

# **LEGAL FRAMEWORK, CONCERTED POLICIES AND EFFECTIVE COORDINATION MECHANISM TO COUNTER INSECURITY IN AFRICA**

**BY**

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## **INTRODUCTION**

The *raison de tre* for the existence of government at national and global levels is to maintain peace and security of the land. Apart from the fact that absence of security in one geographical location is a threat to peace and security in the world, it is also a fundamental affront to development and growth. No form of development can be achieved in an atmosphere of chaos and conflicts. It must however be underscored from the onset that conflicts cannot be exterminated from the world. We must design appropriate strategies and mechanisms to manage them.

It is equally important to stress that our inability to manage conflictual tendencies and excesses usually dovetail into serious security challenges which eventually consume the peace of the society. This in no time becomes a serious global problem. We are all students of history on how the First and Second World Wars commenced which clearly demonstrated the inability of the world leaders to manage their conflicts. For the records, the First World War started as a result of the assassination of Archduke Francis on 28 June, 1914 and the weakness of the German State coupled with the reaction of others affected. All these culminated into full blown war where millions of lives

were lost.<sup>1</sup> In the same vein, the Second World War commenced after Adolf Hitler was elected Chancellor of Germany in 1933 and in his effort to rebuild the German army and infrastructure, he equally started the erosion of rights of Jews in Germany.<sup>2</sup>

Since the Second World War and the emergence of the United Nations as a global body in 1945, the world had witnessed over 100 major conflicts leaving more than 20 million people dead.<sup>3</sup> Apart from the major ones, there had been internal conflicts that had claimed more than the number identified by Njinga and with more losses in property. Wars and conflicts no doubt destroy progress, development, growth, infrastructural progression, stunt governmental functioning, wreck the economy and on the whole kill and maim people with attendant social and psychological implications.

This paper intends to question reasons for insecurity in Africa, identify the various conflict zones in practical terms, role of actors of such insecurity, examine the existing legal framework, examine how far such provisions had worked, and examine the challenges faced by these legal provisions and policy options in solving the security issues in Africa. An attempt will then be made at proffering legislative and policy options to curb the spate of insecurity in Africa.

## **CONCEPTUAL FRAMEWORK**

‘Security’ means a state, feeling or means of being secure, while ‘secure’ means free from danger, safe, assured.<sup>4</sup> It has also been defined to mean ‘things that are done to keep a person, building or country safe from danger or crime.’<sup>5</sup> The antithesis is insecurity which is a state of fear, deprivation, grave

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<sup>1</sup> [www.harrymcfree.com/history.htm](http://www.harrymcfree.com/history.htm) assessed on 20th March, 2013

<sup>2</sup> <http://www.us-history.com/world-war-2-a-brief-history> assessed on 20th March, 2013

<sup>3</sup> Njinga, C.F. “The United Nations Agenda for Peace and Development, and the Imperative of Global Security” in Ogan C. A. (ed) *The Challenge of Peace, Security, and Development in the Twenty-First Century* Nigerian Society of International Law Thirty-Second Annual Conference Proceedings p.20

<sup>4</sup> *Chamber’s 20<sup>th</sup> Century Dictionary*

<sup>5</sup> *Longman Dictionary of Contemporary English* 4<sup>th</sup> edition p.1482

danger and unqualified exposure to want and despair. This is the essence of having a government in place in any country to ensure that the citizen is safe from any form of danger, deprivation, fear or want. The issue of security may be internal or external and the government of any sovereign state is expected to take care of both in order to ensure a balanced life for her citizenry.

In the first place, it is expected that the government must protect her citizens from any form of internal insurrection or external aggression. Internal security has been explained to mean:

“...the act of maintaining peace within the borders of a sovereign state or independent territory. Internal security is attained by upholding law and order and by securing the state against internal security threats. Threats to internal security may include low-level civil disorder, crime, organized violence, or even an armed insurgency.”<sup>6</sup>

External security connotes the maintenance of peace within and provision of a safe and peaceful environment that allows citizens to live without any fear of foreign conquest.<sup>7</sup>

