

## **A Critical Analysis of the Requirements for Full Operationalization of the African Standby Force: Lessons Learned from the Eastern Africa Standby Force**

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### **Abstract**

It is evident from attempted coups d'état, contested elections, violent protests and riots, constitutional amendments to extend terms of presidents, religious fundamentalism, terrorism, foreign interventions and other structural problems in Africa, which threaten the political equilibrium, that there are various types of conflicts that need to be dealt with (See Institute for Security Studies, October 2017:10-21). This calls for a strengthened, enhanced and effective regional collective security arrangement. The African Union (AU) established the African Standby Force (ASF) for peacekeeping purposes as well as possible interventions when conflicts degenerate, and implement its motto of “African solutions to African problems”. This continental Force is being developed in five multi-dimensional regional brigades with military, police and civilian components but its operationalization took much longer than planned. The question is why? What are the hurdles? What needs to be done to fully operationalize it? This paper critically analyzes these issues and develops a ten-step procedure on what needs to be done to fully operationalize the ASF based on experience gained from the Eastern Africa Standby Force, one of the regional components, which declared full operational capability ahead of schedule in 2014.

**Key Words:** collective security, African Union, African Peace and Security Architecture, African Standby Force, Eastern Africa Standby Force, full operational capability, peace support operations, UN Security Council

### **Introduction**

Immediately after the end of the Cold War in 1989, the number of intra-state conflicts in Africa— besides the continued inter-state disputes—proliferated exponentially devastating and threatening African nations. The brutal civil conflicts such as in Somalia, Rwanda, Liberia and Sierra Leon provide lucid evidence. A distinctive hallmark of these conflicts was that the collective security system of the United Nations Security Council (UNSC), put in place by the Charter of the United Nations with primary responsibility for the maintenance of international peace and security, failed to respond timely and adequately thereby fading the hope of Africa in the UN system (Kioko, 2003: 821).

This was followed by the establishment of the African Union Peace and Security Council (AUPSC) invoking provisions of Chapter VIII of the UN Charter on regional arrangements or agencies, with some substantive departures in the practice of peacekeeping. As a radical change to its predecessor, the AU system introduced the principle of “non-indifference” to intervention in the case of grave violations of human rights (Ibid.). As a result, the African Peace and Security Architecture (APSA) was born with one of its pillars being the African Standby Force (ASF) to mainly conduct peace support operations including intervention in respect of grave circumstances, namely: war crimes, crimes against humanity and genocide (Constitutive Act, 2000, Art. 4(h) and PSC Protocol, 2002, Art. 13(1)). The ASF developed with five regional brigades and planned to be fully operational by December 2015, though it took a long time to be declared fully operational despite numerous trainings. The latest of such collective training was the Field Training Exercise (FTX) Amani Africa II conducted from 26 October-8 November 2015 (AU, 2015). Nonetheless, its regional component, the Eastern Africa Standby Force (EASF), declared attainment of full operational capability (FOC) one year ahead of schedule in December 2014. One of the key challenges for declaring the ASF fully operational is the lack of clarity and understanding of what FOC means and its procedure.

This paper answers these and other related questions pertaining to operationalization of a standby force. Accordingly, the first part of this paper provides a brief overview of the global collective peace and security system under the UN Charter. The second part analyzes the continental arrangement in the AU and in particular the PSC, APSA, and ASF. After briefly analyzing how the global and continental security architectures are interlocked and showing possible incongruences, part three turns to the (sub)regional level and explains how the EASF developed to become a fully operational standby force. Part four tackles issues relating to the meaning of FOC and introduces the basic requirements or tests for the attainment of FOC the last part provides brief concluding remarks.

## **Brief Overview of Collective Security under the UN Charter**

The Charter of the United Nations (UN) set up under Art. 24 (1) the Security Council (UNSC), as one of the principal organs of the UN with the “primary responsibility for the maintenance of international peace and security.”(UN, 1945). To discharge this responsibility, the UNSC thus conferred with the power to “investigate any dispute, or any situation which might lead to international friction...”and thereafter “determine the existence of any threat to the peace, breach of peace, or act of aggression” (Id., Art. 33 and 39).If failing pacific resolution determines the existence of such threat the UNSC can make recommendations

or decide what measures shall be taken in accordance with the provisions of the Charter to maintain/restore international peace and security (Id., Art. 33-39).

However, Art. 52(1) of the UN Charter then leaves room for the establishment of “regional arrangements or agencies” under what is commonly referred to as “Chapter VIII exception,” “...provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations,” This gave rise to the subsequent establishment and development of regional peace and security arrangements such as the North Atlantic Treaty Organization (NATO) in 1950. NATO was established to maintain transatlantic peace and security by: “detering Soviet expansionism, forbidding the revival of nationalist militarism in Europe through a strong North American presence on the continent and encouraging European political integration” (NATO, n.d.).

The UNSC uses such regional arrangements/agencies for enforcement action even though Art. 53(1) requires that no enforcement action be taken under such regional arrangements/agencies ‘without the authorization’ of the Security Council. This is done to retain the primacy of the UNSC on matters threatening international peace and security. However, as will be discussed in the following section, the primacy of the UNSC on matters of international peace and security seems challenged under the AU’s legal frameworks as the latter apparently grant the Assembly of Heads of State and Government the power to authorize interventions without necessarily being obliged to seek prior authorization from the UNSC.

## **Establishment of Peace and Security Council and Standby Force in Africa**

### **The continental framework for collective peace and security in Africa**

In Africa, the Chapter VIII exception entailed the establishment of the Organization of African Unity (OAU) in 1963 with the primary objective: “to safeguard and consolidate the hard-won independence as well as the sovereignty and territorial integrity of [member] states, and to fight against neocolonialism in all its forms.” (Paragraph 6 of the preamble and Art. II(1)(c) and (d) of the OAU Charter). In addition, Art III (6) of the OAU Charter requires it to make “absolute dedication to the total emancipation of African territories which [were] still dependent.” Further, as per Art. III (1) and (2) the OAU Charter espoused the principles of “sovereign equality of all Member States” and “non-interference in the domestic affairs of States”.

