Conceding Sovereignty: Negotiating Africa’s Security Architecture

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PhD Thesis

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Abstract

This thesis assesses the ability of prominent international relations theories to explain the ceding of governmental authority to an international institution in a region where state sovereignty had traditionally been considered a sacrosanct principle. Since its establishment in 2002, the African Union (AU) has utilised the African Peace and Security Architecture (APSA) as its framework for responding to regional conflicts and crises. Through APSA, the AU’s remit includes issues such as democracy and human rights promotion that historically had been considered internal matters for African governments. Furthermore, the Architecture provides the Union with a mandate to intervene on a member’s territory under certain circumstances, such as genocide or war crimes.

Using the core assumptions of three theoretical approaches – neorealism, liberalism and constructivism – predictions are formulated across two stages of institution creation and design. The first set relates to the process of preference formation within states, while the second addresses the progression and outcome of negotiations between governments. By using the establishment and design of APSA as a case study to test the accuracy of the predictions, the ability of each approach to explain social reality is assessed.

The analysis focuses primarily on South Africa and Nigeria, two of the most influential states involved in the process of creating APSA, though the preferences and negotiation strategies of other states are also considered. An extensive selection of primary and secondary documents is drawn upon, as well as interviews with a variety of participants. The interview sample includes several AU officials and some of the most high-ranking foreign policy actors from the governments of South African President Thabo Mbeki and his Nigerian counterpart Olusegun Obasanjo.

Ultimately, the research demonstrates that the interests of influential domestic actors in achieving and consolidating political and developmental gains are critical to understanding the organisational design of APSA. The prevailing international normative environment also bore influence over the institution’s form, as increasing democratisation in the 1990s and a series of catastrophic African conflicts prompted policymakers to rethink security cooperation.
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<tbody>
<tr>
<td>ACDS</td>
<td>African Chiefs of Defence Staff</td>
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<tr>
<td>ACHPR</td>
<td>African Charter on Human and People’s Rights</td>
</tr>
<tr>
<td>ALF</td>
<td>African Leadership Forum</td>
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<tr>
<td>ANC</td>
<td>African National Congress</td>
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<td>APSA</td>
<td>African Peace and Security Architecture</td>
</tr>
<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<tr>
<td>ASF</td>
<td>African Standby Force</td>
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<tr>
<td>AU</td>
<td>African Union</td>
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<tr>
<td>AUC</td>
<td>African Union Commission</td>
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<td>CADSP</td>
<td>AU Common African Defence and Security Policy</td>
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<tr>
<td>CEN-SAD</td>
<td>Community of Sahel-Saharan States</td>
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<tr>
<td>CDEG</td>
<td>AU Charter for Democracy Elections and Governance</td>
</tr>
<tr>
<td>CMCA</td>
<td>Commission of Mediation, Conciliation and Arbitration</td>
</tr>
<tr>
<td>CSSDCA</td>
<td>Conference on Security, Stability, Development and Democracy in Africa</td>
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<tr>
<td>DFA</td>
<td>Department of Foreign Affairs (South Africa)</td>
</tr>
<tr>
<td>DIRCO</td>
<td>Department of International Relations and Cooperation (South Africa)</td>
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<tr>
<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<tr>
<td>ECOMOG</td>
<td>Economic Community of West African States Monitoring Group</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>GATT</td>
<td>General Agreement on Tariffs and Trade</td>
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<td>ICC</td>
<td>International Criminal Court</td>
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<td>IGAD</td>
<td>Intergovernmental Authority on Development</td>
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<td>IR</td>
<td>International Relations</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>MAPROBU</td>
<td>African Prevention and Protection Mission in Burundi</td>
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<td>MFA</td>
<td>Ministry of Foreign Affairs (Nigeria)</td>
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<tr>
<td>NACDP</td>
<td>AU Non-Aggression and Common Defence Pact</td>
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<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organisation</td>
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<td>NEPAD</td>
<td>New Partnership for Africa’s Development</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<td>OAU</td>
<td>Organisation of African Unity</td>
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<td>PSO</td>
<td>Peace Support Operations</td>
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<td>PSC</td>
<td>Peace and Security Council</td>
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<td>RECs</td>
<td>Regional Economic Communities</td>
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<td>RSC</td>
<td>Regional Security Complex</td>
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<tr>
<td>R2P</td>
<td>Responsibility to Protect</td>
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<td>SADC</td>
<td>Southern African Development Community</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNHRC</td>
<td>United Nations Human Rights Council</td>
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<tr>
<td>UNSC</td>
<td>United Nations Security Council</td>
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<td>WTO</td>
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Chapter 1 - Introduction

At the turn of the millennium, African leaders started the process of establishing and designing a security framework that, due to its scope and powers, was unprecedented in the continent’s history. The creation of the African Peace and Security Architecture (APSA) by African Union (AU) governments was all the more remarkable given that cooperative security arrangements on the continent were traditionally characterised by an almost sacrosanct respect for sovereignty and non-interference in states’ internal affairs. APSA is a framework of structures, objectives, principles and decision-making processes that guides how the AU prevents, manages and resolves crises, conflicts, post-conflict reconstruction and development on the continent. The AU was established in 2002, with APSA as one of its central pillars, to replace the Organisation of African Unity (OAU). By the end of the 1990s, the OAU had been criticised by many for having become obsolescent, due in no small part to its ineffectiveness as a guarantor of peace and security on the continent. Some of the Architecture’s most notable features are those which represent a departure from the past. These include a strong emphasis on democracy, human rights and good governance, as well as the legal authority for the AU to intervene on a member state’s territory, without permission from the country’s government, under certain grave circumstances. At the centre of APSA lies the Peace and Security Council (PSC), a powerful decision-making organ that, unlike the comparable United Nations Security Council (UNSC), has no permanent or veto-holding members. Though not without its problems and limitations, the establishment of the Architecture has heralded significant changes in how African governments respond to security issues. In its first decade of existence, the AU launched more peace support operations than the OAU did in 39 years. It also started to implement
suspensions of member states where unconstitutional changes of government had occurred, a previously unthinkable foray into internal affairs that were not the concern of other countries.

The topic of state cession of sovereignty to international institutions occupies a prominent position in international relations (IR) scholarship. A broad variety of explanations for this phenomenon are offered, including those that emphasise the facilitative role institutions play in decentralised cooperation among self-interested actors (Keohane 1984), the ‘false’ belief that institutions can foster international stability (Mearsheimer 1994) or convergence around new shared identities that are embodied in international institutions (Wendt 1995). Though a considerable field of literature has also been written on the topic of African state sovereignty, it more commonly focuses upon weak state capability, due to the legacies of colonialism and the tendency of leaders to closely guard their domestic power against domestic or international incursions (Reno 1995; Englebert 2009).

The case of APSA provides a particularly interesting example of sovereignty being ceded to an international institution, especially when one considers the systems of governance and socio-economic conditions within many member states at the time of the AU’s establishment. Creating an institution with a democracy and human rights-promoting mandate, as well as unprecedented powers of intervention, seems an unlikely move for such a group of leaders, many of whom ran authoritarian regimes and had a history of being criticised for their human rights records. The signatories of the AU Constitutive Act included Liberian President Charles Taylor, who was later convicted of war crimes, and Sudanese President Omar Al-Bashir, who was also indicted (but not tried at the time of writing) by the International Criminal Court (ICC) on a number of charges, including genocide. Among the heads of state who also signed the Union’s
founding document were Zimbabwe’s Robert Mugabe, Cameroon’s Paul Biya, Uganda’s Yoweri Museveni, and many other ‘presidents for life’ who had held on to power for decades through a variety of (often undemocratic) means.

Using the establishment and design of APSA as a case study, this thesis tests competing sets of explanations derived from three of the most prominent approaches to analysing international relations; neorealism, liberalism and constructivism. The three approaches privilege a wide variety of factors that could potentially influence international institution design. The approaches are mutually exclusive in a number of respects, allowing for a competitive assessment of alternative explanations. This analysis contributes to the body of knowledge regarding the explanatory powers of the three approaches. For reasons of feasibility, the analysis focuses primarily on two states that existing studies point to as the most influential in guiding the establishment and design of APSA, namely South Africa and Nigeria. An account is also provided, however, of other states involved in the process, most prominently Libya, then under the rule of Col. Muammar Gaddafi. Guided by the foci of previous studies, and the overarching question of why states give up sovereignty, four organisational design features of APSA are selected for analysis; namely its scope of action, flexibility of arrangements, mechanisms for control and enforcement capability.

Drawing upon a variety of data sources, including interviews with state and OAU/AU officials, and a range of primary and secondary documents, the study provides a picture across two stages of the institution’s establishment and design. The first focuses upon the formation of preferences within states in relation to the four design features of APSA, while the second is concerned with the negotiations held between AU members to decide upon the structure of the Architecture. This empirical data is then compared with the three sets of theory-based explanations, each of which is used to make
predictions in relation to both state preference formation and the negotiation process. By drawing this comparison, it is possible to arrive at a conclusion regarding how useful each theoretical approach is at explaining the outcome. In addition to the above goals, carrying out the investigation also helps add to the historical record of a highly significant process for African security cooperation, about which little has been documented to date.

Theoretical Contribution

Though not without its critics (Mearsheimer and Walt 2013), testing theoretical predictions or hypotheses is a long-established practice in the social sciences that helps achieve a better understanding of the world and gauge the value of unique elements of competing research traditions (Katzenstein and Sil 2008). Testing in this thesis progresses across two stages, one covering the process of preference formation within two of the most prominent states involved in guiding the evolution of the APSA framework, and the other focusing upon negotiations that took place between AU member states to decide upon the eventual form and function of the Architecture. The three approaches, neorealism, liberalism and constructivism, from which testable predictions are derived are chosen for their significance in contemporary IR scholarship. Neorealism considers the origins of states’ foreign policy to lie in the anarchy of the international environment and the distribution of power across the system. The primary goal of the state is survival and the acquisition of resources that work towards that end. Liberal IR theory, with its roots in the work of scholars such as Immanuel Kant and John Stuart Mill, emphasises the role that the interests of domestic societal actors play in the forming of foreign policy. It shares the rationalist focus of
neorealism, as well as its assumption that actors are driven primarily by material self-interest. However, it holds that state preferences can vary as a result of domestic factors, such as systems of representation or the particular interests of ruling groups. The liberal school also displays a higher degree of optimism regarding the possibility of international cooperation, due to the interlinked nature of interests between states. Constructivism differs from the two rationalist approaches with its emphasis on the logic of appropriateness rather than material consequences. State policy, according to the constructivist perspective, is heavily influenced by social pressures while interests, rather than being based solely upon material factors, differ between actors due to varying types of expectations, values, morals and norms.

A similar, theory-guided empirical analysis was conducted by Rittberger (2001) in a study of German foreign policy since unification, in which the same approaches were drawn upon as are used here. However, where that study tested competing explanations for the new German government’s policies towards the North Atlantic Treaty Organisation (NATO), the European Union (EU) and the General Agreement on Tariffs and Trade (GATT), this thesis tests the explanatory value of the three approaches by examining the policies of multiple states with regard to one international institution. This research further differs from the Rittberger et al. study by also having a focus on international negotiations, and not just state policy formulation. This links individual state preferences and the collective negotiation outcome that represents the core focus of the investigation. Overarching theoretical frameworks are less of a feature of international negotiation analysis. Existing research tends more towards individual explanatory variables, such as culture (Fisher 1990), economic and military power (Keohane and Nye 2012) or norms (Novak 2010), all of which are accounted for under at least one of the three approaches that are utilised in this study. Testing competing
explanations, derived from neorealism, liberalism and constructivism, against the empirical data of the negotiations held to plan the Architecture allows for a consistent theoretical approach across the thesis. It also supports a more rigorous and varied testing of the three approaches, and represents an innovation in how long-established IR approaches are normally employed.

Ultimately, the findings suggest that the liberal school is most useful for uncovering factors that were critical in the formation of states’ positions in relation to APSA. The origins of the South African and Nigerian governments’ policies are assessed, and in both cases state society relations are crucial to understanding their positions. Abuja had an incentive to bolster its recently realised democratic gains and cut down on its deeply unpopular international peacekeeping costs, both of which informed its position regarding APSA. Pretoria, meanwhile, was highly motivated to foster peace and stability in the region and on the continent, which it saw as intrinsically linked with domestic development in South Africa. It saw APSA as one of the primary tools for achieving this outcome. A combination of the insights derived from the liberal and constructivist traditions proves most helpful in relation to analysis of the negotiations. The strategies employed by states included both the leveraging of economic dependence and normative argumentation and persuasion, while the outcomes reflected both patterns of asymmetrical interdependence between states and the prevailing normative environment.

One final point, regarding the theoretical focus of this thesis, is that the testing conducted here should not be confused with an attempt to formulate theory. The goal, from a theoretical perspective, is to make a well-supported comment on the suitability of the most commonly used traditional approaches to explaining an outcome from a
region that traditional theory is often deemed unsuitable for, or IR scholars are frequently accused of ignoring (Dunn 2001; Brown 2006).

Original Data Collection

Another likely reason, in addition to the two primary ones detailed above, for the limited number of studies conducted on APSA (and, to an extent, the AU more generally) relates to the challenges researchers encounter in trying to obtain reliable data. Any scholar hoping to investigate the origins of AU treaties (such as those upon which APSA is built) cannot rely upon voting records from the Assembly of Heads of State and Government where all of the organisation’s legal instruments are debated and adopted by leaders. The Assembly rules of procedure forbid the public release of the content of the debates, details of the positions states take in votes or even disclosure of whether or not a vote took place on particular treaties. For each treaty adopted, the OAU Secretariat or, since 2002, the African Union Commission (AUC), have written background papers and reports on meetings between state officials to discuss their content, which are available to researchers in principle. However, a significant proportion of such documentation has not yet been digitised at the time of writing, meaning only researchers that are willing and have the means to travel to the AUC Archives in Addis Ababa can utilise such resources. With the exception of South Africa, none of the main AU member states that bore significant influence over the evolution of APSA have foreign policy archives. Another significant obstacle is the difficulty researchers encounter in gaining interview opportunities with the high-level actors that were central to the process of establishing and designing APSA and, by extension, the AU. Many of the main players were top-ranking officials, ministers or
state leaders. Face-to-face interviews with such people are, by definition, difficult to secure. The fact that many of those central actors live in disparate corners of the African continent adds to the logistical challenge of gathering sufficient interview data.

While researching this thesis, I countered some of the above challenges owing to a considerable investment of time and effort. This has resulted in the collection and use of data regarding the origins of APSA not previously drawn upon nor referenced in existing works. The rules of procedure of the Assembly precluded access to voting records, which may not have reflected the true preference of states in any event. However, use is made here of ratification records, which the AUC does make publicly available. In the absence of access to the content of Assembly debates, extensive interviews were conducted with individuals who took part in and/or witnessed the debates. Such individuals included state representatives and OAU/AU officials. Among them were Nigerian President Olusegun Obasanjo, South African Deputy Foreign Minister Aziz Pahad, the first AU Commissioner for Peace and Security Said Djinnit, several government advisors and diplomats, and a number of consultants hired by the OAU/AU to assist with the negotiation and drafting of the seminal documents that give APSA its legal basis. For most, it was the first time they partook in an interview for an academic study that would focus specifically upon the origins of the Architecture. These face-to-face interviews were the result of a number of months spent travelling between South Africa, Nigeria and Ethiopia and my engagement in the necessary preparation and establishment of relations with vital gatekeepers.

Of course, interview data has its own limitations, given the possibility of faulty, contestable or selective recollections on the part of subjects, as well as the incentives interviewees can have to paint themselves in a positive light. Therefore, the interview data only forms a part of the picture being offered here, and is checked against other
forms of data, drawn from a broad selection of sources. These include documentation from the AUC Archives, where I spent a week combing through records covering two decades, the archives of the South African Department of International Relations and Cooperation (DIRCO) and the Olusegun Obasanjo Presidential Library in Abeokuta. The former President’s library was still in the process of being set up during my time in Nigeria, but I was able to negotiate access to some of its documents through my contacts with his office. A period as a visiting student at the University of the Witwatersrand in Johannesburg also allowed me to access a number of rare and difficult-to-access texts through the William Cullen Library, which specialises in the social, political and economic history of Africa. The University also has access to a broad range of African media archives, which also proved highly useful. The combined result of the above data collection efforts is a piece of original research that sheds new light on a unique and significant historical process, which was very much in need of illumination.

**Addition to the Historical Record**

As the above discussion indicates, this thesis makes a considerable contribution to the relatively paltry existing accounts of the origins of APSA, and also of the AU more generally. To date, most of the modest literature on the Architecture has been descriptive, rather than analytical, or has featured APSA as a tangential secondary element of a larger discussion (Francis 2006; Kagwanja 2006; Makinda and Okumu 2008). Another significant proportion of the field has been prescriptive and focused upon the organisation’s potential to further peace and stability on the continent (Kingebiel 2005; Engel and Porto 2009; Vines 2013). This thesis stands apart from the
majority of the literature by adopting a specific focus on APSA and is unique in its systematic investigation of the Architecture’s organisational design. Another way in which this study is distinguished from the existing field is through the attention it pays to the negotiations held between AU member states to decide upon the form and function of the Architecture. It is very difficult to unearth any academic accounts of the negotiation process and it appears that none which draw upon the experiences of those who participated in them on behalf of both states and the OAU/AU have been offered to date. In addition to the theory-based knowledge that is gained, adopting this approach results in the documentation of a number of unique elements of the APSA narrative that had either received very little scholarly attention up to now, or were not widely known by anyone other than those that were close to the design process.

Amongst the most noteworthy of the substantive findings of my research is the revealing of a coalition between South Africa, Nigeria, Algeria, Ethiopia and Mali – known by its participants as the Like-Minded Five. Within this little-known coalition, the five governments privately agreed on shared policy positions before engaging in lobbying with the rest of the continent. In many of the most significant debates regarding the future of APSA, the Like-Minded Five were often engaged in fraught competition with a coalition centred on Libya, which is referred to in this thesis as the Gaddafi Alliance. This is not the first work to reveal that these five states, or more specifically their leaders, played a critical role in the transformation of the OAU or the establishment of APSA. These core states are often cited, along with others such as Libya, Egypt and Senegal, as the primary players in the process (Nmehielle 2003; Tieku 2004; Møller 2009). However, it is the nature of how the five operated, formulating policy in private before engaging in strategic lobbying within their own spheres of influence, that represents new knowledge. A South African diplomat, during an
interview for this thesis, expressed surprise that I was aware of the group’s operation, as it was not something that its members spoke about openly. However, once informed that one of his Nigerian counterparts had already discussed it in an interview, he was more willing to discuss the workings of the Five.

Other lesser-known details documented here from the period include unsuccessful efforts by the South African government to introduce an AU-enforced two-term limit for African leaders. The Thabo Mbeki-led administration desired the implementation of the measure, which has been in place in South Africa since the end of apartheid, but it was met with opposition from both within and outside the Like-Minded Five. Another source of disagreement within the Like-Minded Five, which is detailed in later chapters, relates to the rules of procedure of the PSC. The two foremost nations in the coalition, South Africa and Nigeria, took contrasting positions on the issue of how to assign seats. Abuja was in favour of having UNSC-style permanence for the African great powers, while Pretoria advocated for categories of two and three-year seats, both of which would be subject to elections. On this point, South Africa appears to have been on its own within the Like-Minded Five. Ultimately, the decision regarding the rules of procedure on the PSC was one of very few on which the voices of the majority of poorer and smaller nations were forcefully heard. Their overwhelming opposition to having permanent members meant the eventual arrangement much more closely reflected the South African model.

A final category of new substantive knowledge in relation to APSA offered in this thesis relates to the positions taken and strategies employed by the Libyan leader Muammar Gaddafi in his efforts to realise his vastly different vision for the AU and APSA. Much, though not all, of the original interview data for this study is provided by those who sat opposite Gaddafi in debates. Their testimonies regarding Libya’s negotiation behaviour
are consistent with each other, as well as with previous academic works and media reporting. Nevertheless, my research offers new detail and perspectives. For example, Gaddafi’s use of investment, aid and other forms of ‘generosity’ to build support for his positions have been reported upon before in non-academic sources (Munusamy 2002; Peta 2002; Gumede 2007). However, this study provides some additional detail on the extent of his largesse, identifying some of the states said to have been in receipt of payments in exchange for support. The ineffectiveness of the strategy is also highlighted, with many states said to have gladly accepted Gaddafi’s gifts but ultimately not supporting his positions. One slightly misunderstood aspect of Gaddafi’s involvement in the establishment of APSA, and the AU more generally, is also addressed here. Some account of the organisation’s creation credit the Libyan leader as one of the primary architects of the AU (Magliveras and Naldi 2002; Chorin 2012; Welz 2012). Gaddafi did serve an important role in kick-starting the process, through the provision of funds and by offering to host the extraordinary summit of the OAU at which the decision to form the AU was taken. However, the institution of APSA was far from what he had envisioned. As outlined in later chapters, the Architecture’s emphasis on human rights, democracy and good governance were opposed by Tripoli, as was the question of providing the AU with an intervention mandate. Therefore, while Gaddafi undoubtedly played an important role as one of the sparks that lit the flame, his influence on the eventual outcome being examined here should not be overstated.

**Thesis Outline**

The next chapter provides more detail than has been provided here on the historical context to the establishment of the AU and APSA. Security cooperation between
African states has traditionally been characterised by a lack of political will to collectively police the continent and a strict adherence to the principle of respecting state sovereignty at the OAU. Understanding the significance of the decisions taken by African governments with the establishment of APSA is only possible with some background knowledge of what preceded it.

Chapter 3 sets out to embed this thesis in a broader academic field by looking at the relevant schools of thought that have guided studies of this kind in the past and the types of research that have been conducted to date, both in relation to the establishment and design of international institutions, and on international negotiation processes. By providing an indication of the points of focus adopted by previous studies into institutional design, this chapter also helps guide the methodological choice regarding what points of APSA to focus upon in this thesis.

The method employed in this study to gauge the accuracy of each of the theory-based predictions is outlined in Chapter 4. In addition, the rationale behind selecting the South African and Nigerian governments is provided, along with a description of the approach taken to ensure the robustness of the testing of the theory-based predictions. In the same chapter, there is also an explanation of how the research design has been constructed to take into account the specifics of the case study, along with detail on how practical challenges to conducting the research were overcome.

Next comes the theory-focused Chapter 5, where an account is provided of the core assumptions of neorealism, liberalism and constructivism. Working with each approach’s foundational assumptions, two categories of predictions are derived, one of which relates to state preference formation and the other to the process and outcome of negotiations. The state preference predictions make claims regarding what types of
preferences governments will hold in relation to the organisational design, and also provide an underlying rationale for those positions. The negotiations predictions make claims regarding states’ priorities and strategies, as well as predicting what factors will influence negotiation outcomes. These predictions are then compared with the empirical data, which is detailed in the subsequent chapters.

Chapter 6 is the first of three that form the analysis of the case study. The chapter outlines Pretoria’s desired outcome in relation to each of the four organisational design features of APSA, based upon a combination of original research interviews and analysis of a broad selection of primary and secondary data. It also discusses the factors that informed those positions, with the discussion broken up into three sections, corresponding with the three IR traditions and the factors to which they point. Chapter 7 follows the same format but in relation to the formation of preferences on the part of the Nigerian government of Olusegun Obasanjo. Both chapters 6 and 7 finish with a brief assessment regarding the accuracy of each of the sets of predictions across the four design features.

The negotiations held between AU member states over several years regarding the institutional design of APSA is the core focus of Chapter 8. It details the two main coalitions that formed in negotiations, the Like-Minded Five and the Gaddafi Alliance, and details where prominent states other than South Africa and Nigeria stood in relation to the four design features. Discussion of how consultations progressed and disagreements were resolved is structured around the factors suggested by the theory-based negotiation predictions.

The thesis concludes with Chapter 9, which synthesises the various strands of argumentation made in the preceding pages. This final chapter argues that the
organisational design of the Architecture is best understood by reference to the preferences and negotiation strategies of the larger powers. Supporting evidence for this lies in the linkages between the power consolidation motivations of societal actors in South Africa and Nigeria, each country’s positions on APSA and the eventual outcome of the negotiations. It highlights how strategies were successfully employed by the bigger powers to link support for their positions to their continued cooperation with smaller states. However, the influence of the prevailing international normative environment on the negotiation outcomes is also underlined as significant. In explaining the establishment and design of the framework, the findings of this thesis ultimately point to the value of liberalism and, to a slightly lesser extent, constructivism.
Chapter 2 - Security Cooperation in Africa

The significance of the establishment and design of APSA cannot be fully grasped without a prior understanding of the historical context of efforts at security cooperation on the African continent, and in particular the steadfastness with which post-colonial African governments protected their sovereignty. This brief chapter provides such necessary contextual details by giving an overview of efforts by African governments to cooperate on security terms, from the days of decolonisation up to today. It begins with a discussion of the foundation of the AU’s predecessor, the OAU, followed by an account of efforts to increase its severely limited security mandate. Following that is some general detail on the transformation of the OAU into the AU, which leads to a synopsis of the most prominent differences – in security terms – between the two organisations. To finish, the chapter details the extent to which the Architecture is relevant today while also discussing some of its continued limitations.

The OAU as a Security Actor

Established in 1963 by Africa’s then newly independent states, the OAU had an initial membership of 32 governments, many with conflicting interests and political ideas. The organisation’s creation was seen as a milestone for Pan-Africanism, and leaders such as Ghana’s Kwame Nkrumah and Tanzania’s Julius Nyerere hoped that it would unify the continent’s diverse membership while also serving as a mechanism to free the continent of the remaining elements of colonial occupation. Nkrumah and Nyerere were among a minority of leaders at the time of the OAU’s establishment calling for a United States of Africa model that would have seen the continent become one federal state,
rather than an association of sovereign entities. A core feature of their proposal was a unified military force to oversee security and stability on the African continent, as Nkrumah outlined in his book *Africa Must Unite*, copies of which he organised to have handed out at the founding conference of the OAU.

We should aim at the establishment of a unified military and defence strategy. I do not see much virtue or wisdom in our separate efforts to build up or maintain vast military forces for self-defence, which in any case would be ineffective in any major attack upon our separate states.¹

Their proposal was rejected by a large majority of the continent’s other leaders, however, who were not receptive to the idea of ceding any semblance of their recently-acquired power, which many had won in bloody independence conflicts in the preceding years.² The OAU’s founding Charter allowed for the establishment of specialised commissions, including one that was defence focused. The primary purpose of the Defence Commission was to devise a strategy for protecting states’ sovereignty, territorial integrity and independence.³ Over the subsequent years, the notion of a unified military structure was discussed on the Commission several times, usually occasioned by instances of insecurity, such as attempted coups, mercenary raids or aggression by colonial powers. Attacks by the South African and Rhodesian governments on Frontline states in the late 1970s prompted particularly serious discussion about the possibility of a Pan-African defence force to support member states from external aggression (which included that stemming from white minority regimes on the continent) and to support liberation movements. However, such discussions never moved beyond the proposal stage, as the efforts of leaders with

3 OAU (1963) *OAU Charter*, Addis Ababa, Organisation of African Unity. Articles II(c) and XX(3).
ambitions for political and/or military unification were consistently rebuffed by the majority.\textsuperscript{4}

Despite being far poorer than any other comparable international organisation, not boasting any superpowers and being established in the fledgling years of its founding members’ independence, the OAU endured for decades after its founding. Some success in supporting independence movements, assisting with the construction of telecommunications and roads infrastructure, and fostering economic, social and cultural cooperation would end up being overshadowed, however, by the organisation’s failings in the areas of peace and security. The 1960s and 1970s saw many devastating inter-state and internal conflicts in Ethiopia, Uganda, Burundi, Kenya and Nigeria, to name just a few. Central to the organisation’s impotence in the face of such instability was the emphasis the Charter put on non-interference in states’ internal affairs and the sacrosanct status it assigned to state sovereignty.\textsuperscript{5} In practice, this meant that atrocities committed against citizens by governments were rarely remarked upon, much less acted on, by the OAU. A prominent display of such apathy occurred in 1975 with the election of Ugandan President Idi Amin to chairman of the Organisation, at a time when his regime was engaged in brutal repression of opponents and major human rights abuses. The only opposition to his promotion came from Mozambique, Botswana, Tanzania and Zambia, the latter three of which had been targets of Amin’s efforts to foster military coups.\textsuperscript{6}

A foray into militarised peace-keeping by the OAU did occur in 1981, with the establishment of a force to bring peace and stability to Chad, which had been

\textsuperscript{5} OAU (1963) OAU Charter, Addis Ababa, Organisation of African Unity. Article III(1, 2 and 3).
experiencing civil war since 1965. Though the Charter did not provide for military action by the OAU, it did encourage members to cooperate in the fields of defence and security and it was under this logic that the mission was established. However, the force quickly ran into logistical and financial difficulties, and was withdrawn within a year of being deployed. Writing in 1985, Naldi described the Chadian peacekeeping mission as an “abject failure” and presciently speculated that the experience would result in the OAU being “unwilling or unable to dispatch another peacekeeping force if the occasion demands”.7 In addition to the Defence Commission, the Charter also provided for the establishment of the Commission of Mediation, Conciliation and Arbitration (CMCA) to handle resolution of disputes between member states. However, the organ was a purely advisory body without the ability to make legally enforceable decisions or to force states to even participate in its proceedings. In 1999, when governments started to plan the creation of the new organisation, not a single OAU member had submitted a dispute for adjudication to the Commission.8

Increasing the OAU’s Security Mandate

The 1980s saw a nominal move in the direction of human rights protection by OAU members, with the adoption of the African Charter on Human and People’s Rights (ACHPR), which came into effect in 1986 after reaching the required number of ratifications. The Charter established the African Commission on Human and People’s Rights to oversee its observance, although its powers were more advocative than

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protective. It also remained subservient to the Assembly of the Heads of State and Government, the approval of which was required in order for the Commission to even publish a report. The enforcement of the Commission’s findings was also the responsibility of the Assembly. Both the Charter and the Commission were viewed by critics as woefully deficient due to ‘clawback’ clauses, which qualified its protections so that they would not supersede national laws imposed by governments.

The Charter is incapable of providing even a scintilla of external restraint upon a government’s power to create laws contrary to the spirit of the rights granted. Even the African Commission’s ability to provide some external restraint in situations where a governmental activity contravenes a national law is highly questionable. Without precise legal guidelines, the Commission will be severely handicapped in dealing with such situations (Gittleman 1984).

A decade after the adoption of the Charter by the OAU, a 1991 editorial in the weekly West Africa noted that the document’s “congenital defects in no small way account for the near irrelevance of the Charter and its institutions to Africa’s political life”. Further attempts to improve the OAU’s ability to foster peace and stability on the continent occurred in the 1990s, spearheaded primarily by the organisation’s then Secretary General Salim Ahmed Salim. Within a year of being elected Secretary General, Salim submitted a report to the 26th Ordinary Session of the OAU Assembly in 1990 that is considered by many within the AU Commission to be an important precursor to the later repurposing of the OAU. The Report of the Secretary General on the Fundamental Changes Taking Place in the World and their Implications for Africa was the result of extensive consultation between Salim, African heads of state

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11 Several interviewed senior officials from the Defence and Security Division and the Peace and Security Department in the AU Commission cited the importance of this document in the movement towards transforming the OAU.
and civil society actors. It championed the idea of Africa mapping out a strategy of sustainable development by fostering democracy and human rights, promoting regional economic integration and deepening and expanding continental integration. Buoyed by the positive reception the report received from heads of state in 1990, Salim presented a follow-up proposal to the Assembly in 1992 for a permanent institution to deal with conflicts in Africa. He envisioned a reinterpretation of the norm of non-interference to allow the OAU to respond swiftly to emerging conflicts and prevent humanitarian disasters. As part of the plan, peace-making and peacekeeping efforts would be deployed through diplomatic, political, judicial and, if necessary, military means. However, the idea of the OAU having an active peacekeeping force was roundly rejected by the Assembly. According to Salim;

> When I formally presented the proposal for the establishment of the mechanism and included the notion of peacekeeping operations, minister after minister bashed the idea and the Secretariat, claiming that peacekeeping was not Africa’s business. They said it was the UN’s mandate and business.

Having rejected the details of Salim’s proposal, leaders agreed in principle to the setting up of a mechanism for preventing, managing and resolving conflicts. However, their agreement came with the proviso that the Secretary General engage in “in-depth study on all aspects relating to such a mechanism” and submit them for consideration at the following year’s meeting of heads of state.

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15 OAU (1992) *Decisions and Resolutions Adopted by the 28th Ordinary Session of the Assembly of Heads of State and Government*, Dakar, OAU.
In the subsequent months, Salim set up a team that engaged in discreet consultation with key ambassadors in order to create a consensual document that would secure agreement from all members. The revised document “retained the essence of what he wanted to achieve in terms of how Africa dealt with conflicts while watering down the section on peacekeeping”.\(^{16}\) Intra as well as inter-state conflicts were still highlighted as being a “scourge” in Africa and emphasis was put on human rights and good governance. However, unlike the 1992 proposal, the 1993 Cairo Declaration on establishing a Mechanism for Conflict Prevention, Management and Resolution assigned no interventionist or peacekeeping role to the OAU, stipulating that such actions would only be conducted by the UN. It also stated that the new Mechanism, which would be built around a Central Organ composed of heads of state and government, would be guided by the principles of the OAU Charter, in particular “the sovereign equality of Member states, non-interference in the internal affairs of States” and “the respect of the sovereignty and territorial integrity of Member States”.\(^ {17}\) Its role was to anticipate and prevent conflict through peace-making and peacebuilding, although such efforts would be restricted to diplomacy by members as well as missions of observation and monitoring of limited scope and duration. The revised version was adopted unanimously by the 29th Ordinary Session of the OAU Heads of State and Government Assembly in Cairo in June 1993. The remainder of the decade provided many signs that the structures put in place by the OAU, although often exacerbated by an unwillingness to act on the part of the international community, were inadequate for furthering stability on the continent. These included civil wars in Liberia, Sierra Leone and Somalia, as well as genocides in Burundi and Rwanda, the latter of which was

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\(^{17}\) OAU (1993) *Declaration of the Assembly of Heads of State and Government on the Establishment Within the OAU of a Mechanism for Conflict Prevention, Management and Resolution*, Cairo, OAU.
described by Salim as a “failure for Africa, the United Nations and humanity at large”. In 1998, the ineffectiveness of the modifications to how the OAU approached security were laid bare by Nelson Mandela, then nearing the end of his tenure as President of South Africa. Outlining his belief that the concept of national sovereignty was being used to deny the OAU the right to intervene when Africans were “being slaughtered to protect tyranny”, Mandela called for a frank assessment of whether or not the Central Organ was “succeeding to meet the hopes of our Organisation and peoples”.

**OAU into the AU**

Although the decade that preceded it was marked by stunted and inadequate attempts to tackle insecurity in Africa, 1999 proved a critical year in the path towards the establishment of the AU. Within a few months of one another, new leaders with broadly similar ideological outlooks were elected to power in two of the continent’s most influential states, while a long-standing leader with significantly different political views developed a newly-invigorated interest in Africa. Thabo Mbeki became the second leader of a democratic South Africa, succeeding Nelson Mandela, with the intention of using his Presidency to promote his notion of an African Renaissance. The project aspired to achieve growth and development on the continent through constructive engagement with the West on more equal terms, the promotion of good governance practices and the protection of human rights and democracy, while also

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drawing upon African traditions and custom.\textsuperscript{20} Four months prior to Mbeki’s victory in South Africa, Olusegun Obasanjo was elected President of Nigeria, his second stint as the country’s leader after a three-year period as a military ruler in the 1970s. Obasanjo was the first African military head of state to hand over power peacefully to a democratically elected government in 1979. He spent much of the four years preceding his election victory in a Nigerian prison as a result of his advocacy for democracy and human rights, only securing his freedom following the death of the military dictator Sani Abacha. His release from prison and subsequent rise to democratic power allowed Obasanjo the opportunity to revive a policy development process he had started as a private citizen. The Conference on Security, Stability, Development and Democracy in Africa (CSSDCA) sought to establish standards of behaviour for African leaders with the goal of furthering stability and development on the continent.\textsuperscript{21} For both leaders, the AU provided a vital avenue through which to channel their broadly similar policy goals (Tieku 2004).

However, while Mbeki and Obasanjo only had aspirations, at least initially, to reform the OAU to reflect their objectives, the trigger for the replacement of the organisation came from Libya and Col. Muammar Gaddafi. During a discussion on collective security and conflicts on the continent at the 1999 Algiers Summit, Gaddafi intervened to call for an extraordinary summit of the OAU, to discuss ways of making the organisation more effective, which he offered to host in his hometown of Sirte later that year.\textsuperscript{22} Although Gaddafi had traditionally prioritised relations with Arab states over


\textsuperscript{22} OAU (1999) Declarations and decisions adopted by the thirty-fifth Assembly of the Heads of State and Government, Algiers, OAU Secretariat; AHG/Dec.140
those with African neighbours, the Libyan leader was disappointed with the lack of support he received from the Arab League in the face of international sanctions in the 1990s and thus instituted a turn towards Africa, even going so far as to declare “the Arab world is finished” in 1998.\textsuperscript{23} Realising the reform goals of Mbeki and Obasanjo, potential rivals to his African leadership ambitions, Gaddafi attempted to take advantage of the prevailing mood and satisfy his own geostrategic objectives by putting himself at the centre of the organisational change. Although they did not share much ideologically with the Libyan leader, Mbeki and Obasanjo were happy to accept the invitation to Sirte, given that it meant neither Nigeria nor South Africa would have to foot the enormous cost of hosting an additional summit to discuss reforms (Tieku 2004).

Nkrumah’s United States of Africa proposal was revived at the Sirte summit by Gaddafi, although in a much more chaotic fashion than the Ghanaian leader had ever attempted. The Nigerian diplomat Olufemi George wrote in his memoirs that Gaddafi expected to “railroad” other heads of state into signing a declaration that would establish a federal United States of Africa with a unified parliament in Sirte. The Libyan leader was so convinced that his peers would sign the declaration that he had already started to transform Sirte “into a befitting capital, including the construction of brand new edifices to house the African Parliament”.\textsuperscript{24} Breaking from diplomatic convention, no preparatory documents were provided to member state delegations that gathered in Tripoli for two days to plan for the Summit. In fact, the proposed declaration was only provided to delegations moments before the heads of state met in Sirte to discuss – and as far as Gaddafi was concerned, adopt – the Libyan proposal for a new continental


organisation. George wrote that the Gaddafi proposal was greeted by many African leaders with a mixture of amusement and derision, “a phantom concept which, like several of his previous efforts at union, was doomed to failure”. Ultimately, the 1999 Sirte Declaration was rewritten to reflect the many objections voiced against the Gaddafi proposal, with the resultant document merely calling for the creation of a new organisation – as opposed to a new federal entity – that would accelerate the political and economic integration of Africa.25

New Visions of African Security Cooperation

The contrasting visions for the future of the organisation held by Gaddafi and the grouping led by Mbeki and Obasanjo were also apparent from an early stage in discussions regarding the nature of security cooperation between African states in the new organisation. Gaddafi, understandably for a leader under Western sanctions and overseeing a system of governance characterised by brutal repression of opponents, sought to implement a security Architecture that would protect AU members from aggression that originated outside of Africa only. Mbeki, Obasanjo and a selection of allies, meanwhile, pushed for a security framework that would address intra-state conflicts, human rights abuses, problematic governance and the promotion of democracy, while also allowing for protection against external aggression despite the latter category of threat being far less salient for most African states at the time.26 These ‘internal versus external’ perspectives on security would feature prominently in several

rounds of formal and informal negotiations that took place over the subsequent years to plot a framework for furthering peace and stability on the continent.

Through such negotiations, the APSA framework started to take shape over a number of years, both before and after the inaugural summit of the AU in 2002, through the adoption of several legal instruments that established the Architecture’s institutional structures, laid out its scope and provided it with legal force. The adoption, by OAU heads of state, of the AU Constitutive Act in 2000 represented a pivotal change in the vision for security of the AU. According to Badmus (2015, p.85), by comparison to the highly restricted security role of its “feeble predecessor”, the AU’s founding document “brought in enormous normative changes, especially in the areas of peace and security, human rights and democracy, respect for the sanctity of human life, condemnation and rejection of unconstitutional governments and intervention”. Amongst the objectives listed under Article 3 of the Act are the promotion of democratic principles, popular participation and good governance, as well as the protection of human and people’s rights. Article 4 condemns unconstitutional changes of government and, quite remarkably, provides the AU with the right to intervene in a member state under grave circumstances, namely war crimes, genocide and crimes against humanity. At the same OAU Summit in Togo, heads of state also adopted the Lomé Declaration, which outlined a number of elements of a framework for responses to unconstitutional changes of government. The Declaration outlines principles of democratic governance, including the adoption of a democratic constitution, the separation of powers, holding of free and fair elections, and guaranteeing freedom of the press, and also defines an unconstitutional change of government. If such an undemocratic turnover of power were to occur, the document outlines appropriate responses, including condemnation by the OAU (as it was called at the time), non-recognition of the perpetrators’ new
government, suspension from participating in the Organisation’s policy organs, and if constitutional order has not been restored within six months, a “range of limited and targeted sanctions”, such as visa denials and trade restrictions.