Security can be global and human. At the global level we consider disruptions to the society, disagreements between persons and countries or incompatibility which are regarded as conflictual relationships.<sup>8</sup> These will include crime, racism, terrorism, genocide, violence against the state, ethnic strife to mention a few. In this discourse, the concern is armed conflict which is resort to use of force and armed violence. It has been defined as “the condition of feeling safe from harm or danger, the defence, protection and

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<sup>6</sup> El-Rufai, N. “The Challenge of National Security and Implication for National Development delivered at the National Conference of the Obafemi Awolowo University Muslim Graduates Association (UNIFEMGA) on 19<sup>th</sup> May, 2012

<sup>7</sup> See generally, Egbewole, W. “Security Challenges: Role of the Nigerian Woman delivered as Keynote Address to the Federation of Women Lawyers, Kwara Branch Law Week on 19<sup>th</sup> March, 2013 p.

<sup>8</sup> <http://oxforddictionaries.com/definition/english/conflict> assessed on 20th March, 2013 and Longman Dictionary 4t edition 2005

preservation of core values, and the absence of threats to acquire values. Put simply, security is about survival and the conditions of human existence.”<sup>9</sup>

Human security on the other hand portends all the good things of life including availability of food, adequate shelter, good health, functional education, sustainable environment, adherence to the rule of law and good governance.<sup>10</sup> United Nations human security includes national, regional and international interventions on any issue remotely related to the promotion of organisation’s concept of international security-“freedom from fear” and “freedom from want.”<sup>11</sup> The United Nations Development Programme (UNDP) divided this into seven components of food, health, shelter, environment, personnel, community and political security.<sup>12</sup>

Emphasis is now being placed on the environment as a critical segment of human security in the light of decimation of the environment in conflict with its attendant consequences with regards to climate change. Deliberate destruction of the environment now appears to be a “method of threatening human security” and a strategy employed in conflict<sup>13</sup> leading to the rising term of “ecocide” or “genocide.” It has been said that during the 2003 invasion of Iraq, the United States and British forces used almost 13,000 cluster bombs-containing almost two million munitions which caused fundamental damage to the environment. Indeed, today the argument is that environmental crimes are equated with genocide.<sup>14</sup> There exists a number of laws put in place for the protection of the environment during conflict as conflicting states are generally

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<sup>9</sup> Francis, D. J. “Peace and Conflict Studies: An African Overview of Basic Concepts” in Shedrack Gaya Best (ed) *Introduction to Peace and Conflict Studies in West Africa* (Ibadan: Spectrum Books Ltd) pp.22-23

<sup>10</sup> Njinga op. cit. p.22

<sup>11</sup> See also “UN Secretary General Salutes International Workshop on Human Security in Mongolia” UN Doc.SG/SM/7382 May 8-10 2008

<sup>12</sup> UNDP Report 1994 (New York: Oxford University Press) pp.24-25

<sup>13</sup> See United Nations Commission on Human Security, “Human Security Now” New York 2003, pp.16-18

<sup>14</sup> See generally Freeland, S. “Human Rights, the Environment and Conflict: Addressing Crimes Against the Environment” *Sur International Journal on Human Rights* Year 2 No.2 p.114

admonished to “protect and preserve the environment.”<sup>15</sup> A clear message is sent in Principle 24 of the 1992 Declaration of the United Nations Conference on Environment and Development (Rio Declaration) that:

“Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development as necessary.”<sup>16</sup>

The challenge is how strictly are these provisions adhered to? They are observed more in breach. It must be emphasised that if we consider the carnage in Darfur, the destruction in Kenya, the killings in Nigeria and the damage currently going on in Mali, it is indeed time for the continent to take a more decisive step on a better strategy in managing our conflicts and resolve that never again would we allow for degeneration to state of insecurity.