With these legal impediments in the background, the OAU tried to handle a range of inter- and intra-state conflicts in Africa, in particular those that resulted from the end of the Cold War in 1990s such as the civil wars in: Somalia, Rwanda, Algeria, Sierra Leon, Liberia, Burundi, Mozambique and Democratic Republic of Congo (DRC). Secessionist movements such as those in Ethiopia and Sudan also continued to trouble the OAU. During this period, the OAU established the “Cairo Mechanism for Conflict Prevention, Management and Resolution” in 1993 to deal with the rise in conflicts. Paragraph 14 of this Declaration dictates:

“The Mechanism will be guided by the objectives and principles of the OAU Charter; in particular, the sovereign equality of Member States, non-interference in the internal affairs of States, the respect of the sovereignty and territorial integrity of Member States, their inalienable right to independent existence, the peaceful settlement of disputes as well as the inviolability of borders inherited from colonialism. It will also function on the basis of the consent and the co-operation of the parties to a conflict.” (AU, 1993)

The requirements of “non-interference in the internal affairs of States” and “functioning on the basis of the consent and the co-operation of the parties to a conflict,” coupled with the rapid rise of intra-state conflicts in the 1990s are what compelled the Cairo Mechanism to fail before it took off. Together with the failure of the UN to timely and adequately intervene in African conflicts, this made the leaders of Africa to realize that the legal and policy frameworks as well as the institutional arrangements of the OAU needed a recast to match with the demands of the time. As a result, the OAU transformed itself into African Union (AU) in 2000. Though, for example, the task of decolonization was not completed as attested by, for instance, the pending request of the Union of Comoros on one of its satellite islands, Mayotte, to be liberated from France.

While underscoring the old principle of “non-interference” in internal affairs of Member States under Art. 4(g) of the Constitutive Act, the AU—in a marked departure from its predecessor and from the UN Charter—adopted the principle of “non-indifference” when grave violations of human rights occur. In this respect, Art. 4(h) of the Constitutive Act stipulates “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.” Further, Art. 4(j) stipulates “the right of Member States to request intervention from the Union in order to restore peace and security.” It should be noted that the amendments to the Constitutive Act, which is yet to be in force, extended the list of “grave circumstances”, in the parlance of Art. 4(h), to include “a serious threat to legitimate order to restore peace and stability to the Member State of the Union upon the recommendation of the Peace and Security Council.”(AU, 2003) This shows how, as a precondition to the socio-economic and political objectives, the

promotion and enforcement of peace and security has become a key objective of the AU. It is conceived as one of the main mechanisms for “African solutions to African problems.”

### **Establishment of African Peace and Security Architecture and African Standby Force**

The paradigm shifts in the field of peace and security in Africa required the AU to rethink its mechanisms of implementation which resulted in the replacement of the Cairo Mechanism by a Peace and Security Council (PSC) in 2002. The PSC Protocol embraces an expanded and comprehensive agenda for peace and security that includes, “conflict prevention, early warning and preventive diplomacy, peace-making, peace support operations and intervention, peace building and post conflict reconstruction, [and] humanitarian and disaster management”(AU, 2015:13). To manage these responsibilities, Art. 2(1) of the Protocol establishes the PSC as a standing decision-making organ for the prevention, management and resolution of conflicts in the continent and to facilitate timely and efficient response to conflict and crisis situations in Africa.

As per Art. 2(2), the PSC is supported further by what are commonly referred to as the five “African Peace and Security Architecture (APSA) pillars”, namely: The Commission of the African Union, the Panel of the Wise, the Continental Early Warning System (CEWS), the African Standby Force (ASF) and the Peace Fund. The ASF was born in accordance with Art. 13(1) of the PSC Protocol which stipulates:

“In order to enable the Peace and Security Council perform its responsibilities with respect to the deployment of peace support missions and intervention pursuant to article 4(h) and (j) of the Constitutive Act, an African Standby Force shall be established. Such Force shall be composed of standby multidisciplinary contingents, with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice.”

Art. 13(3) of the PSC Protocol assigns the ASF to carry out observation and monitoring missions; other types of peace support missions; intervention in a Member State in respect of grave circumstances or at the request of a Member State in order to restore peace and security, in accordance with Art. 4(h) and (j) of the Constitutive Act; preventive deployment in order to prevent (i) a dispute or a conflict from escalating, (ii) an ongoing violent conflict from spreading to neighbouring areas or States, and (iii) the resurgence of violence after parties to a conflict have reached an agreement; peace-building, including post-conflict disarmament and demobilization; humanitarian assistance to alleviate the suffering of civilian population in conflict areas and support efforts to address

major natural disasters; and any other functions as may be mandated by the PSC or the Assembly. It is important to note that the ASF is to be used as a last resort after the other preventive pillars, including mediatory efforts by the Panel of the Wise, are exhausted.

In addition to the five pillars, Art. 16(1) of the PSC Protocol recognizes Regional Mechanisms for Conflict Prevention, Management and Resolution (otherwise known as Regional Mechanisms) as part of the overall security architecture of the Union, which has the primary responsibility for promoting peace, security and stability in Africa. Apparently, informed by the existence of such Regional Mechanisms in the various Regional Economic Communities (RECs) existent during the OAU era such as the Economic Community of West African States (ECOWAS) and its Monitoring Group (ECOMOG) that introduced the concept of intervention (enforcement mission) in the 1990s, this recognition along with the provisions under Arts. 11, 12 and 13 of the PSC Protocol relating to the Panel of the Wise, the Continental Early Warning System and the African Standby Force (ASF) respectively, gave way for the establishment of new mechanisms across the continent.