Though the Constitutive Act and the Lomé Declaration represent the initial seismic changes in how the AU was going to approach security matters, the document which most comprehensively captures the new framework - the Protocol Establishing the Peace and Security Council of the AU – was adopted by the Assembly at the inaugural summit of the new organisation in 2002. According to Engel and Porto (2009), along with the 2004 Common African Defence and Security Policy (CADSP), the Protocol provides the legal foundation for APSA. In addition to reiterating the new norms upon which African security efforts would be based, as well as the AU’s right of intervention, the Protocol outlines the powers and rules of procedure of the Peace and Security Council (PSC). The Council would replace the largely ineffective Central Organ from the OAU and was endowed with more significant powers, outlined in Article 7, while still acknowledging the UN’s role as the principal custodian of international security. These powers include the ability to make decisions in relation to preventative diplomacy, post-conflict peacebuilding, the deployment of peace support missions, and the institution of sanctions when an unconstitutional change of government occurs. In relation to intervention under grave circumstances in a member state, the PSC is restricted to a power of recommendation to the Assembly. The functions of the PSC, outlined in Article 6, include the promotion of peace and stability in Africa, preventative diplomacy, mediation, peace-building and humanitarian action. Article 13(1) of the Protocol states that in order to enable the PSC to perform its responsibilities, an African Standby Force (ASF) shall be established. The groundwork for this force had been laid in 1997, when a meeting of African Chiefs of Defence Staff
(ACDS) recommended that the OAU establish standby military forces from each of Africa’s regions for quick responses to critical situations to which the UN was either slow or unwilling in responding. The notion had remained mostly dormant, however, until the broad structure and purpose of the ASF was outlined in the Protocol. Initial projections from the AU anticipated having the continental peacekeeping force, with military, police and civilian components, fully operational by 2010. It would be 2016, however, before the ASF was declared operational and even by then, major questions remained about its viability (Institute for Security Studies 2017). By the end of 2018 the Force had not been deployed, with the AU opting for ad hoc arrangements in response to crises.

Another major departure from the Central Organ’s functioning, outlined in the Protocol, relates to the Council’s rules of procedure. Article 8 stipulates that any party to a conflict or situation under consideration by the PSC “shall not participate either in the discussion or in the decision-making process relating to that conflict or situation”. Such parties do have the option to “present its case” to the PSC, though they must withdraw from the proceedings thereafter. The Protocol also discards the Central Organ’s method of deciding upon which states occupied chairs, which allowed countries in each sub-region to replace one another in alphabetical order. Article 5 outlines a Council composition of 15 members, ten for a term of two years and five for a term of three years. In addition to applying the principle of equitable regional representation and rotation when electing members, the Assembly takes into account the capacity and

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willingness of candidates to “shoulder the responsibilities” of upholding peace, as well as their respect for constitutional governance and human rights. Regarding decision-making, Article 8 states that each member has one vote and that while decisions are guided by the principle of consensus, where that proves impossible decisions on non-procedural matters can be taken by a two-thirds majority vote of members present (with a minimum two-thirds of PSC members required for a quorum). It took two years for the required simple majority of members to ratify the Protocol and the PSC was inaugurated in May 2004, when the AU Executive Council elected its first 15 members.

Three months earlier, the Assembly adopted the CADSP, the upholding and implementation of which is a responsibility also borne by the PSC. The Policy further developed the AU’s new security approach, outlining a scope of defence and security that recognises inter and intra-state conflicts as being of matters of AU concern and embraces the “traditional, military and state-centric” notion of security but also the “less traditional, non-military aspects, which relates to the protection of people’s political, cultural, social and economic values and ways of life”.30 The document puts a “new emphasis on human security, based not only on political values but on social and economic imperatives as well”, meaning that the protection of rights to participate in governance, to equal development, to an education and equal treatment regardless of gender, are now all matters of international security.31 The necessity for a common defence policy had been highlighted at the inaugural summit of the AU in 2002, and from the same discussion between heads of state came the impetus for the establishment of a non-aggression pact.32 Following several rounds of consultations between member

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states’ diplomatic, military and political representatives, the AU adopted its Non-Aggression and Common Defence Pact (NACDP) in 2005. In addition to calling for the eventual establishment of a single African army, under Article 2(c), states are called upon to view any aggression or threat of aggression against an individual member as if it had targeted all members. By signing the instrument, members also undertook to respond “by all available means” to aggression against a fellow member, though their obligations under such circumstances are not specified any further.

Though APSA is constantly evolving, the period in which the most significant changes were introduced runs from 1999, when the Sirte Declaration was published, to 2007, when the Charter for Democracy Elections and Governance (CDEG) was adopted by the Assembly. The Charter is a much more detailed and forceful document than its natural predecessor, the 2000 Lomé Declaration, with stronger and more specific obligations instituted upon members in relation to democracy governance and human rights protection. Amongst many other stipulations, Chapter 4 declares that state parties shall promote democracy, “recognise popular participation through universal suffrage as an inalienable right of the people”, eliminate discrimination, and “adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalised and vulnerable social groups”. The six month ‘waiting period’ outlined in the Lomé Declaration is absent from the CDEG, with the PSC empowered to suspend member states that have undergone an undemocratic change of power from its right to participate in AU activities once diplomatic initiatives have failed. Similarly, the Assembly is enabled to implement economic and political sanctions against perpetrators as it sees fit. Instigators of unconstitutional changes of government can also be tried before the “competent court of the Union” and “shall not be allowed to
participate in elections held to restore the democratic order or hold any positions of responsibility in political institutions of their state”. The granting of strong powers to a centralised continental authority in protection of principles, such as those described above, was completely without precedent in African politics. Makinda and Okumu (2008) would even say that the AU’s intervention mandate made the organisation exceptional amongst all international organisations. Sadly, however, the ambitions of APSA’s architects has rarely been matched by the performance of the AU as guarantor of peace and stability, which is briefly addressed in the next and final section.

Continued Limitations and Relevance of APSA

Though it has shed the OAU’s mantle of ‘dictators’ club’, the AU is still subject to criticism for being too donor-dependent and toothless. Such accusations can find some

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33 Article 25.
supportive evidence in the Union’s performance as a security actor in the decade-and-a-half since it was founded. The organisation has been criticised for being cynically selective in how it applies the interpretation of defence and security that distinguished it so significantly from the OAU. For example, with the exception of Côte d’Ivoire, AU sanctions in response to unconstitutional changes of government have only been instituted against small or medium-sized states, though the fact that such interventions have occurred at all represents a significant departure from the past (Vines 2013). The extent to which the AU substantively differs from the OAU has also been questioned in recent years, particularly in 2009 after the Union denounced the decision of the ICC to indict Sudanese leader Omar al-Bashir for alleged war crimes, and its members refused to extradite him if he travelled to their countries, in contravention of their obligations under the Rome Statute.\textsuperscript{35}

Since its founding, the AU intervention mandate has not been triggered without the consent of a member state, with the organisation coming closest to invoking Article 4(h) in 2015 in response to major instability and human rights abuses in Burundi, prompted by President Pierre Nkurunziza’s decision to run for a third term, in violation of the country’s constitution. In December of that year, the PSC issued a communiqué recommending a 5,000-strong African Prevention and Protection Mission in Burundi (MAPROBU) to prevent deterioration of security, protect civilians and help create conditions needed for a credible dialogue, giving the Burundian government 96 hours to respond. When the government refused to accept the ultimatum, the decision to accept the PSC’s recommendation lay with the AU Assembly, but heads of state declined to deploy MAPROBU. This was a source of significant embarrassment for the

AU Commission, which had drafted the communiqué and signalled to some that power continued to lie in the hands of individual member states (International Crisis Group 2016).

The PSC has also been subject to criticism for not strictly adhering, in practice, to the progressive principles upon which it was founded. Although the PSC Protocol established the principle of equitable regional representation and rotation in membership, according to selection criteria that included the capacity to shoulder the burden of peace operations and a demonstrated record of upholding human rights, it has not always been embraced in practice. Nigeria has become a de facto permanent member, occupying West Africa’s three-year seat since the PSC was established in 2004. Since its founding, the Council has also been criticised as several of its members, “such as Ethiopia and Zimbabwe, do not wholly fulfil the requirements of the PSC’s statutes in terms of respect for the rule of law and for constitutional and human rights” (Vines 2013, p.109). Nor has the organ always stuck rigidly to its own rules of procedure, such as in late 2006 and early 2007 when Ethiopian military forces intervened in Somalia, without PSC authorisation, to force the Union of Islamic Courts out of Mogadishu. The action drew no condemnation from the AU, nor did it prevent Ethiopia from subsequently deliberating on the situation in Somalia, despite being a party to the conflict, in breach of Article 8(9) of the PSC Protocol (Wakengela 2011).

In addition to problems relating to political will, the AU’s ability to chart an independent and authoritative path as a security actor is severely limited by its inability to fund its own peace operations. In contradiction to the AU’s touted principle of ‘African Solutions to African Problems’, the Union’s Peace Fund, from which the costs of security operations are covered, is hugely dependent on donors. Between 2008 and
2011, only 2% of the contribution to the Fund came from member states with the remaining coming from international donors (Jentzsch 2014).

Despite its many limitations, however, APSA retains considerable importance for future peace and stability on the African continent, and developments in recent years have provided some cause for cautious optimism. Though never without the hosting state’s permission, eight AU-led Peace Support Operations (PSOs) have been deployed since 2003, more than the OAU managed in its existence. While criticisms of selective application of sanctions are not without substance, the AU has also been far more active than its predecessor in acting against unconstitutional changes of government. Between 2003 and 2012, 12 coups d’état occurred on the continent, eight of which prompted the Union to suspend members, further illustrating that not all the advances the AU claims over its predecessor represent mere window dressing (Sturman 2009). In addition, the Union has been increasingly active since its establishment in election observation and monitoring.\(^{36}\) Despite remaining uncertainty regarding its future operation, a milestone was passed in 2016 with the declaration of the ASF as operational. Ever before consideration was given to creating a new organisation, a standby military force drawn from Africa’s regions was considered an essential component of fostering peace and stability on the continent.\(^{37}\) A further milestone was passed in January 2018, as the first ASF continental logistics base was inaugurated in Douala, Cameroon. In October 2018, workshops were held to update the conceptual and legal foundations of the Force, since the original conceptual framework was 15 years old at that point and had become

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In other, less prominent respects, APSA has continued to evolve in response to new shared concerns. One example of this is the AU Convention on Cyber Security and Personal Data Protection, which was adopted by the 23rd Session of the AU Assembly in Malabo, Equatorial Guinea in 2014.

Small but significant steps have also been taken to address the Union’s donor dependence, as part of AU Chairman and Rwandan President Paul Kagame’s attempted reform of the organisation.\textsuperscript{39} Central amongst the reforms is a plan to implement a 0.2% import levy to fund the AU’s operations on all member states, 24 of which had made significant progress on its introduction by November 2018.\textsuperscript{40} At the launch of a newly revitalised Peace Fund in late 2018, Kagame said member state contributions to the Fund stood at $60m, the highest level since its creation within the OAU in 1993, meaning the AU could, for the first time, finance all of the preventative diplomacy and mediation work of the Special Envoys and High Representatives, as well as the AU Liaison Offices. A target of $400m was set for 2021, which Kagame insisted the organisation was on track to achieve.\textsuperscript{41} It is significant that amongst Kagame’s many reforms, several of them proposing fundamental changes to the organisation’s operation, none propose overhauling those aspects of APSA’s form and function, which most starkly distinguish the AU from the OAU. This reflects a sentiment, held by many at the AU Commission, that the fundamental goals, competences and structures


embodied in the Architecture, are essentially tailored towards increasing peace and stability in Africa.\textsuperscript{42}

\textsuperscript{42} This is a sentiment shared by the majority of interviewees, and contradicted by none, from the African Union Commission.
Chapter 3 - Existing Research

At its core, this study is an enquiry into why states cede sovereignty to an international security institution, with the establishment and design of the APSA framework drawn upon as a case study to test explanations offered by some of the most prominent IR traditions. This question lies at the centre of a significant proportion of the research on international institutions, in large part because of the primacy afforded to sovereignty in traditional international relations theory and the proliferation of such institutions since the middle of the 20th Century. Before getting into the analysis involved in this particular piece of research, it is important to consider where this study stands in relation to existing literature that addresses state delegation of authority to international institutions. This involves discussion of the theoretical approaches that provided the conceptual framework for such studies, as well as the specific aspects of organisational design that previous efforts sought to explain. In addition to its contribution to the theoretical literature, this research adds to the historical record on continental security cooperation in Africa and, more specifically, on the establishment of APSA. The value of that addition, however, can also only be truly gauged by reviewing the current state of the literature on this particular period in history.

The next section contains a discussion of the broad theoretical traditions which have guided research that addresses the ceding of sovereignty by states to supranational authorities. Following this is a description of the particular aspects of international institutions that such studies hone in on, which in turn informs the approach taken by this investigation into the AU’s security Architecture. Some of the research on this topic incorporates analysis of inter-state negotiations, conducted by governments to decide upon the form and function of the institution of which they will be members. With that
in mind, a brief discussion of existing literature that focuses on inter-state negotiation processes is also provided. After that, there is a description of the paltry research on the origins of the organisational design of APSA, before the chapter concludes with a final comment on this study’s contribution to the wider literature.

Theoretical Approaches

As is the case with any significant political phenomenon, research on the evolution of international institutions is guided and informed by a diverse selection of theoretical frameworks. Given the focus of this study, it is not necessary to provide a comprehensive overview of every approach scholars have drawn upon to explain international cooperation. Instead, the task here is to convey what answers the most prominent schools of thought have offered to the question of why states cede sovereignty to international institutions.

Studies guided by the assumptions of realism and its variants tend to play down the extent to which states actually cede power to supranational authorities. Instead of viewing cooperation through an inter-state body as an act of surrendering sovereignty by governments, realists argue that the pre-existing patterns of power are merely recreated in an international institution. Large states set the rules and thus do not lose any power to the organisation. Smaller states, on the other hand, lack the power to go against the international organ but they were already subjugated to the larger states that have dictated the organ’s rules, and therefore the power dynamics in the international system have, in reality, changed very little (Krasner 1999). The Universalist tradition takes a less cynical view, emphasising the importance of trans-national social bonds.
that link all human beings. According to this perspective, the existing system of states is transient and the international community of people is moving towards a universal cosmopolitan society. Cession of sovereignty by states to international institutions, then, is simply part of this gradual process. Internationalists take a stance somewhere in between those of realists and universalists, with international institutions viewed as holding the potential to enforce responsibility and accountability within a society of states that stand to benefit from cooperation with one another. In this view, the advantages states gain from cooperation in certain respects make cession of some sovereignty a palatable decision (Bull 1977).

Although an abundance of new labels has been created to categorise the study of international cooperation since Bull identified the above three approaches in 1977, many of the schools of thought that emerged in the interim share a lot of the foundational assumptions of either the realist, universalist or internationalist camps. Of course, the new approaches are innovative but on the question of cession of sovereignty, many of them provide answers that are not all that different from those offered by the older traditions. Neorealism emerged from realism, emphasising the anarchical international system rather than human nature as the primary motivator for state action, but it still considers international institutions to reflect the existing distribution of power between states (Mearsheimer 1994). Reformism and liberalism share the internationalist optimism in the potential for cooperative international relations, maintained by institutions established by states (Archer 2015). Reformists and liberals also maintain that states are not unitary, and that their decisions reflect internal divisions and interests (Moravcsik 1997). Ceding sovereignty to an international institution, according to their logic, is a rational choice when it serves the interests of the actors that hold decision-making power over the state apparatus (although not necessarily the
interests of the state, overall). Institutionalists share realism’s presumption of rational and unitary states, while subscribing to the liberal and reformist view of international institutions being established to serve the shared interests of states. Cession of sovereignty, institutionalists claim, occurs in those areas where the benefits of cooperation outweigh the costs of giving up some semblance of state control (Keohane 1984).

Constructivists share universalists’ emphasis on social bonds between communities. Studies written from this perspective consider pooling of sovereignty by states to be a reflection of a growing sense of shared identity between citizenries (Checkel 2005). Radicals also view the international system as being broken up into communities, more than states, but tend to advocate for particular causes or solutions to problems. Marxists, for example, have argued that joining an international organisation is a strategy available to disempowered communities to consolidate their sovereignty and independence by working together rather than facing off alone against more powerful and developed states. For Marxists, international organisations also help coordinate responses to problems that confront all of humanity such as the possibility of nuclear war or environmental catastrophe. The more real such threats become, the more likely states are to cede sovereignty in order to arrive at a collective solution (Morozov 1977).

Writers from the Global South tradition have similar privileged identity in their analyses, although with a greater emphasis on the tactics used to enforce or battle imperial and colonial control. From this standpoint, governments join (and cede sovereignty to) institutions in order to exploit poorer countries or to oppose exploitation by richer countries (Tandon 1978).

The preceding represents only a snapshot of the most popular approaches to examining international cooperation and what each has to say about cession of sovereignty to
international institutions by states. It should be apparent from the above discussion, however, that each of the traditions listed could be accommodated into at least one of three broad theoretical perspectives, based upon their points of emphasis. One privileges the anarchy of the international environment and the power of states, and is represented most prominently today by neorealism. Another emphasises the possibilities for cooperation between states through institutions when it serves the interests of influential actors, which reflects the tenets of traditional and contemporary liberal scholarship. The final perspective points to the influence of actors’ social environments and identity in guiding state behaviour, which are common features in constructivist literature. Each of these three approaches is returned to in Chapter 5 where the theoretical underpinnings of the study are laid out. Next, however, a description is provided of what particular aspects of international institutions are most commonly focused upon by existing studies.

Institutional Design

While the preceding section provides examples of the explanations that different schools provide for cession of state sovereignty to international institutions, it reflects only the broad contours of this particular field of study. In order to capture better the state of the current literature, it is necessary to delve deeper into what specific features of international institutions scholars have investigated with a view to explaining the origins of their implementation. A seminal article by Koremenos, Lipson and Snidal titled ‘The Rational Design of International Institutions’ (2001) identifies five key dimensions of organisational design that are most commonly focused upon by scholars, namely membership, scope of issues, flexibility of arrangements, rules for controlling
and centralisation of tasks. Because this thesis is focused upon an institution with a membership that remained unchanged across the period being investigated, it is not vital to reflect upon existing research in that respect. The other four areas, however, provide a useful guideline with which to structure the remainder of this section. It is possible to conceive centralisation of tasks (or competencies) quite broadly. For example, Koremenos et al. do this by including the ability to disseminate information as part of the dimension. However, the ability to enforce decisions upon its members is particularly relevant to analysis of international security institutions, given the high stakes often associated with such decisions. With that in mind, the upcoming discussion of literature that has previously addressed centralisation of tasks in security-focused organisations will focus specifically upon enforcement powers.

Scope of issues

The first such category relates to an institution’s scope of issues. Initially, international institutions were created by states to address very specific issues faced by their members, generally of an economic or technical nature, such as mail delivery, rules of navigation on waterways or managing markets in a sustainable manner. However, following World War One, a trend began that saw the establishment of a growing number of international institutions with broader remits, one of the most notable being the League of Nations. This was followed later by the UN, which arguably has the broadest remit of all international organisations (Barkin 2006). With this expansion in competencies came an increase in the number of efforts by scholars to explain the trend. A highly prominent claim, made by those from the rationalist schools of thought, is that states use international institutions to further their own goals, and that they design those institutions accordingly (Koremenos et al. 2001). For example, it has been argued that
the content of an institution’s scope can be influenced by states’ desire to implement decentralised enforcement in the absence of a sufficiently empowered centralised enforcement mechanism (Jervis 1985; Oye 1985; Davis 2004). Issue linkage can be used to tie the reaping of rewards in one issue area to the upholding of commitments in another, leading to the broadening in issue scope of particular institutional arrangements between states (Koremenos et al. 2001). Following that line of thinking, Davis (2009) argues that the 1902 Anglo-Japanese alliance was ostensibly a security arrangement but a number of economic policies, which were favourable to Japan, were built into the framework by the British government to incentivise compliance by their Japanese partners. Poast (2012) observed similar issue linkage strategies being employed across a series of inter-state military alliances between 1860 and 1945, with the addition of trade commitments to security accords increasing the likelihood of agreement by 36 per cent. A final example is provided by McGinnis (1986), who has examined American efforts to tie a broad range of issues to nuclear cooperation with the Soviet Union during the Cold War.

Other scholars explain the establishment and evolution of issue scope within international institutions by reference to domestic pressures on member governments. Such studies still fall under the rationalist umbrella, but their emphasis on the national rather than the international sphere separates them from those scope-focused studies listed above. Moravcsik (1998), for example, argues that the broadening policy remit of the European Community can be explained, in part, by reference to the interests of powerful domestic commercial groups in Europe’s largest states. In a similar vein, Gunter (1989) claims that the issues covered by regional trade agreements are often written so as to maintain or increase rents for powerful domestic groups, due to their being an important source of support for the establishment and maintenance of such
arrangements. The influence of domestic groups has also been observed in international institutions that operate at the intersection of international trade and security. In an examination of 474 preferential trade agreements, signed between 1990 and 2016, Lechner (2016) found that the incorporation of human rights, labour and environmental standards into such agreements was commonly a result of lobbying of governments by domestic interest groups. Hafner-Burton (2013) has similarly argued that the now standard inclusion of human rights commitments in trade agreements signed by the US and EU are, in significant part, due to the domestic activism of non-governmental organisations (NGOs) and labour unions.

Another sector of the field departs from rationalist/materialist assumptions and tends to emphasise the effect of social bonds, norms and identity on the issue scope of international institutions, reflecting the universalist or constructivist schools of thought. Finnemore (1996a), for example, argues that changing normative understandings of humanity informed the decolonisation mandate of the UN and other international organisations. As perceptions of the developing world being in need of ‘civilising’ were superseded by notions of human equality, there developed an “international, legal, organisational and normative environment that made colonial practices increasingly illegitimate”. Price (1995) argues that the League of Nations’ assumption of responsibility for the prevention of chemical weapons use in warfare, enshrined in the Geneva Protocol of 1925, has its origins in the “degree of odium” associated with their use. This expansion in the organisation’s mandate was prompted by a taboo, which in turn was based upon normative judgements of chemical weapons being uncivilised, impossible to defend against and for use only by the weak. As a final example, Acharya (2004) argues that the reshaping of the agenda of the Association of Southeast Asian Nations (ASEAN), to incorporate an increased security mandate occurred as a result of
the localisation of an international norm of common security that originated in Cold War Europe.

**Flexibility of Institutional Arrangements**

Flexibility, as it is referred to here, relates to how institutional rules and procedures accommodate new circumstances or a shock in the international system (Koremenos et al. 2001). Are members obliged to respond to certain developments? Or do they have the flexibility to pick and choose when or how they respond under particular circumstances? The types of institutional arrangements, into which flexibility or rigidity can be built, varies between institutions. For example, Downs and Rocke (1995, p.99) argue that the GATT allows for less-than-aggressive enforcement, as its members realised from the outset “that they themselves would eventually find it advantageous to depart from the free trade standard”. Another example is provided by Thompson (2010), who claims that flexible provisions in the Kyoto Protocol, which include allowances for withdrawal and regular revision of targets, are partially down to scientific uncertainty over the causes and effects of climate change. Given the focus of this study, however, the most relevant existing scholarship that focuses upon institutional flexibility is that which addresses member states’ obligations within security organisations. Where they are in place, defence pacts are one organisational design feature of security institutions that are particularly open to variance in terms of their flexibility of obligations. Such arrangements can incorporate commitments by signatories to refrain from aggression against one another, provide security assistance to each other in future, conduct joint military exercises, exchange expertise and equipment, or other activities geared towards increasing preparedness for the possibility of aggression or an attack from a non-signatory. They acquire their flexibility in terms
of whether such responsibilities are mandatory or optional for members, and what level of contribution is required when those responsibilities are triggered.

Much of the existing studies that address flexibility in institutional arrangements are conducted using a rationalist framework (Lake 1999; Koremenos 2001; Rosendorff 2005). Often, they link a desire for flexibility to uncertainty regarding the intentions of other members or the state of the world. Thompson’s analysis of the Kyoto Protocol provides an example of such a study. In the security sphere, Lake (2001, p.146) claims that NATO’s Cold War defence doctrine, which “called for a gradual pullback to the European periphery in the face of a Soviet assault” followed by a subsequent mobilisation of economic and military muscle to repel the Red Army, had its origins in American uncertainty about the intentions of other members. He maintains that the “flexibility enjoyed by the United States lessened the costs of possible opportunism by its partners”. Of course, in other respects, there is also a significant degree of rigidity built into the NATO framework, most prominently in Article 5 of the Treaty, which requires all signatories to come to the aid of an attacked member, using whatever action is deemed necessary including the use of armed force.⁴³ The automaticity of the response from NATO members, Rupp (2000) has argued, was clearly aimed at the Soviet Union. Western Allied governments realised their troops were outnumbered by the Soviets at the end of World War Two and feared that if they were to attack, they would overrun Europe, the Middle East and the Far East. Establishing a rigid institutional measure that would guarantee a response to such an attempt was one way of countering this shared problem. This claim of states designing international institutions to further their shared objectives again reflects the rationalist line of

thinking, pursued by schools of thought, including internationalism, institutionalism and liberalism.

Although the rationalist approaches are more commonly drawn upon to explain institutional flexibility, explanations of the same phenomenon are also offered by scholars from the traditions that emphasise non-material factors, such as social linkages, perceptions and values. Rathbun (2011), for example, argues that the origins of several institutionally rigid elements of the League of Nations Covenant lie in the personal worldview of the document’s primary drafter, US President Woodrow Wilson. Such elements included automatic economic sanctions for states that did not submit to the appropriate dispute resolution mechanisms and a condition that an attack on one member was to be treated as a declaration of war on all. Wilson’s optimistic view of human nature led him to believe that sacrificing a degree of sovereignty by signing up to such inflexible measures was worthwhile for the overall endeavour of the League, although his opinion was not shared by members of the Congress at home, resulting in America’s absence from the League. Following a similar line of argument to explain a different outcome, Van Nieuwkerk (2003) and Ngoma (2004) both cite the influence of regional suspicion and rivalry as factors in the high degree of flexibility built into the 2003 Southern African Development Community Mutual Defence Pact.

*Control of Institutions*

The rules of procedure employed by an institution, or by specific powerful organs within an institution, largely dictate how the resources provided by its member states are utilised. It is unsurprising, then, that there is a significant breadth of literature that focuses on how, and by whom, international institutions are controlled (Hawkins *et al.*
Decision-making rules can take a variety of forms, varying from conditions requiring unanimity between members to requirements for a supermajority or a simple majority. Rules governing the allocation of seats in an organ can be inclusive of all members of an organisation or can identify methods through which membership is selected, for example by demonstrable criteria or election procedures.

The rules of procedure which have received the most attention from international relations scholars are those that dictate the workings of the UNSC. For those schools of thought that emphasise the importance of states and state power, particularly realists and realism-inspired schools, the Security Council is a helpful case to reinforce their claims about how the international environment comes to be governed. It could even be argued to reflect the phrase from the godfather of realism, Thucydides, that “the strong do what they can, and the weak suffer what they must” (Forde 1995). Despite well-founded fears of animosity between the West and the Soviet Union, the most powerful Allied nations accepted that a permanent seat and veto power would be accorded to the Soviets, as their military power was essential for enforcing world stability (Gareis and Varwick 2005, pp.6-7). If the concept of ‘World Policemen’ was to have a realistic chance, privileged status had to be given to those members that were most capable of policing other states (Posner and Sykes 2014). Luck (2008) claims the UNSC rules of procedure reflect the permanent five’s vital interests, adding that their priorities in designing the organ were “performance, unity and control, not equity”. Unsurprisingly for one of realism’s most prominent scholars, Hans Morgenthau (1972) also argues that the rules of procedure are reflective of the self-interested goals of the permanent five, describing the Council itself as an “international government of the Great Powers”.
A large number of studies have also been conducted on the origins of institutional control that support the claims of schools with greater belief in the utility of international institutions and in the willingness of states to cede some degree of sovereignty to solve shared problems. In their analysis of 266 intergovernmental organisations, Blake and Payton (2014) observed that in scenarios where an institution’s effectiveness and responsiveness is of critical importance to members, they are more likely to favour weighted majority decision-making rather than unanimity, so as to ensure the participation of important actors, such as major powers. In their analyses of a wide range of environmental and economic multilateral institutions, Downs et al. (1996; 1998) found that members’ domestic preferences were important variables in explaining membership expansions, with the door only opened to states with policy goals that reflected those of the current membership.

A separate field of literature puts greater emphasis on the effect that normative factors have on how international institutions are controlled. Krisch (2008) argues that the horrors of both World Wars prompted a re-evaluation of the concept of sovereign equality and convinced states to accept the need for strong international institutions, leading to privileges for the Great Powers in both the League of Nations and the UN. Gourevitch (1999, p.140) claims that in situations where actors struggle to grasp the implications of utilising a particular system of international governance, they will “fall back on broad philosophical beliefs” in making their choice. This is consistent with the assertions of Keohane and Goldstein (1993, p.16) who maintain that actors in the international arena draw upon ideas to serve as road maps under circumstances of uncertainty, which provide “compelling ethical or moral motivations for action”. Rittberger (2001), in his analysis of the origins of EU governance structures, found supporting evidence for the arguments of Gourevitch, Keohane and Goldstein,
observing that where states were unclear on the distributive consequences of institutional arrangements – particularly those that related to security – they resorted to norms of ‘appropriateness’ in guiding their preferences. In his examination of the institutional design of the League of Nations and the UN, Rathbun (2011) also argues that policymakers’ personal beliefs and ideologies played a role in how their respective security organs were constituted. The presence of states other than the great powers on the League Council was a reflection of Woodrow Wilson’s personal worldview, he claims, just as the inclusion of six non-permanent members alongside the permanent five on the UNSC was a result of efforts by ‘Wilsonians’ in the Roosevelt administration.

**Enforcement Powers**

The fourth and final common point of focus relates to the power that international institutions have to uphold and enforce their policies, rules and decisions. As indicated earlier, realists minimise the extent to which states actually cede power to international institutions, arguing that the existing patterns of power are merely recreated in the structures of the institution. The UN Security Council provides an example of this, with the permanent five’s vetoes and permanent seats severely restricting the organisation’s ability to reprimand the US, the UK, France, Russia or China (Morgenthau 1972). For realists, the 2003 US invasion of Iraq, which occurred without the legitimacy of a Council resolution, provides a more contemporary example of the inability of the UN to rein in the great powers (Walt 2008). As already detailed in the section on scope, non-realist rationalists emphasise the ability of international institutions to introduce decentralised enforcement “by creating conditions under which reciprocity can operate” (Keohane 1988). In other words, by facilitating patterns of regular interaction
between members, institutions acquire indirect enforcement power, as governments become less likely to pursue short-term gains that could threaten their acquisition of benefits from long-term cooperation.

A highly prominent enforcement-related point of focus in analysis of international security institutions that has emerged in the last two decades relates to the concept of Responsibility to Protect or R2P, which Hehir (2012, p.3) refers to as the “preeminent pro-intervention framework”. The relatively recently-established principle emphasises the duty of states to protect their own citizens from catastrophe and, when states fail in that duty, the responsibility of the international community to prevent or bring a halt to mass human rights atrocities.44 It has been cited as guiding interventions by the UN (Chandler 2004), NATO (Chesterman 2011) and looser coalitions of states (Weiss 2004) since even before the international community’s support for R2P was officially affirmed in the outcome document of the 2005 UN World Summit. Despite the strong normative character of the concept, some analysts have characterised it as little more than a new tool of powerful states – or “old wine in new bottles” – that could be interpreted in ways that reflected their interests (Reinold 2012; Welsh 2013; Stahn 2017). Emerson (2011), for example, points to the military actions taken by the West in Libya and relative inaction in the Syrian conflict as support for such a claim.

Other studies, however, give norms primacy, for example by pointing to the development of solidarity between a global community, bound together by shared values and responsibilities (Thakur 2016). Wheeler (2000) argues that the end of the Cold War, during which interventions were viewed as a stark violation of the UN Charter, facilitated the emergence of a new normative environment in which

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humanitarian interventions became legitimised. Some have argued that the adoption of R2P by the international community is a reflection of increased democratic government and respect for human rights within states (Andersson 2002; Perkins and Neumayer 2008). Others still have claimed the opening of a space for the concept is a result of the activism of particular norm entrepreneurs. Bellamy (2009) gives particular credit to the International Commission on Intervention and State Sovereignty, former UN Secretary General Kofi Anan and the Canadian government for promoting R2P to UN states before the seminal 2005 World Summit. These newly established norms have spread beyond the UN to other organisations also. Olsen (2008), for example, cites the influence of these new norms of solidarity inPrompting AU and EU efforts to resolve the Darfur crisis.

The above account captures some of the most prominent focal points from the literature on the organisational design of international institutions, particularly those with a security remit. Identifying the core dimensions of analysis in existing scholarship on institutional design helps provide a roadmap and rationale for focusing upon particular features of the APSA structure, which are returned to in Chapter 4. In addition, adopting a focus that is informed by previous studies makes easier the task of gauging the significance of this investigation’s findings in relation to existing literature. It is also worth noting that each of the design-focused studies cited above can be subsumed under one of the three broad theoretical approaches outlined earlier. This further supports the methodological choice, explained in detail in Chapter 5, of testing explanations for institutional design that are derived from the assumptions of neorealism, liberalism and constructivism.
Inter-State Negotiations

Analyses of international negotiations are less often guided by overarching theoretical paradigms by comparison to studies that attempt to explain state preferences and behaviour in the international sphere generally (Jönsson 2015, p.8). Though scholars have drawn upon the insights of law (Byers and Baker 2013), anthropology (Elgström 1994), social psychology (Fisher 1990) and several other disciplines to analyse international negotiations, a significant proportion of the field is guided by the principle of viewing negotiations as a bargaining process involving rational actors, following the lead of research in the fields of economics and cognitive science. A smaller proportion of the field has focused upon norms and other social factors as contributing towards the progression and outcome of negotiations.

Terrence Hopmann (1995) divides negotiation theory into two general strands, which he labels bargaining and problem solving approaches, likening the former to realism and the latter to liberalism. Both approaches are rationalist and assume that states are motivated in negotiations primarily by material interests. The bargaining approach adopts a zero-sum and competitive view of negotiations, with states prioritising relative over absolute gains. An example is provided by Michael Mastanduno’s (1991) analysis of American trade negotiations with Japan, during which officials worried that a mutually beneficial agreement would ultimately imperil the competitiveness of the US economy. Without denying that some distributive conflict will be present in almost all negotiations, the problem solving school shows greater optimism regarding cooperation due to its more complex view of how interests are derived, for example by allowing a role for policy interdependence, shared interests between domestic actors and the facilitative role of international organisations. Andrew Moracsik’s (1998) analysis of negotiations regarding a number of seminal EU treaties is one of the most prominent
examples of research that reflects this approach. He draws particular attention to the leverage held by states with the most viable alternatives to agreement (the least dependent actors). Similar claims regarding the importance of issue salience have been made by Odell (2009) in his analysis of World Trade Organisation (WTO) negotiations, while Da Conceição-Heldt (2006) has also highlighted the importance of parties having viable alternatives to agreement in her investigation of negotiations regarding European fisheries policy.

Although norm-based literature is often more concerned with the long-term effect of normative change on the international political environment, some scholars have also tackled negotiation processes, generally from a constructivist perspective. In keeping with the broader constructivist agenda, these studies tend to focus on the power of ideas, values and political discourse to influence negotiation outcomes (Schmidt 2008). International organisations in particular are deemed to exert a strong normative influence over negotiating states by emphasising standards of appropriateness for the community of members, leading to the emergence of procedural norms that can affect negotiation outcomes (Thomas 2009). For example, Lewis (1998) points to the effect that a culture of compromise and community has on the collective decisions of the EU Committee of Permanent Representatives. Also focusing on the EU, as does a significant proportion of analyses on multilateral negotiations, Novak (2010) found that prevailing cooperative social norms in the European Council had a significant effect on achieving negotiation agreement. Frank Schimmelfennig’s study of the EU’s Eastern enlargement also emphasises the importance of the fundamental ‘European’ norms of liberal democracy, market-based economies and respect for human rights. Existing member states, with short-term economic interests that were not served by expansion,
were convinced to agree to enlargement by arguments tied to the commitment of the prospective members to these norms (Schimmelfennig 2001).

As was true of the studies discussed in relation to institutional design, the analyses discussed above can each be accommodated, in broad terms, within either the neorealist, liberal or constructivist schools of thought. It is also true to say that both the studies listed here and most of the broader international negotiation literature focus upon processes in the West, with only a very meagre proportion of existing scholarship addressing negotiations involving African states. Much of the relatively paltry research that has been conducted on negotiations involving African actors tends to focus on conflict resolution efforts, often in national settings (Ferme 1998; Guelke 2004, chapt.8-10; Ford and Tienhaara 2010; Seidel and Sureau 2015). Though of undoubted value, such studies concern negotiations that are quite different from those held to construct the APSA framework, with the conflict resolution literature being distinguished by factors such as simmering grievances, distrust, ongoing or imminent violence, and more immediate and dire consequences to non-agreement. The edited collection *African Agency in International Politics* (2013) does provide a rich analysis of various negotiation processes across a variety of issues, all of which featured African actors. However, in each case, the focus is on the interaction of African negotiators with non-African counterparts. Far more difficult to discover is research that has focused on multilateral negotiations held solely between African states.

**The African Peace and Security Architecture**

Although African politics is no longer as marginalised by the discipline of IR as it was at the turn of the Millennium, at which time Kevin Dunn (2001, p.2) argued that Africa
was “absent in theorising about world politics”, research on the AU and its security Architecture remains scant by comparison to that which has been conducted on comparable, generally Western, institutions. Rather than its origins, the recently increased scholarly focus on APSA has tended to address the framework’s potential for furthering peace and stability on the continent going forward (Kingebiel 2005; Engel and Porto 2009; Vines 2013). What studies have afforded attention to the Architecture’s establishment and design have tended to do so tangentially, as part of a larger explanation of a different outcome. For example, without devoting in-depth attention to specific security arrangements, APSA is often described as part of the bigger picture of the AU’s establishment, which is characterised variously as a response to globalisation, the end of the Cold War, the growing popularity of liberal democratic principles and the realisation that conflicts, particular those with spillover effects, are better handled collectively than by individual governments (Francis 2006; Kagwanja 2006; Makinda and Okumu 2008). In most instances, particular states and leaders are credited with driving forward the creation of the institution and its security framework. Several studies give considerable credit to the governments of South Africa and Nigeria (Adebajo and Landsberg 2003; Franke 2008), while also allowing for the influence of Gaddafi-led Libya (Baimu and Sturman 2003; Tieku 2004). A small number of authors even suggest that Gaddafi, rather than his South African and Nigerian counterparts, was the primary architect of the AU and its security Architecture (Magliveras and Naldi 2002; Chorin 2012; Welz 2012). No existing account, however, provides a comprehensive description of the process of preference formation within states in relation to how the Architecture should be constituted.

In the relevant literature, norms, ideology and identity are frequently cited as critical factors in understanding the form and function of APSA. Kagwanja (2006), for
example, argues that the AU’s embrace of human security and a humanitarian-based intervention mandate originated in South Africa’s ruling African National Congress’s (ANC) human rights-based foreign policy, giving particular credence to the nation’s president Thabo Mbeki, while also acknowledging the compatible ideological persuasion of Nigeria’s Olusegun Obasanjo. Williams, in a similar vein, uses the concept of norm localisation to analyse the origins of APSA’s institutional intolerance of unconstitutional changes of government and embrace of the Responsibility to Protect. The sections of the AU’s Constitutive Act in which these principles are enshrined, according to his analysis, are the end result of a process “wherein local agents reconstruct foreign norms to ensure the norms fit with the agents’ cognitive priors and identities” (2007, p.256). Franke (2008) argues that sustained interaction, the end of Cold War superpower support and a sense of disappointment in the international community’s willingness to help Africa facilitated the development of shared norms and mutual trust, which in turn informed common perceptions of security threats and how best to handle them. From a similar perspective, Engel and Porto (2009) claim that increasing democratisation and a series of devastating conflicts brought about a re-envisioning of Pan-Africanism to incorporate human rights and the idea of sovereignty as responsibility. Although his book is more a constitutive account of the AU’s institutions and a series of recommendations for how they can improve, Timothy Muruthi’s *The African Union - Pan-Africanism, Peacebuilding and Development* (2005) also describes the AU’s Peace and Security Council as a manifestation of Pan-Africanism and the continent’s commitment to protect its people.