The contestation about peace as the other side of insecurity cannot be overemphasised but it has been argued rightly that peace is not absence of war but described by Ajomo that:

“the concrete meaning of peace must include the existence of a social order, national and international, in which the basic values of political, economic, and social existence—personal freedom, equality and development of the individual personality—are realized. Thus conceived, international peace and security could be said to mean ‘a condition within the international community in which certain basic values of freedom, equality, development etc are realized in

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<sup>15</sup> Paragraph 21 The 1994 Draft Declaration of Principles on Human Rights and the Environment” available at <http://www1.umn.edu/humanrts/instree/1994-dec.htm> referred to in Freeland ibid p.134

<sup>16</sup> UN Doc. A/CONF.151/26/Rev1, (1992) 31 ILM 874. Also in Freeland on page 135

an atmosphere of safety, stability, freedom from fear of war, invasion, conquest or similar danger.”<sup>17</sup>

Much as Ajomo tried to run away from the correlation between peace and war, it is clear from the above that we cannot but appreciate the fact that there cannot be peace in a state of war. This is in line with the position of Francis that peace and security are two sides of the same coin, mutually reinforcing and the existence of peace invariably means the existence of security.<sup>18</sup> There is however the argument that there can be war for peace. I disagree because peace is attainable without war and any conflict can only be resolved on the table as we have seen with all the conflicts we have witnessed the world over.<sup>19</sup>

### **CAUSES OF GLOBAL INSECURITY**

As pointed out earlier, insecurity is a function of a number of factors principal among which is naked ambition and contestation for power and this appears now more pronounced in the South of the world where economic exploitation and political manipulation is at its best. Providing justification for this, President Jacques Delos said:

“All around us, naked ambition, lust for power, national uprising and undevelopment are combining to create potentials containing the seeds of destabilization and conflict aggravated by the proliferation of weapons of mass destruction.”<sup>20</sup>

This was an observation made in 1991, but nothing appears to have changed between then and now. In fact, the challenges of naked ambition in the African

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<sup>17</sup> Ajomo, M.A. “Reform of the Security Council” *Nigerian Economic Integration* (The 1990 Guardian Lecture) 1998 reproduced in Popoola, A. “Globalisation and the Challenges of International Peace, Security, and Development in the 21<sup>st</sup> Century” in Ogan C. A. (ed) *The Challenge of Peace, Security, and Development in the Twenty-First Century* Nigerian Society of International Law Thirty-Second Annual Conference Proceedings

<sup>18</sup> Francis, D.J. op. cit. p.23

<sup>19</sup> Even as vociferous as the Middle East crisis is, the only way to resolve is to sit on the table.

<sup>20</sup> Address delivered at the International Institute for Strategic Studies, March 1991.

continent appears to be on the increase if we consider the power tussle in Kenya, Cote D'Ivoire, Republic of Benin, Guinea Bissau, Mali and Nigeria leading to unprecedented killings and maiming. It has been suggested that the Boko-Haram insurgency in Nigeria with the attendant spread as we currently witness was a factor of the 2011 elections in Nigeria.

A fall out of this is bad governance that characterizes such ambitious grab of power in flagrant violation of the rights of the people. This posture exposes the "soft underbelly of the security apparatuses of the repressive regimes as, for the first time, civilian warlords, militants, and mercenaries became a serious factor threatening the very survival of the region's hitherto state-centric security apparatuses." The ensuing violent conflicts unleashed many of the latent security threats in the region. The threats include a clash of identities based on skewed notions of citizenship (Côte d'Ivoire), and ethnic and clan-based animosities (Liberia and Sierra Leone). Beyond that, they revealed the extent of the youth crisis and the propensity for natural resource mismanagement. The manipulation of these weaknesses by warlords, corrupt government officials, and shady business and mercenary networks<sup>21</sup> occurred in the unstable context of the immediate post-Cold War era. This provoked acute insecurity in the region that manifested itself on the one hand in collapsed institutions and infrastructure, food insecurity, environmental and public health hazards, and on the other, through resource grabs, refugee flows, human trafficking and drug trafficking, the proliferation and criminal use of weapons, and massive violations of human rights"<sup>22</sup>

This also leads to the identification of another factor of insecurity-democracy. The way democracy is practised in the continent is another major cause of insecurity. It is characterised by winner takes all, demolition of the opposition, lack of transparency in election processes and outright manipulation of the processes. At the sub-regional level, the Economic Community of West African States (ECOWAS) adopted the Supplementary Protocol on Democracy and

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<sup>21</sup> Musah, A.F. and Fayemi, J. K. *Mercenaries: An African Security Dilema* (London: Plato 2000)

<sup>2222</sup> Musah, A.F. West Africa: Governance and Security in a Changing Region (International Peace Institute) available on [www.ipinst.org/media/pdf/publications/west\\_africa.pdf](http://www.ipinst.org/media/pdf/publications/west_africa.pdf) assessed on 15th March, 2013

Good Governance in 2001.<sup>23</sup> The challenge of this adoption is that the member States have refused to fully comply with the provisions even when they are signatories thereto.

