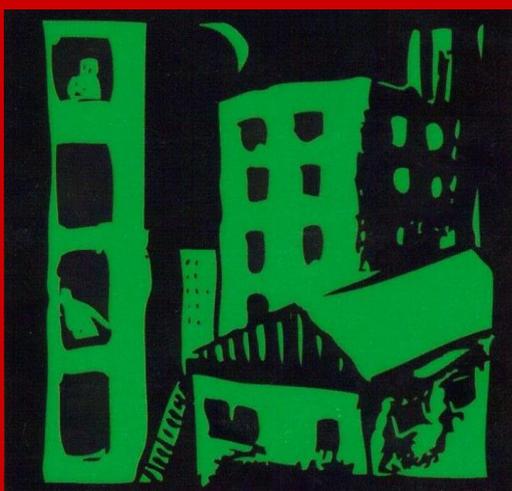


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**The African Union's  
quest for a "peaceful  
and secure Africa":  
An assessment of  
Aspiration Four of  
Agenda 2063**

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**ABSTRACT**

*This article undertakes a comprehensive assessment of the African Union (AU)'s Agenda 2063 Aspiration 4: A peaceful and secure Africa and the progress made at continental level towards it. Aspiration 4 is informed by the AU's acknowledgment that the scourge of conflict on the continent plays a significant role in hampering socio-economic development. Against this background, the article examines the role played by the AU and its regional economic communities (RECs) in response to armed conflict on the continent, as exemplified by the AU and Southern African Development Community (SADC) response to the Cabo Delgado conflict in northern Mozambique. The AU's response to the recent surge of military coups in Africa is*

*also examined, with a focus on the coups in Sudan in 2019 and 2021. The article concludes that the Agenda 2063 blueprint is a useful tool for the continental body when dealing with the scourge of conflicts and unconstitutional changes of governments, which threatens to hamper the AU's developmental agenda.*

**Keywords:** African Union; Agenda 2063; Aspiration 4; peaceful and secure Africa; military coups; regional economic communities; SADC; Sudan; Cabo Delgado.

## 1 INTRODUCTION

The African Union (AU) has affirmed its seven aspirations for the future of the African continent through the “Agenda 2063: The Africa We Want” framework (Agenda 2063), which was adopted in 2015.<sup>1</sup> Aspiration 4 of Agenda 2063 is “a peaceful and secure Africa”, and the goals for this aspiration are “preservation of peace, security and stability” (goal 13), “a stable and peaceful Africa” (goal 14), and “a fully functional peace and security architecture” (goal 15). It is significant that the AU included Aspiration 4 in Agenda 2063, in view of the scourge of conflicts and unconstitutional changes of government (UCG) through military coups, all of which have a detrimental effect on the socio-economic development of the continent.

This article examines the progress made at continental level with respect to Aspiration 4 and its goals. It argues that Aspiration 4 and the stated goals ought to be understood within the context of article 4(h) and 4(p) of the Constitutive Act of the African Union (Constitutive Act). These have informed the AU's transition from the principle of non-interference to that of non-indifference.<sup>2</sup> Aspiration 4 ought also to be understood against the background of the African Union Peace and Security Architecture (APSA). The article argues that the AU's failure to meet its target of “silencing the guns by 2020” (which was then, in December 2020, extended to 2030) is evidence of the scale of the problem. It outlines the AU's legal and policy framework in response to UCG. It argues that the AU's quest for “a peaceful and secure Africa” is still an elusive dream, using the examples of the Cabo Delgado Conflict in Mozambique and the successive military coups in Sudan to support this argument.

The article highlights that, despite the comprehensive AU legal and policy framework on UCG, the African continent continues to experience military coups. It recommends in this regard that the AU should endeavour to address the root of the problem, including the reluctance of African leaders to relinquish power. It concludes that the Agenda 2063 blueprint is a useful tool for the continental body to deal with the scourge of conflicts and unconstitutional changes of governments, a scourge which threaten to hamper the AU's developmental agenda. The article recommends that the AU ought to ensure that all member states participate fully in the implementation of the Framework for the goals and aspirations to be realised, in particular Aspiration 4.

<sup>1</sup> See African Union “Agenda 2063: The Africa We Want” Framework Document (2015) available at [https://au.int/sites/default/files/documents/33126-doc-framework\\_document\\_book.pdf](https://au.int/sites/default/files/documents/33126-doc-framework_document_book.pdf) (accessed 31 January 2023).

<sup>2</sup> Article 4(h) and 4(p) of the Constitutive Act of the African Union (2000).

## 2 FROM NON-INTERFERENCE TO NON-INDIFFERENCE: THE CONSTITUTIVE ACT AND THE AU PEACE AND SECURITY ARCHITECTURE

The transition from the Organisation of African Unity (OAU) to the AU in 2002 resulted in a shift in policy from that of non-interference to non-indifference. Because the OAU's main objective when it was formed in 1963 was to ensure the emancipation of all African states from colonial rule, it maintained a strict policy of non-interference in member states' affairs, in line with the principle of the sovereign equality of states.<sup>3</sup> The OAU Charter states in its preamble that African heads of states and governments are "[d]etermined to safeguard and consolidate the hard-won independence as well as the sovereignty and territorial integrity of our states and to fight against neo-colonialism in all its forms".<sup>4</sup> The OAU Charter also provides in article III(2) that "[t]he member States ... solemnly affirm and declare their adherence to the following principles ... Non-interference in the internal affairs of states".<sup>5</sup>

By time the AU replaced the OAU, the goal of emancipating African states from colonialism had been realised. Even the apartheid regime in South Africa had met its demise in 1994. The end of colonialism did not, however, mean an end to the socio-economic and governance problems of the continent. The preambular paragraphs of the Constitutive Act highlight that the AU recognises that the African continent is still faced with many problems, including the slow pace of socio-economic development and the scourge of conflict.<sup>6</sup> The priorities of the AU have therefore shifted accordingly from eradicating colonialism to ensuring the protection of human rights, and addressing the problems that Africa faces. These include impunity and the prevalence of conflicts.

However, the OAU's stance on non-intervention effectively impeded the protection of human rights, the fight against impunity, and efforts to eradicate conflict on the African continent among member states.<sup>7</sup> In view of the prevalence of conflict, including conflict stemming from UCG, it became imperative for the AU to shift from strict non-

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<sup>3</sup> See generally Murithi T "The African Union's transition from non-interference to non-indifference: An ad hoc approach to the responsibility to protect?" (2009) 1 *International Politics* 90-106.

<sup>4</sup> Preamble to the OAU Charter (adopted 25 May 1963) and article III(1), which states that the sovereign equality of all states is one of the guiding principles of the organisation. Similarly, article 3(b) of the Constitutive Act (2000) provides that "[t]he objectives of the Union shall be to ... (b) defend the sovereignty, territorial integrity and independence of its Member States".

<sup>5</sup> Article III(2) Charter of the Organisation of African Unity (1963).

<sup>6</sup> Constitutive Act (2000) preambular paragraph.

<sup>7</sup> Kemp G & Kinyunyu S "The crime of unconstitutional change of government (Article 28 E)" in Kemp G & Vormbaum M (eds) *The African Criminal Court: A commentary on the Malabo Protocol* The Hague: Asser Press (2017) 57 at 63; Manirakiza P "Insecurity implications of unconstitutional changes of government in Africa: From military to constitutional coups" (2016) 17(2) *Journal of Military and Strategic Studies* 87 at 92.

interference to non-indifference.<sup>8</sup> In line with the AU's new goals, and the organisation's stated commitment to ensure the protection of human rights, it was determined that intervention in member states was possible.<sup>9</sup> In 2004, Ambassador Djinnit said of the need to move away from non-interference to non-indifference:

“No more, never again. Africans cannot sit in Africa and cannot watch the tragedies developing in the continent and say it is the UN's responsibility. We have moved from the concept of non-interference to non-indifference. We cannot as Africans remain indifferent to the tragedy of our people.”<sup>10</sup>

Non-interference in the internal affairs of another state remains one of the guiding principles of the AU, as provided for in article 4(g) of the Constitutive Act. The AU has, however, changed its position and moved away from strict non-interference to allow for “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”.<sup>11</sup> The prevalence of conflict in the African continent, and the grave human rights violations which are synonymous with such conflicts, necessitated the inclusion of article 4(h) in the Constitutive Act. In the Tigray conflict in northern Ethiopia, for instance, it has been alleged that all parties to the conflict breached international humanitarian law, international human rights law and international criminal law.<sup>12</sup>

It has also been alleged that parties to the Cabo Delgado conflict in northern Mozambique, including Dyck Advisory Group, a South African company hired by the Mozambican government, have committed human rights violations.<sup>13</sup> The Cabo Delgado case study will be discussed in detail below. The Cabo Delgado conflict has been selected as a case study as it is an ongoing conflict, one which highlights the continuing problem that the AU faces. Article 4(h) of the Constitutive Act is in line with article 4(o),

<sup>8</sup> See generally Aremu J “Conflicts in Africa: Meaning, causes, impact and solution” (2010) 4(4) *African Research Review* 49–60; McGowan P “African military coups d’etat, 1956-2001: Frequency, trends and distribution” (2003) 41(3) *Journal of Modern African Studies* 339–370.

<sup>9</sup> Kemp & Kinyuny (2017) at 61; Manirakiza (2016) at 92.

<sup>10</sup> The New Humanitarian “African Union stresses importance of conflict resolution and peacekeeping (3 November 2015) available at <https://www.thenewhumanitarian.org/news/2004/06/28> (accessed 31 January 2023).

<sup>11</sup> See article 4(h) of the Constitutive Act of the African Union (2000). For a detailed overview of the AU's right to intervene, see generally Dyani-Mhango N “Reflections on the African Union's right to intervene” (2012) 38(1) *Brooklyn Journal of International Law* 1–48.

<sup>12</sup> Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties to the Conflict in the Tigray Region of the Federal Democratic Republic of Ethiopia (hereafter Joint Investigative Report) 1 at 3–5 available online at <https://digitallibrary.un.org/record/3947207> (accessed 31 January 2023).