Another set of accounts are more inclined to characterise APSA as an instrumental response to pressing security challenges facing the continent. Touray (2005), while highlighting that the end of the Cold War facilitated a shift from realist to idealist
thinking among African leaders, says that the AU’s approach to security reflected the specific shared challenges the continent faced at the time, which were much better dealt with as a collective. Events in the 1990s, such as the Rwandan genocide and multiple large-scale civil wars, made it apparent to governments that help from outside the continent could not be relied upon to stop increasingly violent conflicts in Africa. In addition, when help was offered, African governments were often suspicious of the intentions of the Western intervening powers. It was also recognised that many of these conflicts began as a result of bad governance and violations of human rights on the national scale but finished as enormous conflicts with regional implications, prompting a reappraisal of how security was defined, particularly in relation to the notion of non-interference in states’ internal affairs. Hailu (2009) takes a similar line, describing the AU and its security framework as a reaction to the failures of the OAU. Concerns reflective of realist thinking have also been cited in accounts of the construction of the framework. The Libyan government, for example, was purportedly opposed to the embrace of a human security-focused APSA and to providing the AU with a mandate to intervene in national affairs, due to the threat that such powers could represent to Gaddafi’s internal right to govern as he pleased (Baimu and Sturman 2003; Kioko 2003).

Despite the apparent conflicting preferences between states involved in creating APSA, and the potentially significant contribution that an account of negotiations could make to both international relations literature and the historical record, nothing approaching a comprehensive description of the negotiations has been written. To the extent that a record exists of the negotiations on treaties that provided legal enforceability to APSA, they are contained within media reports from the period, and incidental mentions in works in which they are not the central focus. Examples include Gumede’s *Thabo*
Mbeki and the Battle for the Soul of the ANC (2007) and Abegunrin’s ‘From Organisation of African Unity to African Union’ (2009), both of which detail disagreement between South Africa and Nigeria on one side, and Libya and its allies on the other, regarding the inclusion of governance and human rights protections under the remit of the AU. However, in both of these narratives, as with many of the others cited above, such detail represents little more than a footnote in a larger account with a broader, if not entirely different, focus.

The absence of an authoritative account of the negotiations represents the biggest, but by no means the only, significant gap in the academic literature on the establishment and design of APSA. Work that has focused on the origins of the framework, to date, has been largely descriptive rather than theory-based, and in many cases contains only tangential references to the process on which this study is focused. A significant proportion of the research that has been conducted on APSA’s origins as they relate to the broader field of international relations has tended to adopt quite a general focus, for example by examining the international environment that facilitated the creation of a new institution but paying little heed to its constituent parts. The research that has been more specific has largely focused on the AU’s right of intervention, with a handful of those studies extending their focus to include the organisation’s adoption of a human security mandate. All of the above highlights the value of a systematic empirical analysis that tests alternative and partially competing explanations across a larger number of focal points than has been previously attempted.
Conclusion

A number of important points, drawn from the preceding pages, point to the value of an investigation into the design of APSA, in particular one that gauges the significance of that process by comparison to the wider IR literature on the establishment of international institutions. Though a diverse selection of theories and ideas have developed over recent decades to better understand interaction and cooperation between states, it is still possible to discern some broad overarching categories, bound by common assumptions and points of emphasis. Realism, in some form, has been a virtual constant and is best represented today by its neorealist incarnation. Another field of rationalist approaches also emerged that moved beyond the anarchic international environment into the inner workings of the state and the external promise of international institutions, many of which can be captured nowadays under the liberal banner. Alongside this expansion of the rationalist approaches was the emergence of the non-rationalist (or non-materialist) schools, which emphasised the conditioning effect of values, ideas and norms on states’ preferences. Constructivism is probably the most conspicuous contemporary approach to reflect these emphases. Highlighting the prominence of these three perspectives in IR scholarship bolsters the rationale for testing explanations derived from neorealism, liberalism and constructivism against empirical data in later chapters.

A similar supportive function is served by providing a snapshot of the common focal points of studies that have addressed institutional design. This supplies us with a roadmap for how to proceed with the analysis, and lays the foundation for Chapter 4, where more specific detail is provided on how the scope of issues, flexibility of arrangements, institutional control and enforcement powers are embodied within
APSA. In addition, adopting a focus that is informed by previous scholarship helps counter potential accusations of cherry-picking design features to suit a desired outcome, and increases the relevance of the ultimate findings to the wider field. Though inter-state negotiation analysis is less often guided by theoretical paradigms, reviewing existing literature nonetheless highlights that the guiding assumptions of most studies can also be comfortably subsumed under at least one of the three theory-based approaches. Identifying this common theoretical thread through the different branches of the literature indicates further promise for the theory-testing element of this research, as it supports the use of a common theoretical framework across different stages of institution creation. Of course, considering existing negotiations literature also helps gauge the significance of the findings in relation to the APSA negotiations by reference to similar processes elsewhere.

Just as African institutions, and in particular APSA, are underrepresented in mainstream international relations scholarship, only a small proportion of the accounts on the origins of APSA have been written in a way that situates the analyses within the field of international relations. Most of the small field of research conducted on the process has been more historical and descriptive than theoretically-analytical. The paltry number of studies that have been conducted from an international relations perspective have tended to examine the establishment of APSA in ways that are either tangential or quite general. The most in-depth analyses of the institution’s design have not extended beyond examination of the AU’s right to intervene and its embrace of human security. The dearth of accounts on the negotiations to decide upon the organisational design of APSA represents one of the most notable absences from the historical record of the AU. However, this absence also represents a valuable opportunity to compare the progression and outcome of the negotiations with what
would be expected by theories developed for the analysis of such processes, but generally with negotiation processes from other parts of the world in mind.

With all of the above taken into account, the benefit of investigating the origins of the organisational design of APSA should be apparent. A study that uncovers the variables that influenced the composition of the framework provides the opportunity to test the applicability of traditional IR approaches to a process from a region that is under-represented within the discipline. Aside from the significance the findings would have in a theoretical sense, an investigation of this sort is also warranted by the clear gap that exists in the historical record of APSA’s creation. Given that the framework is touted by the AU as Africa’s blueprint for the promotion of peace and stability, filling this gap not only holds the potential for interesting analytical findings. It also helps populate a barely-written but highly important chapter in the history of African continental security cooperation.
Chapter 4 - Methodology

This study addresses the question of why states cede sovereignty to international institutions, and tests the ability of three of the most prominent international relations theoretical approaches to provide a convincing explanation for such outcomes. The test is conducted through a case study analysis of the process of designing the AU’s APSA framework, starting from the point of foreign policy formulation in individual countries and ending with the adoption of a number of critical, security-focused treaties by the AU Assembly. By drawing upon the core assumptions of neorealism, liberalism and constructivism, it is possible to derive sets of predictions regarding how different elements of the institutional design process should progress. The accuracy of the theory-based predictions can then be tested by close examination of the evidence. With the overall accuracy of each set of predictions gauged, it is possible to make a statement on why states decided to cede sovereignty in this individual case, as well as a comment on the relative explanatory power of each approach in relation to a process and outcome from outside their traditional environment of application.

Though the broad contours of the study are relatively straight-forward, the finer details of its operationalisation are somewhat more complex. The robustness and defensibility of the conclusion rest upon a research process that is guided by existing best practice and a commitment to transparency, replicability and rigour. This chapter works towards those ends by detailing the assumptions guiding the analysis and describing the approach for the collection and interpretation of data. The next section provides a detailed account of the research design being employed to achieve this project’s goals. After that, a section follows which ties the case study to the overarching conceptual framework, including discussion of the specific organisational design features of APSA
that are focused upon, as well as the states that make up the sample. A discussion of the practical challenges entailed in an analysis of this kind on APSA is next, before the chapter concludes with an acknowledgement and short account of the limitations involved in taking the selected methodological approach.

Research Design

Hereunder, a more detailed description of the methodological approach is provided, starting with a clarification of the study’s epistemological underpinnings, followed by a specification of the types of outcome that this study seeks to better understand, and finishing with a description of the analytical technique being used.

Before a credible process of theory-testing can begin, it is vital to first make clear the epistemological perspective of the tester as well as the specific variants of theories being examined, so as to prevent future confusion or accusations of misinterpretation. A comprehensive description of the theoretical approaches, as well as the predictions drawn from their assumptions, is provided in Chapter 5. However, one particular theoretical point is worth highlighting here, due to its significance for the validity of the testing process. While the positivist approaches of neorealism and liberalism are well established, there is a greater degree of internal contestation within the constructivist school. For this study, the positivist ‘middle ground’ interpretation of constructivism is being tested, implying social ontology but a positivist epistemology (Adler 1997; Checkel 1998). This particular variant of the tradition is the one that is most commonly applied in scholarship, but is also the most suitable for deriving testable predictions (Katzenstein et al. 1998), meaning it lends itself best to comparison with
the two other rationalist schools and is also in keeping with the scientific realist underpinning of this study (Joseph and Wight 2010).

The previous chapter on existing research served the dual purpose of embedding this piece of research into a wider field, while also providing an indication of the types of features of international institutions that scholars have tended to focus upon in the past. Guided by the focus adopted by such studies, as well as the overarching enquiry into why states cede sovereignty, the origins of four elements of institutional design will be examined here. They are an institution’s scope of activities, the flexibility of its institutional arrangements, the mechanisms in place for control of the institution, and its enforcement capability. The prominence of these foci in existing research was detailed in Chapter 3 but a brief explanatory point on their potential to affect state sovereignty is appropriate here, to complete the justification. The scope assigned to an institution by its members dictates its areas of responsibility and authority, which can impact upon state sovereignty, depending on whether or not such responsibilities and authority were previously held by states. An institution’s rules dictate states’ commitments to the institution and other members, and the flexibility of those rules dictate the extent to which states have freedom to interpret or even sometimes break those rules, with obvious knock-on effects for sovereignty. The mechanisms in place for the control of some, or all, of an institution has a clear connection with sovereignty also, particularly when an institution is empowered to supersede the authority of members. The same can be said of an institution’s enforcement capability, the strength of which informs the powers of coercion and reprimand that the institution can take against deviant members. A description of how these institutional design features are reflected within APSA will be addressed in a later section in this chapter that deals with the specifics of the case study.
This study’s approach shares something in common with the congruence method of analysis, in which theory is refined to develop multiple predictions regarding a relationship between an independent and dependent variable, which are then tested against a single or small number of case studies (Volker Rittberger 2001; George and Bennett 2005). Similarly, testing here is conducted on theory-based predictions and their underlying rationales, in relation to state preferences, and across three different dimensions of international negotiations. For each of the three international relations approaches, a two-phase test (state preferences and their related logics) is applied across each design feature, while theory-guided predictions are also assessed in relation to states’ negotiation priorities and tactics, and the outcome of negotiations. The higher level of consistency displayed between the predictions and the empirical data, the greater credence one can allow for the likelihood of a particular approach having explanatory value.

For reasons of feasibility, it is not possible to assess the position of every AU member in the sample for this study, so the focus is narrowed to a small number of large states that bore significant influence over the evolution of APSA and the wider organisation. There are a number of reasons guiding this choice, the first of which relates to the overall goal of examining the reasons behind cession of sovereignty by states to international institutions. Given that focus, the most interesting states to study are the largest, since they are ceding more than other members, by virtue of having greater resources and thereby being more likely to bear a significant share of the institution’s funding and resource requirements. It is probable that larger states will also have less to gain, in security terms, than smaller states, since the former are far less likely than the latter to require the assistance of the institution, all else being equal, in the face of external attack or internal unrest. Finally, the historical record guides the selection of
states – which is returned to in more specific detail in the next section – meaning the existing record provides an indication of which states were most influential in driving forward the institutional innovation that became APSA, and therefore occupy a central position in this study. A precedent for this approach has been set by Andrew Moravcsik (1998, p.13), in his analysis of European integration, which afforded a central focus to the “three major EC governments – Britain, France and Germany”.

The empirical data required in order to complete the testing process can be broken up into two broad categories, the first of which will provide detail on the preferences of states and the factors that led to those preferences, while the second category will offer information on the evolution and outcome of negotiations. Robust empirical data on these two processes and outcomes facilitates the testing of the theoretically-derived predictions. In order to bolster the robustness of the data, claims regarding either states’ preferences or the negotiations are only made when they are supported by multiple sources and the case for contradictory claims remains weak. The more numerous and disconnected supporting data sources are for a particular claim, the stronger that claim is considered to be. A significant proportion of the data used in this study is drawn from interviews with policymakers, advisors and international institution officials. Incentives can exist for such individuals, knowingly or unknowingly, to recall the past in a light that presents their government, country, organisation or themselves in a positive, and potentially inaccurate, light. This highlights the importance of drawing upon a diverse selection of other sources for verification of claims. For example, if a policymaker claims that their government favoured an institutional scope that included significant human rights protections, the claim is strengthened by an observed pattern of support for such an agenda by that government in other arenas, such as the UN or one of Africa’s regional economic communities (RECs). Similarly, if a supranational
official claims one state tried to use its economic weight to push its agenda in negotiations, the task of the researcher is to establish whether that particular government has displayed a consistent tendency to employ such a tactic in their multilateral or bilateral diplomacy.

Given the task outlined above, some data used in this study will shed light on state preferences and negotiation tactics specifically in relation to APSA, while other pieces of data will provide an indication of more general trends in state preferences and behaviour. A selection of primary interviews with policymakers, their advisors, and AU officials, each of which can be cross-checked against one another, goes some way towards serving this purpose. Supporting or contradictory evidence for the claims made in interviews is drawn from a broad variety of other sources also, including existing academic literature, media reports, speeches, parliamentary debates, official documentation from the international institution (such as summit reports), foreign policy archives of individual states or reports published by NGOs. Further detail is provided on the types of data sources used in this study in the next section, which ties the research design outlined above to the specific circumstances of the establishment and design of the APSA framework.

The Case Study

For reasons of replicability, the research design outlined in the previous section is described in the abstract, but of course each case study has its own unique aspects. The purpose of this section is to apply the general design to the specifics of the case. It begins by identifying the particular aspects of APSA that most closely reflect the four elements of organisational design outlined earlier. Next, it explains why particular AU
member states were selected for close analysis. After that, there follows a description of the types of actor that make up the interview sample, as well as detail on the supplementary data drawn upon to answer the research question.

It is a relatively easy task to identify elements of APSA’s institutional design that bear close resemblance to the four design features identified earlier, namely the institution’s scope, flexibility of arrangements, mechanisms of control and enforcement capability. Each of the relevant APSA design features is given legal force by treaties, adopted by the AU Assembly between the years 2000 and 2007. In some instances, the design features are captured in their entirety in a single treaty, while the content of others is drawn from across a number of documents. The scope of APSA falls into this latter category. Given that APSA is a security institution, ‘scope’ as it is described here refers to the definition of defence and security that the AU employs. That definition is informed by a series of legal instruments, namely the 2000 AU Constitutive Act, the 2002 Protocol Establishing the Peace and Security Council, the 2004 Common African Defence and Security Policy and the 2007 African Charter on Democracy, Elections and Governance. Together, these documents provide a coherent and clear description of what constitutes a defence or security issue, thereby outlining the spectrum of policy competences for the organisation. The second design feature relates to the flexibility of institutional arrangements or, to put it another way, the extent to which members can choose how (or if) they respond to uncertain developments in the future. In the APSA framework, one of the design features in which the level of flexibility is of critical importance is the AU defence pact, the content of which is captured in a single instrument, the Non-Aggression and Common Defence Pact (2005).

Although one could argue that the most important control mechanisms within the AU are those which dictate procedure in the organisation’s Assembly of Heads of State and
Government, given this study’s focus on APSA – as opposed to the AU – the rules of procedure of the AU’s Peace and Security Council are a more valid point of focus. The Council’s powers, which are outlined along with its rules of procedure in the 2002 Protocol Establishing the PSC, include the authority to deploy peace support operations and institute sanctions, which further highlights the importance that sovereignty-conscious states would assign to its mechanisms of control. The fourth and final design feature relates to the enforcement capability of international institutions and, once again, a particular element of the APSA framework encapsulates the organisation’s capability in this regard. The circumstances under which the AU is legally entitled to intervene on a member state’s territory was initially outlined in the Constitutive Act of 2000, but has since been reiterated in a number of security-focused treaties, including the PSC Protocol in 2002 and the CADSP in 2004.

In an ideal world of unlimited time and resources, this study would take into account the preferences of each of the member states that adopted the various legal instruments that give enforceability to APSA. However, as indicated in the previous section, feasibility dictates that the focus be narrowed down to a select few. The existing historical record of the AU’s establishment proves helpful with selecting the most suitable states for analysis. It also points in the same direction as the guiding rationale of selecting states that are most likely to do the future heavy lifting, in a security sense, for the organisation. Close examination is conducted on the process of policy formulation in South Africa and Nigeria, each of which is the focus of a case study chapter, while a later chapter on the negotiations will provide detail on the preferences of states that considered themselves aligned with Pretoria and Abuja, as well as those of the Libyan government and its allies. There is a near consensus in academic, media and historical accounts regarding the predominance of the South African and Nigerian
governments in guiding the establishment of the AU and APSA (Adebajo and Landsberg 2003; Tieku 2004; Alden and Soko 2005). Ideally, the interview sample would have included subjects that were involved in foreign policy formulation under Muammar Gaddafi also. The former Libyan leader is regularly cited as another important figure in the establishment of the AU and often took an opposing position to that of the South African and Nigerian governments. (Magliveras and Naldi 2002; Welz 2012). However, practical challenges, which will be outlined in the next section, meant it was not possible to include interviewees from the Gaddafi regime.

The process of selecting interviewees for the study involves examination of academic and non-academic literature, media reports and official documents from NGOs, the OAU/AU and national governments. Individuals that are reliably and consistently reported to have borne influence over, or witness to, the process of national foreign policy or AU security policy formulation between the years 2000 and 2007 are identified as ideal interview candidates. In relation to the South African and Nigerian governments, this ideal sample includes the presidents of both states and their cabinets, as well as a selection of advisors drawn from their political parties, diplomatic corps, the military, foreign affairs departments and personal circle of friends. At the level of the OAU/AU, the sample is made up of a variety of officials that were present for, and in some cases participated in, the planning and negotiating of the establishment of the AU and its security Architecture. Interviewee selection continued throughout the field research, with an ongoing process of snowball sampling employed, whereby further subjects are identified through referrals by interviewees and other people with authoritative knowledge of the processes with which this study is concerned (Biernacki and Waldorf 1981).
Of all the figures that had influence over South African foreign policy during the era in which the OAU transformed into the AU, none comes close to the primacy of the country’s president at the time, Thabo Mbeki. Having left his homeland in 1962 to avoid detention by the apartheid regime, Mbeki became one of the leading ANC figures in exile. He was a key figure in negotiations with the former government, and would go on to serve as Deputy President in the Government of National Unity before succeeding Nelson Mandela as President in 1999. While in exile, Mbeki developed a reputation as an expert in international relations and by the late 1980s was considered the de facto ‘foreign minister’ of the ANC (Siko 2014, p.190). Amongst his deployments as an ANC representative abroad was a stint as the head of the party’s office in Nigeria. There, he met for the first time and developed a good relationship with his future collaborator on the AU project, Obasanjo, who was Nigeria’s military ruler at the time. In his book Inside South Africa’s Foreign Policy (2014), John Siko writes that foreign policy formulation under President Mbeki was cabalistic and personalised, with a relatively small number of fellow former exiled ANC comrades called upon for advice. This cohort included foreign ambassadors Sipho George Nene and Welile Nhlapo, Speaker of Parliament Frene Ginwala, Deputy Director General for Multilateral Affairs in the Department of Foreign Affairs (DFA) Abdul Minty, head of the Policy Unit in the Presidency Joel Netshitenzhe, Deputy Foreign Minister Aziz Pahad and his brother Essop Pahad who went on to become Minister in the Presidency, as well as former Directors General of the DFA Sipho Pityana (1999 to 2002) and Ayanda Ntsaluba (2002 to 2011).

In government, Mbeki’s role as the primary decision-maker in foreign policy was unquestioned amongst his peers, even before he became President. Sipho Pityana said post-1994 foreign policy was “riddled with Mbeki’s influence” and also emphasised
the importance of Mbeki’s personal ties in guiding which advisers held influence. For
example, Aziz Pahad – whom Mbeki met in college in the 1960s and went on to serve
as Deputy Foreign Minister – was said to have played a far more significant role in
foreign policy than his supposed superiors. According to Pityana, “The key person in
DFA in influencing Mbeki’s thinking was Aziz. Both Nkosazana (Dlamini-Zuma,
Foreign Minister 1999- 2009) and Nzo (Alfred, Foreign Minister 1994 – 1999) were
more abroad than they were at home, and the consequence is that they had very little
capacity to influence”.45 One other category of advisors worth mentioning here are
those drawn from academia. Certain individual academics, such as Anthoni Van
Nieuwkerk, Peter Vale and Chris Landsberg, were frequent advisors to the Mbeki
administration on security matters, with the latter serving as one of the drafters of the
AU’s Vision and Mission Statement while commissioned by the South African
government.

Even by comparison to the closed nature of foreign policy formulation in South Africa
at the turn of the Millennium, the number of actors that contributed towards foreign
policy in the Nigerian Government at the same time was very small. Decision-making
and policy formulation was dominated by President Olusegun Obasanjo. The country’s
foreign policy was criticised for lacking in robust debate (Amuwo 2014) and Obasanjo
himself has been referred to as being “his own foreign affairs minister” (Fawole 2004;
Itugbu 2017). That same title was assigned to Obasanjo by the United States
Ambassador to Nigeria, Howard F. Jeter, in a diplomatic cable he wrote in May 2001,
which outlined the level of freedom the President had in writing foreign policy:

Obasanjo has embraced his foreign affairs portfolio as though it offers him a
welcome respite from the rough and tumble of domestic politics. In the area of
foreign affairs, he can behave as a general. He has a great deal of latitude to

45 Transcript of interview conducted with Sipho Pityana by John Siko.

Jeter went on to claim that Obasanjo had a very small group of long-time associates upon whom he relied for advice on foreign affairs and that, as far as the Ambassador knew, the group did not include senior officials from the Ministries of Foreign Affairs or Defence. He added that the President sought the counsel, on a daily basis, of Aliyu Mohammed Gusau, a retired Lieutenant General from the Nigerian army who served as a National Security Advisor under Obasanjo.

On matters relating to the OAU/AU, Obasanjo worked closely with his Director of African Affairs in the Ministry of Foreign Affairs (MFA), Olufemi George. In his memoirs, George wrote that he prepared the first draft of the 2001 Declaration of the OAU Assembly establishing the AU, based on handwritten notes provided by the President. Another passage in George’s book further highlights the extent to which Obasanjo’s influence was felt on Nigerian foreign policy.

All the actions taken in 1999 pointed to the fact that President Obasanjo was determined to be more involved in the execution and formulation of foreign policy. Could this be due to his not too flattering views of the Foreign Service and its personnel? In the course of defending this situation to journalists, the Foreign Minister had alluded to the fact that whether it is recognised or not, President Obasanjo as the President was the chief foreign policy official of Nigeria.\footnote{George, O. (2012) \textit{From Rookie to Mandarin: The Memoirs of a Second Generation Diplomat}, Ibadan: BIP.}

Over the course of the period in which APSA was established and designed, Abuja worked very closely with its diplomatic corps in Addis Ababa, a member of which was interviewed for this study along with one of his old colleagues, a former high-ranking official from the African Affairs division of the MFA. The diplomat in question
participated in virtually all significant policy meetings related to the establishment of the AU, communicating proposals to his government “with appropriate observations, explanations and recommendations as to what should be Nigeria’s response”. This diplomat and the official from the African Affairs division were in daily contact during this pivotal period, with the latter conveying the diplomat’s reports to President Obasanjo and Foreign Minister Sule Lamido, as well as participating in subsequent consultations on strategy.

Identifying suitable candidates at the OAU/AU is more of a difficult task, given that far fewer books and research articles have focused upon the inner workings of an African regional organisation than on the governments of two of the continent’s biggest powers. Two of the few prominent names in the organisation that played an important role in laying the groundwork for APSA include the last Secretary General of the OAU Salim Ahmed Salim, as well as Salim’s former chef de cabinet and the first Commissioner for Peace and Security at the AU, Said Djinnit. For the most part, however, OAU/AU officials that were involved in negotiations to establish APSA – as mediators, adjudicators or policy advocates – are unlikely to have their names in the public arena. In the absence of a detailed account of such pivotal actors, however, the snowball sampling method proved highly beneficial as did the ability to offer guarantees of anonymity to subjects.

The above represents a sample of an ideal interviewee list across the South Africa and Nigerian governments, and the OAU/AU. In the next section on practical challenges, detail is provided on efforts to secure interviews with the above subjects along with a list of those individuals whose testimony ultimately features in the study.

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48 Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU, centrally involved in negotiations related to the establishment of APSA.
In terms of data to corroborate claims regarding state preferences, their underlying logics and the evolution of negotiations, a variety of sources are drawn upon. The foreign policies of the Mbeki and Obasanjo administrations have both been the subject of a healthy academic and historical literature (Adebajo and Landsberg 2003; Bach 2007; Vale 2010; Badmus and Ogunmola 2017). Several of the central actors within those administrations have written memoirs and personal accounts of their time in government (George 2012; Obasanjo 2014; Mxolisi Ndlovu and Strydom 2016). This field provides a fruitful source of data, not only with regard to South African and Nigerian dealings with the AU but also in relation to other aspects of their international relations, which can be examined to identify patterns in policy that might support or contradict government preferences claimed in interviews by policymakers. Media reporting from the period under examination can also be drawn upon, given the reasonably healthy and independent state of the press in both countries at the time.49

The Department of International Relations and Cooperation (DIRCO) in South Africa serves as a valuable source of data regarding Pretoria’s preferences and strategies with regard to the AU, in the form of documents that include speeches, internal reports, position papers and correspondence between departments. Although in a much earlier stage of development, the Olusegun Obasanjo Presidential Library (which was opened during the data collection phase of this project) also contains a foreign policy archive with some useful documentation. Other non-state, or government-aligned, sources

include reports from NGOs and the Wikileaks archive, which are particularly useful for data of the sort that is unlikely to feature in official documentation.

Collecting data that relates to the preferences of other states involved in negotiations, as well as the negotiations themselves, is something more of a challenge, given that the process has been the subject of relatively little attention by individual academics or institutions. Media coverage exists of some of the most important stages of the negotiations but this is of limited benefit, since it generally focuses upon the broader issues at hand and the personalities involved rather than the dynamics of the negotiations. Voting records from the AU Assembly, where each of the APSA-related instruments were adopted, are not available as the organisation does not make them public (nor does it disclose whether or not a vote was even required). This is not such a loss though, as voting records are not necessarily good indicators of a state’s actual preferences. The AU does, however, make ratification records available for each member across every treaty, convention, protocol and charter adopted in the Assembly. These records are viewed as an indication of a state’s support, or lack thereof, for particular decisions, with those that are in favour deemed more likely to undergo the ratification process in their national parliaments. According to one senior official in the AU Peace and Security Department, the ratification record is a much more accurate reflection of a state’s preferences than what is actually adopted in the Assembly, where decisions can be taken by a two-thirds majority.50 In terms of capturing which states excelled over others in negotiations, the interview data acquires additional importance, given the almost total absence of documentary evidence to convey how they progressed. One advantage that the interview data in relation to the negotiations has over interview data relating to state preferences is that a broader array of interviews

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50 Interviewee E: Senior official from the AU Peace and Security Department.
(those from multiple states as well as OAU/AU officials) can be drawn upon for cross-checking of claims. In addition, the broader literature on particular states’ foreign policies prove useful, as claims of adopting a particular negotiating strategy can be supported or called into question by observed patterns of that strategy being employed by the same state at different times.

The above reflects, to some extent, an ideal repository of interviewees and data sources, but of course not all sources provide complete or accurate data and not all potential interviewees are amenable to partaking in a research project. Efforts to overcome such obstacles are detailed in the next section.

Practical Challenges

Some of the difficulties with conducting this study have already been indicated, either implicitly or explicitly. The two most important of these relate to gaining access to interviewees and establishing the policy preferences of states that were not represented in the interview sample, most critically Libya. To that can be added difficulties in accessing particular items of documentary evidence. This section outlines how and why these arose, how they were overcome – where possible – and how to minimise their effect when they proved insurmountable.

Even within the parameters of the interview sample decided upon for this study, consisting of actors from South Africa, Nigeria and the OAU/AU, making contact with and organising meetings with subjects proved a significant challenge. None of the politicians that feature in the sample have personal websites through which they can be contacted, and attempts to use contact details that were available online for government
or AU officials proved fruitless. This necessitated travelling to meet the vast majority of interviewees, although the travel had to precede the setting of interviews in most cases because of the difficulties in establishing initial contact. Only one interview (President Obasanjo) was organised in advance of my field trip. In some cases, I relied upon referrals from organisations and academics with whom I made contact, particularly faculty members from the Department of International Relations at the University of the Witwatersrand in South Africa, where I spent a number of months as a visiting student. After completing certain interviews, a number of respondents also agreed to provide me with referrals, and in some cases introductions, to other interviewees. The majority of interviews were conducted in person, a small number were conducted over Skype and two consisted of open-ended questionnaires and subsequent email correspondence.

In total, between in-person discussions, Skype conversations and open-ended questionnaires, 27 respondents participated in interviews for this study. One of the most prominent names to feature in the sample is President Obasanjo. Interviews were also conducted with three of his former advisors, two senior MFA officials and a high ranking member of the military, all of whom requested that their anonymity be retained. It was not possible to secure an interview with South Africa’s President Mbeki but several of his close advisors did contribute to the study, including Aziz and Essop Pahad, Welile Nhlapo, Sipho George Nene, Chris Landsberg, Ayanda Ntsaluba and two former senior DFA officials, with extensive involvement in the APSA negotiations across several years, who asked to remain anonymous. In addition, a number of transcripts of interviews conducted by John Siko for his book, Inside South Africa’s Foreign Policy (2014), including one with former DFA Director General Sipho Pityana, were also obtained and permission to use them in this study was kindly granted by the
author. At the level of the OAU/AU, the most prominent names to be interviewed were Said Djinit, the first AU Commissioner for Peace and Security, and Admore Kambudzi, one of the formulators of the concept of APSA (when working as a UN-appointed consultant at the AU) and a regular presence at inter-state negotiations to plan the framework. In addition, a number of other officials were interviewed, the majority of whom participated on condition of retaining their anonymity. Despite significant efforts, it proved impossible to make contact and conduct interviews with individuals that were involved with foreign policy formulation in Libya under the leadership of Col. Gaddafi. Their inclusion in the interview sample would have been a valuable addition to the study, given that Libya was often the strongest voice speaking against many of the propositions made by South Africa and Nigeria. Attempts were made to contact such actors through correspondence with former Libyan Ambassadors, academics with a focus on Libyan foreign policy and history, the Society for Libyan Studies in Britain and activists that worked to secure the release from prison of Gaddafi’s son, Saif. However, all such efforts proved fruitless, in most part because many government officials from Gaddafi’s reign have either died or been imprisoned since the demise of the regime in 2011.

Such difficulties are closely tied to the second prominent challenge involved in the study, establishing the policy preferences of states that were influential in the APSA design process but from which none of the interview sample is drawn. The most pertinent state, in this regard, is Libya, based upon the existing historical record and the data collected for this research. Both point to Tripoli as the dominant leader of a coalition opposed to many of the policy preferences shared by South Africa, Nigeria and their allies. To an extent, the strategy for dealing with this issue has already been laid out, with ratification records for individual states being used as one indication of a
state’s support or lack of support for a particular legal instrument. Of course, a number of reasons, other than their support or disfavour for a particular decision, could prompt a state to delay or fail to ratify an international treaty. Therefore, a number of other indicators are drawn upon, such as the testimonies provided in interviews by participants in negotiations with Libyan representatives. Because of the potential of incentives for state representatives, particularly those that are members of the opposing coalition, to present the Libyan delegation in a less than positive light, the testimonies of OAU/AU officials are prioritised over those of South African and Nigerian interview subjects when it comes to gathering data on the preferences of the government in Tripoli. A further source of corroborative data is media reporting from around the time and some historical accounts of the establishment of the AU. Although relatively little reporting, and subsequent chronicling, was carried out on the particular preferences of individual states, what little there is invariably focuses on Muammar Gaddafi, Mbeki and Obasanjo. Gaddafi, in particular, had a tendency towards public – and often ostentatious – proclamations about his plans for the African continent.\(^{51}\) This tendency serves this study well as it provides a valuable source of information on the Libyan position across a number of features of APSA.

Obtaining some important literature and other types of documentary evidence also presented quite a challenge in some instances. Certain books, for example Olufemi George’s memoir, went through relatively small print runs while other articles were contained in journals to which my university did not have access. My time at the University of the Witwatersrand proved highly beneficial in tackling these issues, as

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Wits has access to a number of African and Africa-focused journals and archives that are not accessible through the UL Library. The William Cullen Library at Wits, which specialised in the social, political and economic history of Africa, was particularly useful in this regard. Accessibility was also an issue for documentary data that originated at the OAU and the AU. The vast majority of the content in the AU Commission Archives, at the time of my field trip, was not yet digitised and was only available in hard copy from the Commission’s archives in Addis Ababa. This meant that a field trip to the headquarters of the organisation in Ethiopia was vital, in order to search through the archives and make copies of relevant documents. The benefits of the Ethiopian trip were two-fold, however, as it facilitated the opportunity to interview nine officials, four of whom had been employed by the OAU at the time of the organisational transformation, and none of whom had been contactable until I actually travelled to Addis Ababa.

Methodological Limitations

No research design is perfect and choosing any approach means accepting certain constraints, the most significant of which are acknowledged here. The first limitation relates to the sample size. This is a small-N study, with a primary focus on one international institution and two states, with a less in-depth analysis of a number of others for reasons of practicality. Therefore, the findings should be viewed as a comment on the suitability of prominent IR approaches to reflect the reality of an outcome to which they have not yet been applied with any significant degree of rigour. This means the findings will add to the cumulative knowledge about the usefulness of these theories and should serve as the basis for future research, rather than a case for
the promotion of one theory over others or the formulation of new theory. To attempt either of the latter two tasks with this study would be to over-determine the implications of its findings. A high or low degree of explanatory value here does not necessarily directly translate to other phenomena in IR. However, the findings represent a significant contribution to knowledge about these theoretical approaches nonetheless, not least because they are based upon analysis of non-Western states and an African institution.

Another potential criticism could focus on the possibility that an alternative study that focuses on the establishment and design of APSA, but from the perspective of a different set of states, could result in the production of an entirely different historical narrative. Of course, this is a theoretical possibility and this study does not claim to represent the perspectives of every state involved in the process of establishing APSA or the AU. As already outlined, however, the predominance of South Africa and Nigeria in the process of creating the institution is well established. Indeed, many African governments are said to have shown relative disinterest in the establishment of the new organisation as they saw it as little more than reform of the OAU (Packer and Rukare 2002, p.365). Therefore, this study’s historical contribution is more fairly described as incomplete (as are all historical accounts) than unrepresentative.

One could also charge that the study has an overreliance on the use of interview data to answer the research question. However, the use of interviews is essential, given the challenges involved in accessing some of the necessary data, particularly that which relates to the process of negotiations between AU members to plan the institutional structure and content of APSA. The obscured nature of AU Assembly decision-making and, in some cases, the limited availability and utility of foreign policy archives in African states made interview data more valuable. Countering some of the limitations
of using interview data, such as incentives to portray one’s government in a positive light in retrospect, is achieved by engaging with a broad spectrum of subjects with varied incentives. Triangulating interviews with existing studies and a large selection of primary and secondary documents assists with the identification of narratives that can be considered robust. Only the accounts that were supported by a significant degree of consistency across several independent data sources were utilised to support claims. The high degree of consistency observed across many of the interviews and other supporting data, upon which the findings rest, speaks to the suitability of the approach.

Another potential criticism worth addressing relates to the theory testing approach taken in this thesis. It could be argued that the predictions, formulated by drawing upon the core assumptions of the three approaches, are not representative of how the approaches are used in practice or that they only represent a particular interpretation of one or more of the frameworks. However, this is a risk one takes when formulating predictions from general assumptions for quite specific scenarios. A degree of extrapolation is unavoidable, as is reasonable criticism of the form that it takes. It may well be that alternative variations of neorealism, liberalism and constructivism could be more suitably applied to this particular case. However, the interpretation of each approach being utilised is made apparent in the theory-focused chapter, and the value of this thesis lies in its evaluation of those particular understandings. The findings arrived at here may, in turn, help illuminate more suitable IR approaches for future analysis, a topic which will be returned to in the final chapter.
Chapter 5 – International Relations Approaches

The primary theoretical contribution of this study is to provide a comment on the suitability of three of the most commonly utilised IR traditions to explain a political phenomenon from outside their ‘traditional’ environment. Drawing upon the foundational assumptions of neorealism, liberalism and constructivism, three sets of predictions are derived across two stages in the process of institutional design. The first relates to the development of governmental preferences for the design of international security institutions, while the second addresses the process and outcome of negotiations between states. In a later chapter, the accuracy of these predictions is tested by drawing upon the empirical data collected for the study. This chapter provides an introduction to the three theoretical approaches, including an explanation of what variant of each is being utilised here, where different interpretations potentially contest against one another. Following a summary of the core tenets of each approach, predictions are formulated in relation to the design preferences states will hold for each of the four institutional features identified in Chapter 3 and further discussed in Chapter 4; namely the organisation’s scope, flexibility of arrangements, mechanisms of control and enforcement capability. Next, drawing upon the core assumptions of the three traditions once more, a further three sets of predictions are developed in relation to states’ behaviour in, and the outcome of, negotiations.

Preference Formation

The three theoretical frameworks drawn upon for the testing phase of this study are selected for their prominence of use by international relations scholars and the wide
variety of partially competing potential explanations that the combination of the three offers for the design of international institutions (Walt 1998; Volker Rittberger 2001). Each approach can be utilised to construct narratives around how foreign policy is formulated in states, and how states will behave when interacting with one another in the international arena. Like any of the most prominent schools of thought within international relations, they are subject to contested interpretations, which can lead to different points of emphasis and implications. Each, however, holds certain foundational assumptions, displayed in Table 5.1, which are common to all of the theoretical approaches that stem from the parent paradigms. For neorealist theories, the most fundamental of these assumptions is that the source of state preferences is to be found in the anarchy of the international environment, which is also the most important level of analysis, and the distribution of power among its members. Governments’ primary motivation is assumed to be the survival and security of the state, along with the acquisition of resources to serve those ends. The liberal tradition, by comparison, privileges the interests of influential societal actors when explaining state preferences. Analysis conducted from the liberal perspective occurs at the national and international level, as actors will often look to the international realm for ways to increase their domestic power or welfare. Actors’ social environment is assumed to be the source of state preferences by the constructivist tradition, which incorporates analysis at the level of the international, national and individual. Instead of material goals, actors are considered to be motivated by expectations of their social role or identity when making choices.

In the following pages, each of the three approaches are discussed in more specific terms and their core assumptions are used to formulate predictions for the types of preferences states will display in relation to the organisational design of international
security institutions. The preference predictions will be focused upon the design features introduced in Chapter 3, and identified specifically within the APSA framework in Chapter 4, namely the Architecture’s scope of activities and defence pact, the PSC’s rules of procedure and the AU’s right of intervention. Where it is relevant, the predictions will also take into account particular features of the two states that are at the centre of the empirical data, South Africa and Nigeria. For example, relative state power is accorded a central role in neorealist analyses while the presence (or absence) of democratic institutions is considered a critical factor from the liberal perspective. South Africa and Nigeria both had democratic transitions in the 1990s, and are two of Africa’s most economically and militarily powerful states. Therefore, the predictions are derived with relatively young and powerful democracies in mind.

**Table 5.1: Assumptions of the International Relations Approaches**

<table>
<thead>
<tr>
<th>Source of national preferences</th>
<th>Neorealism</th>
<th>Liberalism</th>
<th>Constructivism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anarchy of the international environment and distribution of power</td>
<td>Desires and differential influence of societal actors</td>
<td>Actors’ social environment</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Actors’ primary motivation</th>
<th>Neorealism</th>
<th>Liberalism</th>
<th>Constructivism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survival and security of the state, acquisition of resources</td>
<td>Consolidation of domestic actors’ power and welfare by expanding competencies or increasing income and assets</td>
<td>Taking the course of action that best conforms to the social role that a situation calls upon</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Level of analysis</th>
<th>Neorealism</th>
<th>Liberalism</th>
<th>Constructivism</th>
</tr>
</thead>
<tbody>
<tr>
<td>The international system</td>
<td>The international system and the domestic sub-system</td>
<td>The international system, the domestic sub-system and the individual</td>
<td></td>
</tr>
</tbody>
</table>
Neorealism

With a tradition that stretches back as far as Thucydides, realism is the baseline paradigm against which many international relations approaches are benchmarked. While many schools of thought offer claims to compete with those of realism, the neorealist framework emerged from the parent paradigm and shares many of its general assumptions. Wohlfarth (2008) outlines four propositions around which most realists tend to converge. The first of these relates to groupism, or the necessity for group solidarity amongst people in a domestic sense, due to international politics being characterised by conflict and cooperation between polities. In the modern international environment, the most important human groups are nation states. The second proposition is concerned with egoism, the idea that when individuals and groups act politically, they are driven by narrow self-interest. The third proposition claims that anarchy, the absence of an international government, imposes constraints on the ability of states to achieve their goals and exacerbates group egoism. The notion that groupism and egoism in an anarchic environment makes international relations a game largely focused on the acquisition of power and security, is the fourth and final proposition.