Consequently, there was need to establish the ASF in the various regions using the existing or new RECs or Regional Mechanisms as building blocks, with a brigade/force in each of the five regions of Africa “in accordance with UN standards along the lines of [the defunct] SHIRBRIG [Standby High-Readiness Brigade for United Nations Operations]” (AU, 2004 and UN, n.d.). Accordingly, five standby brigades/forces were established in the Southern, Western, Central, Northern and Eastern Africa regions guided and coordinated at the continental level. This means that the ASF will not have its own pledged standby force to train and prepare, rather the forces will be pledged by Member States in the respective regional RECs/RMs and developed in close cooperation and collaboration in accordance with the continental standards or roadmaps and close guidance and follow up by the AU’s PSC. For this purpose, the PSC adopted six mission scenarios for ASF as shown below for its development and deployment.

Table 1: Conflict Scenarios for ASF deployment

Scenario	Description	Deployment Requirement (From mandate resolution)
1	AU/Regional military advice to a political mission	30 Days
2	AU/Regional observer mission co-deployed with UN Mission	30 Days
3	Stand-alone AU/Regional observer mission	30 Days
4	AU peacekeeping force for Chapter VI and preventive deployment missions (and peace building)	30 Days
5	AU peacekeeping force for complex multidimensional peace keeping missions including those involving low level spoilers	90 days with the military component being able to deploy in 30 days
6	AU intervention, e.g. in genocide situations where the international community does not act promptly	14 days with robust military force

Source: Policy Framework for the Establishment of the ASF and Military Staff Committee.

Hence, the ASF was planned to attain full operational capability (FOC) by 2010, but after implementing two successive roadmaps: Roadmap I (2005-2008) and Roadmap II (2008-2010), it failed to attain FOC. This delayed FOC to December 2015 with the introduction of a new Roadmap III (2011-2015) to give more time for its development (AU, 2010). The brigades/forces set up under it were also supposed to adopt the same approach and attain their full operationalization by the end of 2015. This would enable the AU to synchronize the regional standby forces and make them interoperable. However, these regional components are moving at different paces with some embedded in existing RECs such as those in ECOWAS and Southern Africa Development Community (SADC) showing better progress, while the others such as the standby force in northern Africa called the North African Regional Capability (NARC) is developing very slowly mainly because of the prevailing political and conflict situation in northern Africa particularly since the Arab Spring (See Desmidt and Hauck, April 2017: 6-8 and AU, 10 December 2013: 28). Now, let's discuss the establishment and development of the EASF, one of the five components of the ASF.

## **Establishment and Development of the EASF**

Springing from the PSC Protocol and subsequent issuance of policy documents the Eastern Africa component of the ASF was established as the Eastern Africa Standby Brigade (EASBRIG) in 2004 with its establishing Memorandum of Understanding (MoU) signed in April 2005 (EASBRIG, 2005). It has Burundi, Comoros, Djibouti, Ethiopia, Kenya, Rwanda, Seychelles, Somalia, Sudan, and Uganda as Member States. South Sudan has an observer status. Tanzania, Madagascar and Mauritius were grouped as part of Eastern Africa Region and hence part of the EASF by the African Union, but have since chosen to associate themselves with SADC. Eritrea is also part of the Region but is yet to join the EASF.

EASBRIG was renamed to be the Eastern Africa Standby Force (EASF) in 2011 by amending its MOU and it got re-established again in 2014 by an Agreement (EASF, 2014). The reasons for the reviews include the need for reflection of the multi-dimensionality of its force; to strengthen the organization by subjecting the Agreement to ratification; to reorganize the force structure and make pledges based on a robust legal framework; and to fast-track its full operationalization. Art. 2(1) and Art. 5 of the Agreement states that the EASF, as part of the African peace and security architecture, is a regional mechanism for conflict prevention, management and resolution in the Eastern Africa region. It is important to underscore here that this expands the mandate of the EASF to cover all the spectrums of conflict cycle equating it to the broader APSA framework discussed above, as opposed to limiting itself to be just a component of the ASF.

According to Art. 3 and Art. 4(1) of the Agreement, the objective of the EASF is to carry out the functions of maintenance of peace, security and stability guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Constitutive Act of the African Union, the African Charter on Human and Peoples' Rights, the PSC Protocol, and other regional and international legal instruments. The EASF adopts the ASF mission scenarios 1 to 6, as discussed above, and implements the ASF Roadmaps consistently (Id.). For deployment, Art. 3 and 7(3)(d) of the Agreement require the EASF to acquire mandate from the AU PSC in accordance with the Constitutive Act of the AU and the PSC Protocol followed by authorization by the EASF regional Assembly of Heads of State and Government.

Since its establishment in 2005 the EASF, a multi-national and multi-dimensional force composed of military, police and civilian components, undertook numerous institutional, human resource and financial capacity-building activities in preparation for deployment in peace support operations (PSOs). Such preparation requires collective training of formed units in command post exercises, logistic

map exercises and field training exercises, and individual pledged personnel training in accordance with AU (ASF) and EASF training standards. In addition to several dozens of individual trainings in PSO, the EASF conducted three command post exercises, three field training exercises and three logistic map exercises.

Such trainings and exercises ensure more mutual understanding and cooperation among pledged forces and develop interoperability of forces and their equipment and materiel to ease and expedite the process of integration when they meet in mission area. Together with the other requirements, these are critical for full operationalization. As mentioned above, the EASF was to attain full operationalization by the end of 2015 in tandem with the ASF. After conducting such preparatory training and capacity building activities for about a decade, the policy makers of the EASF felt the need to fast-track its full operationalization in order to tackle existing and emerging conflicts and threats in the region including the eruption of the South Sudan conflict in December 2013. The policy makers decided in February 2014 to “explore modalities of fast-tracking the attainment of EASF FOC by December 2014” (EASF, 2014:16). Subsequently, the EASF was declared fully operational in December 2014, one year ahead of schedule. The declaration of EASF’s FOC was endorsed and commended by the African Union as follows:

“The Assembly... commends ... the Eastern Africa Standby Force (EASF) for having attained full operational capability as confirmed by Exercise Mashariki Salaam 2014, which took place in Nazareth, Ethiopia from 13 to 22 November 2014.” (AU, 2015, paragraph 2)

The questions that arise are:

- What is full operationalization of a standby force?
- What does it mean in the case of the EASF?
- What are the specific requirements that need to be fulfilled for a force to become fully operational?
- What are the implications of declaring a force fully operational?
- Is it a technical or political process? Or is it a combination of both technical and political processes?
- How should full operationalization be seen in light of the UNSC’s primary responsibility for international peace and security?