<sup>13</sup> Amnesty International “Mozambique: ‘What I saw is death’: War crimes in Mozambique's forgotten Cape’ (2021) available at <https://www.amnesty.org/en/documents/afr41/3545/2021/en/> (accessed 31 January 2023).

which provides that the AU shall be guided by the principle of "respect for the sanctity of human life, condemnation and rejection of impunity ...". The AU Assembly has in several of its decisions reaffirmed its principle of the rejection of impunity.<sup>14</sup>

The AU's shift in policy should also be understood against the background of the notion of "African solutions for African problems", which has become synonymous with pan-Africanism. The "African solutions for African problems" notion is mostly raised in relation to peace and security on the African continent.<sup>15</sup> Fiquemariam notes as follows:

"In the face of international indifference or at times unhealthy meddling in certain African conflicts, "African solutions to African problems" reflects the justifiable need for greater African responsibility, autonomy and the imperative to develop indigenous conflict prevention and management capacities. As the Ghanaian economist and author George Ayittey points out, if you formulate your own solutions to your problems, you would have every reason and incentive to see them work. External or foreign solutions are not viable in Africa since they were either "imported" or "dictated" to Africans."<sup>16</sup>

The "African solutions for African problems" mantra has been motivated by a number of factors. One of them was the realisation by AU member states that the international community was gradually withdrawing from African issues after the end of the Cold War.<sup>17</sup> An example would be the reluctance by the international community to respond to the Rwandan genocide swiftly and decisively in 1994.<sup>18</sup> Attempts by the AU to innovate so as to be able to deal with problems afflicting the continent without always having to defer to external actors including the United Nations, the International

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<sup>14</sup> See, for example, Decision on the Meeting of African State Parties to the Rome Statute of the International Criminal Court (ICC) Assembly/AU/13 (XIII) (2009) para 4; Decision on Africa's Relationship with the International Criminal Court (ICC) Ext/Assembly/AU/Dec. 1 (Oct 2013) para 2; Decision on the Implementation of the Decisions of the International Criminal Court (ICC) Assembly/AU/Dec.419 (XIX); Decision on International Jurisdiction, Justice and the International Criminal Court (ICC) Doc. Assembly/AU/13 (XXI) Assembly/AU/Dec.482 (XXI) para 2; Decision on the International Criminal Court Assembly/AU/Dec.738 (XXXII) para 2(a); Decision on the International Criminal Court Assembly/AU/Dec.789 (XXXIII) para 2(a).

<sup>15</sup> Nathan L "African solutions to African problems: South Africa's foreign policy" (2013) 92(21) *WeltTrends, Zeitschrift fur international Politik* at 48.

<sup>16</sup> Fiquemariam S "African solutions to African problems" *Institute for Security Studies Today* (18 September 2008) available at <https://issafrica.org/iss-today/african-solutions-to-african-problems> (accessed 31 January 2023).

<sup>17</sup> The African Centre for the Constructive Resolution of Disputes (ACCORD) "The African Union Panel of the Wise: Strengthening relations with similar regional mechanisms" (2013 Report) 1-63 at 31 available at <https://www.peaceau.org/uploads/high-level-retreat-of-the-au-panel-of-the-wise.pdf> (accessed 31 January 2023).

<sup>18</sup> Williams P "Keeping the peace in Africa: Why 'African' solutions are not enough" (2008) 22(3) *Ethics and International Affairs* 309-328; Panel of the Wise (2013) 31.

Criminal Court (ICC) and Western powers<sup>19</sup> were arguably among the factors which motivated the inclusion of Aspiration 4 in the Agenda 2063 blueprint.

## 2.1 The AU's Peace and Security Architecture (PSA)

One of the priorities of the AU when it replaced the OAU was to make policy and institutional reforms. This would enable it to meet its goal of addressing conflict and enhancing the socio-economic growth of the continent. The Constitutive Act paved the way for these reforms, as it calls on the AU to find ways to address conflict through the establishment of mechanisms to ensure sustainable peace.<sup>20</sup> The Constitutive Act itself achieves this goal through the right to intervention, as provided for in article 4(h). The latter has been considered the most ground-breaking provision of the Constitutive Act,<sup>21</sup> as it embodies the shift in policy from non-interference to non-indifference.

In line with the Constitutive Act, the AU has made a number of institutional reforms, key to which is the Peace and Security Architecture (PSA).<sup>22</sup> The PSA is made up of five organs: the Peace and Security Council; the Panel of the Wise; the Continental Early Warning System; the African Standby Force; and the Peace Fund.<sup>23</sup> As Ncube has observed, the goal of the PSA organs in terms of the Constitutive Act and the PSC Protocol "is to individually and as a collective advance the objectives and principles of the AU in the areas of peace-making, peacekeeping and post-conflict resolution".<sup>24</sup>

The whole of the PSA is premised upon the Constitutive Act, which outlines the objectives of the AU with respect to its approach to peace and security.<sup>25</sup> In 2002 the AU adopted the Protocol Relating to the Establishment of the Peace and Security Council, which entered into force in 2004. It provides for the establishment of the Peace and Security Council (PSC) and empowers it to deploy a peacekeeping mission in a member

<sup>19</sup>See generally Mushoriwa L "The relationship between international criminal law and state sovereignty in Africa as seen through the lens of the principles of universal jurisdiction and universal jurisdiction and personal immunities" 2018 (unpublished PhD Thesis, University of KwaZulu-Natal).

<sup>20</sup>Constitutive Act (2000) preambular paragraph.

<sup>21</sup>Pergantis V "Strange bedfellows: Exploring the relationship between R2P and article 4(h) of the African Union Constitutive Act with regard to military intervention" (2014) 6(3) *Global Responsibility to Protect* 295–325 at 301.

<sup>22</sup>For detailed commentary on the PSA, see generally Aning K "The African Union's peace and security architecture: Defining an emergency response mechanism" (2008) 3 *Nordic Africa Institute Lecture Series on African Security* 1–13; Williams P "Reflections on the evolving African Peace and Security Architecture" (2014) 7(3) *African Security* 147–162; Ncube S "At issue: Reframing the African Peace and Security Architecture: An argument for a unitary AU post-conflict reconstruction and development organ" (2020) 19(1) *African Studies Quarterly* 89–105.

<sup>23</sup> Ncube (2020) at 189.

<sup>24</sup> Ncube (2020) at 189.

<sup>25</sup> Aning (2008) at 3.

state<sup>26</sup> in line with article 4(h) of the Constitutive Act. The PSC Protocol will be discussed in detail below.

### 3 ASPIRATION 4: "A PEACEFUL AND SECURE AFRICA"

In Aspiration 4 of the Agenda 2063 blueprint, the AU sets out its goals and targets for a "peaceful and secure Africa". The inclusion of this aspiration in Agenda 63 was motivated by the desire by the AU to put in place mechanisms to prevent conflict and, where conflict does occur, to resolve it, with peace and tolerance as the underpinning principle.<sup>27</sup> In January 2022, the AU released the second continental report on the progress made in the implementation of Agenda 2063. This report was compiled using data made available by 38 of the 55 AU member states.<sup>28</sup> The report arguably does not give an accurate reflection of the progress made in implementing Agenda 2063, as not all member states provided the requisite data; however, it is still indicative of the strides Africa has made towards realising the various aspirations.

There was progress on all seven aspirations, with regard to the expected 2021 targets for the implementation of Agenda 2063's aspirations and goals at the national, regional, and continental levels. With respect to Aspiration 4, the continent made 63 per cent progress against the 2021 targets.<sup>29</sup> This section will evaluate the progress made with respect to the individual goals in Aspiration 4. The evaluation is drawn from the AU consolidated report, which is based on contributions by the 38 member states that submitted individual progress reports. The report analyses progress made by the respective countries in implementing the Agenda 2063 aspirations and goals against the 2021 targets set by the AU.

#### 3.1 Goal 13: Peace, security and stability

The AU's priority area for Goal 13 is the maintenance and restoration of peace and security, and the target is to reduce the level of conflict resulting from ethnic, religious, and political differences and other forms of exclusion. The target for 2019 was to reduce the level of conflict by up to 50 per cent of 2013 levels; the performance indicator for this goal is the number of conflict-related deaths per 100,000 of the population.<sup>30</sup> In the first continental progress report on the implementation of Agenda 2063, which was released in February 2020, the African continent recorded progress of 24 per cent. This

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<sup>26</sup> Protocol Relating to the Establishment of the Peace and Security Council of the African Union (adopted 9 July 2002) available at <https://au.int/en/treaties/protocol-relating-establishment-peace-and-security-council-african-union> (accessed 31 January 2023).

<sup>27</sup> African Union-NEPAD *Second continental report on the implementation of Agenda 2063* (2022) available at [https://au.int/sites/default/files/documents/41480-doc-2nd-Continental\\_Progress\\_Report\\_on\\_Agenda\\_2063\\_English.pdf](https://au.int/sites/default/files/documents/41480-doc-2nd-Continental_Progress_Report_on_Agenda_2063_English.pdf) (accessed 31 January 2023).

<sup>28</sup> Second continental report (2022) at 38.

<sup>29</sup> Second continental report (2022) at 38.

<sup>30</sup> AUDA-NEPAD *First continental report on the implementation of Agenda 2063* (2020) available at <https://au.int/en/documents/20200208/first-continental-report-implementation-agenda-2063> (accessed 31 January 2023).

low score was attributed to the fact that most member states did not provide data in regard to conflict-related deaths.<sup>31</sup>

In 2021, there was 72 per cent progress, as recorded in the second continental report.<sup>32</sup> This high score was attributed to a decrease in the number of conflict-related deaths and deaths related to religious and ethnic tensions.<sup>33</sup> Fifteen countries had data available for 2020, and from these countries, 144 out of 100,000 deaths were recorded as conflict-related – a significant decline when compared to the 201 conflict-related deaths per 100,000 recorded for 2019.<sup>34</sup> This meant that the continent met and exceeded the targets set for 2021 (121 per 100,000) and for 2023 (101 per 100,000) in terms of conflict-related deaths.<sup>35</sup> According to the 2022 report, this remarkable progress can be attributed to efforts by member states to prevent conflict and, where there is conflict, to foster dialogue.<sup>36</sup>

Despite this progress, however, the 2022 report points out that some African countries, including Burkina Faso, experienced a surge in the number of conflict-related deaths.<sup>37</sup> The surge in Burkina Faso was attributed to security challenges faced by the country as a result of terrorist attacks that began in 2015.<sup>38</sup> In the light of the target indicator for Goal 13, according to available data referred to in the 2022 report, African states are moving towards the realisation of this goal.