Another major factor of insecurity in the continent is globalisation and technological advancement. In spite of the many positive contributions of these developments to the world, they have also served to fuel insecurity in a way. It has been argued that global market forces can generate wealth and spread prosperity, but where development is uneven, the result can be increased political tension and risks of instability. Equally, internet which is a technological innovation has facilitated the spread of human rights and good governance; it has also been used for propagating intolerance and to diffuse information necessary for building weapons of mass destruction.<sup>24</sup>

We are all witnesses to how self-immolation of an individual in Tunisia in December, 2010 sparked off anti-government protests leading to regime change in that country. This also caused ripple effects in the region which culminated in the Arab Spring which had affected the state of affairs in Egypt, Algeria, Libya, Bahrain and the fire is still raging in Syria. This has caused loss of lives, limbs and property. It may be seen in positive lights from the perspectives of changing the mentality of sit-tight governments. The question however is, must we destroy ourselves before we achieve our goals? I think we can still achieve our aspirations as a continent without the wanton destruction that is the hallmark of these protests for regime change.

Technology and technological advancement also created a thermo-dynamic world where at the press of a single button a whole race, a whole country and indeed the world may be exterminated. There is nothing wrong in technological advancement to promote a worthy life for all. The problem is

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<sup>23</sup> ECOWAS Executive Secretariat, Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism For Conflict Prevention, Management, Resolution, Peacekeeping and Security, Dakar, December 2001, available at [www.comm.ecowas.int/sec/en/protocoles/Protocol%20on%20good-governance-and-democracy-rev-5EN.pdf](http://www.comm.ecowas.int/sec/en/protocoles/Protocol%20on%20good-governance-and-democracy-rev-5EN.pdf).

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<sup>24</sup> See generally Popoola, A. op. cit. p35



acquisition of war head instruments which put the world on the precipice and endanger peaceful co-existence. In spite of various international law instruments against acquisition of weapon of mass destruction, the economically advanced states of the world continue the acquisition unabated. This disposition is infuriating the others who saw no reason why they too should not acquire. It appears that this double standard is responsible for the recalcitrant posture of North Korea and Iran (though Iran is claiming peaceful use of the nuclear acquisition she is working on). The world must not only speak with one voice but must also act as one on this.

Decline in economic growth with the resultant poverty is another major reason for insecurity. It has been said that a hungry man is an angry man. This is more correct with a population that is denied the basic needs of life: food, cloth and shelter. In most countries in the continent, the people live on less than one dollar a day and this is in contrast with the affluence they see in the lifestyles of their leaders. In a way, this is blamed on international economics as argued by Dr Salim A. Salim that:

“Africa is simply respondent to this system which has inbuilt mechanisms for automatic siphoning of wealth from the poor to the rich. It follows, therefore, that no matter how hard Africa works; ultimately, our sweat and toil will not be adequately compensated, unless there is a fundamental change in the international economic system.”<sup>25</sup>

This, in my view, is only true to an extent because the world is a global village and whatever happens in any part of the world is likely to have effect in other parts of the world. Even in a village, everybody is expected to have his/her own house and indeed in a house everybody is expected to have his/her own room. As Africans, we must make concerted efforts to take our destiny in our hands. Is the international economics responsible for the wanton corruption by the leaders of the continent? Is international economics responsible for diversion of money meant for roads and other infrastructures? Is international

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<sup>25</sup> Quoted in Popoola op. cit. p.37

economics responsible for mismanagement that characterized governance in Africa? I beg to say that it is only a convenient excuse for exploitation.

