes of this dissertation, it is important to focus on the fact that norms can be localized, which begins when a seemingly foreign norm is reinterpreted and re-represented but "may extend into more complex processes of reconstruction to make an outside norm congruent with a pre-existing normative order."[253] Localization is the process by which norm entrepreneurs and advocates find similarity between transnational norms and local values and beliefs. During localization, "norms undergo modification both in meaning and scope."[254] Localization is the "active construction (through discourse, framing, grafting and cultural selection) of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices."[255] Global norms may be localized in instances of local or regional economic or security crises, in instances of systematic change, such as the end of the Cold War and the emergence of new norms of security and economic cooperation, and in instances of domestic changes in the norm-recipient state, like changes in domestic regimes.[256] In addition, norms can be adapted by regional or local contexts based on an "international or regional demonstration effect that encourages behavioral change through praise, emulation or ridicule."[257] Localization should not be equated with a watering-down of norms, but should be seen as a "discursive redefinition of what an international norm is understood to mean in a particular state or region."[258] It is often accompanied with what Coleman and Tieku describe as "meaning-in-practice," referring to "behavior enacting an

---

[253] Acharya, "How Ideas Spread," 244
[254] Lisbeth Zimmermann, "Same Same or Different? Norm Diffusion between Resistance, Compliance, and Localization in Post-conflict States," *International Studies Perspectives* 17, no. 1 (2016), 104
[255] Acharya, "How Ideas Spread," 245
[256] Ibid., 244
[257] Finnemore and Sikkink, "International Norm Dynamics and Political Change," 902
[258] Coleman and Tieku, "African Actors in International Security," 11

international norm in a specific instance."[259] "Meaning-in-practice" illustrates the physical or material actions undertaken by states and other non-state actors for the purpose of enacting or implementing an international norm "or that shape understandings of how a norm can (or cannot) be implemented."[260] Ultimately, implementing an international norm in practice requires translating the general norm prescription in a particular context or empirical environment. The localization of global norms of civilian protection in the African context resulted in it being understood as "non-indifference," which *could* have been the regional manifestation of R2P. However, the Union grounded "non-indifference" in POC and IHL, especially since R2P was perceived to open the door to regime change, as was the case in Libya in 2011. The localization and meaning-in-practice of the global POC norm, then, can result in the norm being understood in a more "African" sense, and enacted into specific AU PSOs, like in Somalia. Both localization and meaning-in-practice can result in either the "proliferation of distinctive local or situation-specific versions" of an international norm or prompt a redefinition of the original international norm via feedback mechanisms.[261]

Norm localization is contingent on the legitimacy of critical norm entrepreneurs and advocates, the strength and validity of existing local norms, how credible local agents are, local indigenous value systems, and the ways in which new foreign norms are framed and grafted. The localization of foreign norms can occur when norm advocates believe that a new norm can increase the authority and credibility of existing local institutions without necessarily changing their identities. Actors borrow international norms "to

---

[259] Ibid.
[260] Ibid.
[261] Ibid.

justify their own actions and call into question the legitimacy of others."[262] Norm

localization can also happen because of the strength of existing local norms. Local norms

"may derive from deeply ingrained cultural beliefs and practices or from international

legal norms that had, at an earlier stage, been borrowed and enshrined in the

constitutional documents of a group."[263] In addition, effective localization requires

"credible local actors with sufficient discursive influence to match or outperform outside

norm entrepreneurs operating at the global level."[264] Credible local agents are perceived

by their respective communities to uphold and champion local beliefs and values. These

local agents can be individuals, regional organizations, and/or NGOs who all are

committed to "localize a normative order and whose main task is to legitimize and

enhance that order by building congruence with outsides ideas."[265] As such, foreign norm

entrepreneurs are more successful in diffusing transnational norms if they work through

local agents and accommodate local and cultural sensitivities. As McCloud argues,

> [Often] at the national and popular levels, Western political and social institutions
>
> have been rejected, not out of hand, and categorically, but with the qualification –
>
> as old as the region itself – that externally derived concepts and institutions will
>
> be blended with the indigenous… and fitted to local sensibilities and needs.[266]

Importantly, the foreign norm also needs to be open to alteration, in tune with local

values and beliefs, in order for it to be adaptable to local contexts. The adjustment of

---

[262] Andrew P. Cortell and James W. Davis, "How Do International Institutions Matter? The Domestic Impact of International Rules and Norms," *International Studies Quarterly* 40, no. 4 (1996), 453
[263] Acharya, "How Ideas Spread," 248
[264] Ibid.
[265] Ibid., 249; Ethan Nadelmann, "Global Prohibition Regimes: The Evolution of Norms in International Society," *International Organization* 44, no. 4 (1990), 482
[266] Donald G. McCloud, *Southeast Asia: Tradition and Modernity in the Contemporary World* (Boulder, Colo.: Westview Press, 1995), 338

external norms to fit into local contexts should be done without necessarily compromising its critical elements.

African actors can engage with norms negotiated at the international stage in several important ways. First, African actors can localize international norms by redefining them in ways that are more compatible with the local contexts, needs, and interests. They can also transform the global norm entirely. For instance, the AU's adoption of the norm of non-indifference, as codified in the Constitutive Act, was in part due to African resistance to foreign and neocolonial intervention particularly after the end of the Cold War. This resulted in a new, "African" way of describing an existing international norm. Second, African actors "can shape the meaning-in-practice of international norms by engaging in innovative behaviors that alter prevailing understandings of what it means to enact a particular norm."[267] In Rwanda, for example, the implementation of transitional justice norms was a result of "feedback effects on the normative structure over time, by redefining the meaning of transitional justice norms and retooling how they can be more effectively institutionalized."[268] Third, African scholars and intellectuals can challenge an international norm in their speeches, public discourses, and through international commissions and committees. Often, these intellectuals "use the contrast between the international norm and African realities to show the inappropriateness of the former."[269] Inconsistencies between the global norm and the

---

[267] Ibid., 12

[268] Alana Erin Tiemessen, *The International Normative Structure of Transitional Justice,* PhD dissertation (University of British Columbia, Vancouver, 2011), 67 quoted in Coleman and Tieku, "African Actors in International Security," 11

[269] Coleman and Tieku, "African Actors in International Security," 14

reality of the African context can, at times, convince the norm entrepreneurs to modify and renegotiate the norm in order to take into account African needs and interests.

While localization shares some similarities with "adaptation," localization places the agency and initiative to advocate for normative change within the local agent. Adaptation "shirk[s] the crucial question of where, how and why foreign elements begin to fit into a local culture" while eclipsing "the initiative of local elements responsible for the process and the end product."[270] In localization, norm diffusion is voluntary, and the changes new norms bring are likely to be more enduring. Localization "does not extinguish the cognitive prior of the norm-takers but leads to its mutual inflection with external norms."[271] This concept also differs slightly from socialization, which perceives norm diffusion as resulting from "adaptive behavior in which local practices are made consistent with an external idea."[272] In contrast, localization is a process where foreign ideas are adapted to meet local values and practices. Norm localization therefore reconstitutes both local values and practices and external ideas in the local context. Essentially, the process of localization is an evolutionary mechanism of transnational norm diffusion.

How norms get institutionalized

After a global norm becomes localized in particular local or regional context, it becomes embedded into that region's institutional framework. Norm entrepreneurs are instrumental in advocating for a new normative change. If the norm entrepreneur is a

---

[270] W. O. Wolters, and American Council of Learned Societies, *History, Culture, and Region in Southeast Asian Perspectives,* Rev. Ed. (Ithaca, NY: Southeast Asia Publications, Southeast Asia Program, Cornell University, 1999), 56
[271] Acharya, "How Ideas Spread," 251
[272] Ibid.

powerful state or influential individual, they have a greater advantage in championing the norm, and getting other states to adhere to it. Norms supported by powerful states "simply have many more opportunities to reproduce through the greater number of opportunities afforded to powerful states to persuade others of the rightness of their views."[273] Most existing norms are already institutionalized into international law, meaning that emerging norms should also persuade actors that they are "logical extensions of that law – or necessary changes to it."[274] States in the international system often debate and negotiate about which new emerging norms are "acceptable extensions of the existing normative framework embedded in international law."[275] So, for example, debates about the POC norm were mostly about whether it was an extension of pre-existing norms and international law, including IHL, the Geneva Convention, and the two Additional Protocols. Norms that are perceived to be more in line with international law are more likely to become embedded in that legal framework.

Florini describes norm reproduction in two ways: vertical or horizontal. Vertical reproduction occurs when a norm continues to influence interest and behavior through generations of state leaders within a state. Vertical norms therefore never change because successful norms are inherited. Importantly, "success here does not imply superiority… it simply means evolutionary 'fitness.'"[276] Norms can also be reproduced horizontally through emulation. This happens when a state complying with norm A sees another state behaving according to norm B and therefore replaces norm A with norm B. This horizontal path "allows for the rapidity with which new norms can spread, replacing well-

[273] Ann Florini, "The Evolution of International Norms," 375
[274] Ibid., 337
[275] Ibid.
[276] Ibid., 378

entrenched standards seemingly in the blink of an eye."[277] Horizontal emulation occurs in times of rapid societal change. In the case of the POC norm, three conditions favored rapid horizontal emulation. First, as elaborated in the previous chapter, the horrors of genocides of the 1990s in Rwanda, Kosovo, and Srebrenica underscored the need to redefine the norms of absolute sovereignty and non-intervention. Second, especially among African leaders, the failure to intervene in the Rwandan genocide highlighted that the previous way of doing things (i.e., upholding the norm of non-intervention) was not working anymore. African state leaders acknowledged the need for a new framework to protect civilians on the continent.[278] In the African context in particular, debates and negotiations about the normative transformation from the norms of non-interference to non-indifference were largely happening during the same time. In fact, the language describing non-indifference in the AU Constitutive Act mirrors that of R2P and the World Summit Document. However, African leaders were driven towards anchoring the regional approach on civilian protection in POC because they perceived R2P to lead to active regime change. POC became the region's primary way of operationalizing non-indifference, especially after the 2011 NATO-led intervention in Libya. Third, new decision-makers, such as UN Secretary-General Kofi Annan, were willing to spearhead a new norm development. Once the new set of norms was institutionalized internationally, it also had to be transmitted domestically into all the signatory states.

International norms also become institutionalized at the domestic level, influencing the behavior of actors inside the state. The "conscience of a state decision maker can lead him to actually decide in favor of a particular policy action at least in part

---

[277] Ibid.
[278] Author confidential interview with AU official, Addis Ababa, Ethiopia, November 2019

because of its moral significance."[279] In addition, a state's "tenets may become enmeshed in a country's domestic political processes through the standard operating procedures of bureaucratic agencies."[280] State officials can invoke an international norm to further their own domestic agenda and policies or even question the legitimacy of another actor's policies. Conversely, government officials can also invoke international norms to legitimate unpopular policy decisions. Furthermore, international norms can be institutionalized in domestic processes by embedding them in domestic political laws. Despite international norms influencing domestic policies in these two important ways, this does not necessarily mean that these norms will affect government policies in every situation. Each situation that arises will trigger a varied response in how that international norm is invoked as well as the domestic responses that follow. Even when an international norm is institutionalized at the domestic level,

> Its activation is still contingent on the actions of government officials or societal interest groups. Yet, the preferences of government officials and of private commercial interests do not at all times translate directly into the state's policy choices. Instead, these preferences are mediated by the domestic structural conditions that prevail during the policy debate. In other words, on some occasions the domestic structural context will make it difficult for domestic actors - be they state or societal - to get what they want.[281]

Either way, the process of norm development and institutionalization is cyclical and constantly evolving. Even after normative change, the rules and laws association with a

---

[279] Robert McElroy, *Morality and American Foreign Policy* (Princeton, NJ: Princeton University Press, 1992), 42-43
[280] Cortell and Davis, "How Do International Institutions Matter?" 453
[281] Ibid., 454

particular norm can alter in different ways, including strength, clarity and specificity. A norm "may become weaker or stronger, more clear or less, more specific or less, more qualified by expectations or less, but it cannot remain unchanged."[282]

State leaders can still violate norms, especially if they perceive a conflict between the state's national interest and the given norm. This would motivate the leader to perceive the situation in a manner that frees them from constraints established by norms. However, most leaders value their international reputation and seek to avoid negative judgement. In these circumstances, they will arguably only violate the norm if there is room for interpretation of the particular norm or the situation at hand.[283] If the norm is ambiguous, or allows room for interpretation, "motivated decision-makers may perceive the situation in a way that allows them to feel exempt from its moral weight."[284] Generally, most norms are ambiguous by nature, mostly because norm entrepreneurs must word them in ways that will invite the least amount of contestation, thereby allowing most states to participate and comply. This also limits the norm's impact in influencing state behavior. In any case, norms embody a prescriptive component, which informs actors within a given identity of what behavior is expected of them, and a parameters component, which outlines the conditions in which the norm's prescriptions can be exercised.[285] If an example of a prescriptive norm is "Thou shalt not kill," when the parameters of the norm are added, the norm will read "Thou shalt not kill except in self-defence."[286] It is therefore important to take into account both the prescription and the

---

[282] Wayne Sandholtz, "Dynamics of International Norm Change: Rules Against Wartime Plunder," *European Journal of International Relations* 14, no. 1 (2008): 100
[283] Vaughn P. Shannon, "Norms Are What States Make of Them," *International Studies Quarterly* 44, no. 2 (2000), 294
[284] Ibid.
[285] Bruce Andrews, "Social Rules and the State as a Social Actor," *World Politics* 27, no. 4 (1975), 528
[286] Shannon, "Norms Are What States Make of Them," 295

parameters when examining norm violations, especially if an act is only considered a violation outside a pre-determined set of acceptable circumstances. However, both prescriptions and parameters are susceptible to subjective interpretations by individual actors - "interpretations that can allow even the most avid embracers of abstract norms to violate them in practice."[287]

In the African context, the AU remains the primary norm entrepreneur on the continent and is charged with establishing and maintaining continental peace and security. Norm localization and internalization therefore occurs through the AU and trickles down to its Regional Economic Communities (REC's) and Member States, with varying degrees of rigorous implementation and effectiveness. For example, the AU continues to advocate for the norm of collective security on the continent through the establishment of Article 4(h) of the Constitutive Act, which gives the Union the right to intervene in a Member State to protect civilians in situations of genocide, war crimes, and crimes against humanity. While African leaders initially displayed staunch opposition to the global norm of intervention, norm entrepreneurs like Tanzanian president Julius Nyerere advocated strongly for the "sovereignty as responsibility" norm. The position and weight of Article 4(h) did two things: it illustrated that such a norm could be accepted in the Global South and "undermined claims by opponents of the global norm development effort that a humanitarian intervention would purely be an imposition by Western states."[288] African leaders further institutionalized global norms of civilian protection through intervention by establishing the Mechanism for Conflict Prevention, Management, and Resolution in 1993, which codifies the roles of military and civilian

---

[287] Ibid.
[288] Darkwa, "Humanitarian Intervention," 33

missions for conflict management on the continent. Perhaps the biggest display of norm institutionalization has been the shift from the OAU to the AU, and the means through which African leaders understand and conceptualize sovereignty and non-interference.

Measuring Norm Institutionalization

One way of measuring norm strength and institutionalization within the international system is by looking at its salience, or "prescriptions for action in situations of choice."[289] Salience depends on a norm's acceptance and perception of legitimacy within the national context so that the norm is "accepted as a guide of conduct and a basis for criticism, including self-criticism."[290] Salient norms have two functions: they generate a sense of obligation within social actors, and they also generate feelings of deviation or regret when violated. Such violation then prompts social actors to justify their actions. The strength of a norm is also an indication of its institutionalization, or the extent to which it is embedded in the constitutional, regulative or judicial systems of a state or an international institution.[291] This involves a three-part examination of changes in an institution's public discourse, its different departments, and its policies and practices. The appearance of an international norm in political discourse, in speeches, resolutions and policy documents, is a primary measure of its salience. At first, a norm can appear as a call from an actor who demands change in the institution's policy agenda. Supporters of the international norm will call upon it to advocate for institutional and policy changes, or "to delegitimatize the preferences of other domestic actors."[292] In time, the proponents of

---

[289] Andrew P. Cortell and James W. Davis, "Understanding the Domestic Impact of International Norms: A Research Agenda," *International Studies Review* 2, no. 1 (2000), 65

[290] Fallon 1992 quoted in Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge, Mass: Harvard University Press, 1995), 116

[291] Cortell and Davis, "Understanding the Domestic Impact of International Norms," 70

[292] Ibid.

the norm will organize more formally in committees working on developing new policy

options consistent with the international norm. Changes in the institution also indicate the

international norm's salience. This can come in many different forms, including

embedding the international norm in laws and procedures. Domestically,

> The norm will enjoy greater salience if conflicting domestic institutions are
>
> eliminated or weakened, if procedures are established that enable domestic actors
>
> to complain about violations, if procedures exist or are created to sanction
>
> violations, or if a state unit is created to monitor and implement compliance.[293]

The more national, regional or international institutions, and their different systems and

mechanisms, are aligned with the international norm, the greater the salience of that

norm.

Global norms need to be culturally aligned with the context which they are trying

to influence. If they resonate with domestic and regional norms, values and beliefs, their

adaptation is more likely. National or regional discourses indicate that context's

preferences and priorities; these can also serve as an indication about whether the

international norm will be accepted by different states. When there is a cultural

alignment, domestic and regional actors tend to accept the international norm almost

automatically and recognize the types of obligations associated with that norm.

Resistance to the international norm can come from certain groups within a society.

However, in contexts of *ceteris paribus* (or all things being equal)*,* "the absence of

preconceptions and other unique national beliefs enhances the probability that the

---

[293] Ibid.

proponents of an international norm" can actually lead to the legitimacy of an international norm in national or regional laws, discourses, and institutions.[294]

Political rhetoric is also an important tool of generating domestic and regional salience of an international norm. Repeated declarations from state leaders about the legitimacy and importance of a particular norm produce a cumulative effect. As Risse argues,

> If norm-violating governments find it necessary to make rhetorical concessions and to cease denying the validity of human rights norms, this provides a discursive opening for their critics to challenge them further. If you say you accept human rights, how come that [sic] you violate them systematically?[295]

The domestic debate transforms from being about whether the international norm is legitimate to being about why it should not be applied consistently.[296] In any case, pre-existing domestic or regional beliefs and value-systems may be used as arguments both in favour of and in opposition to the international norm. International norms are also considered to become more salient if they are perceived to be aligned with important national security and economic interests. In fact, international norms can become salient if the leaders connect the national interest with normative obligations in political discourse. Even more telling is when international norms lead to states behaving in ways that are not perceived to be in their national interest.

---

[294] Ibid., 74
[295] Thomas Risse, "The Socialization of International Norms into Domestic Practices: Arguing and the Strategic Adaptation in the Human Rights Area," paper prepared for the conference on "Ideas, Culture and Political Analysis," Princeton University (1998), 19
[296] Cortell and Davis, "Understanding the Domestic Impact of International Norms," 76

Challenges with Norm Institutionalization

The processes of normative persuasion and horizontal emulation are often depicted as a linear and reactive mode of communication where actor A's communicative actions has consequences for actors B, C and D. However, oftentimes, actors B, C, and D can all pose counterarguments to actor A and, in effect, reconstruct the proposed normative change. It is therefore more useful to use a "non-linear, and more explicitly social [and dialogic], view of persuasive processes" in order to explain "how actor preferences are formed and changed in discursive situations."[297] Social constructivism maintains that states "learn" from other states, international institutions, and NGOs about what is considered appropriate behavior. This process of socialization is assumed to function through "the emulation of other, successful states; praise by states and other actors for conformity; ridicule for deviation; and diplomatic pressure" to encourage norm breakers to become norm followers.[298] Norm compliance generates approval, social worth, and national esteem, while norm violation provokes disapproval, impact on esteem, and social isolation.[299] Ultimately, "norms become internalized so that conformity is not a matter of conscious choice but of second nature."[300] Perhaps one of the biggest assumptions about this approach is that norms are universally and clearly understood among all actors. This fails to account for how different actors receive and interpret information from their social environments. In fact,

---

[297] Payne, "Persuasion, Frames, and Norm Construction," 42

[298] Shannon, "Norms Are What States Make of Them," 297; Finnemore and Sikkink, "International Norm Dynamics and Political Change," 902-904

[299] Finnemore and Sikkink, "International Norm Dynamics and Political Change," 902

[300] Shannon, "Norms Are What States Make of Them," 297

The 'message' of social structure must be received through the filter of human

agency. Humans are not omniscient observers of reality; they are imperfect

interpreters of it. Whether a norm's prescriptions and parameters are understood

in a given situation is up to the perceiver, with all associated cognitive limits and

biases.[301]

This is important at the local, state, regional and international levels whenever a new

norm seeks to be institutionalized.

The Development of African Norms

While the discussion on norms so far has mostly considered them to be developed

internationally and then, where appropriate, localized and institutionalized in regional

contexts, it is important to note that some norms originate in regions and sub-regions and

diffuse elsewhere. At times, especially in the African context, regional norms emerge that

may not necessarily diffuse internationally simply because they speak to the needs,

interests, and identities of African politics and security. Still, these African norms

continue to shape international relations both within and through Africa's fifty-four state

bloc. It is worth noting that, while there exists an incredible wealth of diversity on the

African continent that cannot be diluted and simplified to imply "absolute unity and

commonality of values in Africa… there remains a body of research and evidence that

suggest significant linkages in many African societies, especially as it pertains to culture,

norms, beliefs, and values."[302] This evidence can be found in an array of ideas stemming

from African philosophy and the idea that there need to be "African solutions to African

problems," a concept that will be elaborated in chapter four of this dissertation.

---

[301] Ibid., 298
[302] Ani, "Three Schools of Thought on 'African Solution to African Problems,'" 140

115

Nevertheless, it is important to note that in 2006, the AU released a report on the "Study on an African Union Government: Towards a United States of Africa," which emphasized the following:

> Although Africa has, for well-known historical reasons, lost some of its self-sustaining characteristics, it is of paramount importance to use the *shared values* as a leverage towards closer unity and joint purpose of action by African countries and people. They should particularly be used at the national, regional and continental levels to devise and implement developmental policies and programs that are people centered and well rooted in African traditions. Thus, through a skillful combination of indigenous and modern knowledge systems, African countries could devise well thought-out and creative strategies for the transformation of their social structures, political systems, and economic organizations to the present world environment as a whole would successfully claim the 21st century.[303]

With this in mind, Coleman and Tieku thus describe four important ways in which African norms may be developed. First, African norms may emerge during regional state-to-state negotiations during a specific security crisis. Negotiations can happen in the AU, the RECs, or in bilateral institutional structures. For example, negotiations about whether or not the norm of non-indifference should be adapted occurred at the regional institutional level, with all Member States present and ratifying the new Constitutive Act. AU decisions are made consensually, thereby promoting "at least rhetorical affirmation

---

[303] African Union, *Study on an African Union Government: Towards a United States of Africa* (Addis Ababa, Ethiopia, 2006), 7

of the negotiation outcomes – including normative statements – by all participants."[304]

Second, African norms may arise from regional norm subsidiarity, "a process whereby local actors create rules with a view to preserve their autonomy from dominance, neglect, violation, or abuse by more powerful central actors."[305] The primary goal behind norm subsidiarity in the African context is to oppose international norms that are perceived as hindering Africa's sovereignty and autonomy. African states "have developed regional security norms to protect themselves from what they perceive as overbearing or predatory behavior by former colonial states and other powerful actors in the international system."[306] For instance, while being developed to highlight the challenges of the African diaspora, African nationalists adopted the Pan-African solidarity norm after the Second World War to counter "colonialism and White dominance in the African continent."[307] The Pan-African solidarity norm stems from the idea that African actors have similar interests and values and should work together to fight for independence and sovereignty. This norm continues to manifest in several important ways, including African leaders opposing the indictment of Kenyan political leaders, Uhuru Kenyatta and William Ruto, at the International Criminal Court (ICC) for inciting ethnic-related violence and crimes in 2007. Third, African norms may be developed "through a 'coalition of the willing' process, where like-minded African governments develop a norm to address shared needs."[308] Because these norms are developed by only select members of the coalition, there is no expectation for it to diffuse and be adapted by other members. For example,

---

[304] Coleman and Tieku, "African Actors in International Security," 6
[305] Amitav Acharya, "Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism, and Rule Making in the Third World," *International Studies Quarterly* 55, no. 1 (2011), 97
[306] Coleman and Tieku, "African Actors in International Security," 7
[307] Ani, "Three Schools of Thought on 'African Solution to African Problems,'" 140
[308] Coleman and Tieku, "African Actors in International Security," 7

only thirty-five African governments agreed to the African Peer Review Mechanism (APRM); this means that only these states "commit to a number of governance norms including the requirement that civilian bodies must exercise oversight over security bodies."[309] Fourth, nonstate actors, including NGOs and civil society groups, can be crucial for the development of African norms. The Kampala Movement of 1991, for instance, sought to redefine sovereignty and security to include consideration for human security and civilian protection norms.[310] The agency and efforts of both state and nonstate African actors in the emergence and championing of African-specific civilian protection norms, and how these translated into the AU, will be discussed in greater detail in the next chapter.

African norms may also diffuse outside the region either by being fully or partially accepted by another region or at the international level. Some of the regional norms that have been diffused to other Global South regions include practices of transitional justice, and norms of conflict management that include the roles of community elders in the process of reconciliation. African norms can diffuse on their own or by their active promotion by African norm entrepreneurs. Coleman and Tieku argue that Tanzania's intervention in Uganda in 1970 "played a key role in the development of modern humanitarian intervention norms."[311] They quote Brown, who argues that several post-Cold War security norms "developed through 'norm up flow,' where more local and regional innovations drove norm change at the global level.[312] If

---

[309] Ibid.

[310] Olusegun Obasanjo and Felix GN Mosha, *Africa, Rise to the Challenge: Conference Report on the Kampala Forum* (Ota, Nigeria: Africa Leadership Forum, 1992), 260

[311] Coleman and Tieku, "African Actors in International Security," 8

[312] Ibid.

118

this is the case, and normative change does occur in a bottom-up fashion, then the RECs'
intervention in the 1990s, also "served as important markers in the development of norms
around the appropriate relationship between the UN and regional bodies in peace
operations that have since been mainstreamed into the international global security
architecture."[313] In addition, key African leaders and intellectuals can also galvanize mass
support for a new norm to be internalized in international institutions. For example, one
of the key figures of the development of "sovereignty as responsibility," Francis Deng,
created great social pressure for the conceptualization and adaptation of the norm.

Conclusion

The constructivist concepts of norm emergence, cascade, localization, diffusion,
and internalization are important in understanding why new norms develop and are
adapted internationally, regionally, and locally. Central to this discussion is the
contribution of non-Western actors and agents in the emergence and diffusion of global
norms. In particular, African states, leaders, scholars, and intellectuals have been pivotal
in developing and shaping key norms and normative practices. This chapter has made a
case for why constructivism, the dynamics of norm localization, and the inclusion of
African agency in these processes is central to understanding why, how, and the extent to
which civilian protection norms are diffused and internalized in the African context.
Within the framework of the norm life cycle, the establishment of the AU resulted in the
conceptual shift from traditional norms of absolute sovereignty to the emergence of the
norms of non-indifference and sovereignty as responsibility. This also shows that these
norms have cascaded, particularly because of the AU's decision to ground its civilian

---

[313] Ibid.

protection approach in POC in both policy and practice. However, whether or not these norms have been fully internalized in practice can be assessed by examining the case of AMISOM. The next chapter, on "Non-Indifference in the African Union: The Journey towards Civilian Protection," provides a historical overview of the evolution of civilian protection norms through the transition of the OAU to the AU. It notes that this transition symbolizes a paradigmatic shift from the OAU's norm of non-interference to the AU's principle of non-indifference. The non-indifference norm has been instrumental in how the AU has reframed its approach to civilian protection in its peace and security operations.

Chapter 4: Non-Indifference in the African Union: The Journey towards Civilian Protection

Introduction

It has often been expressed, by African scholars and AU practitioners alike, that the establishment of the AU is an affirmation of Pan-Africanism. Throughout the years, the Pan-African norm has been exhibited as an appeal by African norm entrepreneurs about solidarity and collaboration for addressing continental issues, including humanitarian crises, public health concerns, and threats to human security. One of the core foundations of Pan-Africanism is the idea that African states cannot remain indifferent to the suffering of their neighbors. While the former OAU embraced non-interference and non-intervention into the domestic affairs of a Member State, thereby enabling many African dictators and oligarchs to abuse and exploit their own countries, the true essence of Pan-Africanism was arguably realized in the AU where African leaders acknowledged that Africans are one people, and should support, collaborate, and cooperate with each other. Pan-Africanism in the AU arguably embodies the idea that "unity ought to be the right kind of relationships among Africans, and African leaders must always act harmoniously, seeking compromise rather than confrontation."[314] Importantly, Africa is an incredibly diverse continent and efforts to simplify the solution to African problems by highlighting the unity and similarity of African values have been described as questionable. However, many of the interviews conducted for this dissertation suggest that there is an unspoken sense of "brotherhood" among African

---

[314] Frank Aragbonfoh Abumere, "Introducing Normativity in African International Politics," *South African Journal of Political Studies* 47, no. 3 (2020), 347

states and leaders. There are also important linkages between different African societies and communities, especially with regards to values, cultures, and beliefs. This chapter traces the process of norm localization at both the OAU and the AU and elaborates on the notion of "brotherhood" and the Pan-African norm as legitimate and appropriate visions of seemingly global norms are localized at the African regional level. In doing so, it illustrates the paradigmatic shift from the OAU and the norm of non-interference, to the AU and the principle of non-indifference, before analyzing what "non-indifference" has come to mean in practice, specifically in relation to both the R2P and POC norms. This chapter is organized as follows. First, it outlines the core tenets of the Pan-African solidarity norm and explores how it formed the basis of the OAU. Second, it explores the circumstances that led to the establishment of the AU, the Constitutive Act, and the norm of non-indifference. Third, this chapter critically examines what non-indifference means in practice. In particular, it questions the extent to which non-indifference has diverged from differs from R2P and the implications of this. Fourth, this chapter analyzes the similarities and differences between the POC and R2P norms, before making the case for why POC prevails in both the AU's day-to-day activities and in AU peace and security operations. This chapter concludes by illustrating how these norms are institutionalized into the African Peace and Security Architecture (APSA) and explores the challenges this security architecture faces in practice.

Pan-Africanism and the Organization of African Unity

Early discussions of Pan-Africanism occurred in the nineteenth century in Europe, North America, and the Caribbean among the African diasporas. Key figures in the African diaspora, including E. W. Blyden, W.E.B. Du Bois, Marcus Garvey, George

Padmore, and Henry Sylvester Williams, were crucial in developing the ideas around

Pan-Africanism. Generally, Africans did not participate in the congresses of Pan-

Africanism until 1945. The Pan-African movement also received support from Asia's

newly independent states at the Bandung Conference in Indonesia in 1955. In Africa,

Pan-Africanism emerged as a response to three important historical flashpoints. These

were: a) the displacement, selling, and trading of millions of African peoples from their

homes through the Atlantic slave trade; b) centuries of the slave trade stripping Africa of

crucial economic and human resources; and c) decades of colonialism that left Africa

both economically and politically weak.[315] The Pan-African movement recognizes

Africans, and peoples of African descent, "as sharing a historical connection rooted in the

suffering they endured at the hands of European and Ottoman colonial administrators."[316]

Pan-Africanism is a solidarity norm that argues "that all Africans have a spiritual affinity

with each other and that, having suffered in the past, they must march together into a new

and brighter future."[317] It is an ideology of emancipation that champions "the struggle for

social and political equality and freedom from economic exploitation and racial

discrimination."[318]

Pan-Africanism's first wave manifested itself in the form of post-independence

leaders, acting as strong norm entrepreneurs, who championed Africa's sovereignty and

self-determination. In 1961, former Ghanaian president Kwame Nkrumah proclaimed:

"for too long in our history, Africa has spoken through the voices of others. Now what I

---

[315] Gerald Bareebe, "The Pan-African Solidarity Norm," in *African Actors in International Security: Shaping Contemporary Norms* eds. Katharina P. Coleman and Thomas K. Tieku (Boulder, Colorado: Lynne Rienner, 2018), 74

[316] Ibid., 75

[317] Rupert Emerson, "Pan-Africanism," International Organization 16, no. 2 (1962), 280

[318] Tim Murithi, "Institutionalizing Pan-Africanism: Transforming African Union Values and Principles into Policy and Practice," *Institute for Security Studies* no. 143 (2007), 1

have called the African Personality in International Affairs will have a chance of making

its proper impact and will let the world know it through the voices of Africa's own

sons."[319] Ali Mazrui also called for an African model of addressing challenges affecting

African peoples and states and opposed foreign intervention in newly independent

African states.[320] Pan-Africanism was, and continues to be, an important foundation for

Africa's agency because "it recognizes the unique positioning and exceptional culture of

African peoples."[321] As Tieku accurately posits,

> [Pan-Africanism] has a profound impact on African international relations. The
>
> norm expectation that African political elites must at all times work together in
>
> harmony and cooperatively at the continental level puts ethical pressure on
>
> African governments. African governments often sacrifice the interests and
>
> preferences of their states in order to conform to the norm's expectations.
>
> Moreover, the norm usually not only encourages African political elites to show
>
> loyalty in public to continental unity, but also makes it harder for those elites to
>
> oppose openly an issue that commands broad support.[322]

The idea that African leaders and governments could and, more importantly, *should* be

responsible for collaborating on socioeconomic, developmental, and political issues for

the benefit of the entire continent has received several criticisms. Williams, for instance,

argues that Pan-Africanism is grounded on two "myths." The first so-called myth is the

assumption that pre-colonial Africa was a period of absolute unity that requires,

---

[319] Kwame Nkrumah, *I Speak Freedom* (London, England: Panaf Books, 1961), 125
[320] Ali Mazrui, *Towards a Pax Africana: A study of ideology and ambition* (London, England: Weidenfeld & Nicholson, 1967)
[321] Kwesi Aning and Fiifi Edu-Afful, "African Agency in R2P: Interventions by African Union and ECOWAS in Mali, Cote D'Ivoire, and Libya," *International Studies Review* 18 (2010), 123
[322] Tieku, "Theoretical Approaches to Africa's International Relations," 16

especially post-independence, restoration. The second myth is the assumption that African problems and challenges can be resolved through the cessation of colonial and neocolonial interference and schemes.[323] Williams also argues that although Pan-Africanism pushed for an end to apartheid in South Africa, it "made little practical headway and failed to disrupt the formation of a pluralist society of sovereign African states."[324] This, I argue, presents a shallow understanding of Pan-Africanism for both Africans and peoples of African descent. At the very root of the norm is the idea that African leaders, individuals, and elites should think, act, and speak of themselves collectively as "Africans." The norm presents a useful and insightful way of uniting, through cooperation and collaboration, the different societies and communities of the continent based on similar cultures, values, race, and experiences of oppression. Indeed, as with every norm, Pan-Africanism has evolved over the years to respond to the various challenges Africans continue to face on the continent. The stages of its evolution and manifestation are explored in the following sections.

The Organization of African Unity

In 1963, Pan-Africanism culminated in the formation of the OAU, an inter-governmental organization established in Addis Ababa, Ethiopia with thirty-two signatory states. Above all, Pan-Africanism in the OAU emphasized the need to protect and preserve African state sovereignty, especially because most of the African states had only recently become independent. African state leaders therefore affirmed the need to institutionalize a more statist understanding of continental unity and solidarity within the OAU. The protection of sovereignty regardless of the conditions of domestic politics

---

[323] Paul D. Williams, "From Non-intervention to Non-indifference," 253
[324] Ibid., 263

within individual Member States became the cornerstone of the OAU, which would safeguard domestic borders from border disputes between African states and neo-colonial interference by foreign powers. Within the OAU, Pan-Africanism gave rise to two political groups that championed two different ideals of what free African states should look like. On the one hand, the Casablanca Group advocated for the creation of a "United States of Africa" with a central command center. On the other hand, the Monrovia Group emphasized the importance of independence, sovereignty and self-determination of individual African states who belonged to a less centralized "United Nations of Africa" form of continental union.[325] Eventually, the Charter of the OAU, which was enforced in September 1963, represented a compromise between the two grounds by including both the "radical-unionist"[326] spirit of Pan-Africanism of the Casablanca Group and the sovereignty and independence of individual African state that was emphasized by the Monrovia Group. This is reflected specifically in Article 2 of the OAU Charter, which outlines the goals of the Organization and the responsibilities of its Member States:

1. The Organization shall have the following purposes:

   (a) To promote the unity and solidarity of African States;

   (b) To coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa;

   (c) To defend their sovereignty, their territorial integrity and independence;

   (d) To eradicate all forms of colonialism from Africa; and

---

[325] Jonathan D. Rechner, "From the OAU to the AU: A Normative Shift with Implications for Peacekeeping and Conflict Management, or Just a Name Change?" *Vanderbilt Journal of Transnational Law* 39, no. 2 (2006), 543

[326] Ibid.

(e) To promote international cooperation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights

2. To these ends, the Member States shall – coordinate and harmonize their general policies, especially in the following fields:

(a) Political and diplomatic cooperation;

(b) Economic cooperation, including transport and communications;

(c) Educational and cultural cooperation;

(d) Health, sanitation and nutritional cooperation;

(e) Scientific and technical cooperation; and

(f) Cooperation for defense and security.[327]

The principles of sovereign equality and territorial independence of individual African states are also institutionalized in Article 3 of the OAU Charter.

The Member States, in pursuit of the purposes in Article [2] solemnly affirm and declare their adherence to the following principles:

1. The sovereign equality of all Member States;

2. Non-interference in the internal affairs of States;

3. Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence;

4. Peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration;

5. Unreserved condemnation, in all its forms, of political assassination as well as subversive activities on the part of neighboring States or any other States;

---

[327] Organization of African Unity (OAU), *Charter of the Organization of African Unity*, 25 May 1963, https://www.refworld.org/docid/3ae6b36024.html, accessed 26 November, 2020

6. Absolute dedication to the total emancipation of the African territories which are still dependent;

7. Affirmation of a policy of non-alignment with regard to all blocs.[328]

These two articles illustrate that, ultimately, the OAU's Member States focused primarily on ending colonial and white minority rule on the continent, and safeguarding state sovereignty and non-interference in the domestic affairs of newly independent states. With regards to ending colonial rule, the Organization endorsed UN General Assembly resolution 1514 calling for the "transfer of all powers of their colonies to the peoples of the colonies without any precondition or reservation."[329] On this front, the OAU established the African Liberation Committee (ALC), authorizing the fight against colonialism and white minority rule. The ALC was determined to ensure peace and security throughout the continent by supporting former colonies through their independence struggles. Its establishment was also important because "the UN had neither the interest nor the power to liberate Africa."[330] Africans fought on their own for freedom and liberation, slowly declaring independence from the 1940s onwards. It is therefore no surprise that the norms of state sovereignty and territorial integrity formed the bedrock of the Charter of the OAU.

Through the 1964 Cairo Declaration, OAU Member States institutionalized the principle of *uti possidetis,* thereby recognizing the importance of respecting the territorial

---

[328] Ibid.