- Should it be approved by the UNSC or should the ASF (PSC), along with its regional standby forces, be seen as a self-contained arrangement?
- How could contradictions, if any, be addressed in a mutually beneficial way?

These and related issues will be discussed below from the point of view of the EASF. The next section will also discuss what the EASF did to fast-track its full operationalization. It, finally, develops a ten-step test to critically assess attainment of FOC, which would be helpful for assessment of attainment of FOC by other standby forces as well.

## **What is Full Operational Capability (FOC) and what are its basic requirements?**

### *Meaning of Full Operational Capacity (FOC)*

One major obstacle to assessing the attainment of ASF's full operationalization is a missing definition. Generally the term FOC "depicts when a specific activity reaches maturity." In acquisition terms it refers to "when a system is delivered to a user and [it has] the ability to fully employ and maintain it to meet an operational need." ("Full operational capability", n.d.). In military terms NATO, for instance, understands the meaning of the term "full operationalization" to mean a permanent availability of a Support Regiment capable of fully sustaining the Command Posts in the field (life, security/defence, engineer works); a Signal Regiment capable of putting in place all the necessary CIS [communication and information systems] equipment for the Command and Control functions; a Base Support Command (or Garrison HQ) capable of establishing and maintaining satisfactory work conditions and a good quality of life; at least 90% of the Peace Establishment, physically fit and regularly trained; "Coordinating authority" over all the Units "affiliated" to the NRDC-IT [NATO Rapid Deployable Corps-Italy], and a robust training program; a set of superbly trained and competent Officers and NCOs [non-commissioned officers], able to follow and, possibly, influence all major NATO issues; and "intelligence" assets necessary first to "know" and, then, to conduct [its] operations in the most effective way (Castagnett, 2003).

What can be observed from the above is that providing standard definition to the term FOC is difficult as it is purpose-oriented and varies from one case to another. Apparently realizing this problem, the AU commissioned two expert studies to study whether APSA (and ASF) is ready for declaration of FOC and, if not, what needs to be done. The first one in 2010 reviewed all APSA pillars in the AU as

well as in the various RECs and Regional Mechanisms and established that the ASF is not ready to be operational (Fisher et al., 2010: 20). Although it did not define what exactly full operationalization means, it argued:

“The full operational [sic] of the ASF will undoubtedly revolve around key challenges such as the multidimensionality of the ASF, the level of coordination and cooperation between the continental and regional level, force generation, capacity related issues in terms of planning, procedures, SOPs, logistics and equipment.” (Ibid.)

The findings of this study resulted in the revision of the ASF roadmaps and delayed the operationalization of the ASF to 31 December 2015. Accordingly, as noted above, Roadmap III was drawn (AU, 2010). In 2013, another study was commissioned to assess how the ASF is faring towards attainment of its FOC. This study, while cautioning that it is unlikely FOC will be achieved by the end of 2015, identified major areas where the ASF has to work steadily including the need for improvement and to streamline the mandating and decision-making processes between the AU, RECs/Regional Mechanisms and Member States, the Planning Elements, pledged capabilities and mission support (AU, 10 December 2013: 28). In September 2015, the AU conducted a field training exercise, codenamed Amani Africa II, in South Africa and Ethiopia to test and validate its readiness for FOC. However, as noted above, the level of development of the standby forces in the five regions shows marked disparity and impacts the level of readiness of the composite continental capability.

Following the conduct of field training exercise Amani Africa II, ASF was expected to be declared fully operational during the AU Assembly in January 2016, but the Assembly postponed the declaration reasoning that the African Capacity for Immediate Response to Crises (ACIRC) will continue its mandate pending the Amani Africa II after-action review scheduled for Maputo, Mozambique in March 2016 and the evaluation mission to be undertaken by the AU Commission and the RECs/RMs to verify the state of readiness of regional standby forces, and requested the AUC to report through the Executive Council, on progress made in the implementation of this decision to the next session of the Assembly in July 2016. However, the 705th meeting of the PSC on the Regional Capabilities of the African Standby Force held on 25 July 2017 further pushed the due date and agreed to present the report of the AUC on the matter to the Assembly in January 2018 for validation and endorsement (AU, 25 July 2017).

It is clear to understand that the lack of clarity as to what exactly is meant by FOC coupled with the politics of harmonizing the ASF with the concept; the role of ACIRC; and the disparity in development at regional levels, contributed to the sluggish progress towards attainment of FOC. Even if ASF is declared fully

operational with these shortcomings, it would still lack the accomplishment of advancing the continental force. If ASF were to deploy, it may be dominated by one or two regional standby forces undermining the whole objective of the ASF therefore utilizing an impartial continental force to handle conflicts.

### ***Basic Requirements for Full Operationalization***

After realizing that there is no clear operational definition of FOC and underscoring the high level of volatility in the region, the EASF fast-tracked its FOC by dealing step by step with the various aspects of force development and maintenance. It is important to realize that the EASF is located in a very volatile region covering the Horn of Africa and the wider eastern Africa, neighbored by the troublesome conflicts such as those in central Africa, northern Africa and the Middle East. It is also host to several existing and emerging conflicts such as in Somalia, Sudan, South Sudan and Ethiopia-Eritrea. These situations are exasperated by conflicts that erupted in South Sudan and Central African Republic in 2012/13, which compelled the EASF region to fast-track attainment of FOC.

This paper will develop and systematically analyze ten key requirements used by the EASF when it fast-tracked its FOC. These are requirements the EASF fulfilled before it declared itself fully operational. These tests broadly define the main parameters within which full operationalization should be understood. They contain the critical elements of FOC such as: the development of requisite legal and policy frameworks; streamlining and sustaining partnerships; the need for resource mobilization strategy; the need for inclusivity of all required actors or stakeholders; and the final analysis and adoption by the highest decision-makers of an organization.