This position appears to be in tandem with the views of Kwame Nkrumah when he posited:

“No independent African state today by itself has a chance to follow an independent course of economic development, and many of us who have tried to do this have been almost ruined or have had to return to the fold of the former colonial rulers. This position will not change unless we have unified policy working at the continental level.”<sup>26</sup>

Fifty years after that recommendation, can anybody still in good conscience blame other people for our economic woes? Why was it difficult for us to put in place that unified policy in fifty years? It is not for us in the continent to continue to sulk and blame others for our negligence and lack of commitment to our continent. This was the postulation of late Chief Obafemi Awolowo of Nigeria when he said:

“It is commonplace that only the nationals of a country can be absolutely trusted to make their country great. There is abundant and concrete evidence of this truism all over the world...only Nigerians can be absolutely trusted to make Nigeria great and free.”<sup>27</sup>

What we lack in the continent is patriotism on the part of leaders and followers and this is inflicting untold hardship on us in terms of concern for our people and our continent. We are only mindful about the individual and this

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<sup>26</sup> Nkrumah. K. Address to the Conference of African Heads of States in Addis Ababa May, 1963

<sup>27</sup> Reproduced in Egbewole, W. “Crime, National Development and Security of the Person” in Ogan C. A. (ed) *The Challenge of Peace, Security, and Development in the Twenty-First Century* Nigerian Society of International Law Thirty-Second Annual Conference Proceedings p.92

will naturally create disaffection and ultimately conflicts and insecurity will result.

Religion is yet another factor that is being exploited to cause insecurity in the continent. This is rather unfortunate because the key religions in the continent emphasise peace as their cardinal operational creed. Why is this being exploited? I think it is also a function of pauperization of the populace, consequent upon which the adherents are psychologically prepared to meet a more prosperous future in the hereafter if they do their bidding which in most cases are informed by politics.

Having identified some of the causes it is important to also do a brief review of some conflict situations in the continent by providing the areas and the extent of damage witnessed.

### **ANALYSIS OF TEN COUNTRIES AND CAUSES OF INSTABILITY**

The starting point in recent time is Tunisia where a nationwide protest led to the abandonment of office by President Zine al-Abidine Ben Ali. This caused a ripple effect in Egypt where President Hosni Mubarak was deposed and is presently on trial. The crisis in the Eastern part of Libya was also linked to this Tunisian crisis and eventually the regime of Col. Muammar Ghaddafi was toppled. That country witnessed catastrophic effects with the North Atlantic Treaty Organisation (NATO) joining in the campaign.

All the above which happened in the Northern part of the continent brought to the fore in a dramatic way the bottled up emotions in that country and in that part of the continent. Indeed the occurrence in Tunisia was summarized thus:

“the structural and historic problems that have affected that society: unemployment, the frustrations of educated youth and their limited opportunities in life, political sterility, abuses by the security services, and anger at the corrupt clique that surrounded the President. It was a one off event that crystallized the

shared grievances of Tunisians and gave them energy and directions.”<sup>28</sup>

In Guinea after twenty four years rule of President Conte and his death in December, 2008, Captain Moussa “Dadis” Camara staged a coup the following day and on January 15, 2009 a new military/civilian government was put in place with key ministries under the control of military officers. That crisis left Guinea and Sierra Leone locked up in territorial crisis. Equally, outbreak of civil war in 2002 in Cote d Ivoire was fingered in influence peddling in neighbouring countries and resulting into loss of lives and property. Nigeria had her full dose of civil insurrection between 1967 and 1970 where losses were incurred in varying dimensions. Between 2011 and today, insecurity has been the order of the day with the invasion of Boko-Haram. This was after the devastating effect of the Niger-Delta militants. Mali is currently witnessing a full scale war which led to the intervention of the ECOWAS force that Nigeria is championing with the participation of the French troop.

A study conducted by Centre for Strategic and International Studies produced a more comprehensive country by country assessment of the conflicts in 10 states of Africa and reproduced below in a graphic form.