### 3.2 Goal 14: A stable and peaceful Africa

The 2020–2021 period under review coincided with the goal set by the AU to “silence the guns by 2020”. In 2013, as part of the 50<sup>th</sup> Anniversary Solemn Declaration, AU heads of states and government made a pledge “not to bequeath the burden of conflicts to the next generation and undertake to end all wars in Africa by 2020”.<sup>39</sup> This pledge, which has been described as ambitious,<sup>40</sup> will be examined in more detail below. With respect to Goal 14, the AU’s priority is to have an institutional structure for AU instruments on peace and security in place. The target was “to silence all guns by 2020”

<sup>31</sup> First continental report (2020) at 55.

<sup>32</sup> Second continental report (2022) at 38.

<sup>33</sup> Second continental report (2022) at 38.

<sup>34</sup> Second continental report (2022) at 38.

<sup>35</sup> Second continental report (2022) at 38.

<sup>36</sup> Second continental report (2022) at 38.

<sup>37</sup> Second continental report (2022) at 38.

<sup>38</sup> Second continental report (2022) at 38.

<sup>39</sup> Office of the African Union/African Union 50<sup>th</sup> Anniversary Solemn Declaration (2013) available at [https://au.int/sites/default/files/documents/36205-doc-50th\\_anniversary\\_solemn\\_declaration\\_en.pdf](https://au.int/sites/default/files/documents/36205-doc-50th_anniversary_solemn_declaration_en.pdf) (accessed 31 January 2023).

<sup>40</sup> Hooper I “AU mustn’t forget pledge to ‘silence the guns’” (2021) *Mail & Guardian* available at <https://mg.co.za/africa/2021-02-03-au-mustnt-forget-pledge-to-silence-the-guns/#:~:text=With%20South%20African%20president%20Cyril,around%20the%20continent%20by%202020> (accessed 31 January 2023).

(which was extended in December 2020 to 2030). The performance indicator for this goal is the number of conflicts.<sup>41</sup>

According to the 2022 report, there were 14 armed conflicts in Africa in 2021. The number of conflicts on the continent was reduced by 57 per cent when compared to the 2013 base value of 34 armed conflicts.<sup>42</sup> The target of total eradication of conflicts in Africa, in line with the AU's target to "silence the guns by 2020", was therefore not met.

Nevertheless, the 2022 report highlights that progress has been made in reducing the number of armed conflicts in the continent. It cites Eswatini as an example of a country which has maintained peace since it attained independence in 1968. It was ranked 72 out of 163 independent states in the 2019 Global Peace Index.<sup>43</sup> Citing Eswatini as a model of peace is based on the absence of armed conflict in this country, in line with the performance indicator for Goal 14. The report also cites Sierra Leone as a model of transition from conflict to peace, with the country ranked 46<sup>th</sup> in the 2020 Global Peace Index.<sup>44</sup> According to the 2022 Global Peace Index, Eswatini was ranked 93<sup>rd</sup> and Sierra Leone 50<sup>th</sup> among 163 states.<sup>45</sup>

It is pertinent to note the role played by the OAU in ending the conflict in Sierra Leone. In response to the 1997 military coup in Sierra Leone, the OAU implored African states and the international community not to recognise or support the instigators of the coup.<sup>46</sup> The OAU also authorised the Economic Community of West African States (ECOWAS) to use all necessary means to end the conflict.<sup>47</sup> This is evidence that the OAU was moving towards the rejection of UCG as a norm.

### 3.3 Goal 15: A fully functional and operational African PSA

In the First Ten Year Implementation Plan for Agenda 2063, a 2016 target was set for all member states to have a functional National Peace Council (NPC) in place.<sup>48</sup> This target has not been met, as by 2019 the continent had recorded progress of 76 per cent of member states who had established NPCs. In 2021, there was a decline to 60 per cent of member states with functional NPCs. This decline has been attributed to the fact that

<sup>41</sup> Second continental report (2022).

<sup>42</sup> Second continental report (2022) at 38.

<sup>43</sup> Second continental report (2022) at 38.

<sup>44</sup> Second continental report (2022) at 38.

<sup>45</sup> Institute for Economics and Peace "Global Peace Index 2022: Measuring peace in a complex world" (2022) available at <https://reliefweb.int/report/world/global-peace-index-2022> (accessed 31 January 2023).

<sup>46</sup> Leininger J "A strong norm for democratic governance in Africa" (2014) *International Institute for Democracy and Electoral Assistance* 1-38 available at <https://www.idea.int/sites/default/files/publications/a-strong-norm-for-democratic-governance-in-africa.pdf> (accessed 31 January 2023).

<sup>47</sup> Goldman M "Sierra Leone: African solutions to African problems?" (2005) 9(1) *Max Planck Yearbook of United Nations Law* 457-515 at 473.

<sup>48</sup> Second continental report (2022) at 38.

more member states submitted data for the 2020/2021 reporting period (38) than for 2019/2020 (31).<sup>49</sup> Examples of countries which have established an NPC include Ghana (2011), Madagascar, Niger and Rwanda.<sup>50</sup> The Second Continental Report noted that, despite the absence of an NPC, Eswatini had made remarkable progress in fostering social dialogue, with its score rising from 2 in 2013 to 6 in 2021.<sup>51</sup>

#### 4 SILENCING THE GUNS IN AFRICA

In 2013, as part of the OAU/AU 50<sup>th</sup> Anniversary Solemn Declaration,<sup>52</sup> African leaders pledged to “silence the guns in Africa” by ending all armed conflict on the continent by the year 2020. The pledge was informed by the AU’s recognition that Africa continues to be afflicted by conflict, insecurity and violence, all of which significantly hamper socio-economic development.<sup>53</sup> In April 2014, the AU held a Peace and Security Council (PSC) open session under the theme, “On silencing the guns: Pre-requisites for realising a conflict-free Africa by the year 2020”.<sup>54</sup> Subsequently a retreat was held in Durban, South Africa, on the theme, “Silencing the guns in Africa: Building a roadmap to a conflict-free continent”.<sup>55</sup>

The open session and high-level retreat were aimed at establishing a roadmap on how to conceptualise the “silencing the guns” pledge and come up with a practical plan of action to implement it.<sup>56</sup> Participants identified the key drivers of conflict, including socio-economic challenges, and agreed to develop a concrete plan towards silencing all guns in Africa on the basis of the discussions held at the retreat.<sup>57</sup> According to Mlambo, the AU realised that the Agenda 2063 blueprint could not be successfully implemented whilst the African continent was still afflicted by conflict.<sup>58</sup> Despite the stated

<sup>49</sup> Second continental report (2022) at 38.

<sup>50</sup> Second continental report (2022) at 38.

<sup>51</sup> Second continental report (2022) at 40.

<sup>52</sup> OAU/AU 50<sup>th</sup> Anniversary Solemn Declaration (2013).

<sup>53</sup> Okomu W, Attah-Asamoah A & Sharamo R “Silencing the guns in Africa by 2020: Achievements, opportunities and challenges” (2020) *Institute for Security Studies Monograph 203* available at <https://issafrica.s3.amazonaws.com/site/uploads/monograph-203-3.pdf> (accessed 31 January 2023); Mlambo V “Silencing the guns in Africa beyond 2020: Challenges from a governance and political perspective” (2021) 7(1) *Cogent Social Sciences* 1 at 3.

<sup>54</sup> AU Concept Note “On silencing the guns: Pre-requisites for realising a conflict-free Africa by the year 2020 for the Open Session of the Peace and Security Council of the African Union, 2AU New Conference Centre, Addis Ababa” (2014) available at <https://www.peaceau.org/uploads/final-concept-note-on-silencing-the-guns-pre-requisites-for-2-a-conflict-free-africa-by-2020.pdf> (accessed 31 January 2023).

<sup>55</sup> AU Press Release “Silencing the guns in Africa: Building a roadmap to a conflict free continent” (2014) available at <https://au.int/sites/default/files/newsevents/pressreleases/25651-pr-com-durban-silencing-guns.pdf> (accessed 31 January 2023).

<sup>56</sup> Mlambo (2021) at 3.

<sup>57</sup> AU Press Release (2014).

<sup>58</sup> Mlambo (2021) at 3.

commitment by the AU to silence the guns in Africa by 2020, it was beyond the capacity of the AU to end all conflict in Africa within the stipulated period.

Following conflict as a result of UCG in Sudan in April 2019, in 2020 the AU adopted "silencing the guns" as its theme for the year. The adoption of "silencing the guns by 2020" as a pledge, however, did not quell the sound of guns on the African continent; a number of African countries have since been embroiled in conflict, including Mozambique, Ethiopia, Burundi, Cameroon, and the Democratic Republic of Congo (DRC).<sup>59</sup> The conflict in Mozambique, for instance, was motivated by the perceived marginalisation of the people in the Cabo Delgado region by the government. The local people had hoped that the discovery of natural gas in the Cabo Delgado province in 2010 would help to alleviate their poverty through employment creation. The hope was not fulfilled.<sup>60</sup> The current crisis in Burundi began in April 2015, when the then President Pierre Nkurunziza announced that he would be running for a third term in office, contrary to the provisions of the country's constitution.<sup>61</sup>

A number of countries have also experienced political instability following UCG in the form of military coups. <sup>62</sup> These countries include Sudan in 2021,<sup>63</sup> Mali in 2020 and 2021,<sup>64</sup> and Burkina Faso in 2022.<sup>65</sup> Okumu et al. have identified several root causes of conflict and instability in Africa, including the slow pace or lack of development;

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<sup>59</sup> Okumu et al. (2020) at 5.

<sup>60</sup> Matsinhe S "An overview of the conflict in Cabo Delgado: Narratives, causes and strategies on the way forward" *ACCORD* (29 April 2019) available at <https://www.accord.org.za/analysis/an-overview-of-the-conflict-in-cabo-delgado-narratives-causes-and-strategies-on-the-way-forward/> (accessed 31 January 2023).

<sup>61</sup> World Economic Forum (9 February 2016) "'Burundi is on the brink' – a crisis explained" available at <https://www.weforum.org/agenda/2016/02/burundi-is-on-the-brink-a-crisis-explained-dc4113d4-af48-4f63-b6b8-6a8c42acb78b/> (accessed 31 January 2023).