#### **(i) Review and update of relevant legal and policy documents**

The EASF was established by an MOU that was less multi-dimensional and structurally inadequate to deploy and maintain a mission. The Policy Framework of the EASF was reviewed and adopted by the highest decision-making organ in the organization, i.e., the Assembly of Heads of State and Government. The Memorandum of Understanding that established the EASF was also revised into the Agreement on the Establishment of the EASF, which was signed by the Member States in June 2014. To fortify the foundation of the organization in Member States' internal laws, the Agreement is subjected to ratification. The ratification process will increase the legitimacy of EASF in Member States and strengthen their contribution in terms of finance, human resource and logistics by ensuring more awareness in their respective parliaments, populace, civil society and other stakeholders.

This is expected to shorten the process of authorization of pledged capabilities for deployment by national parliaments at the national level. Once the Agreement is ratified by respective national parliaments the executive branch may not be required to go to parliament repeatedly to secure authorization for deployment. This addresses the issue that some Member States' constitutions might hinder rapid deployment of the force by requiring authorization after mandate is acquired.

In 2014 the organization reviewed its subsidiary policies and documents such as: the training policy; table of organization and equipment manual; and standard operating procedures...etc. to reflect the prevailing reality in the region. It also introduced new policies such as conflict early warning policy in order to properly predict and prevent conflicts in the region. Furthermore, the organization reviewed its internal rules and regulations such as service regulations, financial regulations and procurement and disposal regulations to ensure that these are compliant to international standards and contain procedures for utilization during mission deployment. This further strengthened the organization in the road to the attainment of FOC and created conditions for improved relationship with the AU, the European Union (EU) and other partners.

Finally, the EASF revised its Strategic Development Plan and developed a new 2015-2020 strategic plan focusing the organization on post-FOC activities and requirements.

### **(ii) Restructuring and right-sizing**

The key question in the organizational restructuring was whether the EASF, as constituted, could fully discharge the mandate assigned to it, i.e., deploying and maintaining a force in mission. It was in light of this cardinal question that the restructuring exercise was carried out. As a result, it was agreed that the internal structure of the organization, as constituted, was not adequate "to discharge its administrative and operational mandates to facilitate the attainment of FOC" (EASF, 2014:10-11) and was revised. Accordingly, the organo program of the EASF was amended substantially by merging some departments and creating new ones such as a Peace Operations Department with new branches focusing on conflict prevention, early warning and mission management. Some offices with less role and responsibility were either abolished or merged with others to make them more effective. Additional structures such as a Logistics Training Center were introduced and operationalized to continue building the capacity of the region and ameliorate the challenges with respect to logistics and force support.

In addition, it was observed that the policy making structure of the EASF lacked representation of police and civilian components. As such, it was agreed that the policy making organs of the EASF should include institutions such as police and

ministry of foreign affairs from Member States (Id.). This was critical because when a PSO is mandated these institutions will be involved either in the political decision-making process or the generation of the force in one way or another. Hence, their involvement from the beginning in the running of the organization as well as the decision-making process was found to be critical for a speedy deployment of the EASF.

Equally important, the EASF was found to be lacking the necessary policy and action plan for gender mainstreaming to comply with the UN resolutions on the role of women in peace and security. Consequently, the EASF developed a Gender Policy to guide and supplement existing rules on gender balance in the organization with an action plan for implementation (EASF, 2015: 33). This will further help in guiding the organization on how to mainstream gender during PSOs in compliance with international standards.

### **(iii) Harmonization of the Rapid Deployment Capability, African Capacity for Immediate Response to Crisis and EASF concepts**

The AU developed Rapid Deployment Capability and African Capacity for Immediate Response to Crisis in addition to the ASF with a view to supplementing it and being used as stop-gap measure in the case of ACIRC. However, these concepts ended up competing with and undermining each other. One of the thorny issues delaying the full operationalization of the ASF and troubling the EASF region as well was how these parallel capabilities will be managed at the continental and regional levels if the force is declared operational.

Underscoring that the concepts of RDC, ACIRC and EASF are highly inter-related with some main difference such as their mandating processes, the region agreed to compromise and harmonize the three concepts into one. Afterwards, they all were subsumed into an enhanced EASF force structure to provide capability for rapid response to crisis (EASF, 2014: 9-10). This resolved one of the big hurdles the ASF is facing at the continental level and established a harmonized and easily manageable force at the regional level to the taste of all concerned Member States. Creation of such harmonized view and understanding is very important for declaration of ASF FOC and subsequent implementation related issues.

### **(iv) Review force structure and mission structure**

The former force structure considered lighter mission scenarios (scenarios 1- 4), hence its composition was very lightly organized. Given ongoing and emerging conflicts in the region and the speed with which they expand, the situation in South Sudan and Central African Republic being cases in point, the region felt the need to develop robust force and mission structures that can cater for conflicts across the six ASF mission scenarios. Based on this conviction, the force structures

of the EASF is revised under paragraph 17 of the EASF Policy Framework to include motorized, mechanized and infantry battalions with the requisite force multipliers and enablers. To ensure multidimensionality, the force structure includes robust police and civilian components, as required by the ASF (Ibid.). The mission structure is also revised and reinforced to respond to contemporary mission demands (Id.: para. 16).

#### **(v) Streamlining mandating and authorization processes**

This is a crucial area required to fully operationalize a standby force. If the mandating process lacks clarity, it will inevitably create delays in authorization of deployment thereby jeopardizing a speedy discharge of the mandate to maintain peace and security. To address this, a Crisis Response Mechanism with a concise mandating process is developed under paragraph 15 of the Policy Framework. This puts in place mechanisms on how conflict early warning system will feed into a crisis response group (composed of the chair, vice chair and rapporteur of the decision making organs) and this will kick-start the process of calling for an extraordinary meeting of the Assembly of Heads of States and Government; how this is coordinated with the PSC to secure a mandate for deployment from the higher organ, the AU.