[329] UN General Assembly, *Declaration on the Granting of Independence to Colonial Countries and Peoples*, 14 December 1960, A/RES/1514(XV), https://www.refworld.org/docid/3b00f06e2f.html, accessed 26 November 2020

[330] Mulugeta Gebrehiwot Berhe, "The Norms and Structures for African Peace and Efforts: The African Peace and Security Architecture," *International Peacekeeping* 24, no. 4 (2017), 622

integrity of newly independent African states and declaring that borders drawn during

colonial rule were binding for new states. Any new entity pushing for new borders could

only have their request accepted if every concerned party within the mother entity agreed

to redrawing the border. *Uti possidetis* sought to constrain interstate conflicts arising from

border clashes. In addition, the OAU also endorsed, promoted, and protected the policy of

non-interference in the domestic policies of sovereign states. Non-interference served as

an insurer of independence, particularly to weak and fragile African states. The interests

of Ethiopia and Tanzania also provided crucial motivation for the adoption of the non-

interference norm. While Ethiopia had annexed Eritrea, Tanzania had absorbed Zanzibar

into its territory. Together, the Cairo Declaration and the non-interference norm provided

a safeguard for OAU Member States who wanted to "delegitimize any secessionist

movement that might have arisen in their new dispositions."[331] However, there were a few

exceptions to the non-interference rule. For instance, Tanzania invaded Uganda in 1979

to overthrow Idi Amin and his regime. Julius Nyerere, then-president of Tanzania,

defended this intervention by stressing that he needed to secure his border and limit any

spillover into his country. Still, the overwhelming majority of OAU actions, and

inactions, reflected the internalization of the non-intervention norm. Perhaps one of the

OAU's biggest successes was its effort in supporting anti-apartheid struggles and the

momentous end of apartheid in South Africa in 1994. The Organization was also

successful in establishing Africa as a nuclear-free zone by adopting the Pelindaba Treaty

in 1992.

---

[331] Ibid., 663

Ultimately, the OAU's security culture was grounded in four important norms. First, the Organization established colonialism and white minority rule to be the primary impediment to African unity. This belief also created shadows of doubt among Member States about allowing the UN Security Council to get involved in African affairs. Second, the OAU championed sovereign equality, making sure that all decisions were made by consensus among Member States. Consensus politics was, and remains, "a crucial aspect of the 'African way of doing things,' and finds its highest expression in the way the OAU conduct[ed] its business."[332] Third, the Organization enshrined and institutionalized the norm of non-interference due to fears of European imperialism, and to alleviate the fears of smaller states that bigger states would not use their economic and political strengths to overpower them. Finally, *uti possidetis* declared that "frontiers that were determined by colonial powers prior to independence were not to be altered, and would form the permanent boundaries of the independence African states."[333] These norms were internalized in the OAU, and by African states and governments.

The OAU should be critiqued for vehemently protecting colonial borders and the, often dictatorial, regimes that governed the territories. Despite establishing the Mechanism for Conflict Prevention, Management and Resolution in 1993 to promote and maintain peace on the continent, the OAU failed to prevent the outbreak of the Rwandan Genocide in 1994. Conflicts in Somalia, Angola, Liberia, Sierra Leone, and the Democratic Republic of Congo (DRC) also occurred after the establishment of the Mechanism. These conflicts, linked to the deaths and casualties of millions of civilians,

---

[332] Colin Legum, "The Organization of African Unity – success or failure?" *International Affairs* 51, no. 2 (1975), 214
[333] Rechner, "From the OAU to the AU," 548-549

illustrated the ineffectiveness of the OAU in the realm of conflict resolution.[334] The

OAU's failure should be partly attributed to its unequivocal stance on non-interference in

the internal affairs of Member States. This position "stems from the ambiguity or

misunderstanding as regards to the preamble of the OAU Charter,"[335] especially since the

Charter committed Member States to collectively maintaining peace and security on the

continent and not absolute non-intervention in domestic affairs. Strict adherence to

sovereignty and territorial integrity meant that the OAU leadership did not intervene in

the domestic affairs of its Member States, even for the protection of civilians. In effect,

there was no space within the OAU Charter for Chapter VII of the UN Charter. The norm

of sovereign equality and consensus decision-making also undermined the OAU's ability

to respond to and manage internal conflicts.

It is important to note that most of the power within the OAU resided in the

Assembly of Heads of State. In fact, former Tanzanian president Julius Nyerere argued

that "the OAU exist[ed] only for the protection of the African Heads of State."[336]

Similarly, Murithi argues that members of the OAU "were perceived as a club of African

heads of states, most of whom were not legitimately elected representatives of their

citizens, but self-appointed dictators and oligarchs."[337] Generally, the OAU was not

perceived as having any real impact on the lives of average Africans. The OAU

Secretary-General did not have the power to apply diplomatic pressure to resolve conflict

and could not launch an investigation of a situation they believed posed a threat to the

---

[334] Segun Joshua and Faith Olanrewaju, "The AU's Progress and Achievements in the Realm of Peace and Security," *India Quarterly* 73, no. 4 (2017), 457-458
[335] Ibid., 458
[336] Quoted in Rechner, "From the OAU to the AU," 557
[337] Tim Murithi, "The African Union's Evolving Role in Peace Operations: The African Union Mission in Burundi, The African Union Mission in Sudan and the African Union Mission in Somalia," *African Security Studies* 17, no. 1 (2008), 72

peace and security of the continent. In addition, the OAU had neither mandatory powers to compel Member States to respect and adopt their decisions, nor the structural body to make and enforce decisions on peace and security in the continent. This resulted in the structural ineptitude of the Organization. Perhaps the most puzzling component of the norms that underlined the OAU was the fact that colonial borders, which were drawn with zero consideration of ethnic and tribal divisions, were not challenged by the new post-colonial organization. The OAU Charter also reduced the likelihood of interstate conflict while neglecting to remedy the instruments that triggered intrastate conflicts. The inability of the OAU to react to conflicts where civilians were subjected to human rights abuses can be traced to the sovereignty and non-interference norms institutionalized in the Charter. In particular, the non-interference norm was understood as being absolute, with no room for the OAU to hold governments who oppressed their own people accountable for their actions.

Increasing levels of political insecurity and economic instability on the continent prompted a group of key civil society groups and African leaders, who acted as norm entrepreneurs, to develop the Kampala Movement in 1991 and the subsequent Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA). The Movement's organizers sought to develop norms that would contribute to the establishment of a comprehensive political and economic regime in Africa. At the core of the "Kampala Principles" was an effort to redefine sovereignty and security, requesting "standards of behavior… from every [African] government in the interest of common humanity."[338] In advocating for a new norm, the Kampala Movement urged African

---

[338] Obasanjo and Mosha, *Africa, Rise to the Challenge,* 260

leaders to redefine and reconceptualize "state security" to encompass more than military interests, and include the political, economic, and social needs of African individuals, families, and communities. According to the Movement, "the concept of security must embrace all aspects of society… [the] security of a nation must be based on the security of the life of the individual citizens to live in peace and to satisfy basic needs."[339] In June 1991, the OAU met to discuss the Kampala Principles and the demands of the CSSDCA. African leaders agreed that the principles should be integrated into the foundation of the OAU at a meeting in Abuja, Nigeria that same year. However, the Kampala Principles and their new norms failed to cascade, diffuse, and be internalized by Member States, and instead faced opposition by important members of the OAU. The CSSDA was rejected at the Abuja Summit due to strong opposition by Muammar Qaddafi (Libya), Omar Hassan Ahmed el-Bashir (Sudan), and Daniel Arap Moi (Kenya). African leaders further suspended future discussions of the CSSDCA and human security in the continent. Importantly, these actors did not face any material and reputational sanctions for rejecting the new norm because of the OAU's inability to enforce decisions on its Member States.

Despite the CSSDCA getting rejected by the OAU, the Kampala Movement provided then-Secretary General Salim Ahmed Salim with a platform on which to place concerns of civilian protection and human security on the continental agenda. Details of a civilian protection agenda were fleshed out and incorporated into a document concerning "*The political and socio-economic situation in Africa and the fundamental changes taking place in the world,*" which was adopted as a Declaration by the Assembly of the OAU in July 1990. This Declaration noted three important geopolitical changes: a) that

---

[339] Ibid., 265

the end of the Cold War ushered in crucial changes in international relations; b) that African states needed to be able to adapt to these changes and the new world order; and c) that African states needed to do things for themselves with no help from foreign states. It also "urged the OAU leadership to develop a framework for preventing, managing and resolving conflicts, [especially] since there would be no rationale for the international community to keep peace and promote human rights" in the continent after the Cold War.[340] Salim proposed a framework for the OAU to prevent, manage, and resolve conflicts within the continent at a summit in July 1991. The Assembly of the OAU adopted the framework in principle and the OAU secretariat consulted with Member States in order to revise the proposal to reflect their views and perspectives. Worth noting is Daniel Arap Moi's (Kenya) and Lansana Conté's (Guinea) efforts to ensure that provisions pertaining to the protection of average African citizens from state abuses were removed from the draft protocol. In the end, the framework reflected a traditional state-centric security approach that was widely accepted by Member States and adopted by the Assembly of the OAU in Cairo, Egypt in June 1993.

Tragically, the Rwandan genocide highlighted the incapacity of the OAU to prevent and respond to mass atrocities in Africa. At the same time, it also underscored the UN's inability to maintain and sustain peace and security internationally as they pulled out almost all their troops from Rwanda. The genocide, the collapse of the Somali state, and other intrastate conflicts led many African leaders and states to begin thinking about what their own solutions to the challenges facing the continent might look like. This gave rise to the phrase "African solutions to African problems," which later became one of the

---

[340] Thomas Kwasi Tieku, "African Union promotion of human security in Africa," *African Security Studies* 16, no. 2 (2007), 31

founding pillars of the AU. As previously mentioned, the OAU was established with the primary goal of ending colonial and white minority rule on the continent. After the end of apartheid in South Africa, and especially with the genocide in Rwanda, it seemed like the OAU had lost its direction and "Pan-Africanism," its leading norm, needed a new meaning. The genocide also exemplified the need for a new, effective normative framework that would protect average Africans from mass human rights atrocities. The genocide brought about a "clamor among Africa's leaders to define and articulate a more robust normative collective security regime."[341] In 1994, Nelson Mandela urged his fellow African leaders to support the OAU in protecting African people from state abuses and, between 1995 and 1998, OAU efforts were specifically targeted at reorienting the Union's focus towards human security challenges.[342] These efforts were institutionalized by the Assembly of the OAU in a declaration that promoted "strong and democratic institutions," the commitment of the OAU to exclude Member States "whose governments came to power through unconstitutional means," and the OAU's mandate to "assist military regimes that may exist on the African continent in moving towards a democratic system of government."[343]

From the Organization of African Unity to the African Union

The transition of the OAU to the AU was necessary, timely, ambitious, and a conscious effort to reignite Pan-Africanism "under a much stronger and all-inclusive philosophy of African Renaissance."[344] The idea of an African union was born in Sirte,

---

[341] Tim Murithi, "The African Union as a Norm Entrepreneur: The Limits of Human Protection and Mass Atrocities Prevention, " *Global Responsibility to Protect* 8, no. 2-3 (2016), 230
[342] Tieku, "African Union promotion of human security in Africa," 32
[343] Ibid.
[344] Aning and Edu-Afful, "African Agency in R2P," 123

Libya in 1999 where African leaders agreed to a draft constitution. In 2000, the Constitutive Act was signed in Lomé, Togo and, two years later, the AU was officially inaugurated in Durban, South Africa. The immediate catalyst for the creation of the AU came "from a Libyan proposal for political integration and from the post-liberation South African agenda of economic transformation and societal renaissance."[345] The Union's existence reflects the need to address and confront contemporary challenges on the continent. Its primary objective is to ensure "an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena."[346] It is important to contextualize the emergence of the AU within the greater international relations narrative of the 1990s and early 2000s. During this period, Africa was marginalized and dismissed by the international community, with major powers treating the continent as either an arena that harbors terrorism or a commercial opportunity for economic investment. The responsibility for the promotion and maintenance of peace and security on the continent was left to African governments. Conflicts in the 1990s enabled African states to reconceptualize Pan-Africanism into the principles and values enshrined in the AU Constitutive Act. The establishment of the AU should also be understood as a push for the continent to move away from the OAU's stance on non-intervention to a new norm of non-indifference. The latter has been institutionalized into Article 4(h) of the Constitutive Act, which gives the Union the right to intervene in the domestic affairs of a Member State, including the use of force, in the

---

[345] Berhe, "The Norms and Structures for African Peace and Efforts," 664
[346] African Union Commission, "Strategic plan 2009–2012," *AU document EX.CL/501 (XV) Rev. 2, 19*, May 19, 2009. https://reliefweb.int/sites/reliefweb.int/files/resources/08D09FE21F9917E8492575F500211460-EX%20EnglishCL%20501_XV_%20%20-%20Strategic_Plan%20Rev%209%20_b2_.pdf, accessed November 27, 2020

case of genocide, crimes against humanity, and war crimes. This reflects similar criteria to that of the conditions that warrant the application of R2P. This new normative transformation was also institutionalized into the APSA, which sought to provide collective and comprehensive responses to crises of peace, security and governance on the continent. AU efforts to institutionalize the non-indifference norm into the APSA have been supported by the EU's African Peace and Facility and the UN's Ten-Year Capacity Building Program for the African Union.

African Solutions to African Problems

In 2005, Powell and Tieku argued that the principles of Pax Africana, as described by Ali Mazrui, and the international norms on peace and security, as outlined by the ICISS, formed the basis of the AU's peace and security architecture. According to them,

[Pax Africana] is defined in part by international stability, and intervention is triggered by a request from a government – that is, consent of the government – for assistance in maintaining or restoring internal stability. An African government therefore temporarily renounces sovereignty to allow foreign troops to assume a policy function within the country. *Central to the "Africana" element of Pax Africana is the notion that the request for intervention and the troops used in intervention must come from Africa; peace must not be imposed from powers outside of Africa.*[347]

Ultimately, all the tools and resources required for maintaining and sustaining peace must come from Africa. Pax Africana remains consistent with the notion of "African solutions to African problems," a declaration that Africans bear the primary responsibility to

---

[347] Kristiana Powell and Thomas Kwasi Tieku, "The African Union's New Security Agenda: Is Africa Closer to a Pax Pan-Africana?" *International Journal* 60, no. 4 (2005), 944 (emphasis added)

address the challenges they face on the continent. The immediate impetus for this norm came at the end of the Cold War and the emergence of the New World Order where the continent "lost its geo-strategic value and was called upon to deal by itself with the mess that the legacies of colonialism and the Cold War left."[348] During the Cold War, Africa became an ideological battleground between the United States and the Soviet Union. The West, fearing that Africa would join the Communist camp, decided to intervene in Africa to ensure that it remained within their sphere of influence and not fall into the Soviet's. According to Thabo Mbeki, Africa's history with colonialism, slavery and, during the Cold War, geo-strategic and ideological conflict "resulted in such negative developments as the corruption of the African independence project through the establishment of neo-colonialism, the overthrow of governments which resisted this, [and] support for the white minority and colonial regimes in Southern Africa."[349] The Cold War incited conflicts in the continent and propped up authoritarian regimes, leaving newly independent African states fragile and susceptible to internal power struggles. With the collapse of the Berlin Wall in 1989 and the end of the Cold War, Africa stopped being useful to Western powers and was quickly discarded. As Kofi Annan argues, "across Africa, undemocratic and oppressive regimes were supported and sustained by the competing superpowers in the name of their broader goals but, when the Cold War ended, Africa was suddenly left to fend for itself."[350] The post-cold War era also ushered in a

---

[348] Solomon A. Dersso, "The quest for Pax Africana: The case of the African Union's peace and security regime," *African Journal on Conflict Resolution* 12, no. 2 (2012), 13

[349] Thabo Mbeki, "Address by Thabo Mbeki at the Makerere University Institute of Social Research Conference on The Architecture of Post-Cold War Africa – Between internal reform and external intervention," *Makerere University,* Kampala, Uganda, January 19, 2012

[350] Annan, "The causes of conflict and the promotion of durable peace and sustainable development in Africa," 4

new period of brutal conflict and war within the continent with, among others, the fall of Siad Barre in 1990 and the collapse of the Somali state, the DRC's civil war, the implosion of Liberia under Charles Taylor, and the 1994 Rwandan genocide which left about 800,000 people dead within the span of 100 days. It became apparent that not only was the nature of conflict changing with the rise of intrastate wars, but that external powers were less likely and willing to intervene to protect civilians and help maintain peace and security in the continent. It therefore became imperative for the newly established AU to revive and revise the tenets of Pan-Africanism and pursue a political ideal of "African solutions to African problems."

As a norm, "African solutions to African problems" entails two important components. First, it privileges African agency in knowing and understanding the kinds of conflicts and challenges afflicting the continent, and what a particularly *African* vision for peace and security should look like. Second, it acknowledges the importance of African leadership in creating and enforcing solutions that are designed to respond to the particular challenges facing Africa. The norm exemplifies the idea that Africans are not passive external recipients of external aid but are active agents in developing peace and security solutions for challenges facing their peoples. While the UN is widely recognized as having the primary responsibility for, and authority to, maintaining peace and security in the world, the AU Peace and Security protocol gives the Union the primary responsibility for peace and security in the continent. This is consistent with both the norms of Pax Africana and "African solutions to African problems." Interviews conducted with AU staff and practitioners suggest a deeply held belief in "African solutions to African problems" as a norm that shapes both formal Union operations and

informal interactions. "African solutions to African problems" is an expectation that, in the event of a crisis, conflict or problem, AU practitioners will first seek help and support from AU Member States rather than foreign powers. This notion seemed to be especially prevalent with regards to AU PSOs, and questions about who can and should physically deploy to crises zones.[351] Interviews with Western diplomats, some of whom form part of the AU donor community, described the AU as being a very opaque organization, where "outsiders" faced obstacles in accessing certain types of meetings and information necessary for donor operations.[352] While there is a strong belief in the notion that solutions to Africa's problems can and should be found within the continent however, the reality of the AU's financial situation means that it continues to rely heavily on donor funding, especially in the realm of peace and security. The primary challenge to the "African solution to African problems" norm comes from, according to Western diplomats and donor representatives, the Union's limited financial and operational resources and the reality of the severity of crises on the continent.[353] Despite implementing the 0.2% levy on imports in 2016, which sought to finance 100% of the operational budget, 75% of the program budget, and 25% of the peace support operations budget, in reality, 75% of the Union's total budget is funded by foreign donors. This creates a fiscal reliance and overdependence on external donors and undermines the ownership of African programs and operations. In 2019, for example, the AU Executive Council approved a USD 273.1 million budget for peace and security operations for the

---

[351] Author confidential interviews with AU practitioners, Addis Ababa, Ethiopia, November 2019
[352] Author confidential interviews with Western diplomats, Addis Ababa, Ethiopia, November 2019
[353] Ibid.

year 2020 with donors contributing 61% of this.[354] In addition, the AU headquarters in

Addis Ababa, Ethiopia, was fully funded by the Chinese government and constructed by

the China State Construction Engineering Corp for USD 124 million. As a result, the

Union is united by "common-sense understandings of the desire for 'African solutions to

African problems, and by a pragmatic and practical dependence on extra-regional actors,"

especially because of its limited resources.[355] Importantly, this illustrates a gap between

the "African solutions to African problems" norm in theory and the realities within the

Union. Day-to-day operations within the AU therefore reflect a compromise between this

anti-imperialist norm and what practitioners need to do to fulfill their responsibilities

efficiently.[356]

It should also be noted that the AU strongly emphasizes the values and principles

of *Ubuntu*, a philosophy that speaks of humans as being interconnected, so that everyone

is responsible to one another. As Desmond Tutu articulated,

> [*Ubuntu*] speaks to the very essence of being human. When you want to give high
>
> praise to someone we say, '*Yu, u nobuntu*;' he or she has *ubuntu*. This means that
>
> they are generous, hospitable, friendly, caring and compassionate. They share
>
> what they have. It also means that my humanity is caught up, is inextricably
>
> bound up, in theirs. We belong in a bundle of life.[357]

[354] African Union, "African Union Sustainable Funding Strategy Gains Momentum,"
https://au.int/en/articles/african-union-sustainable-funding-strategy-gains-momentum, accessed November
27, 2020
[355] Aarie Glas, "African Union Security Culture in Practice: African Problems and African Solutions,"
International Affairs 94, no. 5 (2018), 1135
[356] Author confidential interviews with AU practitioners, Addis Ababa, Ethiopia, November 2019
[357] Desmond Tutu, *No Future Without Forgiveness* (New York, NY: Doubleday, 2012), 31

The values of *Ubuntu* highlight "the importance of building peace through the principles of reciprocity, inclusivity, and a sense of shared destiny between different peoples."[358] The OAU's adherence to the norm of non-interference therefore contradicts the values of *Ubuntu,* where solutions to the problems facing African societies should be the responsibility of the entire people. As UN Secretary-General, Kofi Annan acted as a norm entrepreneur and used his platform to urge African leaders not to disregard their cultural and historical responsibilities towards African peoples. His position on the conditional nature of state sovereignty played an important role in pushing African leaders to redefine their own stance on sovereignty, especially in the Constitutive Act.

The Constitutive Act of the African Union

The Constitutive Act, adopted by AU Member States in 2002, offers an alternative way of organizing and conceptualizing the regional political community and, more importantly, pushes the Union towards the non-indifference norm. It commits Member States to "respect [the] sanctity of human life," (article 4(o)); to extend the "right to live in peace" to every African citizen (article 4(i)); to "promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments" (article 3(h)); and to promote democratic principles, good governance, and popular participation (article 3(g)).[359] The Union's approach to economic development urges Member States to "promote gender equality and good health, and work towards eradicating preventable diseases."[360] In

---

[358] Tim Murithi, "An African Perspective on Peace Education: Ubuntu Lessons in Reconciliation," *International Review of Education* 55, no. 2/3 (2009): 227
[359] Organization of African Union (OAU), *Constitutive Act of the African Union,* 1 July 2000, https://www.refworld.org/docid/4937e0142.html, accessed November 30, 2020.
[360] Tieku, *Theoretical Approaches to Africa's International Relations,* 379

addition, the Constitutive Act does not recognize illegal governments who come to power within its Member States. In previous times, the OAU did not have a similar response to governments who seized power unconstitutionally so oftentimes, these governments were not held accountable for their actions. Of particular importance to my research on civilian protection is Article 4(h) of the Constitutive Act, which institutionalizes the Union's right to intervene in the domestic affairs of a Member State. This approach differs greatly from that of the OAU. While the OAU Charter adopted a strict policy of non-interference in Member States' internal affairs, Article 4(h) of the Constitutive Act gives the Union the right "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."[361] The Constitutive Act also allows for "the right of Member States to request intervention from the Union in order to restore peace and security."[362] In 2003, AU heads of states and governments added the Union's right to intervene in instances that present "a serious threat to legitimate order to restore peace and stability in the Member States of the Union upon recommendation of the Peace and Security Council."[363] In doing so, the Constitutive Act challenges the traditional understanding of state sovereignty that was institutionalized in the OAU Charter. Article 4(h) transformed the norm of non-interference to the norm of non-indifference; a call to African leaders to not remain indifferent to atrocities facing fellow African peoples. This normative revolution was made possible by three key factors. First, international treaties and norms had emerged with the aim of protecting civilians from mass atrocities. These were enshrined in IHL, IHRL, and international

---

[361] Organization of African Union (OAU), *Constitutive Act of the African Union,* Article 4(h)
[362] Ibid., Article 4(j)
[363] Ibid., Article 4(h)

refugee law. Second, the end of the Cold War had sparked the global democracy movement, which aimed to enhance "democratic governance and the rule of law, as well as [promote] democratic freedoms, institutions, and practices for new restored democracies."[364] Third, civil society groups championed greater and more equitable representation, transparency, and participation in public affairs. Thus, African norm entrepreneurs found ways to localize seemingly foreign norms in ways that make sense for Africa. The process of localizing and institutionalizing Article 4(h) and the norm of non-indifference in the Union included a series of disagreements and negotiations between different Member States who, on the one hand, still wanted to safeguard their sovereign rights while, on the other hand, hoped to make room for civilian protection. As will be further discussed, AU Member States understand civilian protection in a distinctly *African* way, which differs from how the international community, specifically the UN Security Council, has historically understood it. The essence of an *African* way of thinking about civilian protection is captured in the Constitutive Act's non-indifference norm, which is elaborated in the following section.

Non-Indifference in Practice

The non-indifference norm within the AU is institutionalized in Article 4(h) of the Constitutive Act. It is useful to consider the specifics of Article 4(h) to fully understand what this norm entails. Intervention under Article 4(h) rests on a three-tiered approach. The first is intervention for the protection of civilians against war crimes, genocide, and crimes against humanity; the second is intervention for the restoration of legitimate political order; and the third is intervention under Article 4(j) where a Member State

---

[364] Musifiky Mwanasali, "The African Union, the United Nations, and the Responsibility to Protect: Towards an African Intervention Doctrine," *Global Responsibility to Protect* 2 (2010), 390

requests the Union to intervene. The non-indifference norm particularly relates to the first tier of intervention. This is also connected to Article 23(2), which stipulates that "any Member State that fails to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly."[365] This outlines non-coercive measures for addressing and responding to mass atrocities. Article 4(h) is then invoked when these non-coercive measures prove to be ineffective, and where Member States fail to comply with the decisions made by the AU Assembly.

Table 2: African Union Peace and Security Operations (2003 - 2020)

African Union Peace and Security Operation	Years of Operation
AMIB (Burundi)	2003 – 2004
AMIS (Sudan)	2004 – 2007
UNAMID (Darfur)	2007 - ongoing
AMISOM	2007 - ongoing
Operation Democracy in Comoros	2008
AU-led Regional Task Force in Uganda, South Sudan and the CAR	2011 – ongoing
AFISMA (Mali)	2013 – ongoing[366]
MISCA (CAR)	2013 – ongoing[367]

The option to use force to protect civilians is part of a whole host of other possibilities to protect civilians and is often invoked as the last resort. For this reason, both Articles 4(h) and 23(2) represent the foundations for intervention for the protection

---

[365] Organization of African Union (OAU), *Constitutive Act of the African Union,* Article 23(2)
[366] While AFISMA transferred its authority to MINUSMA in 2013, the AU and ECOWAS continue to maintain a strong presence in Mali.
[367] Similarly, MISCA transferred its authority to MINUSCA in 2014, with the AU still maintaining a strong presence in the CAR

of civilians from mass atrocity crimes on the continent. While Article 4(h) is not specific about how interventions should be carried out, the establishment of the African Standby Force (ASF) indicates the possibility of military action in the interventions. The word "right" in Article 4(h) represents a moral and legal imperative to respond to mass atrocity crimes. Accordingly, intervention in response to human rights violations represents a duty and embodies the "sovereignty as responsibility" ideal. Sovereignty is conditional and contingent on a state's ability and willingness to protect its own peoples. Some scholars have critiqued the AU for institutionalizing intervention as a "right" rather than a "duty." While a "right," in this case, gives the Union discretion about whether or not to intervene, a "duty" gives the Union a "sense of obligation to intervene" making it more "likely to move the AU unto action."[368] In addition, while Article 4(h) signifies a permissive norm that outlines the actions the Union can legitimately undertake in instances of mass atrocities, it "does not oblige [it] to act in those circumstances."[369] This mirrors Principle 6 of the Pretoria Principles, where the word "right" represents a moral and legal imperative to respond to mass atrocities.

In international law, intervention that is institutionalized under Article 4(h) is *obligatio erga omnes,* or the obligations individual Member States owe to the AU. Intervention is also *erga omnes partes,* or obligations towards all, for the prevention of *jus cogens* crimes. Essentially, *jus cogens* "refers to the creation of law, a different kind of law in the form of peremptory norms, whereas the notion of *egra omnes* concerns the enforcement of law."[370] The enforcement aspect means that intervention can only be

---

[368] Kindiki in Dan Kuwali, *The Responsibility to Protect: Implementation of Article 4(h) Intervention* (Raoul Wallenberg Institute Human Rights Library. Leiden: BRILL, 2010), 7
[369] Dan Kuwali, "From stopping to preventing atrocities," *African Security Review* 24, no. 3 (2015), 250
[370] Dan Kuwali, *The Responsibility to Protect,* 28

undertaken by the AU as a whole, and not by individual Member States. By adopting Article 4(h), the Union determined that collective action for the enforcement of important norms, namely non-indifference, should be undertaken especially when human rights are being violated. Because intervention is considered a "right" in the Union, it implies that Member States are ready to give up some of their sovereignty to a regional organization that makes collective decisions for the benefit of the common interest. Article 4(h) is therefore "enforcement action in the form of *erga omnes partes* or *erga omnes contractantes* to prevent or stop *jus cogens* crimes."[371] Member States hold dual enforcement rights when it comes to mass atrocity crimes. On the one hand, as members of the international community and the UN General Assembly, "they have enforcement rights based on the *egra omnes* concept*s.*" On the other hand, as members of the AU, "they have enforcement rights based on the [Constitutive] Act."[372] Article 4(h) should therefore be understood as the last resort the Union can undertake to prevent and respond to mass atrocities in Africa. It is important to note that although Article 4(h) can be invoked to respond to war crimes, genocide, and crimes against humanity, it has proven to be difficult to define these terms to determine when such abuses warrant intervention. The authority to define and determine whether or not a set of abuses falls under the three crimes outlined in Article 4(h) lies with the AU Assembly. The PSC can also make recommendations to the AU Assembly to intervene in a particular situation. Ultimately, what matters is that AU Member States have the political will and capacity to commit themselves to intervene when civilians are faced with mass atrocities.

---

[371] Ibid., 33
[372] Ibid.

Non-Indifference and the Responsibility to Protect

The Constitutive Act, and especially Article 4(h), represents the Union's decision to act in response to war crimes, genocide, and crimes against humanity across the continent. Interestingly, the Constitutive Act was adopted a year after the ICISS report on R2P, but before the World Summit Document, indicating that regional and international negotiations about the future of civilian protection were happening around the same historical moment, and were influencing each other. Recall that the R2P was affirmed by the UN General Assembly in the World Summit Outcome Document in 2005, illustrating the primary responsibility of states to protect their populations from mass atrocity crimes. The international community also has the responsibility to help states protect their populations. Should a state fail, or prove unwilling or unable, to protect their civilians, it is the responsibility of the international community, through the UN Security Council, to respond and protect civilians from mass atrocities. Importantly, the conflict in Darfur pushed R2P forward for discussion in the UN General Assembly, and the 2005 World Summit Outcome Document.[373] These newly emphasized obligations that states have towards their citizens challenge traditional conceptualizations of state sovereignty, particularly those that equate sovereignty to non-interference in the domestic affairs of a state. Prior to the adoption of the AU Constitutive Act, African leaders met in Lomé, Togo in 2000 to discuss the need to protect civilians from mass atrocities, especially following the 1994 Rwandan genocide. At the forefront of these discussions were two interrelated issues: a) who could authorize intervention for civilian protection purposes, and b) the importance of intervening to support and maintain political stability. However,

---

[373] Author confidential interview with Western diplomat, Nairobi, Kenya, October 2019

at the 2005 World Summit, some African leaders voiced skepticism about R2P and it's set of obligations. Perhaps most notably, former Zimbabwean president Robert Mugabe proclaimed,

> Concepts such as "humanitarian intervention" or "responsibility to protect" need careful scrutiny in order to test the motives of their proponents… we need to avoid situations where [a] few countries, by virtue of their privileged positions, dictate the agenda for everyone else. We have witnessed instances where the sovereignty and territorial integrity of small and weak countries have been violated by the mighty and powerful, in defiance of agreed rules of procedures and the provision of the United Nations Charter.[374]

The compromises reached at the World Summit are reflected in paragraph 138 of the Outcome document, which outlines the individual responsibility of states to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.[375] The conditions that trigger Article 4(h) interventions closely resemble those of the R2P in three ways. First, both Article 4(h) intervention and R2P perceive sovereignty as conditional and are rooted in the concept of "sovereignty as responsibility." Second, both share the same thresholds for intervention which are "not only serious international crimes subject to universal jurisdiction but also crimes that invariably involve a government's action against its own citizens."[376] Third, Article 4(h) and R2P entail preventative functions that states should pursue before resorting to military action.

---

[374] Robert Mugabe quoted in Mwanasali, "The African Union, the United Nations, and the Responsibility to Protect," 392

[375] UN General Assembly, *2005 World Summit Outcome: resolution / adopted by the General Assembly*, 24 October 2005, A/RES/60/1, https://www.refworld.org/docid/44168a910.html, accessed 1 December 2020

[376] Ibid. 7

In 2005, African leaders formally localized and adopted the R2P and its commitment to protect civilians in the Ezulwini Consensus. At the time, it seemed as though Article 4(h) and "non-indifference" could have been the Union's manifestation of R2P. However, as we now know, the AU opted to distance its approach to civilian protection from R2P, especially after the Libyan intervention, instead grounding it in POC. African efforts have focused on developing a particularly *African* approach to humanitarian military intervention, or non-indifference, which are "informed by regional normative and legal progress predating the original R2P."[377] This approach gives the AU PSC, not the UN Security Council or any other non-African actors, primary responsibility to respond and react to civilian harm on the continent. While the Outcome document gives the UN Security Council the primary authority "to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter"[378] to protect civilians, the Ezulwini Consensus places that authority within the AU. The general consensus among African leaders is that the Union is best equipped to take appropriate decisions and actions for the betterment of the African peoples.

While it seemed like the AU was incorporating R2P into the Constitutive Act, the coercive nature that R2P can take has proven to be contentious among African leaders. In particular, the R2P norm leaves room for different views on how it can be applied, some of which can significantly infringe upon state sovereignty. The Ezulwini Consensus especially warns against the use of R2P by powerful Western states to pursue regime change. It stresses that states can have the responsibility to protect civilians without

---

[377] Neomi Gal-Or, "Africa's Response to R2P: The Non-indifference Approach to Global-Regional Cooperation," *Global Responsibility to Protect* 7, no. 1 (2015), 16
[378] UN General Assembly, *2005 World Summit Outcome,* 24 October 2005

necessarily infringing upon another state's sovereignty, territorial integrity, and independence. It also maintains that in grave circumstances requiring immediate action, approval to intervene for the protection of civilians from the UN Security Council should come "after the fact" because the Security Council is "often far from the scene of African conflicts [and] might be unable [to] appreciate the nature and development of these conflicts."[379] For example, sub-regional organizations like the Economic Community of West African States (ECOWAS) intervened in conflicts in Liberia and Sierra Leone without UN Security Council approval, and only received it after the intervention was well underway. The AU followed a similar approach when deploying interventions in Sudan, Burundi and Somalia. It is clear, then, that negotiations and discussions about civilian protection policies and practices need to be done by Africans. As such, the process of norm localization and institutionalization is not linear in nature, and instead involves ongoing negotiation and compromise. Importantly, the term "R2P" does not appear in most AU documents, protocols or resolutions. Instead, the Union uses the term "non-indifference" to promote the protection of civilians through collaboration with sub-regional organizations, the UN, and other regional and international organizations. In addition, Article 4(h) of the Constitutive Act, which serves as the linchpin for non-indifference, makes no mention of "ethnic cleansing" as one of the conditions that would trigger intervention for the protection of civilians.

The AU also distinguishes between collective intervention in African states by African states and intervention in African states by non-African states. Conditional sovereignty, as understood by the AU, stems from the *Ubuntu* philosophy, which

---

[379] Mwanasali, "The African Union, the United Nations, and the Responsibility to Protect," 404

perceives entities in collective, relational terms, and informs the African understanding of non-indifference. The Ezulwini Consensus counters Western hegemony by stressing the importance of regional organizations in determining whether, or when, interventions on the continent should occur. African efforts at evading any of the coercive components of R2P are part of the larger norm localization effort, aimed at garnering support for the adoption and acceptance of the norm. In this case, norm localization includes diminishing R2P's potential for sanctioning neo-colonial interventions in African territory. The AU "serves as a 'regional filter' for norm proliferation by offering an entry point for deliberation between national, regional and international 'normative structures of meaning-in-use.'"[380] Still, between 2003 and 2005, the AU seemed to bounce between non-indifference and non-intervention, with African leaders finding it difficult to pin down a unified position on what civilian protection means in practice. Interviews conducted with both African and Western diplomats suggest that African leaders are less inclined to adopt and internalize the R2P framework today, especially since it was used by Western powers to secure regime change in Libya in 2011.[381]

The African Union and the Intervention in Libya

The 2011 NATO-led intervention in Libya was a pivotal moment, resulting in the AU explicitly pivoting away from an emphasis on R2P and towards POC, especially when African states witnessed the mission get usurped for strategic purposes by external actors. Increasing violence by the Libyan regime against civilian protestors and populations pushed regional organizations, including the AU, to develop a quick and

---

[380] Anna Geis, "From liberal interventionism to stabilization: A new consensus on norm-downsizing in interventions in Africa," *Global Constitutionalism* 9, no. 2 (2020), 398
[381] Author confidential interviews with Western and African diplomats, Nairobi, Kenya, October 2019

robust response to the crisis. On February 23, 2011, the AU PSC declared that "the aspirations of the people of Libya for democracy, political reform, justice and socio-economic development are legitimate" and claimed that it "strongly condemns the indiscriminate and excessive use of force and lethal weapons against protestors."[382] However, the AU maintained its "strong commitment to the respect of the unity and territorial integrity of Libya, as well as its rejection of any of any foreign military intervention, whatever its form."[383] Regional organizations propelled the UN Security Council to take immediate action to prevent the descent into violence in Libya. On February 26, 2011, the UN Security Council unanimously passed resolution 1970 under Chapter VII of the UN Charter and "recall[ed] the Libyan authorities' responsibility to protect its population," called for an armed embargo, a travel ban, an asset freeze on Libya, and referred the situation to the ICC.[384] UN Security Council 1973, passed on March 17, 2011, then authorized intervening states to "take all necessary measures… to protect civilians and civilian populated areas under attack… while excluding a foreign occupation force of any form on any part of the Libyan territory."[385] Resolution 1973 signified the first instance where military intervention was justified under the R2P doctrine. Two days after it was adopted, NATO spearheaded a military coalition that began dropping bombs that targeted key assets of the Qaddafi regime. In doing so, the

---

[382] African Union, "Report of the Chairperson of the Commission on the Activities of the AU High Level Ad Hoc Committee on the Situation in Libya," *PSC/PR/2(CCLXXV)*, April 26, 2011, www.peaceau.ac/org/uploads/275reportonlibyaeng.pdf

[383] African Union, *Communique of the 265th Meeting of the Peace and Security Council, PSC/PR/COMM.2* (CCXLV), March 10, 2011

[384] Maggie Powers, "Responsibility to Protect: Dead, Dying, or Thriving?" The International Journal of Human Rights 19, no. 8 (2015): 1267; UN Security Council, *Resolution 1970 (2011): Peace and Security in Africa*.

[385] UN Security Council resolution 1973 (2011), S/RES/1973, March 17, 2011, 17 March 2011, http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1973%20%282011%29, accessed February 3, 2020

United States destroyed Libya's air defense system and stopped it from launching further air strikes on Libyan cities and civilians. While the initial aerial bombardment aimed at incapacitating the regime's military bases and weapons, by October 2011, NATO's mission in Libya had expanded to incorporate offensive regime change.