<sup>62</sup> For a detailed overview of the causes of conflicts in Ethiopia, Cameroon and Democratic Republic of Congo, see respectively Walsh D & Daher A "Why is Ethiopia at war with itself?" *New York Times* (16 March 2022) available at <https://www.nytimes.com/article/ethiopia-tigray-conflict-explained.html> (accessed 31 January 2023); Orock R "Cameroon: How language plunged a country into deadly conflict with no end in sight" *The Conversation* (17 March 2022) available at <https://theconversation.com/cameroon-how-language-plunged-a-country-into-deadly-conflict-with-no-end-in-sight-179027> (accessed 31 January 2023); Global Conflict Tracker "Instability in the Democratic Republic of Congo" available at <https://www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo> (updated 3 August 2022).

<sup>63</sup> Berger M & Westfall S "Sudan's military has taken over: Here's what to know about who is in charge" (2021) *Washington Post* available at <https://www.washingtonpost.com/world/2021/10/25/sudan-coup-military-takeover-why-who/> (accessed 31 January 2023).

<sup>64</sup> Wing S "Another coup in Mali? Here's what you need to know" (2021) *Washington Post* available at <https://www.washingtonpost.com/politics/2021/05/28/another-coup-mali-heres-what-you-need-know/> (accessed 31 January 2023).

<sup>65</sup> Moderan O & Kone F "What caused the coup in Burkina Faso?" (2022) *Institute for Security Studies Today* available at <https://issafrica.org/iss-today/what-caused-the-coup-in-burkina-faso> (accessed 31 January 2023).

corruption; lack of transparency in election processes; and disgruntlement amongst citizens stemming from historical injustices.<sup>66</sup> Mlambo has asserted that the prevalence of conflict in Africa ought to be understood against the background of Africa's colonial past, and says in this regard:

“Any understanding of how Africa has become so fragile needs to consider the role played by colonialism ... Africa has never recovered from colonialism, let alone shaken off its shackles, rather, the continent inherited political and governance systems in their holistic perspective.”<sup>67</sup>

Despite the prevalence of conflict and political instability, some progress has been made with respect to the “silencing the guns” pledge. These achievements include the signing of a preliminary peace deal between the transitional government of Sudan and the two main rebel groups in January 2019; the agreement for a peace deal between the Central African Republic Government and rebels in 2019; and the signing of a peace accord between Ethiopia and Eritrea in 2019.<sup>68</sup> As observed by Mlambo, the peace agreements highlight the effectiveness of increased cooperation between the AU and its global partners, with the Sudan peace deal stemming from joint efforts by the AU and its partners, the Intergovernmental Authority on Development (IGAD), the European Union (EU), the United Kingdom, the United States, and Norway.<sup>69</sup> Other notable achievements include progress in particular conflict situations, including the Cabo Delgado conflict in northern Mozambique, where the AU, through its REC, the Southern African Development Community (SADC), deployed a peacekeeping force.<sup>70</sup>

However, some of the gains made through these achievements have been reversed. For instance, the achievements made in the Sudan peace deal have been reversed by a second military coup in 2021, which has further threatened peace and stability in the country.<sup>71</sup> The gains made through the Ethiopia –Eritrea peace deal have subsequently been reversed, as the Ethiopian government has been embroiled in conflict with Tigray rebels since November 2020.<sup>72</sup>

By December 2020, the goal to “silence the guns in Africa by 2020” had not been met. The AU extended the implementation of “silencing the guns” from 2020 to 2030, with

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<sup>66</sup> Okumu et al. (2020) at 5.

<sup>67</sup> Mlambo (2021) at 5–6. For a similar view see Okumu et al. (2020) at 5; Dersso S “The continuing curse of state fragility in Africa” (2014) *African Arguments* available at <https://africanarguments.org/2014/07/the-continuing-curse-of-state-fragility-in-africa-by-solomon-a-dersso/> (accessed 31 January 2023).

<sup>68</sup> Mlambo (2021) at 14.

<sup>69</sup> Mlambo (2021) at 14.

<sup>70</sup> SADC News “SADC mission in Mozambique (SAMIM) in brief” (2021) available at <https://www.sadc.int/latest-news/sadc-mission-mozambique-samim-brief> (accessed 31 January 2023).

<sup>71</sup> Berger & Westfall (2021).

<sup>72</sup> Walsh & Dahir (2020).

periodic reviews in between.<sup>73</sup> Prah and Matambo have asserted that this extension will allow for enhanced collaboration between the AU and its global partners, including the UN, in the implementation of the declaration.<sup>74</sup> Commenting on the failure of the "silencing the guns by 2020" pledge for ending conflict in Africa, Mlambo asserts that "the AU actually knew that silencing all illegal weapons in Africa by 2020 was practically impossible. Rather, it hoped that this would be used at some time in the future as a vehicle to bring about peace and stability".<sup>75</sup> Contrary to Mlambo's assertion however, this article takes the view that the "silencing the guns by 2020" pledge ought to be evaluated holistically, with regard to all the facets of peace, stability, and security.

The pledge was not just about eradicating the illegal flow of small arms and light weapons; it was about eradicating all forms of conflict and instability on the continent, including international and local armed conflicts and UCG, including military coups. The timeline for silencing the guns by 2020 was admittedly short and unrealistic, but the AU should be commended for trying to address the scourge of conflict that continues to afflict the continent and hamper socio-economic development. The next section will evaluate whether the AU's aspiration of a "peaceful and secure Africa" will remain an elusive dream for the foreseeable future.

## 5 THE AU'S QUEST FOR "A PEACEFUL AND SECURE AFRICA": A PIPE DREAM?

### 5.1 The Cabo Delgado conflict

The AU's failure to meet the target of silencing the guns by 2020 highlights the scale of the problem of conflicts and instability. The prevalence of armed conflicts and military coups on the African continent, even after African leaders had declared that they want to work towards ending all conflict in Africa, calls for reflection as to whether Africa's quest for "a peaceful and secure Africa" is achievable or merely a pipe dream. This section examines the conflicts in Mozambique's Cabo Delgado region and the recent military coups in Sudan to highlight that a "peaceful and secure Africa" might remain an elusive dream for the foreseeable future.

The conflict in Mozambique's Cabo Delgado region in northern Mozambique started in 2017 in the town of Mocímbo da Praia. The key driver of the conflict has been identified as the local people's grievances over perceived marginalisation and poor governance following the discovery of natural gas in the region in 2010.<sup>76</sup> The discovery

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<sup>73</sup>Louw-Vaudran L "Can Africa stay on target to silence the guns by 2030?" (2022) *Institute for Security Studies Today* available at <https://issafrica.org/iss-today/can-africa-stay-on-target-to-silence-the-guns-by-2030> (accessed 31 January 2023).

<sup>74</sup>Prah A & Matambo R "The role of institutions in silencing the guns in Africa" (2020) *ACCORD* available at <https://www.accord.org.za/analysis/the-role-of-institutions-in-silencing-the-guns-in-africa/> (accessed 31 January 2023).

<sup>75</sup>Mlambo (2021) at 2.

<sup>76</sup>International Crisis Group "Stemming the insurrection in Mozambique's Cabo Delgado" (2021) Report No. 303 Africa available at <https://www.crisisgroup.org/africa/southern-africa/mozambique/303-stemming-insurrection-mozambiques-cabo-delgado> (accessed 31 January 2023).

resulted in high expectations amongst the people, who saw this as an opportunity for prosperity and improvement in their lives and livelihoods.<sup>77</sup> The crisis is classified as a non-international armed conflict, as the Mozambican government is not fighting against another government but against insurgents within its own territory.<sup>78</sup>

Although foreigners, including Ugandan and Tanzanian nationals, have reportedly joined the insurgency, their governments are not in support of their participation. Although the insurgents are known locally as Al-Shabaab, there is no evidence that there is a link between them and organisations such as the Islamic State (ISIS). According to an Amnesty International report, “[w]hile a few Ugandans have been identified within Al-Shabaab’s ranks, and several Tanzanians hold important mid-level positions, the armed group remains largely a local organisation, with local concerns, that has pledged loyalty to an outside umbrella group”.<sup>79</sup> In August 2020, Al-Shabaab took control of the town of Moc ímbo a da Praia from government forces, and on 24 March 2021 the insurgents launched an attack on the town of Palma, which is the centre for logistics for the international gas projects in the Cabo Delgado region.<sup>80</sup>

Four days after the 24 March attack, ISIS claimed through a news agency aligned to it, Amaq News Agency, that its fighters had been responsible for the Palma attack. This claim has been discredited, however, by an analyst at the Armed Conflict Location and Data Project (Acled), which has been closely monitoring the Cabo Delgado conflict. The analyst, Jasmine Opperman, explained that the videos and photographs shared by ISIS were not from Palma but Moc ímbo a da Praia, 65 km to the south, and that ISIS and Amaq had no information on the attack as the insurgents cut off all telecommunication links, which went down 30 minutes after the attack started. Opperman also explained that although the insurgents use the name “Al-Shabaab”, meaning “the youth” in Arabic, this has no link with Al-Shabaab in Somalia.<sup>81</sup> Dozens of people died, including seven people whose convoy was ambushed as they tried to flee. Among the dead were foreigners from neighbouring countries, including South Africa and Zimbabwe.<sup>82</sup>

The conflict has led to the displacement of 784,564 people, among them about 370,000 children. About 1.5 million people need humanitarian aid, with nearly one in every

<sup>77</sup> Amnesty International (2021) at 8.

<sup>78</sup> Amnesty International (2021) at 8.

<sup>79</sup> Amnesty International (2021) at 9.

<sup>80</sup> Crisis 24 “Mozambique: Armed attack, security operations reported in Palma March 24-25” (2021) available at <https://crisis24.garda.com/alerts/2021/03/mozambique-armed-attack-security-operations-reported-in-palma-march-24-25> (accessed 31 August 2023).

<sup>81</sup> Hanlon J “Mozambique Palma attack: Why IS involvement is exaggerated” (2021) *BBC News* available at <https://www.bbc.com/news/world-africa-56773012> (accessed 31 January 2023); Acled “Cabo Ligado Monthly: March 2021” (April 15 2021) available at <https://www.caboligado.com/monthly-reports/cabo-ligado-monthly-march-2021> (accessed 31 January 2023).