This aims at ensuring the rapid deployment of the force before a conflict consumes so many lives and destroys the conflict zone making it more complicated and difficult to manage and resolve. However, it must be clarified that this kind of simple process whereby early warning is acted upon speedily in cooperation and collaboration with the PSC needs enhancement. Although there are several instruments outlining the process of deployment, how this is to be plugged into the Regional Mechanisms is not well developed. In this regard, the MoU in the area of peace and security signed between the AU, Regional Economic Communities (RECs), and Regional Mechanisms (RMs) exists with mechanisms for cooperation in terms of deployment and utilization of the regional components, but review of its content under Art. 20(3) and (4) shows that it is insufficient (AU, 2008). There is need to develop an implementation mechanism for this MoU in particular in respect of the deployment process of the ASF, or better the regional components of the ASF. Though the AUC commenced the development of such an arrangement to facilitate rapid deployment of the ASF capabilities, it is yet to be completed (AU, n.d.).

This will surely interfere with the rapid deployment of the force as envisaged in the timeframes of the scenarios above. A clear example is what happened when the conflict in Burundi broke out in mid-2015. Several PSC meetings were dealing with the East African Community (EAC), although the EAC neither has standby force nor is it a part of the ASF. Even worse, by then the EASF had declared itself

fully operational and the AUC had, as discussed above, already acknowledged the same. It took several PSC meetings and communiqués to recognize that there is EASF on the side-lines waiting for mandate to deploy. By the time the PSC realized that the EASF is readily available to be deployed, after several requests and interventions from the EASF Secretariat and its Member States, the conflict had reached no turning point with significant deaths, casualties, displacements and destructions. Nonetheless, as noted above, the UNSC has the primary responsibility for international peace and security. Though the Constitutive Act of the AU makes no reference to this primacy of role, paragraph 4 of the preamble and Art. 17(1) of the PSC Protocol indicates that the AU is “mindful of the provisions of the Charter of the United Nations, conferring on the Security Council primary responsibility for the maintenance of international peace and security.” Needless to say, the EASF Agreement also reiterates the same respect for hierarchy under paragraph 4 of the preamble:

“Reaffirming the primary responsibility of the United Nations Security Council in the maintenance of international peace and security, and the role of the Peace and Security Council of the African Union as a standing decision-making organ for the prevention, management and resolution of conflicts, and a collective security and early warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa...”

In the same vein, Art. 3 of the EASF Agreement and paragraph 12 of the Policy Framework require that the EASF missions be mandated by the AU PSC. The AU’s Constitutive Act and the PSC Protocol stipulate that where there are grave violations of human rights and when a Member State in distress requests for intervention, the AU will intervene to prevent the degeneration of the conflict and resolve it. However, in the UN system it is a well-known principle that Art. 2(7) of the UN Charter gives a lot of reverence to non-intervention in domestic affairs of Member States and the UN has since opted to go for peacekeeping which requires consent of the parties, impartiality and non-use of force except under limited circumstances such as self-defence (UN, 2010: 41). This flies directly in the face of the AU’s exception for forceful intervention in domestic affairs in the event of the listed grave circumstances. Whether the AU’s exception is compliant with the professed principle of non-intervention in conflicts in Member States is beyond the scope of this paper but it is obvious that any such confusion will create unnecessary friction, delays and contributes for protraction of conflicts.

A good case in point is the situation regarding the African Union Mission in Somalia (AMISOM), which, after over a decade of operation, is still seeking UN re-hating. One of the main culprits for the failure of re-hating is UN’s lack of willingness to intervene in a raging conflict. This happens despite the

authorization of the UNSC for AU to deploy AMISOM. “The UNSC tends to caution against regional interventions without its appropriate authorization, whereas the AU has interpreted its policy objectives and the political status of the PSC as a ‘legitimate authority’ within the framework of Chapter VIII of the UN Charter relating to Regional Arrangements” (Aboagye, 2012:3). Although it is perplexing why African nations, being party to the UN Charter, opted to make such exceptions, it was justified based on the atrocious conflicts that took place in the past and the slowness of the UN to respond. As Kioko (2003:821) explains:

“This decision [for such an exception] reflected a sense of frustration with the slow pace of reform of the international order, and with instances in which the international community tended to focus attention on other parts of the world at the expense of more pressing problems in Africa. ... [The] leaders have shown themselves willing to push the frontiers of collective stability and security to the limit without any regard for legal niceties such as the authorization of the Security Council.”

The saving grace is that “[in] the fulfilment of its mandate in the promotion and maintenance of peace, security and stability in Africa, the PSC shall cooperate and work closely with the UNSC.” As per Art. 17 of the PSC Protocol, the latter has to “to provide the necessary financial, logistical and military support for the African Union’s activities in the promotion and maintenance of peace, security and stability in Africa in keeping with the provisions of Chapter VIII of the UN Charter on the role of Regional Organizations in the maintenance of international peace and security.” To streamline this relationship and partnership, the United Nations Secretariat and the African Union Commission signed a framework agreement on 19 April 2017 that recognizes the primacy of the role of the UNSC on matters of international peace and security and expressed the desire to forge closer cooperation between the two organizations (United Nation-African Union Annual Conference, 19 April 2017: 2). The joint framework agreement acknowledges though that “full ‘jointness’” is unattainable (Ibid: 3). Such inter-institutional framework will neither be the correct, nor the best fix for the incongruences between the legal regimes of the AU and the UN. One would still hope that it will be exhaustively utilized to better manage inconvenient frictions and expedite the utilization of developed capabilities such as EASF/ASF to prevent, manage and resolve conflicts in the continent.