The greatest irony of NATO's operation in Libya was that "it took place on the African continent but excluded African countries [primarily] because the AU preferred mediation to military intervention."[386] While African states in the UN Security Council, namely Nigeria, Gabon, and South Africa, voted in favor of resolution 1973, the AU as a regional organization was more inclined to use diplomatic over military action to resolve the conflict in Libya. During the nine months of conflict, the AU never considered sanctions nor intervention, possibly because "the continent was beholden to Qaddafi."[387] Under Qaddafi, Libya was contributing up to 75% of the AU's operating budget. Qaddafi also played a key role in the establishment of the AU and, arguably, "some of the current African leaders were directly helped by Qaddafi to come to power and thus could not look him in the eyes and tell him to leave power."[388] The AU was against the use of force in Libya by both NATO and the National Transitional Council (NTC), the official Libyan representative at the UN, since this approach was "at variance with the principles that are enshrined in AU legal documents."[389] The AU's approach to mediating the conflict in Libya was unfairly dismissed by Western powers, who opted for offensive regime change

---

[386] Edward Ansah Akuffo, "The Politics of Interregional Cooperation: The Impact of NATO's Intervention in Libya on Its Relations with the African Union," *African Conflict & Peacebuilding Review* 4, no. 2 (2014): 118-119

[387] Phillip Apuuli Kasaija, "The African Union (AU), the Libya Crisis and the Notion of 'African Solutions to African Problems'." *Journal of Contemporary African Studies* 31, no. 1 (2013),123

[388] Akuffo, "The Politics of Interregional Cooperation," 119

[389] Alex De Waal, "The African Union and the Libyan conflict of 2011," *World Peace Foundation,* December 19, 2012, https://sites.tufts.edu/reinventingpeace/2012/12/19/the-african-union-and-the-libya-conflict-of-2011/, accessed February 6, 2020

and the forceful removal of Qaddafi from power. The Union therefore argued that NATO

had overstepped its UN Security Council mandate, with the AU Commission's

Chairperson, Jean Ping, claiming that "some international players seem to be denying

Africa any significant role in the search for a solution to the Libyan conflict."[390] The

Libyan intervention crystallized, in the minds of African leaders, the core contradictions

of R2P, confirming that foreign military interventions cannot sidestep concerns of regime

change, state capacity, and state reconstruction. In the aftermath of Libya, the AU

decided not to incorporate the framework necessary to authorize the use of force under

R2P as outlined by the ICISS. Instead, African leaders became entrenched in their

preference for the POC norm as a way of responding to human insecurity on the

continent. The lean towards POC is, more or less, a direct reaction to the abuse of R2P by

Western powers in the case of Libya. The following sections will first outline key

differences between R2P and POC before exploring the localization of POC within the

AU architecture.

The African Union and the Protection of Civilians

As previously discussed, there are several notable differences between R2P and

POC. First, while R2P invokes responsibility and right of intervention by all means

necessary to protect civilians in grave circumstances, POC is proactive and reactive in

how to apply IHL, IHRL, and international refugee law in an operational area where

personnel have been deployed to protect civilians at risk. The POC norm outlines the

responsibility to guarantee physical safety of non-combatants in conflict, being

---

[390] Otto Bakano, "AU Demands End to NATO Libya Strikes," *News24,* May 26, 2011, https://www.news24.com/Africa/News/AU-to-demand-end-to-Nato-Libya-strikes-20110526, accessed February 6, 2020

intentional in not harming non-combatants, and preventing any harm in conflict. Its principles include the protection from physical harm, food insecurity, and other humanitarian needs. Second, while POC encompasses a wide range of threats against civilians, R2P adopts a narrow scope that applies specifically to the four atrocity crimes, namely genocide, ethnic cleansing, war crimes, and crimes against humanity. Third, a protection activity under POC occurs as part of missions that "are based on the principle of consent and generally deploy with the overall consent of the host state."[391] In contrast, R2P is carried out under Chapter VII of the UN Charter, authorizes the use of force by the UN Security Council, and responds to the urgent need to protect civilians from mass atrocities. Fourth, POC requires that both state and non-state actors bear responsibility to protect civilians in conflict. While states are primarily obliged to protect their populations from mass atrocities, non-state actors, albeit not compelled by IHL or IHRL, are obliged to comply with national laws and can be held accountable for their actions. This principle falls under Articles 3 and 27 of the 1949 Geneva Convention. Civilians and civilian objects must therefore be protected at all times and must not become the subjects of mistreatment and violence, including killing, torture, slavery, sexual violence, or the prevention of access to medical care and other services. Of particular importance is that IHL, which applied only to states in times of peace, also binds non-state armed actors during times of conflict today in an attempt to further protect civilians. Even states, who under special circumstances during warfare can slightly deviate from upholding certain rights, must always uphold fundamental human rights, including the prohibition of torture, slavery or servitude, which are paramount to the POC norm. The POC norm,

---

[391] Dan Kuwali, "'Humanitarian Rights': Bridging the Doctrinal Gap between the Protection of Civilians and the Responsibility to Protect," *Journal of International Humanitarian Legal Studies* 4, no. 1 (2013), 12

rather than R2P, has therefore resonated with the AU. In practice, the Union's preference

for POC, and the flexibility it provides, offers cover and protection to Member States

who deviate from the norm. The lack of a clear conception of POC across different actors

within the AU, as well as continuing deviations from robust commitment to POC, means

that there is no unified response to hold those who depart from the norm accountable. The

flexibility in understanding and application offered by POC can be equivalent to the lack

of effectiveness in practice, especially when Member States are the principal perpetrators

of civilian harm. This can be seen in the current Ethiopian war on Tigray, which reflects

stark limitations to the internalization of POC in practice.

In the context of the AU, the *Draft Guidelines for the Protection of Civilians in*

African Union Peace Support Operations was first introduced in 2010 and describes POC

as "activities undertaken to improve the security of the population and people at risk and

to ensure the full respect for the rights of groups and the individual recognized under

regional [and international] instruments."[392] In this case, regional instruments include the

AU Convention for the Protection and Assistance of Internally Displaced Persons, the

African Charter of Human and Peoples' Rights, and the Convention Governing the

Specific Aspects of Refugee Problems in Africa.[393] The AU also recognizes that POC is

rooted in IHL, IHRL, and international refugee law. Specifically, POC "in a peace

support operation requires a multi-dimensional and coordinated approach with clear and

differentiated responsibilities for military, police and civilian components, which

recognizes the protection activities of host State authorities, civilian populations, and

---

[392] African Union, *Draft Guidelines for the Protection of Civilians in African Union Peace Support Operations* 2010
[393] Annette Seegers, "Implementing the Protection of Civilians Norm," 173

external protection actors."[394] The APSA reflects a rights-based POC framework and includes a four-tier approach to protection. First, protection is part of the political process, emphasizing the role of PSOs in supporting a state's transition from armed conflict to sustainable and inclusive peace. The peace process must also include state accountability and justice in order to ensure the safety of all civilians. Second, AU PSO's must protect civilians from physical harm, offering a framework for how to prevent and respond to violence. PSOs must prevent the possibility of violence escalating, undertake measures to reduce the ability of certain groups to subject civilians to violence, and consider post-conflict reconstruction efforts to prevent violence from reoccurring after peace is achieved. Third, a rights-based approach to POC includes monitoring, reporting, and local capacity building to ensure and protect civilian human rights. Fourth, PSOs must create a protective environment that can contribute to a sustainable peace. The Draft Guidelines were incorporated into the APSA and in AU PSOs, including African Union Mission in Sudan (AMIS) and the African-led International Support Mission to Mali (AFISMA). This suggests that POC in the AU entails providing specific operational guidelines for the deployment of military operations. In 2012, efforts were made to incorporate a POC mandate into AMISOM, which will be discussed in the following chapters.

Observations at the AU headquarters suggest that, as a whole, the AU is more open to accepting the POC norm because it is less threatening, falls under an array of existing international laws, seeks the consent of the local government, and does not actively seek regime change. This approach tends to respect the sovereignty of

[394] Ibid.

postcolonial African states. African leaders have therefore gravitated to POC as a less contentious norm, allowing for it to be adopted and institutionalized in AU PSOs. Norm entrepreneurs therefore understand that conflating R2P and POC will make it more difficult for decisions to be made in the Union about including POC mandates in PSOs. This could further jeopardize AU missions and fail to protect civilians from mass atrocity crimes. The POC norm, within the AU, generally means the protection of civilians from physical harm which, in reality, encompasses a broad-spectrum of threats to civilians in both conflict and post-conflict zones. Because of how broad the norm is in theory, it gives AU missions discretion for interpreting what "threats" constitute, as well as how to respond to them. In practice, the interpretation of the POC norm can differ from mission to mission. For example, some missions explicitly use the POC terminology, authorizing its forces to protect civilians who face threat from physical violence. In other cases, POC is simply implied in the goals of the PSO. The need to develop a more comprehensive understanding of "protection" and the specific operational guidelines to effectively implement it in AU and REC PSOs is not lost among both practitioners and scholars. In 2012, the AU PSC emphasized the need to mainstream POC in "standard operating procedures of AU peace and support operations," noting that "POC must form part of the mandate of future AU missions."[395] A year later, in 2013, the AU Commission published its Aide-Memoire in an effort to provide a guide to all POC actors, including government agencies, humanitarian organizations, and peacekeepers. The AU's conceptual

---

[395] African Union Peace and Security Council, "326th Meeting - Press Statement," *PSC/PR/BR/1.(CCCXXVI),* 26 June 2012, http://www.peaceau.org/uploads/326th-final-psc-press-statement-en.pdf, accessed December 1, 2020

development of POC reflects norm localization, particularly because the way the norm is adopted in the continent is informed by African experiences, values and traditions. African experiences continue to inform how the Union responds to different crises. In an effort to localize POC in a way that will not face rejection by African state leaders, the norm has become very broad and encompasses different types of "threats" faced by civilians. The AU continues to face challenges in ensuring consensus on the direction of POC among the different stakeholders involved in individual mandates, particularly in defining who does what, when and how. The lack of distinction and definitions of roles and responsibilities can often create competition and tension between different actors in a mission.

The process of norm localization entails seemingly foreign norms undergoing modification and translation in meaning and scope so that they make sense for a particular regional and/or local context. African actors, in developing both the Draft Guidelines and the subsequent Aide-Memoires, localized the international POC norm by redefining it in ways that are more compatible with regional needs and sensitivities. Much of this has to do with African leaders' unwillingness to contemplate anything that undermines their authority. The localization of POC was possible because it could be related to common indigenous practices of conflict resolution in Africa, without necessarily undermining particular local practices in individual communities. For example, the principles of *kparakpor* (Yoruba, Nigeria), *Ubuntu* (Bantu), and *Ujamaa* (Swahili), "which simply refer to the notion of 'I am because we are,' have become trending terminologies that denote the value of communal relationships in African

systems.[396] Indigenous African traditions of "brotherhood" and communal responsibility laid the foundations for the localization of the POC norm. The AU, as a contemporary regional organization, reflects the convergence of both traditional and international norms in an effort to solve the specific challenges facing the continent.

Norm Institutionalization in the African Peace and Security Architecture

In May 2001, the APSA was established by both the Constitutive Act and the Protocol Pertaining to the Establishment of the Peace and Security Council (PSC Protocol). The APSA is a set of peace and security principles, norms, institutions, objectives and values that help the Union address security problems on the continent. It is grounded on "norms that bring together shared standards of appropriate behavior on peace and security to which AU Member States collectively subscribe."[397] The APSA coordinates and organizes AU efforts to prevent, manage and respond to security threats in Africa. Essentially, it was established to empower African peace and security institutions and frameworks to respond to human rights abuses and conflicts and equip them to undertake necessary measures to protect civilians. The norms that are institutionalized in the APSA, such as POC, stress collective security and inform African actions and solutions to peace and security challenges. AU interventions under the APSA include economic sanctions placed on Mali in 2012, military intervention in the Comoros Islands in 2007, and Cote d'Ivoire's suspension from AU membership in 2011. Five core institutional bodies make up the APSA. These are the PSC, the Panel of the Wise (PoW), the Continental Early Warning System (CEWS), which also includes the Peace and

---

[396] Ani, "Three Schools of Thought on 'African Solutions to African Problems'" 146
[397] Thomas Kwasi Tieku, Cyril Obi, and Lindsay Scorgie-Porter, "The African Peace and Security Architecture: Introduction to the Special Issue," *African Conflict & Peacebuilding Review* 4, no. 2 (2014), 2

Security Department (PSD) of the AU Commission, the ASF and its regional contingents, and the Africa Peace Fund (APF). These institutions are expected to extend inclusive and lasting peace on the continent, especially since they are "home grown initiatives that are meant to put the destiny of [Africa] in into the hands of African people."[398]

The AU's PoW is particularly interesting in that it embodies the values and norms of African wisdom, agency and knowledge. The institution consists of five members who have contributed extensively to peace, security and development on the continent, and who use their knowledge, wisdom, and "moral influence to facilitate the peaceful resolution of conflicts through diplomacy, mediation, and negotiation."[399] In 2017, the AU established FemWise as an effort to incorporate wisdom from African women about how to address conflict prevention and resolution. In response to both regional and international curiosity about the PoW, Ambassador Smail Chergui, the AU Commissioner for Peace and Security, argued,

> … We created a structure at the heart of our organization – for our decision-making on conflict prevention, management and resolution – *inspired by the centuries' old practice of African elders' centrality in dispute and conflict resolution in our communities*. Indeed, in creating a Panel of the Wise, the AU has in many ways recognized the importance of customary, traditional conflict resolution mechanisms and roles and the continuing relevance of these mechanisms in contemporary Africa.[400]

---

[398] Murithi, "The African Union's Evolving Role in Peace Operations," 4
[399] Ani, "Three Schools of Thought on 'African Solutions to African Problems,'" 149
[400] African Union, *Opening address by Ambassador Smail Chergui, Commissioner for Peace and Security, to the 14th meeting of the African Union Panel of the Wise*, 2014, http://www.peaceau.org/en/article/opening-address-by-ambassador-smail-chergui-commisionner-for-peace-and-security-to-the-14th-meeting-of-the-african-union-panel-of-the-wise, accessed December 2, 2020

This is also reflective of norm localization in practice, especially with how African leaders have translated foreign norms into ways that make sense for the region. In this case, it is the inclusion of the PoW as a recognition of the importance of the wisdom the elders bring to conflict resolutions. In practice, however, the impact and influence of the PoW tends to be under-utilized and under-resourced.

The APSA, as a collective security institution that holds every AU Member State accountable for the maintenance of peace and security on the continent, was partly a response to the global changes of the post-Cold War environment and the need to develop "African solutions to African problems." It also reflects the desire to prevent foreign, or non-African, states from interfering in the internal affairs of African states, thereby merging older and newer norms of African international society. The ASF cements these goals with its five contingents in each of the five African sub-regions. Although unevenly implemented, the ASF's primary objective is to intervene militarily in Member States for civilian protection purposes, often without the consent of the target state, and with a two-thirds majority of the AU Assembly. The AU's *Policy Framework for the Establishment of the ASF,* drafted in 2003, outlined that the institution "comprises a system of five regionally managed multidisciplinary contingents of 3000-4000 troops and between 300-500 military observers, police units and civilian specialists on standby in their countries of origin."[401] The ASF, along with the other institutions and mechanisms that make up the APSA, reflect the commitment made by AU Member States that they are primarily responsible for protecting civilians from mass atrocities and, when that state proves unwilling or unable to protect civilians, the AU has the right to intervene. The

---

[401] Powell and Tieku, "The African Union's New Security Agenda," 942-943

establishment of the APSA, and its norms, values and operation, reflected the issues and challenges facing the continent in the 2000s. Indeed, new security threats continue to emerge on the continent that pose previously unexplored or unidentified risks for civilians, political institutions, and peacekeepers. As De Coning et al. argue, "an African model of peace operations is emerging that is at odds with the mission scenarios and multidimensional assumptions that underpinned the original framework of the ASF."[402] It is therefore important to understand these institutions in the contexts in which they emerged while critically examining whether they continue to effectively respond to peace and security threats on the continent.

The Peace and Security Council

The PSC is the most important institutional pillar of the APSA, particularly with regards to intervention and civilian protection on the continent. According to Article 6 of the PSC Protocol, the PSC is expected to perform the following roles: 1) to promote peace and security in Africa; 2) to ensure early warning and facilitate preventative diplomacy; 3) to ensure peace by facilitating conciliation, mediation and enquiry; 4) to deploy peace support operations and interventions under Article 4(h) of the Constitutive Act; 5) to facilitate peace-building and post-conflict reconstruction; 6) to administer humanitarian disaster management; and 7) to perform any other function as may be determined by the AU Assembly.[403] The PSC's role also includes authorizing deployment and determining the mandates of all PSOs, recommending military intervention to the AU assembly, implementing sanctions on governments that come to power by

---

[402] Cedric De Coning, Linnéa Gelot, and John Karlsrud, *The Future of African Peace Operations: From the Janjaweed to Boko Haram* (Zed, 2016), 10
[403] Kwesi Aning and Samuel Atuobi, "Responsibility to Protect in Africa: An Analysis of the African Union's Peace and Security Architecture," *Global Responsibility to Protect* 1, no. 2 (2009), 9

unconstitutional means, and other peace and security related issues. In addition, the PSC

is tasked with assessing potential crisis situations and dispatching fact-finding missions.

In order to carry out these functions, the PSC is comprised of ten elected Member States

who serve two-year terms, and five elected Member States who serve for three years. The

current members of the PSC are Congo-Brazzaville, Equatorial Guinea, Gabon, Djibouti,

Rwanda, Morocco, Angola, Zimbabwe and Liberia. The PSC does not have permanent or

veto-bearing members. Rather, PSC members are elected based on regional

representation, their efforts to promote and maintain comprehensive peace in Africa, their

participation in PSOs, and their willingness to bear the responsibilities of PSC

membership. The PSC Protocol also emphasized the PSC's role in protecting civilians.

Article 7(e) gives the PSC power to "recommend to the Assembly, pursuant to Article

4(h) of the Constitutive Act, intervention, on behalf of the Union, in a Member State in

respect of grave circumstances, namely war crimes, genocide and crimes against

humanity, as defined in relevant conventions and instruments."[404]

In many ways, the PSC is comparable to the UN Security Council with regards to

membership and operational proceedings. However, it does not have permanent or veto-

bearing membership partly as a reaction to the way in which African voices and states are

often left out of UN Security Council decision-making. In addition, it is legally

subordinate to the UN Security Council and often sends its communiques to them which

can then be transformed into UN Security Council resolutions.[405] In addition, the

authority to intervene in Member State without consent of the target state lies with the

---

[404] African Union, *Protocol relating to the establishment of the peace and security council of the African Union. Adopted by the 1st Ordinary Session of the Assembly of the African Union*, Durban, 2002, http://www.peaceau.org/uploads/psc-protocol-en.pdf, accessed December 2, 2020
[405] Berhe, "The Norms and Structures for African Peace and Efforts," 673

AU Assembly and not the PSC. Importantly, the Chairperson of the Commission, as part of the PSC, can bring peace and security matters to the Council. The Chairperson "can also use his or her diplomatic capabilities, either at his or her own initiative or the direction of the PSC, to prevent and resolve conflicts and promote peacebuilding."[406] These institutions, along with the African Charter on Democracy, Elections and Governance, all reinforce the Union's political determination to promote and safeguard human rights and diplomatic principles. Since its establishment, the PSC steered away from the principle of non-interference upheld by the OAU and has deployed AU missions to Burundi (2003-2004), Darfur (2004-2007), Democratic Republic of Congo and Somalia (2010-present). The PSC has also managed to resolve post-election violence in both Kenya and Cote D'Ivoire. The PSC has therefore allowed the AU to move away from the principle of non-interference and towards the norm of non-indifference, especially because its roles, functions, and legal framework embody a more interventionist stance.

Operational Limitations of the APSA

While in theory, the AU strives to achieve its goals of protecting civilians, preventing conflict and humanitarian crises, and guaranteeing human rights for people on the continent, it has to partner with key international and sub-regional organizations in order to achieve its objectives. Several factors therefore limit the APSA's capacity to fully realize "African solutions to African problems" on the continent. First, it is important to recognize the unique relationship between the AU and the UN.[407] The AU-UN partnership is driven by the close relationship between the UN Security Council and

---

[406] Rechner, "From the OAU to the AU," 565
[407] Author confidential interview with AU practitioner, Addis Ababa, Ethiopia, November 2019

the AU PSC. Chapter VIII of the UN Charter outlines the nature of the relationships the UN Security Council can have with various regional organizations:

> The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council.[408]

AU Member States are also UN Member States. As UN Member States, African states adhere to Article 25 of the UN Charter, and the primacy of the UN Security Council and its role in maintaining peace and security in the world. As AU Member States, African leaders acknowledge the primacy of the AU and the PSC's role in maintaining peace and security on the continent. Thus, although the AU's Constitutive Act is mindful of the UN Charter and its legal authority in international affairs, the Union is steadfast in its belief that the Assembly of the Heads of State and Government is the sole source of authority when it comes to implementing Article 4(h) of the Constitutive Act. This decision does not need prior authorization from the UN Security Council "as was demonstrated [for example] by the African Union Peace and Security Council's decision in Libreville, Gabon in January 2005 to disarm the Interahamwe militia in the eastern DRC through the use of force."[409] The UN Security Council is thus open to sub-contracting civilian protection responsibilities to regional organizations who are tasked with doing all the groundwork for the mandate but are monitored and directed by the UN. Sub-contracting has generally been done on an ad-hoc basis and requires a coalition of the willing within

---

[408] United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, https://www.refworld.org/docid/3ae6b3930.html, accessed December 2, 2020
[409] Mwanasali, "The African Union, the United Nations, and the Responsibility to Protect," 403

the member states of different regional organizations. Worth noting is that the AU-UN relationship goes beyond traditional sub-contracting, especially because the AU can make decisions independent of the UN Security Council and with severe disapproval from the United States.[410] This is outlined in the Ezulwini Consensus, under which the Union can authorize intervention in a Member State's territory and only seek the approval of the Security Council after the fact.

Figure 2: UN-AU Partnerships 2019 - 2020

Source: UN Political and Peacebuilding Affairs: https://dppa.un.org/en/african-union

---

[410] Tieku, Thomas Kwasi and Tanzeel F. Hakak, "A Curious Case of Hybrid Paternalism: Conceptualizing the Relationship between the UN and the AU on Peace and Security," *African Conflict & Peacebuilding Review* 4, no. 2 (2014), 113

The relationship between the AU and the UN has also been described as "inherently symbiotic and codependent."[411] The UN Security Council can use the AU in order to get consent to intervene in AU Member States and, when the intervention goes well, the Security Council shares the credit with the Union. However, when the intervention goes poorly, the UN Security Council tends to shift the blame to the AU. On the other hand, the UN does give the AU access to technical, financial, and human resources to enable them to carry out their mandates. The codependent relationship continues to persist even today and is evident by the fact that the AU relies heavily on donor funding, technical resources, and expertise in order to deploy missions on the continent. On the one hand, the UN acknowledges that the AU has greater political legitimacy to engage and access its Member States in times of crisis. On the other hand, the AU understands that the UN has a greater international authority for international peace and security with the ability to deploy peace operations and country missions and has larger and more predictable logistical and operational budgets. This reality creates an unequal political relationship and division of labor between the UN and the AU, with tensions arising at both the institutional levels and in daily operations and interactions.[412]

Second, the challenge impeding the realization of the "African solutions to African problems" norm is the lack of reliable funding available to the AU from its own Member States. Rwandan president Paul Kagame observed that because donors contributed 60 percent of the USD 417 million AU budget in 2016, Member States were "expected to contribute 26 percent of the proposed USD 439 million dollars, while

[411] Ibid., 131
[412] Author confidential interview with AU practitioner, Addis Ababa, Ethiopia, November 2019

donors [were] expected to contribute the remaining 74 percent."[413] The "African solutions

to African problems" norm ends up relying on foreign support because the Union does

not have the financial capability to fund, and the human resources to support, its

projects.[414] Even with external donations, "delays and non-disbursement of pledged

partner support from donors" poses additional challenges especially because "partners

tend to [prioritize] one or two organizations rather than continent-wide CEWS

support."[415] Lack of reliable funding and the heavy reliance on external contributions

weakens the Union's desire to find continental, African solutions to the challenges facing

the continent. African state budgets cannot support civilian protection missions, with few

countries actually contributing troops. For example, in the first year of its operation,

AMISOM was comprised solely of Ugandan troops before they were joined by the

Burundi contingent the year after it was deployed. In addition, the PSC is known to have

insufficient personnel, including translators, administrative assistants, and legal experts,

thereby hindering its ability to effectively deploy peace-making operations.[416]

Meanwhile, the AU Commission "lacks [an] effective management system, human

resources [and] motivated personnel and professionals."[417] The capacity limitations are

also coupled with the lack of effective communications between the various organs and

departments of the Union.[418] Furthermore, observations at the headquarters in Addis

[413] Paul Kagame, *The imperative to strengthen our union: Report on the proposed recommendations for the institutional reform of the African Union (28th Summit of the African Union)* (Addis Ababa, Ethiopia: African Union, 2017), https://au.int/sites/default/files/pages/34871-file-report 20institutional20reform20of20the20au-2.pdf

[414] Author confidential interview with Western diplomat, Nairobi, Kenya, October 2019

[415] Peter Arthur, "Promoting Security in Africa through Regional Economic Communities (RECs) and the African Union's African Peace and Security Architecture (APSA)," *Insight on Africa* 9, no. 1 (2017), 12

[416] Author confidential interview with AU practitioner, Addis Ababa, Ethiopia, November 2019

[417] Joshua and Olanrewaju, "The AU's Progress and Achievements in the Realm of Peace and Security," 459

[418] Author confidential interview with AU practitioner, Addis Ababa, Ethiopia, November 2019

Ababa highlighted that the AU does a poor job of building and retaining institutional knowledges because it lives and dies by its officials. It therefore becomes very difficult to assemble a whole picture of the Union since there is no capacity for collective lesson learning. The continent is home to visionary individuals who act as norm entrepreneurs at the AU but whose innovative ideas cannot be fully realized and institutionalized at the local, regional and international levels. African leaders also continue to hold deep resistance to external accountability, although this is matched by the same dynamics in other regions.

Conclusion

The AU continues to be a strong affirmation of the Pan-African solidarity norm and the need to find African solutions to African problems. African norm entrepreneurs advocate for solidarity and collective problem-solving when addressing challenges facing the continent. One of the core elements of Pan-Africanism is the idea that African states should not remain indifferent to the suffering of their neighbors. This stands in stark contrast to the former OAU's non-interference norm. This chapter explored how the idea of "brotherhood" among African states, leaders and peoples, as exhibited by Pan-Africanism, is institutionalized in the AU and its non-indifference norm. Of particular importance is the need to understand what "non-indifference" means in practice, and how it relates to the global norms of R2P and POC. This chapter illustrated that the Union acts as an important regional filter and adapter for the proliferation of norms, creating a space for global norms to be deliberated, contested, localized and internalized. While non-indifference, and the way it is outlined in Article 4(h) of the Constitutive Act, resembles the R2P norm, this chapter has shown that African leaders are less inclined to internalize

the R2P framework today. This sentiment was heightened in the aftermath of the NATO-led intervention in Libya in 2011. According to African leaders, R2P signals the possibility of active regime change and poses as a direct threat to African state sovereignty. African leaders are therefore more open to internalizing the POC norm because of its less threatening nature. In addition, POC's broad nature gives AU missions discretion on how to apply the norm in practice. Non-indifference in the AU therefore reflects the process of norm localization, with African leaders translating global norms in ways that make sense for the continent. This chapter also examined the operational limitations of the APSA, highlighting the need for a greater material and human commitment from AU Member States in order to effectively operationalize the norms of the Union. The next chapter, "The African Union Mission in Somalia: An Evolving Mandate," describes the events that led to the authorization of AMISOM in 2007, summarizes the evolution of AMISOM's mandate to date, and gives a limited account of the mission's activities and operations. It also examines the role of *al-Shabaab* in Somalia, and the impact this group and its activities have had on AMISOM's mandate, before exploring regional strategic interests in the country.

Chapter 5: The African Union Mission in Somalia: An Evolving Mandate

Introduction

      With the adoption of the Constitutive Act in 2000, the AU embedded the overarching norm of "African solutions to African problems," emphasizing African agency in both understanding and responding to conflicts and challenges facing the continent. This norm is further bolstered by the non-indifference norm, outlined in Article 4(h) of the Constitutive Act, which strives to protect civilians against mass atrocity crimes, and to restore legitimate political order in a Member State. As an AU PSO, AMISOM illustrates a clear manifestation of African solidary norms, especially those of "African solutions to African problems" and the non-indifference norm, in practice. Since its inception in 2007, AMISOM has developed into the Union's largest, and most costly (financial, political, and human capital), peacekeeping operation with Burundi, Djibouti, Ethiopia, Kenya and Uganda acting as Troop Contributing Countries (TCC). AMISOM remains unique and unparalleled because of its multidimensional and multilayered operational architecture. It continues to be supported by international and bilateral partnerships that provide logistical, technical, and financial support for the mission. While AMISOM has been able to deliver some important successes, most notably the protection of Somalia's transitional and federal governments, it also faces operational, political, and structural obstacles which limit its ability to function as a united and cohesive mission. This dissertation seeks to uncover the process by which norm localization and internalization unfolds at the both the AU and AMISOM levels. The purpose of this chapter is to provide an overview of AMISOM as a whole and traces its evolution as an AU-led stabilization and peacekeeping mission. The chapter that follows

will then focus specifically on POC in AMISOM. The historical and empirical background in this chapter concerning the mission as a whole serves as a necessary foundation for understanding how POC was operationalized, as illustrated in the following chapter. This chapter is therefore structured four parts. First, it briefly outlining the events that led to the collapse of the Somali state in 1991, triggering the Intergovernmental Authority on Development (IGAD) proposed intervention. Second, it examines AMISOM's initial mandate, its key features, and what the mission did during its early years of operation. Third, this chapter highlights regional strategic interests in Somalia, especially how the interests of the TCCs complicate the mission's mandate. This chapter concludes with an evaluation of AMISOM's successes and limitations to date, including an assessment of the probability of replicating this experience in other conflicts on the continent.

Somalia - Political Background

The overthrow of President Mohammed Siad Barre in January 1991 flung Somalia into decades of civil war, economic collapse, and political unrest. Barre had seized power via military coup in October 1969 and ran a regime that allocated land, money and political favors mostly to family members, and the Marehan and Darod clans. With the removal of Barre's forces from Mogadishu in 1991, tensions erupted between Mohammed Farah Aidid and Ali Mahdi, two of the former president's main opponents. Aidid, who was the Chairman of the United Somali Congress (USC), believed he would easily succeed Barre; however, the USC leadership endorsed Ali Mahdi as the interim president, generating conflict between the two and their supporters. Complex inter-clan dynamics, sometimes involving clan-based violence, dominated local Somali politics,

with a majority of the population expressing mistrust of the central governing authority.[419]

Ali Mahdi's appointment as interim president led to months of fighting between supporters and opponents. This left Somalia without a central state authority and in a humanitarian crisis. The situation propelled the deployment of three international peacekeeping operations to Somalia between 1992 and 1995, namely the United Nations operations in Somalia (UNOSOM I and II) and the US-led Unified Task Force. At one point, there were approximately 40,000 foreign troops and peacekeepers in south-central Somalia. These troops ended up inciting more violence from domestic clan and sub-clan groups and, in June 1993, Aidid's forces killed 24 Pakistani UN peacekeepers. In response, the United States launched the Battle of Mogadishu, popularized in the movie Black Hawk Down, in October 1993, which left 18 American soldiers, hundreds of Somalis, and 1 UN peacekeeper killed. By March 1995, both American forces and UN peacekeepers withdrew from Somalia leaving the country divided along "allegiances to clans, sub-clans, and sub-sub-clans, as well as the so-called 'warlords' and powerful business elites,"[420] creating a context in which international actors, including NGOs, could not operate effectively.

---

[419] Author confidential interview with former UN official, Nairobi, Kenya, October 2019
[420] Williams, *Fighting for Peace in Somalia,* 23

Figure 3: Map of Somalia

Source: UN Department of Peacekeeping Operations

Interviews conducted with Somali state officials in Nairobi emphasize the fractured

nature of the country. While Somaliland seeks recognition as an independent political

entity and does not consider itself to be part of the central Somali federal state, Puntland

remains an autonomous region to some extent while maintaining certain connections to

the federal government.[421] Throughout the years, a series of internationally recognized

---

[421] Author confidential interview with Somali state official, Nairobi, Kenya, October 2019

176

transitional governments have continued to run the country, with varying degrees of

stability and effectiveness. Meanwhile, clan, sub-clan, and Islamist networks have

established themselves as political authorities in several parts of the country. As such,

Somalia continues to be an arena for external actors who attempt to rebuild central state

authority and who tend to face violent opposition by various armed groups. Interviews

conducted for this research also underscore the lack of security in Somalia that make it

very difficult for humanitarian aid and assistance to reach the most vulnerable

individuals, including women and children in refugee camps.[422] With the longest coastline

in Africa, Somalia is susceptible to piracy. Disorder, and the lack of a central

government, make it easier for pirates to kidnap and extort victims. Piracy along the

Somali coastline also has adverse economic effects for the entire international

community. Furthermore, the 1998 bombings of American embassies in Nairobi, Kenya

and Dar es Salaam, Tanzania by *Al-ittihad al-Islamiyah,* an Islamist militant group,

promoted Ethiopian forces to begin counter-terrorism raids across the Somali border. It

was feared that the lack of a central governing authority and a modicum of order in

Somalia made the country a safe haven for Islamist militant groups.[423] As a result, the

United States led and sponsored counter-terrorist initiatives around the world, particularly

after the 9/11 attacks on the World Trade Center and the Pentagon. Terrorist attacks in

East African states also motivated regional actors to intervene in Somalia and rebuild a

central government.

Somalia's state failure, coupled with a series of failed foreign interventions and

peacekeeping efforts, set the scene for the authorization of AMISOM in 2007. Before

---

[422] Author confidential interview with Western diplomat, Nairobi, Kenya, September 2019
[423] Author confidential interview with Western diplomat, Nairobi, Kenya, October 2019

delving into the AMISOM operation, and the nature of armed conflict in Somalia, it is important to understand the complexity of the socio-political, security, and cultural dynamics in the country. For instance, clan dynamics and struggles for power and authority between the different clans is prevalent in Somalia's political landscape. Individuals look to clans, sub-clans, and sub-sub-clans as foci for security and justice. In addition, certain members of clans are perceived as being key figures with the authority to interpret religious and local laws. Conflicts between all the different identity and clan groups continue to play important roles in determining the groups that support or oppose AMISOM. In their 2018 report, the Effectiveness of Peace Operations Network (EPON) outlined five types of armed conflict in Somalia during AMISOM's deployment. First, there is an ongoing war between AMISOM and the federal government on the one hand, against *al-Shabaab* and similar armed Islamist militia groups on the other. Second, there is conflict due to local, regional and national political appointments, especially about which groups are and should be in power. Third, clan-based violence persists due to differences in clan and sub-clan identities between Somalis. Fourth, widespread violence exists among various communities who compete for resources, including land, livestock and water. Fifth, organized violence for commercial benefits persists, including the illicit trade of charcoal and khat, piracy, and kidnapping.[424] The different types of armed conflict, and the myriad of actors involved in the conflict, reflects the intersection of identity, power, politics and economics in Somalia and, as the rest of this chapter will show, provides insights into why AMISOM's mandate continues to evolve. The complex

---

[424] Effectiveness of Peace Operations Network, *Assessing the Effectiveness of the African Union Mission in Somalia / AMISOM* (Norwegian Institute of International Affairs, 2018), 33, https://nupi.brage.unit.no/nupi-xmlui/bitstream/handle/11250/2597243/EPON-AMISOM-Report%201-2018.pdf?sequence=6&isAllowed=y

nature of armed conflict in Somalia also highlights how these factors have, to some extent, affected AMISOM's efforts in effectively implementing its mandates.