#### **Causes of Instability<sup>29</sup>**

Country	Conditions	Catalysts	Triggers
ANGOLA	Rapid Urbanization wealth disparity Narrowly based oil economy  Separatist movement in oil producing region	Falling oil prices  Rising gap between expectations and delivery of public services  Rising anger over corruption	Dos Santos' succession  2012 legislative elections  Economic slump
BOTSWANA	Narrowly based diamonds economy  Rapid urbanization	Falling global demand for diamonds  Government inability to sustain welfare state	Global economic recession  Economic crisis in South

<sup>28</sup> Downie, R. and Cooke, J.G. Assessing Risks to Stability in Sub-Saharan Africa Centre for Strategic and International Studies June 2011 available at [www.ipinst.org/media/pdf/publication](http://www.ipinst.org/media/pdf/publication) assessed 15th March, 2013

<sup>29</sup> Culled from Downie, R & Cooke, J.G. *ibid* pp.7-9

		Growing unemployment	Africa Drought
<b>ETHIOPIA</b>	<b>Rapid population growth</b> <b>Rapid urbanization</b> <b>Regional insecurity</b> <b>Domestic insurgency</b> <b>Legacy of conflict</b>	<b>Rising food prices</b> <b>Economic growth fails to outstrip population growth</b> <b>Rising border tensions</b> <b>Growing dissent within ruling party</b>	<b>Meles' succession</b> <b>Ruling party split</b> <b>Military attack by a neighbouring country or internal armed movement</b>
<b>GHANA</b>	Rapid urbanization Over-centralized political system Decline of agricultural sector Land ownership disputes	Start of large scale oil production Rise in drug trafficking Rising youth unemployment Patronage politics	Close or contested out come to 2012 election  Close or contested out come to 2012 election
<b>KENYA</b>	<b>Land distribution</b>  <b>Ethnic cleavages</b>  <b>Rapid urbanization</b>	<b>Political manipulation of ethnicity</b>  <b>Failure to implement Constitution</b>  <b>Rising economic inequality</b>  <b>Spillover of Somaila violence</b>  <b>Land disputes.</b>	<b>Close or contested out come to 2012 election</b>  <b>Conviction of leading politicians by International Criminal Court</b>
<b>NIGERIA</b>	Narrowly based oil economy Regional inequalities and rivalries Ethnic and religious cleavages Poor governance and weak institutions	Political manipulation of ethnic/religious/regional differences Falling oil prices Corruption Zero –sum politics	Elections Breakdown of elite consensus  Spike in violence in Niger Delta/Middle Belt/North – East  Changes to federal arrangements
<b>RWANDA</b>	<b>Legacy of the genocide</b>  <b>Ethnic divisions</b>  <b>Population density</b>	<b>Economic slowdown</b>  <b>Growing authoritarianism of the government</b>  <b>Perceptions of ethnic favouritism</b>	<b>Ruling party split or coup attempt</b>  <b>Kagame's succession</b>  <b>Crisis in DRC relations</b>

	<b>Unequal land tenure</b> <b>Economic inequalities</b>	<b>Narrowing of political space</b> <b>Entanglements in DRC</b>	
SENEGAL	Rapid urbanization Young population Intra- religious tension Contested visions of role of religious in politics Separatist movement in Casamance	Rising unemployment Economic decline Unmet expectations of youth Political manipulation of youth Erosion of authority structures	Contested outcome to 2012 election Wade's succession
<b>SUDAN (North)</b>	<b>Poor governance and legacy of violence and repression</b> <b>Highly centralized state</b> <b>Narrowly based oil economy</b> <b>Contested national identities</b>	<b>Economic decline</b> <b>Rising food prices</b> <b>Rising unemployment</b> <b>Contagion from North Africa upheavals</b> <b>Climate Change</b> <b>Political manipulation of ethnic/regional/religious identities</b>	<b>Crisis in North –South negotiations</b> <b>Convergence of armed challenges on border/Darfur/East</b> <b>Ruling party split</b> <b>Coup attempt</b> <b>Halt in oil production</b> <b>Arrest of Bashir by International Criminal Court</b>
SUDAN (South)	Security vacuum Lack of infrastructure Ethnic/regional/religious Cleavages Scarce resources Poverty Legacy of conflict	Political manipulation of ethnic grievances Falling oil prices Rising border insecurity Failure to provide public services Growing authoritarianism of government	Crisis in North –South negotiations Ruling party split Botched disarmament Internal armed uprisings or attack by North
<b>UGANDA</b>	<b>Regional/ethnic/religious Cleavages</b> <b>Legacy of violence</b> <b>Militarization of politics</b>	<b>Falling government revenue</b> <b>Rising inflation</b> <b>Rising corruption</b> <b>Transition into oil economy</b> <b>Heavy –handed responses to social protest</b>	<b>Museveni's succession</b> <b>Ruling party split</b> <b>Terrorist attack from Somaila</b> <b>Influx or refugees from South Sudan</b>

From the above table, it is clear that the causes of instability are essentially the same including economy, rapid urbanization, ethnicity, religion, bad governance and politics generally. The question is why is it difficult to manage these issues before they snowball into security challenge. In my view, the simple answer is selfishness and self-centeredness on the part of the principal actors. It is therefore imperative that the leadership of the continent must take more pro active stance in nipping in the bud any form of conflictual relationship among the constituent elements of the continent either intra or inter se.