#### **(vi) Force pledging and confirmation of pledged forces**

Once the legal and policy frameworks are in place and the necessary organizational restructuring is done, the next step is to formally pledge the forces to train them for eventual deployment. To lay the groundwork for this, Art. 15 of the EASF Agreement, which is subjected to ratification, has provisions that oblige Member

States to pledge forces with requisite equipment and avail them for deployment when requested. It also stipulates under Art.15(2) that “the commitment of the individual Member States’ force pledges for deployment shall be specified in a separate agreement.” Based on this, Member States pledged forces (military, police and civilians), according to their national capabilities, and signed an MoU on Pledged Forces prior to declaration of full operationalization (EASF, 2014). This MoU provides a framework of how forces are pledged, trained, verified for readiness, generated, deployed and sustained. It stipulates under Art. 12 how in a PSO mission mandated and coordinated by the AU, the latter becomes in charge of funding for sustainment, reimbursement and obligations arising therefrom in accordance with its own rules and regulations.

After the forces are pledged in such an orderly manner based on a legally binding arrangement, there was the need to physically check the pledged forces and their requisite equipment and materiel in Member States to confirm if they are actually on the ground. This was duly done in the individual Member States prior to attainment of full operationalization. This added more confidence in the whole system of the standby arrangement although it is clear that the visited units in Member States could be used for another purpose by the respective Member States in the meantime and when deployment is requested the exact same unit might not be available. This, however, is not a big challenge as Member States pledge only a generic force and not a specific unit of their capability. What the EASF and ASF should focus on is whether a Member State is capable to provide a unit with all the pledged capabilities.

### **(vii) Resource mobilization**

After ensuring that the force is pledged and confirmed on the ground, the next step was to think about a “standby resource for the standby force” to supplement the AU Peace Fund at the regional level. This was something that needed to be reflected in the legal frameworks of the EASF, and as such the EASF Agreement established a Peace Fund as a special fund to be utilized only for the purposes of deployment in PSOs. According to Art.18(3) and (4) of the Agreement, the Peace Fund shall be generated from: 12% of the annual budget, inclusive of partners support, or as the Assembly may deem necessary; surplus accrued from arrears in assessed contribution as determined by the Council from time to time; voluntary contributions from Member States; grants and donations from external sources including support from the African Peace Facility; and other sources as determined by the policy organs.

It was also necessary to develop separate and independent internal financial regulations setting out how the Fund will be managed, its accounting procedures and how it interacts with the general funds of the organization (EASF, 2014).

Once the regulations are put in place, the organization commenced a strategy of mobilizing resources towards the Peace Fund. To supplement the internal generation of such funds, the EASF conducted several advocacy and awareness raising initiatives to generate adequate funds for future deployment. Such initiatives include entertaining the concept of donor conference to raise funds towards the Peace Fund kitty.

Member States, as per Art. 9(4) of the MOU on Pledged Forces should self-sustain their forces for a period of 30 days without reimbursement until the EASF or mission takes over the responsibility of sustainment. This concept borrowed from the merger of ACIRC into EASF, is a big leap from the traditional peacekeeping arrangement, whereby a force contributing country would be entitled to reimbursement from day one with a 90-days waiting period. In EASF, Member States agreed to bear their individual costs for the first 30 days and reimbursement will commence only from the 31st day onwards. This is a big achievement seen in light of the challenges with starting up a mission and is a boost to rapid deployment of the force. Further, the EASF worked closely with partners and acquired mission headquarters start-up kits. These kits will ease the quick deployment of the mission headquarters, which will be the responsibility of the EASF Secretariat as a mounting organization of a mission.

As the AUC takes over the mission from the EASF, the responsibility of funding and sustaining it also passes to the AUC. The language of the joint framework for enhanced partnership between the AU and the UN Secretariats discussed above seems to assure the AUC of financial assistance though it happens to be non-committal. In the part dealing with financing the AU-led peace support operations. It states: “Building on the “Decision on the outcome of the retreat of the Assembly of the African Union” (Assembly/AU/Dec.605(XXVII)) on the financing of the Union, in particular the Peace Fund, as well as on the United Nations Security Council Resolution 2320 (18 November 2016), the two Organizations have expressed the willingness to consider options to enhance the predictability, sustainability and flexibility of financing the African Union-led United Nations Security Council-authorized peace support operations, as a part of their partnership in the area of peace and security.” ((Id.: 9) (emphasis added)).

With the view to implementing this joint framework, the African Union Commissioner for Peace and Security and the United Nations Assistant Secretary-General for Peace-building Support signed a Memorandum of Understanding (MoU) on UN-AU partnership in Peace-building on 18 September 2017. Though the scope of this MoU is limited to peace-building efforts only, it is considered to be “a concrete step towards the implementation of the ‘Joint UN–AU Framework for Enhanced Partnership in Peace and Security’ ... and contribute[s] to a more predictable and strategic partnership in the areas of conflict prevention, political

dialogue, national reconciliation, democratic governance and human rights.” (AU, 2017, September 20). Such efforts for enhanced cooperation and partnership are believed go a long way in bridging the resource-gap to deploy the EASF/ASF capabilities.

### **(viii) Streamlined and sustained partnerships**

As a largely donor dependent organization, the EASF had to carefully think through sustaining its relationship with partners in an enhanced and streamlined manner. It is going to be heavily dependent on partners support for its strategic and tactical lift requirements, in addition to support for sustainment in mission. Though it is not an easy task to streamline relations with a vast number of partners, improvements are required in the legal, policy and operational/administrative environments of the organization set by the EASF to develop arrangements that strengthen and streamline the state of partnership. In this regard, a template legal arrangement was developed to better engage partners and manage their support in a transparent and accountable manner based on acceptable international standards. It also developed internal guidelines on how generally the relationship should be managed by the organization.

The EASF has developed a good relationship with regional training institutions in the various Member States and concluded several MoUs with them on how they would conduct regional trainings based on ASF and EASF training standards on top of their own national responsibilities and mandates. This ensures sustainability of trainings at affordable cost as the training institutions, owned by Member States, share similar vision with the EASF on matters of peace and security and Member States can train their PSO personnel in their respective training institutions.