The first attempt to rebuild a central governing authority in Somalia came in the form of the Transitional National Government (TNG) in 2001, after the Arta Peace Process that was sponsored by IGAD, the League of Arab States, and Djibouti. The TNG was mainly supported by the Somali diaspora and Somali scholars, meaning it received minimal political and military backing by the different armed groups in the country. As a result, the TNG "turned to the Islamic courts in a vain attempt to shore up its dwindling power and domestic support."[425] However, the TNG's affiliation to the Islamic courts undermined its regional reputation, particularly with Ethiopia, which continued to face challenges from *Al-Itihaad al-Islamiya.* Ultimately, the TNG lacked both domestic support from Somali warlords and regional support from key African states.[426] Any successful federal governing structure in Somalia must receive legitimacy from all the different socio-political and cultural groups in the country. The failure of the TNG to receive support and legitimacy internally and externally led to its demise and ushered in the TFG in 2004, after two years of negotiation under the auspices of IGAD. A new Transitional Federal Charter was adopted, outlining a five-year plan that included a Somali constitution and a "transition into a representative government" after the 2009 elections.[427] It also envisioned a decentralized governing system that would be led by the TFG and include the autonomous regions of Puntland and Somaliland. The TFG leadership and security forces also came from the Majerteen, Darod, Abgal and Hawiye

---

[425] Dawit Yohannes Wondemagegnehu and Daniel Gebreegziabher Kebede, "AMISOM: charting a new course for African Union missions," *African Security Review* 26, no. 2 (2017), 201
[426] Author confidential interview with Somali scholar, Nairobi, Kenya, October 2019
[427] Williams, *Fighting for Peace in Somalia,* 24

clans. In the end, the Charter created a 275-member Transitional Federal Parliament and included warlord leaders, "many of whom were suspected of engaging in criminal [and inhumane] activities" during the Somali civil war.[428] While the TFG enjoyed Ethiopia's support, it was considered, and is sometimes still referred to as, a "satellite government" among local Somali people. Among the majority of the population, the TFG was rumored to be an Ethiopian proxy regime.[429]

IGAD in Somalia

On a visit to Addis Ababa, TFG president Abdullahi Yusuf asked the Ethiopian government to deploy 20,000 peacekeepers to help him "disarm Somalia's 55,000 clan and bandit militiamen."[430] In October 2004, IGAD issued a joint communiqué that called upon the AU and IGAD to "explore practical and more affordable ways to support and sustain a peace restoration and protection force in Somalia."[431] Then, in early 2005, IGAD authorized the deployment of an international peace operation in Somalia called IGASOM (or the IGAD Peace Support Mission to Somalia), which was later endorsed by the AU-PSC. IGASOM's mandate was to support the Transitional Federal Institutions (TFIs), "train Somali security forces, support disarmament, monitor the security situation, protect its own forces and facilitate humanitarian operations."[432] In 2006, IGASOM was also endorsed by UN Security Council resolution 1725, which authorized "IGAD and Member States of the African Union to establish a protection and training mission in

---

[428] Ibid.
[429] Author confidential interview with Somali civil service organization in Mogadishu, Somalia, September 2019
[430] Williams, *Fighting for Peace in Somalia,* 26
[431] Joint Communiqué issued by the IGAD Special Summit on Somalia, IGAD, October 2004, https://reliefweb.int/report/somalia/joint-communiqué-issued-igad-special-summit-somalia, accessed October 28, 2020
[432] Wondemagegnehu and Kebede, "AMISOM," 201

Somalia," and recognized that the only route to peace and stability was through "continued credible dialogue between the Transitional Federal Institutions and the Union of Islamic Courts."[433]

IGASOM's implementation was precarious for several important reasons. First, most of the IGAD states, especially Ethiopia and Kenya, had their own vested interests in Somalia and were not perceived as neutral intervening forces by the local population. In the end, only Sudan and Uganda were considered to be potential TCCs who could deploy to Somalia under IGASOM. However, while Ugandan forces underwent pre-deployment training, Sudan's troops failed to follow suit, leaving IGASOM unable to deploy. In particular, the mission lacked both political will and capacity to deploy. Second, while IGASOM was endorsed by UN Security Council resolution 1725, the UN did not lift the arms embargo on Somalia or subsidize the cost of deployment. It has been argued that IGASOM "lacked the expertise, capability and clout to lead the negotiations" in the global arena, resulting in its failure to deploy to Somalia.[434] Third, IGASOM was not received well by local Somalis as they believed that the TFG, and President Yusuf, was a puppet regime set up by Ethiopia. Support for the TFG further declined, leaving the government to remain in exile in Nairobi until June 2005, when it moved to Jowhar, Somalia under the protection of Mohammed Dheree, a Somali warlord.[435] Fourth, IGASOM was also staunchly opposed by the Union of Islamic Courts, who had taken over Mogadishu by June 2006, and who believed that the mission was a "United States-

---

[433] UN Security Council, Security Council resolution 1725 (2006) [Somalia], 6 December 2006, S/RES/1725 (2006), https://www.refworld.org/docid/5821d48f7.html, accessed October 28, 2020
[434] Michelle Ndiaye, "The relationship between the AU and the RECs/RMs in relation to peace and security in Africa: Subsidiarity and inevitable common destiny," in *The Future of African Peace Operations: From the Janjaweed to Boko Haram* eds. Cedric De Cong et al. (Zed, 2016), 58
[435] Williams, *Fighting for Peace in Somalia,* 27

backed initiative meant to curb the growth of the Islamic movement."[436] Despite being active since the early 1990s as a way to provide justice, employment, and law and order, court leaders established the Supreme Council of Islamic Courts (SCIC) in 2006 headed by Hassan Dahir Aweys, who had been in contact with Osama bin Laden in the early 2000s, and Sheikh Sharif Sheikh Ahmed.[437] The SCIC opposed IGASOM and positioned itself as a "bottom-up" struggle against the TFG. Between June and December 2006, the SCIC opened sea and airports in Mogadishu, cleared out rubbish from the streets, and evicted squatters from government infrastructures, leaving the city to enjoy "a degree of stability unseen since 1991."[438] The West's concern with Islamists in Somalia was related to two things: a) capturing the individuals responsible for the bombing the American embassies in Nairobi and Dar es Salaam in 1998, and b) the newly active *al-Shabaab* and its links with *al-Qaeda.* Despite Washington's worry of Somalia becoming a safe haven for *al-Qaeda* and associated terrorist groups, many Somalis appreciated the period of stability and order under the SCIC.[439]

UN Security Council resolution 1725 endorsed IGASOM, recognizing its primary mandate as facilitating peaceful dialogue and negotiation between the TFG and the SCIC. However, by December 2006, it became apparent that neither the SCIC nor the TFG were willing to compromise on a peace negotiation. The SCIC's growing support and strength in Mogadishu incited a unilateral military campaign by Ethiopia into Somalia in December 2006 with the intention of rooting out extremism, strengthening the TFIs, and

---

[436] Oscar Gakuo Mwangi, "State Collapse, Peace Enforcement and the Responsibility to Protect in Somalia," *The International Journal of Human Rights: R2P: Perspectives on the Concept's Meaning, Proper Application and Value* 19, no. 8 (2015), 1129
[437] Williams, *Fighting for Peace in Somalia,* 29
[438] Ibid.
[439] Author confidential interview with Somali civil service organization in Mogadishu, Somalia, September 2019

protecting the TFG. However, Ethiopia's actions triggered greater instability and opposition against their perceived occupation. The SCIC expressed its desire to capture the city of Baidoa from the TFG, and "issued an ultimatum to the Ethiopian troops to leave the country or face forcible expulsion."[440] Ethiopian troops killed hundreds of SCIC forces, mainly composed of Somali youth, and reinstated the TFG in the capital, Mogadishu. In doing so, the Ethiopian occupation of Somalia became even more unpopular among the Somali populace and only generated greater support for Islamist armed groups in the country. Neither the UN, nor the AU, foresaw an Ethiopian-led occupation of Mogadishu. Meanwhile, Ethiopia argued that is intervention and occupation of Mogadishu fell under Article 51 of the UN Charter, especially since it was operating to restore the TFG, which was the internationally recognized government of Somalia. The result, however, was a wave of anti-Ethiopian sentiments among both locals in Somalia and the diaspora, many of whom joined *al-Shabaab* with the goal of fighting the Ethiopian occupation. Anti-Ethiopian messages were also prevalent among many Islamists around the world. For example, in a January 2007 video recording, Ayman al-Zawahiri, bin Laden's deputy, urged jihadists to "help [their] brothers in Somalia" by sending money, fighting, and training to fight against Ethiopia.[441] Human rights violations perpetrated by "Christian" Ethiopian forces against Somali civilians only gave hardline Islamist groups a greater desire to rid the Somali state of foreign forces and occupation. Ethiopia's failure to bring peace to Somalia, resulting in the persistence of violence, insecurity and human suffering, was further proof that no single state could stabilize the country. Rather, a multilateral response to the crisis was imperative, especially since the

---

[440] Williams, *Fighting for Peace in Somalia,* 35
[441] Ibid., 38

effects of the instability started to spill-over into Ethiopia and Kenya often in the form of refugees, terrorist attacks, and piracy in the Indian Ocean.

AMISOM's Mandates (2007 – Present)

On January 17, 2007, the AU PSC authorized the deployment of AMISOM to Somalia for an initial period of six months, in part motivated by the potential political and security vacuum after the withdrawal of Ethiopian forces.[442] The mission was deployed as a response to the growing internal security and political dynamics and the potential regional spillover of the crisis. The objectives of the mission, and the strategies it follows, are therefore influenced by the interests of local, regional, and international actors. AMISOM remains an active regional mission operated by the AU and approved by the UN Security Council in accordance with Articles 52 and 53 of the UN Charter.[443] Initially, AMISOM's six-month mandate included a maritime and coastal component, a civilian component, and a police training team, and was tasked with protecting very important persons (VIPs) who were related to the reconciliation and political negotiation process in Somalia. To this end, AMISOM was tasked with:

i) Supporting dialogue and reconciliation, working with all stakeholders;

ii) Providing protection to Transnational Federal Institutions (TFIs) and key infrastructures to enable them to carry out their functions;

iii) Assisting in the implementation of the National Security Stabilization Program (NSSP);

---

[442] Wondemagegnehu and Kebede, "AMISOM," 202

[443] Article 52 of the UN Charter outlines the responsibilities of regional organizations to attempt to solve regional disputes before referring them to the UN Security Council. The Security Council will also encourage regional organizations to settle regional disputes when they arise. Article 53 of the UN Charter states that the Security Council can and will use regional organizations for enforcement under its authority. All enforcement actions by regional organizations must be sanctioned by the Security Council. The Security Council must therefore authorize all missions undertaken by regional organizations.

iv)   Providing technical assistance and other support to the disarmament and

stabilization efforts;

v)   Monitoring the security situation in areas of operation;

vi)   Facilitating humanitarian operations including repatriation of refugees and

Internally Displaced Persons (IDPs); and

vii)   Protecting AMISOM personnel, installations and equipment, including self-

defense.[444]

On February 20, 2007, the UN Security Council adopted resolution 1744, authorizing the

deployment of AMISOM as a peacekeeping mission with a stabilization component.

Acting under Chapter VII of the UN Charter, the Security Council authorized AU

Member States to "take all necessary measures as appropriate" to carry out AMISOM's

mandate.[445] Resolution 1744 is significant for three reasons. First, it outlined the need for

restoring order and favorable conditions for humanitarian activities and the immediate

takeover by the UN.[446] This means that the Security Council envisioned replacing

AMISOM with a UN mission in Somalia at the end of the six-month period. Second, the

resolution facilitated the withdrawal of Ethiopian troops, provided an initial stabilization

phase in Somalia, and urged UN Member States "to provide personnel, equipment and

services if required, for the successful deployment of AMISOM."[447] It also encouraged

UN Member States to provide AMISOM with financial resources. Third, resolution 1744

called for the development of a national reconciliation congress in Somalia and requested

---

[444] AU Peace and Security Council, *Communique PSC/PR/Comm(LXIX)*

[445] UN Security Council, *Security Council resolution 1744 (2007) [Somalia]*, 20 February
2007, S/RES/1744 (2007), https://www.refworld.org/docid/582435bb7.html, accessed September 25, 2020

[446] Mwangi, "State Collapse, Peace Enforcement and the Responsibility to Protect in Somalia," 1231

[447] UN Security Council, *Security Council resolution 1744 (2007) [Somalia]*, 2007

a report from AMISOM within sixty days of operation, with "recommendations covering the UN's further engagement in support of peace and stability."[448] At first, neither the AMISOM mandate nor the UN Security Council resolution specified what the success of the mission would look like. However, in May 2008, the AU Commissioned released AMISOM's Strategic Directive that outlined nine criteria for the mission's success. These included:

> [The] engagement of the TFG in the inter-Somali dialogues; integration of militias within national security forces; relocation of the TFIs to Mogadishu; establishment of the TFIs in all regions; mission handover to a UN advance contingent; stabilization of the current hostile environment in the country; commencement and completion of disarmament of armed groups; completion of planning for support to an election process; and the return of all [IDPs].[449]

While AMISOM authorized the deployment of 8000 peacekeepers to Somalia, only 1400 Ugandan soldiers deployed to Mogadishu in March 2007. By 2010, AMISOM had only 6000 troops in Somalia, leaving it incapable and insufficient to effectively carry out its mandate. During this period, it was "unreasonable to think, given the weakness of its mandate and lack of means and resources, [that AMISOM was able to] deliver anything resembling the conditions for peace."[450] It was therefore a significant step that the UN Security Council authorized an increased troop contingent for AMISOM in December 2012, from 12,000 to 17,731 uniformed personnel.[451] By August 2013, AMISOM's

---

[448] Ibid.
[449] Wondemagegnehu and Kebede, "AMISOM," 203
[450] Jakkie Cilliers quoted in Peter Albrecht and Cathy Haenlein, "Fragmented Peacekeeping: The African Union in Somalia," *The RUSI Journal* 161, no. 1 (2016), 52
[451] Conrad Rein, "The EU and Peacekeeping in Africa: The Case of AMISOM," *Global Affairs* 1, no. 2 (2015), 197

contingent included 6233 troops from Uganda, 5432 from Burundi, 4040 from Kenya, 999 from Djibouti, and 850 from Sierra Leone.[452] Ethiopian troops also joined AMISOM in late 2013 after initially withdrawing from Somalia in 2009 following the Djibouti Peace Process.[453] AMISOM troops protected the TFG and key locations around Mogadishu, including seaports, the presidential palace, airports, and "the K4 Junction linking them."[454] Each TCC's contingent was responsible for a particular geographic area: sector one (Banadir and Lower Shabelle) under Ugandan troops; sector two (Lower and Middle Juba) under the Kenyan Defense Forces (KDF); sector three (Bay, Bakool and Gedo) under Ethiopian command; sector four (Hiiraan and Galgadud) under Djiboutian forces; sector five (Middle Shabelle) under Burundian forces; and sector six (Kismayo and port city) under Sierra Leonean troops.

---

[452] Nesru Jemal, "Ethiopia: Summit of AMISOM Troops Contributing Countries," *AllAfrica*, 3 August 2013, https://allafrica.com/stories/201308050091.html, accessed January 11, 2021
[453] The Djibouti Peace Process (2008) led to the signing of the Djibouti Peace Agreement between the TFG and the Alliance for the Re-Liberation for Somalia (an Islamist coalition of multiple opposition groups) where both sides agreed to stop fighting amidst the withdrawal of Ethiopian forces. In addition, both groups agreed to an international stabilization mission that would not include troops from Somalia's neighbors.
[454] Paul D. Williams, "Fighting for Peace in Somalia: AMISOM's Seven Strategic Challenges," *Journal of International Peacekeeping* 17: (2013), 223

Figure 4: AMISOM Sector Boundaries Established in 2012 (left) and 2014 (right)
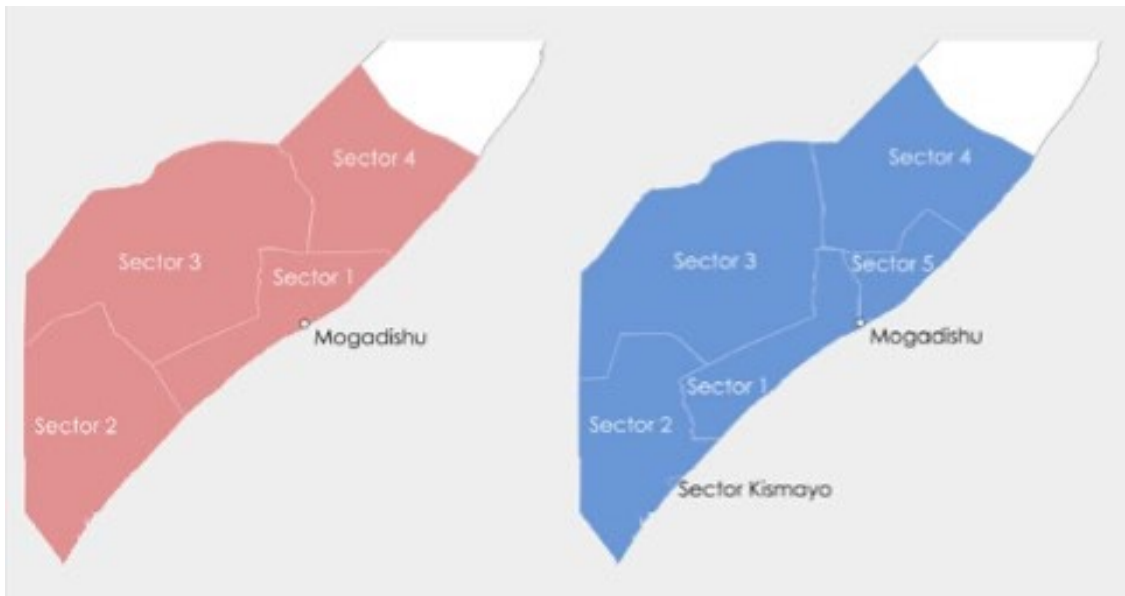
Source: Paul D. Williams, *Fighting for Peace in Somalia: A History and Analysis of the African Union Mission in Somalia (AMISOM), 2007-2017* (Oxford University Press, 2018), 9

There was some tension between the AMISOM mandate and the UN Security Council resolution that authorized it. On the one hand, resolution 1744 emphasized the "need for broad-based representative institutions reached through an all-inclusive political process."[455] On the other hand, AMISOM is not a neutral, unbiased mission. It was deployed on the side of the TFG who, at the time, lacked the approval and legitimacy of the Somali population, and who were actively contributing to the conflict. This marks a key deviation from traditional peacekeeping norms, particularly in relation to impartiality. Impartiality in peacekeeping expects that actors "be unbiased and informed when making decisions of taking action… the impartial peacekeeper is one that passes judgement and acts by setting aside particular preferences or interests."[456] In actively

---

[455] UN Security Council, *Security Council resolution 1744 (2007) [Somalia]*, 2007
[456] Emily Paddon Rhoads, *Taking Sides in Peacekeeping: Impartiality and the Future of the United Nations* (Oxford, UK: Oxford University Press, 2016)

supporting the TFG in Somalia, AMISOM did not conform to the traditional

peacekeeping norm of impartiality. The mission's offensive nature, and its implications

for civilian protection, will be assessed in the next chapter. Accordingly, AMISOM must

be understood as a stabilization operation. Stabilization refers to "the mandate and tasks

of peace operations whose main objective covers the elimination or neutralization of

identified 'spoiler' armed groups and the restoration or extension of state authority to

territories under control of such armed groups."[457] Stabilization is also "about using

military means to stabilize a country, often with all necessary means to neutralize

potential 'spoilers' to a conflict."[458] While AMISOM's initial mandate was mainly to

protect the TFG and key TFI infrastructures, the mission mandate evolved over time to

include direct warfare against *al-Shabaab,* the federal government's main opponent since

the 2000s. AMISOM's troops also became increasingly targeted by *al-Shabaab* fighters.

This means that AMISOM had to expand its mandate to include "combat operations and

the reclaiming of territories in *al-Shabaab's* control."[459] When the FGS led by President

Sheikh Mohamud replaced the TFG in 2012, the AU PSC requested that the AU

Commission review AMISOM and its operations to establish ways to implement the

priorities of the new central government.[460] In addition, the UN Security Council called

upon AMISOM to develop a new NSSP for Somalia and continued to provide logistical

support for the mission's civilian component, "underlining the importance of these

civilians deploying swiftly to areas liberated from *al-Shabaab* to assist with stabilization

---

[457] Dersso, "The quest for Pax Africana," 39
[458] John Karlsrud, "The UN at war: examining the consequences of peace enforcement mandates for the UN peacekeeping operations in the CAR, the DRC and Mali*," Third World Quarterly* 36, no. 1 (2015), 40
[459] Dersso, "The quest for Pax Africana," 41
[460] Walter Lotze and Paul D. Williams, *The surge to stabilize: Lessons for the UN from the AU's experience in Somalia* (New York: International Peace Institute, 2016), 5

efforts."[461] The AU's realization that the political and security dynamics were shifting on the ground led it to push for AMISOM's operations to also transform to respond to these changes. In particular, Kenyan and Ethiopian troops, who had become TCCs, managed to successfully push *al-Shabaab* out from Baidoa, Belet Weyne, and Kismayo.

Since its establishment in 2007, AMISOM has faced an evolution of mandates that seek to address the pressing political and security challenges of a given time. In October 2014, UN Security Council resolution 2182 authorized the extension of AMISOM until November 30, 2015. At the time, AMISOM was comprised of approximately 22,000 troops from Burundi, Uganda, Djibouti, Ethiopia and Kenya. AMISOM's success in pushing *al-Shabaab* out of areas under its control gave the mission the opportunity to perform more stabilization tasks. These include training and rebuilding Somalia's police and security forces, providing humanitarian assistance to those in need, helping enforce law and order, and "supporting the re-establishment of local/regional administration in areas liberated from *al-Shabaab*."[462] As a stabilization operation, AMISOM sought to provide for the immediate security and humanitarian needs of the local population, thereby orchestrating an environment for the restoration of peace and stability. The adjustments made to the mission over time aspired to transform it from a military operation to a multidimensional peace support mission. UN Security Council 2093, passed in March 2013, gave the FGS primary responsibility for the provision of stability and security in the areas AMISOM had recovered from *al-Shabaab*. It also established the UN Assistance Mission in Somalia (UNSOM), which provided

---

[461] Ibid.
[462] Ibid.

support to the FGS peace and reconciliation agenda. In February 2013, the AU PSC authorized AMISOM to:

a) Take all necessary measures, as appropriate, and in coordination with the Somalia National Defense and Public Safety Institutions, to reduce the threat posed by al-Shabaab and other armed opposition groups;

b) Assist in consolidating and expanding the control of the Federal Government of Somalia over its national territory;

c) Assist the [FGS] in establishing conditions for effective and legitimate governance across Somalia, through support, as appropriate, in the areas of security, including the protection of Somali institutions and key infrastructure, governance, rule of law and delivery of basic services;

d) Provide, within its capabilities and as appropriate, technical and other support for the enhancement of the capacity of the Somali State institutions, particularly the National Defense, Public Safety and Public Service Institutions;

e) Support the [FGS] in establishing the required institutions and conducive conditions for the conduct of free, fair and transparent elections by 2016, in accordance with the Provisional Constitution;

f) Liaise with humanitarian actors and facilitate, as may be required within its capabilities, humanitarian assistance in Somalia, as well as the resettlement of internally displaced persons and the return of refugees;[463]

---

[463] While the AU's Humanitarian Affairs, Refugees and Internally Displaced Persons (HARDP) Division supports the AU Commission, Member States, and the RECs in addressing humanitarian crises on the continent, AMISOM's humanitarian responsibilities also included creating a secure and stable environment for the activities of the UN High Commissioner for Refugees, the UN World Food Program, and other NGOs.

g) Facilitate coordinated support by relevant AU institutions and structures towards the stabilization and reconstruction of Somalia; and

h) Provide to AU and UN personnel, installations and equipment, including the right to self-defense.[464]

Al-Shabaab in Somalia

Interviews with both AU and Western practitioners indicate that *al-Shabaab* remains AMISOM's primary rival in Somalia. While *al-Shabaab* has been pushed back from Mogadishu, Kismayo and Barawe, especially by late 2011, it still maintains control over parts of southern and central Somalia, maintaining its de facto capital in Jilib. Since its establishment in the early 2000s, *al-Shabaab* has repeatedly stated its desire to establish an Islamic state in Somalia. The group generates revenue by taxing local populations in the areas it controls, especially on agricultural products and livestock, and also engages in the illicit trade of sugar and charcoal.[465] In its 2018 letter to the UN Security Council, the Monitoring Group on Somalia and Eritrea illustrated how *al-Shabaab* subjects charcoal shipments on their way to the ports at Buur Gaabo and Kismayo to checkpoint taxation. The Monitoring Group estimated that each bag of charcoal is taxed at $2.5, "generating… $10 million through checkpoint taxation on 4 million bags of charcoal per year."[466] *Al-Shabaab* therefore generates about $7.5 million a year through charcoal taxation alone. The KDF, which is part of the AMISOM

[464] AU Peace and Security Council, *Communiqué PSC/PR/COMM(CCCLVI)* (Addis Ababa: AUPSC, 2013), https://www.peaceau.org/uploads/psc-comm-356-somalia-27-feb-2013.pdf, accessed September 25, 2020

[465] Author confidential interview with UN official, Nairobi, Kenya, October 2019

[466] UN Security Council, "Letter dated 7 November 2018 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council," *S/2018/1002,* https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/301/65/PDF/N1830165.pdf?OpenElement, accessed January 12, 2021

contingent, has been accused of participating in the illicit trade of charcoal alongside *al-Shabaab* since 2015. The implications of this will be assessed in the following section.

Al-Shabaab has also displayed the capability of carrying out terrorist attacks not only in Somalia against both AMISOM and the FGS, but across East Africa. The massacre of civilians in Nairobi's Westgate Mall in 2013 saw *al-Shabaab* engage in the ruthless separation of Muslims from Christians, the latter of whom were executed on site. *Al-Shabaab* forces continue to move freely around the country, often because they are able to blend in with the local Somali population. They also have access to financial, operational and logistical capabilities to fight against AMISOM and the federal government, targeting civilian populations in the process.

On November 17, 2020, an *al-Shabaab* suicide bomber detonated himself at a restaurant in Mogadishu, killing five people and injuring many others.[467] Day-to-day attacks consist of a combination of military assaults, improvised explosive devices (IEDs), assassinations, grenade attacks, kidnappings and suicide bombings.[468] In this context of asymmetric warfare, AMISOM's primary role is to counter *al-Shabaab* threats and provide Somalia with the security and stability it needs to establish a legitimate and popular central government. AMISOM continues to pivot their mandate, tactics and training in an attempt to effectively counter *al-Shabaab* attacks. Most recently, in January 2021, AMISOM troops completed five-weeks of training on how to combat IEDs, *al-Shabaab's* "preferred weapon of choice [that] constitute one of the most significant

---

[467] "Five dead, many wounded in suicide bomb attack in Somalia," *al-Jazeera,* 17 November 2020, https://www.aljazeera.com/news/2020/11/17/at-least-two-dead-after-suicide-bombing-in-somalia, accessed January 12, 2021
[468] Effectiveness of Peace Operations Network, *Assessing the Effectiveness of the African Union Mission in Somalia / AMISOM,* 34

threats to AU peacekeepers."[469] Civilians are often caught in the crossfire between *al-Shabaab* and AMISOM troops, resulting in high rates of civilian deaths. AMISOM troops have been accused of actively causing civilian harm, both directly (through indiscriminately firing at civilians, engaging in hit-and-runs with civilian vehicles, and sexually assaulting Somali women and girls) and indirectly (by failing to protect civilians from *al-Shabaab* attacks). The effects this has had on the mission's legitimacy among the local population, thus propelling it to implement a POC mandate, will be the focus of the next chapter.

AMISOM: Key Features

Funding

AMISOM's inability to transition into a UN mission, due to the lack of agreement with relevant UN authorities in New York,[470] positions it as the Union's largest and most complicated peace support operation. Still, AMISOM is significant because it received authorization from both the AU PSC and the UN Security Council. On the one hand, AMISOM received its operational authority from the Chairperson of the AU Commission, who gave the Commissioner for Peace responsibility over peace operations, and the Peace Support Operations Divisions (PSOD) responsibility over the mission's day-to-day operations.[471] A Special Representative leads the mission and oversees the civilian, police and military components. On the other hand, UN Security Council resolutions outline AMISOM's mandate and stipulate the kind of support the UN gives

---

[469] AMISOM, "AMISOM troops conclude counter IED training in Arbiskia," *AMISOM News,* 8 January 2021, https://amisom-au.org/2021/01/amisom-troops-conclude-counter-ied-training-in-arbiska/, accessed January 12, 2021

[470] Williams, Paul D., and Arthur Boutellis, "Partnership Peacekeeping: Challenges and Opportunities in the United Nations–African Union Relationship," *African Affairs* 113, no. 451 (2014), 272

[471] Williams, *Fighting for Peace in Somalia,* 5

the mission. Since its inception, AMISOM has relied heavily on financial, institutional

and logistical support from external sources, including AU Member States, the AU Peace

Fund, the UN Trust Fund for AMISOM, the UN Trust Fund for Somali Transitional

Security Institution, and bilateral donors, including the United States, the United

Kingdom, and France. External funding sources are necessary to support the mission

because AU Member States do not provide their share of funding necessary to support

AU peace operations. In theory, AU peace operations would require TCCs to cover the

costs of the mission for the first three months before being reimbursed by the AU within

six months. The AU would then take over from the TCCs after the six-month period and

cover the total cost of the operation.[472] However, this system does not work in practice in

all AU peace operations, due to the lack of willingness by AU Member States to

contribute to the AU Peace Fund. Ultimately, the cost of the mission ends up falling on

the shoulders of donor states and organizations. AMISOM "involved the unprecedented

use of the UN's resources for a regional operation… [including] the reimbursement of

contingent-owned equipment from the UN assessed budget."[473] The UN also established

the UN Support Office for AMISOM (UNSOA) in 2009 in Mogadishu and Mombasa,

Kenya. UNSOA provided AMISOM with logistical support, "in effect replicating the

Integrated Support Services usually found in UN peacekeeping operations."[474] However,

UNSOA had to find ways to merge its bureaucratic difference with the AU in order for its

services to work effectively. The UN allocated about $1.5 billion to UNSOA from 2009

to 2014. This was used "to cover everything from fueling and medical facilities to

---

[472] Author confidential interview with Western diplomat, Nairobi, Kenya, September 2019
[473] Albrecht and Cathy Haenlein, "Fragmented Peacekeeping," 52
[474] Ibid.

engineering, communication services, aviation services, vehicles and other equipment, as well as the costs of capacity-building."[475] The UN's funding generated momentum among other donor organizations and states. In particular, by 2017, the EU allocated €1.05 billion to support the mission. Most of the EU funding goes towards paying AMISOM peacekeepers monthly allowances. In 2007, when AMISOM consisted only of 1600 troops, the EU supported the mission with €700,000 a month. In 2016, AMISOM had 22,000 troops, and the EU supported them with €20 million a month.[476] The extent to which AMISOM has drawn support from external sources highlights two important factors. First, the mission has grown into the most complicated peace operation ever conducted by the AU. Second, heavy reliance on external donors further exposes the limitations of the AU in providing financial, material, and logistics support for its peace support operations. Combined, these two factors stress the need for the AU to work with a number of international and regional partners, including the UN. Williams describes these complex, multidimensional and interdependent partnerships with both bilateral and multilateral organizations and partners as the "AMISOM model," especially since the mission "remains the longest-standing case of a peace enforcement built on such international partnerships."[477]

---

[475] Ibid.
[476] Paul D. Williams, "Paying for AMISOM: Are Politics and Bureaucracy Undermining the AU's Largest Peace Operations?" *IPI Global Observatory,* January 11, 2017, https://theglobalobservatory.org/2017/01/amisom-african-union-peacekeeping-financing/, accessed January 12, 2021
[477] Paul D. Williams, "Lessons for 'Partnership Peacekeeping' from the African Union Mission in Somalia," *International Peace Institute* (2019), 1

Figure 5: The AMISOM Model
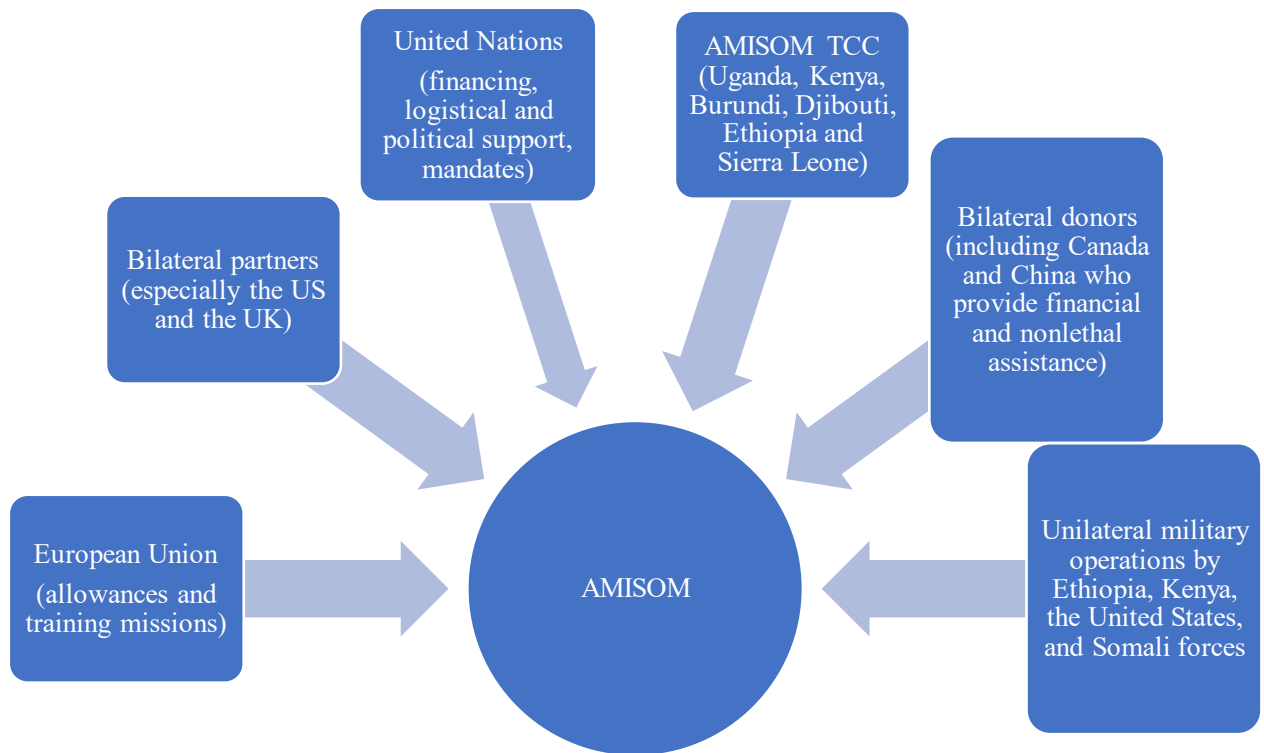
Adapted from Paul D. Williams, "Lessons for 'Partnership Peacekeeping' from the African Union Mission in Somalia," *International Peace Institute* (2019), 2

Non-Traditional Peacekeeping

AMISOM continues to be entrusted with a variety of non-traditional peacekeeping tasks, including the protection of VIPs, counterinsurgency, and the provision of humanitarian assistance to those in need. These tasks complicate the UN's efforts to support AMISOM through its traditional peacekeeping mechanisms. The traditional parameters of UN peacekeeping center on the implementation of an immediate ceasefire in the area of conflict. Somalia's insurgency means that none of the traditional

parameters apply.[478] Over time, AMISOM's mandate shifted from protecting the TFIs to conducting counterterrorism and counterinsurgency operations. This also highlighted the need to expand AMISOM's police component, which would help train the Somali Police Force (SPF). To this end, UN Security Council resolution 2010 acknowledged the importance of a strong police component of AMISOM in order to establish the rules of law in areas previously controlled by *al-Shabaab* through military means. AMISOM therefore deployed 540 police forces to Mogadishu, in addition to stationing police officers in Belet Weyne and Baidoa. This was "intended to signify and further promote a shift from military-security operations towards rule-of-law operations and to free up military personnel for redeployment to the sector locations."[479] AMISOM police units are aimed at increasing the presence of policing efforts in public areas, and to support the SPF with their search operations, roadblocks, and patrols. In January 2021, AMISOM trained 160 newly deployed police officers from Uganda who will be undertaking peacekeeping operations and who are "urged [to] maintain cordial relations with the host communities."[480] AMISOM's current police contingent consists of "the Senior Leadership Team (SLT), Individual Police Officers (IPOs) and the Formed Police Units (FPU)" from Uganda, Nigeria, Sierra Leone and Ghana.[481] The increase in the number and training of AMISOM's police contingent is aimed at instilling public trust and confidence in the Somali police, empowering their policing efforts, and setting the stage for AMISOM's eventual withdrawal from Somalia. Ultimately, AMISOM cannot withdraw from Somalia

---

[478] Author confidential interview with AMISOM official, Kampala, Uganda, November 2019
[479] Lotze and Williams, *The surge to stabilize,* 6
[480] AMISOM, "160 newly deployed police officers conclude AMISOM induction training," *AMISOM News*, January 7, 2021, http://amisom-au.org/2021/01/160-newly-deployed-police-officers-conclude-amisom-induction-training/, accessed January 11, 2021
[481] Ibid.

until the country is able to manage its own security. The Somali National Security Forces (SNSF), made up of the Somali National Army (SNA), the SPF, and the Somali National Intelligence and Security Agency (NISA), have therefore become crucial to the success of the mission mandate, as well as AMISOM's exit strategy, which at the time that interviews were conducted for this dissertation, was projected to be in 2021.[482] While the 2021 exit-date is ambitious, particularly because of recent *al-Shabaab* attacks during the election period in Somalia in September 2020, having a deadline for AMISOM's withdrawal is useful, especially because missions tend to linger with no end-date in sight.

Despite the establishment of UNSOA in 2009 and the United Nations Support Office in Somalia (UNSOS) in 2015 to provide logistical support to AMISOM, both institutions were unable to meet the needs of a multilayered organizational structure engaging in an asymmetrical warfare against an Islamist militant group. UNSOA and UNSOS mechanisms and procedural frameworks were devised to support traditional UN peacekeeping missions; because of the ongoing political and security situation in Somalia, AMISOM is an active war-fighting mission. AMISOM is frequently targeted by *al-Shabaab* attacks, leaving its vehicles and equipment damaged, and its supplies quickly used up. In addition, while UNSOA in particular was able to support AMISOM in Mogadishu, it became increasingly difficult to logistically support forces dispersed across south-central Somalia. Eventually, the "UN [was] unable to deliver needed logistical support, putting UNSOA staff in an impossible position and frustrating AMISOM commanders."[483] Furthermore, *al-Shabaab's* attack on Nairobi's Westgate Mall in 2013 prompted the passing of UN Security Council resolution 2124, which increased

---

[482] Author confidential interview with UN official, Nairobi, Kenya, October 2019
[483] Williams, "Lessons for 'Partnership Peacekeeping' from the African Union Mission in Somalia," 5

AMISOM's troops from 17,731 to 22,126. The resolution also emphasized the need for AMISOM to acquire "an appropriate aviation component of up to twelve military helicopters."[484] However, while AMISOM did get more combat troops, it did not get the logistical support it needed. As a result, Ethiopia contributed over 4000 forces to the mission; this, however, was controversial due to the long history of conflict and antagonism between the two countries.

Regional Strategic Interests in Somalia

Somalia's neighbors continue to have different geostrategic interests in the country's security situation. For regional states, especially those in East Africa, AMISOM began as a way to bypass deploying their own national forces until 2011, when all three of Somalia's neighbors, Kenya, Ethiopia and Djibouti, became TCCs. Many local Somalis, citing vivid flashbacks of past occupation, perceive Ethiopia as acting in its own national interests.[485] As previously mentioned, Ethiopia launched a unilateral military intervention in Somalia in December 2006 with 30,000 troops to "liberate" Mogadishu from the Islamic Courts. The Ethiopian intervention, and later occupation, reinstated control over Mogadishu in the name of the TFG. Former Ethiopian Prime Minister, Meles Zenawi, justified his intervention of Somalia based on four elements: 1) to counter the destabilization of Ethiopia by the Eritrean government; 2) because the Islamic Courts in Somalia had declared a *jihad* on Ethiopia; 3) to fight against Somali forces offering support to Ethiopian insurgents who wanted to overthrow his government; and, finally, 4) to rid the influx and presence of terrorist organizations who were

---

[484] Paul D. Williams, "AMISOM under Review," *The RUSI Journal* 161, no. 1 (2016), 41
[485] Author confidential phone interview with Somali civil society organization, Mogadishu, Somalia, November 2019

supported by Somali's Islamic Courts.[486] While AMISOM's deployment in 2007 led the way to Ethiopia's withdrawal from Somalia, Ethiopia joined the AMISOM contingent in November 2011 and ended up capturing the towns of Belet Weyne and Baidoa in December 2011 and February 2012 respectively.[487] Ethiopia's involvement in Somalia includes supporting local Somali militia groups to bolster border security. Importantly, Ethiopian forces exist in Somalia as both part of AMISOM and as an independent foreign presence interested in maintaining its border security. This begs the question of whether Ethiopia only joined AMISOM to gain political legitimacy and an avenue for realizing their national interests in Somalia.

Kenya's involvement in Somalia is also grounded in its own national interest, although it also relies on AMISOM to legitimize its presence. If Kenya ceases to be part of AMISOM, the KDF's presence in Somalia would be considered an occupation. At first, Kenya opted for the diplomatic route to peace negotiations and reconciliation, facilitating the election that established the TFG and its federal parliament in 2004. Kenya also hosted the TFG and the TFIs in Nairobi until their return to Somalia in 2006. The rise and prominence of *al-Shabaab* in the late 2000s highlighted the possible security threats posed by the group to Kenya, especially with the kidnapping of numerous Kenyan citizens in 2011. *Al-Shabaab* activities in northern Kenya propelled the KDF to militarily intervene in Somalia in October 2011, under Operation *Linda Nchi* (protect the nation), with the former Kenyan Ambassador to the UN justifying the intervention as self-defense under Article 51 of the UN Charter. Initially, Kenya decided to fight *al-Shabaab* unilaterally, but continues to be present today under AMISOM. Interestingly enough,

---

[486] Williams, *Fighting for Peace in Somalia,* 184
[487] Albrecht and Haenlein, "Fragmented Peacekeeping," 52

both Kenya and Ethiopia's national interests "intersect [in] that neither accept the threat

to their sovereignty and populations that Somalia represents."[488] It is therefore in the

interests of neighboring states for peace to Somalia to prevail. KDF troops are currently

located on the border of Kenya and Somalia, "taking a partisan role in local-level

governance, [including] abetting corruption and depriving the FGS of revenue,

compromising dialogue and reconciliation efforts by exacerbating rather than mitigating

clan rivalry and tensions."[489] In an attempt to undermine *al-Shabaab,* the KDF influences

Somali politics through financing and supporting local militia groups and their leaders.

Kenyan officials stated the KDF's purpose in Somalia was twofold: to block *al-*

*Shabaab'*s ability to collect tax revenue through illicit charcoal and sugar trade, and to

establish a buffer zone in southern Somalia to secure Kenya from terrorist attacks, black-

market trade, and asylum seekers.[490] The UN Security Council banned the export of

charcoal in Somalia, especially after reports by the UN Monitoring Group for Somalia

and Eritrea highlighted how much revenue *al-Shabaab* was generating through this trade.