## **LEGAL FRAMEWORK FOR RESOLVING INSECURITY IN AFRICA**

This segment is devoted essentially to calling attention to three major international agencies having connection with the continent.

### **United Nations**

At the level of the United Nations, the Organisation provided for the Security Council by Chapter V of its Charter<sup>30</sup> from Articles 23-32. The Charter also provides for what it called Pacific Settlement of Disputes in Chapter VII contained in Articles 39-54. A careful perusal of these provisions will clearly show that the world body evinces intention to ensure that conflict is exterminated or at least drastically reduced in the world. This is more so if consideration is given to the emergence of the body itself which essentially was informed by the destruction the world witnessed during the Second World War. The world by the provision said never again.

The question however is how far the Council has discharged its mandate especially if consideration is given to the rule of law. I had opportunity to do a critical assessment of the Council and I concluded thus:

“Rule of law at the level of the Security Council is not an all or nothing issue, it is a score card having its two sides. However from the foregoing there is no

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<sup>30</sup> Available at [www.un.org/english](http://www.un.org/english) or [www.un.org/law](http://www.un.org/law) A number of amendments were made to the original Charter vide Resolution 1991 of 1965 and in 1971 when the number of the Economic and Social Council was increased from 27 to 54.

gainsaying the fact that the Council score sheet is in red as it has recorded more failures in the maintenance of peace and security through the instrumentality of rule of law than success.”<sup>31</sup>

## **African Union**

At the level of the African Union, the Peace and Security Council was established with unequivocal mandate to provide structure for the effective implementation of the decisions in the areas of conflict prevention, peace-making, peace support operations and interventions, peace-building and post conflict reconstruction. This mandate was vide Article 5(2) of the Constitutive Act of the Union.

The Protocol<sup>32</sup> relating to its establishment provides for its composition in Article 5 and in my view this is one of the major challenges of the body. The conditions attached to membership appear to defeat the guiding principles of equality and equity which it emphasised. Since its establishment, the Council has taken epileptic steps to resolve some conflict situations. Part of the truth however is the fact that the Council is hampered seriously by fund and uncoordinated efforts of its members. It may still be too early to pass a judgment but it is important to note these issues at this very early stages.

## **Economic Community of West African States (ECOWAS) Initiatives**

At the level of ECOWAS, two major initiatives were put in place. The first was the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security.<sup>33</sup> This Protocol is all embracing and designed to consolidate the gains and achievements of ECOWAS Ceasefire Monitoring Group (ECOMOG). The Protocol in its first principle underscores the linkage between economy, development and security. It states:

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<sup>31</sup> Egbewole, W. United Nations Security Council and the Challenge of Rule of Law in the 21<sup>st</sup> Century” *Research and Practice in Social Sciences* Vol.6No.2 p.70

<sup>32</sup> Adopted by the African Union Assembly in Durban South Africa on 10 July, 2002 and entered into force on 26 December 2003 and full text available at [www.africa-union.org](http://www.africa-union.org)

<sup>33</sup> Adopted on 10 December 1999 in Lome, Togo and full text available at [www.iss.org.za](http://www.iss.org.za)



“That economic and social development and security of peoples and states are inextricably linked”<sup>34</sup>

To properly show the linkage, ECOWAS also adopted Protocol on Democracy and Good Governance<sup>35</sup> where emphasis was placed on accession to power which has been a major source of conflict and the provision was categorical that:

“Every accession to power must be made through free, fair and transparent elections.”