<sup>82</sup> Al Jazeera News “Dozens of ‘defenceless’ civilians killed in Mozambique attack” (28 March 2021) available at <https://www.aljazeera.com/news/2021/3/28/dozens-of-defenceless-civilians-killed-mozambique-attack> (accessed 31 January 2023).

three persons being internally displaced.<sup>83</sup> As of 3 June 2022, it was reported that the number of deaths had exceeded 4,000, with more than 1,700 civilians reported to have died from violence targeting civilians.<sup>84</sup> A humanitarian crisis is thus unfolding in Mozambique. According to Amnesty International, all parties in the conflict – the insurgents, government forces and the private South African military company contracted by the government – have perpetrated human rights violations on the people of Mozambique. Dyck Advisory Group (hired to fight insurgents by using helicopters) has reportedly been involved in the deliberate killing of civilians, extrajudicial execution, and indiscriminately firing into crowds, thus failing to distinguish between insurgents and civilians.<sup>85</sup>

The conflict in Cabo Delgado threatens not only peace, security, and the lives and livelihoods of people in Mozambique, but also poses a threat to foreign direct investment, which has the potential to boost the country's economy. This was highlighted by Total's declaration of *force majeure*. On 26 April 2021, Total announced that it had declared *force majeure* on its LNG project and withdrawn all its staff from the site on the Afungi Peninsula, following the attacks of 24 and 25 March on the town of Palma.<sup>86</sup> The Cabo Delgado conflict also threatens peace and security in the southern African region as a whole, and potentially threatens foreign direct investment in large-scale infrastructure, mining, exploration and other projects in the region.<sup>87</sup>

#### 5.1.1 *The AU and SADC's role in "silencing the guns" in Cabo Delgado*

The AU expressed concern when the conflict in Cabo Delgado seemed to be spiralling out of control following the March 2021 attack on Palma and called for urgent action in response to the conflict.<sup>88</sup> The AU's response was, however, guided by the principle of subsidiarity, in terms of which the organisation must defer to RECs.<sup>89</sup> In line with the

<sup>83</sup>Reliefweb "Rates of child marriage double amongst thousands of children displaced by conflict in Cabo Delgado" (2022) available at <https://reliefweb.int/report/mozambique/rates-child-marriage-double-amongst-thousands-children-displaced-conflict-cabo-delgado> (accessed 31 January 2023).

<sup>84</sup>Armed conflict location & event data collection on Twitter (2022) available at <https://twitter.com/ACLEINFO/status/1532697355346010112> (accessed 31 January 2023).

<sup>85</sup> See generally Amnesty International (2021).

<sup>86</sup> Total Energies Press Release "Total declares force majeure on Mozambique LNG project" (2021) available at <https://totalenergies.com/media/news/press-releases/total-declares-force-majeure-mozambique-lng-project> (accessed 31 January 2023).

<sup>87</sup> Cilliers J, Louw-Vaudran L et al. "What would it take to stabilize Cabo Delgado?" (2021) *Institute for Security Studies Today* available at <https://issafrica.org/iss-today/what-would-it-take-to-stabilise-cabo-delgado> (accessed 31 January 2023).

<sup>88</sup> AU Press Release "Statement of H.E Mr. Moussa Faki Mahamat, Chairperson of the African Union, on the terrorist attacks in Mozambique (2021) available at <https://au.int/en/pressreleases/20210331/statement-chairperson-terrorist-attacks-mozambique> (accessed 31 January 2023).

<sup>89</sup>For a detailed overview of the principle of subsidiarity, see Djilo F & Handy P "Unscrambling subsidiarity in the African Union: From competition to collaboration" (2021) *Institute for Security Studies Today* available at <https://issafrica.org/research/africa-report/unscrambling-subsidiarity-in>

subsidiarity principle, AU intervention is ruled out where the issue in question can be solved at central, regional or local level.<sup>90</sup> SADC has hence been at the forefront of trying to find a solution to the Cabo Delgado conflict.<sup>91</sup>

Initially, the Mozambican government was reluctant to accept military intervention from SADC, with President Felipe Nyusi expressing the view that the sovereignty enjoyed by Mozambique impedes the country from accepting military intervention. He also said that, should the country eventually accept such intervention, it would be on Mozambique's terms and the Mozambican government must be in charge.<sup>92</sup> Nyusi's hesitancy to accept regional military intervention led to speculation that he was wary of opening up the Cabo Delgado region to outside scrutiny of illicit activities there that benefit the elite.<sup>93</sup> Whilst this is speculation, it does suggest rampant corruption. This corruption could explain why the expectations that the people of Cabo Delgado had of better economic opportunities when the gas was discovered in the region have not been met. Detailed discussion of the issue is, however, beyond the scope of this article.

Although SADC had been accused of dragging its feet in its response to the conflict, the REC approved the deployment of the SADC Mission in Mozambique (SAMIM) in Cabo Delgado on 23 June 2021, and SAMIM was launched on 29 August 2021.<sup>94</sup> Ahead of SAMIM's deployment, the Rwandan government, through a bilateral agreement with the Mozambican government, deployed a joint peacekeeping force comprising police and armed forces, although Rwanda itself is not a SADC member state.<sup>95</sup> The deployment of SADC and Rwandan forces, working with the Mozambican army, has helped to quell the Cabo Delgado insurgency. Rwandan forces managed to secure the Afungi peninsula, where Total had invested in its gas project, and in early August 2022 managed to recapture the city of Mocímbo da Praia.<sup>96</sup> SAMIM forces were deployed in the central

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the-african-union-from-competition-to-collaboration#:~:text=Subsidiarity%20is%20a%20political%20concept,in%20their%20areas%20of%20jurisdiction (accessed 31 January 2023).

<sup>90</sup>Djilo & Handy (2021). Vhumbunu C "Insurgency in Mozambique: The role of the Southern African Development Community" (2021) *ACCORD* available at <https://www.accord.org.za/conflict-trends/insurgency-in-mozambique-the-role-of-the-southern-african-development-community/> (accessed 31 January 2023).

<sup>91</sup>Vhumbunu (2021).

<sup>92</sup>International Crisis Group (2021) at 28–32.

<sup>93</sup>International Crisis Group (2021) at 29.

<sup>94</sup>SADC News (2021).

<sup>95</sup>Republic of Rwanda "Rwanda deploys joint force to Mozambique" (2021) available at <https://www.gov.rw/blog-detail/rwanda-deploys-joint-force-to-mozambique> (accessed 31 January 2023).

<sup>96</sup>International Crisis Group, Crisis Group Africa Briefing No. 178 "Winning peace in Mozambique's embattled north" (2022) available at [https://d2071andvip0wj.cloudfront.net/b178-winning-peace-in-mozambique\\_2.pdf](https://d2071andvip0wj.cloudfront.net/b178-winning-peace-in-mozambique_2.pdf) (accessed 31 January 2023) at 2–3.

part of Cabo Delgado, towards Pemba, which is the provincial capital, and in the district of Nangande, which is close to the border with Tanzania.<sup>97</sup>

As of February 2022, Rwandan forces were on the coast stretching from Palma to Mocímbo a da Praia, and near the strategically important towns of Muidumbe and Mueda.<sup>98</sup> The SAMIM forces have maintained their presence in areas including Palma, Nangande, Pemba and Mueda.<sup>99</sup> As of February 2022, the number of Al-Shabaab insurgents has reportedly dropped sharply from about 3,000 to about 300. This was attributed to the foreign insurgents fleeing Mozambique and the local insurgents quietly integrating into the communities and waiting for an opportune time to remobilise.<sup>100</sup> It is important to note, however, that this number fluctuates, and there is a possibility that the number has risen again with the passage of time.

In October 2021<sup>101</sup> and January 2022,<sup>102</sup> SADC approved the extension of the mandate of SAMIM. On 15 April 2022 the force was downgraded from an enforcement to a peacekeeping operation.<sup>103</sup> The crisis in Cabo Delgado, however, continues, despite donors stepping up efforts to improve the lives and livelihoods of the people of Cabo Delgado by increasing the amount of aid to Mozambique.<sup>104</sup> This increased aid has done little to appease the Al-Shabaab insurgents, who have reportedly indicated that what they want is not aid but an active role in the economy of Cabo Delgado.<sup>105</sup> Displacement continues to be a major problem resulting from the conflict, and although some people have moved back to their homes in areas including Palma, more than 750,000 remain

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<sup>97</sup> International Crisis Group (2022) at 2.

<sup>98</sup> International Crisis Group (2022) at 4.

<sup>99</sup> International Crisis Group (2022) at 4.

<sup>100</sup> International Crisis Group (2022) at 4.

<sup>101</sup> SADC News "Communique of the extra-ordinary summit of the Organ Troika of the Southern African Development Community (SADC) plus the Republic of Mozambique" (2021) available at <https://www.sadc.int/news-events/news/communique-extra-ordinary-summit-organ-troika-southern-african-development-community-sadc-plus-republic-mozambique/> (accessed 31 January 2023).

<sup>102</sup> SADC News "Communique of the extraordinary summit of Heads of State and Government of the Southern African Development Community (SADC)" (2022) available at <https://www.sadc.int/news-events/news/communique-extraordinary-summit-heads-state-and-government-southern-african-development-community-sadc/> (accessed 31 January 2023).

<sup>103</sup> Matin G & Helfrich K "SAMIM deployment extended and mandate altered" (2022) *Defence Web* available at <https://www.defenceweb.co.za/featured/samim-deployment-extended-and-mandate-altered/> (accessed 5 August 2022).

<sup>104</sup> Crisis International Group (2022) at 2.

<sup>105</sup> Crisis International Group (2022) at 2; Anyadike O & Cabola T "Military intervention hasn't stopped Mozambique's jihadist conflict" (2022) *The New Humanitarian* available at <https://www.thenewhumanitarian.org/news-feature/2022/03/08/military-intervention-has-not-stopped-mozambique-jihadist-conflict> (accessed 31 January 2023).

displaced.<sup>106</sup> Despite efforts by the government to build new settlements in the southern part of the country, some people from Cabo Delgado would rather return to their homes.<sup>107</sup>

Between 2 and 9 June 2022, there were attacks in the Ancuabe district near Pemba, previously considered an area safe from the conflict afflicting Cabo Delgado.<sup>108</sup> This new wave of violence reportedly resulted in the displacement of about 10,000 people, many of whom were living in camps at the time the attacks took place. The displaced people are now living in emergency and communal shelters in Pemba, Chiure and Metuge districts.<sup>109</sup> Four people are also reported to have been beheaded in the attacks.<sup>110</sup> The Cabo Delgado Secretary of State is considering the reopening of a Transit Centre in Pemba, used as a reception center for displaced people at the height of the conflict in 2021.<sup>111</sup> The Director of Save the Children in Mozambique, Brechtje van Lith, said of the latest attacks: “Despite efforts to bring peace to Cabo Delgado, violence continues. This new wave of attacks and displacement is particularly concerning as it affects children who were already uprooted and are witnessing fighting for the second time.”<sup>112</sup>

The Cabo Delgado conflict is a prime example of how conflict can hinder the socio-economic development of the continent and affect the lives and livelihoods of the African people. Although the Afungi Peninsula has been successfully secured by Rwandan and SAMIM forces, with no end in sight to the conflict the gas project which Total had invested in remains in jeopardy. Despite bringing back subcontractors to Cabo Delgado on 7 June 2022, Total has not yet ended the *force majeure* declared in April 2021.<sup>113</sup> The AU’s quest for a “peaceful and secure Africa” is therefore arguably still but an elusive dream.