Still, recent reports conducted by monitoring groups on the ground indicate the KDF's

complicit role in facilitating the illicit trade of charcoal. KDF troops, working closely

with *al-Shabaab*, Jubaland forces, the Kenyan police, and Kenyan politicians, have

established a fully functioning system of charcoal export from Somalia.[491] This stands in

stark defiance of UN Security Council sanctions, violates AMISOM's mandate, and

undermines the overall mission. The KDF has also pursued an alliance with Ras

---

[488] Peter Albrecht and Signe Cold-Ravnkilde, "National Interests as Friction: Peacekeeping in Somalia and Mali," *Journal of Intervention and Statebuilding: Security Governance/IOs in Africa* 14, no. 2 (2020), 208
[489] Mwangi, "State Collapse, Peace Enforcement and the Responsibility to Protect in Somalia," 1231
[490] Author confidential interview with UN official, Nairobi, Kenya, October 2019
[491] Ibid.

Kamboni, a violent militia group in Kismayo who are opposed to the FGS. As a result, Ras Kamboni has refused to integrate in the federal security institutions and stresses its capacity to operate independently, therefore posing a direct threat to peace and security in Somalia. Favoring certain militia and ethnic groups only creates greater conflict and rivalry in Somalia, leaving little to no room for reconciliation among the different ethnic, political and religious factions present in the country. Kenya's biased actions in Somalia pushed the FGS to request the KDF be replaced by a more neutral contingent, especially in Kismayo. From 2014 to 2020, Sierra Leonean troops replaced the KDF in Kismayo, Jubaland State. Because they did not have a vested national interest in Somalia, the Sierra Leonean contingent was perceived as being trustworthy, reliable, and disciplined by the FGS and AMISOM's donor partners.[492] This account highlights the flaws of relying on neighboring TCCs to secure peace operations, including the RECs elsewhere on the continent.

Uganda, as AMISOM's first TCC, deployed to Somalia in March 2007 with 1600 troops. President Museveni stressed the values of pan-African solidarity, particularly the importance of "African solutions to African problems," in combatting terrorism in the region. AMISOM allowed Museveni to position himself as the United States' primary ally in the fight against global terrorism, especially in the aftermath of the 9/11 terrorist attacks. The mission also gave Uganda the platform it needed to rehabilitate its international image after it was critiqued for its interventions in the DRC (1998-2003) and Sudan/South Sudan (2002-2006).[493] Djibouti, Somali's other neighbor, also joined AMISOM in 2011 to bolster its president's position with both regional and international

---

[492] Author confidential interview with Western diplomat, Nairobi, Kenya, September 2019
[493] Williams, *Fighting for Peace in Somalia,* 175

powers. On the one hand, regional strategic interests by all of Somalia's neighbors encouraged them to contribute resources and troops to AMISOM. On the other hand, each TCC had their own partisan agenda and ended up siding with one side of the conflict. This undermined AMISOM's collective image, and the mission's support and legitimacy among the local populations. Tensions escalated especially in the south-central region of Somalia because of the lack of coordination and collaboration between the mission's donors and the TCCs. Importantly, different strategic interests in Somalia led to the failure to develop a cohesive chain of command and authority among all the TCCs. AMISOM remains unable to effectively coordinate a unified system of directives and command across all its six sections.

Evaluating AMISOM

Interviews conducted with AMISOM personnel indicate that 2014 was the most successful year for the mission, especially with its increased force strength.[494] In March 2014, AMISOM and the SNA launched Operation Eagle that recovered eight districts from *al-Shabaab*.[495] In doing so, the operation forced *al-Shabaab* to relocate elsewhere in the country. In August 2014, Operation Indian Ocean sought to further the progress made by AMISOM and the SNA during Operation Eagle. Operation Indian Ocean entailed each of AMISOM's sectors recapturing and securing key districts along Somalia's coastline.[496] The operation was especially successful in capturing *al-Shabaab's* "capital" of Barawe.[497]

---

[494] Author confidential phone interview with AMISOM official, Mogadishu, Somalia, November 2019
[495] Districts captured during Operation Eagle: Rab Dhuure, Wajid, Xuduur, Bulo Burto, Warshik, Qoryooley, Maxaasand and Ceel Buur
[496] Districts captured during Operation Indian Ocean: Golweyn, Bulo Mareer and Kurtunwareey (Sector 1); Bulo-Gudud (Sector 2); Tayeeglow (Sector 3); reopening the Beletweyne-bulo road and lead relief efforts to Bulo Burto (Sector 4); Fidow and Jalalqasi (Sector 5)
[497] AU Peace and Security Council, *Report of the Chairperson of the Commission on the Situation in Somalia, PSC/PR/2. (CDLXII)* (Addis Ababa: AUPSC, 2014),

Recapturing key territories from *al-Shabaab* allowed AMISOM, UNSOA and other

NGO-partners to provide huge amounts of humanitarian relief to local populations. *Al-*

Shabaab's withdrawal also led it to relocate to Puntland, and to engage in propaganda

and recruitment activities in Kenya. Despite these successes, AMISOM has also faced

several limitations. While it was mandated to support the Somali central government,

AMISOM ended up actively contributing to the conflict between different political and

ethnic factions in the country. Some of AMISOM's TCCs, like Kenya and Ethiopia, sided

with certain ethnic and political groups and supported their objectives. In addition, as will

be elaborated further in the following chapter, AMISOM contributed to civilian harm

both directly, by indiscriminately firing at civilians and civilian objects, and indirectly,

through its clashes with *al-Shabaab.* The mission continues to operate in an environment

that lacks and overarching political consensus about how the country "should be

governed, and by whom."[498] While the FGS enjoys legal recognition by international

organizations and foreign states, it receives little to no support from the local population

and does not have the power and capacity to enforce its laws on regional actors, including

the Interim Regional Administrations (IRA). Jubaland, the first IRA, was established in

2013 by Ahmed Madobe who received support from Kenya to become president. Over

time, other IRAs have been established, including the Interim South West Administration

(2014), the Interim Galmudug Administration (2015), and the Interim Hiraan and Middle

Shabella Administration (2016). The processes of forming each of these IRAs generated

conflict among different factions, further complicating the situation for AMISOM.

---

https://au.int/sites/default/files/speeches/25411-sp-psc.462.rpt_.somalia.16.10.2014.pdf, accessed January
14, 2021
[498] Williams, "AMISOM under Review," 43

AMISOM also provided security for additional persons involved in establishing IRAs spread across south-central Somalia, which ended up diverting resources away from countering *al-Shabaab*. In addition, most of the individuals involved in establishing IRAs got their legitimacy and support from clan militias. This proves that *al-Shabaab* was just one of the security threats facing AMISOM and the FGS. Inter-clan conflict is heightened especially after *al-Shabaab* withdraws from certain territories. The lack of political consensus makes it very difficult to establish a set of effective security institutions within Somalia, further hindering AMISOM's original 2021 exist strategy. The UN Monitoring Group on Somalia and Eritrea argues that the main issue in Somalia is "the inability of Somali's political elite to prioritize the long-term goals of state-building over the short-term capture of state resources."[499] The FGS has also deviated from state-building and is currently focused on consolidating its power; neither FGS nor members of the federal government are on the same page about what state-building looks like in practice.[500] This only exacerbates tensions between FGS, the IRAs, and the federal parliament, as well as efforts to curb corruption, promote reconciliation, and build a more transparent political system.

The precarious political situation in Somalia, coupled with the nature of *al-Shabaab*'s asymmetric warfare, means that AMISOM spends the majority of its efforts and resources on supporting the FGS and the TFIs. As a result, the SNSF, which is pivotal for the stabilization of Somalia and AMISOM's exist strategy, has received

---

[499] United Nations, "Letter Dated 9 October 2015 from the Chair of the Security Council Committee Pursuant to Resolutions 751 (1992) and 1907 (2009) Concerning Somalia and Eritrea Addressed to the President of the Security Council," *S/2015/801*, 19 October 2015, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_801.pdf, accessed November 15, 2020
[500] Author confidential interview with Somali civil society organization in Mogadishu, Somalia, September 2019

minimal attention. Critically, resources dedicated to building the capacities of AMISOM and the TCCs have enabled them to pursue their own national interests in Somalia, rather than carrying out the mission's mandate. This is often a distinct feature of regionally led peace operations. Furthermore, AMISOM's funding, albeit coming from the UN, the EU, and other bilateral partners, only covers limited periods and areas. AMISOM's funding "remains unpredictable and unreliable."[501] The lack of sufficient funding for AMISOM has meant that the mission operates without an air force that could serve the dual purpose of combatting *al-Shabaab* from above *and* also supply humanitarian aid in the most rural and inaccessible areas of Somalia. AU partners have also failed to equip the mission with "engineering, medical, special forces, mine action and unexploded ordinances, heavy transportation… and night-fighting capabilities."[502] Ultimately, AMISOM was established as a military-heavy operation; however, its military victories in Somalia are insufficient for the establishment of sustainable peace. Peace and stability in Somalia are contingent upon coordinated efforts by all political, military, and ethnic factions in the country to agree on how the country should be governed and by whom. This can be facilitated by AMISOM and the FGS inviting *all* warring parties to the negotiation table to determine a more equitable power-sharing agreement.

Conclusion

AMISOM is reflective of the AU's agency in responding to peace and security challenges in the continent. It is also a reflection of the AU Constitutive Act's norm of non-indifference and the idea that there are African solutions to African problems. This chapter first illustrated the events that led to AMISOM's deployment before delving into

---

[501] Mwangi, "State Collapse, Peace Enforcement and the Responsibility to Protect in Somalia," 1233
[502] Williams, *Fighting for Peace in Somalia,* 103

the mission's evolving mandate. Since its origins as a small-scale mission with only 1600 Ugandan troops, AMISOM has developed into the Union's biggest, and most complex, multidimensional and expensive operation. AMISOM's presence and impact in Somalia means different things for the different political and military factions present in the country, as my interviews revealed. The mission and its contingents have been accused of aligning with different political and ethnic groups in Somalia, further fueling the conflict. However, one cannot sufficiently offer an evaluation of AMISOM without first recognizing the situation Somalia would be in without the mission. In its years of operation, AMISOM enabled the swift removal of Ethiopian troops from Somalia, who were considered an occupying force by the majority of the local population. The withdrawal of Ethiopian forces created space for the establishment of the TFG in 2006 and the FGS in 2012. Over time, and with the increasing strength of troops from TCCs, AMISOM has been successful in dislodging *al-Shabaab* from the capital of Mogadishu, recovering several towns and districts previously occupied by the group, and provide humanitarian aid to the local population. However, the mission embodies an innately offensive nature, which has significant implications for civilian protection. The following chapter offers a detailed examination of civilian protection - or lack thereof - by troops in Somalia, and the implication this has for the mission's overall success.

Chapter 6: The African Union Mission in Somalia and the Civilian Protection

Dilemma

Introduction

Having contextualized AMISOM in the previous chapter, it is necessary to now delve into the process by which it has struggled to localize and institutionalize POC in its policies and operations. The relationship between AMISOM and civilian protection is complex, multidimensional, and constantly evolving. In its first four years of operation, AMISOM was tasked with protecting VIPs who were involved in the process of political reconciliation in Somalia, as well as pushing *al-Shabaab* and anti-TFG forces out of central command centers. Local Somalis perceived AMISOM to be propping up an occupying regime in Mogadishu, namely Ethiopia, reinforcing predatory behavior by the TFG (and later FGS), and perpetuating civilian harm directly. AMISOM troops have also been accused of directly harming civilians through the indiscriminate shooting of firearms, mistaking civilians for *al-Shabaab* forces and firing at them, and engaging in sexual exploitation and abuse (SEA). In addition, AMISOM is accused of failing to protect civilians from *al-Shabaab* attacks. Although AMISOM did not have an explicit POC mandate in the beginning of its operation, it has always been obliged to protect civilian populations under IHL. This is noteworthy since it was established well after the adoption of the AU Constitutive Act and the norm of "non-indifference." Customary IHL obliges all parties to a conflict to distinguish civilians and civilian objects from combatants and military objects, prohibits indiscriminate attacks, and urges precautions

in attacks.[503] In recognizing the importance of civilian protection in armed conflict, both the AU and AMISOM held a series of discussions about whether, and how, the mission should undertake a more active and explicit POC approach. In March 2010, the AU released the *Draft Guidelines for the Protection of Civilians in African Union Peace Support Operations* and, later that year, the AU PSC declared "the AU's commitment to fully adhere to, and respect, [IHL] in AMISOM's operations."[504] The PSC also pushed for the AU Commission to "mainstream" the draft guidelines "into the activities of AMISOM as the Mission does its utmost to avoid collateral civilian causalities."[505] In 2011, the AU recognized that AMISOM has "been widely expected to protect civilians in [its] areas of operation, without being explicitly mandated or resourced to do so."[506] In 2013, after years of calls from both the AU and the UN Security Council, AMISOM finally approved a mission-wide civilian protection agenda. This chapter uses interview data to offer a detailed assessment of AMISOM's POC mandate, how AMISOM responded to allegations of civilian harm, what "protection" means in practice, and the extent to which POC continues to be internalized in the mission's activities. The chapter is divided into five sections. First, it outlines the AU's POC policies, which serve as the foundation for AMISOM's POC mandate. Second, it unpacks allegations by local Somalis and NGOs, such as Amnesty International and Human Rights Watch, of civilian harm caused by AMSIOM troops and the negative implications this has had on the

---

[503] Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Law, Volume I: Rules* (ICRC: Cambridge University Press, 2003), https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf, accessed January 26, 2021

[504] AU Peace and Security Council, *Communique of the 245th meeting of the Peace and Security Council of the AU PSC/MIN/1/(CCXLIII),* 15 October 2010, https://www.peaceau.org/en/article/communique-of-the-245th-meeting-of-the-peace-and-security-council, accessed November 19, 2020

[505] Ibid.

[506] African Union, *Report of the Strategic Retreat of the African Union Interdepartmental Working Group on the Protection of Civilians* (Debre Zeyit, Ethiopia: AU, 2011), 5

mission's profile and legitimacy. Third, it explores how POC has been internalized into AMISOM's mandate following allegations of civilian harm by the mission's troops. New POC policies have had varying degrees of success and compliance, and including pre-deployment and in-mission training for continent commanders and troops, an indirect fire policy, and civilian tracking mechanisms. Fourth, this chapter uses interviews conducted in East Africa in 2019 to uncover the reality of AMISOM's civilian protection on the ground, arguing that the mission continues to be perceived as illegitimate and unreliable among the local Somali population. The chapter concludes with an analysis of the implications of the POC mandate, including the lack of precision and ongoing deviations from POC in the mission's operations, for AMISOM today and for future AU peace and security operations.

The Protection of Civilians Mandate at the African Union

In June 2012, a statement issued by the AU PSC emphasized the importance of POC mainstreaming "in standard operating procedures of AU peace support operations" and, importantly, that "POC must form part of the mandate of future AU missions."[507] Debates about civilian protection at the regional level occurred alongside discussions about POC internationally, especially at the UN. It is therefore unsurprising that the AU's Draft Guidelines mirrored the UN's POC mandate. The AU's Draft Guidelines define civilian protection as:

> Activities undertaken to improve the security of the population and people at risk
> and to ensure the full respect for the rights of groups and the individual

---

[507] AU Peace and Security Council, *Press Statement 326th Meeting PSC/PR/BR/1.(CCCXXVI),* 26 June 2012, https://www.peaceau.org/uploads/326th-final-psc-press-statement-en.pdf, accessed November 10, 2020

recognized under regional instruments, including the African Charter of Human

and Peoples' Rights, the AU Convention for the Protection and Assistance of

Internally Displaced Persons, and the Convention Governing the Specific Aspects

of Refugee Problems in Africa, and international law, including humanitarian,

human rights and refugee law.[508]

While the Draft Guidelines developed a POC strategy at the regional level, they did not

outline what a POC mandate should entail in practice. Instead, the AU recognized the

importance of civilian protection in ensuring the validity and legitimacy of any given

mission. Legitimacy is crucial because local civilian populations need to trust the AU

missions for them to become partners in the peace and reconciliation process. The Draft

Guidelines were adopted three years after the authorization of AMISOM. In those three

years, AMISOM engaged in direct warfare with *al-Shabaab* in Mogadishu, resulting in

heightened levels of civilian harm. Details of civilian harm caused by AMISOM troops

are delineated in the following section. By 2010, it was clear among the AU, AMISOM,

and international partners that civilian harm in Mogadishu needed to be reduced to enable

the success of the mission *and* the TFG. The AU recognized that civilian harm caused by

AMISOM troops undermined the mission's effectiveness, resulting in victims and their

families siding with *al-Shabaab.* The immediate impetus for the Draft Guidelines, and the

subsequent POC policies in AMISOM, therefore came from the institutional demands for

the mission's success. All mission personnel are now required to undertake "training

aimed at heightening their awareness of, and responsiveness to, protection threats and

---

[508] African Union, *Draft Guidelines for the Protection of Civilians in African Union Peace and Support Operations,* 5

needs,"[509] especially the protection of vulnerable populations. Once deployed, AU

peacekeepers are expected to protect civilian populations from harm. This is also in

accordance with existing IHL and IHRL. Moreover, the PSC should use the guidelines to

embed protection objectives into PSOs. In 2011, the AU Commission established a

Working Group on the Protection of Civilians, which included members from "the Office

of the Legal Counsel, the Peace and Security Department, the Political Affairs

Department, the Social Affairs Department, the Directorate on Gender and Women's

Affairs, and the Communication and Information Department."[510] The Working Group

was pivotal in drafting AMISOM's mission wide POC strategy in 2011. Importantly,

before AMISOM was deployed in 2007, only two other AU missions had an explicit

POC mandate. These were AMIS in Darfur (2004-2007) and the AU's monitoring

mission in the Comoros (AMISEC 2006). However, the AU failed to develop a report

evaluating the successes and shortcomings of these missions in relation to POC, and how

future AU missions can effectively integrate and implement POC mandates. The

development of institutional knowledge is integral for the successes of future

peacekeeping operations on the continent. Observations at the AU headquarters in Addis

Ababa indicate that the Union does not have an effective system of maintaining

institutional knowledge. Rather, as the analysis of AMISOM's civilian protection

mandate will indicate, missions live and die by their officials. As a result, AMISOM did

not have knowledge and information from former missions about how to effectively

---

[509] Ibid., 7
[510] Paul D. Williams, "The African Union Mission in Somalia and Civilian Protection Challenges,"
Stability: International Journal of Security and Development 2, no. 2 (2013): 4

protect civilians and prevent civilian harm. The evolving nature of AMISOM's POC mandate reflects a dual "learn-as-you-go" and a "trial-and-error" framework.

Civilian Harm Allegations Against AMISOM Troops

As previously outlined, AMISOM positioned itself as party to the conflict in Somalia. This means that AMISOM troops and objects were directly targeted by *al-Shabaab* and other clan and sub-clan militia groups. As the mission expanded its operations, civilians were often caught in the crossfire between *al-Shabaab,* the federal government, and AMISOM. From 2007-2012, urban warfare in Mogadishu comprised of the "fire and forget" strategy, where civilian casualties were not tracked or accounted for. Civilians also reside in active conflict zones in south-central Somalia, where fighting between *al-Shabaab* and AMISOM is most intense. Williams offers a vivid description of the situation in Mogadishu between 2009 and 2010:

> … *al-Shabaab* forces would fire mortar rounds at AMISOM positions from Bakara Market, and then withdraw. AMISOM would return fire with heavy weapons, without being able to observe where the shot fell and without being able to locate *al-Shabaab's* heavy weapons rapidly, which meant AMISOM's return fire was likely automated at pre-set targets. *Al-Shabaab* would then claim AMISOM's fire had caused civilian casualties, while AMISOM would deny this or claim *al-Shabaab* had forcibly kept civilians in Bakara Market for precisely this reason.[511]

---

[511] Paul D. Williams, "The ambiguous place of civilian protection in the African Union Mission in Somalia," in *Protecting Civilians in African Union Peace Support Operations: Key Cases and Lessons Learned* eds. Jide Martyns Okeke and Paul D. Williams (PDF, 2017), 58

AMISOM bases are in close proximity to the local population, leaving civilians to be disproportionately targeted by *al-Shabaab*.[512] In addition, AMISOM troops employ Somali civilians to work in their households. These civilians, who perform cleaning, cooking and plumbing duties, end up being targeted by *al-Shabaab* attacks.[513] The general consensus among the local population is that AMISOM only serves to protect the federal government and themselves. Not only do they train government officials, the Somali army, and the SPF, AMISOM troops also reside in fortified compounds with tall walls, barbed wire, and 24-hour security protection. Ultimately, while members of the FGS and AMISOM receive protection, the local civilian population remains unprotected and prone to constant harm. The mission therefore still does not receive widespread support from the local population.

Al-Shabaab also uses Toyota minibuses as artillery launchers to attack both TFG, later FGS, and AMISOM then leave "exposed to retaliatory fire."[514] The group has proven to be an interesting and complex opponent against both AMISOM and the federal government. It is well-organized, and has a unified ideological stance that involves evicting all non-Muslims and AMISOM from Somalia, thereby appealing to different minority groups.[515] Their ongoing appeal in Somalia stems from the fact that they are perceived as an uncorrupt organization, have strict rules in the areas under their control, and enforce their decisions through violence.[516] Ultimately, they maintain predictability and security, and provide absolute security in the territories under their control because

---

[512] Author confidential phone interview with member of Somali civil society organization, Nairobi Kenya, October 2019
[513] Ibid.
[514] Sahr Muhammedally, "Minimizing Civilian Harm in Populated Areas: Lessons from Examining ISAF and AMISOM Policies," *International Review of the Red Cross* 98, no. 901 (2016), 239
[515] Author confidential interview with UN official, Nairobi, Kenya, October 2019
[516] Ibid.

they have the monopoly of violence.[517] The UN Secretary-General's 2019 report on Children and Armed Conflict reported that "abuses against children in Somalia had increased by 23 per cent since 2017, with at least 1,041 children killed and maimed during 2018 while *al-Shabaab* also recruited more than 1,865 children."[518] In their attempt to curb *al-Shabaab* civilian harm, the UN has implemented targeted sanctions and travel bans on particular individuals. However, these have proven to be useless, especially since *al-Shabaab* fighters neither travel nor engage in the international financial system.

Interviews with Somali journalists and human rights organizations allege severe abuses committed by AMISOM troops, including arbitrary detentions, sexual exploitation of vulnerable girls and women, and indiscriminate killings of civilians.[519] Somalia's Elman and Human Rights Center estimated 1,739 civilian deaths in 2009, 2,200 in 2010, and 1,400 during the first half of 2011. Human Rights Watch reported 1,000 civilian fatalities and 4,000 civilian casualties in 2011.[520] In addition, it was reported that a Kenyan AMISOM troop had killed six Somali civilians in Kismayo in September 2012 whom he believed were part of *al-Shabaab*.[521] In 2009, a bus carrying civilians was attacked by AMISOM troops "after they were ambushed by a combination of a roadside

[517] Author confidential phone interview with Somali civil society organization, Nairobi, Kenya, October 2019
[518] "Somalia," *Global Centre for the Responsibility to Protect,* 15 September 2019, https://www.globalr2p.org/countries/somalia/, accessed November 27, 2020
[519] Author confidential phone interviews with Somali journalists and Human Rights Organizations, Nairobi, Kenya, September – October 2019
[520] "Civilian Harm in Somalia: Creating an Appropriate Response," *Civilians in Armed Conflict Series,* 2011, https://civiliansinconflict.org/wp-content/uploads/2017/09/Somalia_Civilian_Harm_2011.pdf, accessed November 20, 2020
[521] "Kenyan AMISOM solider kills six Somali civilians," *BBC News,* 24 September 2012, https://www.bbc.com/news/world-africa-19698348, accessed November 20, 2020

bomb and machine-gun fire."[522] AMISOM vehicles are regularly involved in hit-and-run

accidents that result in civilian deaths and injuries. In a story told by a member of a

Somali civil society organization, in early 2017 an AMISOM truck ran into a civilian

minibus on the outskirts of Mogadishu, killing nine civilians and injuring fifteen.[523]

AMISOM's press release on December 17, 2017 justified this incident by alleging that

the minibus "attempted to overtake an AMISOM armoured personnel carrier, but got in

the way of a speeding coming omnibus."[524] In an attempt to avoid "a head-on collision…

the minibus swerved and rammed into the AMISOM convoy."[525] Hit-and-runs between

AMISOM and civilian vehicles have always been a frequent occurrence in Somalia. For

instance, in January 2014, an AMISOM truck ran over a civilian, leaving him dead on the

Makka al-Muharama road in Mogadishu.[526] The excessive use of force by AMISOM

against civilians in Somalia is not only alarming from an observer's point of view, but

also disheartening for the local population. Interviews with members of a Somali think

tank express the lack of difference between AMISOM and *al-Shabaab,* especially

because the civilian population ends up being targeted by both AMISOM troops and *al-*

Shabaab fighters.[527] Between September 2015 and May 2016, "the UN confirmed 25

civilian deaths in which AMISOM was implicated," but AMISOM only publicly

---

[522] Williams, "The ambiguous place of civilian protection in the African Union Mission in Somalia," 58
[523] Author confidential phone interview with Somali civil society organization, Nairobi, Kenya, October 2019
[524] AMISOM, "AMISOM regrets deaths from a road accident involving its military convoy and a civilian vehicle along the Mogadishu-Afgoye road," *AMISOM PR/045/2016,* 17 December 2017, https://amisom-au.org/2017/01/amisom-regrets-deaths-from-a-road-accident-involving-its-military-convoy-and-a-civilian-vehicle-along-the-mogadishu-afgoye-road/, accessed January 27, 2021
[525] Ibid.
[526] Author confidential phone interview with Somali civil society organization, Nairobi, Kenya, October 2019
[527] Author confidential phone interview with member of Somali Think Tank, Nairobi, Kenya, October 9, 2019

acknowledged two of these incidents.[528] The UN has also accused AMISOM of killing

civilians "through the indiscriminate and/or disproportionate use of force in response to

an attack on their forces, or the commission of deliberate acts of retaliation or

punishment."[529] While the total number of civilian deaths and injuries is unknown, a 2017

report by the UN Secretary-General reported the Ethiopian contingent of AMISOM

killing fourteen civilians in July 2016, the Ugandan contingent killing six civilians in July

2015, and an attack on a civilian car mistaken for *al-Shabaab* in April 2016.[530] In

addition, the 2015 Report of the Independent Expert on the Situation of Human Rights in

Somalia details the number of civilian attacks by AMISOM in different regions in

Somalia:

> In July 2015, 22 civilians were killed by AMISOM in two separate incidents in
>
> Marka, Lower Shabelle region. On 21 July 2015, 15 civilians, including women
>
> and children, were reported. On 31 July 2015, 7 civilians, in Marka, were killed.
>
> In the same month, 18 civilians were reportedly killed during an operation by the
>
> Ethiopian National Defense Forces and the Somalia National Army in Barkool
>
> region and 13 others by Ethiopian National Defense Forces airstrikes in Bay
>
> region.[531]

---

[528] International Refugee Rights Initiative, "They Say They're Not Here to Protect Us:' Civilian Perspectives on the African Union Mission in Somalia," (2017), 24, https://reliefweb.int/sites/reliefweb.int/files/resources/AMISOM%20-%20final.pdf, accessed January 27, 2021

[529] Ibid.

[530] UN Security Council, "Report of the Security-General on Somalia," *S/2017/21,* 9 January 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/N1647163.pdf, accessed January 27, 2021

[531] UN General Assembly, "Report of the Independent Expert on the situation on human rights in Somalia, Bahame Tom Nyanduga, *A/HRC/30/57,* 28 October 2015, https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/_layouts/15/WopiFrame.aspx?sourcedoc=/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A-HRC-30-57_en.docx&action=default&DefaultItemOpen=1, accessed January 27, 2021

Similarly, AMISOM was reportedly responsible for 94 civilian casualties in 2017, with the Ugandan contingent causing the most harm.[532] Moreover, in 2018 and 2019, the majority of civilian casualties caused by AMSIOM "resulted from retaliatory or indiscriminate fire… when their convoys were attacked by IEDs, landmines, or grenades."[533] In November 2018, AMISOM's Burundian contingent opened fire on civilians, killing four people, after they were attacked.[534] These allegations have affected AMISOM's image, legitimacy and reputation among the local population. The mission is perceived as failing to protect civilian populations *and* actively causing civilian harm.[535]

Reports by international human rights organizations, as well as interviews conducted by the author, accuse AMISOM soldiers of committing sexual and gender-based violence (SBGV), including rape and sexual exploitation, against Somali women and girls. AMISOM troops have coerced Somali women and girls into having sexual relations with them in exchange for resources they need, including food, water, and medicine.[536] Single women with children are especially targeted by AMISOM troops who take advantage of their vulnerability. Human Rights Watch has also confirmed these allegations, reporting 21 cases of sexual abuse by AMISOM troops in two bases in Mogadishu, and 10 incidents of rape and sexual assault including a case of child rape in

---

[532] UN Human Rights Office of the High Commissioner, "Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia," 1 January 2017 – 31 December 2019, https://www.ohchr.org/Documents/Countries/SO/UNSOM_protection_of_civilians_2020.pdf, accessed January 17, 2021
[533] Ibid., 26
[534] Ibid.
[535] Author confidential phone interview with Somali human rights organization, Nairobi, Kenya, October 2019
[536] Ibid.

Baidoa town by a Ugandan soldier.[537] Somali society is governed by a patriarchal system where women have unequal status in relation to their male counterparts.[538] These women therefore become increasingly vulnerable to SGBV during armed conflict and become "double victims," from both sexual abuse and exploitation and from being ostracized by their own communities.[539] When allegations of sexual abuse by AMISOM troops first surfaced, the mission leadership denied them. The lack of accountability and acknowledgment of the crimes committed by AMISOM has negative implications for how the mission is perceived by the local population. Within the community, there is a prevalent belief that they are unable to trust and depend on AMISOM for protection and safety; this perception is reinforced every time new allegations of misconduct by AMISOM surface.

Local Somali NGOs determine the successes of AMISOM's operations by whether it carried out its mandate without actively contributing to civilian harm.[540] The lack of an explicit POC mandate, coupled with the lack of resources from the AU and its partners, only puts civilians in greater harm. Interviews conducted with AMISOM officials revealed three important elements of how POC is perceived by the mission. First, all the officials declined to offer any details about the allegations of SGBV by AMISOM troops, instead directing the researcher towards the "successes" of the mission

---

[537] "The Power These Men Have Over Us:' Sexual Exploitation and Abuse by African Union Forces in Somalia," *Human Rights Watch,* 8 September 2014, https://www.hrw.org/report/2014/09/08/power-these-men-have-over-us/sexual-exploitation-and-abuse-african-union-forces, accessed January 17, 2021
[538] Ibid.
[539] Author confidential phone interview with Somali human rights organization, Nairobi, Kenya, October 2019
[540] Author confidential phone interview with Somali civil society organization, Nairobi, Kenya, October 2019

in dislodging *al-Shabaab* from Mogadishu and other major Somali towns.[541] Second, one official in particular argued that there have always been mixed signals about what it means to "protect civilians" in Somalia, especially while undertaking a counterterrorism and a stabilization operation.[542] In fact, AMISOM officials across various departments all defined "civilian protection" in different ways, resulting in what appears to be a very loose understanding of the norm. The lack of precision about what POC means for AMISOM operations, and the subsequent deviations from POC by troops, underscores the iterative nature of the norm localization process. While POC and non-indifference had already been institutionalized at the AU, its localization and acceptance within AMISOM does not resemble a linear, coherent process. The reality of POC norm localization in the mission's everyday practice means that there is a lack of a unified understanding of what POC means for troops, as well as a lack of accountability mechanisms for those who deviate from the norm. Third, there was a huge degree of signaling that civilian harm is mostly caused by *al-Shabaab* and sub-clan militia groups. Civilian casualties therefore occur because *al-Shabaab* fighters embed themselves within the local communities leaving AMISOM unable to distinguish between combatants and non-combatants. As these observations highlight, it is crucial to have all mission personnel, from different departments and TCCs, understand what POC means in practice, whether or not their duties adhere to IHL, and, perhaps most importantly, how they should proactively protect civilians and reduce civilian harm.

---

[541] Author confidential phone interviews with AMISOM Official, Kampala, Uganda, October – November 2019
[542] Ibid.

The Internalization, or lack thereof, of the Protection of Civilians in AMISOM's Mandate

The heightened level of civilian deaths and casualties inflicted by AMISOM, coupled with the mission's lack of acknowledgement and accountability of civilian harm, creates mistrust between the troops and the local Somali population. This undermines AMISOM's mandate of defeating *al-Shabaab,* supporting the federal institutions, and establishing peace and stability in the country. AMISOM officials argued that, while the mission might be critiqued for not developing and adopting a POC strategy from the onset, its initial mandate was unable and unprepared to support a POC approach.[543] One official in particular stressed the fact that AMISOM could not protect its own personnel and troops during its first four years of operation, especially from *al-Shabaab* attacks.[544] This, together with the lack of sufficient financial and legal resources, made it difficult for AMISOM troops to protect civilians. AMISOM lacked key resources for the implementation of POC, including IHL legal advisers, POC training modules, sufficient police and civilian officers, and information-collecting mechanisms to ensure compliance with IHL. In addition, a Somali scholar claimed that African state budgets cannot support POC practices because of the lack of commitment to progress as well as the high levels of corruption within Member States.[545] Still, at the regional level, the AU acknowledged that proactive measures needed to be undertaken to reduce civilian harm. As mentioned before, in February 2011, the AU established the Working Group on the Protection of Civilians to develop AMISOM's mission-wide strategy for civilian protection. The

---

[543] Ibid.
[544] Author confidential interview with AMISOM Official, Nairobi, Kenya, October 2019
[545] Author confidential phone interview with member of Somali Think Tank, Mogadishu, Somalia, November 2019

Working Group served as the impetus for internalizing POC into the mission in Somalia. As a norm, POC was expected to guide and influence the behavior of AMISOM troops and outline the expectation of their behavior towards civilians. The need for POC arose in particular because of the mistrust caused by AMISOM troops actively harming civilians. AMISOM's POC response, in its memos, ROE, and training, is therefore remedial in nature. Despite the apparent internalization of POC norms at the AU level, these norms have only been gradually and unevenly internalized in AMISOM. In 2011, the AMISOM Mission Plan acknowledged POC as imperative to the mission, stating:

> AMISOM is committed to the adherence and implementation of International Humanitarian Laws and Rules of Engagements approved for the mission. In this regard, the AUC is developing the wholesome policy and guidelines for the protection of civilians.[546]

However, this did not clarify whether AMISOM's obligations towards protection went beyond adhering to IHL, or whether it needed to take a proactive role in preventing harm towards the local Somali population. Conversely, the AUC's Working Group on POC explicitly declared:

> Where the protection of civilians is not considered a primary objective and is considered as a means to an end, such as in the case of AMISOM, protection of civilian rests more on the respect of the mission for IHL and human rights law, as opposed to engaging in proactive protection activities.[547]

---

[546] AMISOM, *Outcome Document – AU-AMISOM roundtable on enhancing respect for international humanitarian law in the implementation of AMISOM Mandate* (Kigali, Rwanda, 2011), 2, https://amisom-au.org/2011/09/amisom-to-hold-roundtable-on-enhancing-respect-for-international-humanitarian-law-ihl-in-the-implementation-of-its-mandate/
[547] African Union, *Report of the Strategic Retreat of the African Union Interdepartmental Working Group on the Protection of Civilians,* 5

This declaration positioned POC within AMISOM as equivalent to civilian protection under IHL. However, POC was absent from AMISOM's Military Strategic Concept of Operations that was adopted in January 2012, thus highlighting the fact that POC remained contested and shallowly embedded at the AU and AMISOM levels. Importantly, AMISOM is an AU peace support operation that received authorization from both the AU PSC and the UN Security Council. The AU, as a regional organization, is expected to operate in adherence with Chapter VIII of the UN Charter. Norm internalization in AMISOM is therefore implied from the simple fact that it falls under both the AU regional and UN international umbrellas. So, even if the AMISOM leadership and TCCs did not see the need to promote civilian protection in the mandate, POC was considered a necessity by the UN. To some degree, this makes AMISOM accountable for its actions towards civilians.

AMISOM's first POC mandate was adopted in 2013 and defined its objectives as "protecting civilians from harm resulting from the conduct of AMISOM military operations… [and]… strengthening civilian protection from harm resulting from the conduct of other actors in AMISOM's areas of operations."[548] This approach built on the AU's four-tier approach towards civilian protection, which includes: i) protection from physical violence; ii) protection as part of the political process; iii) a rights-based approach to protection; and iv) the establishment of a protective environment.[549] In recent years, the UN launched the Human Rights Due Diligence Policy (HRDDP) on UN

---

[548] AMISOM, "Mission-wide Protection of Civilians Strategy for AMISOM," *AMISOM,* May 2013, https://au.int/ar/documents/dp/key/7%2C117%2C179%2C180?page=16, accessed November 14, 2020
[549] African Union, *Draft Guidelines for the Protection of Civilians in African Union Peace and Support Operations,* 8

support to non-UN security forces which actively engages AMISOM in reporting on civilian casualties. The HRDDP:

> Sets out principles and measures to mainstream human rights in support provided by UN entities [like UNSOM] to non-UN security forces [such as AMISOM] globally, in order to ensure that such support is consistent with the Organization's Purposes and Principles in the Charter and its obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law.[550]

In addition, subsequent UN Security Council resolutions renewing AMISOM's mandate have all called for the mission to strictly comply with IHL, international human rights law, and the recommendations made by the HRDDP. Resolution 2520, which was adopted on May 29, 2020, emphasized:

> … the continued importance of AMISOM forces carrying out their mandate in full compliance with participating states' obligations under international law, including with regard to the protection of civilians, especially women and children, and of cooperating with UNSOM and UNSOS in implementing the [HRDDP] across the preparatory, conduct and review phases of the operation.[551]

From January 2018 onwards, a series of UN-AMISOM-HRDDP committees convened to review the allegations against AMISOM as well as come up with ways to prevent and

---

[550] "Robustness, Cooperation with Local Forces and the UN Human Rights Due Diligence Report (HRDDP)," *ZIF Conference Report* (2013), 2, https://reliefweb.int/sites/reliefweb.int/files/resources/ZIF_Conference_Report_HRDDP_April_2014.pdf, accessed January 28, 2021

[551] UN Security Council, "Resolution 2520 Adopted by the Security Council on 29 May 2020," *S/RES/2520(2020),* 29 May 2020, https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/134/04/PDF/N2013404.pdf?OpenElement, accessed January 28, 2021

respond to future instances of civilian harm.[552] Because POC is subject to interpretation, and because norms like POC are not self-enforcing, AMISOM felt the need to establish specific policies, mechanisms and procedures that outline how, and by whom, these were to be conducted. Specific policy procedures are crucial in instances of armed conflict where the norm's application can have significant implications. In response to UN requirements to which it is subject to, AMISOM has introduced specific policies and mechanisms that attempt to internalize POC mechanisms in its mission. The table below outlines the different steps taken towards the incorporation of POC and tracks the process and depth of norm localization.