A diverse selection of theoretical schools have emerged from under the realist umbrella, one of which was neorealism, most commonly associated with Kenneth Waltz and best summarised in his Theory of International Politics (1979). Neorealism encompasses a diversity of theories, each of which adhere to the four core principles outlined above. To these assumptions, Waltz adds that states operate in a self-help system, where survival, security and acquisition of resources takes priority.

The ruler’s, and later the state’s, interest provides the spring of action; the necessities of policy arise from the unregulated competition of states; calculation based on these necessities can discover the policies that will best serve a state’s interests; success is the ultimate test of policy, and success is defined as preserving and strengthening the state (Waltz 1979, p.117).
Operating within such a system compels states to consider cooperation from the perspective of relative rather than absolute or collective gains, for fear another state would gain an upper hand through cooperation, thereby becoming a threat. Waltz is pessimistic about the ability of international institutions to maintain peaceful relations between countries, as the self-interested calculus of states would leave a central authority unable to “mobilise the resources needed to create and maintain the unity of the system by regulating and managing its parts” (1979, p.112). Cooperation, however, can and does occur between states when it serves their vital interests, characterised as survival at a minimum or universal domination at a maximum. Under the logic of balance of power, states will form alliances that consolidate their own security or weaken that of a challenger. Unlike a national system, in which relations of authority are established, only relations of strength dictate outcomes internationally.

Using the above assumptions, it is possible to arrive at predictions regarding the preferences governments will display in relation to the organisational design of an international security institution. The first relates to the scope of activities of the institution. Most international legislation, in particular that which would relate to the scope of defence and security employed by an organisation as opposed to detailed legally binding obligations upon states, is considered soft law (Abbott and Snidal 2000). Such legislation “poses little risk that powerful states would be bound by legal undertakings they might disfavour” (Steinberg 2002). Therefore, states that are more powerful could be argued to display relative apathy towards how an international organisation defines defence and security matters. However, given their preoccupation with security and sovereignty, all governments will oppose a scope that could potentially mandate external intrusion on their territory or otherwise weaken their security or power.
**Neorealist Scope Prediction:** States will resist terms within the scope that could be used to threaten their territorial integrity or state sovereignty.

The second prediction addresses the preferences states will display in relation to the flexibility of institutional arrangements, which, for this case, is captured in the conditions of the AU’s defence pact. Power provides larger states with greater autonomy of action, meaning they “enjoy wider margins of safety in dealing with the less powerful and have more to say about which games will be played and how” (Waltz 1979, p.194). Powerful states are less in need of defence pacts than weaker states, but in a better position to dictate their terms, due to their disproportionate deterrence capability. Given the neorealist emphasis on consolidation of power and relative gains, bigger states will hinge their participation in a pact on the condition that they are the dominant state within it. This translates into a preference for quite rigid institutional arrangements, as long as they are heavily weighted in favour of the powerful state. For example, such one-sided arrangements could mean the dominant state retaining greater (if not total) decision-making power over collective responses by signatories to a triggering of the pact.

**Neorealist Defence Pact Prediction:** Powerful states will seek a defence pact with relatively inflexible arrangements that are heavily weighted in their favour.

Because governments are preoccupied with ensuring their survival by increasing their security and power, states are expected to place a high premium on securing as much control as possible over any institution by which their security interests are affected. Therefore, the neorealist prediction in relation to the PSC rules of procedure foresees states preferring to acquire a permanent seat and a powerful decision-making role.
Achieving such objectives would serve to increase a state’s security, through an increased ability to establish and dictate the direction of future regional operations.

**Neorealist PSC Rules of Procedure Prediction:** States will prefer to secure a permanent seat and privileged voting rights, in the form of a veto or a higher voting weight.

In relation to enforcement, which is captured within APSA by the AU’s intervention mandate, the neorealist prediction expects states to be hostile to any arrangement that facilitates encroachment on their sovereignty. Humanitarian intervention, for neorealists, occur when powerful states wish to maintain a particular international order (Waltz 1979, p.200). Powerful states do not necessarily need the approval of an international institution to conduct such operations. In order to prevent any future encroachment on their sovereignty or territorial integrity, they will oppose the introduction of criteria that would in any way empower coalitions of other states to undertake interventions of their own.

**Neorealist Intervention Mandate Prediction:** States will resist any legally prescribed grounds for supranational intervention that facilitate encroachment upon their own territory.

**Liberalism**

Although liberalism and neorealism both fall under the broad umbrella of the rationalist school of thought, the two approaches differ in fundamental respects, which results in contrasting predictions for how states would approach the design of APSA. It is important to note at the outset that liberalism is being treated here as a positive theory of international relations, rather than the more broadly conceived normative interpretation, which emphasises the political and social rights of individuals. It should
also be highlighted that the liberalism utilised here, though not entirely separate from liberal institutionalism, draws more upon Kant than Keohane. So, rather than conceiving of the international system as hosting unitary, identical actors with fixed interests, it privileges state-society relations, which are essential to understanding states’ varying preferences, capabilities and behaviours (Slaughter 2000; Buchan 2002). Andrew Moravcsik, one of the most prominent contemporary advocates for the liberal approach, outlines three core assumptions upon which theories from this tradition are generally based. The first assumption concerns the nature of social actors. Where neorealism considers unitary states to be the most important actors in the analysis of international relations, liberalism points to groups and individuals within the state. These societal actors are generally considered risk averse and motivated by self-interest, although their preferences are open to the influence of changing economic, social and cultural globalisation. The second liberal assumption concerns the nature of the state, which the school characterises as a purposive actor internationally but a representative institution in a domestic sense. It acts instrumentally to represent the demands and interests of the sector of society that have control over the apparatus of the state, whose preferences become state preferences. Which actors have control over the state is decided by the selective nature of domestic representative institutions. A third and final assumption offered concerns the nature of the international system. Patterns of policy interdependence between states are presented as the “critical theoretical link between state preferences, on the one hand, and state behaviour, on the other. The preferences of particular states can impose costs and benefits on other states in their sphere. Liberals claim that these patterns of interdependent preferences are one of the most significant influences on state behaviour, and for this reason, the approach
incorporates analysis at both the domestic and the international level (Moravcsik 2008, pp.236-239).

Turning again to the preferences predictions of states involved in designing an international security institution, the first liberal prediction addresses the scope of activities. As well as favouring an institution that seeks to defend against external state-driven threats, democracies are predicted to favour an institution with a remit that includes protection of democratic institutions, human rights and good governance practices. State-controlling actors in democracies, particularly in young democracies where the foundations for popular governance have just been set, will seek to safeguard their position in power by protecting the institutions and practices that elected them (Rittberger 2005). Where nondemocratic threats are a possibility, international commitments help to ‘lock-in’ recent democratic gains (Moravcsik 2000). Governments of young democracies also struggle to make credible commitments to their own publics that political liberalisation is sincere, and to firms and financial institutions that they can be relied upon to enact sound economic policy. Leaders wishing to counteract the impression that reform is ephemeral “can benefit from a mechanism that ties their hands, provides information about their policy goals” and indicates to their publics and potential investors that political liberalisation is unlikely to be reversed (Mansfield and Pevehouse 2006, p.141).  

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52 This claim may seem at odds with that made by Mansfield and Snyder (1995) regarding the higher levels of bellicosity displayed by states transitioning to democratic rule than is observed within established democracies. However, both claims are based upon the projected power-consolidation strategies of domestic elites. According to Mansfield and Snyder, the two main barriers to transitioning democracies embodying the ‘democratic peace’ are weak domestic institutions and the resistance of social groups that lose out in the democratization process. Threats from the old elite make democratic rulers more likely to employ counter-strategies – such as elite logrolling, cobbling together ill-suited coalitions or seeking foreign policy victories – that result in greater war proneness. However, bolstering recent reforms with international commitments is another such strategy, and one which Mansfield and Pevehouse (2006) argue transitional states frequently resorted to when joining international organisations (IOs) as a way of consolidating democratic gains. Interestingly, the Mansfield and Snyder article argues that the war proneness of democratising states is significantly affected by the
young democracies to promote the replication of their system of governance amongst their neighbours, due to the potential that a conflicting political ideology in one country could pose a threat to its realisation in another (Moravcsik 2008).

**Liberal Scope Prediction:** Democratic states will favour a scope that encourages the protection and promotion of democracy, good governance and human rights, in order to safeguard their political institutions, reduce threats to domestic and international stability, and to foster capital inflows.

The liberal prediction in relation to the defence pact contrasts with its neorealist equivalent, foreseeing a preference by states for a highly flexible arrangement. Rather than explaining the preference by reference to the security and power of the state, the liberal prediction is based upon the domestic interests of the actors in charge of the state, or more specifically the interests of those in control of the resources the state-controlling actors require to remain in power. Political actors have a basic interest in retaining or expanding their policy-making power and in a democracy they do this by improving their prospects for re-election (Rittberger and Corinna 2001, p.86). Generally speaking, a defence pact can work towards this end by furthering stability, increasing interactions and thereby possibilities for fruitful economic cooperation. However, incorporating flexibility into the pact serves a similar objective, by ensuring that the country avoids conflicts in which the state’s, and the electorate’s, interests are not affected.

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international environment in which democratisation occurs, and draws upon a dataset of conflicts from 1811 to 1980. The Mansfield and Pevehouse article, by comparison, draws upon data from 1965 to 2000, an era during which unprecedented levels of democratisation occurred and which ends just prior to the establishment of the AU.
Liberal Defence Pact Prediction: Democratic and powerful states will favour a defence pact in order to further regional stability but will insist upon a high degree of flexibility in order to avoid entering conflicts in which their vital interests are not affected.

A similar rationale applies to the liberal prediction of state preferences in relation to the control of an international institution, embodied within the AU by the rules of procedure of the PSC. Since it generally benefits the electorate (with knock-on benefits for the elected) to have the state in a position of influence over security in its region, and thereby less likely to engage in an unpopular conflict, democratic governments would prefer a privileged position on the PSC in the form of a permanent seat and elevated voting rights.

Liberal PSC Rules of Procedure Prediction: Democratic states will prefer to secure a permanent seat and privileged voting rights, in the form of a veto or weighted vote, in order to avoid entering conflicts in which their vital interests are not affected.

Liberalism departs from neorealism in relation to the preference it envisions states displaying on the question of enforcement, reflected in this case in the AU’s intervention mandate. Drawing upon the same logic as informed the scope prediction, democracies, and particularly young democracies where reforms are still in the process of being embedded, are expected to favour an intervention clause that is triggered by threats to constitutional governance, in the form of coups or major human rights abuses. Agreeing to such terms displays to potential nondemocratic challengers, constituents, financial institutions and investors that a credible commitment to internal stability and democratic rule has been made and further copper-fastened.

Liberal Intervention Mandate Prediction: Democratic states, in particular young democracies, will prefer an intervention mandate that is triggered by major human
rights abuses or unconstitutional changes of government, in order to safeguard political institutions, reduce threats to stability and foster capital inflows.

Constructivism

Constructivism, by comparison to the rationalist schools’ focus on materialism and rationality, highlights the social and relational construction of states’ identities, values and beliefs, and how such factors can influence national interests and countries’ behaviour. The approach can still be applied to questions of power politics or international security, but it addresses such questions in a way that incorporates the social meaning attached to certain objects or practices. The constructivist school of thought can be divided into two broad camps, positivist and post-positivist. Scholars from the former group maintain that “the socially constructed international system contains patterns that are amenable to generalisation and to falsifiable hypotheses” while those in the latter group argue that data on such patterns cannot be objectively collected or observed and therefore social relationships cannot be separated into neat ‘causes’ and ‘effects’ (Hurd 2008, p.307). Since the approach being taken here involves testing the predictions of theoretical frameworks, the positivist approach to constructivism, most prominently practiced by the likes of Wendt (1995) and Finnemore (1996a), is used.

As in the previous two sections, the constructivist approach will be introduced through detailing assumptions that form the foundations of the approach. Ian Hurd (2008) identifies four such assumptions, with the first being that meaning is socially constructed. According to Wendt (1992, pp.396-7), “a fundamental principle of constructivist social theory is that people act towards objects, including other actors, on
the basis of meanings that the objects have for them”. Meanings, and the practices they inform, can be relatively stable but are not fixed. Hurd provides the example of sovereignty, the interpretation of which has changed in recent decades to incorporate the idea of justified intervention on humanitarian grounds (an example that is of particular relevance to this research). The second assumption outlined by Hurd is that social relations and expectations inform the national interest. An implication of this assumption is that foreign policy can be guided by “pre-existing dominant ideas and their relationship to experienced events” (Legro 2005, p.4). Actors’ experiences with their social environment help create and reinforce their identities and lead to role-specific understandings of self, which in turn inform their interests (Wendt 1992). ‘Actors’ in this context can be individuals, organisations within states, states themselves or international institutions, highlighting the constructivist position that there is not one fundamental unit of analysis in international relations (Hurd 2008). The behaviour of states, according to constructivist thought, can be understood as an effort to achieve social recognition or prestige, based upon acquired role expectations. One example of this, highlighted by Martha Finnemore (1996a), has been change in the way states view humanitarian intervention, going from a violation of international order to a responsibility in certain circumstances.

The third assumption provided is that the actions of states contribute to the norms of international life, which in turn go on to influence the behaviour of states. This mutual constitution results in states modifying their behaviour to meet norm expectations but also attempting to reconstruct the normative rules to justify their behaviour (Hurd 2007). As an example of this, Hurd (2008) points to states using claims of self-defence to justify military action - thereby reinforcing those elements of the UN Charter which forbid aggressive war – while also pushing to change the rules through redefinition of
concepts like sovereignty. The fourth and final assumption is that there are multiple logics and interpretations of anarchy, conflicting with the narrow rivalry-inducing parameters envisioned by neorealists such as Waltz (1979). Constructivists instead maintain that rivalry is a social relationship that does not necessarily result from anarchy ‘naturally’. Many types of relationships, including those marked by friendliness or enmity, can emerge from a system of anarchy. For example, Wendt (1992) points to the evolution and broad embrace of a continental identity amongst European states under conditions of anarchy, which has made governments more likely to define their interests in a collective European sense.

Constructivism struggles to achieve the same level of parsimony as liberalism and neorealism in its predictions, due to its greater focus on unique aspects of certain states’ social identities, experiences and histories. This results in constructivist preference predictions that are more abstract than those outlined in the previous two sections. In order to make these predictions more tangible, they will be bolstered with more empirical data at the point when they are compared with the details of the case study.

In relation to scope, states would be expected to advocate for an interpretation of defence and security that is informed by the normative underpinnings of their social identity and the expectations of the international community.

*Constructivist Scope Prediction: States will prefer a scope that reflects the principles of their social identity and the expectations of the international community.*

Constructivism’s emphasis on identity informs the prediction regarding the flexibility of a defence pact. A state’s preference for how a pact should be constructed is conceived of here as a reflection of the extent to which it is willing to come to the aid of under-threat fellow members. In turn, this willingness is influenced by the extent to which a
state shares a common identity with those other signatories. Those with whom an identity is shared count as ‘human’ and are rightful recipients of protection (Finnemore 2008).

Constructivist Defence Pact Prediction: States will prefer a defence pact with a degree of flexibility or rigidity that reflects the extent to which they share a common identity with their fellow pact signatories.

Identity also informs the constructivist predictions in relation to the PSC rules of procedure, with states preferring to adopt more equitable arrangements when they share a common identity with other potential candidates for a seat on the organ. In their analysis of regional security communities, Stewart-Ingersoll and Frazier distinguish between regional powers according to whether they tend towards unilateralism or multilateralism in their dealings with other states. Different types of regional leaders will subscribe to different principles for the ordering of relations with their neighbours.

A multilateralist orientation implies that the regional power views security issues of RSC (regional security complex) members as interconnected. As such, it seeks to develop rules and patterns of interaction among member states oriented toward expectations of long-term cooperation, rather than immediate reciprocation. This is distinct from a more unilateralist orientation, demonstrated through actions reflecting an individualist sense of security, concerns with relative gains, proclivity toward issue- and state-specific bilateral agreements, and cooperation only when it is in the short-term national interest (Frazier and Stewart-Ingersoll 2010, p.745).

The unilateralist identity described above reflects the neorealist emphasis on self-help and relative gains. According to this perspective, however, such an identity represents only one end of a scale, which has a multilateralist identity at the other end. Where states’ identities sit on this scale informs how they choose to order their relations with neighbours and is also taken, therefore, as an indication of the type of preference they would display in relation to the rules of procedure on an international security organ.
**Constructivist PSC Rules of Procedure Prediction:** States with a multilateralist orientation and who share a common identity with other candidates for membership will favour egalitarian rules of procedure. States with a unilateralist orientation and who do not share a common identity with other candidates for membership will favour rules of procedure weighted in their benefit, in the form of a permanent seat and a veto.

A similar logic as what applied to the constructivist scope prediction applies in relation to the constructivist intervention mandate. States will look to their social identity, particularly the extent to which humanitarian principles inform that identity, as well as the international environment for a roadmap on what type of intervention mandate, if any, they feel is appropriate.

**Constructivist Intervention Mandate Prediction:** States will seek an intervention mandate that reflects the core principles of their social identity and the expectations of the international community.

In relation to certain design features, some of the approaches make identical predictions for the type of preference states will display. However, even in those instances where identical predictions are made for state preferences, the logics underlying the predictions are different. Table 5.2 provides the details of each school of thought’s predictions across the four APSA design features, including the underlying rationale in each case. Displaying the predictions and rationales together highlights the differences across the approaches, even in instances where they may seem to match at first. One of the benefits of focusing on a small number of case studies, is that it is possible to assess both the accuracy of the predictions and their underlying rationales.
Table 5.2: State Preference Predictions

<table>
<thead>
<tr>
<th>Scope</th>
<th>Neorealism</th>
<th>Liberalism</th>
<th>Constructivism</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nothing that encroaches upon sovereignty or territorial integrity</td>
<td>Uphold democracy, human rights and good governance</td>
<td>Reflects social identity of the state and international expectations</td>
</tr>
<tr>
<td>Rationale</td>
<td>Protect state security by retaining full authority over domestic governance</td>
<td>Safeguard domestic political institutions, reduce instability and foster capital inflows</td>
<td>Social pressures, based on role and norm expectations</td>
</tr>
<tr>
<td>Defence Pact</td>
<td>Rigid arrangements weighted in powerful state’s favour</td>
<td>Establish pact with high degree of flexibility</td>
<td>Reflects states’ shared identity with fellow signatories</td>
</tr>
<tr>
<td>Rationale</td>
<td>Deterrence, retain full control over military, thereby protecting security</td>
<td>Regional stability, retain electoral support by avoiding unpopular conflicts.</td>
<td>Protect others with whom an identity is shared</td>
</tr>
<tr>
<td>PSC Rules of Procedure</td>
<td>Permanency and veto/higher voting weight</td>
<td>Permanency and veto/higher voting weight</td>
<td>Reflects states’ shared identity with other candidates and unilateralist or multilateralist identity</td>
</tr>
<tr>
<td>Rationale</td>
<td>Protect state security through heightened influence over regional security operations</td>
<td>Retain electoral support by avoiding unpopular conflicts through increased regional influence</td>
<td>Achieve social recognition from others with whom an identity is shared</td>
</tr>
<tr>
<td>Grounds for Intervention</td>
<td>None</td>
<td>Unconstitutional changes of government, human rights abuses</td>
<td>Reflects social identity of the state and international expectations</td>
</tr>
<tr>
<td>Rationale</td>
<td>Protect territorial integrity, sovereignty and state security</td>
<td>Safeguard political institutions, reduce instability, foster capital inflows</td>
<td>Social pressures, based on role and norm expectations</td>
</tr>
</tbody>
</table>
Negotiations

As well as testing the predictions drawn from the approaches regarding state preferences, this research also offers the opportunity to test predictions, drawn from the same theoretical schools, which address the process and outcome of inter-state negotiations to design international security institutions. A significant breadth of literature exists that addresses how states achieve leverage in international negotiations, pointing to factors such as economic and military power (Keohane and Nye 2012), supranational entrepreneurship (Hodson 2013), negotiator skill (Bailer 2004) or cooperative social norms (Novak 2010). In most cases, such literature has focused upon individual explanatory variables, rather than encompassing frameworks such as those this study draws upon for both state preference and negotiation predictions. Indeed, comprehensive overarching theories are largely absent from inter-state negotiation analysis, with the literature mostly putting “emphasis on different dynamic aspects… used alone or in different combinations in studies of real life negotiations” (Jönsson 2015, p.8). Therefore, while also allowing for a consistent theoretical approach across the testing process in this analysis, employing neorealism, liberalism and constructivism to derive negotiation predictions also represents something of an innovation in how the traditional schools are normally employed.

The predictions derived in this section, which are summarised in Table 5.3, take a slightly different format from those formulated in relation to state preferences. Rather than predicting negotiation outcomes across each specific design feature, they are focused upon negotiations in a more general sense. The first prediction in each of the three sets relates to what priorities states will have in negotiations. The second focuses
upon the type of strategies states will employ at the negotiating table, while the third addresses the likely outcome of negotiations.

**Neorealism**

The first neorealist prediction, regarding states’ negotiation priorities, rests upon the assumption that a drive for self-preservation, exacerbated by anarchy, leads states to privilege survival, security and acquisition of resources in relative rather than absolute terms (Waltz 1979; Wohlforth 2008). Such priorities will even lead states to “forego agreements that will produce benefits greater than the status quo or their next best alternative to an agreement, if their potential competitors are perceived to be gaining more than they from the agreement” (Terrence Hopmann 1995, p.30).

**Neorealist Negotiation Prediction 1:** States will prioritise relative over absolute gains in negotiations.

The second neorealist prediction, regarding states’ negotiation strategies, is also based upon the assumption of the international realm being marked by “stark and harsh competition” (Mearsheimer 1994, p.48). In such an environment, governments will employ threats to inflict punishments and promises to provide rewards, “which are in turn made credible by demonstrating that states have sufficient capabilities to carry out the punishment and rewards and by establishing a track record that demonstrates commitment to implement threats and promises” (Terrence Hopmann 1995, pp.29-30).

**Neorealist Negotiation Prediction 2:** States will utilise a strategy of threatened punishments and promised rewards against other states in order to achieve their desired negotiation outcome.
The neorealist prediction in relation to negotiation outcomes is well captured in a quote attributed to one of the founding fathers of realism, Thucydides; “the strong do what they can, and the weak suffer what they must” (Forde 1995). International politics is said by neorealists to reflect the interests of the powerful. Therefore, the school would expect inter-state negotiations to be no different, with the outcomes reflecting most closely the preferences of the most powerful states or groups of states. Because for neorealists, “success is defined as preserving and strengthening the state” (Waltz 1979, p.117), the outcome of negotiations is likely to reflect not just the preferences of the most powerful but their specific security interests.

*Neorealist Negotiation Prediction 3: Negotiation outcomes will reflect the interests of the most economically and militarily powerful states or groups of states.*

**Liberalism**

The first liberal prediction, regarding negotiation priorities, is founded upon the more cooperative international environment perceived by the school and the greater allowances made for non-security matters than is the case with neorealism. States are still motivated to realise their self-interested goals but interests are susceptible to interconnectedness between states and policy areas. The enabling environment created by international regimes or organisations can facilitate their realisation, and when powerful domestic groups in different states share interests, it is more likely that cooperation will occur. Security is not necessarily the primary factor in these interests either, with domestic groups particularly keen on increasing their economic welfare (Putnam 1988; Young 1989). Therefore, relative gains matter less than neorealists claim, as domestic groups increasing their welfare in a foreign country are far less likely
to be perceived as a threat by a government, particularly if the government (or the groups that influence it) are profiting also.

**Liberal Negotiation Prediction 1:** States will prioritise absolute over relative gains in negotiations.

The second liberal prediction, in relation to negotiation tactics, also draws upon the interconnectedness of (generally economic) interests, or more specifically interdependence between states. Asymmetries of dependence in these relations provide sources of influence for actors in their dealings with one another, when their interests are not well aligned. The less dependent actor in a relationship “often has a significant political resource, because changes in the relationship (which the actor may be able to initiate or threaten) will be less costly to the actor than to its partners” (Keohane and Nye 2012, pp.9-10). Power is still being used, as neorealists claim, to achieve desired outcomes. However, the liberal prediction in relation to strategy foresees states utilising mostly economic dependence as leverage rather than military capability.

**Liberal Negotiation Prediction 2:** States will utilise economic dependence as part of their strategy to achieve desired negotiation outcomes.

The liberal negotiation outcome prediction follows naturally from the previous one in relation to strategy. Because economic dependence is privileged as a powerful bargaining tool in negotiations, the outcomes are expected to reflect most closely the preferences of those states that are best placed to use this type of leverage. To some extent, this prediction is quite similar to the neorealist equivalent, as illustrated in Table 5.3, since militarily and economically powerful states are likely the ones best able to take advantage of interdependence. However, the way in which the predictions are
reached, with one emphasising power, more generally, and the other focused upon the complexity of relations that partially rest upon that power.

*Liberal Negotiation Prediction 3: Negotiation outcomes will reflect the preferences of states best placed to take advantage of the economic dependence of others.*

**Constructivism**

While liberalism and neorealism privilege the self-interested goals of actors at different levels of analysis, constructivism’s focus is much more on value-based expectations and actors’ perceptions of appropriate behaviour, drawn from their social environment. Perceptions of self, other individuals, groups or states are highly important, and states’ objectives will be informed by expectations of appropriateness held by themselves and others (Wendt 1992; Finnemore and Sikkink 1998). The negotiation position taken by states, then, will be part of an effort to maintain or enhance it social standing.

*Constructivist Negotiation Prediction 1: States will prioritise the maintenance or enhancement of their international standing, based upon social norms of appropriateness, in negotiations.*

The strategy that states employ in negotiations is also influenced by the normative environment, in particular that of the institution in which negotiations take place. Novak (2010), for example, highlights the significance of cooperative social norms in decision-making by the Council of the EU. Members will be expected to appeal to the norms subscribed to within the negotiation forum as well as the established beliefs and principles of their fellow negotiators, a process that Risse (1999) describes as “moral consciousness raising, argumentation, dialogue and persuasion”.

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Constructivist Negotiation Prediction 2: States will utilise a strategy of norm-based arguments and persuasion in negotiations.

In relation to negotiation outcomes, transnational socialisation is expected to play a significant role, whereby state representatives internalise international norms, which have often begun as domestic norms in other states. Finnemore and Sikkink (1998), for example, point to the notion of women’s suffrage, which began as demands for domestic change and eventually became an international norm. Concerned with maintaining a reputation as reliable and well-regarded allies in the international community, governments are incentivised to incorporate into their governance those norms that have passed a “tipping point”, meaning a critical mass of other states have adopted them (Chayes and Chayes 1993; Ingebritsen 2002).

Constructivist Negotiation Prediction 3: Negotiation outcomes will reflect prevailing international norms.

Table 5.3: Negotiation Predictions

<table>
<thead>
<tr>
<th></th>
<th>Negotiation Priorities</th>
<th>Negotiating Strategy</th>
<th>Negotiation Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neorealism</td>
<td>Relative gains</td>
<td>Threats of punishment or promises of rewards</td>
<td>Reflect interests of the most militarily and economically powerful</td>
</tr>
<tr>
<td>Liberalism</td>
<td>Absolute gains</td>
<td>Economic dependence</td>
<td>Reflect preferences of states that can leverage economic dependence</td>
</tr>
<tr>
<td>Constructivism</td>
<td>Maintain or enhance international standing</td>
<td>Norm-based arguments and persuasion</td>
<td>Reflect prevailing international norms</td>
</tr>
</tbody>
</table>
Conclusion

With predictions formulated in relation to state preferences across the four design features (summarised in Table 5.2), and the process and outcome of negotiations (summarised in Table 5.3), the focus turns to the case studies and the process of testing. Of course, it is unlikely that any one set of predictions will be perfectly accurate in how they reflect the specifics of an individual case. Each approach represents different sets of core beliefs about the variables that hold the most explanatory power in how states interact with one another. Even the most vocal proponents of neorealism, liberalism and constructivism advocate, to some extent, combining approaches to achieve a fully accurate picture. Nonetheless, one of the approaches might capture more closely than the others the reality of how preferences were formed within states and negotiations progressed between AU members on the organisation’s security Architecture. Establishing which of the three is the most accurate, and to what extent and why, represents some of the most significant theoretical contributions of this study.
Chapter 6 - South Africa

The 21st century revival of the notion of an African Renaissance, one of the central aspects of which was reform of the OAU into the AU, is more associated with South African President Thabo Mbeki than any of his contemporaries. Central to this reform process was the establishment of APSA. This chapter identifies the preferences of the South African government in terms of how the Architecture should be configured while also assessing the factors that informed Pretoria’s position. In keeping with the broader theoretical focus, the South African preferences for the framework are compared with the predictions formulated in the theory chapter by drawing upon the assumptions of neorealism, liberalism and constructivism. The focus on a small number of case studies allows for in-depth interrogation of the claims made by the three approaches, which means testing not just the predictions but also their underlying rationales. To begin, a description of Pretoria’s preferences for APSA is provided, broken down into each of the design features upon which this thesis is focused. The subsequent three sections of the chapter discuss how the predictions and underlying logics of neorealism, liberalism and constructivism compare with the reality of how the South African position was developed. The chapter concludes with a comment regarding which of the three sets of predictions most accurately reflects the empirical details of the case.

Pretoria’s Preferences

Based upon analysis of a diverse selection of data, it is possible to provide a well-supported account of the South African government’s preferences in relation to the scope of APSA, its defence pact, the PSC rules of procedure and the AU’s grounds for
intervention. The remainder of this section serves this purpose, and is divided up into sub-sections, each of which corresponds with one of the organisational design features of the Architecture.

The Scope of APSA

The interviews conducted for this study and a broad range of other sources indicate that the South African government favoured the AU utilising a definition of security, much broader than the state-centric and militaristic interpretation employed by the OAU. This would mean a strong emphasis on democracy, human rights and good governance practices, reflecting the foreign policy principles the ANC had committed to uphold at the dawn of their entry into government in 1994.\textsuperscript{53} Former Deputy Foreign Minister Aziz Pahad describes the promotion of democracy, human rights and good governance as “key elements” of Pretoria’s AU policy at the time of the organisation’s creation.\textsuperscript{54} A former high-ranking South African diplomat at the AU similarly states that his government was in favour of a “rethink of how we (the African continent) look at security” to move beyond a discourse that was still largely focused on decolonisation to one that incorporated human security, the socio-economic independence of the continent and internal as well as external threats.\textsuperscript{55} Another one of Pretoria’s representatives in Addis Ababa goes so far as to say that the government’s commitment

\textsuperscript{53} These are established in \textit{ANC Foreign Policy Perspective in a Democratic South Africa} an ANC policy document published in 1994. In the section on ‘The Principles of South Africa’s Foreign Policy’, the document advocates for the promotion of democracy and the protection of human rights, “which extends beyond the political, embracing the economic, social and environmental”.\textsuperscript{54} Interview: Aziz Pahad.\textsuperscript{55} Interviewee B: Senior South African diplomat at the OAU/AU, centrally involved in negotiations related to the establishment of APSA.
to a new governance and democracy-focused scope within APSA drove the government to advocate for AU-imposed leadership term limits for the entire continent.\textsuperscript{56}

A 1999 speech by Mbeki, then two months from being elected President, also illustrates Pretoria’s dedication to this new interpretation of defence and security. Citing one-party states and military rule as major causes of conflict, genocide and the emergence of enormous refugee populations, Vice-President Mbeki called for the establishment of democratic systems that protected human rights and provided “peaceful means to address the competing interests of different social groups in each country”. In addition, he called for “institutions and procedures, which would enable the continent collectively to deal with questions of democracy, peace and stability”.\textsuperscript{57} Further indications of the South African position can be found in the scope of the New Partnership for Africa’s Development (NEPAD) initiative, which former Director General of the DFA under Mbeki, Ayanda Ntsaluba, says cannot be separated from the reformulation of the AU.\textsuperscript{58} NEPAD started independently in 2001 but was quickly incorporated into the AU as the latter was being established, according to some accounts over the objections of Mbeki (Alden and Schoeman 2015, p.248). It has been described as a “democratic charter for Africa” (Taylor 2010), which promotes “accountable government, a culture of human rights and popular participation” as the way in which African states will achieve socio-economic development through partnership with the developed North.\textsuperscript{59} Although a number of other African leaders are associated with the creation of NEPAD, most prominently Presidents Obasanjo and

\begin{itemize}
\item \textsuperscript{56} Interview A: Senior South African diplomat at the OAU/AU.
\item \textsuperscript{58} Interview: Ayanda Ntsaluba.
\item \textsuperscript{59} Organisation of African Unity ‘The New Partnership for Africa’s Development’ (Abuja, October 2001), par.43.
\end{itemize}
Bouteflika of Nigeria and Algeria respectively, the programme has its headquarters in Johannesburg and is often cited as being primarily the brainchild of Mbeki (Taylor and Nel 2002).

The APSA Defence Pact

A later chapter in this thesis, which focuses on negotiations in relation to APSA between AU members, will highlight how the primary driving force behind the proposal of having a defence pact was Libya. Among Col. Gaddafi’s many ambitious proposals, the defence pact was one of the more moderate, and Pretoria was willing to accept the pact in principle, although with conditions on its content. The Mbeki government was intent on keeping enough flexibility within any proposed pact to ensure that it could never realistically be used to draw South Africa unwillingly into a conflict. According to one interview participant, member states spent a considerable amount of time and energy debating the nature of the obligation on members under the pact, with South Africa advocating “more for negotiations than just taking the position that once you attack one country, all of Africa is going to attack you in retaliation”. Admore Kambudzi, a UN-appointed consultant assisting with the establishment of APSA, also recalls Pretoria’s diplomats being circumspect about any conditions that could potentially lead to ceding some control over the South African armed forces. He

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60 Gaddafi saw a defence pact between AU member states as a step along the way to his ultimate goal of a single army for a united African state. This strategy of the Libyan leader was confirmed in interview by Said Djinnit, the first AU Commissioner for Peace and Security and an important figure in the construction of the security Architecture of the OAU/AU. Jakkie Cilliers has also written that the AU defence pact was the outcome of a “positive reorientation” of a proposal (a single African army) that most member states considered “completely unrealistic”. Cilliers, J. (2002b) Peace, security and democracy in Africa? A summary of outcomes from the OAU/AU summits in Durban, 60, August 2002, Pretoria: Institute for Security Studies.

61 Interviewee A: Senior South African diplomat at the OAU/AU, centrally involved in negotiations related to the establishment of APSA.
says the Mbeki government favoured a proviso in the pact, which meant that countries that were reckless and brought attacks upon themselves would not be subject to automatic protection from other governments.62

An internal DFA paper from 2003 further reflects a wariness towards an overly rigid pact. The confidential document argues that member state commitments towards defence and security should be made on a voluntary basis, and that peace operations would have to take into account “the limits set to the ceding of sovereignty to the collective in the Constitutive Act”.63 This stance is very consistent with that of the Mbeki government in relation to the Southern African Development Community (SADC) Defence Pact, which was adopted in 2003, two years before its AU equivalent. Prof. Anthoni van Nieuwkerk, who advised the Mbeki government on its approach to SADC’s security Architecture, says the flexibility incorporated into the pact was largely due to lobbying by Pretoria.

We changed the clause in Southern Africa on the pact which said that an attack on one ‘demands’ a response from all the others. We changed that to make it softer, the South Africans did and the Zimbabweans did, to say ‘have the option of’, meaning it was voluntary. It was a massive change, changed the meaning of the whole thing.64

Given the claims of interviewees, the data derived from documentation and the consistency with the South African position in relation to the SADC defence pact, indications are strong that Pretoria’s preference was for a highly flexible pact at the level of the AU.

62 Interview: Admore Kambudzi.
63 Department of Foreign Affairs (2003) Summary of the AU Concept Paper on a Common African Defence and Security Policy and Comparative Remarks on the Draft SA Position, obtained from the Department of International Relations and Cooperation (DIRCO) under the Promotion of Access to Information Act (PAIA)
64 Interview: Anthoni van Nieuwkerk.
The Peace and Security Council Rules of Procedure

Of all the South African foreign policy officials interviewed for this study, all but one claim that Pretoria’s preference for the membership rules of the PSC was for an organ without any permanent seats. A senior South African participant in negotiations to establish the PSC, says the claim that his government desired a permanent seat is one of the most “persistent myths” in accounts of the AU’s creation.65 Deputy Foreign Minister Aziz Pahad concurs, saying that the government’s position was to oppose permanency and any change in that position would have required approval by the ANC International Relations Council. This did not happen, he claims, and would have faced strong opposition if it was proposed.66 The only contradictory claim made by a South African interview subject came from Prof. Chris Landsberg, a former foreign policy advisor to the government, who says that its preference was for a UNSC model with Pretoria holding a permanent seat.67 Admore Kambudzi, the UN-appointed consultant centrally involved in drafting the PSC Protocol, concurs, saying that South Africa was in a group of larger states that initially sought permanency for themselves.68 Olufemi George, the Nigerian MFA official who was involved in the negotiations, also includes South Africa amongst a group of bigger countries that signed up to a Nigerian proposal for a council with five permanent members.69

Of course, offering support for another country’s proposal is not necessarily an accurate indicator of a state’s preference, and the true South African position appears to lie

65 Interviewee B: Senior South African diplomat at the OAU/AU.
66 Interview: Aziz Pahad.
67 Interview: Chris Landsberg.
68 Interview: Admore Kambudzi.
somewhere in between the above contradictory claims. In addition to being able to accommodate, to some degree, the existing competing narratives, this account offers the most nuance and is provided by four of the most authoritative interviewees, two former high-ranking South African diplomats at the AU, Jakkie Cilliers, a consultant who worked on the drafting of the PSC Protocol, and the AU’s first Commissioner for Peace and Security, Said Djinnit. According to their explanation, Pretoria did not want permanency in the UNSC sense, but did want a Council that recognised the biggest contributors towards peace and stability in their region by awarding them one of five three-year seats. The holders of the three-year seats would be decided by reference to their capacity to contribute to peace efforts, ability to meet financial obligations and commitment to principles such as human rights and good governance. The remaining ten two-year seats would be occupied by other states, to which the criteria would be not as strictly applied. In practice, such a system would reflect permanence of a sort, as for the time being, none of its neighbours could better South Africa in terms of these criteria. According to one diplomat, “in a sense, we were creating permanent membership, but it was a type that could be contested”.70 If enacted, Pretoria’s preferred system of seat allocation would mean South Africa retaining the three-year Southern region seat for the foreseeable future, but it also meant that permanence – of the sort that South Africa was battling against at the UN at this time – would not be enshrined in the AU. Strictly adhering to the criteria, in particular for the three-year terms, introduced an element of competition and allowed for the replacement of holders in a region when they were surpassed by other members.

There is more clarity around the position the government took in relation to how the PSC should make decisions. Prof. Landsberg and Admore Kambudzi both claim that

70 Interviewee A: Senior South African diplomat at the OAU/AU.
the Mbeki government would have preferred a UNSC model, complete with vetoes for the most powerful states.  

However, the data collected from interviews and documentary analysis paint a different picture. Aziz Pahad says the Government was opposed to vetoes on the PSC and that no serious discussions took place in the DFA during his time as Deputy Foreign Minister about pushing to secure one for South Africa. 

A former ambassador says that South Africa was particularly keen on demonstrating to its neighbours that it did not have the hegemonic ambitions of the apartheid regime and to vie for a veto would have worked against that ambition. 

Jakkie Cilliers says Pretoria were genuinely opposed to claiming any privileged voting rights. 

Said Djinnit says he did not recall any serious discussion on the question of a veto in the process of drafting the PSC Protocol. 

Opposition to the veto is also consistent with the principles espoused in documents guiding the government’s foreign policy. A 1992 ANC paper stipulated that a liberated South Africa would “contribute to the democratisation of international political and economic relations, and so help secure a global context within which a democratic South Africa will be able to coexist peacefully and to cooperate on a democratic basis with its neighbours”. 

A 1996 DFA discussion document further cements that posture, stating that “South Africa should deal with African partners as equals and avoid all hegemonic ambitions. A narrow, short term approach aimed at promoting self-interest must be avoided”. While Pretoria likely favoured permanency of a sort on the PSC, it seems highly likely that its opposition to vetoes or weighted votes was genuine.