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<sup>106</sup> Crisis International Group (2022) 5; United Nations News “Mozambique: Thousands continue to flee violence in Cabo Delgado” (22 March 2022) available at <https://news.un.org/en/story/2022/03/1114412> (accessed 31 January 2023).

<sup>107</sup> Crisis International Group (2022) at 5.

<sup>108</sup> Save the Children News “Violence hits previously safe district in Cabo Delgado, Mozambique, forcing nearly 10000 people to flee” (2022) available at <https://www.savethechildren.net/news/violence-hits-previously-safe-district-cabo-delgado-mozambique-forcing-nearly-10000-people-flee> (accessed 31 January 2023).

<sup>109</sup> Save the Children (2022).

<sup>110</sup> Save the Children (2022).

<sup>111</sup> Save the Children (2022).

<sup>112</sup> Save the Children (2022).

<sup>113</sup> Africa Intelligence “Total Energies brings back first sub-contractors to Cabo Delgado” (2022) available at [https://www.africaintelligence.com/oil--gas\\_corporate-strategy/2022/06/07/totalenergies-brings-back-first-subcontractors-to-cabo-delgado,109790177-art](https://www.africaintelligence.com/oil--gas_corporate-strategy/2022/06/07/totalenergies-brings-back-first-subcontractors-to-cabo-delgado,109790177-art) (accessed 31 January 2023).

## 6 UNCONSTITUTIONAL CHANGES OF GOVERNMENT

One of the main causes of conflict is UCG, and unfortunately Africa is prone to this phenomenon.<sup>114</sup> UCG can take many forms, including military *coups d'état* of democratically elected governments.<sup>115</sup> The Protocol on Amendments to the Protocol of the Statute of the African Court of Justice and Human Rights (Malabo Protocol) provides for the proposed African Court's jurisdiction over the crime of UCG when the Court becomes operational.<sup>116</sup> The AU has adopted a "zero-tolerance" policy towards UCG, along with policy and legal instruments to respond to it.<sup>117</sup> This is in line with article 4 (p) of the Constitutive Act of the African Union, which states the condemnation and rejection of UCG as one of the guiding principles of the AU.<sup>118</sup>

The AU has also put in place a comprehensive framework to respond to UCG on the continent. The 2000 Lomé Declaration on Unconstitutional Change of Government,<sup>119</sup> the 2002 AU Peace and Security Council Protocol (PSC Protocol),<sup>120</sup> which empowers the PSC to impose sanctions,<sup>121</sup> and the 2007 African Charter on Democracy, Elections and Governance (African Charter),<sup>122</sup> are all part of the organisation's efforts to eradicate the phenomenon of UCG in Africa. Despite this framework, the scourge of UCG continues to afflict the African continent, which no doubt motivated the inclusion of Aspiration 4 in the Agenda 2063 blueprint.

### 6.1 The AU's legal and policy framework to respond to UCG

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<sup>114</sup> Mbaku J "Threats to democracy in Africa: The rise of the constitutional coup" (2020) *Brookings* available at <https://www.brookings.edu/blog/africa-in-focus/2020/10/30/threats-to-democracy-in-africa-the-rise-of-the-constitutional-coup/> (accessed 31 January 2023).

<sup>115</sup> Article 23 African Charter on Democracy, Elections and Governance (adopted 30 July 2007).

<sup>116</sup> See article 28(E)(a-f) Protocol on Amendments to the Protocol on the Statute for the African Court of Justice and Human Rights (Malabo Protocol) adopted June 2014; Van der Wilt H "Unconstitutional change of government: A new crime within the Jurisdiction of the African Criminal Court" in Jalloh C, Clarke C & Nmehielle V (eds) *The African Court of Justice and Human and Peoples' Rights in context: Developments and challenges* Cambridge: Cambridge Press (2019) 619 at 619.

<sup>117</sup> For a detailed overview, see Ndulo M "The prohibition of unconstitutional change of government" in Yusuf A & Ougergouz F (eds) *The African Union, legal and institutional framework: A manual on the pan-African organisation* Leiden; Boston: Martinus Nijhoff Publishers (2012) 251–274.

<sup>118</sup> Article 4(p) Constitutive Act.

<sup>119</sup> The Declaration on the Framework of an OAU Response to Unconstitutional Change of Government OAU Doc. AHG/Decl.5 (XXXIV) July 2000. For a detailed overview of the Lomé Declaration, see Sithole T "A review of the African Union framework and mechanism on political peace and security" (2018) 7(1) *Journal of African Union Studies* 67 at 70.

<sup>120</sup> PSC Protocol (2002). For a detailed overview, see Ncube (2020).

<sup>121</sup> Article 7 PSC Protocol.

<sup>122</sup> The African Charter on Democracy, Elections and Governance (adopted 30 July 2007, entry into force 15 December 2012). For a detailed overview, see Elvy S "Towards a new democratic Africa: The African Charter on Democracy, Elections and Governance" (2013) 27(1) *Emory International Law Review* 41 at 60.

The AU's legal and policy framework can be traced back to the 1997 military coup in Sierra Leone. The AU responded to this coup by calling upon African states and the international community to reject it and not to offer any support to the coup leaders. This call was made at the Algiers summit in 1999. The OAU unanimously rejected UCG as an infringement of democratic governance and called upon leaders who had assumed power through UCG to revert to constitutional rule before the 2000 summit in Lomé.<sup>123</sup> In the Lomé Declaration, the OAU acknowledged that

“[t]he phenomenon of coup d’etat has resulted in flagrant violations of the basic principles of our Continental Organization and of the United Nations. The phenomenon also contradicts and contravenes the position taken by our Organization in Harare in 1997 following the coup in Sierra Leone, in which we unequivocally condemned and rejected any unconstitutional change of government. We reaffirm that coups are sad and unacceptable developments in our Continent.”<sup>124</sup>

The Lomé Declaration was therefore a significant step in the development of the norm of the rejection of UCG in Africa. It banned UCG and formally recognised that governments could be changed only through constitutionally sanctioned channels.<sup>125</sup> The Declaration provides definitions of what amounts to UCG, and outlines measures to be taken in these instances.<sup>126</sup> The measures are the public condemnation of the UCG by the current Chairman and the Secretary General; suspension of the concerned government from OAU activities pending the restoration of constitutional order for a period of up to six months; and the imposition of sanctions, including visa denials, inter-governmental contracts and trade restrictions, in cases of failure to restore constitutional order within six months.<sup>127</sup>

The Declaration was, however, not binding on member states and, as observed by Dersso, it overlooked certain pertinent issues, including the manipulation of the constitution to hold on to power and the rigging of election results.<sup>128</sup> It is pertinent to note that the OAU's principle of non-intervention became a stumbling block, limiting its ability and capacity to respond to the phenomenon of UCG.<sup>129</sup> This was because non-intervention was so central to the operation of the OAU that it was adhered to even in

<sup>123</sup> Dersso S “Unconstitutional changes of government and unconstitutional practices in Africa” (2016) *African Politics, African Peace* Article no 2 (June)1 at 2; 70<sup>th</sup> Ordinary Session of the OAU Council of Ministers, Algiers 8–10 July 1999, CM/Dec.483 (LXX).

<sup>124</sup> 70<sup>th</sup> Ordinary Session of the OAU Council of Ministers, Algiers 8–10 July 1999, CM/Dec.483 (LXX) (Lomé Declaration); Sithole (2018) 70–71.

<sup>125</sup> Lomé Declaration (1999); Dersso (2016)2.

<sup>126</sup> For a detailed overview of the Lomé Declaration, see Sithole (2018) 70–71.

<sup>127</sup> Lomé Declaration (1999); Dersso (2016) 2.

<sup>128</sup> Dersso (2016) 2.

<sup>129</sup> Mangu A “The role of the African Union and regional economic communities in the implementation of the African Charter on Democracy, Elections and Governance” (2018) 5(3) *African Journal of Democracy and Governance* 125 at 126.

cases of UCG.<sup>130</sup> This necessitated reviewing the AU's stance on non-intervention, which effectively impeded the protection of human rights and the fight against impunity by AU member states when the AU replaced the OAU, as discussed above.<sup>131</sup>

#### 6.1.1 *The Constitutive Act of the African Union (Constitutive Act)*

The Constitutive Act provides in article 4 that the member states of the Union are guided by the following principles:

“4 (h) 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

(m) respect for democratic principles, human rights, the rule of law and good governance

(p) condemnation and rejection of unconstitutional change of government.”<sup>132</sup>

Although the Constitutive Act itself does not define the term “unconstitutional change of government”, it provides in article 23 for the imposition of sanctions against governments that do not comply with the decisions of the Assembly; similarly, in article 30 provides that governments which come to power through UCG are to be suspended from the activities of the AU.<sup>133</sup> One shortcoming of the Constitutive Act in this regard, according to Omorogbe, is that article 4(h) does not specifically provide for intervention where there is a threat of UCG.<sup>134</sup> The Protocol on Amendments to the Constitutive Act of the African Union adds, “a serious threat to legitimate order” to the grave circumstances in which the Union has the right to intervene in a member state.<sup>135</sup> The amendment Protocol awaits ratification by at least two-thirds of member states before it can come into force,<sup>136</sup> and to date 30 member states have ratified it.<sup>137</sup>

#### 6.1.2 *The Protocol Relating to the Establishment of the Peace and Security Council of the African Union (PSC Protocol)*

The Protocol Relating to the Establishment of the Peace and Security Council of the African Union (the PSC Protocol)<sup>138</sup> was adopted in 2002 in line with article 5(2) of the

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<sup>130</sup> See generally Murithi (2009); Manirakiza (2016).