---

[552] UN Human Rights Office of the High Commissioner, "Protection of Civilians Report," 27

Table 3: Timeline of the Internalization of POC in AMISOM

Date	POC Approach	Description	Implication
March 2007	AMISOM's initial ROE adopted – did not include POC	ROE indicated that AMISOM troops should try to avoid collateral damage, and, under certain circumstances, the use of force could be sued to protect civilians from imminent threat of physical violence.	The mission has ambiguous relationship with POC.
February 2010	AMISOM's revised ROE and Rocket Card version of the ROE.	Rule No.1.7 authorized troops to use force, including *deadly force,* to protect civilians from physical violence.	Lack of specific POC mandate, but troops are authorized to use force to protect civilians. This resulted in mixed messaging about civilian protection in the mission.
	AMISOM's new strategic communications campaign	Three companies (Albany Associates, Bell Pottinger, and Okapi Consulting) contracted to develop a new public communications campaign to bolster the mission's image, legitimacy, and credibility.	The campaign resulted in the establishment of Radio Barkulan, a Somali radio station located in Nairobi; the AMISOM Bulletin and AMISOM Quarterly; AMISOM documentaries; and an active online presence (both on twitter and on their website).
March 2010	AU adopts the *Draft Guidelines for the for the Protection of Civilians in African Union Peace Support Operations*	Introduced the four-tiered approach to the protection of civilians: 1) the protection from physical harm; 2) the provision of humanitarian relief; 3) the protection of human rights; and 4) the establishment of a secure environment.	First AU policy on POC that informed AMISOM's POC mandate.
February 2011	Working Group on the Protection of Civilians established within the AU Commission	This group developed and implemented AMISOM's mission wide POC strategy by the end of 2011.	Working Group was established in coherence with the Draft Guidelines.
May 2011	AU PSC held its first open session on POC	AU PSC called on the AU Commission to develop a POC approach for AMISOM	

Date	POC Approach	Description	Implication
Spring 2011 (although formally introduced into the ROE in mid-2012)	Indirect Fire Policy	3A Strategy, "Avoid, Attribute, Amend," where troops were expected to avoid arbitrary firing at civilians, attribute responsibility to those perpetrating civilian harm, and providing assistance to victims.	Although these policies were introduced in policy, AMISOM troops did not get any additional resources (including training, mentoring, and equipment) to help implement them in practice.
	Training	Pre-deployment IHL training was mandated, including: 1) not firing without authorization; 2) designating no-fire zones in hospitals and schools; 3) restricting counter-battery and unobserved fire; 4) using early earning mechanisms; 5) opting not to use certain weapons; and 6) exercising high degrees of restraint.[553]	
July 2011	AMISOM conference	The conference called on the AU Commission to help mainstream the four-tiered approach to civilian protection in AMISOM's current mandate.	Mixed message given to AMISOM personnel. There is no distinction made between AMISOM protecting civilians in the sense of IHL and a proactive approach to protection (which would involve AMISOM stopping threats to civilian protection by other conflicting parties).
November 2011	AMISOM pre-deployment training	AMISOM's contingents and key officials received training in IHL, human rights, child protection, and POC.	However, not all troops deployed to Somalia received this training. The effectiveness of this training is not assessed.
	AMISOM information sharing mechanism	Force Commander and Somali civil society organizations met once a month to discuss issues pertaining to gender security, human rights, and the protection of civilians.	As of March 2017, there are only two dedicated gender officers.[554]

---

[553] Williams, *Fighting for Peace in Somalia,* 272
[554] Ibid.

Date	POC approach	Description	Implication
January 2012	AMISOM's new Military Strategic Concept of Operations	No mention of POC.	The IFP was out-of-date and needed to be revised especially since it was established before the KDF joined AMISOM (and before the mission had any airpower). The KDF, and the mission having airpower, had the potential to either prevent or cause civilian harm.[555]
May 2013	AMISOM's explicit and proactive approach to POC is established.	This included adopting a mission-wide POC strategy to protect civilians from harm by AMISOM operations, and proactively protecting civilians from harm perpetrated by other actors in Somalia.	This approach borrowed directly from the AU's four-tiered approach to civilian protection, as outlined in the Draft Guidelines.
September 2013	AMISOM Policy on Prevention and Response to Sexual Exploitation and Abuse	Outlined AMISOM's zero-tolerance for any form of sexual abuse and exploitation.	In practice, AMISOM officials denied allegations of SEA by their troops.
September 2014	AMISOM Force Commander's Directive on the Protection of Children Rights	UNSOM and AMISOM conducted training in IHL and human rights for the SNA.	However, this training came after the SNA had participated in Operation Eagle (March 2014), where troops did not receive IHL or human rights training.
Late 2015	The Civilian Casualty Tracking Analysis and Response Cell	Obliged the mission to gather data on civilian harm caused by its troops and operations and then used the data to improve operations and appropriately respond to civilian losses.	Initially authorized by UN Security Council 2036 in February 2012 and funded by the British government. However, the CCTARC generated controversy within AMISOM because it was perceived as a form of Western surveillance. In reality, by mid-2017, the CCTARC had only two technical staff members and some

---

[555] Ibid., 273

			military support. This is insufficient in following up on allegations of civilian harm.

AMISOM's main policies procedures that internalize POC mechanisms are outlined in further detail below.

Rules of Engagement

ROE are important to the preparation and execution of a military operation. AMISOM's ROE gives its troops directions and guidelines about when to use force, and how much force should be used, during the operation. ROE give the AMISOM leadership control over the execution of the mandate by the troops. The mission's initial ROE, produced in March 2007, covered a wide range of issues including the parameters for the use of force in instances of self-defence and pre-emptive self-defence, the duty to observe fire, the duty to use proportional force, and to avoid collateral damage.[556] Specifically, the ROE authorized troops to use force "up to and including deadly force in support of offensive actions to seek to seize, retain, and exploit the initiative of hostile forces throughout the area of operations (AO) to overwhelm their capabilities, disrupt their defenses and ensure their defeat or effectiveness."[557] This indicates the offensive nature of the AMISOM operation, which eventually grew to include counter-terrorism activities. AMISOM's 2007 ROE did not stipulate guidelines for how the use of force would impact civilian protection, or how the mission would adhere to IHL. In February 2010, AMISOM revised its ROE, authorizing troops to "use of force, up to and including

---

[556] Author confidential phone interview with AMISOM official, Mogadishu, Somalia, November 2019
[557] AU Peace Support Operations Division, *AMISOM's Rules of Engagement (RoE), Rule No. 1.27* (AU: Addis Ababa, Ethiopia, 2007)

deadly force, *to protect civilians,* including humanitarian workers, under imminent threat of physical violence."[558] The Pocket Card version of the ROE, distributed to AMISOM troops, stated: "You are authorized to use force, up to and *including deadly force…* To protect civilians, including humanitarian workers, under imminent threat of physical violence."[559] So, while the mission did not have an explicit POC mandate, the ROE authorized troops to use force to protect civilians. ROE are important in ensuring that AMISOM's operations are carried out in accordance with IHL obligations in Somalia, despite the country's volatile situation. Over time, the ROE were supplemented with additional tactical policies and procedures, all aimed at protecting civilians and reducing civilian harm. These ROE were also translated into the official languages of TCCs so that troops on the ground could better understand them.[560]

Indirect Fire Policy

As the theory of norm localization outlined in *Chapter Three* illustrated, "newer" norms are more likely to be accepted locally by different actors if they resemble pe-existing norms. Norm entrepreneurs try to associate newer norms with a pre-existing norm in the same issue area. Localization becomes important when norm entrepreneurs find similarities between international norms and local beliefs and values. In an effort to implement POC in its mission, AMISOM drew significantly from the Somali norm of *biri-ma-geydo* or shielding civilian women and children from harm during armed conflict. This norm, which resembles the values of POC, is embedded in AMISOM's

---

[558] AU Peace Support Operations Division, *AMISOM's Rules of Engagement (RoE), Rule 1.7* (AU: Addis Ababa, Ethiopia, 2010)
[559] AMISOM ROE Annex E: Soldier's Pocket Card – Specific Rules for the Use of Force quoted in Williams, "The African Union Mission in Somalia and Civilian Protection Challenges," 4
[560] Author confidential phone interview with AMISOM official, Mogadishu, Somalia, November 2019

indirect fire policy (IFP). The IFP was introduced in 2011 and formally adopted into ROE in mid-2012, comprised of a 3A strategy, "Avoid, Attribute, Amend," where AMISOM troops are expected to avoid arbitrary firing at civilians, attribute responsibility to individuals committing civilian harm, and provide assistance, including medical care, to victims of civilian harm.[561] Not only did this solidify the chain of command on how mortar and artillery fire should be used, it also established no-fire zones around markets, hospitals, religious sites, residential areas, and IDP camps. The IFP was developed in partnership with external advisors from the Information Support Team, the Center for Civilians in Conflict (CIVIC), and Bancroft Global Development. Experts from Bancroft Development, contracted in 2011, were especially useful in providing "in-mission training and support in a variety of areas including marksmanship, counter-IED techniques, and some engineering elements."[562] Under the IFP, AMISOM troops are expected to: a) seek authorization from their superior before firing, b) strictly respect and adhere to the no-fire zones, c) decrease the use of counter-battery and un-observed fire, d) use early warning mechanisms to vacate civilians from an area; and e) employ restraint in their operations.[563] However, while the IFP is significant in its ability to address one of the major causes of civilian harm by AMISOM, a UN official claimed that the implementation of the policy was limited because of the lack of additional training, mentoring and equipment available for all troops from all TCCs.[564]

---

[561] "Somalia, "AMISOM's Indirect Fire Policy," *IHL in Action,* *https://ihl-in-action.icrc.org/case-study/somalia-amisoms-indirect-fire-policy,* accessed January 28, 2021

[562] Williams, "The African Union Mission in Somalia and Civilian Protection Challenges," 11-12

[563] Ibid.

[564] Author confidential interview with UN Official, Nairobi, Kenya, September 2019

Reporting

The IFP went hand-in-hand with the need for AMISOM to be transparent, report on its activities, and bolster its image among the local population. To this end, external companies were contracted to develop new communications and information policies. A major task for these companies, and for AMISOM, was to reframe messages around who was primarily responsible for civilian casualties. It is in AMISOM's best interest to reframe its image and portray *al-Shabaab* as the main source of civilian harm; AMISOM's role in Somalia, according to this narrative, is to protect civilians and support the federal institutions. In February 2010, AMISOM agreed to the Support Implementation Agreement on Public Information with UNSOA, which sought expertise from Albany Associates, Bell Pottinger, and Okapi Consulting about AMISOM's public image.[565] This team worked to reinforce AMISOM's public profile and restore its credibility and legitimacy among the local population. Part of this public image campaign included the establishment of a "Radio Barkulan," a Somali radio station located in Nairobi, in 2010; online publications such as the AMISOM Bulletin and AMISOM Quarterly; opinion pieces written by AMISOM's Special Representative of the African Union Commission Chairperson for Somalia (SRCC) and his deputies about the progress of the mission; frequently organized visits to Somalia for international and regional journalists; AMISOM video documentaries; an active AMISOM Twitter account that posts day-to-day activities of the mission and its troops; and an up-to-date AMISOM website.[566] The AMISOM Twitter page has proven to be especially useful for the mission

---

[565] Williams, "The African Union Mission in Somalia and Civilian Protection Challenges," 10
[566] AMISOM's official website: https://amisom-au.org and AMISOM's official twitter page: https://twitter.com/amisomsomalia

to disseminate information about its efforts to support and protect civilians, dislodging *al-Shabaab*, and providing the local Somali population with humanitarian assistance. While this communications campaign is not a direct response to addressing civilian harm, it highlights AMISOM's efforts after 2010 in changing its narrative and image, especially around what its role is in Somalia.

Training

In response to allegations of civilian harm by AMISOM troops, in November 2011 the mission, together with UNSOA and UNSOM, instituted mandatory pre-deployment and in-mission training in IHL and human rights law for all personnel. However, only AMISOM's contingent commanders and key officials received IHL, human rights, and POC training. Not all troops deployed to Somalia received extensive POC training. In addition, the effectiveness of any pre-deployment training was not assessed. While this approach is not necessary a uniquely "African" approach to peacekeeping, it represents an African extension of an international approach. For example, the UN Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation (2003) strictly prohibits peacekeepers from exchanging sex for money, goods or services. Similarly, the AUC's Code of Conduct restricts peacekeepers, including AMISOM personnel, from engaging in sexual abuse and exploitation. AMISOM troops must abide by IHL and human rights law because they are part of an international peace operation. AMISOM's Human Rights, Protection, and Gender (HRPG) unit also organizes training for AMISOM troops, SNA forces, and the SPF. In October 2019, for instance, Female SNA and AMISOM troops underwent training on

women's participation in peace and security.[567] This came after UN Security Council resolution 2472 mandated AMISOM to increase the number and participation of female troops in the mission, and to ensure gender mainstreaming into the mission's operations.[568] In addition, newly deployed AMISOM military, civilian and police officers are all required to undergo mandatory induction training, which introduces them to the mission's mandate and Concept of Operations. Most recently, in July 2020, AMISOM military and police officers completed training on human rights and gender, and civilian protection in peace support operations.[569] Training modules included Strengthening Women Protection in Peacekeeping Operation, Awareness of Somali Culture, Islam and the International Human Rights Law, Introduction to Gender in Peace Support Operations, and the Role of Gender Focal Points. The mission has an added layer of responsibility amid the COVID-19 pandemic namely, to protect its troops from the virus while they continue to carry out their mandate. In this particular training, Ambassador Francisco Madeira, the SRCC, stressed the centrality of POC in AMISOM, and urged the troops to pay particular attention to the vulnerability of women and children in Somalia.[570]

Civilian Casualty Tracking Analysis and Response Cell

In 2012, after receiving approval from UN Security Council resolution 2036, AMISOM established the Civilian Casualty Tracking Analysis and Response Cell

---

[567] AMISOM, "Female SNA and AMISOM soldiers in joint awareness training on women's participation in peace and security," 25 October 2019, https://amisom-au.org/2019/10/female-sna-and-amisom-soldiers-in-joint-awareness-training-on-womens-participation-in-peace-and-security/, accessed January 29, 2021
[568] Ibid.
[569] AMISOM, "AMISOM officers complete training on human rights, gender and protection of civilians," 16 July 2020, https://amisom-au.org/2020/07/amisom-officers-complete-training-on-human-rights-gender-and-protection-of-civilians/, accessed January 29, 2021
[570] Ibid.

(CCTARC). Civilian Casualty Tracking is the process through which "a military or peacekeeping operation gathers data on civilian harm caused by its operations and then uses that data to improve operations and properly respond to civilian losses."[571] The cell performs three essential functions for AMISOM. First, it tracks and assesses instances of civilian harm by AMISOM troops. Importantly, it does not track civilian harm caused by any other actors and forces in Somalia. Second, it uses this data to plan and adopt future operational policies and procedures, and guides both in-mission and pre-deployment operations. This is aimed at reducing and preventing civilian harm and bolstering AMISOM's overall effectiveness in carrying out its mandate. Third, it responds to any allegations of civilian harm caused by AMISOM troops, advising when "ex-gratia" payments should be made to victims and/or their families. "Ex-gratia" payments, such as monetary compensation, material gifts and apologies, are provided in "recognition and assistance to civilians they harm within the lawful parameters of combat operations, despite having no legal obligation to do so."[572] While there does not exist a specific fund for making ex-gratia payments to victims of civilian harm caused by AMISOM troops or their operations, and while there is some pushback about making these payments, there are also cultural, political, and ethical reasons for doing so. In Somalia, it is considered necessary to collect *Diya* or "blood money," a form of financial compensation given to the victim or the victim's family in instances of property damage, physical harm, or murder.[573] Indeed, IHL does not oblige peacekeepers to compensate victims of civilian

---

[571] Natasja Rupesinghe, "The Civilian Casualty Tracking Analysis and Response Cell in the African Union Mission in Somalia: An emerging best practice for AU peace support operation?" *Norwegian Institute of International Affairs* 3 (2019), 1

[572] UN Human Rights Office of the High Commissioner, "Protection of Civilians Report," 3

[573] Author confidential phone interview with member of Somali Think Tank, Nairobi, Kenya, October 9, 2019

harm; however, such compensation would be seen as an acknowledgement of AMISOM's role in causing harm and help foster positive relationships with the Somali population.

Thus, the CCTARC serves the role of fostering relationships of trust and legitimacy between AMISOM and the local Somali population, especially since it investigates individual incidents of civilian harm before bringing them to the attention of the mission's leadership. Testimonies from AMISOM, AU and UN officials suggest a notable decline in civilian deaths and injuries caused by AMISOM since the establishment of the CCTARC in 2015.[574] The CCTARC resides at the AMISOM Force Headquarters in Mogadishu with its staff consisting of military, police, civilian, and legal advisors. The cell collects data and claims of civilian harm by AMISOM from a wide-range of sources, including individual claims either in-person, via telephone, or through the mission website, Civil-Military Coordination Officers, the AMISOM police patrol reports, local newspapers and social media.[575] Allegations are assessed by CCTARC staff, who collect evidence before submitting a report to the Human Rights and Protection leadership. In the case of SGBV, civilian injury, severe damage to property or livestock, or civilian death, allegations are submitted directly to the Board of Inquiry which conducts a deeper investigation. The Board of Inquiry then determines how the people responsible for the civilian harm should be charged, and whether the victim(s) and/or their families should be compensated. While the cell has been effective is tracking the main causes of civilian harm, using that information to implement measures that prevent

[574] Author confidential interviews with AMISOM, AU, and UN officials, Nairobi, Kenya & Kampala, Uganda, September – November 2019

[575] Rupesinghe, "The Civilian Casualty Tracking Analysis and Response Cell in the African Union Mission in Somalia," 2

future harm, it does not receive accurate and detailed information from AMISOM's six sectors. This is especially the case for sector-heads who want to protect their troops from being fined or charged for causing civilian harm.[576] The CCTARC, which is funded by the British government, has been controversial among AMISOM's TCCs because it is perceived as "a form of Western surveillance, especially given the way that the US-led coalitions in Afghanistan and Iraq had for a long time avoided counting civilian casualties."[577] By mid-2017, the CCTARC had insufficient technical and military support to effectively respond to allegations of civilian casualties. The CCTARC can only be effective in preventing civilian harm if all sectors are forthcoming about their daily operations, and their impact. However, it has proven to be difficult to secure compliance among TCCs without any material or political incentives.

Despite the apparent internalization of POC norms at the AU, especially in the Draft Guidelines, these norms have only gradually and inconsistently been accepted and internalized by AMISOM. This reflects that the nature of norm localization as a process involving constant debate, discussion, and negotiation even at the sub-regional level. Norm localization is inconsistent, uneven, and depends on a series of decisions and experiences over time. In the case of AMISOM, this inconsistency persists due to changes in overall mission and contingent leaderships, pressures from the local Somali population who are victims of civilian harm perpetrated by AMISOM personnel, and the willingness of TCCs to abide to POC norms and policies.

---

[576] Author confidential interview with UN official, Nairobi, Kenya, October 2019
[577] Williams, *Fighting to Peace in Somalia,* 273-274

Perception of AMISOM's POC Approach on the Ground

The diffusion of POC within AMISOM occurred partly because the AU had already accepted the norm at the regional level; moreover, the Union over time, came to recognize the norm as operationally imperative for the mission's success. Simply stated, AMISOM could not succeed without the support of the Somali people. The successful incorporation of the norm at the mission-level thus depended on both bottom-up and top-down pressures. Interviews conducted with Somali civil society organizations suggest that, even after the internalization of POC into the mission mandate, AMISOM is widely perceived as only protecting itself, VIPs, and federal institutions. AMISOM troops only end up serving the federal government. In addition, AMISOM does not have a clear strategy on how to maintain control over an area they have liberated from *al-Shabaab*. Often, AMISOM leave members of the SNA in that area, which does not have the resources, training or ability to protect civilians from attack when *al-Shabaab* forces return.[578] AMISOM has failed to take over the entire country, leaving rural and smaller towns under complete or partial control of *al-Shabaab*. Civilians are constantly at the mercy of either AMISOM, the FGS and its forces, or *al-Shabaab.* Moreover, there is a "loose" understanding of POC in AMISOM-controlled areas, particularly because the federal government is extremely weak and needs greater protection.[579] Interviewees argue that the success of AMISOM, its mission, and its POC mandate are contingent on political reconciliation with (and between) local entities.[580] Importantly, and as previously

---

[578] Author confidential phone interview with member of Somali civil society organization, Nairobi Kenya, October 2019

[579] Ibid.

[580] Author confidential interviews with UN Officials, Western Officials, Members of Somali Think Tank, and Members of Somali Civil Society Organization, Nairobi, Kenya, and Kampala, Uganda, September – November 2019

mentioned, the main issue with the internalization of POC in AMISOM's mandate concerns how troops and personnel continue to understand civilian protection. A Western official argued that "protection" is understood, and delivered, in different forms. On the one hand, protection is providing security for designated VIPs and the FGS institutions, especially from *al-Shabaab* attacks, and facilitating humanitarian aid and medical care to civilians. On the other hand, protection is proactively engaging in activities that reduce and prevent civilian harm. Both positions entail different normative understandings and have different implications for the resources and training needed to realize them.[581] The challenges of civilian protection in Somalia are compounded by the fact that armed groups, like *al-Shabaab,* clan and sub-clan groups, do not abide by IHL and do not receive training on AU guidelines for POC in armed conflict. "Illegitimate" and extremist armed groups are not part of international efforts to mainstream POC and prevent civilian harm during conflict. These groups express disinterest, and unwillingness, in changing their behavior and course of action to abide by global, regional and/or local norms. While states can attempt and are expected to maintain civilian protection in armed conflict, non-state actors, including armed extremist groups, have been unable or unwilling to do so. This hinders any attempts at universally adopting and applying POC in armed conflict, notably in Somalia, despite the existence of a normative framework in support of it. Again, civilians are caught in the crossfire between AMISOM and *al-Shabaab* forces.

Assessing AMISOM's POC Approach and Implications for Future AU Missions

Over the years, AMISOM's POC approach has encountered several important challenges. These should be critically assessed, both in order to improve POC in Somalia

---

[581] Author confidential interview with Western official, Nairobi, Kenya, October 2019

and to develop a clear POC approach for future AU peace and security operations. First, before 2007, only AMIS in Darfur had an explicit POC mandate. Importantly, AMIS was replaced by UNAMID in 2008, leaving AMISOM unable to learn from the mistakes of the previous mission. The AU did not conduct a lessons-learned study on AMIS, even though such studies are crucial for the institutional knowledge necessary to develop and implement effective POC mandates in the future. The Union's institutional unpreparedness also came in the form of the lack of a POC framework, training, and resources. AMISOM could not rely on any institutional knowledge concerning POC when it was first deployed in 2007. Second, AMISOM's POC approach, which was only developed in 2013, mirrored the UN's POC approach in peacekeeping missions. Yet as this dissertation has illustrated, AMISOM is not a traditional UN peacekeeping mission. It is instead a stabilization mission that also performs anti-terrorism, counterinsurgency and humanitarian activities. In doing so, AMISOM has positioned itself as a party to the conflict in Somalia, causing both *al-Shabaab* and other armed groups to target its troops, bases, and vehicles. This highlights important questions about the level of applicability of the UN's approach to POC in peacekeeping to the situation in Somalia, or whether a context specific POC approach needs to be developed in each case. Third, most of AMISOM's TCCs come from Somalia's neighbours, all of whom have had a history of contention with the country. For example, despite being part of AMISOM, Ethiopian troops are still perceived as an occupying force in Somalia. These troops receive little-to-no support and legitimacy from the local Somali population who continue to believe that they are present only to protect themselves and the FGS. Some interviewees also believe

that regional troops are benefitting, in one form or another, from the conflict in

Somalia.[582]

AMISOM's current mandate seeks to combine the experiences of its troops and

personnel in actively trying to stabilize Somalia. Before 2013, the AU did not have a

POC framework; the mainstreaming of POC in AU missions can therefore be traced back

to the experiences of AMISOM. The experiences in Somalia illuminate the challenges of

conducting peace and security operations in situations where there is no effective central

government, where the authority and legitimacy of the state are fragile and compromised,

or where there is no peace to keep. These situations require missions to undertake a

multidimensional approach that consists of civilian, police, and military components.

Each component must also carry out a variety of tasks, including the protection of

civilians, the enforcement of the rule of law, and the provision of humanitarian

assistance, security, monitoring, and governance. Since 2013, AU missions have

expanded their mandates to also include supporting the central government in protecting

civilians, monitoring and assessing human rights violators, promoting accountability for

violators, strengthening the state's security sector, and creating favourable conditions for

the effective delivery of humanitarian assistance to civilian populations. To support these

tasks, the AU has increased the number of police and civilian personnel assigned to each

mission. For instance, while the African Union Mission in Burundi (AMIB) consisted of

3,335 military and civilian personnel when it was deployed in 2003. In 2019, AMISOM

had a total of 19,626 uniformed personnel.[583] African peace operations have also

---

[582] Author confidential phone interview with member of Somali civil society organization, Nairobi Kenya, October 2019
[583] "Somalia," *Security Council Report,* 31 July 2019, https://www.securitycouncilreport.org/monthly-forecast/2019-08/somalia-5.php, accessed November 10, 2020

increased the number of police forces in each mission, emphasizing their importance, and tasking them to support:

> Long-term capacity-building and development (through co-location, strategic advisory, support for police reform, operational mentoring, multidisciplinary training), law enforcement and public order management, operational capabilities of host country police and other law enforcement officials [and] providing reassurance in the areas of public safety.[584]

In 2019, AMISOM's police component had 1,040 personnel. However, UN Security Council resolution 2472 "specified that a temporary surge in police personnel will be considered… [especially] if the Somali security plan for the elections… calls for such an addition."[585] This reflects an increase from 2014, when the mission only had 517 police officers who were responsible for training and advising the SPF and supporting the FGS in enforcing the national security plan. African peace operations continue to evolve into multidimensional approaches that integrate civilian, military and police elements.

Civilian protection has also become an integral part of the APSA, especially after the Draft Guidelines were established in 2009. Since then, POC has been mandated in all African peace and security operations. While the Union's efforts to define POC in its own terms is laudable, the experiences in Somalia and elsewhere demonstrate that this definition must be moulded to cater to the needs of a specific context and time. The definition of POC, as outlined in the Draft Guidelines, is also subject to financial and structural constrains. Indeed, while the guidelines on civilian protection mirror the UN's

---

[584] Yvonne Akapsom, "What roles for the civilian and police dimensions in African peace operations," in *The Future of African Peace Operations* eds. Cedric de Coning, Linnea Gelot and John Karlsrud (London, UK: Zed books, 2016), 109

[585] "Somalia," *Security Council Report,* 31, July 2019

POC approach in peacekeeping, they also involve African political authority and legal jurisdiction. In doing so, the AU is asserting its agency over the protection of Africans, a responsibility it has often accused the UN of neglecting, particularly when it comes to stopping civilian harm and mass violence on the continent. However, while the Union strives to establish itself as capable and willing to protect African civilians, accusations of AU troops causing harm to local populations highlight critical limitations of this aspiration. The AMISOM leadership, for instance, argues that their troops carry out their mandate under conditions of strict adherence to IHL and, should they "misbehave," are subject to accountability measures that bring them to justice.[586] Based on the AMISOM experience however, the question remains whether AU peace operations can effectively carry out their mandates, while upholding IHL and protecting civilians in the process.

Conclusion

The relationship between AMISOM and civilian protection is an evolving one. AMISOM and its troops continue to face allegations of civilian harm, including indiscriminately firing at civilians, engaging in sexual assault and exploitation of Somali girls and women, and running into civilian vehicles. The excessive use of force by AMISOM is partly due to the character of the conflict in Somalia with troops needing to respond to attacks from *al-Shabaab* and other armed militia groups. Despite this explanation, the heightened level of civilian harm decreases the local population's trust for the mission. Many Somalis perceive AMISOM as a perpetrator of violence and civilian harm, not as a peace and support mission. Normative discussions of POC have progressed at the regional level, with the AU introducing a series of policies and

---

[586] Author confidential phone interview with AMISOM official, Mogadishu, Somalia, November 2019

procedures aimed at preventing further civilian harm. Over the years, AMISOM has attempted to mainstream POC into its mandate, requiring all troops and personnel to undergo pre-deployment and in-mission training on civilian protection. The establishment of the CCTARC in particular, aimed at monitoring and reporting civilian harm, has proven to be effective in reducing the number of civilian casualties from AMISOM operations.[587] However, the internalization of POC norms at the mission level has been an inconsistent and halting process due to changes in AMISOM and contingent leadership and problems of compliance among TCCs. The movement towards an AMISOM POC mandate has therefore been reactive and remedial, with the mission responding to allegations of civilian harm by its troops.

Civilian protection continues to be a primary concern in Somalia, with AMISOM troops trying to avoid civilian harm while engaging in counter-insurgency activities against *al-Shabaab*. AMISOM troops struggle to provide the Somali population with physical protection, the first-tier of POC that has never been explicitly mandated due to the lack of necessary resources. As interviews with members of a Somali civil society organization highlight, AMISOM is still widely perceived by the local population to only protect themselves and the members of the FGS. The mission still struggles to secure trust and legitimacy from the local population, which are crucial to the mission's ultimate success. To remedy this, the AUC needs to convince TCCs to comply with the CCTARC and its activities, while TCCs should be willing to provide transparent information about civilian harm and casualties caused by their own troops. The AUC should also develop a "lessons learned" review of POC in AMISOM to build operational guidelines that reduce,

---

[587] Rupesinghe, "The Civilian Casualty Tracking Analysis and Response Cell in the African Union Mission in Somalia," 5

prevent, and respond to civilian harm. In addition, the AMISOM leadership should establish clear procedures for information-sharing on civilian harm and casualties between the different mission sectors. AMISOM should also recruit personnel with IHL and POC portfolios who have experience in monitoring and reporting on civilian harm. Comprehensive information-sharing between sectors, strengthening the CCTARC, and developing clear operational guidelines on POC will lead to greater accountability, including investigations, for those troops who contribute to civilian harm. This can also lead to greater compliance with IHL and international human rights law.

Chapter 7: Conclusion

This dissertation sought to evaluate the extent to which the AU has internalized and localized the POC norm, both in regional procedures and in peace and security operations. It also asked why the AU gravitated towards POC over the R2P doctrine in its response to increasing concerns over civilian protection in armed conflicts in Africa. Of particular importance is whether and how the POC norm has been internalized in the AMISOM case, and whether there is a congruence between the mission's mandates, its resources and capabilities, and its actual activities towards civilian protection on the ground. AMISOM's activities and their impact on the political and security situation in Somalia were examined, especially for the people most affected by the conflict. In doing so, the researcher primarily focused on *how* the international civilian protection agenda, grounded in the Geneva Conventions and the Additional Protocols, was localized and internalized in the AU's regional architecture, and the extent to which this is embedded into AMISOM's mandates and policies. Civilian protection is a multi-tiered task and involves the protection of civilians from physical harm, the protection of human rights, the provision of humanitarian relief to civilian populations, and the establishment of a secure environment. Because of the nature of the conflict in Somalia, AMISOM has primarily focused on tier-one protection – that is, the protection of civilians from physical harm. This conclusion summarizes the main empirical and theoretical findings of the research project, outlines political, strategic and operational policy recommendations for AMISOM and the AU, and details directions for future research.

Summary of Empirical Findings

Interviews with AU officials, as well as AU documents and protocols, indicated that there is a sense of "brotherhood" among African states, leaders and representatives. This is rooted in the ideals of the Pan-African solidarity norm which implores African political leaders to work cooperatively at the regional level to develop and implement policies that address different developmental, political, security and socio-economic issues facing the continent. Over the years, Pan-Africanism has evolved to respond to different challenges facing African peoples. This dissertation argued (in Chapter Four) that the Pan-African solidarity norm, through its norm entrepreneurs, was crucial in the transition from the OAU to the AU. This transition signalled a paradigm shift from the norm of non-interference to the norm of non-indifference. Chapter Four highlighted how the OAU and its officials vehemently protected colonial borders and the, often, dictatorial regimes that governed their territories. Their unequivocal stance against intervention in the domestic affairs of Member States, and the idea that sovereignty and non-interference is absolute, left little room for the OAU to hold regimes that oppress their own people accountable for their actions. The 1994 Rwandan genocide, in particular, highlighted the inability of the UN Security Council to maintain international peace and security, and the incapacity of the OAU to prevent, respond and react to mass atrocity crimes on the continent. This, coupled with other ongoing intrastate conflicts, pushed many African political, social and intellectual leaders to conceptualize what an "African" approach to these continental challenges could look like. African solutions to African problems, as a normative concept and operational approach, therefore became one of the founding principles of the AU. Not only does it declare that Africans are primarily responsible for

addressing the challenges facing the continent, it also emphasizes African agency in understanding these conflicts, and what an African vision for peace and security should look like. African leaders are primarily responsible for developing and enforcing solutions to respond to the specific challenges facing Africans. Interviews with AU officials highlighted how this norm continues to shape both the Union's formal operations and informal interactions. Interviews with Western diplomats (Chapter Four), who form part of the AU's community of donor partners, reveal the "opaque" nature of the organization wherein "outsiders" continue to face obstacles to accessing the information necessary for donor operations. However, as this dissertation has shown, the primary challenge to the African solutions to African problems norm comes from the Union's limited financial, logistical, and operational resources and the severity of the conflicts and crises in Africa. This dissertation argues that daily operations within and by the AU reflect a compromise between this norm and what practitioners and officials need to do to fully meet their responsibilities to African peoples.

This dissertation demonstrated that "African solutions to African problems" is institutionalized in (among other places) Article 4(h) of the AU Constitutive Act and signifies the right of the Union to intervene in the internal affairs of a Member State, including the use of force to respond to genocide, crimes against humanity, and war crimes. This marks a clear departure from the OAU's norm of non-interference and its traditional conceptualization of state sovereignty. Article 4(h) represents the Union's last resort to prevent and respond to mass atrocity crimes on the continent. Importantly, this dissertation argues that the AU has developed a particular *African* approach to non-indifference, or humanitarian military intervention, which is informed by regional

normative and legal processes. The AU operates as a regional filter for the proliferation of norms by offering an arena for national, regional and international normative structures to deliberate on new norms. Chapter Four also examined the place of R2P in the AU, ultimately arguing that the term "R2P" does not explicitly appear in AU protocols, resolutions and documents. The coercive nature of the R2P doctrine, exhibited by the 2011 NATO-led Libyan intervention, led African leaders to become wary of the norm. Note, however, that the Ezulwini Consensus demonstrates that AU wariness pre-dated Libya, since the consensus was adopted in 2005 and warned against the use of R2P by powerful Western states to push for regime change in African countries. Instead, the AU uses the term "non-indifference" to promote the protection of civilians through multilateral cooperation between sub-regional organizations, international organizations, and other regional organizations. Conditional sovereignty, grounded in the *Ubuntu* philosophy, continues to inform the African conceptualization of civilian protection with the Union refraining from establishing the frameworks needed to authorize intervention under R2P as outlined by the ICISS. While non-indifference could have been the regional manifestation of R2P, the Libyan intervention crystallized, for African leaders, that the norm encourages regime change. The AU has thus gravitated towards the more flexible POC norm to respond to human insecurity on the continent. This dissertation argues that African actors localized and internalized the global POC norm by reconceptualizing it in ways that respond to their specific regional needs and challenges. Indigenous African traditions of "brotherhood" and communal responsibility form the foundations for the localization and internalization of the POC norm. As interviews with AU officials illustrated, African leaders are more inclined to adopting the POC norm because it is less

threatening, does not actively seek regime change, and seeks the consent of the host state before intervening. This should be understood in the context of the persistent legacy of the post-independence era, with African leaders continuing to value state sovereignty and self-determination.

AMISOM illustrates a clear expression of African solidarity norms, namely non-indifference and African solutions to African problems. This dissertation argues (in Chapters Five and Six) that AMISOM represents a unique and unparalleled mission because of its multidimensional and multilayered framework that is supported by international and bilateral donors who continue to provide technical, financial and logistical support for the mission. AMISOM remains the AU's longest and most expensive mission to date, and is heavily dependent on financial, institutional, operational and logistical support from external sources including from the UN, the EU, and bilateral partners. This dependency on external funding sources has prompted critics to claim that AMISOM is not truly an "African" response to the crisis in Somalia.[588] Williams has described the "AMISOM model" as "the longest-standing case of a peace enforcement built on such international partnerships."[589] This dissertation argues that AMISOM is also unique because it engages in non-traditional peacekeeping and incorporates counterterrorism and counter-insurgency operations, especially against *al-Shabaab.* AMISOM can therefore not withdraw from Somalia until the country is able to manage its own security.

Since its inception in 2007, AMISOM has had notable successes including establishing a central government in Somalia, namely the TFG then the FGS, protecting

---

[588] Author confidential interview with Western diplomat, Nairobi, Kenya, September 2019
[589] Williams, "Lessons for 'Partnership Peacekeeping' from the African Union Mission in Somalia," 1

VIPs involved in the political reconciliation process, and protecting federal institutions. Over the years, AMISOM's mandate has expanded to include combat operations and recovering territories under *al-Shabaab's* control. AMISOM is best understood as a stabilization mission that engages in training and rebuilding Somalia's police and security forces, providing humanitarian assistance to civilian communities, helping enforce law and order, and supporting the re-establishment of local and regional governments in areas liberated from *al-Shabaab*. 2014 marked AMISOM's "golden year" of success where the mission recovered eight Somali districts from *al-Shabaab*. This allowed AMISOM, UNSOA and other NGO partners to provide humanitarian relief to local populations. However, AMISOM continues to contribute to the conflict in Somalia by supporting different political and/or ethnic factions in the country. As such, this dissertation argued that AMISOM does not represent a traditional peacekeeping mission as others have, in the UN sense of the term, because it performs counterinsurgency, counterterrorism and humanitarian activities. The mission positions itself as a party to the conflict, making it an easy target for *al-Shabaab* and other non-state armed groups.

AMISOM's contingents include troops from Uganda, Kenya, Burundi, Djibouti, Sierra Leone, and Ethiopia. This dissertation argued that Somalia's neighboring states in particular were motivated to join AMISOM by their individual regional strategic interests. Importantly, Ethiopia and Kenya launched unilateral attacks on Somalia before joining AMISOM, in 2006 and 2011 respectively. Ethiopia's interests in Somalia lie in maintaining border security, especially after the Islamic courts in Somalia declared a *jihad* on Ethiopia. Former Prime Minister Meles Zenawi also stated Ethiopia's intention to stop the prevalence of terrorist organizations supported by Somalia's Islamic courts.

Kenya, Somalia's other neighbor, continues to face security threats posed by *al-Shabaab,* including the 2013 bombing of Westgate Mall in Nairobi. Kenya's interests in Somalia are complex. On the one hand, the KDF seeks to counter the security threats posed by *al-Shabaab* and prevent the influx of asylum seekers into Kenya. On the other hand, the KDF is also complicit in the illicit and illegal charcoal trade by working closely with *al-Shabaab,* Jubaland forces, the Kenyan police, and Kenyan politicians.[590] This violates both UN and AMISOM resolutions and mandates that clearly prohibit the charcoal trade in Somalia, thereby undermining the mission's overall mandate. For Uganda, joining AMISOM was seen as a way to rehabilitate its international image after it was widely criticized for intervening in the DRC (1998-2003) and Sudan/South Sudan (2002-2006).[591] In outlining the different interests of AMISOM's TCCs, this dissertation argues that strategic interests encouraged Somalia's neighbors to contribute resources and troops to the mission. However, the mission has failed to develop a cohesive chain of command and authority among all the TCCs and the sections under their control. This has had negative implications for its role in POC.