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71 Interviews: Chris Landsberg, Admore Kambudzi.  
72 Interview: Aziz Pahad.  
73 Interviewee A: Senior South African diplomat at the OAU/AU.  
74 Interview: Jackzie Cilliers.  
75 Interview: Said Djinnit.  
76 ANC (1992) Ready to Govern – ANC Policy Guidelines for a Democratic South Africa.  
77 DFA (1996) South African Foreign Policy Discussion Document, Pretoria, DFA.
The APSA Grounds for Intervention

By comparison to the somewhat conflicting narratives regarding the PSC rules of procedure, there is very little dispute, from the evidence gathered, in relation to Pretoria’s preference in relation to the question of providing the AU with an intervention mandate. Both the Mandela and Mbeki governments were proponents of moving the OAU from a position of non-interference in the internal affairs of states to non-indifference to the suffering of African people. Mandela indicated as much in 1996, when he supported Nigeria’s suspension from the Commonwealth and unsuccessfully lobbied for OAU and SADC sanctions against the Abacha regime for the execution of a number of Niger Delta activists, including Ken Saro-Wiwa (Lodge 2006). Speaking at an OAU Summit in 1998, Mandela said, “We must all accept that we cannot abuse the concept of national sovereignty to deny the rest of the Continent the right and duty to intervene when, behind those sovereign boundaries, people are being slaughtered to protect tyranny”.  

Mandela’s contention was consistent with that of the ANC party, which in 1997 had adopted a policy document, stating that the sections of the OAU Charter, which protected the national sovereignty of African countries, must not be used as a “shield for states that violate human rights”.  

One of the South African representatives in negotiations regarding the drafting of the Constitutive Act – in which the AU grounds for intervention were first enshrined – said Pretoria had been consistent for many years on the necessity for international

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Mandela in an address to the Summit Meeting of the OAU Heads of State and Government in Burkina Faso, June 8, 1998.

79 ANC (1997) Developing a Strategic Perspective on South African Foreign Policy, Pretoria, ANC National Conference, 16-20 December.
intervention when major crimes were taking place against the people of a country. Such crimes included genocide, human rights abuses on a large scale and major threats to stability within a country’s borders. “We had been making the argument for a long time that you cannot stand by and watch a country fall apart,” said one South African diplomat, pointing to the 1998 South African-led intervention in Lesotho – under the auspices of SADC – as evidence of the state’s commitment to the principle of intervention in the name of preserving stability and preventing major loss of civilian life. Speaking in 2003, Mbeki himself provided a clear indication of his government’s position on AU intervention, when he said, “we have to agree that we cannot be ruled by a doctrine of absolute sovereignty. We should not allow the fact of the independence of each one of our countries to turn us into spectators when crimes against the people are being committed”. Based upon the above data, a strong case exists for the South African government having a preference for providing the AU with an intervention mandate that would be triggered by human rights abuses on a large scale or major threats to stability within states.

Testing the Theories

Identifying the South African government’s preferences across each of the five organisational design features facilitates testing of the predictions formulated in the theory chapter by drawing upon the foundational assumptions of neorealism, liberalism and constructivism. This section will be broken into three sub-sections, each corresponding with one of the above IR approaches. The discussion hereunder focuses

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80 Interviewee A: Senior South African diplomat at the OAU/AU.
on how closely the predictions matched the outcomes described above, and will also test the accuracy of the underlying logics for each of the predictions.

**Neorealism**

According to the core assumptions of neorealism, the anarchy of the international environment means that states are primarily concerned with survival, security and the acquisition of resources. This leads to pessimism regarding the utility of international institutions but does not preclude cooperation, which occurs when it serves participants’ vital interests, namely survival at a minimum and domination at a maximum. Drawing upon these assumptions leads to predictions that accord primacy to the protection and upholding of state sovereignty and put strong emphasis on the retention of state control over resources.

The first such prediction relates to scope of activities, and foresees opposition from members to an interpretation of security that facilitates external intrusion on state territory or the expansion of supranational authority over matters that were previously considered ‘internal’, such as citizens’ rights or domestic governance. In the South African case, this prediction was not realised, as Pretoria advocated for a scope that significantly expanded upon that employed by the OAU, to include the promotion and protection of democracy, human rights and good governance. One could argue that South Africa accepted this scope to garner reputational benefits with little cost, due to a pessimism in the ability of international institutions to exert genuine influence over internal matters, particularly on the territory of one of its most powerful members. However, far from just accepting a scope that included these principles, Pretoria was one of its strongest advocates. Admore Kambudzi says the South African delegation,
during the process of establishing and designing APSA, “never slept” such was their determination to ensure the framework offered protection to “African citizens, assuring them of social, political and economic rights”.

The neorealist prediction in relation to the defence pact claims that a powerful state like South Africa will seek an inflexible arrangement, as long as the terms are heavily weighted in its favour. Such a preference does not seem to reflect the reality of where Pretoria stood in relation to the establishment of a defence pact, however. As outlined earlier in this chapter, the government was happy to accede to the establishment of a defence pact at the suggestion of Col. Gaddafi. Agreement came on the condition, however, that the pact contain enough flexibility that it could never be used to legally oblige South Africa to participate in a security mission. In defence of a neorealist reading of the situation, such an insistence could be argued to reflect a concern with relative gains. However, nothing from the interviews conducted or any other sources consulted for this study indicates that the AU pact was ever viewed as a route through which to increase South African power or influence. Instead, it was considered to be more of a means to an end, a way to keep a potentially troublesome but vital partner on board with the wider project.

The neorealist prediction in relation to the PSC rules of procedure expected Pretoria to seek a permanent seat and privileged voting rights, for example in the form of a veto. To some extent, this prediction is accurate in that the government did seek permanence “in a sense”, as one ambassador described it, by seeking to establish criteria for the regional three-year seats, according to which South Africa would be the best candidate for the foreseeable future. However, many South African interviewees emphasised that

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82 Interview: Admore Kambuzi.
the government was keen to reject the idea of achieving hegemonic status in the region of the continent, a goal at odds with neorealist assumptions.\textsuperscript{83} This emphasis is also found in foreign policy papers, such as one from 1994, which stated that Pretoria should “explicitly renounce all hegemonic ambitions in the region” and “resist all pressure to become the ‘regional power’ at the expense of the rest of the sub-continent”.\textsuperscript{84}

Regarding South African preferences for a system of decision-making, the neorealist prediction is further off the mark, as Pretoria was one of many opposed to tiered voting rights. Indeed, rather than seeking to assert dominance over its neighbours, policymakers appeared to be preoccupied with showing South Africa no longer posed a threat. “Most of the African countries neighbouring South Africa had suffered a great deal under the apartheid regime,” according to one diplomat. “We were really determined to show that we didn’t have the hegemonic ambitions of the apartheid regime”.\textsuperscript{85}

The final neorealist prediction, which claimed that governments would oppose the establishment of grounds for intervention, also fails to reflect South Africa’s actual preference. Pretoria instead was one of the most vocal advocates, under both Mandela and Mbeki, for providing the OAU and its successor organisation with a legal right of intervention, which was triggered by major humanitarian abuses. One could attempt to argue that supporting such a mandate could have been part of a strategy to facilitate future interventions in other states under the guise of humanitarian missions. Indeed,

\textsuperscript{83} In interview, this sentiment was expressed by two former senior South African diplomats at the OAU/AU (Interviewees A and B), former Deputy Foreign Minister Aziz Pahad, former Director General for Africa at the DFA Mxolisi Nkosi, and diplomats Sipho George Nene and Welile Nhlapo, who are both long-standing Mbeki confidantes.


\textsuperscript{85} Interviewee A: Senior South African diplomat at the OAU/AU.
Likoti (2007) has argued that the South African-led 1998 Lesotho intervention was in fact a “resource war” driven by national interests and disingenuously justified on humanitarian grounds. However, nothing from the interview data nor documentary analysis conducted for this study suggests that such a motivation lay under Pretoria’s support for a relatively broad intervention mandate. In fact, Deputy Foreign Minister Aziz Pahad maintains that South Africa was very concerned about the possibility that establishing a ‘Responsibility to Protect’ doctrine within APSA could be “abused” to effect regime change at some point in the future.

Overall, most of the neorealist predictions do not display significant explanatory power when it comes to the preferences held by the South African government in relation to the design of the Architecture. In the context of this particular case, it appears that a broader range of factors than those highlighted by this particular tradition need to be taken into account.

Liberalism

Liberalism departs from the state-centric focus of neorealism by delving into the ‘black box’ of the state and highlighting the importance of domestic actors that are in control of the state apparatus. Foreign policy is derived from the preferences of these domestic actors, whose level of influence is determined by the internal structures of representation and whose interests are affected by patterns of international

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86 The claim that the Lesotho intervention was a stage in a resource war seems unlikely, given that it does not appear to have been part of a broader resource-acquisition strategy by the government. Prof. Tom Lodge was in conversation with then South African Deputy Defence Minister Ronnie Kasrils on the day of the intervention in Lesotho, and the latter indicated that the decision to stage the intervention was made quickly and in the absence of Mandela and Mbeki, both of whom were out of the country at the time.

87 Interview: Aziz Pahad.
interdependence. This leads to predictions that tend to emphasise the importance that societal actors assign to holding on to or expanding upon their domestic authority.

The first prediction, drawn from the liberal approach, states that democratic governments will prefer an international security institution that employs a scope of defence that is focused on upholding democracy, human rights and good governance. The rationale behind this prediction is that applying such a scope at the supranational level helps protect the domestic representative institutions that put the state-controlling actors in power, and also reduces the possibility of national and international instability, thereby fostering capital flows into the state. Based upon the data collected for this study, the liberal prediction appears quite accurate, as illustrated by the following comment from former Deputy Foreign Minister Pahad.

Our understanding has always been you can’t sustain the democracy and stability in South Africa unless you ensure that your continent is developing and stable, it’s inextricably linked.88

Several other interviewees similarly said that the scope advocated for was informed by the belief that democracy and economic development in the country could not progress without a similar progression occurring in the region and on the continent. Former Director General at the DFA, Ayanda Ntsaluba, provides the following elaboration on this guiding philosophy:

It was obvious that South Africa’s own advance and consolidation of its democratic project would be predicated on the extent to which countries in the neighbourhood themselves actually developed. There was also a strong feeling that peace and security was a precondition for that development.89

88 Interview: Aziz Pahad.
89 Interview: Ayanda Ntsaluba.
South Africans had an obvious and recent example of how instability in the region, prompted by poor governance and human rights abuses, could affect them domestically. Hundreds of thousands of Zimbabwean refugees fled disastrous economic policy and political repression in their home country around the turn of the millennium and sought refuge in neighbouring South Africa.\textsuperscript{90} It is unlikely that anything other than catastrophic instability could have threatened South Africa’s democratic institutions at this time but instability on a lower scale certainly had the potential to influence domestic societal actors’ hold on power. In 1999, the ANC’s election platform was almost entirely focused on domestic socio-economic development.\textsuperscript{91} The government recognised that instability outside the country, of the sort caused by poor governance and human rights abuses, was a major impediment to achieving that domestic goal, and not just in neighbouring states like Zimbabwe. In 1995, the DFA Director General said that humanitarian tragedies in Rwanda, Burundi, Liberia, Sierra Leone and Somalia also came at an economic cost to South Africa by negatively affecting foreign investor perceptions of the continent. For this reason, he said, the country’s government had a “very real interest in promoting or restoring political stability south of the Sahara”.\textsuperscript{92} The Mbeki government’s preferred scope of APSA is a reflection of this interest, which was – at least in part – informed by the consolidation of domestic power and the fostering of capital inflows.


The second liberal prediction states that a powerful democracy, such as South Africa, will favour the establishment of a defence pact, in order to further regional stability, but will insist upon flexibility in the pact, so as to avoid being drawn into conflicts that do not have public support (and could therefore imperil domestic actors’ hold on power). As outlined above, Pretoria supported a flexible defence pact. While its support was partially informed by the hope of reining in Col. Gaddafi’s federalist ambitions, some of the factors highlighted in the liberal prediction also appear relevant. Significantly, Pretoria’s logic for supporting the 2003 SADC Mutual Defence Pact, which was signed while negotiations on the AU equivalent were ongoing, quite closely reflects the liberal prediction’s rationale. Speaking in 2001, Defence Minister Mosiuoa Lekota said that the SADC pact was aimed at “stabilising the region” and “cultivating an atmosphere conducive to investment and long-term stability”.

Prof. Anthoni van Nieuwkerk, who advised the government on its SADC security policy, said flexibility was built into the pact so as to avoid being drawn into conflicts that South Africa “could not afford”.

Cost-saving was certainly a consideration for the government at the time, with military expenditure declining under Mandela and Mbeki, both as a proportion of the budget and in absolute terms. Admore Kambudzi recalled Pretoria’s diplomats insisting upon flexibility in the pact so a country that was “reckless and causes itself to be attacked” should not be automatically entitled to collective (and costly) defence from South Africa and other members.

In terms of the rules of procedure for the PSC, the liberal prediction outlines a state preference for a permanent seat and privileged voting rights, exemplified by a veto.

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94 Interview: Anthoni van Nieuwkerk.
95 Interview: Admore Kambudzi.
Both aspects of this preference are based upon the assumption that it benefits the electorate, and therefore the electees, for the state to have greater control over its armed forces. To a significant extent, by virtue of Pretoria’s preference for de facto permanency, the first part of this prediction is true. However, the second part appears inaccurate, since there are no indications that the government sought or desired a system of tiered voting rights. While the accuracy of the prediction is mixed, the underlying rationale behind both of its elements is not particularly reflective of the gathered empirical evidence. Rather than referring to concerns based on the retention of public support, interviewees were much more likely to justify their position on the PSC rules of procedure by reference to the functionality of the organ and the principled rejection of a hegemonic position for South Africa. Having a more democratic membership and voting system in place would secure “buy-in” from other members, according to former Director General for Africa at the DFA, Mxolisi Nkosi. “You instil a sense of responsibility but also a sense of ownership, which is quite critical, so this will not be perceived as an exclusive club”. At the same time, Pretoria hoped that establishing strict criteria for the three-year seats on the PSC would mean the biggest contributors to security – South Africa included – would be recognised with consistent membership for the foreseeable future, meaning they could serve as a stabilising force. Jakkie Cilliers, who participated in the drafting process of the PSC Protocol, said a genuine belief in equity between African states was also a powerful driving force for Pretoria in its official opposition to permanency and much more comprehensive opposition to the implementation of vetoes.

The South Africans at that point, particularly 1994 onwards, were very idealistic and believed…..in equity in Africa because of the extent to which Africa had been

96 Interview: Mxolisi Nkosi.
97 Interviewee A: Senior South African diplomat at the OAU/AU.
exploited and dominated and colonized. There was a great sense of ‘no permanency, rotation, equity’.

Based upon the evidence gathered for this study, the South African preferences in this regard do not seem to have been informed by the factors that the liberal prediction would imply. To a significant extent, Pretoria’s position appears to have been informed more by external expectations and governing principles, something which is returned to in the section on constructivist predictions.

The final liberal prediction projects that democratic states will favour humanitarian-based grounds for intervention, in order to serve as a disincentive to the establishment of conflicting political systems in neighbouring states and to protect the domestic representative institutions that put the democratically-elected incumbents in power. On this particular design feature of APSA, the liberal prediction and its rationale displays considerable accuracy. Speaking in 1998, a few months prior to his becoming President, Thabo Mbeki said that economic and political instability, lack of development and huge amounts of human suffering in Africa had been caused, to a significant extent, by coups, military rule, one-party states and lack of respect for democracy and human rights. Such negative outcomes tended to have a historically contagious effect in Africa, he continued, as “none of our countries is an island which can isolate itself from the rest”. The answer to these many shared challenges was to “enhance the capacity of the OAU to act as an effective instrument for peace and the promotion of human and people’s rights”. As detailed earlier in this section, Pretoria formed foreign policy positions under the assumption that domestic socio-economic development was contingent upon

98 Interview: Jakkie Cilliers.
peace, stability and development elsewhere in the region and the continent. In turn, the ANC’s hold on power was significantly contingent on domestic development occurring, given the party’s promises to the electorate. For this reason, the ANC promoted a scope that was focused on protection of democracy and human rights and promotion of good governance. Such an agenda can only be advanced though, in the words of former DFA Director General Ayanda Ntsaluba, “if it becomes apparent that the continent is not negotiating from a position of weakness”. Providing the AU with the legal right to intervene in member states, without necessarily obtaining consent, was viewed by Pretoria as a strong way of dispelling such perceptions of weakness.

On the whole, the liberal predictions display greater explanatory power than those derived from neorealist assumptions. They correctly anticipate the South African positions on scope, the defence pact, the intervention mandate and, to a reasonable extent, the membership rules for the PSC. It is only in relation to the decision-making rules of the PSC that the predictions fall wide of the mark. The rationales underlying the predictions are less reflective of the empirical data than the predictions themselves, and the underlying factors that the liberal predictions miss tend to be built around values and expectations. This blind spot for liberalism speaks to the potential utility of the third and final approach to be tested, constructivism, which puts particular emphasis on factors such as shared values and expectations.

100 Interviews: Aziz Pahad, Interviewees A and B (senior South African diplomats at the OAU/AU).
101 Interview: Ayanda Ntsaluba.
Constructivism

Identities, values, beliefs and expectations are central to the constructivist approach to international relations. The school of thought departs from the materialist and rationalist approach of neorealism and liberalism and places emphasis on the social meaning attached to objects, practices and individuals, as reflected in the constructivist predictions developed in Chapter 5.

The first prediction, addressing states’ preferred scope for an international security institution, claims that states will opt for an interpretation of defence and security that reflects the principles of their social identity and the expectations of the international community. A significant breadth of literature exists that addresses the influence of the country’s post-1994 identity, the normative underpinnings of the ANC and international expectations on South African foreign policy. According to such scholarship, South Africa has a reputation as a beacon for democracy and human rights, given the nature of the liberation struggle and the international expectations that followed (Van Wyk 2004). The ANC’s battle against a government that violated human rights and often disregarded the international consensus has led to foreign policy that reflects the concepts of sovereignty as responsibility, good international citizenship and liberation with other African states (Geldenhuys 2012). Some of the data gathered for this study certainly indicates that both the state’s social identity and international expectations informed Pretoria’s preferred scope for APSA. “Our approach to security was, as indeed was our approach to everything, in a sense a negation of the past,” according to one ambassador. He further adds that the definition of security which Pretoria advocated for within APSA came “from the kind of struggle we waged, the need to reverse completely what South Africa was before”. ¹⁰² DFA Director General

¹⁰² Interviewee A: Senior South African diplomat at the OAU/AU.
Ayanda Ntsaluba paints a similar picture, saying that post-1994 security policy, including Pretoria’s preferences for APSA’s scope, was driven in part by a motivation to change perceptions around the character of South Africa.\(^{103}\) Claims of a values-driven foreign policy are not without challenge, however, due to some prominent instances of dissonance between Pretoria’s stated principles and its policy. South African foreign policy analyst, and one of the drafters of the PSC Protocol, Jakkie Cilliers (2018) says that Pretoria “has long favoured stability over democracy or human rights” in its foreign policy. Thabo Mbeki has been the object of significant criticism over his handling of the Zimbabwean crisis, in which he favoured ‘quiet diplomacy’ over more active human rights protection and democracy promotion (Adelmann 2004). Indeed, several accounts exist which indicate that although Mbeki publicly supported democracy and human rights promotion, he was far more sceptical of that strategy in private (Vale 2010; Graham 2012). According to Gevisser (2007), Mbeki argued behind closed doors that “while such high-minded principles might befit a liberation movement, they were entirely impractical for the government of an emerging power, struggling to re-enter the global economy”. The government also faced severe criticism from Human Rights Watch in 2008, when it was accused of undermining the work of the UN Human Rights Council (UNHRC) and weakening human rights protections by watering down resolutions in relation to alleged government abuses in Iran, Burma, Uzbekistan and Sudan.\(^{104}\) In light of this frequent dissonance between Pretoria’s professed foreign policy values and its practice, it is more of a challenge to make a case

\(^{103}\) Interview: Ayanda Ntsaluba.

for its preferences in relation to the scope of APSA being guided by a principled commitment to human rights, democracy and good governance.

The second constructivist prediction relates to the defence pact and claims that states will favour an arrangement that reflects its shared identity with fellow signatories. This means that where sentiments of solidarity between states are strong, governments will be willing to institutionalise its commitment to protect others in the form of a defence pact. Solidarity with other African states has been a consistent theme in analysis of South African foreign policy (Nathan 2005). Stewart-Ingersoll and Frazier (2012) argue that Pretoria has assumed a custodian role in Southern Africa, due to its dominant military and economic position but also its sense of solidarity with states that supported the ANC’s liberation struggle. Some of this study’s data also points towards the guiding influence of solidarity with former supporters and a drive to emphasise South Africa’s credentials as an African state. Policymakers in the DFA were keen to convey the country’s African identity in order to purge notions of South Africa being a “European outpost on the African continent”.  

President Mbeki has emphasised South Africa’s status as an African state on many occasions and speaks of the overthrow of apartheid as an “African victory” which put an obligation on Pretoria to “advance the cause of the peoples of our continent”.  

Despite the professed shared identity, and a claimed sense of responsibility to defend those with whom an identity is shared, the government offered lukewarm support for the AU defence pact and went to considerable efforts to ensure it contained highly flexible conditions. While many interviewees spoke generally of the importance of South Africa’s identity, in particular its status as an

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105 Interview: Ayanda Ntsaluba.
107 Interview: Admore Kambudzi; Interviewee A (senior South African diplomat at the OAU/AU).
African state, identity was not cited by any as a factor guiding government deliberations in relation to the defence pact. Instead the pact was largely seen as a practical alternative to a proposal from Gaddafi (a single African army) that Pretoria found unpalatable.

In relation to the rules of procedure on the PSC, the third constructivist prediction projects that states with a unilateralist identity and/or states that do not share a common identity with other candidates for membership will display a preference for securing a permanent seat and a weighted vote or veto. States with a multilateralist identity and/or states that do share a common identity with other candidates will be open to a more equitable membership and voting arrangement. According to the criteria employed by Frazier and Stewart-Ingersoll (2010), who formulated this categorisation of state identities, and based upon the data gathered for this study, the Mbeki government had more of a multilateralist than unilateralist identity and certainly viewed itself as sharing African identity with the rest of the continent. It was taken as a given within the DFA that security issues in the region were interconnected and an abundance of examples exist of policymakers publicly stating that South Africa’s fortunes were inextricably tied to that of the continent.108 “None of us can truly succeed if the rest fail,” Mbeki told an audience in 1998, while making a case for greater security cooperation between OAU states.109 Pretoria’s preferences for the PSC rules of procedure, to a considerable extent, reflect those that are predicted of a state with a multilateralist identity. South Africa rejected permanent members on the PSC, albeit in favour of a de facto form of permanency, and was one of many vocal opponents against the implementation of a veto system on the organ. This position was founded on an acute sensitivity within the

108 Interviews: Interviewees A and B (Senior South African diplomats at the OAU/AU), Ayanda Ntsaluba, Welile Nhlapo, Sipho George Nene.
Mbeki government about appearing to assume continental or regional leadership functions. “I would think it very surprising if we pushed for a veto or permanent seat,” recalled Aziz Pahad, “there was such a strong principled position that we, at that time, were opposed to any vetoes in the UN and we could not have that elsewhere”. Policymakers were keen to associate the new South African identity firmly alongside that of other African states, to show that it would be an entirely different neighbour from the apartheid regime and dedicated to multilateralism. Identity then, more than any of the factors predicted by the neorealist and liberal approaches, is a significant explanatory variable in terms of Pretoria’s stance on the PSC rules of procedure.

The final constructivist prediction returns to the concepts of social identity and international expectations, which will be reflected in the type of intervention mandate, if any, states will prefer. A number of social identities, reinforced by domestic and international expectations have been commonly associated with the South African state, such as a champion of human rights (Geldenhuys 2012), a regional custodian (Stewart-Ingersoll and Frazier 2012) or a state with a foreign policy that aspires to achieve a better life for all (Van Wyk 2004). If one grants that such identities are rightly associated with South Africa, then the government’s position matches the expectation of the prediction, given Pretoria’s favouring of an intervention mandate triggered by humanitarian crises. Certainly, interviewees tended to explain the government’s position by reference to the immorality of inaction in the face of atrocities. One, for example, cited the unacceptability of Africans failing to prevent or stop the genocide in Rwanda or the conflict in Somalia. “We could not be indifferent to human rights

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110 Interview: Aziz Pahad.
111 Interviews: Aziz Pahad, Mxolisi Nkosi, Interviewee A (Senior South African diplomat at the OAU/AU), Ayanda Ntasaluba.
112 Interviewee A: Senior South African diplomat at the OAU/AU.
abuses happening in one of our member states, the killing and maiming of people,” said
another.113 As highlighted earlier, however, South Africa’s inconsistent record on
human rights protection calls into question the extent to which values drove its foreign
policy. The letter written by Human Rights Watch to Aziz Pahad in 2008, in response
to Pretoria’s refusal to support resolutions in relation to Iran, Burma, Uzbekistan and
Sudan, highlighted the dissonance between South Africa’s reputation as a beacon of
human rights and the government’s actual behaviour, which represented a “huge step
backwards for the protection of human rights worldwide”.114 This dissonance led
Kathryn Sturman (2004) to conclude that South Africa’s promotion of an AU
intervention mandate had more to do with Pretoria’s objective of securing a UNSC seat
by boosting its “image as a middle power, capable of keeping the peace in the region”
than it did with a principled commitment to human rights.

The constructivist predictions certainly helped illuminate particular factors not
addressed by the neorealist and liberal frameworks, which were of significance in
forming the South African government’s positions in relation to APSA. On the design
feature where the other two schools of thought were of least value, the rules of
procedure of the PSC, the constructivist approach proved most beneficial, highlighting
the important role played by identity and expectations in guiding Pretoria’s preference.
In relation to the government’s preference for the defence pact, the constructivist
prediction did not closely match the reality of the situation. The predictions in relation
to the scope and intervention mandate, which were largely based on values and identity,

113 Interviewee B: Senior South African diplomat at the OAU/AU.
suffered from inconsistencies in Pretoria’s professed guiding principles in relation to APSA and dissonance with those principles in the government’s policies elsewhere.

Conclusion

Drawing upon interviews with centrally involved participants as well as a variety of primary and secondary documents, the preceding pages provide a comprehensive outline of where the South African government stood in relation to some of the most critical elements of APSA’s organisational design. Having a well-founded account of not only the government’s preference in each instance, but also the underlying rationale, facilitates the theory-testing element of the chapter. None of the sets of predictions, derived from the assumptions of the neorealist, liberal and constructivist approaches, proved highly accurate across all of the APSA design features being focused upon. However, there are varying degrees of accuracy across the sets, with those derived from liberalism most closely reflecting the formulation of Pretoria’s policy towards APSA’s structure.

The predictions drawn from neorealist assumptions proved the least accurate. Pretoria’s willingness to champion institutional arrangements that restricted state sovereignty largely confounded the neorealist expectations for an economically and militarily powerful state. South Africa’s position in relation to the defence pact did hint at relative gains considerations, as neorealism emphasises, though the prediction itself was not particularly accurate, given that Pretoria never viewed the pact as a way to expand upon its power and influence. The neorealist predictions did prove accurate, to some extent, in relation to the preference for permanence (of a sort) that South Africa displayed in relation to the PSC. The liberal predictions displayed the same level of accuracy in
relation to PSC, however, while also more accurately predicting the government’s preferences across a number of other APSA design features. The predictions developed from constructivist assumptions proved more helpful in illuminating factors that were significant in relation to the government’s preferences for the PSC rules of procedure. Establishing the precise causal effect of the variables highlighted by the constructivist predictions often proves difficult, however. The many examples of dissonance between South Africa’s professed identity and values, and its actual foreign policy practices undermine their explanatory power.

The linkages that the liberal approach emphasises between domestic political actors and foreign policy proved particularly insightful when assessing foreign policy in the Mbeki administration. Many examples can be drawn from the interview data and documentary analysis that highlight the widely-held view in the government (and DFA in particular) that consolidation of democracy and development in South Africa and on the rest of the continent were inextricably linked. Based upon the evidence presented in this chapter, it might be more accurate to say that domestic socio-economic development and the ANC’s consolidation of power were tied to furthering peace and stability in Southern Africa and the wider continent. Given that context, it was rational to push for an international institution with a scope of activities that included democracy, human rights and good governance promotion, as well as an intervention mandate that could bolster its ability to pursue that agenda. Equally, the insistence upon flexibility in the AU defence pact made sense from an electoral point of view as it provided a safeguard against being drawn into conflicts that did not have the public’s broad support. The design feature with which the liberal preference predictions struggles most relates to the PSC rules of procedure, although the government’s preference for de facto permanency on the council was not too far away from the preference for de jure
permanence that was predicted.

The potential complementarity between the liberal and constructivist traditions is highlighted by the analysis of Pretoria’s preferences in relation to the PSC. What was referred to earlier in the chapter as a blind spot for liberalism proved to be the aspect of APSA’s design on which the constructivist predictions proved most accurate. Although it may have made sense, from a rationalist or materialist perspective, to push for permanency and elevated voting rights on the council, sensitivity about appearing to have hegemonic intent and a desire to re-establish the nation’s identity firmly within the continent proved a powerful constraint. Therefore, the South African case provides some support for the argument, also made by Domson-Lindsay (2017) in his study of Pretoria’s foreign policy, that deeper insights into states’ behaviour are achieved through integration of the concepts and lens of different IR schools.
Chapter 7 - Nigeria

Two weeks before Thabo Mbeki became President of South Africa in June 1999, the leader with whom he would form a partnership to drive the transition from the OAU to the AU became Nigeria’s first democratically elected head of state in 16 years. It was a remarkable turnaround for Olusegun Obasanjo, who a little over a year previously had been a political prisoner under the military dictatorship of Sani Abacha. A former military head of state from 1976 to 1979, Obasanjo was the first African military leader to voluntarily hand over power to a civilian government. As a private citizen, Obasanjo had taken to the role of an elder statesman, remaining active in civil society and frequently critical of governance in Nigeria, a tendency which saw him spend three years in prison under Abacha. Following his release and subsequent election as President, Obasanjo joined forces with Mbeki to replace the OAU with an organisation that better reflected their broadly similar agendas for continental reform.

This chapter outlines the positions that Abuja took in relation to how the APSA framework should be designed, drawing upon interviews with policymakers and OAU/AU officials, as well as a broad selection of primary and secondary documents. As with the South African chapter, these positions will be compared with predictions, derived from the assumptions of three of the most commonly-used IR traditions, in order to gauge the broader theoretical implications of the case study. To begin, an account of the government’s preferences for APSA’s organisational design is provided, broken down into discussion of each of the features upon which this thesis focuses. Following that, the neorealist, liberal and constructivist predictions and their underlying rationales are compared with the actual process of policy formulation in Nigeria. The
chapter concludes with a brief discussion on which of the three theoretical approaches most closely reflects the empirical data.

Abuja’s Preferences

Before testing the predictions, derived from the theoretical assumptions, it is essential to have a clear picture of the position that the Nigerian government held across each of the four design features being addressed in this study. Therein lies the purpose of this section of the chapter, which lays the groundwork for the subsequent theory-focused sections.

The Scope of APSA

There is a clear consensus among the interviewed Nigerian foreign policy advisors and decision-makers regarding the preference that their Government had for the type of scope employed within APSA. All maintained that the Government’s preference was for an expansion of the definitions of defence and security that had been in practice under the OAU to incorporate issues such as human security, democracy promotion, intra-state conflicts and protection of human rights and constitutional governance.115 High-ranking South African diplomats, who spent a considerable amount of time engaging with their Nigerian counterparts during the organisational transition, corroborate this preference.116

115 Interviews: President Olusegun Obasanjo, General Martin Luther Agwai; Open-ended questionnaire with Interviewees C (senior official from the Nigerian Ministry of Foreign Affairs) and D (senior Nigerian diplomat at the OAU/AU).
116 Interviewee A: Senior South African diplomat at the OAU/AU.
Further support for this preference can be drawn from Obasanjo’s policies as a political leader and advocacy as a private citizen. Apart from being the first African military head of state to voluntarily hand over power to a civilian government in 1979 (Isaacs 2002), Obasanjo was an active participant, in between his two stints as head of state, in efforts to “democratise Africa” (Badmus and Ogunmola 2017). A prominent example of this is the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA). Described as Africa’s version of the Helsinki Process, the CSSDCA was created by the Africa Leadership Forum (ALF) during Obasanjo’s tenure as chairman. The origin of the process can be found in the 1991 ALF-drafted Kampala Document, which outlines a definition of security that reflects the broadened interpretation that Obasanjo and his diplomats described in interviews:

The concept of security goes beyond military considerations; it embraces all aspects of the society including economic, political and social dimensions of individual, family, community, local and national life. The security of a nation must be construed in terms of the security of the individual citizen to live in peace with access to basic necessities of life while fully participating in the affairs of his/her society in freedom and enjoying all fundamental human rights.117

Although the Kampala Document was presented to an OAU summit in 1991, no substantive follow-up occurred in subsequent years on the CSSDCA initiative, due in large part to reservations expressed by certain member states and Obasanjo’s imprisonment by the Abacha regime in 1995 (Cilliers 2002a). As a democratic leader of Nigeria, as a result of elections that have been criticised as highly flawed by some (Taylor and Williams 2008), Obasanjo remained active on the international stage in his employment of an interpretation of defence that ventured beyond the state-centric and militaristic definition of the OAU. In addition to resurrecting the CSSDCA process, the

Obasanjo government played an active part in efforts by the Economic Community of West African States (ECOWAS) to restore constitutional governance in a number of states, including Togo and Sierra Leone (Badmus and Ogunmola 2017). Since retiring the former president has also remained actively involved in trying to solve constitutional and security crises on the African continent through diplomacy, including missions in Congo in 2009 and Senegal in 2012.

The APSA Defence Pact

As indicated in the previous chapter and expanded upon in the next, the proposal of establishing a defence pact between AU members has its genesis in Muammar Gaddafi’s desire to create a single army to supersede all existing state forces that would work under the instruction of the executive of the United States of Africa. The Nigerian government’s preferences in relation to the pact largely mirror those of their South African counterparts, in that they were happy to accept the pact on the condition that its terms involved no legally-enforceable obligations on states. In comparing the positions of Nigeria and South Africa, a former high-ranking representative of Abuja’s at the AU claims, “I can honestly say there was not much difference in opinion”. He added that, if anything, the Nigerians wanted the pact to be “watered down” even a bit more than Pretoria.118

Interviewees were keen to point out that the Nigerian government believed in the concept of collective security, pointing to the pre-existence of a similar pact within ECOWAS and Abuja’s long history of active involvement in regional peace missions. In such instances, however, the decision to contribute towards regional or continental

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118 Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.
peace efforts were never a result of a legal obligation enshrined in a defence pact. In the context of AU negotiations, Nigeria’s diplomats had no intention of signing up to a pact that could introduce such an obligation. “So far, Nigeria has been in command of which conflict it wants to engage in,” according to one, “nothing is so rigid that Nigeria could not protect its own interest”.\footnote{Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.}

*The Peace and Security Council Rules of Procedure*

In relation to the terms covering membership of the PSC, there is little doubt that the Nigerian government had a preference for the creation of permanent seats, one of which would be held by Abuja. In his memoirs, former under-secretary and director for African Affairs in the Nigerian MFA, Olufemi George, wrote that the government proposed rules of procedure for the PSC in 2001 that included permanent seats.

> In the original draft, Nigeria proposed five Permanent Members on the Council, based on equitable regional representation and mainly informed by the need to accord due recognition to those countries that bear the burden of peace and security on the continent.\footnote{George, O. (2012) *From Rookie to Mandarin: The Memoirs of a Second Generation Diplomat*, Ibadan: BIP.}

An interviewed former Nigerian ambassador to the AU provides a similar account of Abuja’s position to that of his colleague, as does Admore Kambudzi, the UN-appointed consultant hired to assist with the establishment of APSA including with the drafting of the PSC Protocol.\footnote{Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU; Interview: Admore Kambudzi.}
In relation to the decision-making rules of the PSC, there are some indications that the government preference was for some system of tiered voting rights, as indicated by the following response from a former Nigerian MFA official.

It was realised that some countries bear more responsibilities and burdens, as well as exert more efforts than others in this area. It was therefore natural to expect these states to have more say in these matters.122

President Obasanjo also hints at a preference for privileged voting rights for those that make a greater contribution. “It does not matter what you say, there are countries within each region that have the ability to make a greater contribution than others,” Obasanjo commented in interview. Ultimately, however, Abuja never officially pushed for a veto or weighted vote.123 Such was the opposition from other member states to the suggestion, it could be argued that this was a reflection of the government’s realistic expectations of what could be achieved.

The APSA Grounds for Intervention

In the interview he participated in for this study, President Obasanjo begins the conversation by outlining what he thinks are the most important differences between the OAU and the AU. The following quote illustrates both his position on providing an intervention mandate to the AU and the significance he assigned to that decision.

As a result of the experience, I would say from the OAU, the Constitutive Act of the AU brought, if you like, some innovations. One of the innovations would be (a focus on) peace and security. There was not anything like that in the OAU Charter. The other point that we should make at the beginning of the AU, that is very important on the peace and security issue, is the ability or the sanction

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122 Interviewee C (open-ended questionnaire): Senior official from the Nigerian Ministry of Foreign Affairs, centrally involved in formulation of Abuja’s position in relation to APSA, as well as communication with Nigerian representatives at the OAU/AU.

123 Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.
of intervention, which is in the AU Constitutive Act and is not in the OAU Charter.\footnote{124 Interview: President Obasanjo.}

Obasanjo’s stated support for providing the AU with an intervention mandate is consistent with his government’s approach to regional security. One of the most prominent examples of this approach is the decision in 2003 to send 2,000 Nigerian soldiers to Liberia in an attempt to bring an end to the country’s civil war.\footnote{125 ‘Nigeria prepares to send troops to Liberia’, (2003) The Irish Times [online], available: doi: https://www.irishtimes.com/news/nigeria-prepares-to-send-troops-to-liberia-1.365746 [accessed 25 July 2018].} Obasanjo personally played a role in a non-violent intervention in São Tomé and Príncipe in 2003, where he acted as a chief mediator in quashing an attempted coup by the military.\footnote{126 Oshewolo, S. (2018) ‘Nigeria’s peace interventions in Sao Tome and Principe and the Republic of Togo under President Olusegun Obasanjo’, African Identities, pp.1-13.}

Even before Obasanjo was elected to power, the Nigerian state had a record of pushing a more interventionist stance in West Africa, with Abuja the primary driver of ECOWAS Monitoring Group (ECOMOG) military operations in Sierra Leone and Liberia, which “marked a shift away from the ECOWAS norm of non-intervention” (Obi 2008). In terms of the grounds that would justify an intervention, there is a consensus amongst those interviewed regarding Abuja’s stance. Any intervention carried out by the AU, as far as the Nigerian Government was concerned, should be carried out because of gross human rights violations, which were likely to cause repercussions in neighbouring states and the wider region.\footnote{127 Interviewees C and D (open-ended questionnaires): Senior official from the Nigerian Ministry of Foreign Affairs and senior Nigerian diplomat at the OAU/AU. Interviews: President Obasanjo, General Martin Luther Agwai.}

These claims are consistent with the recollections of Aziz Pahad, the Deputy Foreign Minister for South Africa at the time of the establishment of APSA, who identifies Nigeria as one of the prime drivers behind establishing an AU with an intervention mandate.\footnote{128 Interview: Aziz Pahad.}
Testing the Theories

With a clear picture established of where Abuja stood in relation to the four organisational design features of APSA being focused upon, the next step of the enquiry is to test the predictions drawn from the core assumptions of neorealism, liberalism and constructivism. This section is broken into three sub-section, each corresponding with one of the IR schools of thought. Each sub-section will be broken up into discussion of the four design features and how Abuja’s preferences compare with the theory-based predictions as well as their underlying rationales.

*Neorealism*

The predictions, derived from the core assumptions of neorealism, consider the primary influences on state preferences to be the anarchy of the international environment and the distribution of power between states. Actors are motivated, above all else, to safeguard and increase the security of the state through the acquisition of resources, the expansion of defence capability and the forging of alliances. Because of this hostile and uncertain international environment, the neorealist predictions formulated in relation to the design of APSA afford considerable importance to the upholding of state sovereignty and the retention of state control over resources.

The first prediction, in relation to the scope of APSA, projects that states will oppose a definition of security being employed that could facilitate external intrusion on its territory and sovereignty by providing an international institution with a remit over matters, previously considered internal, such as the upholding of democracy or citizens’
individual rights. On the contrary, however, Nigeria was one of the most vocal advocates for expanding the AU’s remit to include democracy and human rights protection as well as the promotion of good governance. Policymakers, at the time, were concerned about “insecurity in neighbouring countries eventually affecting national and regional security”.129 Rather than fearing how a new continental definition of security could further negatively affect Nigeria’s sovereignty and security, policymakers in Abuja saw such a reinterpretation as part of the solution to instability.

The prevailing security situation on the continent, particularly in the ECOWAS space, warranted that the definition of security be expanded beyond its traditional definition. Recall that some of the crises arose as a result of bad governance and human rights violations in the sub-region and elsewhere, for which Nigeria had to take the lead in restoring peace.130

Of course, it could be argued that it was relatively costless for Abuja to promote this newly expanded scope. The state’s military and economic power makes it highly unlikely that Nigeria would be subject to an intervention over internal matters such as governance or human rights protection. Nonetheless, basing a strategy, even in part, upon the ability of an international institution to foster stability through oversight of internal governance is at odds with the sovereignty-conscious rationale of the prediction.