<sup>131</sup> Manirakiza (2016) 92; Kemp & Kinyunyu (2017) 63.

<sup>132</sup> Article 4(h), (m) and (p) Constitutive Act (2002).

<sup>133</sup> Articles 23 and 30 Constitutive Act (2000).

<sup>134</sup> Omorogbe E “A club of incumbents? The African Union and coups d’etat” (2011) 44(1) *Vanderbilt Journal of Transnational Law* 123 at 134.

<sup>135</sup> Article 4(h) Protocol on Amendments to the Constitutive Act of the African Union (adopted 11 July 2003).

<sup>136</sup> Article 13 Protocol on Amendments to the Constitutive Act of the African Union (2003).

<sup>137</sup> AU website “Protocol on Amendments to the Constitutive Act of the African Union, status list” available at <https://www.au.int/en/treaties/protocol-amendments-constitutive-act-african-union> (accessed 31 January 2023).

<sup>138</sup> Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002).

Constitutive Act, which confers on the AU Assembly the power to establish organs of the AU.<sup>139</sup> The Peace and Security Council (the PSC) formally took on the peace and security mandate which had previously been delegated to the AU's Central Organ, including those responsibilities provided for in the Lomé Declaration.<sup>140</sup> The establishment of the PSC was a significant step in the AU's fight against the phenomenon of UCG. Unlike the Lomé Declaration, which was not binding upon member states, the binding nature of the PSC Protocol and the decisions of the PSC makes it theoretically more efficient in responding to UCG.<sup>141</sup>

### 6.1.3 *The African Charter on Democracy, Elections and Governance (2007)*

In 2006, an AU ministerial meeting reviewed the efficacy of the Lomé Declaration and concluded that it had not provided an adequate and efficient mechanism to prevent and respond to UCG.<sup>142</sup> Accordingly, the ministerial meeting recommended that the Lomé Declaration should be reviewed so that the problem of UCG on the African continent could be effectively addressed.<sup>143</sup> Apart from the Lomé Declaration's being a non-binding resolution, its inefficacy has also been attributed to its apparent failure to address the issue of African dictators holding on to power indefinitely.<sup>144</sup> The inefficacy of the Lomé Declaration motivated the AU to innovate and devise a more effective solution to the problem of UCG on the continent.

This led to the adoption of the African Charter on Democracy, Elections and Governance (the African Charter) in January 2007, which entered into force in 2012. The African Charter consolidates the provisions of the Lomé Declaration and the Constitutive Act with respect to democracy, elections and governance, and UCG. It is broader than the Lomé Declaration, and is binding upon the AU member states which have ratified it. It expands the definition of UCG provided in the Lomé Declaration by including the amendment of a constitution or legal instruments, which is an infringement of the democratic order, as a form of UCG.<sup>145</sup> The inclusion of this provision was in response to a growing trend on the continent by African leaders to amend their constitutions or legal instruments to prolong their stay in power.<sup>146</sup>

For instance, in 1999, the then Namibian President, Sam Nujoma, amended the country's constitution, paving the way for him to run for a third term.<sup>147</sup> Similarly, in

<sup>139</sup> Article 5 (2) Constitutive Act (2000)

<sup>140</sup> Omorogbe (2011) 130; Chairperson of the AU Commission (AUC) Report on the Establishment of a Continental Peace and Security Architecture and the Status of Peace Processes in Africa, para 7 Doc No. PSC/AHG/3 (IX) (May 25 2004).

<sup>141</sup> Ncube (2020) 89.

<sup>142</sup> Elvy (2013) 61.

<sup>143</sup> Elvy (2013) 61.

<sup>144</sup> Elvy (2013) 61–62.

<sup>145</sup> Article 25(3) African Charter (2007).

<sup>146</sup> Sithole (2018) 74.

<sup>147</sup> Elvy (2013) 85.

2003, the then President of Gabon, Omar Bongo, amended the constitution to extend his 40-year rule by extending the presidential term length from five to seven years.<sup>148</sup> The African Charter addresses this problem by providing in article 10(3) that an amendment of a constitution or legal instruments must be supported by the general population.<sup>149</sup>

Notwithstanding this clear guideline, Sithole notes that there have been several instances of constitutional amendments which were to a large extent not transparent after the African Charter entered into force, including in Uganda, Rwanda, the DRC and Burundi, between 2014 and 2015.<sup>150</sup> The Charter confers upon the PSC two new powers with respect to UCG. In terms of article 24, the PSC is empowered to act "when a situation arises in a State Party that might affect its democratic political institutional arrangements or its legitimate exercise of power".<sup>151</sup> Omorogbe asserts that, although this provision does not specify which action the PSC is authorised to take, an inference can be drawn that the PSC can authorise military action to protect democratic governments.<sup>152</sup> In terms of article 25(1), the AU has the power to suspend a state party where UCG has taken place, in accordance with article 30 of the Constitutive Act and article 7(g) of the PSC Protocol.<sup>153</sup> Perpetrators of UCG are barred from participating in elections to restore democratic order,<sup>154</sup> and they "may also be tried before the competent court of the Union".<sup>155</sup> This provision does not specify the competent court before which perpetrators of UCG may be tried, but presumably they would be tried before the African Court when it becomes operational.

The Malabo Protocol, which amended the Protocol of the Statute for the African Court, confers upon the African Court jurisdiction over ten transnational crimes which are of relevance to the African continent, among them being UCG.<sup>156</sup> The African Charter provides for the imposition of sanctions on perpetrators of UCG by the AU, in conformity with article 23 of the Constitutive Act.<sup>157</sup> It prohibits states from harbouring perpetrators of UCG,<sup>158</sup> and provides that states should either bring the perpetrators to justice or extradite them, pursuant to the *aut dedere aut judicare* principle.<sup>159</sup>

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<sup>148</sup> Elvy (2013) 85.

<sup>149</sup> Article 10(3) African Charter 2007; Sithole (2018) 75.

<sup>150</sup> Sithole (2018) 75.

<sup>151</sup> Article 24 African Charter (2007).

<sup>152</sup> Omorogbe (2011) 135.

<sup>153</sup> Article 25(1) African Charter (2007).

<sup>154</sup> Article 25(4) African Charter (2007).

<sup>155</sup> Article 25(5) African Charter (2007).

<sup>156</sup> Article 28 Protocol on amendments to the Protocol on the Statute for the African Court of Justice and Human Rights (Malabo Protocol) adopted June 2014.

<sup>157</sup> Article 25(6) African Charter (2007).

<sup>158</sup> Article 25(8) African Charter (2007).

<sup>159</sup> Article 25(9) African Charter (2007).

The expansive provisions of the African Charter are evidence that the AU recognises that UCG threatens peace and stability on the continent, which in turn hinders socio-economic development. In particular, the provision for the imposition of sanctions is significant, as these sanctions could help to address the problem of UCG by deterring would-be perpetrators or sending a strong message that ascending to power through unconstitutional means is no longer acceptable. Although the African Charter does not specifically mention the applicable sanctions, it is presumed that the sanctions referred to are those provided for in article 23(2) of the Constitutive Act,<sup>160</sup> which are “denial of transport and communication links with other Member States, and other measures of a political and economic nature to be determined by the Assembly”.<sup>161</sup>

Despite the progressive legal and policy framework adopted by the AU to respond to UCG on the continent, UCG continues to occur. The AU’s reactions and decisions are derived from the existing normative frameworks for promoting good governance, as part of the peace and security architecture. However, the body’s lack of strong response to leaders’ abuses of power, manipulation of constitutions and electoral processes, and the lack of respect for African governance architecture, compromises its authority and credibility.<sup>162</sup> The African governance architecture on its own has proved to be ineffective in bringing an end to the scourge of UCG on the continent. Perhaps it is time that the AU started to look beyond the frameworks in place and address the root causes of UCG. The following section assesses the efficacy of the African response to UCG, using the example of successive military coups in Sudan.

## 6.2 Successive military coups in Sudan

Since Sudan attained independence in 1958, it has had the highest number of coups on the African continent, with six successful coups and ten attempted coups to date.<sup>163</sup> On 24 October 2021, the Sudanese military, led by General Abdel Fattah al-Burhan, dissolved the country’s power-sharing Sovereign Council and transitional government, and temporarily arrested Prime Minister Abdullah Hamdok.<sup>164</sup> The 24 October coup

<sup>160</sup> Omorogbe (2011) 137.

<sup>161</sup> Article 23(2) African Charter (2007).

<sup>162</sup> Institute for Security Studies PSC Report “PSC Insights: The AU reneges on its stance against coups d’etats” (2021) available at <https://issafrica.org/pscreport/psc-insights/the-au-reneges-on-its-stance-against-coups-detat> (accessed 31 January 2023).

<sup>163</sup> Harshé R “Another military coup in Sudan” (2021) *Observer Research Foundation* available at <https://www.orfonline.org/expert-speak/another-military-coup-in-sudan/> (accessed 31 January 2023).

<sup>164</sup> Kottasová I & Mackintosh E “The military has taken over in Sudan. Here’s what happened” (2021) *CNN News* available at <https://edition.cnn.com/2021/10/25/africa/sudan-coup-explained-intl-cmd/index.html> (updated 26 October 2021); Atta-Asamoah A “Sudan’s coup plotters have miscalculated their options” (2021) *Institute for Security Studies Today* available at

was staged after an earlier attempt at a military coup, presumably by military leaders loyal to ousted former president Omar Al Bashir, had failed.<sup>165</sup> General al-Burhan claimed that he had staged the coup because the transition to democracy was being threatened by political in-fighting amongst members of the Sovereign Council.<sup>166</sup> The power-sharing government had been in place since July 2019, following the removal of former President Omar Al Bashir in April 2019, after months of nationwide street protests calling for his resignation.<sup>167</sup> In terms of the power-sharing agreement announced by the military leaders and the leaders of the pro-democracy movement, the military was supposed to be in charge of the Sovereign Council for an initial 21 months and then hand over power to a civilian administration for a further 18 months.<sup>168</sup>

The transition after 2019 was however an uneasy one, with the military and civilian leaders fighting over control of the country's future; a military coup had been widely anticipated by commentators.<sup>169</sup> In the days leading up to the coup, the civilian leaders had called for a full transition to civilian rule by 17 November, in compliance with the 2019 Transition agreement.<sup>170</sup> When General al-Burhan staged the coup, he had been due to relinquish power to a civilian leader within a few weeks, but he dissolved the Sovereign Council instead, and promised to hold elections in 2023 and hand over power to an "independent and fair representative government".<sup>171</sup>

In contrast to the jubilant celebrations that followed in the aftermath of Al-Bashir's ouster in 2019, the October 2021 coup was fiercely resisted by the Sudanese people, with nationwide protests calling for a return to civilian rule.<sup>172</sup> It was reported that, after the announcement of the coup, seven people were killed and 140 others injured in clashes between street protestors and soldiers.<sup>173</sup> According to Soliman, one of the reasons for the sustained protests was the re-emergence of members of Al-Bashir's feared intelligence services and the dismissal of administrators appointed at the onset of the transitional government, who were to be replaced by officials from Al-Bashir's era.<sup>174</sup> De Waal notes that when Al-Bashir was ousted, it was not only the Sudanese

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<https://issafrica.org/iss-today/sudans-coup-plotters-have-miscalculated-their-options> (accessed 31 January 2022).