AMISOM remains in the precarious position of not being in control of its own future and destiny, especially because it relies heavily on external funding and the division of labor between the TCCs. Despite this, it is important to note AMISOM's progress especially in dislodging *al-Shabaab* from south-central Somalia, while operating in a highly volatile environment. In addition, the mission supported and protected two transitional governments, two federal governments and two federal electoral processes. AMISOM has established a relatively stable federal political environment for Somalia's

---

[590] Author confidential interview with UN official, Nairobi, Kenya, October 2019
[591] Williams, *Fighting for Peace in Somalia,* 175

political leaders to address key governance issues. In doing so, it helped establish conditions for the return of several international actors, including the UN, to Somalia. While these successes are important and necessary, the mission continues to struggle on the civilian protection front. As Chapter Six illustrated, AMISOM troops continue to be regularly accused of directly causing civilian harm, through indiscriminate shooting at civilians and through SGBV, and indirectly doing so by failing to protect civilians from *al-Shabaab* attacks. Interviews with Somali journalists, NGOs, and civil society organizations revealed that civilians are often caught in the crossfire between AMISOM and *al-Shabaab.* AMISOM also engaged in a "fire and forget" strategy, where civilians who are harmed are not tracked or accounted for. In addition, AMISOM troops are responsible for the arbitrary detention of civilians, sexual exploitation of vulnerable women and girls, and the indiscriminate killings of civilians. The most common way that AMISOM harms civilians is through hit-and-run accidents between the mission's vehicles and civilian vehicles, resulting in civilian deaths and injuries.

This dissertation argued that heightened instances of civilian harm, and the lack of accountability and prosecution for perpetrators of harm, resulted in the loss of trust in and legitimacy for the mission among the local population. Chapter Six highlighted AMISOM officials' unwillingness to discuss any of the civilian harm allegations by AMISOM troops, instead directing the researcher towards the successes of the mission, especially in dislodging *al-Shabaab* from Mogadishu and other major Somali towns.[592] AMISOM officials across different departments also revealed that they received mixed signals about what "protecting civilians" means in practice in Somalia, particularly for a

---

[592] Author confidential phone interviews with AMISOM Official, Kampala, Uganda, October – November 2019

mission that also undertakes counterterrorism and stabilization activities. This, they argued, results in a very loose meaning of the POC norm across AMISOM's different departments.[593] This dissertation therefore argued that all mission personnel, across various departments, need to understand what POC means in practice, whether or not their duties and activities adhere to IHL, and how they should actively seek to protect civilians and reduce civilian harm.

In 2013, AMISOM approved a mission-wide civilian protection agenda and internalized POC into the mission's mandates and in new operational policies. This was necessary because the heightened level of civilian harm caused by AMISOM, coupled with the lack of acknowledgement and accountability for it, created mistrust between troops and the local population. This ultimately undermines AMISOM's mandate of defeating *al-Shabaab,* supporting the FGS and the federal institutions, and establishing peace and security in Somalia. Importantly, the Draft Guidelines established a POC strategy in 2010 and highlighted the AU's acknowledgement of the importance of civilian protection in ensuring the validity and legitimacy of a peace and security operation. Legitimacy, as argued in Chapter Six, is crucial because local civilian populations need to trust the AU mission in order for them to participate in the peace and reconciliation process. However, this dissertation argued that AMISOM did not have the necessary knowledge and information from former missions about how to effectively protect civilians and prevent civilian harm. The AU does not have an effective system of maintaining institutional knowledge, especially about how to incorporate a POC mandate into its missions; instead, missions live and die with their incumbent officials. AMISOM

---

[593] Ibid.

is therefore an important case of how POC is internalized into the mission's policies and practices and provides the AU with the opportunity to document lessons learned (both positive and negative) to provide future missions with information about how to increase the effectiveness of a POC mandate.

Chapter Six of this dissertation detailed the specific in-mission policies and procedures that sought to internalize POC within AMISOM. First, the mission updated its ROE, explicitly authorizing troops to use force to protect civilians under imminent threat of physical violence. Second, AMISOM introduced an IFP that is grounded on an indigenous Somali norm of shielding women and children from harm during armed conflict. The IFP's 3A strategy expected troops to avoid arbitrary firing at civilians, attribute responsibility to individuals committing civilian harm, and provide assistance to victims of civilian harm. Third, the mission's new reporting mechanism included reframing AMISOM's public image in an effort to restore its legitimacy and credibility among the local population. This also included radio stations, magazines, opinion pieces, social media and websites that disseminate information about the mission and its activities to the local, regional and international community. Fourth, in-mission and pre-deployment training on human rights and gender, cultural sensitivity training, and civilian protection was mandated for all troops and mission personnel. Fifth, AMISOM established the CCTARC that tracked incidents of civilian harm by AMISOM troops, used the data to plan and adopt future operational policies and procedures, and guided both in-mission and pre-deployment training. The CCTARC also aimed at responding to any allegations of civilian harm caused by AMISOM troops and advised on when, or whether, *ex gratia* payments should be made to the victims and/or their families.

Nevertheless, although the mission has made these policy changes, their implementation has been gradual and uneven. In addition, the majority of the local population remains at the mercy of the FGS, *al-Shabaab* or AMISOM (whose troops, from various TCCs, have a loose understanding of POC). Moreover, the main issue with the internalization of POC in AMISOM concerns the different ways that troops and personnel continue to understand civilian protection. This highlights the still-limited degree to which POC has been localized and internalized by various African military and policy forces. The challenge of implementing civilian protection in Somalia is further compounded by the fact that armed groups, like *al-Shabaab*, do not abide to IHL and do not receive training on AU guidelines for POC in armed conflict.

Summary of Theoretical Findings

This dissertation has made four key arguments about the nature of norm localization of POC in the African context. First, regional norm diffusion remains closely inter-connected with global norm generation and acceptance. The origins of POC stem from key developments in international law, particularly the Geneva Conventions (1949), the Additional Protocols (1977), and customary international law. POC, rooted in IHL and IHRL, has been embedded into the UN framework, UN Security Council peacekeeping operations, and is promoted and developed by OCHA who outlined the three-tiers of protection. These are the protection of civilians through dialogue and engagement; the protection of civilians from physical violence; and the establishment of a protective environment and the prevention of the re-emergence of threats of physical violence.[594] This international norm generation and acceptance process has been

---

[594] United Nations Department of Peace Operations, *The Protection of Civilians in United Nations Peacekeeping: Handbook,* 3

replicated and internalized at the African regional level. Article 4(h) of the Constitutive Act commits the Union to non-indifference in instances of war crimes, genocide, and crimes against humanity. The AU Commission also developed a rights-based conceptualization of POC that resembles the ICRC's definition of POC outlined in 1996. Like OCHA, the AU Draft Guidelines (2010) outlined a four-tier approach to protection: 1) the protection of civilians from physical harm; 2) the provision of humanitarian relief; 3) the protection of human rights; and 4) the establishment of a secure environment. International norm generation and diffusion, and regional norm localization are therefore reciprocally connected, with long international foundations reinforcing the argumentation of norm entrepreneurs regionally.

Second, the AU remains the primary vessel for norm entrepreneurship, norm emergence, norm diffusion, norm contestation, and norm internalization on the continent. Norm localization and internalization happens through the AU and trickles down to its Member States, with varying degrees of rigour in implementation and effectiveness. Chapter Three delineated how seemingly international norms are reinterpreted and re-represented by local norm entrepreneurs to build congruence with local values and practices. When norm localization is presented theoretically, it appears to be a linear and top-down process. However, as the AMISOM case highlighted, norm localization is not so straight-forward in practice. It involves negotiations and disruptions at the international level, among regional actors and their external funders, and requires compliance by Members States and TCCs – all of which can halt and disrupt the process. The process of localizing POC in AMISOM has been gradual and uneven due to changes

in leadership (both at the mission-level and in the different contingents), the heightened levels of civilian harm caused by AMISOM troops (thereby propelling the mission to institutionalize POC in its policies and practices), and the unwillingness of TCCs to comply with POC-related policies and practices (due to the lack of material and/or political incentives for them to do so, as well as the lack of a clear understanding of what it means and requires of them). AMISOM's timeline of internalizing POC in its mission mandate, outlined in Table 3, further highlights that norm localization is not only a top-down process, with guidelines for implementation coming from the AU, but is also reactive and fuelled by important events happening on the ground, such as the mission lacking legitimacy among the local population due to high levels of civilian harm caused by its troops.

Third, African norm entrepreneurs have been pivotal to the norm localization process. After the failure of the OAU to react and respond to the Rwandan genocide in 1994, African norm entrepreneurs, including Kofi Anan, Francis Deng, and Boutros Boutros-Ghali, were involved in constructing and conceptualizing an African narrative of non-indifference, and convincing Member States to embrace the norm of intervention for civilian protection purposes. African norm entrepreneurs used indigenous examples of conflict resolution and civilian protection, including the Gacaca courts in Rwanda, to convince Member States to accept the prevailing global POC norm. The localization and meaning-in-practice of the global POC norm in the African context, by African norm entrepreneurs, resulted in the norm being conceptualized in a more local sense and enacted through specific AU peace and security operations, with varying degrees of success and effectiveness. African actors were able to localize global norms by either:

redefining them in ways that are more compatible with local contexts, needs and interests; entirely re-labelling the global norm (such as through the norm of non-indifference); shaping the meaning-in-practice of the norm through different behaviors and activities that change the traditional understanding of what it means to enact the norm; and/or challenging the global norm in speeches and discourses. Norm localization places the initiative of advocating and enacting normative change with the local (African) agent. The AMISOM case highlighted two key aspects about the roles that norm entrepreneurs play in the localization process. First, although the efforts made by African norm entrepreneurs in the 1990s were important to the internalization of non-indifference at the regional level, the lack of institutional memory at the AU, due to changes in leadership and failure to document lessons learned, left the mission unequipped to effectively internalize POC in its mandate. AMISOM presents the AU with an important opportunity to document the successes and limitations of internalizing POC in a peace and security operation. Second, the process of internalizing POC in AMISOM underscores that despite negotiations and decisions about civilian protection norms and practices being made by African actors and norm entrepreneurs, not all TCCs are willing to comply with them. This is mostly due to the lack of incentives for compliance *and* accountability mechanisms to hold those who deviate from the norm accountable.

Fourth, conceptually, there are key differences between R2P and POC that have important implications for how civilian protection norms are internalized in Africa. Both norms are rooted in the primary concern of protecting civilians from atrocity crimes, both expect states to bear responsibility for protecting civilians, and both perceive the UN Security Council as the main body that can authorize intervention. However, while R2P is

limited to four atrocity crimes (genocide, crimes against humanity, ethnic cleansing, and war crimes), POC consists of a broader list of challenges that may threaten civilian populations and their rights under IHL (including displacement, humanitarian needs and access to medical supplies). While POC is restricted to instances of armed conflict, R2P can be applied to all instances *at all times* where the four atrocity crimes are present. R2P also places primary responsibility to protect civilians on the state in question and can be authorized by the UN Security Council against the host state, without its consent. Conversely, POC expects both states and non-state actors to protect civilians and can include the use of military force *with* the consent of the host state or the main parties of the conflict. Although the development and institutionalization of R2P and non-indifference occurred largely around the same historical moment and were at least partially driven by the same historical experiences like the Rwandan genocide, the AU gravitated towards POC due to the flexibility the norm afforded its Member States. The case of AMISOM highlights that conversations about internalizing POC in AU peace and security operations were already in play in the late 2000s. However, after the NATO-led intervention in Libya in 2011, which resulted in regime change and the forceful removal of Qaddafi, the AU cemented its regional approach to civilian protection through POC. Critically, POC does not legitimize the potential to directly challenge the authority of state authorities, an aspect that is important to African state leaders. The Union tilt towards POC, over R2P, further highlights the protracted and uneven process of norm localization and internalization that involves, and is influenced by, a series of negotiations and experiences over time.

Policy Recommendations

        This dissertation makes several policy recommendations about the future of AMISOM that, if implemented, could support the Somali Transition Plan and protect civilians effectively. The case of AMISOM illustrates that theoretical and empirical considerations about norm localization and internalization are integrally connected. Not only are these processes important theoretically, they also have real-life implications about the fate of civilians in a highly volatile political and security situation. Indeed, the AU should use the AMISOM case to document lessons learned for future peace and security operations. On September 6, 2016, the AU PSC authorized the AU Commission to begin the process of developing "a comprehensive lessons learned exercise, which will identify progress made, challenges encountered and more importantly recommend options on the way forward in the future of AMISOM, including the Mission Exit Strategy."[595] The policy recommendations here advocate adding to this lessons-learned exercise in the hopes that the AU can learn from its own mission.

Political Level

        There needs to be greater political consultation and communication between UNSOA, the AU PSC, donor partners, and AMISOM's different *departments especially about what it means to protect civilians*. There needs to be a unified understanding of what POC means on the ground and which activities should be undertaken to operationalize protection. The AU and AMISOM must also determine what roles each organization plays with regards to policing and civilian protection. This includes getting

---

[595] AU Commission, "Report on the Ten-Year AMISOM Lessons Learned Conference," March 9-10 2017, https://www.accord.org.za/publication/report-ten-year-amisom-lessons-learned-conference/, accessed March 18, 2021

TCCs to fully adhere to the POC mandate, establishing an accountability mechanism for TCCs in the sectors under their control, and getting a commitment by TCCs to prosecute perpetrators of civilian harm in their own countries. This dissertation has shown that AMISOM's goals cannot be achieved solely by military means and require Somalia's federal, regional and local actors to politically reconcile so that all actors share a similar vision for how the country should be governed and by whom. AMISOM should continue to play an important role in post-conflict reconstruction and support for the Somali Transition Plan that was agreed on in early 2018. This includes supporting federal elections, strengthening the SNSF and SNA, and establishing effective governing institutions in areas recovered from *al-Shabaab* in order to prevent the emergence of a political vacuum. While AMISOM has made progress in disseminating information about their operations to global and regional audiences, especially through their Twitter account, the mission needs to find effective ways of communicating with the local population, some of whom do not have access to the internet or social media. This communication should also be translated into local languages so that civilian populations can understand the nature, successes and limitations of AMISOM's activities.

Strategic Level

AMISOM has always been an underfunded and under-resourced mission. This reality has had important implication for the mission's capabilities. The mission's lack of sufficient resources is in part due to the lack of political and financial commitment by TCCs, and the lack of unified command and control between AMISOM's headquarters and sectors controlled by the TCCs. The mission must therefore find ways to align its mandated tasks with the resources available. In particular, information-sharing and

knowledge management between the headquarters and the TCCs needs to be strengthened. TCCs need to share and report information about civilian harm to the CCTARC so that it can be captured in the AU Commission's overall lessons learned report. In addition, the CCTARC need to be accountable to the local population, and to local and international NGOs through robust recordkeeping, an official oversight mechanism, and clear and publicly shared guidelines for POC. As argued in Chapter Six, the CCTARC also needs more staff, especially experts trained in IHL and IHRL so that it can address issues of civilian harm by the FGS, *al-Shabaab* and other non-AMISOM forces. AMISOM troops and personnel should all be trained in IHL, how to exercise restraint in combat, and how to respond effectively to civilian harm allegations and incidents. This training on how to protect civilians and prevent civilian harm should then be extended to the FGS and its institutions.

A 2011 CIVIC report on civilian harm in Somalia recommended that AMISOM learn more about traditional Somali norms and practices of conflict resolution and compensation. While AMISOM has embedded the practice of *biri-ma-geydo* into its IFP, CIVIC also recommended that it incorporate the traditional law of *Xeer* and the Islamic shari'a law of *Xaq* in how it responds to civilian harm. *Xeer* is a defining feature of Somalia's clan-based society and "provides for collective compensation (*diyya* or blood money) and a reconciliation-based structure for the resolution of disputes."[596] This traditional law is based on the fact that the victim's clan can retaliate if a settlement is not reached. While *Xeer* was developed and administered by clan leaders in nomadic communities, making it difficult to apply in contemporary contexts of armed conflict, it

---

[596] "Civilian Harm in Somalia: Creating an Appropriate Response," 2

remains widely respected and can be used in AMISOM's response to civilian harm.[597]

Xaq, or the Islamic shari'a law, has been used to resolve conflicts and disputes in Somalia in the absence of a reliable state-based legal system. While *Xaq* is widely respected, there are differences in interpretation among the Somali population. *Al-Shabaab's* interpretation of shari'a enforces "extreme measures and punishment" and is highly unpopular among the local population.[598] Still, the basic principles of *Xeer* and *Xaq* can be incorporated into AMISOM's approach to responding to civilian harm.

Operational Level

The operational successes of AMISOM can be improved through a united and sustained leadership and sufficient resources from the UN, the AU, bilateral partners and donors, TCCs, and Somali authorities. This will also require deeper and more effective liaison between the FGS, regional administrations, communities, developmental actors and AMISOM. The mission's capabilities should be aligned with the nature of its activities, including an emphasis on counterinsurgency against *al-Shabaab* in order to ensure greater mobility and access of humanitarian relief to rural civilian communities. Counterinsurgency operations will therefore require additional helicopters, which will allow AMISOM to rapidly launch air strikes against *al-Shabaab,* provide air cover from troops on the ground, escort FGS convoys, and airdrop humanitarian relief to civilian populations. As this dissertation argued, AMISOM's exit strategy should be conditional on the inclusion of different local political actors in the post-conflict reconciliation process, the ability of Somalia to manage its own security (through the SNSF and SNA), and total Somali ownership and leadership of the economic, security, developmental and

---

[597] Ibid.
[598] Ibid.

political direction of the country. This can be achieved by ensuring that *all* parties to the conflict in Somalia are included in the political process.

Directions for Future Research

This dissertation highlights four areas of future research. The first area relates to the impact of the COVID-19 pandemic on armed conflicts and peacekeeping operations, especially when it comes to civilian protection. In the wake of the COVID-19 pandemic, peacekeeping operations have an added layer of responsibility for protecting their troops and personnel from the virus while they carry out the mission mandate. It would be interesting and important to see how AMISOM and other AU missions have adapted their operations during the pandemic, not only to protect themselves, but also to protect civilians. In addition, it is important to explore the impact of social distancing on a mission's meetings with different stakeholders (and how this relates to confidentiality), the pace of military operations, and the nature of in-mission and pre-deployment training for troops. Limited interactions between the mission and the local population, due to social distancing and stay-at-home orders, can also impact the volume of information and intelligence about insurgent and armed groups. Importantly, it is necessary to examine how efforts by AMISOM and other AU missions to help contain the spread of the virus can impact the long-term success of the mission, especially with the suspension of patrol activities that often provide protection to civilian communities.

The second area for future research relates to how AMISOM can inform major questions about peace and security operations and the multidimensional partnerships that underpin them. Chapters Five and Six outlined "the AMISOM model," arguing that the mission gets a majority of its logistical, financial, and operational support from external

funders. This reflects a new pattern in the international security architecture where local, regional, and international actors increasingly work closely together to pursue peace and security goals. There needs to be clear guidelines for effective cooperation and collaboration if the future of peace and security operations is the network-style multi-stakeholder partnership framework, which introduces great challenges of complexity, accountability, and potential politicalizing of the mission and its operations.

Third, the findings concerning norm localization and internalization in the AU, and subsequently in AMISOM, can be compared to other cases in different regional contexts. In particular, an examination of the Association of Southeast Asian Nations (ASEAN)'s relationship with state sovereignty and non-interference, and the implications this has for civilian protection in armed conflicts in the region, can offer the basis for an interesting comparative analysis about how different regional organizations engage with global norms. This area for future research is especially timely with the current political and humanitarian crisis in Myanmar.

The fourth area for future research relates to further exploring the relationship between the AU and the RECs in peace and security operations. African states are members of both the AU and one of the eight officially recognized RECs. As Coe and Nash note, the APSA delegates roles and responsibilities to the RECs who continue to respond to peace and security challenges in their respective sub-regions.[599] Both the APSA and the RECs arguably seek to pursue the political ideal of "African solutions to African problems," a norm that privileges African agency in knowing and understanding an *African* vision for peace and security on the continent. A future project could expand

---

[599] Brooke Coe and Kathryn Nash, "Peace process protagonist: the role of regional organizations in Africa in conflict management," *Global Change, Peace & Security* 32, no. 2 (2020): 157-177

on research done by Arthur and explore the dynamic and evolving nature of the AU-REC relationship, paying particular attention to the concept of subsidiarity and the implication it has for this relationship.[600] This is particularly interesting because, while the PSC Protocol established the primacy of the AU in maintaining peace and security on the continent, thereby creating the impression that the AU and RECs exist in a hierarchical relationship, each REC exists as an independent legal institution with its own charter and is not subordinate to the AU. With increasing conflicts on the continent, it is necessary to explicitly clarify the roles and responsibilities of the AU and the RECs, respectively, to respond to armed conflicts. It is also important to explore the advantages and limitations of troops consisting primarily of neighboring states with deep national interests in the state being "stabilized."

The Future of African Union Peace and Security Operations

AMISOM is crucial to the AU's doctrinal approach to POC, especially about what POC means in practice and why POC is necessary for a mission's success. AMISOM represents the most prolonged effort to operationalize non-indifference. Albeit still operational, the AMISOM case offers three important lessons learned about the future of AU PSOs. First, as Chapter Five's discussion of regional strategic interests in Somalia highlighted, having a mission's troops coming from the host state's neighboring countries complicates its operations. A host state's neighbors are directly impacted by the conflict and have specific strategic and material interests in how the conflict unfolds. These states have the greatest stake in the conflict and are motivated to make robust long-term commitments to the mission. However, it is precisely these stakes that make them suspect

---

[600] Arthur, "Promoting Security in Africa through Regional Economic Communities (RECs) and the African Union's African Peace and Security Architecture (APSA)," 10-12

in the eyes of civilians and undermine the operational legitimacy of the mission. In addition, TCCs do not (yet) have accountability mechanisms for troops who cause civilian harm. The mission, and the AU, should therefore establish frameworks to ensure the prosecution of troops who violate human rights laws and hold them accountable for their actions.

Second, civilians continue to be actively and indirectly targeted by different factions in an armed conflict. The AU and its missions should recognize that some groups of civilians require more protection. These groups include children, women and girls, the elderly, displaced peoples, and persons with disabilities. POC should therefore be mainstreamed directly into mission mandates, at every level. The protection of civilians should be customary, in all missions, especially because of the increasing number of civilians who continue to be killed, wounded, arbitrarily detained and/or displaced in protracted armed conflicts.

Third, and perhaps most importantly, regional solutions to regional problems are insufficient to protect civilians and ensure peace and security on the continent. This dissertation has shown that AMISOM alone is unable to resolve Somalia's political and governance crisis. "African problems," and especially African conflicts, are protracted and multidimensional and require collaborated and coordinated solutions between African actors, external partners, international organizations, and the local civilian population. While the "AMISOM model" cannot be fully replicated, it does raise important considerations regarding how other AU-led peace and security operations can benefit from the network-style multi-stakeholder partnership framework, while still maintaining primary authority over the mission.

Bibliography

Aall, Pamela and Chester A. Crocker eds. *Minding the gap: African conflict management in a time of change.* Waterloo: The Centre for International Governance Innovation. 2016.

Abumere, Frank Aragbonfoh. "Introducing Normativity in African International Politics." *South African Journal of Political Studies* 47, no. 3 (2020): 342-360.

Acharya, Amitav. "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism." *International Organization* 58, no. 2 (2004): 239-275.

Acharya, Amitav. "Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism, and Rule Making in the Third World." *International Studies Quarterly* 55, no. 1 (2011): 95-123.

Adaora, Osondu-Oti and Michael Ine-Dumbi. "African Union and Peace Support Operations in Africa: Civilians' Protection Perspective." *EPRA International Journal of Research and Development* 3, no. 12 (2018): 167-175.

Adler, Emanuel. "Seizing the Middle Ground: Constructivism in World Politics." *European Journal of International Relations* 3, no. 3 (1997): 319–63.

African Union. "African Union Sustainable Funding Strategy Gains Momentum." https://au.int/en/articles/african-union-sustainable-funding-strategy-gains-momentum. Accessed November 27, 2020.

African Union. *Communique of the 265th Meeting of the Peace and Security Council, PSC/PR/COMM.2* (CCXLV). March 10, 2011.

African Union. *Constitutive Act of the African Union.* Addis Ababa, Ethiopia: African Union, 2000.

African Union. *Draft Guidelines for the Protection of Civilians in African Union Peace Support Operations.* 2010. http://www.peaceau.org/uploads/draft-au-poc-guidelines-english.pdf. Accessed December 1, 2020.

African Union. *Opening address by Ambassador Smail Chergui, Commissioner for Peace and Security, to the 14th meeting of the African Union Panel of the Wise*. 2014. http://www.peaceau.org/en/article/opening-address-by-ambassador-smail-chergui-commisionner-for-peace-and-security-to-the-14th-meeting-of-the-african-union-panel-of-the-wise. Accessed December 2, 2020.

African Union. *Protocol relating to the establishment of the peace and security council of the African Union. Adopted by the 1st Ordinary Session of the Assembly of the African Union*. Durban, 2002. http://www.peaceau.org/uploads/psc-protocol-en.pdf. Accessed December 2, 2020.

African Union. "Report of the Chairperson on the Atrocities of the AU High Level Ad Hoc Committee on the Situation in Libya." *PSC/PR/2(CCLXXV). April 26, 201*. www.peaceau.ac/org/uploads/275reportonlibyaeng.pdf.

African Union. *Report of the Strategic Retreat of the African Union Interdepartmental Working Group on the Protection of Civilians*. Debre Zeyit, Ethiopia: AU, 2011.

African Union. *Silencing the Guns*. https://au.int/en/flagships/silencing-guns-2020. Accessed February 26, 2021.

African Union. *Study on an African Union Government: Towards a United States of Africa*. Addis Ababa, Ethiopia, 2006.

African Union Commission. "Strategic plan 2009–2012." *AU document EX.CL/501 (XV) Rev. 2, 19*. May 19, 2009. https://reliefweb.int/sites/reliefweb.int/files/resources/08D09FE21F9917E8492575F500211460-EX%20EnglishCL%20501_XV_%20%20-%20Strategic_Plan%20Rev%209%20_b2_.pdf. Accessed November 27, 2020.

African Union Peace and Security Council. "326th Meeting - Press Statement." *PSC/PR/BR/1.(CCCXXVI)*. 26 June 2012. http://www.peaceau.org/uploads/326th-final-psc-press-statement-en.pdf. Accessed December 1, 2020.

Akapsom, Yvonne. "What roles for the civilian and police dimensions in African peace operations." In *The Future of African Peace Operations* edited by Cedric de Coning, Linnea Gelot and John Karlsrud. London, UK: Zed books, 2016.

Akuffo, Edward Ansah. "The Politics of Interregional Cooperation: The Impact of NATO's Intervention in Libya on Its Relations with the African Union." *African Conflict & Peacebuilding Review* 4, no. 2 (2014): 108-128.

Albrecht, Peter, and Cathy Haenlein. "Fragmented Peacekeeping: The African Union in Somalia." *The RUSI Journal* 161, no. 1 (2016): 50-61.

Albrecht, Peter, and Signe Cold-Ravnkilde. "National Interests as Friction: Peacekeeping in Somalia and Mali." *Journal of Intervention and Statebuilding: Security Governance/IOs in Africa* 14, no. 2 (2020): 204-220.

AMISOM. "160 newly deployed police officers conclude AMISOM induction training." *AMISOM News*. January 7, 2021. http://amisom-au.org/2021/01/160-newly-deployed-police-officers-conclude-amisom-induction-training/. Accessed January 11, 2021.

AMISOM. "Female SNA and AMISOM soldiers in joint awareness training on women's participation in peace and security." 25 October 2019. https://amisom-au.org/2019/10/female-sna-and-amisom-soldiers-in-joint-awareness-training-on-womens-participation-in-peace-and-security/. Accessed January 29, 2021.

AMISOM. "Mission-wide Protection of Civilians Strategy for AMISOM. May 2013. https://au.int/ar/documents/dp/key/7%2C117%2C179%2C180?page=16. Accessed November 14, 2020.

AMISOM. "AMISOM officers complete training on human rights, gender and protection of civilians." 16 July 2020. https://amisom-au.org/2020/07/amisom-officers-complete-training-on-human-rights-gender-and-protection-of-civilians/. Accessed January 29, 2021.

AMISOM. *Outcome Document – AU-AMISOM roundtable on enhancing respect for international humanitarian law in the implementation of AMISOM Mandate*. Kigali, Rwanda, 2011). https://amisom-au.org/2011/09/amisom-to-hold-roundtable-on-enhancing-respect-for-international-humanitarian-law-ihl-in-the-implementation-of-its-mandate/.

AMISOM. "AMISOM regrets deaths from a road accident involving its military convoy and a civilian vehicle along the Mogadishu-Afgoye road." *AMISOM PR/045/2016.* 17 December 2017. https://amisom-au.org/2017/01/amisom-regrets-deaths-from-a-road-accident-involving-its-military-convoy-and-a-civilian-vehicle-along-the-mogadishu-afgoye-road/. Accessed January 27, 2021.

AMISOM. "AMISOM troops conclude counter IED training in Arbiskia." *AMISOM News.* 8 January 2021. https://amisom-au.org/2021/01/amisom-troops-conclude-counter-ied-training-in-arbiska/. Accessed January 12, 2021.

Andrews, Bruce. "Social Rules and the State as a Social Actor." *World Politics* 27, no. 4 (1975): 521-40.

Ani, Nbubuisi Christian. "Three Schools of Thought on 'African Solutions to African Problems.'" *Journal of Black Studies* 50, no. 2 (2019): 135-155.

Aning, Kwesi and Fiifi Edu-Afful. "African Agency in R2P: Interventions by African Union and ECOWAS in Mali, Cote D'Ivoire, and Libya." *International Studies Review* 18 (2010): 120-133.

Aning, Kwesi and Samuel Atuobi. "Responsibility to Protect in Africa: An Analysis of the African Union's Peace and Security Architecture." *Global Responsibility to Protect* 1, no. 2 (2009): 90 – 113.

Annan, Kofi. "The causes of conflict and the promotion of durable peace and sustainable development in Africa." *Report of the Secretary-General to the Security Council*. April 1998.

Annan, Kofi A. *We the Peoples: The Role of the United Nations in the 21st Century*. United Nations Department of Public Information: New York, NY, 2000.

Armed Conflict Location & Event Data Protect. "Conflict Trends (NO.55): Real-Time Analysis of African Political Violence. February 2017. https://reliefweb.int/sites/reliefweb.int/files/resources/ACLED_Conflict-Trends-Report-No.55-February-2017-pdf.pdf. Accessed June 17, 2021.

Armed Conflict Location & Event Data Protect. "Regional Overview: Africa 13-19 February 2021. https://acleddata.com/2021/02/24/regional-overview-africa13-19-february-2021/. Accessed February 26, 2021.

Arthur, Peter. "Promoting Security in Africa through Regional Economic Communities (RECs) and the African Union's African Peace and Security Architecture (APSA)." *Insight on Africa* 9, no. 1 (2017): 1-21.

AU Commission. "Report on the Ten-Year AMISOM Lessons Learned Conference." March 9-10 2017. https://www.accord.org.za/publication/report-ten-year-amisom-lessons-learned-conference/. Accessed March 18, 2021.

AU Peace and Security Council. *Communique PSC/PR/Comm(LXIX)*. Addis Ababa: AUPSC, 2007. https://www.peaceau.org/uploads/communiqueeng-69th.pdf. Accessed September 25, 2020.

AU Peace and Security Council. *Communiqué PSC/PR/COMM(CCCLVI)*. Addis Ababa: AUPSC, 2013. https://www.peaceau.org/uploads/psc-comm-356-somalia-27-feb-2013.pdf. Accessed September 25, 2020.

AU Peace and Security Council. *Communique of the 245th meeting of the Peace and Security Council of the AU PSC/MIN/1/(CCXLIII)*. 15 October 2010. https://www.peaceau.org/en/article/communique-of-the-245th-meeting-of-the-peace-and-security-council. Accessed November 19, 2020.

AU Peace and Security Council. *Press Statement 326th Meeting PSC/PR/BR/1.(CCCXXVI)*. 26 June 2012. https://www.peaceau.org/uploads/326th-final-psc-press-statement-en.pdf. Accessed November 10, 2020.

AU Peace and Security Council. *Report of the Chairperson of the Commission on the Situation in Somalia PSC/PR/2. (CDLXII)*. Addis Ababa: AUPSC, 2014. https://au.int/sites/default/files/speeches/25411-sp-psc.462.rpt_.somalia.16.10.2014.pdf,. Accessed January 14, 2021.

AU Peace Support Operations Division. *AMISOM's Rules of Engagement (RoE).* AU: Addis Ababa, Ethiopia, 2007.

AU Peace Support Operations Division. *AMISOM's Rules of Engagement (RoE)*. AU: Addis Ababa, Ethiopia, 2010.

Bakano, Otto. "AU Demands End to NATO Libya Strikes. *News 24.* May 26, 2011. https://www.news24.com/Africa/News/AU-to-demand-end-to-Nato-Libya-strikes-20110526. Accessed February 6, 2020.

Barnett, Michael N. "Culture, Strategy and Foreign Policy Change: Israel's Road to Oslo." *European Journal of International Relations* 5, no. 1 (1999): 5-36.

Bellamy, Alex J. *Fighting Terror: Ethical Dilemmas.* London; New York: Zed Books, 2008.

Bellamy, Alex J. "Humanitarian responsibilities and interventionist claims in international society." *Review of International Studies* 29 no.3 (2003): 321-340.

Bellamy, Alex J. *Responsibility to Protect: The Global Effort to End Mass Atrocities.* Cambridge: Polity, 2009.

Berhe, Mulugeta Gebrehiwot. "The Norms and Structures for African Peace and Efforts: The African Peace and Security Architecture." *International Peacekeeping* 24, no. 4 (2017): 661-685.

Bischoff, Paul Henri, Kwesi Aning, and Amitav Acharya eds. *Africa in global International Relations: Emerging approaches to theory and practice.* Abingdon: Routledge, 2016.

Booth, Ken and Nicholas J. Wheeler. *The Security Dilemma.* Basingstoke: Palgrave-Macmillan, 2009.

Breakey, Hugh. "The protection of civilians in armed conflict: four concepts." In *Norms of Protection: Responsibility to Protect, Protection of Civilians and their interaction*. UN: New York, 2013.

Brosig, Malte and Normal Sempijja. "Does Peacekeeping Reduce Violence? Assessing Comprehensive Security of Contemporary Peace Operations in Africa." *Stability: International Journal of Security and Development* 7, no. 1 (2018): 1-23.

Caverzasio, Sylvie Giossi and International Committee of the Red Cross. *Strengthening Protection in War: A Search for Professional Standards: Summary of Discussions among Human Rights and Humanitarian Organizations*. Geneva: International Committee of the Red Cross, 2001.

"Civilian Harm in Somalia: Creating an Appropriate Response." *Civilians in Armed Conflict Series.* 2011. https://civiliansinconflict.org/wp-content/uploads/2017/09/Somalia_Civilian_Harm_2011.pdf. Accessed November 20, 2020.

Chayes, Abram and Antonia Handler Chayes. *The New Sovereignty: Compliance with International Regulatory Agreements.* Cambridge, Mass: Harvard University Press, 1995.

Checkel, Jeffrey T. "The Constructivist Turn in International Relations Theory." *World Politics* 50, no. 2 (1998): 324–48.

Clapham, Christopher. "Degrees of statehood." *Review of International Studies* 24, no. 2 (1998): 143-157.

Coe, Brooke and Kathryn Nash. "Peace process protagonist: the role of regional organizations in Africa in conflict management." *Global Change, Peace & Security* 32, no. 2 (2020): 157-177.

Coleman, Katharina P. and Thomas K. Tieku. *African Actors in International Security: Shaping Contemporary Norms.* Boulder, Colorado: Lynne Rienner, 2018.

Conley, Bridget. "The 'Politics of Protection': Assessing the African Union's Contributions to Reducing Violence Against Civilians." *International Peacekeeping* 24, no. 4 (2017): 566-589.

Cortell, Andrew P. and James W. Davis. "How Do International Institutions Matter? The Domestic Impact of International Rules and Norms." *International Studies Quarterly* 40, no. 4 (1996): 451–478.

Cortell, Andrew P. and James W. Davis. "Understanding the Domestic Impact of International Norms: A Research Agenda." *International Studies Review* 2, no. 1 (2000): 65–87.

Cubukcu, Ayca. "The Responsibility to Protect: Libya and the Problem of Transnational Solidarity." *Journal of Human Rights* 12, no. 1 (2013): 40-58.

Dallaire, Romeo and Brent Beardsley. *Shake Hands with the Devil: The Failure of Humanity in Rwanda.* Toronto: Random House Canada, 2003.

Darkwa, Linda. "Humanitarian Intervention." In *African Actors in International Security: Shaping Contemporary Norms.* Edited by Katharina P. Coleman and Thomas K. Tieku. Boulder, Colorado: Lynne Rienner, 2018.

Darkwa, Linda and Philip. Attuquayefio. "Analysis of Norm Diffusion in the African Union and the Economic Community of West African States." *African Conflict & Peacebuilding Review* 4, no. 2 (2014): 11-37.

De Coning, Cedric, Linnéa Gelot, and John Karlsrud. *The Future of African Peace Operations: From the Janjaweed to Boko Haram*. Zed, 2016.

De Waal, Alex. "The African Union and the Libyan Conflict of 2011." *World Peace Foundation.* December 19, 2012. https://sites.tufts.edu/reinventingpeace/2012/12/19/the-african-union-and-the-libya-conflict-of-2011/. Accessed February 6, 2020.

Dembinski, Matthias, and Berenike Schott. "Converging Around Global Norms? Protection of Civilians in African Union and European Union Peacekeeping in Africa." *African Security* 6, no. 3-4 (2013): 276-96.

Dembinski, Matthias and Dirk Peters. "Institutional Justice as a Condition for the Regional Acceptance of Global Order: The African Union and the Protection of Civilians." In *Justice and Peace:The Role of Justice Claims in International Cooperation and Conflict* edited by Caroline Fehl, Dirk Peters, Simone Wisotzki and Jonas Wolff. Studien Des Leibniz-Instituts Hessische Stiftung Friedens- Und Konfliktforschung. Wiesbaden: Springer VS, 2019.

Denzin, Norman K. *The Research Act: A Theoretical Introduction to Sociological Methods.* Chicago, IL: Aldine, 1970.

Dersso, Solomon A. "The quest for Pax Africana: The case of the African Union's peace and security regime." *African Journal on Conflict Resolution* 12, no. 2 (2012): 11-47.

Devetak, Richard. "Between Kant and Pufendorf: Humanitarian Intervention, Statist Anti-Cosmopolitanism and Critical International Theory." *Review of International Studies* 33 (2007): 151-174.

Doswald-Beck, Louise. "The Civilian in the Crossfire." *Journal of Peace Research* 24, no. 3 (1987): 251-62.

Dunne, Tim. "The English School and Humanitarian Intervention." *E-IR.* February 17, 2016. https://www.e-ir.info/2016/02/17/the-english-school-and-humaniteventsarian-intervention/. Accessed February 5, 2019.

Emerson, Rupert. "Pan-Africanism." *International Organization* 16, no. 2 (1962): 275-290.

Evans, Gareth. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*. Washington, DC: Brookings Institution Press, 2008.

Evans, Gareth and Mohamed Sahnoun. "Intervention and state sovereignty: Breaking new ground." *Global Governance* 7, no. 2 (2001): 119-125.

Farer, Tom J., Daniele Archibugi, Chris Brown, Neta C. Crawford, Thomas G. Weiss, and Nicholas J. Wheeler. "Roundtable: Humanitarian Intervention After 9/11." *International Relations* (London) 19, no. 2 (2005): 211-50.

Finnemore, Martha. "Constructing norms of humanitarian intervention." In *The culture of national security: Norms and identity in world politics.* Edited by Peter K. Katzenstein. New York: Columbia University Press, 1996.