The second prediction, developed from neorealist assumptions, relates to the AU defence pact and claims that a state of Nigeria’s size and power will seek a rigid arrangement, as long as the terms are heavily weighted in its favour. This, for example, could mean demanding conditions that afford primary decision-making power to Abuja in terms of the collective strategy of pact signatories. As outlined earlier, Abuja

129 Interviewee C (open-ended questionnaire): Senior official from the Nigerian Ministry of Foreign Affairs. 
130 Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.
supported the establishment of an AU pact, on the condition that it was flexible enough to be non-binding. Gaining a foothold or influence over others does not appear to have been a salient factor for the government though, as Nigeria’s military dominance meant that it “did not need intervention from other states or regional/continental bodies”.\(^\text{131}\)

As was the case with the South African government’s support of an AU pact, Abuja was much more motivated by the desire to placate Muammar Gaddafi than any other strategic goals.\(^\text{132}\) Abuja was one of the biggest opponents of the Libyan leader’s United States of Africa notion, which Olufemi George would later describe in his memoirs as “a phantom concept, which, like several of his previous efforts at union, was doomed to failure”.\(^\text{133}\) Of course, trying to scupper the power consolidation plans of a rival does indicate relative gains considerations, so in some respects Nigerian policy reflects something of a neorealist underpinning. However, for the most part, the neorealist prediction does not accurately capture Abuja’s preference in relation to the NACDP.

The third neorealist prediction, in relation to the PSC rules of procedure, shows greater explanatory value than those that address APSA’s scope or defence pact. Nigeria is predicted to favour securing a permanent seat and a relatively higher voting weight or veto on the security organ. As detailed earlier in the chapter, Abuja was quite forthright in its desire to obtain a permanent seat on the PSC, and some of the interview data indicates an underlying desire to have a greater say over decision-making on the council, although it was never pursued officially. While not explicitly stated by interviewees or in official documents, it seems likely that the rationale for the Nigerian position on PSC membership was close to that outlined in the prediction. Abuja did not

\(^{131}\) Ibid.


require the assistance of foreign militaries to uphold the state’s security but was often called upon to play the role of a regional policeman, working to stabilise West Africa. Being the guarantor of security in the region, and one of the biggest providers towards future PSC-ordered missions, entitled Nigeria to permanent representation as far as the government was concerned.

Nigeria and its friends believed strongly that it was important that countries which bear the brunt of maintaining peace in the continent, who pay the most for peace-keeping and have a lot more experience in that area, should always be present in the PSC where important decisions are made on peace and security issues.\textsuperscript{134}

It is not as clear if the element of the prediction that addresses the decision-making procedures is accurate, although this lack of clarity is down to reluctance on the part of interviewees to discuss the Nigerian preference on voting in detail, and an absence of other data on the issue. If one were to grant that Abuja’s desire was for a veto or weighted vote, then a preference of that sort would be consistent with the same underlying rationale as what motivated the government’s aspiration for a permanent seat.

The final neorealist prediction, which foresees a state preference for an intervention mechanism that is triggered only when a target state requests it, proves quite inaccurate. On the contrary, Nigeria favoured providing the AU with the legal right to intervene without a state’s consent in circumstances where major human rights abuses were occurring. The logic behind the fourth prediction is that giving such a mandate to an external institution would represent too grave a threat to a state’s sovereignty. In the case of Nigeria, threats to sovereignty might not have been much of a concern, given the absence of regional challengers and its status as one of Africa’s most economically

\textsuperscript{134} Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.
and militarily powerful states (Adebajo 2000). Creating an environment more open to humanitarian interventions could be argued to be a tactic to facilitate greater spread of Nigerian influence. None of the data gathered for this study hints at such a motivation, however. According to interviewees, including President Obasanjo, providing the AU with a humanitarian-based intervention mandate was primarily motivated by preventing the contagion of ethnic conflicts and large flows of refugees across Nigeria’s borders, as well as protecting the enormous numbers of Nigerians living in neighbouring states. A leaked diplomatic cable from the American ambassador to Nigeria in 2001 concurs that these issues were security priorities for the government at the time.135 Although the neorealist predictions more closely reflected Abuja’s preferences than those of the South African government, they still could not be described as boasting considerable explanatory power in relation to the Nigerian case study. Certainly, in several instances, the motivating concerns of the government were primarily of the sort that neorealist literature would point towards. However, some of the strategies employed to address those concerns – particularly those that involved ceding sovereignty and future control for the sake of regional stability – run counter to the logic that states operate in a self-help system, and prioritise retention of sovereignty and relative gains over almost everything else.

Liberalism

Assessing the explanatory value of the predictions derived from the liberal framework’s assumptions involves conducting analysis at the domestic level, in contrast to the

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135 Interview: President Obasanjo; Interviewee C (open-ended questionnaire): Senior official from the Nigerian Ministry of Foreign Affairs.
almost exclusive international focus of neorealism. This requires examination of the extent to which foreign policymaking was influenced by the attempts of societal actors to increase their domestic authority and power.

The first liberal prediction anticipates that democratic governments, such as that headed by Olusegun Obasanjo, will favour an international security institution with a scope of activities that emphasises the upholding of democracy, human rights and good governance. Providing the international body with this focus provides a safeguard against the overturn of representative institutions that put state-controlling actors into power, reduces the possibility of regional instability caused by the establishment of conflicting political systems in other states and helps foster capital inflows that would be negatively affected by instability. The prediction and the rationale, in particular the aspects of it which focus on retention of domestic power, show considerable predictive power in this instance. In 1999, Obasanjo was elected to lead a country that had known only four years of democratic rules since 1966. After his victory, democracy in Nigeria was not necessarily on the strongest footing either, due to accusations of electoral fraud, disgruntled ethnic groups and dissatisfaction among army officers with Obasanjo’s victory (Ihonvbere 1999). Given Nigeria’s recent history, the “paramount” issue for the president was stopping future military coups. Empowering APSA to uphold democracy and constitutional governance was one method employed by the government as part of its strategy.

We came up with all sorts of ideas, like ban coups in the constitution, but the man who takes his gun to procure a coup d'état knows that what he is doing is treasonable so if he succeeds, the first thing he does is tear up the constitution that he has supplanted. It is not even worth the paper it is written on. So we
needed to do something, yes, something in the constitution and something in the AU. There were further incentives, also based upon safeguarding the position of the incumbents, to promote this type of scope. As outlined by Nigerian diplomats, regional instability in West Africa – often resulting from human rights violations and unconstitutional governance – were of major concern to the government. During the 1999 election campaign, Nigeria had peace-enforcement missions in Liberia and Sierra Leone. These military missions’ estimated cost of $1m-a-day was a major source of criticism amongst voters, many of whom were living in dire poverty. Calls at the time from Obasanjo’s political opponents “for a withdrawal of Nigerian troops from Sierra Leone were greeted with rapturous applause” (Adebajo 2000) and Obasanjo himself was reported to have spoken of withdrawing Nigerian troops from Sierra Leone “on economic grounds”. Empowering the AU with a broader security remit, as well as the capacity to address internal issues that were often critical elements in the breakout of conflict, was part of the government’s long-term strategy to tackle instability in West Africa. As the above account indicates, that strategy was at least partially founded on the domestic concerns of a newly-elected government, facing a public that balked at their country’s peacekeeping bill.

The second liberal prediction expects states, particularly powerful ones like Nigeria, to broadly favour a defence pact but to insist upon flexibility in its terms. As detailed earlier in the chapter, this prediction closely reflects the actual position held by Abuja in relation to the APSA pact. The logic underlying the prediction is that policymakers in democratic states will seek to retain control over decisions regarding the state’s

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137 Interview: President Obasanjo.
security operations so as to avoid military involvement in missions that do not have the support of the electorate. Clearly, public perceptions of the cost of Nigeria’s peacekeeping activities were an important consideration for the newly-elected government in 1999. Obasanjo acknowledged as much in his first speech as president, in which he identified reducing Nigerian involvement in the Liberia and Sierra Leone conflicts as a priority issue. Within three months of his victory, Obasanjo started a phased withdrawal of troops from Sierra Leone. At the 54th UN General Assembly a few months later, he justified the withdrawal by criticising the disproportionate security cost that Nigeria had borne, resulting in stunted domestic development:

For too long, the burden of preserving international peace and security in West Africa has been left almost entirely to a few states in our sub-region… Nigeria’s continual burden in Sierra Leone is unacceptably draining Nigeria financially. For our economy to take off, this bleeding has to stop.

As already indicated, the government was motivated to reduce its security burden in the region due to electorally-based incentives of the sort that had not existed for military ruler Sani Abacha, who had maintained a considerable Nigerian presence in Sierra Leone and Liberia for most of the 1990s. Because Nigerian interviewees were reluctant to delve into the logic undergirding their government’s position on the defence pact and documentary evidence of the thinking behind it was not discovered, it is not possible to say definitively that electoral concerns factored into Abuja’s insistence upon flexibility in the defence pact. What can be said is that the government’s desire for pact flexibility was entirely consistent with its demonstrated eagerness to allay public concern over Nigeria’s peacekeeping bill.

The liberal prediction in relation to the PSC rules of procedure also emphasises the critical role of voters in the formation of preferences, with states projected to desire a permanent seat and privileged voting rights, under the reasoning that it benefits the electorate, and by extension the electees, to have the state in full control over its armed forces’ activities. The prediction is accurate in respect of Abuja desiring a permanent seat but, while some in the government may have harboured a desire for a greater say in PSC decision-making, no official efforts were made to secure a weighted vote or veto. In terms of the rationale, both in terms of desiring a permanent seat and what desire there was for a weighted vote or veto, the evidence gathered cannot definitively rule in or out electoral concerns being an influencing factor. Interviewees were more likely to argue that the disproportionate security burden Nigeria took on should have been acknowledged with a permanent seat. In addition to allowing the biggest contributor to retain greater control over its forces, Abuja could also make a more valuable contribution to the PSC, given its considerable experience with foreign military operations. Again, the stance that the government took, to a significant extent, is consistent with the government’s demonstrated eagerness to address voter discontent over peacekeeping costs, although the available evidence is insufficient to make a strong case for domestic concerns being a critical factor.

The final liberal prediction projects that democratic states will favour humanitarian-based grounds for intervention, in order to serve as a disincentive to the establishment of conflicting political systems in neighbouring states and to protect the domestic representative institutions that put the democratically-elected incumbents in power. For the most part, this prediction and its underlying logic appear accurate. Abuja was one of the most vocal proponents for providing the AU with an intervention mandate.

141 Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.
triggered by major humanitarian abuses. Just as providing the AU with a remit over human rights, democracy and governance helped bolster the government’s efforts to prevent a coup within its borders, having the power to intervene would give the organisation ‘teeth’ and make a military seizure of power even less likely. It would also reduce the likelihood of Nigeria being drawn into military quagmires, often stemming from long-standing humanitarian abuses or attempted government overthrows, by allowing the AU to “intervene in good time to deal with emerging crises before they get out of hand”. ECOWAS had acquired a similar intervention mandate in the years prior, although on legally questionable grounds (Nowrot and Schebacker 1998). Providing the AU with a legal right of intervention helped the government perform a delicate balancing act of decreasing the likelihood of expensive security operations for the Nigerian military that would displease voters, while maintaining the ability to conduct multilateral security operations when they were necessary for the security of Nigerians living inside and outside the country. It was the cost rather than the occurrence of Nigerian security operations that found disfavour with the public. Indeed, “many regarded as a good thing Nigeria’s participation in peacekeeping operations, so long as it was paid for by others, mainly the UN, the AU and the European Union”. As was the case in the South Africa-focused chapter, the predictions derived from the liberal assumptions better reflect the actual preferences and deliberations of the Nigerian government in relation to the design of APSA than those developed from neorealism. Data limitations made it more difficult to gauge the extent to which the liberal predictions helped explain the government’s preferences in relation to the defence pact and the PSC rules of procedure. However, the focus on the domestic and

142 Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.
143 Ibid.
international concerns of those actors in control of the state proved particularly illuminating in relation to Abuja’s position on APSA’s scope and intervention mandate.

Constructivism

The final sets of predictions, drawn from the core assumptions of constructivism, depart from the rationalist or materialist footing of neorealism and liberalism. Although not entirely disregarding the power of rationally anticipated material gains, constructivism – and the predictions derived from the framework – emphasise the importance of social meaning attached to objects, practices and individuals.

In relation to the scope of APSA, the first constructivist prediction anticipates a state preference for an interpretation of defence and security that reflects the principles of its social identity and the expectations of the international community. A common theme in constructivist-themed literature on Nigeria is the state’s identity as a leader, champion and protector of West Africa and Africa more generally (Badmus and Ogunmola 2017, Stewart-Ingersoll and Frazier 2012, Bach 2007). The momentous political changes in the country in the year prior to Obasanjo’s election – moving from decades of often brutal military rule to a democratically-elected government – makes it more of a challenge to relay how that identity ties in with the issues that Abuja fought to include in APSA’s scope, such as democracy, human rights and good governance. It could be argued that the state’s identity was in transition at the time, given such historic developments, though it has been argued that a ‘big brother’ identity has permeated Nigerian foreign policy both before and after its democratic transition (Aghalino and Justus 2017). However, President Obasanjo indicates that Nigeria’s recent history, which informs a state’s identity, did somewhat influence the position it took in relation
to the scope of APSA. “We have had situations in our country where there have been serious issues with human rights. So, the issue of human rights – of upholding human rights – is very particular to us”.

A high ranking MFA official says, however, that Nigeria’s history was “not an overriding factor” but does indicate that international expectations may have played a role, stating that by 1999 “military coups and governments had become unfashionable, while it was generally accepted that there was a positive correlation between democracy and development”.

Nigeria’s return to constitutional governance, which had turned Obasanjo into “something of a Western darling”, had brought international expectations, of which the president was keenly aware and unafraid to use for his country’s benefit (Youngs 2010). At a 2005 meeting, he told a collection of Western leaders, including George W. Bush, that granting debt relief to Nigeria would amount to a ‘democracy dividend’ at a time when Africa’s largest democracy was in need of support. Of course, Abuja’s embrace of democracy, human rights and good governance within APSA does not necessarily follow from international expectations. Interviewees who were involved in relevant negotiations for the government at the time were much more likely to cite “national, regional and continental security” as motivating factors. Causality between identity and expectations on one hand and the government’s preference on the other cannot be reliably proven in this instance. It is worth highlighting, though, that the Nigerian

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144 Interview: President Obasanjo.
145 Interviewee C (open-ended questionnaire): Senior official from the Nigerian Ministry of Foreign Affairs.
147 Interviewee C (open-ended questionnaire): Senior official from the Nigerian Ministry of Foreign Affairs.
preference for scope was largely consistent with the identity the new government was attempting to forge and the hopes of the international community.

The second constructivist prediction projects a preference for a defence pact that will reflect the extent to which a state shares a common identity with fellow signatories. Where solidarity is strong, governments will be expected to show more willingness to commit to a rigid institutional arrangement to afford protection to others. Nigerian state identity, according to existing studies on the topic, is rooted in the African continent, by virtue of it being the home of the world’s largest black population and one of Africa’s most powerful states (Adebajo 2010; Badmus and Ogunmola 2017). Rather than embodying African solidarity, however, it would be more accurate to describe Abuja’s identity as reflecting a belief in Nigeria’s exceptional status among African nations. Conferring upon Nigeria “the responsibility of playing ‘big brother’ to other African countries”, the concept of ‘Pax Nigeriana’ has been used for decades to justify the leadership role of Abuja in the maintenance of peace in its region and the spread of Nigerian political values to its neighbours and the continent (Aghalino and Justus 2017). A study conducted by Barnabas Gbam (2017) indicates that such beliefs in Nigeria’s exceptional status do influence foreign policy, particularly security policy. In a series of questionnaires and semi-structured interviews he conducted with 172 Nigerian policymakers, over 90 per cent of the respondents said the country’s peacekeeping operations were motivated by its role as a ‘big brother’ on the continent. If one accepts the Pax Nigeriana concept as representative of the state’s social identity, then the government’s preference in relation to the AU defence pact appears somewhat consistent with the constructivist prediction. Abuja was broadly supportive of a defence pact because, according to one policymaker, “Nigeria’s belief in being our brother’s keeper is unshakeable, especially as we had recognised that some countries are better
endowed than others.” By virtue of its greater endowments, in the eyes of its policymakers, Nigeria assumes the role of a leader – rather than a member – of African people. Obasanjo exemplified this attitude in his inaugural speech as president in 1999.

Nigeria is wonderfully endowed by the Almighty with human and other resources. It does no credit to us, or the entire black race, if we fail in managing our resources for quick improvement in the quality of life of our people.

Abuja’s insistence upon flexibility in the defence pact is consistent with a foreign policy guided by the notion of being exceptional among African states. Again, the causal influence of such collectively-held notions prove a challenge to verify. Interviewees were happy to stress Nigeria’s leadership credentials when explaining their support, in general terms, for a defence pact but were not as forthcoming regarding the insistence upon flexibility.

The third constructivist prediction, which addresses the PSC rules of procedure, anticipates that states’ preferences for membership and decision-making rules will be reflective of whether they have a more multilateralist or unilateralist identity, and whether or not they share a common identity with other potential members. States with a multilateralist orientation and which share a common identity with others will prefer more equitable rules of procedure while the unilateralist-orientated and those who share less of a common identity will prefer to obtain a permanent seat and privileged voting rights. According to the criteria employed by Frazier and Stewart-Ingersoll (2010), who devised the categorisation, Nigeria’s identity is more multilateralist than unilateralist, although the title is less definitively applied to Abuja than it was to South Africa.

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148 Interviewee C (open-ended questionnaire): Senior official from the Nigerian Ministry of Foreign Affairs.

Undoubtedly, policymakers viewed security issues in its region as interconnected. For example, one interviewee justifies establishing a pro-active continental security mechanism on the grounds that domestic security issues in African states often led to “problems for neighbouring countries or even the sub-region through instability and the creation of refugees streaming to neighbouring countries”\textsuperscript{150} However, demonstrated notions of Nigerian exceptionalism, subscribed to by its policymakers, temper Abuja’s multilateral tendencies. The government’s willingness to cooperate with its neighbours appears contingent on the acceptance by other states that their collective efforts will take Nigeria’s lead. The contention by both a high-ranking diplomat and policymaker that Abuja was a “natural candidate” for a permanent seat on the PSC could be argued to be representative of such beliefs. The latter also spoke of how it would also be natural to grant Nigeria a greater say over PSC decision-making\textsuperscript{151} Ultimately, it seems most likely that Abuja’s position on the rules of procedure reflect a combination of factors based in identity and materialist considerations. The justifications provided for awarding Nigeria a privileged position on the PSC mostly stress the need to acknowledge its future contribution to security efforts, although such arguments are often couched in terms that reflect a belief in Nigeria’s “manifest destiny” to lead the continent (Bach 2007).

The final constructivist prediction expects state preferences on the AU intervention mandate to be reflective of the state’s social identity and international expectations of the state. As indicated earlier, a state’s history or interaction with other states influences its identity, and Obasanjo has said that his country’s experience of military rule and

\textsuperscript{150} Interviewee C (open-ended questionnaire): Senior official from the Nigerian Ministry of Foreign Affairs.

\textsuperscript{151} Interviewees C and D (open-ended questionnaires): Senior official from the Nigerian Ministry of Foreign Affairs and senior Nigerian diplomat at the OAU/AU.
human rights abuses informed the position that Abuja took in relation to APSA.\textsuperscript{152} That history, including his own imprisonment for three years at the hands of a military dictator, appears to have changed Obasanjo’s position on intervention. In 1979, during an OAU discussion of the Tanzanian invasion of Uganda, then military head of state Obasanjo criticised the violation of non-interference even to restrict the atrocities of a dictator as brutal as Idi Amin. Speaking to the Assembly, he said, “Our position was that it was primarily a matter for the Ugandans themselves to resolve. We never saw it as our duty….to forcefully effect a change in government of another country”.\textsuperscript{153} Although Obasanjo would remain opposed to unconstitutional changes of government, by the time of his second tenure as Nigeria’s leader, he was one of the most vocal advocates for introducing a mandate for humanitarian interventions. Although interviewees tended to emphasise regional insecurity as a primary factor informing Abuja’s position, it could be argued that the Nigerian stance was also informed by Obasanjo’s change of heart on the topic. Foreign policymaking was highly centralised around Obasanjo, who had become a born-again Christian while imprisoned and stated in his inaugural address as president that the wonderful resources the Almighty had provided to Nigeria should be used to benefit the entire black race. International expectations could also be argued to have played a role. In the same speech, the president spoke of his resolve to “restore Nigeria fully to her previous prestigious position in the comity of nations”.\textsuperscript{154} With the restoration of democracy, Nigeria became a vital ally of America in promoting democracy in Africa.\textsuperscript{155} Political and aid

\textsuperscript{152}Interview: President Obasanjo.
\textsuperscript{155}The 2002 National Security Strategy of the US identified Nigeria as one of four African “anchors for regional engagement”, along the path of political and economic freedom.
relations between the EU and Nigeria also resumed with the return to democratic rule, and European support for the transformation of the OAU and the establishment of NEPAD was based upon their consistency with the essential elements of Brussels’ external cooperation policy, namely good governance, strengthening democratic practices, and respect for human rights and the rule of law. Once elected, Obasanjo was able to use Nigeria’s reputation as an anchor for democracy in Africa to leverage concessions in debt negotiations with the Paris Club, further highlighting the level of expectation and hope that was placed on Abuja (The Economist 2000). Given this context, it seems likely that expectations from the international community factored, to some extent, into the government’s logic behind advocating for a humanitarian-triggered intervention mandate with the APSA framework. It is worth noting, however, that there is quite an instrumental bent to the Nigerian strategy, given the material gains the country stood to gain by meeting expectations.

Although most of the constructivist-derived predictions seemed to be consistent with the positions taken by the Nigerian government in relation to the design of APSA, in many cases the predictions suffer from a lack of specificity. In part, this is due to straying from the rationalist/materialist focus of neorealism and liberalism to instead emphasise factors that are unique to individual states, such as identity, history, roles and expectations. Well-subscribed notions of Nigeria’s ‘manifest destiny’ in West Africa seem to have played a part in how decision-makers assessed their options. This goes some way towards explaining the ‘naturalness’ of Abuja getting a privileged position on the PSC or its right to demand a highly flexible defence pact. International expectations too played a role and help better understand the reputational incentives

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that existed at the turn of the Millennium for the Obasanjo administration to take the
lead on actively promoting human rights and democracy in Africa. It remains a
challenge, however, to decide the level of influence that such factors had on policy
formulation, particularly when material and ideational incentives often pushed in the
same direction.

Conclusion

Providing this narrative of the Nigerian government’s preferences for the organisational
design of APSA adds further detail to the picture that started with the account of the
position taken by the South African government during the same period. In addition,
this detail allows for further testing of the predictions, derived from neorealism,
liberalism and constructivism. As argued in the South African case study chapter, none
of the three IR approaches conveyed each of the government preferences and
underlying rationales across the four APSA design features with a very high level of
accuracy. Of the three, those derived from the liberal assumptions once more showed
the greatest explanatory value.

Again, the predictions developed from neorealist assumptions struggled to explain
instances where the government was willing to cede sovereignty or grant the AU remit
over issues that were previously considered the sole responsibility of the state. The
scope, which the government not only agreed to but were vocal advocates for,
emphasised the protection and promotion of democracy, human rights and good
governance, all matters that would have been considered ‘internal’ during the era of the
OAU. Similarly, the type of intervention mandate that the Nigerian government sought,
triggered by major humanitarian abuses, represents a departure from expectations that
would be generated by drawing upon the tenets of neorealism. The neorealist predictions displayed the highest accuracy in relation to the PSC rules of procedure, given how forthright Abuja was in its pursuit of a permanent seat and the indications from interviewees that there was some appetite for a veto or weighted vote also. In relation to the defence pact, Abuja’s insistence upon flexibility was inconsistent with the neorealist prediction, although the Nigerian position did hint at some concerns with relative gains.

The predictions derived from constructivist assumptions are also of benefit in certain respects, such as in highlighting the role of state identity and international expectations in formulating Nigeria’s foreign policy. Arriving at a reliable finding regarding the extent of that influence proves more difficult, however. In several instances, Abuja’s position was consistent with what other scholars have argued are central tenets of its state identity. For example, insisting upon a privileged position on the PSC is consistent with a logic informed by the concept of Pax Nigeriana. Similarly, advocating for the inclusion of democracy, human rights and good governance under the AU’s remit, as well as an intervention mandate that bolsters the organisation’s ability to cater for such responsibilities, is consistent with international expectations that Nigeria would become an anchor for democracy in Africa. However, demarcating the influence of factors, such as identity and expectations, proves difficult, particularly in those instances where materialistic incentives – such as debt relief in exchange for meeting donor expectations – are pushing in the same direction. For example, did Abuja advocate for a broad intervention mandate because it made sense, given the number of conflicts the Nigerian army engaged in which had their origins in human rights abuses and bad governance? Or was the government’s preference more influenced by the changing international normative environment, what Huntington called ‘Democracy’s
Third Wave’ (1991), which was characterised by a move away from authoritarian rule and towards greater respect for human rights? Lack of clarity of this type is the biggest issue encountered when trying to use a constructivist lens to understand the positions taken by the Obasanjo government and the thinking behind those positions.

Clarity of influence is less of an issue for the predictions developed from the core assumptions of liberalism, in part due to their greater precision. The focus on domestic societal actors proved most illuminating in relation to APSA’s scope and intervention mandate, highlighting the incentives that Obasanjo and his advisors had to bolster Nigeria’s democratic gains and appease a public with little tolerance of their country’s enormous peacekeeping bill. Creating a security framework with the authority to address, forcefully if necessary, matters that were previously considered internal (but which had also been the root cause of many African conflicts in decades gone by) was part of a broader strategy to achieve these objectives. Negotiating a defence pact that afforded a high degree of flexibility to signatories is also consistent with a government facing such pressures, although the evidence gathered could not definitively establish a clear connection between Abuja’s position on the pact and those incentives. Similarly, the liberal prediction in relation to the PSC rules of procedure is accurate to a considerable degree but it remains a challenge with the available data to establish the accuracy of its underlying rationale. Such challenges are encountered to a greater extent when attempting to verify the predictions formulated from neorealism and constructivism, however. This highlights the value – at least in the context of the Nigerian and South African case studies examined here – of taking into account the motivations and interests of the domestic actors that are in control of the state in an analysis of the origins of its foreign policy.
Chapter 8 - APSA Negotiations

The preceding two case study chapters provided an account of how governments in South Africa and Nigeria formed their positions in relation to the organisational design of APSA. This study supports the claim, made by many others, that these two states were the most influential, not only in terms of APSA’s establishment and design, but over the entire transformation process between the OAU and the AU. Nonetheless, their preferences, however influential, still only represent the positions of two states amongst a membership of 53.¹⁵⁷ This chapter details how the preferences of the two most influential states interacted with those of other OAU/AU members during negotiations that culminated in a variety of instruments that give legal force to the APSA framework. This account provides an explanation for the negotiation outcomes and facilitates further testing of the theoretical predictions using empirical data, which in turn adds to the wider examination of the underlying theories’ ability to explain the world.

The chapter begins with a discussion of how two main coalitions formed over the course of negotiations, with each side generally proposing a contrasting vision for APSA from that being advanced by the other. Next, there follows a section that details states’ pre-negotiation preferences as well as the post-negotiation outcomes, represented by a variety of legal instruments adopted by the OAU/AU Assembly. Having a clear picture of pre-negotiation preferences and post-negotiation outcomes lays the foundation for the next section, which provides an account of how the negotiations progressed. This discussion of the evolution of negotiations is divided up into three sub-sections, assessing neorealist, liberal and constructivist predictions respectively. The analysis

¹⁵⁷ In the time period which this study focuses upon, 1999 to 2007, the AU had 53 members. This has since expanded to 55 with the admission of South Sudan in 2011 and the re-admission of Morocco in 2017.
investigates the negotiations through the lenses provided by each of the IR traditions, with a view to establishing which of the three is most suited to capturing the reality of the process. The chapter concludes with a brief summary of the main findings as well as a final comment on which of the three theoretical frameworks best predicted the progression and outcome of the negotiations.

Forming of Coalitions

Many of the interviews conducted for this research, and much of the literature in relation to the establishment of the AU, points to the predominance of South Africa and Nigeria in the process of establishing and designing APSA. However, Pretoria and Abuja operated as the two most influential members of a five-state alliance in negotiations tied to APSA. Referred to by many that were familiar with the grouping as the ‘like-minded states’, the alliance also consisted of Algeria, Ethiopia and Mali.\(^\text{158}\)

The leaders and foreign policy officials of these five states worked together, mostly in private, to advocate for their largely shared vision of the AU, with each government working within their own regional sphere of influence to push that vision forward. As well as a broadly similar ideological disposition, the leaders of the five states were bound together by their cooperation through NEPAD and their shared opposition to the vision for the AU espoused by then Libyan leader Muammar Gaddafi. Tripoli had an alliance of its own at the time, which advocated for a very different interpretation of how the OAU should be reformulated. This section deals with how these coalitions

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\(^{158}\) This grouping was mentioned in interview by Jakkie Cilliers of the Institute for Security Studies, Interviewees A, B and D, President Obasanjo, and in the memoirs of a former Director of African Affairs in the Nigerian Foreign Ministry, Olufemi George.
came together before later addressing negotiations at the level of the AU in relation to
the organisational design of APSA.

*The Like-Minded States*

Although Mbeki and Obasanjo are the two African leaders most commonly cited as
influencing the evolution of the AU and APSA,\(^\text{159}\) many accounts of the organisation’s
origins also give credit to the Algerian leader President Abdelaziz Bouteflika. Like his
Nigerian and South African counterparts, Bouteflika became leader of his country in
1999 and fast set about pursuing an ambitious foreign policy agenda that aimed to end
his nation’s international isolation, in part by playing a more active part in the resolution
of African conflicts (Zoubir 2004). Within months of their ascension to power, the three
heads of state were sent to a meeting of the G7+Russia in 1999, by virtue of their
leadership of three separate international organisations. Mbeki – chairman of the Non-
Aligned Movement, Obasanjo – chairman of the G77+China, and Bouteflika – chairman
of the OAU, travelled to Japan to meet with the leaders of the world’s most powerful
states and to articulate the concerns of the members that they represented. Although
their trips to Japan had not been organised in consultation between the three
organisations, Mbeki, Obasanjo and Bouteflika took the opportunity of their meeting
to lay the groundwork for close cooperation over the coming years. One influential
factor in their decision to plan for future cooperation, according to an account provided
by President Obasanjo, was the apparent lack of interest shown by the G7+Russia
leaders in the African agenda.

\(^{159}\) In his memoirs, Olufemi George, then Director for African Affairs in the Nigerian Foreign Ministry,
wrote that South Africa and Nigeria were the only two member states to submit draft rules of procedure
for the AU’s proposed organs during negotiations prior to the inaugural session of the organisation in
Durban in 2002.
They met us briefly in Tokyo, but they dismissed us as African leaders within 30 minutes or so. The three of us went back to our hotel and said, ‘Look, if they had asked us what is Africa’s programme we would have had nothing to put on the table’. So there and then we decided that we had to do something tangible and that was the beginning of NEPAD.\textsuperscript{160}

The good working relationship that this experience prompted, and their broadly similar visions for future African cooperation, led to Obasanjo, Mbeki and Bouteflika becoming a powerful trio of leaders whose voices were amongst the most prominent in the transition process from the OAU to the AU.

Prime Minister of Ethiopia from 1995 until his death in 2012, Meles Zenawi was also an early supporter of NEPAD, which led to his placing Addis Ababa firmly within the like-minded grouping of five states. Ethiopia was highly dependent on foreign aid in the 1990s and Zenawi felt the conditions attached to external funding, by organisations such as the IMF, did not always work in the interest of the recipient state. NEPAD, as far as he was concerned, offered an alternative to strict adherence to the neoliberal paradigm, while still allowing for productive engagement with the West.\textsuperscript{161} Although at that point, it was independent of what was then the OAU, in 2001 the Assembly of the OAU adopted NEPAD (then called the New Africa Initiative) as one of the continental organisation’s programmes.\textsuperscript{162} Zenawi was an outspoken admirer of Mbeki’s, crediting the South African President with playing a critical role in turning the OAU into the AU and standing firm in the face of Gaddafi’s “silly” proposals for how the organisation should have been transformed.\textsuperscript{163}

The leader of the fifth of the like-minded states, and Mali’s first President to be elected in free multiparty elections, Alpha Oumar Konaré shared with the other leaders a similar vision of how African cooperation should proceed in the 21st Century. At a banquet held in Konaré’s honour in 2000, President Mbeki said that Mali and South Africa were not just sister Republics because they were both African countries. “They are sister Republics because they share a common and noble vision and are committed to do everything they can to transform that vision into the practical reality of Africa reborn,” the South African President told the audience, before proposing a toast to Konaré’s health.164 Unlike the other heads of state, the Malian President occupied roles as both a state representative and a supranational official during the development of APSA, having been elected Chairperson of the AU Commission in 2003. Konaré’s election to the AUC chair had involved “considerable arm-twisting by the Nigerian and South African leaderships” (Akokpari 2004, p.257). His only opponent for the position was the acting Chairman, Amara Essy, a former foreign minister of Côte d’Ivoire who was also the preferred candidate of Gaddafi. The Libyan leader had reportedly put his private jet at the disposal of Essy for his canvassing efforts, which ultimately proved fruitless as the like-minded leaders succeeded in their advocation for Konaré.165 Mali appears to have been the least influential member of the Like-Minded Five, possibly due to Konaré’s transition to the AU at a point when the organisation was still in the formative stages of building its institutional framework but perhaps also because it was

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not a regional heavyweight in the same vein as the other four. Another potential factor in Mali having a reduced role within the like-minded states was the Malian government’s occasional receptiveness to conditional assistance from Tripoli, which is detailed in the next section.

In the final years of the OAU and the formative years of the AU, the five like-minded states engaged in intensive, diplomacy at the level of OAU/AU ambassadors, foreign ministers and frequently, heads of state. The ambassadors would meet in Addis Ababa, where they spent most of their time as permanent representatives, while the ministers would often meet in state capitals in order to keep their discussions private from states outside the grouping. In addition to the annual OAU/AU summits, the leaders would meet in each other’s capitals during state visits as well as on the fringes of other international meetings. The goal of these meetings at various levels was to arrive at a common position on the type of organisation they wanted the AU to become. Lively debate occurred between the states on what these common positions would be, but on the five areas being focused upon for this study, there was not much disagreement.

Once consensus had been achieved between the five states, further rounds of diplomacy followed, as each of the like-minded governments worked within their own regions and spheres of influence to build support for particular positions. A former South African diplomat at the AU provides the following illustration of how this second stage of consensus building worked.

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166 Interview: Aziz Pahad. The South African former Deputy Prime Minister said that Mali was a member of the Like-Minded Five but said he could not remember it being a particularly active participant during deliberations of the grouping.

167 Interviewee A: Senior South African diplomat at the OAU/AU.

168 In an open-ended questionnaire, Interviewee D (a senior Nigerian diplomat at the OAU/AU) wrote: “I can honestly say there was not much difference of opinion on any of the focus areas you have selected”. In interview, Deputy Foreign Minister of South Africa, Aziz Pahad, concurred with the Nigerian representative, saying that he could not recall “any serious disagreements” between the five.
When we were out of these groups, this small grouping, the idea was that we would work in concentric circles. We would take the idea to SADC (Southern African Development Community), whatever the idea may be, and sell it in SADC. Nigeria would sell it within their region along with Mali. Ethiopia would sell it within IGAD (Intergovernmental Authority on Development), and Algeria of course has a very large network of alliances themselves across the continent.\footnote{Interviewee B: Senior South African diplomat at the OAU/AU.}

The Gaddafi Alliance

On the other side of the conceptual divide from the like-minded states was the Libyan government of Muammar Gaddafi, along with a number of smaller states that benefited from Tripoli’s ‘generosity’ in return for their loyalty. Rather than a genuinely shared vision – such as that which diplomats from the like-minded states speak of – the binding force of the Gaddafi Alliance appears to have been based much more on the needs of poorer states for funding and the willingness of the Libyan leader to provide it. Gaddafi’s strategy of using his vast oil and gas wealth to buy influence was reported by several media outlets at the time of the AU’s establishment.\footnote{Munusamy, R. (2002) ‘Gaddafi’s Mad Plan for Africa’, \textit{Sunday Times (Johannesburg)} [online], 14 July 2002, available: http://0-infoweb.newsbank.com.innopac.wits.ac.za/resources/doc/nb/news/132F6B3CD9D4A7D8?p=AWNB [accessed 8 December 2017].}

Libya had a very active sovereign wealth fund under Gaddafi but it did not conform to the general protocol of “largely apolitical management, seeking first and foremost to maximise wealth preservation and wealth creation”. Instead, the Libyan fund made “numerous large investments across Africa, often as politically-motivated investment strategies”, directed by Gaddafi (Choppin 2013). In 2002, a West African diplomat at the AU told


The Independent, on condition of anonymity: “We made a deal with Libya whereby we would support and vote for all resolutions proposed by Mr. Gaddafi at OAU summits in exchange for his help”. The same article said that Gaddafi had paid the dues of up to a dozen OAU members at the time.\(^1\) Gaddafi was equally forthcoming with funds to the OAU itself when it came to pushing his vision towards reality. An OAU report in 2000 noted that the Libyan Government had recently donated almost $1m towards activities of the OAU Secretariat that were geared towards implementing the Sirte Declaration, when it emerged that the regular OAU budget had not provided for those efforts.\(^2\)

According to one AU Ambassador, who sat on the Permanent Representative’s Committee in both the latter stages of the OAU and the formative years of the AU, Gaddafi’s largesse at this time led to a rarely seen situation where all member state dues had been paid.

A lot of money was flowing from Libyan coffers, as Gaddafi was buying people for their positions and support on some of the positions that he was pushing. Sometimes we reached a stage where all member states had fully paid subscriptions, which has always been a problem, but around that time, Gaddafi would pay for some of those countries so that he could have their votes when the time came for debate.\(^3\)

On condition of anonymity, the same Ambassador identified a number of countries that benefited from a variety of Libyan supports – ranging from having late AU membership fees paid to investment in huge infrastructural projects – in exchange for support for certain proposals made by Tripoli. That list consists of Togo, Sierra Leone, Burkina


\(^{3}\) Interviewee A: Senior South African diplomat at the OAU/AU.
Faso, The Gambia, Cape Verde, Central African Republic, Madagascar, Niger, Somalia, Lesotho, Malawi, Equatorial Guinea, Sudan and even one of the like-minded states, Mali. In fact, Mali appears to have been joined by another member of the Like-Minded Five, as a sometimes-willing beneficiary of Gaddafi’s assistance at the turn of the Millennium. In his book detailing Mbeki’s Presidency, Gumede provides a similar list of Libyan beneficiaries, but added Ethiopia and Chad, both of which he claimed had their membership fees to the OAU paid by Gaddafi at the Sirte Summit in 1999 (2007, p.267).