<sup>165</sup> Kottasová & Mackintosh (2021).

<sup>166</sup> Soliman A "Reversing the military coup in Sudan" *Chatham House* (2021) available at <https://www.chathamhouse.org/2021/11/reversing-military-coup-sudan> (accessed 31 January 2023).

<sup>167</sup> Soliman (2021).

<sup>168</sup> Kottasová & Mackintosh (2021).

<sup>169</sup> Atta-Asamoah (2021).

<sup>170</sup> Kottasová & Mackintosh (2021).

<sup>171</sup> Kottasová & Mackintosh (2021).

<sup>172</sup> Atta-Asamoah (2021).

<sup>173</sup> Abdelaziz K "Seven killed, 140 hurt in protests against Sudan military coup" (2021) *Reuters* available at <https://www.reuters.com/world/africa/military-forces-arrest-senior-civilian-figures-sudan-al-hadath-tv-2021-10-25/> (accessed 31 January 2023).

<sup>174</sup> Soliman (2021).

people who celebrated, but politically powerful states with interests in the country. The United States, which viewed him as a dictator, hailed his ouster as an “historic democratic transition”.<sup>175</sup> In the aftermath of the latest coup, the United States condemned the coup and suspended USD 700 million worth of emergency aid, with the Secretary of State calling it a betrayal of the Sudanese peaceful revolution.<sup>176</sup>

In response to the coup, and in line with its legal and policy framework on UCG, the AU condemned the coup and suspended Sudan’s participation in all AU activities until the restoration of the civilian-led Transitional Authority. It requested the Commission Chairperson to provide monthly updates on the evolution of the situation in Sudan.<sup>177</sup> On 21 November 2021, the military reinstated Prime Minister Hamdok, and made an undertaking to release all the other political prisoners.<sup>178</sup> Pro-democracy activists indicated, however, that they did not support any deal which involves the military, as a result of which the protests continued.<sup>179</sup> The AU welcomed the release of Hamdok and other political prisoners, and called for a timely and effective implementation of the 2019 Transitional Agreement and the 2020 Juba Agreement, in order to return the country to civilian rule.<sup>180</sup> A number of commentators have argued that the military underestimated the external reaction by Sudan’s development partners, and the power of the people in resisting a return to military rule.<sup>181</sup>

On 3 January 2022, Hamdok resigned amid mass protests.<sup>182</sup> The protests continued even after Hamdok’s resignation.<sup>183</sup> On 30 January 2022, the Peace and Security Council

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<sup>175</sup> De Waal A “Countering Sudan’s coup: The United States faces a crucial test in Khartoum” (2021) *Foreign Affairs* available at <https://www.foreignaffairs.com/articles/sudan/2021-11-11/countering-sudans-coup> (accessed 31 January 2023).

<sup>176</sup> Harshé (2021).

<sup>177</sup> AU Communiqué of the 1041<sup>st</sup> meeting of the Peace and Security Council of the African Union held on 26 October 2021 on the situation in Sudan (2021) available at <https://www.peaceau.org/en/article/communique-of-the-1041th-meeting-of-the-peace-and-security-council-of-the-african-union-held-on-26-october-2021-on-the-situation-in-sudan> para 2, 4 and 9 (updated 5 December 2021).

<sup>178</sup> Abdelaziz (2021).

<sup>179</sup> Abdelaziz (2021).

<sup>180</sup> AU Communiqué of the 1050<sup>th</sup> meeting of the AU Peace and Security Council (PSC) on the situation in the Sudan (2021) available at <https://www.peaceau.org/en/article/the-1050th-meeting-of-the-au-peace-and-security-council-psc-on-the-situation-in-the-sudan> para 1, 4 and 6 (updated 26 November 2021); AU Statement of the Chairperson of the African Union Commission on the political agreement reached in Sudan (2021) available at <https://au.int/en/pressreleases/20211121/statement-chairperson-political-agreement-sudan> (accessed 31 January 2023)..

<sup>181</sup> See, for example, Atta-Asamoah (2021); Soliman (2021).

<sup>182</sup> BBC News “Sudan coup: Prime Minister Abdalla Hamdok resigns after mass protests” (2022) available at <https://www.bbc.com/news/world-africa-59855246> (accessed 31 January 2023).

<sup>183</sup> Al Jazeera News “Thousands rally in Sudan against military coup” (2022) available at <https://www.aljazeera.com/news/2022/2/21/throngs-rally-in-sudan-against-military-coup> (accessed 31 January 2023).

issued a statement in which it noted, inter alia, developments in Sudan, including Hamdok's resignation and the appointment of civilian cabinet ministers. The PSC urged the authorities to protect civilian human rights and work towards full transition to civilian rule.<sup>184</sup> In response to this statement, the Forces for Freedom and Change (FFC) said that the PSC statement had in effect legitimised the military coup, contrary to the AU's stance on UCG through military coups.<sup>185</sup> On 16 May 2022, the FFC announced the formation of a new coalition, the United Civil Front, which seeks to bring together all the forces who were in support of Al-Bashir's ousting, and called for direct negotiations with the military to speed up restoration of civilian rule.<sup>186</sup> On 29 May 2022 the ruling sovereign council announced that the army chief, General al-Burhan, had lifted the state of emergency which had been in place since the 2021 coup.<sup>187</sup> The PSC had asked the military rulers to ensure transition to civilian rule within 6–12 months.

That window is still open, and it remains to be seen whether this transition will be achieved. Talks to end the political stalemate began on 8 June 2022, with the anti-coup groups boycotting them.<sup>188</sup> On 4 July 2022, the military announced its withdrawal from the talks and said it would allow representatives of civil society organisations to take its place at the negotiations.<sup>189</sup> Military leaders also promised to dissolve the Sovereign Council after the formation of a new transitional government, but did not give a definitive timeline.<sup>190</sup>

## 7 CONCLUDING REMARKS

This article has assessed the progress made at continental level in the implementation of Aspiration 4 of Agenda 2063 and its goals. It has highlighted the decrease in the number of conflict-related deaths on the African continent between 2021 and 2022, and asserted that, although not all member states provided data in this respect, the available

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<sup>184</sup> AU "Communiqué of the 1060<sup>th</sup> meeting of the PSC held on 25 January 2022 on the situation in Sudan" (2022) available at <https://www.peaceau.org/en/article/communique-of-the-1060th-meeting-of-the-psc-held-on-25-january-2022-on-the-situation-in-sudan> (updated 1 February 2022).

<sup>185</sup> Sudan Tribune "African Union PSC legitimizes Sudan's coup, says FFC" (2022) available at <https://sudantribune.com/article254902/> (accessed 31 January 2023).

<sup>186</sup> ASHARQ-AL-AWSAT "Freedom and Change seeks new opposition alliance in Sudan" (2022) available at <https://english.aawsat.com/home/article/3648101/freedom-and-change-seeks-new-opposition-alliance-sudan> (accessed 31 January 2023).

<sup>187</sup> France24 "Sudan lifts state of emergency imposed since military coup" (2022) available at <https://www.france24.com/en/africa/20220529-sudan-lifts-state-of-emergency-imposed-since-military-coup> (accessed 31 January 2023).

<sup>188</sup> Magdy S "Talks to end Sudan crisis begin as anti-coup groups boycott" (2022) *Associated Press News* available at <https://apnews.com/article/politics-omar-al-bashir-africa-united-nations-middle-east-afdee6cd18c25a1fad66720275b4dd28> (accessed 31 January 2023).

<sup>189</sup> Associated Press News "Top general says military to leave Sudan political talks" (2022) available at <https://apnews.com/article/middle-east-africa-sudan-2af01512a5df8c71da848272ad0ab8a3> (accessed 31 January 2023).

<sup>190</sup> Associated Press News (2022).

data is still indicative of a downward trend. The article also pointed out the key drivers of conflict in Africa and highlighted that the failure by the AU to meet the target of “silencing the guns” by 2020 is indicative of the scale of the problem. The article also highlighted that, if the AU is to realise its aspiration for a “peaceful and secure Africa”, it is important for it to address the root causes of conflict. Nonetheless, the AU ought to be commended for acknowledging that Africa does indeed have a recurring problem of armed conflict and UCG, particularly through military coups, and for attempting to eradicate this scourge in order to ensure socio-economic development in the continent.

Regarding UCG, the AU has put in place a comprehensive framework to respond to military coups, but the continent continues to be affected by this form of UCG. The latest military coup was staged by the military in Burkina Faso in January 2022.<sup>191</sup> In this regard, it has been asserted that the successful implementation of Aspiration 4 of Agenda 2063 largely depends on the political will of individual member states to domesticate Agenda 2063 and ensure the establishment of NPCs. This will in turn foster dialogue to prevent and manage conflict. The successful implementation of Aspiration 4 is also dependent upon AU member states and leaders taking the initiative to address the root causes of conflict. This includes lack of transparency in electoral processes, and the reluctance by African leaders to relinquish power, as discussed above.

The discussion of the Cabo Delgado conflict and of the military coups in Sudan has highlighted that the AU still has a long way to go in eradicating conflict and instability. Even so, there is still hope for the successful implementation of Aspiration 4 of Agenda 2063 and in turn “a peaceful and secure Africa”. The Agenda 2063 blueprint has a timeline of 50 years, which is a realistic target for its successful implementation.

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<sup>191</sup> Moderan & Kone (2022).

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