Since the adoption of the Supplementary Protocol, elections have been held in a number of member states, the inevitable question is: how transparent were those elections? What has ECOWAS done to show strict adherence to the Protocol? The challenge to implementation is borne out of the workings of International Law but the clear indications are given in Articles 44 and 45 which, if properly channelled, may go a long way in ensuring peaceful co-existence in the sub-region. After a reflection on the sub-region and the member states of ECOWAS vis-à-vis elections, it will appear that the body has not mustered enough courage to call some of its own to order. For instance, what has the body done to the question marks placed on the elections of 2003, 2007 and 2011 in Nigeria? Is it the story of the Animal Kingdom where some are more equal than others?

## **WAY FORWARD**

In order to stem the tide of insecurity in Africa, a number of measures must be put in place:

- a) *Democratization and democratic values*: As a people, we must make conscious efforts to ensure that democratic ideals are projected, nurtured and sustained. This is not only at the states level but also at international level such that the principles of equality and equity are

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<sup>34</sup> Article 2(a) of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security

<sup>35</sup> Adopted as a supplementary protocol on 21 December, 2001. Protocol A/SP1/12/01. Available at [www.iss.org.za](http://www.iss.org.za)

maintained in all its ramifications. Realistic adjustments to power calculus must be made in each country. Conscious considerations must also be given to the “growing pains of democracy which brings with them the heightened risk of instability in the short run.” We must appreciate the fact that Rome was not built in a day.

The democratization of international bodies is also very crucial. As earlier noted, one of the basic weaknesses of the United Nations is the composition of the Security Council. It lacks the kind of representation that would enable it to accommodate the interests of the various geographical and ideological regions of the world and ensure balance of power among various regions of the world.<sup>36</sup>

- b) *Globalisation imbued with moralism and values*: Globalisation as a phenomenon has no alternative in today’s world and is regarded as an “unstoppable reality.” Every facet of our life is totally consumed by it. The way it is presently being projected is without giving any form of morality to its operations. The valueless approach will lead to more confusion and conflicts in the world. The new world order is propelled by value. There cannot be value properly so called without morality.
- c) *Preventive Mechanism*: It is important that the continent must put in place preventive mechanism to ensure early detection of conflicts and equally ensure that such conflicts are avoided and do not lead to any security challenge.
- d) *Funding Sustainable Development*: As a concept, sustainable development as defined by Brundtland Commission is the development that “meets the needs of the present without compromising the ability of future generations to meet their own needs.”<sup>37</sup> This is an investment of sorts and there is need to fund such investment. If this is properly coordinated, it will ensure reduction in poverty, improve the employment statistics, enhance educational facilities, mitigate climate

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<sup>36</sup> Ajomo, M.A. op. cit.

<sup>37</sup> Reproduced in Egbewole, W. Foreword to Law and Sustainable Development in Africa (London: Grosvenor House Publishing Ltd 2012) p.ix

change challenges, improve shelter in the continent and build enduring infrastructures. All these will eventually lead to reduction in issues that can trigger conflicts and possible resultant insecurity.

- e) *Exterminate or reduce corruption*: The corruption index in the continent is on the rise and this has totally consumed the capacity of states in the continent to manage conflicts. The leadership must make conscious efforts to ensure that there is transparency in all their transactions. They must not only talk about corruption they must do everything to ensure that the cankerworm is exterminated in the continent. The correlation between conflicts and corruption cannot be overemphasised and it is possible that if efforts are channelled at this we may end up being a better society.

## **CONCLUDING REMARKS**

We have in this paper traced the concept of security and insecurity with the corollary of peace underscoring the fact that they are two sides of the same coin and that one may not be achieved without the other. The point was made that the world cannot be conflict-free but the African continent must manage her conflicts better. Various causes of insecurity were traced and specific attention was paid to ten countries identifying the major triggers of insecurity with the attempt at proffering solutions.

The existing legal frameworks were considered at the regional, continental and global levels. It was argued that the framework in some respects are inadequate but that even the existing ones if properly implemented may provide enough safety valves for insecurity in the land. The policy options available are not as pronounced as they are embedded in the legal instruments. The most effective policy that needs to be emphasised is democratization at all levels of our operation. What is recommended is not mere procedural democracy which may be mere trivialization of the universalization of democratic ethos. There must be collective security mechanism in order to spread and deepen democracy as a way of ensuring a secured world and indeed a safe continent.