Several South African and Nigerian officials, interviewed for this study, themselves mentioned Ethiopia and Mali’s receipt of assistance from Libya. It does not appear to have been a major source of concern for Abuja or Pretoria, however, both of which viewed Gaddafi’s purchased alliance as being built on unsteady foundations. “We were aware (of Gaddafi’s use of wealth to buy loyalty), all of us were aware, but it did not bother us much,” remarked one high-ranking South African official, who was closely involved in articulating Pretoria’s position in APSA negotiations. “People were very smart about it. Some would easily take the money and then go and do something totally different (from what Libya desired)”. Libya, according to a former Nigerian Ambassador to the AU, had some “very good friends” in West Africa. However, the Obasanjo Government was able to use the ECOWAS framework – and later, Nigeria’s membership in the Community of Sahel-Saharan States (CEN-SAD) – to promote its preferred position, which those Libyan ‘friends’ would then usually support. Mali’s openness to Gaddafi can also be partially explained by Konaré’s departure from the Presidency in 2002, after which his successor sought to chart a foreign policy of his own. The most prominent example of this new path, from the perspective of Abuja, was

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174 Interviewee B: Senior South African diplomat at the OAU/AU.
an attempt by the Malian government to challenge Nigeria for the West African three-year seat on the PSC. This was despite Mali, under Konaré, supporting Nigeria as a de facto permanent member representing the region. On that occasion, however, the other ECOWAS states supported Nigeria’s candidacy and Mali did not challenge for the seat again.\textsuperscript{175}

Despite the professed lack of significant concern on the part of South African and Nigerian diplomats, however, the alliance that Gaddafi built through his largesse was formidable enough to drive increased cooperation between the like-minded states. A former South Africa ambassador to the AU says that the primary motivating factor for the like-minded grouping to arrive at common positions was to prevent the more contentious elements of Gaddafi’s vision from coming to fruition.\textsuperscript{176} The Libyan leader’s efforts at pushing his African agenda at the OAU had intensified in the years around the turn of the Millennium, something that Obasanjo put down to Gaddafi having had his regional leadership ambitions spurned by Arab states in the 1990s. According to the former president, “I think Libya came into the AU strongly when it was looking for a role for herself after it had found no role in the Arab League”.\textsuperscript{177} Libya had also become a more active participant in its region through the 1998 creation of CEN-SAD. The organisation claimed to be a Regional Economic Community, along similar lines as the other RECs in Africa, but the most significant link between each of its initial members appeared to be Libyan patronage, although this was no longer the common thread when Nigeria’s membership was approved in 2001. Included among a long list of projects, which were perceived by political analysts at this time as Libyan attempts to buy political clout, were a pledged $100m investment in development

\textsuperscript{175} Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.
\textsuperscript{176} Interviewee A: Senior South African diplomat at the OAU/AU.
\textsuperscript{177} Interview: President Obasanjo.
projects in Niger, a $25m loan to Sudan from the Libyan-based African Bank for Development and Commerce,\textsuperscript{178} and a $90m telecoms deal with Chad.\textsuperscript{179}

There was no shortage of animosity between Gaddafi and the leaders of the like-minded states, in particular Mbeki and Obasanjo. At the inaugural summit of the AU in 2002, the Libyan leader used one of his speeches to attack one of the basic principles of NEPAD, Mbeki’s brainchild that had also been publicly championed by Obasanjo and Abdelaziz Bouteflika. Regarding African nations meeting conditions of democracy, governance and human rights in order to incentivise Western investment, Gaddafi told the gathered heads of state: “If they (the West) want to impose on us conditions, we refuse that… We are not children that need someone to teach us… We have our own style of life”.\textsuperscript{180} Most, though not all, of the ill will between Gaddafi and the other prominent leaders was due to the large difference between the Libyan leader’s ‘United States of Africa’ vision and the more gradual integration model favoured by Mbeki, Obasanjo and the other like-minded heads of state. Much of the remainder of this chapter will discuss how these competing visions were pitched against one another in negotiations to decide upon the structure of APSA.


Pre-Negotiation Preferences, Post-Negotiation Outcomes

This section will detail the initial positions of the Like-Minded Five and the Gaddafi Alliance, in relation to each of the four APSA design features, as well as the outcome of negotiations held to decide upon those features. In addition to detailing a crucial period in the historical record of the security framework’s design, establishing pre-negotiation preferences and the negotiation outcomes facilitates testing of the second set of predictions derived from the three international relations approaches. This section is broken up into four parts, corresponding with the four institutional design features of APSA being focused upon. Each will describe, based upon the available evidence, where different governments stood on particular issues initially and how inter-state discussions to address those issues transpired.

The Scope of APSA

At meetings held to discuss the various instruments that would bear influence over the scope of defence and security to be employed by the AU, the divide between the like-minded states on one side, and the Gaddafi-led group of states on the other, was quite apparent. Gaddafi saw the main security objective of the AU as protecting the continent from aggression that originated outside Africa. The like-minded states, following the lead of the South African and Nigerian governments, advocated for an organisation that would address internal sources of conflict (both internal to the continent and to individual states), through the promotion of human rights, good governance and protection of the individual African as well as the state (Gumede 2007, p.268). Unsurprisingly for a leader with such a poor democratic record, Gaddafi was “vehemently opposed to the inclusion of a prescription for good governance” in the
Constitutive Act.\textsuperscript{181} Other states from within Libya’s sphere of influence, such as Sudan, Eritrea and Burundi, also voiced the opinion in negotiations that human rights and governance should remain internal matters.\textsuperscript{182} Within the Like-Minded Five, there was one notable source of disagreement in relation to how this new inward-looking definition of security should be operationalised. The Mbeki Government was in favour of introducing a two-term limit for heads of state, such as that which is in place in South Africa.\textsuperscript{183} Algeria sided with several other members in advocating for states being allowed to re-elect leaders for more than two terms, as long as it was done democratically and in a way that was consistent with each state’s constitution.\textsuperscript{184} Although interviewees from the Nigerian Government were not forthcoming about where Abuja stood in relation to term limits, Obasanjo did make a failed attempt to introduce a constitutional amendment, allowing him to run for a third consecutive term (Sklar \textit{et al.} 2006). At the very least, this serves as a reasonable indication of disunity in the like-minded camp on the issue of term limits. Gaddafi was also quite vocal in his opposition to term limits. One of Pretoria’s former permanent representatives to the AU personally discussed the suggestion with Gaddafi and recalls that the Libyan leader could not be moved.

I remember what he said and I can quote it. He said ‘What is this argument about two terms? What kind of leadership is that? If you are a leader, you are a leader. You are not some medication in some pharmacy, which expires after some time. You cannot say that of a leader, a leader is always the leader’.\textsuperscript{185}

At the end of negotiations, the scope of defence and security decided upon for APSA framework was much closer to that which was desired by the like-minded states than


\textsuperscript{182} Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.

\textsuperscript{183} Interviewees A and B: Both senior South African diplomats at the OAU/AU.

\textsuperscript{184} Interviewee B: Senior South African diplomat at the OAU/AU.

\textsuperscript{185} Interviewee A: Senior South African diplomat at the OAU/AU.
the Gaddafi Alliance. The Constitutive Act and the Protocol Establishing the PSC both promote “democratic principles, human rights, the rule of law and good governance” and calls for the establishment of a common defence policy in which the organisation’s shared interpretation of security is expanded upon in detail. That document, the 2004 Common African Defence and Security Policy, outlines a scope that recognises inter and intra-state conflicts as being of matters of AU concern and embraces the “traditional, military and state-centric” notion of security but also the “less traditional, non-military aspects, which relate to the protection of people’s political, cultural, social and economic values and ways of life”. Libyan objections to the broadened scope of security continued into the writing of the CADSP, with one of the lead drafters describing the Libyan delegation as being “particularly difficult” when it came to discussion of incorporating human security into the AU’s definition. The document puts a “new emphasis on human security, based not only on political values but on social and economic imperatives as well”, meaning protection of rights to participate in governance, to equal development, to an education and equal treatment regardless of gender, are now all matters of international security.

Further detail on the agreed-upon scope, as well as sanctions to ensure it is upheld, are outlined in the 2007 AU Charter on Democracy, Elections and Governance. It commits member states to fostering popular participation in governance, empowering civil society and embracing the principles of good governance. It also gives the PSC the power to suspend a member state in which there has been an unconstitutional change.

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188 Interview – Pal Martins: “The Libyan state at the time was a police state, it was a security state, so their participants were very unreceptive of the definition, as it was offered, to include human rights, environmental rights and all of those rights”.
190 Art.27 (1-10).
of government, and stipulates that suspension does not absolve that state of its human rights obligations.\textsuperscript{191} The Charter also states that perpetrators of the unconstitutional change in power will be tried before the competent court of the Union and will not be allowed participate in elections held to restore the democratic order or hold any position of power in political institutions of the state.\textsuperscript{192} Other sanctions, economic or otherwise, can be imposed by the Assembly on perpetrators of unconstitutional changes of government, and all members are obliged to help bring those perpetrators to justice.\textsuperscript{193} The one significant scope-related issue on which the like-minded states did not speak with one voice – term limits for heads of state – does not feature in the CDEG or any other AU treaties.

\textit{The APSA Defence Pact}

As outlined in earlier chapters, both the South African and Nigerian governments showed minimal enthusiasm for the establishment of a defence pact but were willing to agree to its creation on the condition that it allowed a considerable degree of flexibility in terms of signatories’ obligations. Based upon interviews conducted with South African and Nigerian officials, it appears that there was broad agreement between the like-minded states on the nature of how the pact should be operationalised within APSA.\textsuperscript{194} The real impetus for the drafting of the pact came from Libya, with Gaddafi viewing the treaty as a stepping stone on the way to realising his vision for a federal United States of Africa with a single standing army. At the first AU Summit, held in

\footnotesize{\textsuperscript{191} Art.25 (1, 2). \textsuperscript{192} Art.25 (4, 5). \textsuperscript{193} Art.25 (7, 9). \textsuperscript{194} Interviewee A: Senior South African diplomat at the OAU/AU; Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.}
Durban in 2002, Gaddafi had not abandoned his United States of Africa idea, despite its rejection by heads of state at the extraordinary OAU summit in Sirte in 1999. Part of his vision was the establishment of a single African army, which Libya again proposed in a draft resolution at the Durban Summit. During discussion of the Libyan proposal, a number of member states pointed out that a single army presupposed a single country, which was Gaddafi’s eventual goal. Because Africa was not a single state, however, it was agreed that a defence treaty, along the lines of a non-aggression pact, would be required before a single army could be seriously considered.\footnote{Cilliers, J. (2002b) Peace, security and democracy in Africa? A summary of outcomes from the OAU/AU summits in Durban, 60, August 2002, Pretoria: Institute for Security Studies.}

Ultimately, the 2005 AU Non-Aggression and Common Defence Pact reflects a compromise between Gaddafi’s desire for taking a further step towards a continental army and the Like-Minded Five’s insistence upon flexibility in obligations. Article 4(d) of the document obliges member states to “establish an African Army at the final stage of the political and economic integration of the continent”. Article 2(c) also states that any aggression or threat of aggression against a member state should be deemed to constitute a threat or aggression against all members. States also undertake to respond “by all available means” to aggression against a fellow member, although there is no specific obligation to assist the attacked party, such as that enshrined in Article 5 of the NATO treaty. Rather than emphasising collective military responses to attacks, the focus of the NACDP is much more on peaceful resolution of differences as well as the strengthening of relations and broadening of cooperation between states.\footnote{Articles 3 and 5.} Under Article 10, the pact requires that states undertake to provide “all possible assistance” towards military operations as decided upon by the PSC, an obligation which had already been established in earlier treaties, including the Constitutive Act and the PSC
Protocol. As Abuja and Pretoria in particular had hoped, there is nothing rigid enough within the Pact that it could impact upon a state’s ability to choose when and where to send their armed forces. In the words of Said Djinnit, the first AU Commissioner for Peace and Security, “There is nothing enforceable (in the NACDP). It is just a statement that we are together, that we should stand together to face external aggressions”.

The Peace and Security Council Rules of Procedure

The PSC rules of procedure is the organisational design feature of APSA on which there appears to have been the most disagreement between the Like-Minded Five. As outlined earlier, Abuja was quite forthright in its preference for obtaining a permanent seat and, it appears, a privileged voting position. In contrast, Pretoria favoured a more democratic system of ‘one state, one vote’ and regular elections for PSC chairs, albeit using candidature criteria on which South Africa could not be matched in its region. A former Nigerian diplomat says Algeria, Ethiopia and Mali were all in agreement with his government on the desirability of permanent seats on the Council. The Malian government was even in favour of awarding veto power to the most powerful member states (a category into which Mali does not fit). In 2001, President Alpha Oumar Konaré told an OAU Summit that the PSC, once established, should function as an African Security Council, complete with permanent seats and vetoes for the states that bear the largest security burden. “We should all recognise that in any common endeavour, there is the engine and the wagons behind. We must admit that certain countries be at the helm and should be given responsibilities in relation to their power,” he told the other

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197 Interview: Said Djinnit.
198 Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.
heads of state.\textsuperscript{199} None of the evidence gathered for this study indicates that Ethiopia or Algeria were in favour of vetoes or weighted votes on the PSC.

Gaddafi’s position, and therefore that of the states he was supporting, changed during negotiations on the PSC rules of procedure. Early in the process, Libya was one of a number of large states that supported an ECOWAS proposal for a 17-member council with ten permanent members. Due to vocal opposition from a many smaller states, the proposal was quashed and instead, at the inaugural Durban summit, states were asked to decide between a 15-member council with all seats lasting for two years, a 15-member council with five permanent members and ten two-year seats, or a 15-member council with ten two-year seats and five three-year seats.\textsuperscript{200} Once it became apparent that the ten permanent member proposal was not achievable, meaning Libya’s chance of securing a permanent seat reduced, Gaddafi’s position on the issue appears to have changed. Algeria was the most likely candidate for a permanent seat in North Africa, given its size and Bouteflika’s membership of the Like-Minded Five. The Libyan leader’s priority went from securing a permanent seat for Tripoli to preventing regional rivals from achieving permanency.\textsuperscript{201} Although some accounts exist, which relay Tripoli’s position in relation to membership, this study could not uncover a similar account of the Libyan position on how the PSC should make decisions. However, according to several interviewees, very little substantive inter-state discussions occurred regarding the possibility of privileged voting rights.\textsuperscript{202} Therefore, if the Libyan government had a different preference from the majority in relation to the decision-

\begin{footnotesize}


\textsuperscript{201} Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.

\textsuperscript{202} Interviews: Said Djinnit, Jakkie Cilliers, Interviewee A: Senior South African diplomat at the OAU/AU; Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.
\end{footnotesize}
making procedures, it does not appear to have expended much public energy in pushing that position.

Of the three options presented at the Durban summit in 2002, AU member states opted for the 15-member council proposal, comprising ten two-year seats and five three-year seats, with each member holding an equal vote. PSC decisions should be made by consensus, but failing that, a two-thirds majority of positive votes will suffice. Southern, West, North, East and Central Africa were each assigned one of the three-year seats. It was agreed that the five regions of the continent would meet in caucuses at the level of the AU to nominate and vote for their three and two-year regional representatives on the PSC. In voting for their representatives, members are called upon to judge nominees according to criteria that include experience in and capacity to contribute towards peace and security in Africa, as well as respect for constitutional governance and human rights. Although it does not feature in the PSC Protocol, participants in the negotiation process claim there was an unwritten understanding that the three year seats would always be occupied by those states that best met the membership criteria, which most closely reflects the South African preference. Reports from the Durban summit are consistent with such claims, with the membership structure cited as “a provision clearly aimed at providing permanency to those countries enjoying a three-year term”. With the exception of Mali, which was overshadowed in West Africa by Nigeria, the like-minded states were each the most suitable candidate in their region, according to the membership criteria. The first AU Commissioner for

204 Interviewee A: Senior South African diplomat at the OAU/AU; Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.
Peace and Security Said Djinnit, who played an active role in the PSC Protocol negotiations, corroborates this original intention, saying; “the idea was that these people (the three-year seat holders) should remain there for a long time to establish the role of the PSC”\textsuperscript{206}

Ultimately, however, the hopes of those that had favoured \textit{de facto} permanency for states that assumed leading security roles for the foreseeable future were mostly squandered. Nigeria is the only state to have retained its three-year seat from the establishment of the PSC to the present day. South Africa gave up its three-year seat after just one term, at which point Angola became the Southern representative for the longer-term membership.\textsuperscript{207} The rest of the like-minded states went along with the initial plan at the 2007 elections, with Algeria and Ethiopia retaining their three-year seats. Mali, under new leadership, did actually attempt to secure the Western region’s three-year seat in 2007 but was unable to secure enough votes and has not attempted to challenge Nigeria’s \textit{de facto} permanency since.\textsuperscript{208} In 2010, however, neither Ethiopia nor Algeria were put forward as candidates for the three-year terms.\textsuperscript{209} The abandonment of the original idea for how the three-year seats should be filled was a disappointment to many of those that had been involved in formulating the plan. “Personally, I felt we lost the energy of the beginning, through which the members of the PSC were expected to be elected through criteria and not the spirit of rotation,” said Said Djinnit. “Now rotation is back to being a problem at the African Union and, in a sense, it has undermined the prestige and capacity of the PSC a little bit”.\textsuperscript{210} Rotation

\textsuperscript{206} Interview: Said Djinnit.
\textsuperscript{208} Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.
\textsuperscript{210} Interview: Said Djinnit.

*The APSA Grounds for Intervention*

The previous two chapters argued that the South African and Nigerian governments favoured a relatively broad intervention mandate for the AU, triggered by mass human rights abuses. The Ethiopian and Algerian governments broadly shared this position. Mali, however, expressed some reservations, indications of which can be seen in an early draft proposal of the Constitutive Act from Bamako, which contained no provisions allowing intervention by the organisation.\footnote{Aneme, G. A. (2011) *A Study of the African Union’s Right of Intervention Against Genocide, Crimes Against Humanity and War Crimes*, Nijmegen: Wolf Legal Publishers.} During negotiations with the other like-minded states, prior to engagement with the rest of the continent, the Malian delegation voiced concern that encroaching upon the principle of non-interference could lead to subjugation of smaller states by bigger ones. Extensive debate on the issue took place between the five governments, usually in one of their state capitals where their discussions could be kept secret from other OAU members. Ultimately, Mali rowed in behind the other four states, more out of a desire to deny momentum to Libyan proposals than a genuine change of stance. To the like-minded states, Gaddafi’s vision of protecting Africa from external aggressors appeared to oblige members to defend
any African nation that was attacked, without any consideration for the possibility that
the state may have brought the attack upon itself.\textsuperscript{213}

Given the Libyan position, it is unsurprising that an early proposed draft of the
Constitutive Act from Tripoli did not foresee the provision of an intervention mandate
to the organisation.\textsuperscript{214} Gaddafi’s opposition to an inward-looking continental security
organisation preceded the establishment of the AU by several years. In 1991, he had
joined forces with a number of OAU leaders, most prominently Sudan’s Omar Hassan
el-Bashir and Kenya’s Daniel Arap Moi, to oppose the Obasanjo-led CSSDCA process,
then the most likely mechanism to alter the organisation’s approach to security.\textsuperscript{215} As
the 1990s drew to a close, the Libyan leader was no keener on the idea of a mandate to
intervene in local conflicts. In between the 1999 extraordinary OAU summit in Sirte
and the 2000 Lomé Summit, at which the Constitutive Act was adopted, Gaddafi
engaged in extensive lobbying against the proposal of providing the new organisation
with a legal right of intervention in member states’ territories, with or without the prior
consent of the member concerned.\textsuperscript{216} After the Constitutive Act was adopted, Libya
lobbied for the addition of an extra set of circumstances under which intervention could
be justified. Unlike the human security-focused criteria advocated for by the Like-
Minded Five, the Libyan amendment was centred on regime security, and provided for
the AU’s right to intervene “in cases of unrest or external aggression in order to restore
peace and stability to the Member of the Union”.\textsuperscript{217}

\textsuperscript{213} Interviewee A: Senior South African diplomat at the OAU/AU.
\textsuperscript{217} Baimu, E. and Sturman, K. (2003) ’Amendment to the African Union’s Right to intervene: A shift
The conditions under which the AU has the legal right to intervene in a member state are outlined in Article 4(h) of the Constitutive Act, heralded as “first international treaty to recognise the right to intervene for a humanitarian purpose” (Baimu and Sturman 2003). The organisation is granted the right to intervene, pursuant to a decision of the Assembly, under “grave circumstances, namely: war crimes, genocide and crimes against humanity”. An amendment in 2003 added one further circumstance in which intervention is justified, namely: when there is a “serious threat to legitimate order” within a member state, a slightly modified version of the amendment that the Libyan government had proposed. The amendment is not without controversy, given that it is much more open to interpretation than the other three circumstances established in the original Constitutive Act. What constitutes the ‘legitimate order’ within a state is a highly contentious issue within the AU. For example, OAU observers claimed that the 2002 Zimbabwean Presidential Election was generally “transparent, credible, free and fair”, while Western observers condemned the results as being highly flawed, and marred by violence and intimidation. Similarly, what constitutes a ‘serious threat’, in the context of the amendment, has been argued by Baimu and Sturman (2003) to be unclear.

219 The grounds for war crimes, genocide and crimes against humanity are provided for in Articles 3, 4 and 5 of the Statute for the International Tribunal for Former Yugoslavia and Articles 2, 3 and 4 of the International Criminal Tribunal for Rwanda.

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Testing the Theories

This section follows a similar pattern to that taken in the corresponding sections in the previous two case study chapters. It will discuss how negotiations between states with varying preferences resulted in the outcomes described above. The discussion will be broken up into three sub-sections, corresponding with neorealism, liberalism and constructivism, and will incorporate testing of the predictions derived from the assumptions of the three IR traditions. Before addressing the first set of predictions, however, it is important to highlight some relevant details regarding the context in which negotiations took place.

According to the Constitutive Act, the Assembly of Heads of State and Government is the supreme organ of the AU and is empowered to determine the common policies of the Union.221 Once the Assembly has adopted a legal instrument, a designated number of member states must ratify it in their home parliaments before it becomes enforceable in all member states. This process generally takes several years and provisions related to ratification vary between different instruments. For example, the PSC Protocol entered into force once it was ratified by a simple majority of members, whereas the CDEG became enforceable 30 days after instruments of ratification had been deposited by 15 members.222 The Rules of Procedure of the Assembly state that all decisions to adopt shall be taken by consensus or, failing that, by a two-thirds majority of members.223 Voting on substantive issues must be carried out by secret ballot and the

221 Articles 6(2.) and 9(1.).
222 PSC Protocol, Article 22(5.); CDEG, Article 48.
AU Commission does not disclose whether or not a vote occurred on specific instruments during summits.\textsuperscript{224}

Despite the provision that allows adoption by a two-thirds majority, voting rarely takes place in the Assembly in practice. When it is apparent that a proposal has the support of a sufficient majority, members that oppose the motion will most likely remain silent and accept the decision, rather than risk losing face or unsettling relations with an ally by raising a futile objection.\textsuperscript{225} This is an important factor to take into account in the analysis of the negotiations. Although it might not be obvious from the interview data collected for this study, which points to the vast majority of adoptions occurring without calls for a vote, a decision taken by consensus should not be viewed as reflecting unanimity on an issue. During the time period in which negotiations relevant to this research took place, only 35 of the 53 members needed to support a decision in order for it to be adopted. As pointed out by a senior official at the AU Peace and Security Department, member states regularly accede to the adoption of items they do not support, when it is apparent that their position is shared by an insufficient minority. The evidence of a state’s true position is in whether or not they implement, in their domestic setting, what has been adopted at the continental level.\textsuperscript{226}

\textit{Neorealism}

According to the neorealist predictions, states will prioritise relative over absolute gains in negotiations and will employ a strategy of threatened punishments and promised rewards in order to achieve their desired results. The neorealist prediction in relation to

\textsuperscript{224} AU Assembly Rules of Procedure, Rule 30.
\textsuperscript{225} Interviewee A: Senior South African diplomat at the OAU/AU.
\textsuperscript{226} Interviewee E: Senior official from the AU Peace and Security Department.
negotiation outcomes foresees agreements that reflect the interest of the most economically and militarily powerful states.

Based upon the data collected for this study, the first prediction seems to be only a partially accurate reflection of the priorities of the most prominent states involved. In terminology developed by Terrence Hopmann (1995) to characterise international negotiation analysis, they would be more accurately described as being of a problem solving than bargaining nature. According to a senior South African diplomat at the AU; “We were dealing with issues of what needs to be done on a particular matter. It would not have been a ‘You get this, I get that’ type of thing. It was always about looking at the general good of the organisation as a whole”.227 There are incentives, of course, for the participants to portray negotiations in such a noble retrospective light, but the claim seems plausible, given that the negotiations were not concerned with the division of spoils or responsibilities but rather the establishment of a framework for cooperation. That does not mean the negotiations were uncompetitive, the rivalry between the Gaddafi Alliance and the Like-Minded Five was highly contentious at times. Nor does it mean that states were not motivated by their own self-interested goals. The broader Libyan vision, in particular, which involved the establishment of a continental parliament in Sirte and an African army led from Tripoli, was perceived by other states and OAU officials as a strategy to move closer to hegemonic status on the continent.228 None of those involved, however, was willing to scupper the process in order to prevent a rival from achieving their goals, as indicated by Tripoli’s acceptance of the many negotiation outcomes that contrasted with its preferences, and the Like-

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227 Interviewee B: Senior South African diplomat at the OAU/AU.
228 This sentiment was shared by many of the interviewees from the foreign policy organs in South Africa and Nigeria, including President Obasanjo, as well as the AU’s first Commissioner for Peace and Security Said Djinnit.
Minded Five’s acquiescence to a PSC without permanent members. “Decisions were taken by consensus,” according to one former Nigerian diplomat, in reference to the generally civil nature of the debates and negotiations that took place, “and Libya knew when to stop”.229

The second neorealist prediction, regarding negotiation strategy, also displays only a partial degree of accuracy. The threat of punishment does not appear to have been part of any state’s strategy, though it was a ploy Gaddafi had previously employed in negotiations with the EU over stemming migration into Europe from North Africa.230 However, the Libyan government did favour the use of rewards to help build coalitions behind its positions. This involved using the country’s vast oil wealth to purchase a state’s vote on an issue, either through investment in infrastructure projects, aid or paying members’ arrears at the OAU/AU. Sometimes, according to one former permanent representative at the OAU/AU, the transactional nature of Gaddafi’s lobbying would be even more blatant.

As people arrived for a summit, they would be called, one by one, to his tent – even in Libya he had this tent where people would go and see him. He would try and persuade this president or that president that his position was correct. As you leave, he would say, ‘You’ll see my minister for foreign affairs at the door’ but he would not tell you why he was there. Then, when you get to the door, there is a man with money.231

Though aware of Gaddafi’s approach to securing support, the Like-Minded Five did not attempt to replicate it. Instead, their strategy involved convincing other states of the value of their position and working with the AU Commission, which did the initial drafting of treaties, to ensure their preferences were reflected in the wording. Admore

229 Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.
231 Interviewee A: Senior South African diplomat at the OAU/AU.
Kambudzi, who worked as a consultant at the OAU/AU throughout the establishment of APSA, said that South Africa would bring large “divisions of thinkers, not just civil servants” to negotiations, particularly those that bore relevance over the scope of APSA and the AU’s intervention mandate.\textsuperscript{232} As part of Nigerian efforts to influence the drafting of foundational AU legal texts, Abuja deployed an officer from Foreign Minister Sule Lamido’s office to the OAU Secretary General’s department in 2001. According to Olufemi George, who proposed the transfer, the legal officer continued to receive direct guidance from, and provide regular briefings to, his foreign minister and President Obasanjo, which “went a long way in ensuring the tremendous success which Nigeria achieved in our efforts”.\textsuperscript{233} One of the ventures which the deployed officer was engaged in during this period was writing an early draft of the PSC Protocol, although – as detailed earlier – Abuja did not fully realise its preference when it came to the organ’s rules of procedure.

The analysis offers some support to the neorealist prediction that negotiation outcomes will reflect the interests of the most powerful states. The outcome of negotiations related to the scope of APSA and the intervention mandate more closely reflect the interests of the like-minded coalition, which contained some of Africa’s biggest and most powerful countries, than those of the Gaddafi Alliance, which apart from Tripoli consisted of much poorer and militarily weaker states. These successes were also facilitated, in part, by the resources available to the Like-Minded Five. After all, only wealthier nations could afford to dedicate large numbers of skilled personnel to the task of transforming the OAU along their preferred lines. The biggest negotiating success for the Libyan-aligned coalition, out of those being analysed here, came with agreement

\textsuperscript{232} Interview: Admore Kambudzi.

on the defence pact. To a degree, however, the pact satisfied both of the two main blocs, given that it represented a step towards a continental standing army but contained enough flexibility so that it could never be used to automatically trigger the deployment of a state’s armed forces. The outcome of the negotiations in relation to the PSC rules of procedure, however, contradict the neorealist prediction, given that most of the Like-Minded Five (and South Africa also, in a sense) favoured the introduction of permanent seats.

Liberalism

The first liberal prediction states that the complexity of interest formation and the presence of joint interests between domestic actors undercuts the presumption that governments will prioritise relative over absolute gains in negotiations. According to the second prediction, states will seek to use economic dependence as leverage to achieve desired negotiation outcomes when their preferences do not align with those of others. The prediction in relation to outcomes foresees agreements that will generally reflect the preferences of states best able to take advantage of relations of asymmetrical interdependence.

Gauging the accuracy of the first liberal prediction is relatively uncomplicated, in part because it is more broadly conceived than its neorealist equivalent. There are instances that can easily be pointed to that generally support the claim of absolute gains being accepted by states, even where ‘strong-arm tactics’ could have been utilised to claim greater value at the expense of others. The negotiations regarding the PSC rules of procedure provide the most obvious example, with the Like-Minded Five accepting the will of the majority of mostly weaker states to have an entirely elected membership.
Given that the organ’s effectiveness would largely hinge on the contribution of the continent's biggest powers, something President Obasanjo acknowledged in his interview for this study, it is plausible that at least some states among the five could have demanded the advantage that would have come with a permanent seat. One could also point to the negotiations related to the defence pact as an example of states being accepting of compromise. The NACDP contained enough flexibility to keep the Like-Minded Five happy and represented progress towards a goal that Gaddafi had been unable to achieve at the birth of the AU but on which he had not yet given up hope. “His objective was to have a United States of Africa and a single army, he did not get either but he still saw progress,” recalls Said Djinnit, who engaged in lengthy discussions with Col. Gaddafi at the time of the pact’s adoption.234 Had Gaddafi remained steadfast in his insistence upon creating a single army, or if the Like-Minded Five had been competitively bullish about denying Gaddafi any progress towards that goal, it is likely that no agreement would occurred regarding the pact.

There are also signs that dependence, economic and otherwise, was leveraged to some extent within each of the two main coalitions as part of their negotiation strategy, in line with the second liberal prediction. South Africa and Nigeria’s neighbours depended heavily upon the regional hegemons of Southern and West Africa, and both Pretoria and Abuja seemed to benefit from this in negotiations. Admore Kambudzi said that Nigeria’s role as a guarantor of security and investment in West Africa ensured that it could hold considerable sway over the region.

234 Interview: Said Djinnit.
In Liberia, they turned the tide of civil war, in Sierra Leone, the Gambia, everywhere, West Africa is Nigeria. When we come to investment, the largest investments are Nigerian.235

One former Ambassador at the AU concurred with Kambudzi, saying that “most states in West Africa would not want to contradict Nigeria because of how much they benefit from them” in terms of both trade and security.236 Although South Africa did not enjoy the same level of dominance in Southern Africa, it was still the less dependent participant in relations with most of its neighbours, a dynamic which Pretoria was able to utilise in negotiations.

In SADC, there’s really only one or two countries that would stand up to South Africa, Botswana and Zimbabwe. The rest would go along with South Africa on almost everything. They would not want to be seen standing up and confronting South Africa, Mozambique has always taken a position in line with South Africa, same for Swaziland and Lesotho, because it may not be openly said, but remember some of these countries are so financially dependent on South Africa.237

At the inaugural summit of the AU in Durban, President Mbeki took advantage of many states’ dependence on external funding to ensure that Pretoria’s preferred position on APSA’s scope and the AU’s intervention mandate would be realised. Faced with strong opposition from Gaddafi and his allies to an inward-looking security framework, the South African president used his position as the leader of the NEPAD project to secure his opponents’ acquiescence. During negotiations on the Constitutive Act, Mbeki ensured that adherence to human rights and good governance were prerequisites for accrual of the considerable benefit states were expected to draw from NEPAD, thus neutralising opposition from members, the majority of which were not in a position to

235 Interview: Admore Kambudzi.
236 Interviewee B: Senior South African diplomat at the OAU/AU.
237 Interviewee A: Senior South African diplomat at the OAU/AU
spurn such gains. Dependence between states was leveraged in an even more explicit fashion within the Gaddafi Alliance. Tripoli was clearly the less dependent partner in the relations it had with each of its coalition allies, utilising a strategy of investment, aid, cash payments or other forms of support in exchange for votes at the AU. One tactic frequently employed by Libya was to pay the membership fees of states that were in arrears, and had thus been prevented from voting. However, according to a former South African diplomat, “Of course, that was not free. It was clear that those people had to pay back when it came to negotiating”. Another example that could be pointed to is the 2003 Libyan-proposed amendment to the grounds for intervention, to incorporate regime as well as human security, which seems to have been adopted by members out of a “a transient political desire to appease Gaddafi”, whose financial contribution to the functioning of the AU at that time was vital to its operation (Baimu and Sturman 2003).

The liberal negotiation outcome prediction, which also privileges asymmetrical interdependence between states, displays some explanatory value, while also leaving some open questions. As indicated in an earlier chapter, previous attempts by Secretary General Salim Ahmed Salim to give the OAU a stronger human rights focus with a peacekeeping mandate had been rejected by African leaders in 1992. Of the 52 leaders

240 Interviewee A: Senior South African diplomat at the OAU/AU.
that sat in the OAU Assembly in 1992, 23 were still leading their countries for the 2002 inaugural summit of the AU. Of the 29 governments that had changed leader in that period, five still had the same party in power as in 1992, a further three of that number had governments in 2002 that had taken power through unconstitutional means and a further two (Liberia and Sudan) had leaders that would go on to be indicted (and convicted, in the Liberian case) of war crimes. Given the above figures, it is difficult to explain the outcome of the APSA negotiations solely by reference to a changing of the guard amongst leaders. However, focusing upon the ability of states to utilise relations of asymmetrical interdependence, helps provide a clearer picture. Based upon the central role that African security reform played in the agendas of Presidents Mbeki and Obasanjo (Tieku 2004), and the trade and security dependence of many states upon South Africa and Nigeria, a liberal reading of the APSA negotiations would predict the likelihood of favourable outcomes for Pretoria and Abuja even in those areas where their preferences were not perfectly aligned with the majority. Of course, having more resources than most other states also meant Pretoria and Abuja could dedicate much more resources to the task. Admore Kambudzi, for example, remarked that South African relatively large delegations “hardly slept for a single second” during negotiations to craft the CADSP, such was their determination to ensure that the document contained a strong emphasis on human security.241 One could also point to the secondment of a staff member to Addis Ababa by the Nigerian government to support their efforts at establishing PSC rules of procedure that matched their interests.242 The Libyan government, utilising a system of rewards for votes, could not command the same level of loyalty as Pretoria and Abuja. Some of the incentives

241 Interview: Admore Kambudzi.
Gaddafi offered to attract support, such as payment of membership dues, were of far less consequence than the long-standing trade or security links that Pretoria and Abuja generally relied upon to exert influence. In fact, in several instances, states within the Libyan alliance were said to accept Gaddafi’s ‘gifts’ only to subsequently renege on the commitment to support Tripoli’s position.243

*Constructivism*

According to the first constructivist prediction, states will prioritise the maintenance or enhancement of their international standing, based upon social norms of appropriateness, in negotiations. They will be expected to utilise a strategy of norm-based arguments and persuasion in negotiations, according to the second prediction. The final prediction, in relation to negotiation outcomes, expects agreements between states to reflect prevailing international norms.

International expectations regarding South Africa’s status as a beacon for human rights and democracy are often pointed to as being a driving factor in Pretoria’s foreign policy (Van Wyk 2004; Geldenhuys 2012). As pointed out in an earlier case study chapter, however, the extent to which expectations and status were influential can be questioned. Similarly, Nigeria’s impression of itself as a protector of West Africa and representative of black Africa is cited as a factor guiding Abuja’s international relations (Bach 2007; Badmus and Ogunmola 2017). Jakke Cilliers, a consultant on the drafting of the PSC Protocol, says the progressive principles of the Like-Minded Five’s leaders played an influential role in how negotiations on the AU and APSA progressed.

243 Interviewee B: Senior South African diplomat at the OAU/AU.
I think it was important at the time that a few leaders, Mbeki, Obasanjo, to a degree Bouteflika, were the leading lights of Africa and their, and their officials’, thinking informed where the OAU went, and they were high-minded, principled democrats.244

Adhering to those principles, according to Cilliers, informed at least how the South Africans approached negotiations regarding the PSC and the broader Architecture. Though Pretoria did seek to implement a system that amounted to permanency of a sort on the Council, it does not appear to have been a cynical strategy to secure a permanent seat by stealth, while maintaining a democratic veneer, given that Pretoria voluntarily gave up the Southern region’s three-year seat in 2007 at the first opportunity. Though notions of Nigerian exceptionalism certainly appear to have been held by Abuja’s policymakers, the maintenance of their good standing in the face of others still appears to have been an influential factor for the government during negotiations. An illustrative example is provided by the following response from a former permanent representative to a written question regarding whether Nigeria’s size should have entitled it to a permanent seat or veto on the PSC.

Even if there was a desire for Nigeria to be granted a veto or weighted vote, it was never pressed as explained above. Nigeria has always worked in accordance with the AU decision -making process of consensus or two-thirds majority, whether it is on peace and security matters or others.245

Status, to an extent, could also be argued to inform Libya’s negotiation behaviour, though in a different way. Gaddafi’s relatively new interest in becoming an African power player at the turn of the Millennium saw the Libyan leader use tactics that painted him as a champion of Africa and his rivals as lackeys of the West.246 Despite some tense

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244 Interview: Jakkie Cilliers.
245 Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.
relations with rival members, however, Gaddafi continued to act respectfully towards the decisions of the wider membership. Even after the Constitutive Act was adopted in 2000, in a form that was far removed from what he would have desired, the Libyan leader remarked to a journalist after the summit: “It’s a victory for Africa. I am proud because I still have a grand ambition for the African continent”.  

Norm-based argumentation and persuasion also appears to have been a feature of strategies used in the APSA negotiations, at least those employed by the Like-Minded Five. South Africa, in particular, seems to have drawn upon its position as a norm leader to achieve desired results. The transition of the OAU into the AU took place when there was still a strong sense of ‘Mandela euphoria’, according to one South African diplomat. “Remember, we enjoyed a lot of respect on the continent then,” the official states, citing, as an example from this period, an occasion when a West African diplomat enquired about Pretoria’s position on an issue before his government took an official stance.

So I tell him the position (of South Africa), and he said the reason he asked this was because when he raised this topic with his director general at home, he said ‘Do not scratch your head, just discuss the position with South Africa and follow their position’. That took me aback. What it said is that we wielded a level of power. Here were people who were saying ‘What South Africa is saying is probably correct’.

To a greater extent than is the case for South Africa, Nigeria’s influence was largely confined to its region, and within West Africa its ability to influence other governments has long appeared to be based more on its hard than soft power (Mustapha 2008; Ogunnubi and Isike 2015). “Nigeria would be much more willing to use coercion of a

248 Interview: Admore Kambudzi.
249 Interviewee A: Senior South African diplomat at the OAU/AU.
sort, they are much bolder,” remarked one former AU Ambassador that took part in APSA negotiations. “They have no inhibitions about being a big power in West Africa”. Nonetheless, Nigerian representatives from this period insist their “strategy had always been and remained that of persuasion” rather than more coercive means.

Both Nigerian and South African interviewees acknowledged that in addition to their persuasive strategies, Abuja and Pretoria took advantage of often being involved in the initial drafting of treaties along with the secretariat. “It’s always more difficult to fight things into rather than fight things out of a document,” according to one South African diplomat, explaining the rationale of Pretoria and Abuja working to influence the first draft of legal instruments.

Norm-based persuasion appears to have been less of a factor in the Libyan government’s negotiating strategy, in part because Gaddafi was viewed by some as a maverick. In his account of the 1999 OAU extraordinary summit in Sirte, Nigerian diplomat Olufemi George claimed that most African leaders considered the Libyan United States of Africa plan “as amusing and in fact derided it as a phantom concept which, like several of his previous efforts at union, was doomed to failure”. One former South African diplomat says that Gaddafi’s renewed interest in Africa was cause for suspicion amongst members, given Libya’s recent failed attempts at assuming a leading role within the Arab League.

I think the positions of Libya were really not that popular. The fact that it was coming from Gaddafi already made it a ‘no, no’ to many countries. You had this country, which had just left the Arab world because it disagreed with them and you

250 Interviewee B: Senior South African diplomat at the OAU/AU.
251 Interviewee C (open-ended questionnaire): Senior official from the Nigerian Ministry of Foreign Affairs
252 Interviewee B: Senior South African diplomat at the OAU/AU
had this leader who said he is now going to turn around and deal with the Africans and tell them the direction they should take.\textsuperscript{254}

Libya’s relatively weak social status may help explain the many reports of Gaddafi attempting to buy states’ positions as well as accounts of instances where governments would allegedly receive a financial contribution only to renege on rowing in behind Tripoli.\textsuperscript{255}

Prevailing international norms appear to have had some impact on the outcome of APSA negotiations. The result of negotiations in relation to the PSC rules of procedure serves as one illustrative example. Despite most of the Like-Minded Five having a preference for permanent PSC seats, they realised that the vast majority of other members opposed the idea, in part because they perceived Africa as having suffered over the years due to UN inaction, which had its origins in permanent seats and vetoes on the Security Council. Therefore, despite the preferences of most of its members, the group did not forcefully push the proposal of a hierarchy of privileges on the PSC.\textsuperscript{256}

The scope and intervention mandate also bear the signs of the international normative environment, with several interviewees expressing surprise at the ease with which members were convinced to adopt a broadened definition of security and the provision of an intervention capability to the AU.\textsuperscript{257}

The years leading up to the negotiations had seen unprecedented levels of democratisation in Sub-Saharan Africa (Joseph 1997), making the notion of a democracy-promoting institution more palatable for governments. Another factor would appear to be the number of large-scale African conflicts in the 1990s, many of which were marked by horrific human rights abuses.

\textsuperscript{254} Interviewee A: Senior South African diplomat at the OAU/AU.

\textsuperscript{255} Interviewee B: Senior South African diplomat at the OAU/AU.