Finnemore, Martha. "Constructing Norms of Humanitarian Intervention." *Paper presented at the Annual Meeting of the International Studies Association*. Washington, DC. 1994.

Finnemore, Martha, and Kathryn Sikkink. "International Norm Dynamics and Political Change." *International Organization* 52 (1998): 887–917.

"Five dead, many wounded in suicide bomb attack in Somalia." *Al-Jazeera.* 17 November 2020. https://www.aljazeera.com/news/2020/11/17/at-least-two-dead-after-suicide-bombing-in-somalia. Accessed January 12, 2021.

Florini, Ann. "The Evolution of International Norms." International Studies Quarterly 40 (1996): 363–89.

Fortna, Virginia Page. "Does Peacekeeping Keep Peace? International Intervention and the Duration of Peace after Civil War." *International Studies Quarterly* 48, no. 2 (2014): 269-292.

Foucault, Michel. *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977.* Translated by Colin Gordon. New York: Pantheon Books, 1980.

Fowkes, James. "The Relationship between IHL and IHRL in Peacekeeping Operations: Articulating the Emerging AU Position." *Journal of African Law* 61, no. 1 (2017): 1-22.

Francis, Angus and Hugh Breakey. "Point of convergence and divergence: Normative, institutional and operational relationships between R2P and PoC." *Security Challenges* 7, no. 4 (2011): 39-50.

Freire, Maria Raquel, Paula Duarte Lopes, and Daniela Nascimento. "'Responsibility to Protect' and the African Union: Assessing the AU's Capacity to Respond to Regional Complex Humanitarian and Political Emergencies." *African Security Review* 25, no. 3 (2016): 223-241.

Gal-Or, Noemi. "Africa's Response to R2P: The Non-indifference Approach and Global-regional Cooperation." *Global Responsibility to Protect* 7, no. 1 (2015): 3-30.

Geis, Anna. "From liberal interventionism to stabilization: A new consensus on norm-downsizing in interventions in Africa." *Global Constitutionalism* 9, no. 2 (2020): 387-412.

Giddens, Anthony. *The Constitution of Society.* Berkeley: University of California Press, 1984.

Glanville, Luke. *Sovereignty and the Responsibility to Protect: A New History*. Chicago; London: University of Chicago Press, 2014.

Glas, Aarie. "African Union Security Culture in Practice: African Problems and African Solutions." *International Affairs* 94, no. 5 (2018): 1121-138.

Gong, Gerrit W. *The Standard of "Civilization" in International Society*. Clarendon Press. Oxford, 1984.

Greenhill, Brian. "The Company You Keep: International Socialization and the Diffusion of Human Rights Norms." *International Studies Quarterly* 54 (2010): 127–45.

Grotius, Hugo. *On the Law of War and Peace.* Translated by A. C. Campbell. Kitchener, ON: Batoche Books, 2001.

Halakhe, Abdullahi Boru. "R2P in Practice: Ethnic Violence, Elections and Atrocity Prevention in Kenya." *Global Center for the Responsibility to Protect,* no. 4 (2013): 1-25.

Helleiner, Eric. "Introduction." *Global Governance* 20, no. 3 (2014): 359-360.

Henckaerts, Jean-Marie and Louise Doswald-Beck. *Customary International Law, Volume I: Rules*. ICRC: Cambridge University Press, 2003. https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf. Accessed January 26, 2021.

Hopf, Ted. "The Promise of Constructivism in International Relations Theory." *International Security* 23, no. 1 (1998): 171-200.

Hurrell, Andrew. *On Global Order. Power, Values and the Constitution of International Society*. Oxford: Oxford University Press, 2007.

Ifeoma, Ezeabasili E. "The Nature of Conflict and its Impact on African International Relations." *World Affairs: The Journal of International Issues* 15, no. 3 (2011): 88-112.

International Commission on Intervention and State Sovereignty. *The Responsibility to Protect.* Ottawa: International Development Research Center, 2001.

International Committee of the Red Cross. *Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*. Geneva, Switzerland, 1949.

International Committee of the Red Cross. *Convention (IV) relative to the Protection of Civilian Persons in Time of War*. Geneva, Switzerland, 1949.

International Committee of the Red Cross. *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts. Protocol I)*. Geneva, Switzerland, 1977.

International Refugee Rights Initiative. "They Say They're Not Here to Protect Us:' Civilian Perspectives on the African Union Mission in Somalia." *International Refugee Rights Initiative.* May 2017. https://reliefweb.int/sites/reliefweb.int/files/resources/AMISOM%20-%20final.pdf. Accessed January 27, 2021.

Jemal, Nesru. "Ethiopia: Summit of AMISOM Troops Contributing Countries." *AllAfrica*. 3 August 2013. https://allafrica.com/stories/201308050091.html. Accessed January 11, 2021.

Joint Communiqué issued by the IGAD Special Summit on Somalia. IGAD. October 2004. https://reliefweb.int/report/somalia/joint-communiqué-issued-igad-special-summit-somalia. Accessed October 28, 2020.

Joshua, Segun, and Faith Olanrewaju. "The AU's Progress and Achievements in the Realm of Peace and Security." *India Quarterly* 73, no. 4 (2017): 454-71.

Kagame, Paul. *The imperative to strengthen our union: Report on the proposed recommendations for the institutional reform of the African Union (28th Summit of the African Union)*. Addis Ababa, Ethiopia: African Union, 2017. https://au.int/sites/default/files/pages/34871-file-report 20institutional20reform20of20the20au-2.pdf

Karlsrud, John. "The UN at war: examining the consequences of peace enforcement mandates for the UN peacekeeping operations in the CAR, the DRC and Mali*." Third World Quarterly* 36, no. 1 (2015): 40–54.

Kasaija, Phillip Apuuli. "The African Union (AU), the Libyan Crisis and the Notion of 'African Solutions to African Problems.'" *Journal of Contemporary African Studies* 31, no. 1 (2013): 117-138.

"Kenyan AMISOM solider kills six Somali civilians." *BBC News.* 24 September 2012. https://www.bbc.com/news/world-africa-19698348. Accessed November 20, 2020.

Kjeksrud, Stian, Jacob Aasland Ravndaal, Andreas Øien Stensland, Cedric de Coning, and Walter Lotze. "Protection of Civilians: Comparing Organizational Approaches." In *Protection of Civilians.* Edited by Haidi Willmot, Ralph Mamiya, Scott Sheeran, and Marc Weller. New York, NY: Oxford University Press, 2016.

Kratochwil, Friedrich and John Ruggie. "International Organization: A State of the Art on an Art of the State." *International Organization* 40, no. 4 (1986): 753-776.

Krasner. Stephen D. *International Regimes.* Ithaca, NY: Cornell University Press, 1983.

Kuwali, Dan. "From stopping to preventing atrocities." *African Security Review* 24, no. 3 (2015): 248-269.

Kuwali, Dan. "'Humanitarian Rights': Bridging the Doctrinal Gap between the Protection of Civilians and the Responsibility to Protect." *Journal of International Humanitarian Legal Studies* 4, no. 1 (2013): 5-46.

Kuwali, Dan. *The Responsibility to Protect: Implementation of Article 4(h) Intervention*. Raoul Wallenberg Institute Human Rights Library. Leiden: BRILL, 2010.

Legum, Colin. "The Organization of African Unity – success or failure?" *International Affairs* 51, no. 2 (1975): 208-219.

Linklater, Andrew. "The English School Conception of International Society: Reflections on Western and non-Western Perspectives." *Ritsumeikan Annual Review of International Studies* 9 (2010): 10-12.

Lotze, Walter and Paul D. Williams. *The surge to stabilize: Lessons for the UN from the AU's experience in Somalia*. New York: International Peace Institute, 2016.

Lysaght, Charles. "The Scope of Protocol II and Its Relation to Common Article 3 of the Geneva Conventions of 1949 and other Human Rights Instruments." *American University Law Review* 33, no. 9 (1983): 1-17.

Madokoro, Daisuke. "International Commissions as Norm Entrepreneurs: Creating the Normative Idea of the Responsibility to Protect." *Review of International Studies* 45, no. 1 (2019): 100-119.

Mahdavi, Mojtaba. "A Postcolonial Critique of Responsibility to Protect in the Middle East." *Perceptions XX*, no. 1 (2015): 7-36.

Mamdani, Mahmood. *Saviors and Survivors: Darfur, Politics, and the War on Terror*. New York: Pantheon Books 2009.

Martin, Aurora. "Human Security: From Humanitarian Intervention to Responsibility to Protect." *Cogito - Multidisciplinary Research Journal*, no. 2 (2018): 87-95.

May, Larry. "Killing Naked Soldiers: Distinguishing between Combatants and Noncombatants." *Ethics & International Affairs* 19, no. 3 (2005): 39-53.

Mazrui, Ali. *Towards a Pax Africana: A study of ideology and ambition.* London, England: Weidenfeld & Nicholson, 1967.

Mbeki, Thabo. "Address by Thabo Mbeki at the Makerere University Institute of Social Research Conference on The Architecture of Post-Cold War Africa – Between internal reform and external intervention." *Makerere University*. Kampala, Uganda. January 19, 2012.

McCloud, Donald G. *Southeast Asia: Tradition and Modernity in the Contemporary World*. Boulder, Colorado: Westview Press, 1995.

McElroy. Robert. *Morality and American Foreign Policy. Princeton*. NJ: Princeton University Press, 1992.

Morgenthau, Hans. "To Intervene or Not to Intervene." *Foreign Affairs* 45, no. 3 (1967): 425-436.

Muhammedally, Sahr. "Minimizing Civilian Harm in Populated Areas: Lessons from Examining ISAF and AMISOM Policies*." International Review of the Red Cross* 98, no. 901 (2016): 225-248.

Murithi, Tim. "An African Perspective on Peace Education: Ubuntu Lessons in Reconciliation." *International Review of Education* 55, no. 2/3 (2009): 221-233.

Murithi, Tim. "Institutionalizing Pan-Africanism: Transforming African Union Values and Principles into Policy and Practice." *Institute for Security Studies* no. 143 (2007): 1-16.

Murithi, Tim. "The African Union as a Norm Entrepreneur: The Limits of Human Protection and Mass Atrocities Prevention." *Global Responsibility to Protect* 8, no. 2-3 (2016): 227-48.

Murithi, Tim. "The African Union's Evolving Role in Peace Operations: The African Union Mission in Burundi, The African Union Mission in Sudan and the African Union Mission in Somalia." *African Security Studies* 17, no. 1 (2008): 69 – 82.

Murithi, Tim. "The African Union's Transition from Non-Intervention to Non-Indifference: An Ad Hoc Approach to the Responsibility to Protect?" *International Politics and Security* 1 (2009): 90–106.

Mwanasali, Musifiky. "The African Union, the United Nations, and the Responsibility to Protect: Towards an African Intervention Doctrine." *Global Responsibility to Protect* 2 (2010): 388-413.

Mwangi, Oscar Gakuo. "State Collapse, Peace Enforcement and the Responsibility to Protect in Somalia." *The International Journal of Human Rights: R2P: Perspectives on the Concept's Meaning, Proper Application and Value* 19, no. 8 (2015): 1227-1239.

Nadelmann, Ethan. "Global Prohibition Regimes: The Evolution of Norms in International Society." *International Organization* 44, no. 4 (1990): 479-526.

Ndiaye, Michelle. "The relationship between the AU and the RECs/RMs in relation to peace and security in Africa: Subsidiarity and inevitable common destiny." In *The Future of African Peace Operations: From the Janjaweed to Boko Haram.* Edited by Cedric De Cong, Linnéa Gelot, and John Karlsrud**.** Zed, 2016.

Nkrumah, Kwame. *I Speak of Freedom.* London, England: Panaf Books, 1961.

Obasanjo, Olusegun and Felix GN Mosha. *Africa, Rise to the Challenge: Conference Report on the Kampala Forum.* Ota, Nigeria: Africa Leadership Forum, 1992.

Office of the Coordination of Humanitarian Affairs. *Glossary of Humanitarian Terms in relation to the Protection of Civilians in Armed Conflict.* New York, NY: UN, 2004.

Okeke, Jide Martyns. "An Ambivalence to the Norm Cycle: The African Union's 'New' Approach to Continental Peace and Security." In *African Foreign Policy in International Institutions.* Edited by Jason Warner and Timothy M. Shaw. Contemporary African Political Economy. New York, NY: Palgrave Macmillan, 2018.

Okeke, Jide Martyns and Paul D. Williams, eds. *Protecting Civilians in African Union Peace Support Operations: Key Cases and Lessons Learned*. African Centre for the Constructive Resolution of Disputes, 2017.

Onuf, Nicholas. "Constructivism: A User's Manual." In *International Relations in a Constructed World*. Edited by Vendulka Kubalkova, Nicholas Onuf, and Paul Kowert. New York: M.E. Sharp Inc. 1998.

Organization of African Unity (OAU). *Charter of the Organization of African Unity*. 25 May 1963. https://www.refworld.org/docid/3ae6b36024.html. Accessed November 26, 2020.

Organization of African Union (OAU). *Constitutive Act of the African Union.* 1 July 2000. https://www.refworld.org/docid/4937e0142.html. Accessed November 30, 2020.

Payne, Rodger A. "Persuasion, Frames, and Norm Construction." *European Journal of International Relations* 7, no. 1 (2001): 37–61.

Peace Missions Programme. *Peace Support Operations: A Working Draft Manual for African Military Practitioners*. February 2000.

Powell, Kristiana and Thomas Kwasi Tieku. "The African Union's New Security Agenda: Is Africa Closer to a Pax Pan-Africana?" *International Journal* 60, no. 4 (2005): 937-952.

Powers, Maggie. "Responsibility to Protect: Dead, Dying, or Thriving?" *The International Journal of Human Rights* 19, no. 8 (2015): 1257-1278.

Ralph, Jason and Adrian Gallagher. "Legitimacy Faultlines in International Society: The Responsibility to Protect and Prosecute after Libya." *Review of International Studies* 41, no. 3 (2015): 553-573.

Rechner, Jonathan D. "From the OAU to the AU: A Normative Shift with Implications for Peacekeeping and Conflict Management, or Just a Name Change?" *Vanderbilt Journal of Transnational Law* 39, no. 2 (2006): 543-576.

Report of the Panel on United Nations Peace Operations. A/55/305-S/2000/809. 21 August 2000. https://undocs.org/pdf?symbol=en/a/55/305. Accessed October 23, 2020.

Reus-Smit, Christian. "International Crises of Legitimacy." *International Politics* 44 (2007): 166–167.

Rhoads, Emily Paddon. *Taking Sides in Peacekeeping: Impartiality and the Future of the United Nations*. Oxford, UK: Oxford University Press, 2016.

Rhodes, Emily Paddon and Jennifer Welsh. "Close cousins in protection: the evolution of two norms." *International Affairs* 95, no. 3 (2019): 597-617.

Risse, Thomas. "The Socialization of International Norms into Domestic Practices: Arguing and the Strategic Adaptation in the Human Rights Area." Paper prepared for the conference on "Ideas, Culture and Political Analysis." Princeton University, 1998.

"Robustness, Cooperation with Local Forces and the UN Human Rights Due Diligence Report (HRDDP)." *ZIF Conference Report* (2013): 1 – 8. https://reliefweb.int/sites/reliefweb.int/files/resources/ZIF_Conference_Report_HRDDP_April_2014.pdf. Accessed January 28, 2021.

Rupesinghe, Natasja. "The Civilian Casualty Tracking Analysis and Response Cell in the African Union Mission in Somalia: An emerging best practice for AU peace support operation?" *Norwegian Institute of International Affairs* 3 (2019): 1-4.

Sahnoun, Mohamed and Gareth J. Evans. *The Responsibility to Protect report of the International Commission on Intervention and State Sovereignty.* Canadian Electronic Library. Books Collection. Ottawa, Ont.: International Development Research Center, 2001.

Sandholtz, Wayne. "Dynamics of International Norm Change: Rules Against Wartime Plunder." *European Journal of International Relations* 14, no. 1 (2008): 101–31.

Sarkin, Jeremy. "The Necessity and Challenges of Establishing a Truth and Reconciliation Commission in Rwanda." *Human Rights Quarterly* 21, no. 3 (1999): 767-823.

Sarkin, Jeremy and Carly Fowler. "The Responsibility to Protect and the Duty to Prevent Genocide: Lessons to Be Learned from the Role of the International Community and the Media during the Rwandan Genocide and the Conflict in the Former Yugoslavia." *Suffolk Transnational Law Review* 33, no. 1 (2010): 1-33.

Shannon, Vaughn P. "Norms Are What States Make of Them." *International Studies Quarterly* 44, no. 2 (2000): 293–316.

Solf, Waldemar A. "Protection of Civilians against the Effects of Hostilities under Customary International Law and under Protocol I." *American University Journal of International Law and Policy 1*, no. 1 (1986): 117-135.

Somalia. "AMISOM's Indirect Fire Policy." *IHL in Action. https://ihl-in-action.icrc.org/case-study/somalia-amisoms-indirect-fire-policy*. Accessed January 28, 2021.

"Somalia." *Global Centre for the Responsibility to Protect.* 15 September 2019. https://www.globalr2p.org/countries/somalia/. Accessed November 27, 2020.

"Somalia." *Security Council Report*. 31 July 2019. https://www.securitycouncilreport.org/monthly-forecast/2019-08/somalia-5.php. Accessed November 10, 2020.

Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty. *The Responsibility to Protect: Research, Bibliography, Background.* Ottawa: International Development Research Centre, 2001.

Tardy, Thierry. "The Dangerous Liaisons of the Responsibility to Protect and the Protection of Civilians in Peacekeeping Operations." Global Responsibility to Protect 4, no. 4 (2012): 424-48.

Thakur, Ramesh. "Protection Gaps for Civilian Victims of Political Violence." *The South African Journal of International Affairs* 20, no. 3 (2013): 321-338.

Thakur, Ramesh. *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect*. Cambridge: Cambridge University Press, 2006.

The Independent International Commission on Kosovo. "The Kosovo Report." August 1999. https://reliefweb.int/sites/reliefweb.int/files/resources/F62789D9FCC56FB3C1256C1700303E3B-thekosovoreport.htm. Accessed October 27, 2020.

"The Power These Men Have Over Us:' Sexual Exploitation and Abuse by African Union Forces in Somalia." *Human Rights Watch.* 8 September 2014. https://www.hrw.org/report/2014/09/08/power-these-men-have-over-us/sexual-exploitation-and-abuse-african-union-forces. Accessed January 17, 2021.

Thomson, J. E. "Norms in International Relations: A Conceptual Analysis." *International Journal of Group Tensions* 23 (1993): 67-83.

Tieku, Thomas Kwasi. "Theoretical Approaches to Africa's International Relations." In *Handbook of Africa's International Relations.* Edited by Tim Murithi. New York: Routledge 2014.

Tieku, Thomas Kwasi, Cyril Obi, and Lindsay Scorgie-Porter. "The African Peace and Security Architecture: Introduction to the Special Issue." *African Conflict & Peacebuilding Review* 4, no. 2 (2014): 1-11.

Tieku, Thomas Kwasi and Tanzeel F. Hakak. "A Curious Case of Hybrid Paternalism: Conceptualizing the Relationship between the UN and the AU on Peace and Security." *African Conflict & Peacebuilding Review* 4, no. 2 (2014): 129-156.

Tiemessen, Alana Erin. *The International Normative Structure of Transitional Justice.* PhD dissertation. University of British Columbia, Vancouver, 2011.

Tutu, Desmond. *No Future Without Forgiveness.* New York, NY: Doubleday, 2012.

"Twenty Years of Protecting Civilians through UN Peacekeeping Operations: Successes, Challenges, and New Frontiers." *International Peace Institute*. May 22, 2019. https://www.ipinst.org/2019/05/twenty-years-of-poc-successes-challenges#3. Accessed October 2, 2020.

UN. *Charter of the United Nations*. 24 October 1945 1 UNTS XVI. https://www.refworld.org/docid/3ae6b3930.html. Accessed December 2, 2020.

UN. "Letter Dated 9 October 2015 from the Chair of the Security Council Committee Pursuant to Resolutions 751 (1992) and 1907 (2009) Concerning Somalia and Eritrea Addressed to the President of the Security Council." *S/2015/801*. 19 October 2015. https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_801.pdf. Accessed November 15, 2020.

UN Department of Peacekeeping Operations. *United Nations Peacekeeping Operations: Principles and Guidelines.* New York: United Nations, 2008.

UN Department of Peace Operations. *The Protection of Civilians in United Nations Peacekeeping: Handbook.* New York, NY: United Nations, 2020.

UN Department of Peace Operations. "The Protection of Civilians in United Nations Peacekeeping." November 1, 2019. https://peacekeeping.un.org/sites/default/files/poc_policy_2019_.pdf. Accessed October 22, 2020.

UN Department of Peacekeeping Operations/ DFS. "Draft DPKO/ DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations." 2010. http://www.peacekeeping.org.uk/wp-content/uploads/2013/02/100129-DPKO-DFS-POC-Operational-Concept.pdf?LMCL=PuDGQQ. Accessed October 23, 2020.

UN General Assembly. *2005 World Summit Outcome: resolution / adopted by the General Assembly*. 24 October 2005. A/RES/60/1. https://www.refworld.org/docid/44168a910.html, Accessed December 1, 2020.

UN General Assembly, 59th Session. "Follow-up to the Outcome of the Millennium Summit. (A/59/565).2 December 2004. https://documents-dds-ny.un.org/doc/UNDOC/GEN/N04/602/31/PDF/N0460231.pdf?OpenElement. Accessed February 4, 2019.

UN General Assembly, 60th Session. "Draft Resolution Referred to the High-level Plenary Meeting of the General Assembly by the General Assembly at its Fifty-Ninth Session." (A/60/L.1). 15 September 2005. http://www.globalr2p.org/media/files/wsod_2005.pdf. Accessed February 4, 2019.

UN General Assembly. "Convention on the Prevention and Punishment of the Crime of Genocide." 9 December 1948. https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf. Accessed October 23, 2020.

UN General Assembly. *Declaration on the Granting of Independence to Colonial Countries and Peoples*. 14 December 1960. A/RES/1514(XV). https://www.refworld.org/docid/3b00f06e2f.html. Accessed November 26, 2020.

UN General Assembly. *Report of the Independent Expert on the situation on human rights in Somalia, Bahame Tom Nyanduga*. A/HRC/30/57. 28 October 2015. https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/_layouts/15/WopiFrame.aspx?sourcedoc=/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A-HRC-30-57_en.docx&action=default&DefaultItemOpen=1. Accessed January 27, 2021.

UN General Assembly. *Report of the Panel on United Nations Peace Operations*. A/55/305-S/2000/809. 21 August 2000. https://undocs.org/pdf?symbol=en/a/55/305. Accessed October 23, 2020.

UN General Assembly. *Report of the Secretary-General: Implementing the responsibility to protect*. A/63/677. 12 January 2009. https://www.un.org/ruleoflaw/files/SG_reportA_63_677_en.pdf. Accessed October 28, 2020.

UN Human Rights Office of the High Commissioner. "Protection of Civilians Report: Building the Foundation for Peace, Security and Human Rights in Somalia." 1 January 2017 – 31 December 2019. https://www.ohchr.org/Documents/Countries/SO/UNSOM_protection_of_civilians_2020.pdf. Accessed January 17, 2021.

UN Secretary-General. "Report of the Secretary-General on the Protection of Civilians in Armed Conflict." UN doc S/2012/376. 22 May 2012. https://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_4150.pdf. Accessed October 28, 2020.

UN Security Council. "Letter dated 7 November 2018 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council." *S/2018/1002*. https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/301/65/PDF/N1830165.pdf?OpenElement. Accessed January 12, 2021.

UN Security Council. *Report of the Independent Inquiry into the actions of the United Nations during the 1994 Genocide in Rwanda.* S/1999/1257. 15 December 1999. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/1999/1257. Accessed October 27, 2020.

UN Security Council. *Report of the Security-General on Somalia*. S/2017/21. 9 January 2017. https://reliefweb.int/sites/reliefweb.int/files/resources/N1647163.pdf. Accessed January 27, 2021.

UN Security Council. *Security Council resolution 1270 (1999) [on establishment of the UN Mission in Sierra Leone UNAMSIL].* 22 October 1999. S/RES/1270 (1999). https://www.refworld.org/docid/3b00f22814.html. Accessed March 2, 2021.

UN Security Council. *Security Council resolution 1970 (2011) [on establishment of a Security Council Committee to monitor implementation of the arms embargo against the Libyan Arab Jamahiriya].* 26 February 2011. S/RES/1970(2011). https://www.refworld.org/docid/4d6ce9742.html. Accessed February 3, 2020.

UN Security Council. *Security Council resolution 1973 (2011) [on the situation in the Libyan Arab Jamahiriya].* 17 March 2011. S/RES/1973(2011). https://www.refworld.org/docid/4d885fc42.html. Accessed February 3, 2020.

UN Security Council. *Security Council Resolution 2520 Adopted by the Security Council on 29 May 2020*. S/RES/2520(2020). 29 May 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/134/04/PDF/N2013404.pdf?OpenElement. Accessed January 28, 2021.

UN Security Council. *Security Council resolution 872*. S/RES/872/1993. 5 October 1993. http://unscr.com/en/resolutions/doc/872. Accessed October 23, 2020

UN Security Council. *Security Council resolution 1265*. S/RES/1265/1999. 17 September 1999. https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Civilians%20SRES1265.pdf. Accessed October 20, 2020.

UN Security Council. *Security Council resolution 1199*. S/RES/1199 (1998). 23 September 1998. http://unscr.com/en/resolutions/doc/1199. Accessed October 27, 2020.

UN Security Council. *Security Council resolution 1296 [on protection of civilians in armed conflicts]*. S/RES/1296/2000. 19 April 2000. https://undocs.org/S/RES/1296(2000). Accessed October 23, 2020.

UN Security Council. *Security Council resolution 1725 (2006) [Somalia]*. 6 December 2006. S/RES/1725 (2006). https://www.refworld.org/docid/5821d48f7.html. Accessed October 28, 2020.

UN Security Council. *Security Council resolution 1744 (2007) [Somalia]*. 20 February 2007. S/RES/1744 (2007). https://www.refworld.org/docid/582435bb7.html. Accessed September 25, 2020.

UN Security Council. "Statement by the President of the Security Council." *S/PRST/2002/6*. 15 March 2002. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2002/6. Accessed October 22, 2020.

UN Security Council. "Statement by the President of the Security Council." *S/PRST/2018/18*. 21 September 2018. https://undocs.org/S/PRST/2018/18. Accessed October 22, 2020.

Waltz, Kenneth N. "Structural Realism after the Cold War." International Security 25, no. 1 (2000): 5-41.

Waltz, Kenneth N. "The Origins of War in Neorealist Theory." *Journal of Interdisciplinary History* 18, no. 4 (1988): 615-628.

Waltz, Kenneth N. *The Theory of International Politics 1ˢᵗ Ed*. New York, Random House, 1979.

Walzer, Michael. *Arguing About War*. New Haven, Conn: Yale Nota Benne, 2005.

Warner, Jason and Timothy M. Shaw. *African Foreign Policies in International Institutions*. Contemporary African Political Economy. New York, NY: Palgrave Macmillan, 2018.

Waschefort, Gus. "Africa and International Humanitarian Law: The More Things Change, the More They Stay the Same." *International Review of the Red Cross* 98, no. 902 (2016): 593-624.

Wendt, Alexander. "Anarchy is What States Make of It: The Social Construction of Power Politics." *International Organization*, 46 (1992): 391-425.

Wheeler, Nicholas J. *Saving Strangers: Humanitarian Intervention in International Society*. Oxford, UK: Oxford University Press, 2000.

Wiener, Antje. "Contested Meanings of Norms: A Research Framework." *Comparative European Politics* 5, no. 1 (2007): 1-17.

Williams, Paul D. "AMISOM under Review." *The RUSI Journal* 161, no. 1 (2016): 40-49.

Williams, Paul D. "Enhancing Civilian Protection in Peace Operations: Insights from Africa." *A Research Paper from the Africa Center for Strategic Studies* (2010): 1-68.

Williams, Paul D. "Continuity and Change in War and Conflict in Africa." *Prism: A Journal of the Centre for Complex Operations* 6, no. 4 (2017): 32-45.

Williams, Paul D. *Fighting for Peace in Somalia: A History and Analysis of the African Union Mission (AMISOM), 2007-2017*. First ed. Oxford, United Kingdom: Oxford University Press, 2018.

Williams, Paul D. "Fighting for Peace in Somalia: AMISOM's Seven Strategic Challenges." *Journal of International Peacekeeping* 17 (2013): 222-247.

Williams, Paul. "From Non-Intervention to Non-Indifference: The Origins And Development Of The African Union's Security Culture." *African Affairs* 106, no. 423 (2007): 253-79.

Williams, Paul D. "Lessons for 'Partnership Peacekeeping' from the African Union Mission in Somalia." *International Peace Institute* (2019): 1-13.

Williams, Paul D. "Paying for AMISOM: Are Politics and Bureaucracy Undermining the AU's Largest Peace Operations?" *IPI Global Observatory*. January 11, 2017. https://theglobalobservatory.org/2017/01/amisom-african-union-peacekeeping-financing/. Accessed January 12, 2021.

Williams, Paul D. "The African Union Mission in Somalia and Civilian Protection Challenges." *Stability: International Journal of Security and Development* 2, no. 2 (2013): 1-17.

Williams, Paul D. "The ambiguous place of civilian protection in the African Union Mission in Somalia." In *Protecting Civilians in African Union Peace Support Operations: Key Cases and Lessons Learned.* Edited by Jide Martyns Okeke and Paul D. Williams. PDF, 2017.

Williams. Paul D. "The R2P, Protection of Civilians, and UN Peacekeeping Operations." In *The Oxford Handbook of the Responsibility to Protect* Edited by Alex J. Bellamy and Tim Dunne. Oxford: Oxford University Press, 2016.

Williams, Paul D. "The 'Responsibility to Protect,' Norm Localization, and African International Society." *Global Responsibility to Protect* 1 (2009): 392-416.

Williams, Paul D., and Arthur Boutellis. "Partnership Peacekeeping: Challenges and Opportunities in the United Nations–African Union Relationship." *African Affairs* 113, no. 451 (2014): 254-78.

Willmot, Haidi, Ralph Mamiya, Scott Sheeran and Marc Weller. Edited. *Protection of Civilians.* New York, NY: Oxford University Press, 2016.

Wills, Siobhán. *Protecting Civilians: The Obligations of Peacekeepers*. Oxford; New York; Toronto: Oxford University Press, 2009.

Wolters, W. O. and American Council of Learned Societies. *History, Culture, and Region in Southeast Asian Perspectives.* Revised Edition. Ithaca, NY: Southeast Asia Publications, Southeast Asia Program, Cornell University, 1999.

Wondemagegnehu, Dawit Yohannes and Daniel Gebreegziabher Kebede. "AMISOM: charting a new course for African Union missions." *African Security Review* 26, no. 2 (2017): 199-219.

Zähringer, Natalie. "Norm Evolution within and across the African Union and the United Nations: The Responsibility to Protect (R2P) as a Contested Norm." *The South African Journal of International Affairs* 20, no. 2 (2013): 187-205.

Zimmermann, Lisbeth. "Same Same or Different? Norm Diffusion between Resistance, Compliance, and Localization in Post-conflict States." *International Studies Perspectives* 17, no. 1 (2016): 98-115.

Appendix A: Supplementary Methods Information

This appendix consists of the methods information mentioned in Chapter 1 and includes the email inviting participants to engage in the research study.

Invite Email

Dear [name],

I hope you are well. My name is Nafisa Abdulhamid and I am a PhD candidate at Dalhousie University (Halifax, Canada). I am reaching out to you in your capacity as [insert participant's role] in the hopes that I can interview you for the purposes of my doctoral research.

My PhD explores the evolution of norms of civilian protection in Africa. I hope to assess when, why and how the African Union has adopted these norms into its peace and security operations in general, and in the African Union Mission in Somalia (AMISOM) in particular. In addition to grounding my research in primary documents and historical sources, I hope to conduct interviews with AU and UN practitioners to gain further insights. The interviews can either take place in-person at the location of your choosing or through Skype/WhatsApp. Each interview will take approximately 1.5 hours, giving us 15 mins to over the consent process and 45 mins to 1 hour for the actual interview.

I will be in East Africa from June – December 2019 to conduct my research, and I would really appreciate any insights/advice you can provide me with.

Thank you and I look forward to hearing from you soon.

Sincerely,

Nafisa A. Abdulhamid

PhD Candidate, Dalhousie University

Doctoral Fellow, Centre for the Study of Security and Development

Department of Political Science | Dalhousie University

N.Abdulhamid@dal.ca | +1 780 604 5564

Appendix B

This appendix contains the verbal consent script read to the research participants, a copy of the research description, and a formal letter from Dalhousie's Research Ethics Board.

Verbal Consent Script

DALHOUSIE UNIVERSITY

Hello. My name is Nafisa Abdulhamid, and I am a PhD candidate at the Department of Political Science at Dalhousie University currently working on my dissertation. I am conducting a research study on the evolution and transmission of civilian protection norms in the African region. I hope to explore these norms in practice in the international response to the conflict in Somalia. The research will help me understand whether a distinctively African way of civilian protection has emerged since the 1990s. While there may not be any direct benefits to you from participating in this research study, this research has the potential of bringing about positive changes in civilian protection practices in the African region as well as in the global context. Your knowledge can bring about necessary improvements in how intervention for civilian protection purposes should be conducted.

Today, you will be participating in an [in-person, Skype, phone] interview, which should take between 45 minutes to an hour. Your participation is entirely voluntary. If you do not wish to participate, or participate further, you may stop at any time. You also have the right to skip interview questions. If you decide to withdraw from the interview before it is over, please inform me and we will stop with the interview process. If you decide to

withdraw from the study after the interview is over, including withdrawing any information you provided me with, please contact me via email or phone and I will permanently delete all the information I collected from you. Participants can withdraw from the research study prior to the start of my data analysis (March 1, 2020). However, once data analysis has started, the data collected from you cannot be withdrawn from the study.

There may be professional risks associated with this interview, including the rare possibility of your colleagues uncovering your identity from what you say and what you are talking about. For this reason, I will conceal your identity by using pseudonyms or generic identifiers (e.g. "senior official") in my dissertation and other published materials. I will also conceal the names of the organization in which you belong to. You have the right to request that there be no indirect identifying information to you in my research project.

This interview will be audio-recorded to ensure that I do not miss out on anything important you say. After I finish conducting all my interviews, I will transcribe all the audiotapes and type out all the interview notes. I will save these documents on my computer, which will have a passcode for the file containing all the interview documents. I will also encrypt all the documents containing confidential information. Once all the interview audiotapes are transcribed, I will delete all the audio-files and shred all the written interview notes. Any information you send me through email will also be encrypted, de-identified, and have password protected access.

Data collected from this interview process will be retained until I submit the final draft of my dissertation to my supervisory committee, estimated to be in the Winter of 2022.

Please be aware that things you say may be quoted in my dissertation and publications. If you do not want to be quoted, please let me know either now, during the actual interview, or before I begin my data analysis (March 1, 2020).

Taking part in this interview is your agreement to participate.

Do you have any questions for me?

If you have any questions regarding the research, please contact me via email (N.Abdulhamid@dal.ca) or cellphone (+1 780 604 5564). You can also contact my supervisor via email (David.Black@dal.ca) or cellphone (+1 902 494 6638).

Please contact Research Ethics, Dalhousie University at +1 902 494 1462 or at ethics@dal.ca if you have any ethical concerns about participating in this research study.

Research Description

The Responsibility to Protect and the African Union: A Regional Manifestation of Norms of Civilian Protection

Research question

My research asks: To what extent have civilian protection norms been adapted and localized in African Union peace and security operations?

Background

The United Nations Security Council's (UNSC) failure to intervene in the 1994 Rwandan genocide, along with the controversy surrounding NATO's "illegal but legitimate" (according to the Independent International Commission) intervention in Kosovo in 1999, pushed the International Commission on Intervention and State Sovereignty (ICISS) to propose the Responsibility to Protect (R2P) doctrine in December 2001. R2P reframed the discourse around intervention by proclaiming it an obligation instead of a right. It also

challenged the traditional understanding of sovereignty and reconceptualized it to emphasize that it was contingent on a state's ability, capacity and willingness to protect its citizens. However, in the wake of the controversy surrounding the 2011 Libyan intervention, it is important to examine whether this doctrine has been marginalized and/or diminished, or whether its underlying norms continue to be manifested and adapted in different forms and contexts. This question is of particular importance in the African context, where states remain wary of western "neocolonial" tendencies, where support for non-intervention is strong, and where the prevalence of "atrocity crimes" is relatively high.

Research objectives

I argue that the Libyan intervention (2011) crystallized a series of concerns, and triggered anxiety, about military intervention for civilian protection purposes. My research seeks to examine whether R2P and associated norms of civilian protection continue to be localized and inflected within the African regional context. My research acknowledges the important roles regional organizations and regional economic communities (RECs) play as the first points of contact for humanitarian intervention. The region is often viewed as the "most appropriate and viable level to reconcile the changing and intensifying pressures of global capitalist competition, on the one hand, with the need for political regulation and management on the other" (Hurrell 2007, p. 131). My research therefore explores the dynamics of R2P norm localization and adaption in the context of the African Union Mission in Somalia (AMISOM).

Methodology

My research has three empirical objectives: 1) it seeks to trace the evolution of the

African Union as a regional organization; 2) it seeks to examine the

extent to which R2P norms have been adapted, localized, and maintained within the AU,

highlighting the fundamental transition of the AU from the norm of non-interference to

the principle of non-indifference; 3) it seeks to explore whether, and how, the AMISOM

case applies norms of civilian protection. I will therefore undertake a discourse analysis

of primary documents and secondary sources and conduct elite interviews with AU and

UN practitioners (both past and present).

Theoretical approach

My research is rooted in the constructivist theory of international relations.

Constructivism is fundamentally rooted in the idea that humans are social beings, and that

the international system is socially constructed (Onuf 1998). Structures and agents are

mutually constituted where actors create structures, and social structures also construct

and empower actors (Finnemore 1996). Agents interact with other agents and structures

in order to make sense of themselves, one another, and the system in which they make up.

The international system is therefore a product of social meanings that develop from

interaction between states.

Constructivism and Norms

State interests are shaped by their social identities, which are constructed through their

interaction with the intersubjective norms of society. Norms are "standards of appropriate

behavior:" they regulate state behavior and shape the identity and interests that influence

this behavior (Finnemore and Sikkink 1998). Changes in international norms, due to

changes in social interaction affect why and how states intervene. Justifications for intervention are particularly indicative of normative change. Over time, the criteria for the legitimate use of force during humanitarian interventions stems from shared norms of civilian protection and multilateralism, which have been codified in the UN Charter, the R2P doctrine, and UNSC resolutions.

Social Sciences & Humanities Research Ethics Board

Letter of Approval

October 04, 2019
Nafisa Abdulhamid
Arts & Social Sciences\Political Science

Dear Nafisa,

REB #:   2019-4911
Project Title: The Responsibility to Protect and the African Union: A Regional Manifestation of Norms of Civilian Protection

Effective Date: October 04, 2019
Expiry Date: October 04, 2020

The Social Sciences & Humanities Research Ethics Board has reviewed your application for research involving humans and found the proposed research to be in accordance with the Tri-Council Policy Statement on *Ethical Conduct for Research Involving Humans.* This approval will be in effect for 12 months as indicated above. This approval is subject to the conditions listed below which constitute your on-going responsibilities with respect to the ethical conduct of this research.

Sincerely,

Dr. Karen Foster, Chair