EASF is also enhancing the vertical relationship with the AUC and relevant departments of the PSC at the continental level. In the same vein, the EASF is working to improve and enhance the lateral relationship with sister organizations in the region with a mandate on peace and security. These include: Intergovernmental Authority on Development (IGAD); Common Market for Eastern and Southern Africa (COMESA); East African Community (EAC); Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA); and Eastern Africa Police Chiefs Cooperation Organization (EAPCCO). This is expected to give the EASF more visibility and support in the various PSO aspects when it deploys in the future.

### **(ix) Conduct collective exercises**

After all the above substantive requirements are put in place, there is a need to test them on the ground to check if there are gaps, if they can duly serve

their purpose, and learn lesson from shortcomings with a view to fix them. This requires conduct of collective exercises that bring together a significant part of the personnel and equipment pledged. This could be done through field training exercises, command post exercises, or logistic map exercises or a combination of them. These entail enormous planning and administrative skills particularly in the case of field training exercise where troops with their requisite equipment and materiel would be moved from their respective countries to the exercise area, which would be in one of the Member States, to mock a real PSO mission.

In a command post exercise, the prospective leadership of a future mission together with the command elements of the force are trained in an office set-up with a smaller cost. In a field training exercise, a larger pledged multidimensional force of predominantly military and police units, are brought together, with requisite equipment and materiel from Member States to a terrain (field) that resembles an actual PSO scenario with a much higher cost implication. These exercises are very important to test not only the level of readiness but also to check the level of interoperability of the pledged forces so that when they deploy they integrate rapidly and conduct the mission smoothly. In the case of the EASF, as noted by the AU Assembly above, the region conducted a command post exercise in Nazareth, Ethiopia, from 13-22 November 2014 to test and validate whether the EASF fulfils the requirement for full operationalization. During such exercises, several EASF legal policy as well as standard operating procedures were tested. The organization developed and tested the efficacy of its training policy and standards; template status of forces/mission agreement; as well as management of force contributing countries personnel and equipment, such as how Member States will cover costs related to such deployment and resultant damages.

It should be noted that as Eastern Africa region is fraught with several conflicts, most of the Member States are already engaged in one or the other PSO mission(s) such as in Somalia, South Sudan, DRC, Central African Republic as well as other missions all over the globe. This existing exposure to PSOs and the trainings Member States acquired therein should also be taken as an invaluable asset in the assessment of readiness for FOC.

#### **(x) The political will requirement**

Following the fulfilment of the above substantive requirements/tests, a big question that arises is whether declaration of full operationalization is a political or technical process. There are those who argue that as long as the political leadership of countries, i.e., the commanders-in-chief and those concerned, appreciate that the pledged force has attained full operational capability, then the rest is not that important. Others argue that if the technical requirements are not well fulfilled, the presence of the pledges alone is not adequate. For the latter,

what is very critical is to have the policies, rules, regulations, procedures, and standards properly put in place based on which the pledges are prepared and tested. Only then is the political will assumed to exist.

However, it is clear that both the political will and technical aspects are very important to develop a robust and reliable pledged force that is prepared based on clear standards with the constant involvement of the political leadership, and other policy makers at all levels of the process. This was one of the reasons for the review of the policy-making structures in EASF, and inclusion of police and foreign affairs representatives. This ensures that everyone moves in tandem when the actual deployment comes. With this conviction, the EASF involved all the stakeholders in the lead up to the attainment of full operationalization and acquired their views for input. This was done with the policy makers in the organization; partners; the media; the AUC and other sister organizations. This is so that the attainment of this capability would not be received with surprise. It's after acquiring views and perspectives of all stakeholders that the EASF went about declaration of its FOC.

It should be emphasized that though FOC is declared after scrupulous fulfilment of the above discussed ten requirements, the AU's heavy reliance on the UN for necessary political, financial, logistical and military support will negatively impact the speedy utilization of the ASF deployment capability, as the continental body lacks the wherewithal to deploy and maintain a mission by itself. Assuming that the UN would agree to foot the bills of AU authorized standalone missions, such as AMISOM, working out the details such as the financial, logistical and military requirements, remitting such funds and ensuring accountability, would be an uphill task to say the least. That would at the minimum mean delay in deployment or intervention and perception of operation below expectation for those suffering the brunt of conflicts.

## **Conclusion**

As can be observed from the intent of the provisions of the legal and policy instruments of the AU and prevailing evidence on the ground, operationalization of the ASF and its regional components is indispensable for maintenance of peace and security in Africa. This is supported by the experiences of AMISOM and other missions around Africa where the UN, due to inter alia, its own bureaucracy; financial constraints; and deep-rooted divisive politics in the UNSC, has continually failed to exercise its primacy in the maintenance of international peace and security in Africa.

It is hoped that the ten requirements developed in this paper will provide more clarity for understanding of the concept of full operational capability of the ASF

as well as its regional components. Though some or all of those requirements maybe easy to understand, the systematic categorization into easily recognizable groups is hoped to be handy and more enlightening. As the ASF does not have its own pledged force to train and operationalize at the continental level, it should ensure that all its regional components are readied based on uniform criteria such as the requirements identified in this paper. As it stands, some regional capabilities such as in the northern Africa are lagging behind making the validation of FOC more difficult.

Upon attainment of FOC, the AU should make the standby forces stay on standby on a rotational basis so that they know which region is ready to be deployed as rapid or advance force when the need arises. This can be done based on a clear established rotational system between the (individual) regions and the ASF/AU so that certain group of Member States ready themselves on standby for a given period of time. The regional force headquarters should adopt the same strategy and develop a rotational standby system with the individual Member States that own and control standby forces in order to feed into the continental expectation. This will serve as a good step forward to deter conflicts as it will force those that plan to engage in violent conflicts to pay attention.

Finally, it is imperative that the AU continues to enhance and streamline its relations with RECs, RMs, the UN, and in particular the UNSC and its veto-powered members as well as other partners and stakeholders in peace and security. This will be critical to ensure smooth cooperation, coordination and partnership for sustainment of the operationalized capability, and sustainment of mission and acquisition of political clout to dispel challenges that arise before and during operation. It is hoped that this will advance and promote Africa's motto of finding "African solutions to African problems."

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