\textsuperscript{256} Interviews: President Obasanjo, Said Djinnit, Ayanda Ntsaluba (Former South African DFA Secretary General), Interviewee A: Senior South African diplomat at the OAU/AU; Interviewee D (open-ended questionnaire): Senior Nigerian diplomat at the OAU/AU.

\textsuperscript{257} Interviews: Admore Kambudzi; Interviewee A: Senior South African diplomat at the OAU/AU.
“Rwanda loomed large as a reminder of just how horribly things could go,” according to Chris Landsberg, one of the drafters of the AU’s Vision and Mission Statement. “It is because of Rwanda in particular that genocide and crimes against humanity are a stated unequivocal pretext for intervention”.258 Said Djinnit, who was chef de cabinet to the secretary general when governments had rejected OAU peacekeeping missions in 1992, also points to the significance of the conflicts in Rwanda and Somalia in changing the position of the majority of member states on the purpose and capability of the AU.259 In an assessment of the Constitutive Act, written shortly after its adoption by heads of state, Maluwa also draws a connection between the many atrocities that occurred during the tenure of the OAU and the grounds for intervention contained within Article 4(h).

In an era in which post-independence Africa has witness the horrors of genocide and ethnic cleansing perpetrated on its own soil and against her own kind, it would have been absolutely amiss for the Constitutive Act to remain silent on the question of the right to intervene in respect of such grave circumstances as war crimes, genocide and crimes against humanity (Maluwa 2001).

The one area in which norms and values appear to have played little role is in the compromise reached between the two main coalitions in relation to the defence pact.

Conclusion

This chapter detailed a vital stage in the establishment and design of the APSA framework, and serves as a bookend to the previous two South African and Nigerian case study chapters. Although Pretoria and Abuja bore the most influence over the

258 Interview: Chris Landsberg.
259 Interview: Said Djinnit.
process of creating the AU’s security Architecture, they were only two governments in an organisation that, during the period being considered here, had a membership of 53. The information provided in this chapter illustrates the link between those influential state preferences and the eventual organisational design of APSA, by detailing how decisions were made by the OAU/AU, which coalitions formed behind certain positions, how they worked to realise their preferences and what factors influenced the eventual outcomes.

Neither a detailed final summation of the empirical data from the negotiation analysis nor an in-depth synopsis of its theoretical significance are required at this juncture, as both are provided in the next chapter. It suffices to simply highlight a number of the most salient observations, the first of which is that the Like-Minded Five of South Africa, Nigeria, Ethiopia, Algeria and Mali enjoyed much greater negotiation success than did the more loosely organised Gaddafi Alliance. Though there was some division within the five on their preferred scope, the definition of defence and security employed by the AU much more closely reflects their position that it does the Gaddafi Alliance’s vision. Similarly, the intervention mandate advocated for most prominently by Mbeki and Obasanjo was successfully established as a central pillar of the Architecture, despite the objections of Libya and its allies. More division existed between the Like-Minded Five on the PSC rules of procedure, while Gaddafi’s preference appears to have changed once it became apparent that Libya was unlikely to be a recipient of a permanent seat. In the end, while the eventual rules closely reflected the preferences of Pretoria, the group that held the most influence over the eventual rules for the operation of the PSC were smaller states. Negotiations regarding the rules of procedure represent the instance where the majority of smaller states spoke loudest and the two main coalitions had the least say over the outcome. Agreement over the content of the APSA
defence pact appears to have been secured by giving each of these two sides the bare minimum of what they required. For Gaddafi, this meant a treaty that represented a move towards a federal African state with a single standing army. The Like-Minded Five, on the other hand, were happy with a treaty that appeased the Libyan leader but which, in reality, was little more than a statement of togetherness.

In terms of how the evidence from the negotiations relates to the theoretical predictions, those derived from neorealism appear the least accurate. Although the outcomes often reflected the preferences of the coalition that contained some of Africa’s largest economic and military powers, as the neorealist predictions foresee, threats did not form part of any of the examined states’ strategies and only Libya employed explicit promises to build support for a position. Member states generally played by the rules and accepted outcomes that were not to their liking, as exemplified by Libyan acceptance of the intervention mandate and Nigerian acquiescence to a PSC without permanency. The predictions derived from constructivism displayed much greater explanatory value in relation to the negotiations than for state preferences across the previous two case study chapters, while the liberal predictions also proved valuable in helping understand the process. Both the use of economic dependence as leverage and norm-based argumentation featured prominently in the negotiation strategies employed by the Like-Minded Five. In addition, taking account of the effect of asymmetrical interdependence and the prevailing international normative environment helps develop a fuller understanding of the outcome of the negotiations. It is difficult to dissect the relative importance of the liberal and constructivist lens in this particular case. It may be that a combination of the insights drawn from both provides the most fruitful illustration of the APSA negotiation process. Therein lies a potential avenue of
investigation for future research, which is one of the topics discussed in more detail in the final chapter.
Chapter 9 - Conclusion

The central question guiding this study is why states create international institutions to which they then cede sovereignty, with APSA drawn upon as a case study to test explanations offered by the neorealist, liberal and constructivist IR approaches. Examining an African international institution adds value to the enquiry, as it means testing the ability of the approaches to help shed light on a process and outcome from a region and community that do not traditionally feature prominently in international relations research. A further benefit to conducting this investigation is that it makes a valuable contribution to the historical account of the establishment of a framework that represents one of the central pillars of the AU, and which is also at the core of the continent’s strategy for collectively dealing with future crises. This chapter starts with an explanation of the extent to which this subsidiary goal, relating to the empirical record, has been satisfied. Choosing this as the starting point makes easier the next task of assessing how the findings compare with the theoretical predictions and interpreting the significance of the results for broader theory. Following this is a discussion of the significance of this study for the existing literature on the establishment and design of international institutions. The chapter concludes by addressing some of the limitations along with a final comment on future potential avenues of research that could build upon the findings.

The Empirical Record

Existing research on the origins of APSA has neither involved investigation to the level of depth reached in this thesis nor utilised interviews with central actors that were
involved in the establishment and design of the institution. Thus, the analysis here represents a valuable addition to the record that has been constructed up to now. This study also suggests that some of the existing record has been less than accurate in certain regards. Undoubtedly, the common narrative that ascribes considerable credit to Thabo Mbeki and Olusegun Obasanjo for championing and driving the establishment of the AU and its security Architecture is reflected throughout the data (Adebajo and Landsberg 2003; Franke 2008). If one were to list some of the most critical factors contributing towards APSA’s establishment, the election of both men to lead their states in 1999 (along with Abdelaziz Bouteflika’s election victory in Algeria in the same year) would certainly feature prominently. The alliance this trio formed with Ethiopia’s Meles Zenawi and Alpha Oumar Konaré of Mali became the Like-Minded Five, the grouping which bore more influence over the organisational design of APSA than any other individual state or collection of states. Most likely because its members preferred to keep its existence a secret at the time from other governments, no existing account of the AU or APSA’s creation has described the cooperation that took place between this particular grouping in any great detail.

Many accounts have highlighted the role of Libya, and more specifically Muammar Gaddafi, in the birth of the new African institution, but the findings from this research suggest that the Libyan leader’s role has been overstated at times. The trigger for the organisational transformation process came in part from Muammar Gaddafi who, with ambitions of continental leadership in mind, offered to host an extraordinary OAU summit in Libya in 1999 to discuss options for the establishment of a new international organisation for the continent. However, providing that trigger appears to have been the most significant contribution made by Gaddafi, whose ambitions for the AU and APSA went largely unrealised. In this regard, the findings dispute claims made elsewhere,
which consider Gaddafi one of the most (if not the most) important architects involved in the creation of the organisation and its security framework (Magliveras and Naldi 2002; Chorin 2012; Welz 2012).

Another significant contribution of this study is its highlighting of factors that informed the preferences of the most central actors involved. This has received little attention elsewhere in the literature on APSA, which has tended to emphasise the influence of prevailing norms on the form and function of the institution. Kagwanja (2006), for example, argues that the embrace of human security by the AU originated in the human rights-based policy of the ANC while Williams (2007) attributes the same outcome to localisation of foreign norms into African communities. Without denying the significance of norms, examination of the process of preference formation in South African and Nigeria points to a number of other factors, which are grounded in more self-interested considerations. Both Pretoria and Abuja desired a security Architecture that promoted democracy, human rights and good governance but with some variation in their motivations. Mbeki favoured a security framework that would promote stability and foreign investment. This would further his state’s position as the continent’s leading economic force and help the ANC consolidate its power through socio-economic development that was desperately needed (and promised in election manifestos). Obasanjo’s government also had domestic power consolidation in mind when formulating its APSA policy but it was partially focused upon preventing another failed Nigerian democratic transition that would see his administration overthrown. An additional factor for Obasanjo was avoiding the ire of the Nigerian public, whose tolerance for Abuja’s enormous peacekeeping bill was waning. Though it was not possible to examine Libyan preferences in the same level of depth, the findings of this study indicate that Tripoli was strongly set against the human security-focused goals of
Nigeria and South Africa, favouring the more traditional, state-centric definition employed by the OAU. This is consistent with claims made elsewhere in the sparse literature on the subject, although in such instances the preferences of the Libyan government are a relatively minor detail, rather than the core focus (Gumede 2007, p.268; Abegunrin 2009).

Interesting additions can now be made to the record of how the AU’s intervention mandate came into being. Along with the institution’s scope, the AU’s right to intervene in member states’ territories is one of the few elements of APSA that has received a relatively high degree of scholarly interest. Existing literature that does attempt to offer an explanation of the origins of the mandate again puts a lot of emphasis on the emergence of new international norms, most obviously the Responsibility to Protect (Williams 2007), or on a re-imagining of existing norms of Pan-Africanism to incorporate the notion of sovereignty as responsibility (Franke 2008; Engel and Porto 2009). The South African and Nigerian positions on intervention appear to rest on similar foundations as their stance in relation to the scope of APSA. Though South Africa’s reputation as a champion of human rights certainly played a role in its support, Pretoria also viewed the intervention mandate as a pragmatic and necessary tool to uphold the government’s preferred scope, which would help avoid the contagion of instability on the continent. Similarly, international expectations (specifically of Nigeria acting as a bastion for democracy in Africa) played a part in forming Abuja’s position on the intervention mandate. However, other more practical matters, such as reducing peacekeeping costs while working to further stability in West Africa, also seem to have been at the forefront of policymakers’ minds. As some initial Malian opposition indicated, the Like-Minded Five did not always speak with one voice on the question of intervention. However, while the other members of the five managed to
convince the Mali government to row in behind their position, the data collected for this study indicates that the Gaddafi regime remained strongly against providing the organisation with an intervention mandate. This finding is consistent with the sparse literature that has afforded some focus to Tripoli’s preferences in relation to the AU’s right to intervene (Baimu and Sturman 2003; Kioko 2003)

This study breaks further new ground with its focus on the origins of the PSC rules of procedure and the AU’s defence pact, which have not been investigated in any great detail by earlier research. The Council’s rules of procedure provide another example of an issue on which the Like-Minded Five did not speak in unison. South Africa was more in favour of a democratic system of seat allocation than the others (albeit one that would see them ‘democratically’ elected for the foreseeable future) and a ‘one state, one vote’ system of decision-making. To some extent, Pretoria was guided by its role as a beacon for multilateralism and an acute sensitivity about projecting hegemonic intentions in opting for a somewhat more equitable membership system on the PSC. Abuja felt far less compulsion to cater for the sensitivities of its neighbours and advocated for permanent seats on the Council, although officially opting for a more democratic decision-making model. Libya’s position on the PSC rules of procedure is a little more difficult to appraise, as Tripoli’s stance appears to have changed during negotiations from a position of support for permanency (when Libya was likely to get a permanent seat) to opposition to permanency (when that likelihood had diminished). The one caveat regarding Gaddafi’s ineffectual role relates to the AU defence pact, the need for which was mostly emphasised by Tripoli and only accepted by the other influential states once they were confident that it was unenforceable.

The negotiations held between AU member states regarding the content of the treaties which would give APSA legal force have heretofore been relatively unexplored. That
lacuna is addressed in some detail in this thesis. Though existing research has addressed the negotiations regarding APSA’s establishment, it has generally done so tangentially as part of a broader discussion on a separate topic (Gumede 2007; Abegunrin 2009). The research underlines that the organisational structure of APSA reflects the preferences of the Like-Minded Five overwhelmingly, rather than those of the Gaddafi Alliance. The PSC rules of procedure, the one major issue on which the Like-Minded Five were divided, is the only negotiation outcome covered by this study on which the group did not achieve their desired outcome.

Economic power appears to have dictated which governments took centre stage in the process of coalition building, as indicated by the prominence of South Africa, Nigeria and Libya in the debates over the institutional design of APSA. How states used their economic dominance as leverage, however, seems to dictate which governments achieved success in the negotiations. Libya took a transactional approach to building support by explicitly tying investment or donations to the securing of votes. However, Gaddafi’s attempts to purchase states’ support for his positions, in many cases, did not breed loyalty and rarely achieved the desired result. In contrast, Pretoria and Abuja took a more subtle approach, while still taking advantage of other states’ dependency on them. The status, resources and deftness of South Africa and Nigeria’s diplomatic apparatuses appears to have been significant in how negotiations unfolded also. Very few countries could afford to send teams of comparable size and experience to negotiations as could the two foremost states in the Like-Minded Five. The tragic recent history of African conflicts also appears to have played a role in negotiations, particularly in relation to the scope and intervention issues. Faced with the reality that the international community could not be relied upon to tackle the scourge of major
conflicts on the continent, governments were more open than ever at the birth of the AU to the notion of ‘African solutions to African problems’.

Theoretical Significance

To expect any one of the sets of assumptions to comprehensively capture the evolution of APSA’s establishment and design is to misunderstand the value of theory. Rather than perfectly reflecting reality, the selected approaches have provided us with predictive models against which the observed outcomes can be compared, as displayed in Tables 9.1 and 9.2. Drawing this comparison allows us to gauge which of the three is most useful in helping us understand this particular instance of institutional creation and design, and also provides an indication of the value of each in explaining social reality more generally. The purpose of this section is to lay out the lessons that can be drawn from a comparative analysis of the predictions and the actual outcomes, both in relation to state preferences and the negotiation process. Though each perspective facilitates interesting insights into the construction of APSA, the liberal set displays the most predictive accuracy.

State Preferences

Rather than the anarchy of the international environment or moral or values-based expectations, state preferences in the South African and Nigerian cases appear to have derived to a greater extent from the interests of influential societal actors, the ANC in the former and a more tightly circumscribed group around Obasanjo in the latter. Table 9.1 displays the accuracy of the theory-based predictions, and shows a clear explanatory
advantage for the liberal predictions over those derived from neorealism and constructivism.

International anarchy did play some role, as neorealists would expect. For example, APSA’s creation was partially facilitated by the realisation amongst African governments that the continent’s conflicts, though increasing in intensity, were becoming less salient to external powers. Based upon some of the field interviews, this realisation appeared to be something of a factor in getting smaller states behind the Like-Minded Five’s vision. Given that none of these smaller states were the primary focus here, however, it can only be argued that it seems plausible that the ‘anarchy’ of the African continent in the 1990s was a likely factor informing the preferences of smaller states involved in APSA-related negotiations. However, for the two states that received the most focus, South Africa and Nigeria, the anarchy of the international environment – at least, anarchy of the sort that prompts fears of external invasion or attack – was far less of a motivation, since neither government at that time had significant concerns regarding aggression from other states. The wholesale changes in Pretoria and Abuja’s foreign policies following their democratic transitions in the 1990s – with both quickly going from pariah states to ‘anchors’ of democracy in Africa – suggests potential for analysis grounded in the assumption of ties between domestic governance and foreign policy. The social environment of domestic actors was significant in guiding states’ policy, to some extent, but rarely to the point where values-driven preferences would override states’ or domestic actors’ material interests. Of greater significance in understanding states’ policies were the domestic power consolidation strategies of powerful societal actors, as highlighted by a final summation of the theoretical predictions and actual outcomes, as illustrated in Table 9.1.
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<th>Table 9.1: Accuracy of state preference predictions</th>
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<tr>
<td><strong>Scope</strong></td>
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<td>Neorealism</td>
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<td>Nothing that encroaches upon sovereignty or territorial integrity</td>
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<td>Liberalism</td>
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<td>Uphold democracy, human rights and good governance</td>
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<td>Constructivism</td>
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<td>Reflects social identity of the state and international expectations</td>
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<tr>
<td><strong>Accuracy</strong></td>
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<td>SA: ✗  Nig.: ✗</td>
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<td>SA: ✔  Nig.: ~</td>
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<tr>
<td><strong>Defence Pact</strong></td>
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<td>Rigid arrangements weighted in powerful state’s favour</td>
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<td>Establish pact with high degree of flexibility</td>
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<td>Reflects states’ shared identity with fellow signatories</td>
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<td><strong>Accuracy</strong></td>
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<td><strong>Accuracy</strong></td>
</tr>
<tr>
<td>SA: ~  Nig.: ~</td>
</tr>
<tr>
<td>SA: ~  Nig.: ~</td>
</tr>
<tr>
<td>SA: ✔  Nig.: ✔</td>
</tr>
<tr>
<td><strong>Grounds for Intervention</strong></td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td>Unconstitutional changes of government, human rights abuses</td>
</tr>
<tr>
<td>Reflects social identity of the state and international expectations</td>
</tr>
<tr>
<td><strong>Accuracy</strong></td>
</tr>
<tr>
<td>SA: ✗  Nig.: ✗</td>
</tr>
<tr>
<td>SA: ✔  Nig.: ✓</td>
</tr>
<tr>
<td>SA: ~  Nig.: ~</td>
</tr>
</tbody>
</table>

Both Abuja and Pretoria’s preferences for the scope of APSA – a human security focused organisation with a democratic and human rights-based mandate – are consistent with two of the three predictions made. The only conflict is with the neorealist prediction that states would opt for nothing that could potentially encroach upon their sovereignty or territorial integrity. Their preferences reflected both international expectations that Nigeria under Obasanjo would become a beacon for African democracy (Youngs 2010) and South Africa’s supposedly values-driven
foreign policy, fostered by their own struggle for democracy and human rights (Van Wyk 2004). Based upon the data gathered for this study, however, it has emerged that more practical, security and cost-based reasons guided the Nigerian government’s position on scope. Decision-makers acknowledge that the international environment was conducive, while not necessarily instrumental, to Abuja’s stance. However, of more importance was avoiding another failed Nigerian democratic transition (and, thus, Obasanjo’s ousting) and fostering regional stability, thereby reducing the country’s publicly unpopular peacekeeping bill. A stronger case, based upon the interview data, can be made for norms and role expectations driving Pretoria’s position on APSA’s scope, though the narrative of South Africa’s values-driven foreign policy are tempered by examples of selective support for human rights and democracy in strategically important states, such as Sudan and Zimbabwe (Nathan 2005). Less ambiguous, however, is the direct connection that Pretoria considered to exist between the domestic development the ANC had promised voters and regional stability. This stability, the government held, hinged upon the region and continent’s embrace of human rights and democracy. For different but related reasons, then, the South African and Nigerian governments crafted their scope preferences with important national considerations in mind, both closely tied to the incumbents’ domestic power consolidation.

Although the predictions derived from the two rationalist traditions in relation to the PSC rules of procedure were accurate to some extent, the rationale underlying the values and norm-based predictions, developed from the assumptions of constructivism, displayed a higher degree of accuracy. While protection of sovereignty and the ability to avoid conflicts, which would fail to earn the support of the electorate, are both plausible explanations for Nigeria seeking permanency and South Africa seeking permanency of a sort, the data collected was insufficient to strongly support or
contradict either claim. A stronger case can be made for the impact of understandings of self and social expectations. Perceptions of Nigeria’s ‘big brother’ status in West Africa and on the continent in general are consistent with the ‘naturalness’ – as far as policymakers were concerned – of granting Abuja a permanent seat on the PSC (Badmus and Ogunmola 2017). South Africa, on the other hand, pursued a more nebulous type of permanency by advocating for the re-election of regional three-year seat holders using criteria that only Pretoria could meet for the foreseeable future in its region. Even while seeking an exalted status, the way in which South Africa framed its proposal is highly reflective of the government’s acute sensitivity to being perceived as bearing hegemonic ambitions. Neither government officially advocated for privileged voting rights and, on this front, social pressures also appear to have borne influence. The taboo that had developed around the veto, fostered by perceptions of UN apathy towards African conflicts and efforts by African governments to reform the UNSC, created an environment where seeking out a veto on the PSC would have been viewed as unacceptably hypocritical and inappropriate.

In relation to enforcement, or more specifically the AU’s right of intervention, only the neorealist prediction that states would cede no such authority to an institution proved wholly inaccurate. A plausible case can be made both for values and norms, and domestic power consolidation considerations driving Pretoria and Abuja’s support for a humanitarian-based intervention mandate. South Africa’s position is consistent with claims of the country’s normative status as a regional custodian (Stewart-Ingersoll and Frazier 2012) and protector of human rights (Geldenhuys 2012). However, such claims again falter in the face of harsh criticisms levelled at the Mbeki government for several significant examples of foreign policy that have run counter to principles of human
rights protection.\textsuperscript{260} In addition, as pointed out in an earlier chapter, President Mbeki linked development and economic growth in South Africa to the ability of the continent to intervene in states where major human rights abuses were occurring. Obasanjo’s reputation as a reformer (Ngozi 2012) and broader notions of Nigeria as the protector of West Africa (Bach 2007) could plausibly be argued to have informed Abuja’s stance on the AU’s intervention capability. However, the data gathered for this study indicates that the government’s position was more strongly guided by a desire to have instability within other states tackled before its effects started to be felt inside Nigeria’s borders or its resolution became a costly and unpopular task for the country’s military. Taking into account the motivations that informed the Nigerian and South African positions in relation to scope, giving the AU strong enforcement powers seems a logical extension of their stance. One interviewee described this as making sure the mandate provided to the organisation would not be pursued “from a position of weakness”.\textsuperscript{261}

The liberal prediction and rationale also comes closest to reflecting states’ desire for flexibility in relation to the defence pact. It is well established that the Obasanjo administration was under pressure to cut its peacekeeping bill and while Nigerian interviewees were circumspect in offering detail on the underlying motivation, the most plausible of the rationales is one that highlights such domestic considerations. By comparison, South African interviewees were more transparent, openly saying that they did not wish to become embroiled in conflicts that were unpopular with their domestic public. Gaining influence or power over other states does not appear to have been part of the strategy for either Pretoria or Abuja in their support of the pact. Of even less


\textsuperscript{261} Interview: Ayanda Ntsaluba.
consideration apparently were role expectations or shared identities with other signatories. It has been argued that South African foreign policy is motivated by a drive to express solidarity and shared identity with other African states and to repel accusations of being a European outpost on the tip of the continent (Nathan 2005). However, such solidarity was not evident in Pretoria’s insistence upon an unenforceable pact, which offered no real protection to signatories. Neither was Nigeria’s supposed role of regional protector (Stewart-Ingersoll and Frazier 2012) reflected in its position on the pact.

**Negotiations**

Though trends similar to those seen in relation to state preference formation were observable in relation to the theoretical significance of the negotiation analysis, there were also some significant differences. Most notably, the factors highlighted by neorealism again proved to be the least useful offered by each of the three approaches in terms of gaining an understanding of the process. Meanwhile, those privileged by liberalism mostly proved beneficial. However, as Table 9.2 illustrates, the predictions derived from the assumptions of constructivism were of significantly more value for the negotiation analysis than those drawn from the same approach for the investigation of state preferences. In fact, the most advantageous way of examining the APSA negotiations may be through a combined constructivist and liberal lens.

Though participants undoubtedly felt there were gains to be made in establishing APSA, there are very few signs from the analysis that state privileged relative over absolute gains during the course of the negotiations focused upon. Indeed, for an investigation into negotiations that are non-economic in nature and focused upon the
establishment of a framework for cooperation rather than the division of spoils, there
does not seem to be much benefit to thinking of gains in a zero sum sense. At the
formative stages of APSA, when institutional structures and not individual
contributions or responsibilities were being discussed, there is little indication that
jostling for a comparative advantage was prioritised over realising the benefits of
creating the framework. Certainly, there was rivalry and disagreement between the two
main coalitions involved in the negotiations. However, each side was willing to accept
concessions, such as not securing permanent PSC seats or keeping internal matters such
as democracy promotion out of the AU’s remit, in order to secure agreement.
Preservation or elevation of status, on the other hand, did appear to be a consideration
for states involved in the negotiations. This was illustrated by members of both the
Like-Minded Five and the Gaddafi Alliance accepting decisions that were not to their
liking, partly, at least, out of a desire to maintain their good standing in front of fellow
members.

In terms of tactics, there is nothing to suggest that threats were made by the bigger
powers to initiate punishments in order to secure their agreement for certain terms,
though Libya was seen to provide rewards in a not-always-successful attempt to build
support for their positions. Of much more significance as a source of negotiation
leverage were relations of asymmetrical interdependence and the tying of future
cooperation to support in the AU Assembly. In the Gaddafi Alliance, the dependence
of the smaller states on Libya was quite apparent and, according to some observers at
the time, it was well known that the financial support they received from Libya was
tied to their provision of votes in the AU Assembly. Relations of dependence also
played a role in the coalition-building efforts of the Like-Minded Five, though it
appears in a less obvious way. The bigger states were happy to take advantage of the
implication that not rowing in behind them could, in time, have negative effects in other realms of cooperation, most obviously trade, for smaller members. Those governments that were best able to take advantage of asymmetrical interdependence through issue linkage enjoyed the greatest level of success in negotiations. It is significant that the Like-Minded Five featured a larger number of relatively wealthier states than did the Gaddafi Alliance. However, the superior ability of the former grouping to leverage the dependence of others into desired negotiation outcomes, as opposed to just the fact of their economic and military superiority, appears critical. Norm-based arguments and persuasion also seem to have been employed in negotiations, certainly going by the accounts of interviewees, who claimed that discussion much more often revolved around the collective interest of the membership than distributive bargaining. Such strategy appears to have been utilised to a greater extent by South African representatives than any others, however. The prestige that came with ‘Mandela euphoria’ and the country’s famous struggle for equality meant that Pretoria wielded a level of soft power like no other AU member at the time.

For the most part, the negotiation outcomes represented the interests of the largest coalition of the most powerful states. Though initially, this might seem an accurate reflection of the neorealist prediction, such an observation belies the more nuanced reality. Rather than just considering economic or military power, analysis that considers interdependence provides a more detailed and accurate picture. While other states’ support for Libya was often transient and based on one-off payments of varying types, South Africa and Nigeria occupied the dominant position in multiple complex relations of asymmetrical interdependence. This superior leverage appears to have been critical in the much greater level of success enjoyed by the Like-Minded Five by comparison to the Gaddafi Alliance. Of significance also was the prevailing international normative
environment. A decade prior to the establishment of the AU, many of the same African leaders had rejected efforts at providing the OAU with a strong human rights and peacekeeping mandate. However, the intervening years had seen catastrophic conflicts in Rwanda, Somalia, Sierra Leone and Liberia, to name a few. The realisation that the outside world could not always be relied upon, and that African states had also often done little to prevent such enormous tragedies, did make easier the task of convincing previously reluctant states to support a human rights-focused and empowered security institution. The rate at which multi-party competitive politics was being introduced in Sub-Saharan African in the 1990s also seems significant, particularly given the centrality of democracy promotion to APSA.

Table 9.2: Accuracy of Negotiation Predictions

<table>
<thead>
<tr>
<th></th>
<th>Negotiation Priorities</th>
<th>Negotiating Strategy</th>
<th>Negotiation Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neorealism</td>
<td>Relative over absolute gains</td>
<td>Threats of punishment or promises of rewards</td>
<td>Outcomes reflect interests of the most militarily and economically powerful</td>
</tr>
<tr>
<td>Accuracy</td>
<td>❌</td>
<td>❌</td>
<td>~</td>
</tr>
<tr>
<td>Liberalism</td>
<td>Absolute gains</td>
<td>Issue linkage</td>
<td>Reflect preferences of states that can leverage economic dependence</td>
</tr>
<tr>
<td>Accuracy</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Constructivism</td>
<td>Maintain or enhance international standing</td>
<td>Norm-based arguments and persuasion</td>
<td>Outcomes reflect prevailing international norms</td>
</tr>
<tr>
<td>Accuracy</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

While bearing in mind this is but one study on a single institution, the comparison of predictions, illustrated in Tables 9.1 and 9.2, suggests that the fit between traditional IR approaches and non-traditional (or non-Western) political phenomena might not be as
ill-suited as some have claimed (Neuman 1998; Dunn 2001; Malaquias 2001). In
general terms, the analysis is consistent with William Brown’s “qualified defence of IR
theory” (2006, p.119). He maintains that critiques of the application of traditional
theory to African politics are, for the most part, directed at neorealism, rather than other
prominent and more suitably-applied traditions, including liberal IR theory and
constructivism. Brown’s position draws some support from this study’s findings, with
the neorealism-derived predictions providing the least amount of insight and those
developed from liberal and constructivist assumptions displaying more accuracy.
Though not always explicitly, state preferences often derived in large part from the
desire of influential societal actors to consolidate their power or expand their
competences. The anarchy of the international environment did not bear enormous
influence over state behaviour, as indicated by a number of instances of sovereignty
cession on the part of governments.

Social expectations and norms also appear to have been significant, though it is difficult
to pinpoint where the influence of such factors begins and ends, particularly when
forces related to material gain or competence expansion are pushing in the same
direction. The frequently observed complementarity between such factors – norms of
appropriateness and domestic power considerations – lends support to Snidal and
Thompson’s (2002) contention that rationalist and constructivist approaches should not
be treated as mutually exclusive. Instead of competing against one another, they
“provide different lenses through which to view the same empirical phenomena and
outcomes”. In the same vein, Hurd (2008) argues that it is a mistake to separate the
logic of consequences and the logic of appropriateness, as it results in less insightful
empirical research. Similarly, Sil and Katzenstein encourage analytical eclecticism, the
benefits of which are suggested by these findings, involving exploration of “hidden
connections among elements of seemingly incommensurable paradigm-bound theories” (2010, p.2). Admittedly, there are limits to how far one can and should extrapolate the findings of this study to the broader theoretical field. Further discussion of such limitations will be considered in a later section.

Contribution to Existing Research

In a completion of the circle that started with existing literature guiding this study towards its analytical focal points, the findings of this research can contribute to that broader field. This section gauges the significance of the findings for existing studies into international institutional design and inter-state negotiations.

Institutional Design

Much of what this study has found is consistent with the tenets outlined in the seminal article ‘The Rational Design of International Institutions’ (2001) by Koremenos et al.. APSA’s architects generally sought to design the institution in a way that would further their own goals. For example, South Africa and Nigeria advocated for a scope that extended into the domestic security sphere, so as to serve the interests of powerful domestic actors. Libya, by comparison, favoured the opposite – a state-centric institution – so that Gaddafi’s domestic power would not be jeopardised. The scope preferences displayed by the South African and Nigerian governments also closely mirror observations from Moravcsik’s (2000) study into the establishment of human rights regime in post-War Europe. He argues that recently democratised states were the most vocal advocates for an international regime to safeguard democracy and human
rights amongst its members, as it served as a bulwark against undemocratic challengers to the incumbents in the domestic context. South Africa’s promotion of human security within APSA also reflects the work of Lechner (2016) and Hafner-Burton (2013), who emphasise the role of powerful domestic groups in the incorporation of human rights standards into international institutions. To the extent that the findings attributed influence to the prevailing normative environment, it echoes Martha Finnemore’s work on how changing understandings of humanity informed the mandate of international organisations (1996b; 1998).

The findings of this study regarding control of the PSC are an interesting addition to the existing literature on the rules of procedure employed by international security organs. Research on the origins of the UNSC’s rules tends to emphasise the importance that members assigned to having strong military powers permanently seated on the organ and in possession of vetoes, in order to ensure that the ‘world policeman’ concept could work in practice (Gareis and Varwick 2005; Posner and Sykes 2014). The importance of securing the participation of major powers has also been highlighted outside of the security realm, as evidenced by Blake and Payton’s (2014) analysis of 266 intergovernmental organisations. They found that where institutions’ effectiveness was of critical importance to members, they were more likely to opt for weighted decision-making so as to ensure the participation of stronger states. Though the main actors involved in establishing APSA mostly agreed upon the importance of having ‘heavy lifters’ in a privileged position on a central security organ, norms had a conditioning effect also, particularly those that cast aspersions on the use of vetoes or permanent members. This observed conditioning effect reflects studies that have emphasised the impact of values and norms of appropriateness on mechanisms of control in institutions (Gourevitch 1999; Rathbun 2012).
The analysis of the AU’s intervention mandate, as detailed in this thesis, adds to the study of the Responsibility to Protect specifically, and to the literature on the enforcement capability of international institutions more generally. As indicated earlier, the provision of an intervention capability to the AU represents the ‘teeth’ to reinforce the mandate that the organisation was given to promote democracy and human rights, and to prevent catastrophic conflicts that emerge from internal issues, such as civil wars. It represents a potential counter-argument to analyses that claim international organisations will not be provided with the capability to reprimand its stronger members (Morgenthau 1972). This should not be overstated, however, as the true test of this would be in the operationalisation of the right of intervention, which, to date, has not been implemented on an AU member’s territory against the government’s will.

The influence that prevailing international norms had on the establishment of the AU’s intervention mandate is consistent with R2P-focused studies, which have emphasised the post-Cold War normative environment (Wheeler 2000), increased democratisation within states (Andersson 2002) and the development of solidarity in the international community (Thakur 2016). The findings of this study suggest that democratisation – at least in relation to the processes which occurred in Nigeria and South Africa – was the most significant of the above three factors in the institutionalisation of the AU’s intervention mandate.

This study’s findings in relation to the defence pact have more limited value in terms of their contribution to the broader literature on institutional design. Studies that have examined defence pacts point to influential factors such as common threats shared between states, instability in a region or efforts by governments to consolidate their domestic or international power and influence (Idang 1970; Rupp 2000; Van Nieuwkerk 2003). By comparison, the account provided here portrays the
establishment of the AU pact almost as an unintended consequence of efforts by competing coalitions to achieve larger strategic goals (the United States of Africa for the Gaddafi Alliance; preventing the realisation of such a goal for the Like-Minded Five). In relation to the general literature on the flexibility of institutional arrangements, however, the findings make a more significant contribution. A desire for flexibility is often associated with uncertainty regarding the intentions of other members or the state of the world (Koremenos et al. 2001; Lake 2001). To an extent, this captures the situation in which the Like-Minded Five found themselves, keen as they were to introduce enough flexibility into the pact in order to avoid any unwanted consequences in the future as a result of unforeseen belligerence on the part of fellow signatories.

**Inter-State Negotiations**

By virtue of its subject matter, this study’s analysis of the APSA negotiations is a noteworthy addition to the literature on inter-state negotiations, almost none of which focuses upon negotiations exclusively involving African states. The AU rules governing access to information puts something of a limit on the available data, since it is not possible to access “protocols, verbatim records or detailed minutes” of the sort that Panke (2017, p.8), for example, could rely upon in her examination of the behaviour of regional actors in international security negotiations. Nonetheless, beyond the addition of empirical detail, some interesting insights about process can be added to the broader literature. One of the most prominent of these is that the APSA negotiations were driven far more by member states than supranational actors. This is in line with rationalist negotiation analysis of the type conducted by Hoffman (1966) and Moravcsik (1998), though this study’s findings do contradict the argument of the former that political integration is unlikely to occur in the realm of ‘high politics’.
While proposals to transform the security competences of the OAU were made by Secretary General Salim in the early 1990s, it was not until similar proposals had the backing of leaders of powerful member states a decade later that the transformation actually occurred.

Findings related to the strategies employed by states in negotiations, in the form of explicit payments by Libya and implied future costs by South Africa and Nigeria, also make for a useful inclusion in the negotiations literature, particularly that which has also addressed the use of issue linkage in negotiations (McGinnis 1986; Davis 2009; Poast 2012). To the extent that normative factors influenced the negotiation outcomes, the findings accord with others that emphasise new understandings of humanity and the negotiation outcomes that follow. These include Finnemore’s (1996a) assessment of a number of post-Cold War humanitarian interventions as well as Krause’s analysis of UN negotiations to regulate the international small arms and light weapons trade, which resulted in agreement between states to bring greater “oversight, transparency and accountability to an issue previously entirely within the sovereign purview of states” (Krause 2002, p.260).

**Future Research**

By drawing attention to the limits of what can be inferred or extrapolated from this study, the foundations can be laid for several new potential avenues of research. This thesis provides an assessment of the suitability of neorealism, liberalism and constructivism to capture a process of institution creation and design in a continent that has received disproportionately less attention in IR scholarship than similar processes have in other corners of the globe. It adds to our cumulative knowledge about the value
of these approaches but it is not, of course, the final word on their suitability for analysis of this type. There is a limit to the generalisability of the findings, given the number of states analysed closely and the focus on a single international institution. However, the findings could be drawn upon as part of a future research project that could incorporate more states, institutions or international negotiations for comparative purposes. In addition, the insights garnered here could be further added to by assessing a later stage of the APSA negotiations, by which time the organisational structure of the framework had been decided and the focus would have turned to issues with greater distributional consequences for participants. From the perspective of theory, it would be particularly interesting to gauge whether the explanatory value of the three approaches used here would change along with the subject matter being considered.

Though the effectiveness of APSA was considered here, its treatment was necessarily brief. Another potentially fruitful project could draw upon the findings of this research as part of a more extensive examination into the effectiveness of APSA post establishment. While this study was, in part, an investigation into how certain objectives, such as the promotion of democracy and human rights, were decided upon, a valuable companion piece could gauge how successful the AU has been at achieving those goals. Without prompting, this was a topic which the majority of interviewees were keen to discuss during the data collection phase of the project. A number of evaluative studies in this vein have been conducted since APSA’s establishment (Aning and Atuobi 2009; Vines 2013; Sarkin 2018). However, none have drawn as direct a link, as could be managed with the findings of this study, between the underlying motivations and battle of interests that influenced the organisational design of APSA and the effects of its establishment and implementation on peace, security and stability on the African continent.
The establishment of APSA has had a significant influence on how the African continent collectively deals with security concerns, though admittedly the ambition of its founders has frequently outstripped its impact in practice. The AU’s increased activism as a guarantor of stability, particularly in cases of unconstitutional changes of government, reflects a marked change to the ‘hands-off’ approach and practice adopted by the OAU. Given such consequential changes, it is important to develop a comprehensive understanding of how the Architecture came to acquire its form, purpose and powers. This study adds to our knowledge, not only about APSA’s formative stages but also its successes and failures. It will help policymakers and researchers mould better informed arguments about what is likely to work in future in Africa and other regions of the world.
Appendix

List of Interviews

Please note some interviewees have been kept anonymous at their request. In place of their names, an identity indicator has been provided. All interviews were conducted in 2017 unless otherwise noted.

Interviewee A (South African diplomat at the OAU/AU) – Skype – July/September

General Martin Luther Agwai – Abeokuta and Skype – March 7 and April 12.

Interviewee B (South African diplomat at the OAU/AU) – Skype – November 20

Interviewee C (Official from the Nigerian Ministry of Foreign Affairs) – Open-ended questionnaire and email correspondence – May (over several dates)

Dr. Jakkie Cilliers – Pretoria – April 7

Interviewee D (Senior Nigerian diplomat at the OAU/AU) – Open-ended questionnaire and email correspondence – May 2017

Amb. Said Djinnit – Skype – May 9

Interviewee E (Official from the AU Peace and Security Department) – Addis Ababa – April 21

Interviewee F (Official from the AU Peace and Security Department) – Addis Ababa – April 18

Interviewee G (Official from the AU Defence and Security Division) – Addis Ababa – April 19

Amb. Sipho George Nene – Johannesburg – March 21

Dr. Solomon Gomes – Johannesburg – April 21

Interviewee H (Former senior diplomat for a West African state at the AU) – Skype – July 3, 2016

Abdoulie Janneh – Abeokuta – March 6

Dr. Admore Kambudzi – Addis Ababa – April 22

Prof. Chris Landsberg – Johannesburg – May 30

Pal Martins – Johannesburg – May 23

Amb. Welile Nhlapo – Johannesburg – April 3
Amb. Mxolisi Nkosi – Pretoria – May 3

Dr. Ayanda Ntsaluba – Skype – June 13

President Olusegun Obasanjo – Abeokuta – March 6

Amb. Leonard Ognimba – Open-ended email questionnaire – May 16

Amb. Joy Ogwu – Abeokuta – March 6

Minister Aziz Pahad – Johannesburg – May 16

Minister Essop Pahad – Johannesburg – May 18

Prof. Peter Vale – Johannesburg – May 18

Prof. Anthoni van Nieuwkerk – Johannesburg – May 22

Archives Consulted

African Union Common Repository, Addis Ababa, Ethiopia

Department of Defence Information Systems Division, Pretoria, South Africa

Department of International Relations and Cooperation Division of Records Management, Pretoria, South Africa

Olusegun Obasanjo Presidential Library Archives Unit, Abeokuta, Nigeria

William Cullen Library, University of the Witwatersrand, Johannesburg, South Africa
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