Early warning

2.1 Introduction

Africa's conflicts are inter- and intra-state in nature. However, since 1990, the latter has become the more prevalent.[28] There are several strategies to prevent, manage and resolve these conflicts. Among the plethora of available options are: fact-finding missions, mediation missions, and peacekeeping missions. When parties to conflicts have reached a compromise, it usually results in the signing of peace agreements between the parties. In response to the episodic difficulties faced by such regional organisations, early warning frameworks have been established aimed at identifying and anticipating possible areas or situations that are likely to cause conflicts, and to attempt their resolution before they escalate into full-blown conflict. This chapter analyses and evaluates the level of implementation of the different treaties regarding early warning and associated conflict prevention and state compliance with the chosen commitments.

As mentioned in Chapter One and discussed in a separate section below, the most comprehensive and legally binding framework regarding the establishment of a continental early warning system is that contained in the Protocol on the Peace and Security Council.

28 Of the 57 different major registered armed conflicts that occurred throughout the world between 1990 and 2001, all but three of the conflicts were internal. M Eriksson, M Sollenberg & P Wallensteen, "Patterns of major armed conflicts 1990–2001", in *SIPRI yearbook 2002: Armaments, disarmament and international security*, Oxford University Press, New York, 2002, p 63.

Table 2: Status of ratification of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002)[29]

Name of APRM state	Signed and ratified	Date of ratification
Algeria	X	29/01/2003
Ethiopia	X	29/05/2003
Ghana	X	4/07/2003
Kenya	X	19/07/2003
Nigeria	X	23/12/2003
Senegal	X	9/09/2003
South Africa	X	15/05/2003
Uganda	X	10/03/2004

2.2 Adopt effective measures aimed at preventing situations of emerging conflicts through political means and to establish national institutions for conflict prevention

Reflected in the extracts from the two 1993 Cairo Declarations in Chapter One, conflict prevention through political means includes the efforts by governments to ensure good governance, political inclusion and guaranteeing of fundamental human rights of the citizens of the country. The preventive measures also include states' determination to engage in mediation efforts where necessary in order to prevent potential conflicts from erupting or escalating. This section focuses on both inter- and intra-state conflicts and examines states' commitment to establish national institutions for conflict prevention and the capacity of these institutions to detect early warning signs.

Senegal's separatist war in the southern province of Casamance has been a major security threat to the zstate, as it has resulted in refugee flows and cross border raids, arms proliferation and other illegal activities. Reports of human rights abuses have been made by civilians against both government soldiers and the Mouvement des Forces Démocratiques de la Casamance (MFDC). Attempts at peaceful negotiations during the 1990s

29 Available at www.africanunion.org (accessed 5 April 2004).

failed in an environment of reciprocal accusations. As a result, Ex-President Abdou Diouf of Senegal formed a quasi-independent peace commission, which included members of civil society, in the mid-1990s to attempt mediation and resolution of the crisis. This initiative failed to resolve the crisis, as both sides were unprepared to make compromises. As of June 2004, all attempts at using political means to solve the Casamance crisis have failed.

Civil Society Organisations in the Casamance area are actively engaged in conflict prevention processes. One such group is the Groupe de Réflexion et d'Action pour la Paix en Casamance (GRAPAC). GRAPAC, together with the Catholic Relief Services, supports traditional institutions in the prevention, resolution and transformation of conflict in the Casamance region of Senegal. It also works to mediate between different factions and leaders, to encourage conflicting parties to make pledges of non-violence and to bring together various ethnic communities for collaboration on traditional conflict resolution techniques.

Ethiopia's well-publicised border dispute with Eritrea claimed some 100,000 lives.[30] In June 2000, both countries signed a Cessation of Hostilities Agreement, which established a Temporary Security Zone (TSZ) along the border. United Nations peacekeeping forces were also deployed in the TSZ. Eventually, an International Boundary Commission demarcated the border, which the two countries agreed to respect in 2002. However, border demarcations, which were expected to commence in 2003, have been delayed – largely due to Ethiopia's unwillingness to give up Badme. According to the International Crisis Group (ICG), the government of Ethiopia now supports Eritrean rebel groups against the government of that country.[31] This action contradicts Ethiopia's commitment to adopt effective measures aimed at preventing situations of emerging conflict through political means. Ethiopia has, therefore, not complied with the political efforts

> **Ethiopia's well-publicised border dispute with Eritrea claimed some 100,000 lives.**

30 Ethiopia and Eritrea: *War or peace, ICG Africa Report No 68*, Nairobi/Brussels, September 2003, p 2.
31 *Ibid*, p 5.

geared at preventing tensions with Eritrea. Its attitude has delayed the peace process and tensions between the two countries are still high, a situation that could lead to renewed clashes.

The Ethiopian police and local security forces are responsible for internal security problems. The armed forces are sometimes called upon to help in situations which are beyond the control of the local security forces. In the event of unrest in the country, the federal system of governance allows for the federal government to attempt resolution of the crisis.

Ethiopia has a Security, Immigration and Refugee Affairs Authority, which formulates policies and strategy concerning state and public security as well as immigration and refugee affairs. It is additionally responsible for internal and external state and public security activities; in co-operation with the appropriate organs, the Authority is supposed to follow up and investigate any conspiracy against Ethiopian independence and economy and notify the appropriate organ.[32]

A lack of political will and the complicity of the state in conflict situations is also demonstrated in Uganda. The Ugandan government is fighting an internal insurgency led by the Lord's Resistance Army along its northern borders (also see Section 3.2). Until early 2002, Uganda was also known to

> **Until early 2002, Uganda was also known to support the Sudan People's Liberation Army (SPLA) in its struggle with the Sudanese government.**

support the Sudan People's Liberation Army (SPLA) in its struggle with the Sudanese government.[33] The Ugandan government's action contradicts commitments by African heads of state to eschew acts that undermine peace and security in Africa.

Uganda's conflict prevention structures bear characteristics of its history of armed conflicts and military dictatorship. Article 218 of the 1995 Constitution of Uganda stipulates that the Intelligence services of Uganda are controlled by Parliament. This means that the government has no power to establish intelligence services except by an Act of Parliament. The

32 Security, Immigration and Refugee Affairs, Authority Establishment Proclamation No 6/1995.

33 Ethiopia and Eritrea: War or peace, *op cit*, p 2.

constitution empowers Parliament to establish intelligence services and to prescribe their composition, functions and procedures.[34] It also provides for a National Security Council which consists of the President as Chairman and members to be determined by Parliament. The functions of the council, according to Article 220, are to inform and advise the president on matters relating to national security and any other functions prescribed by parliament.[35] An External Security Organisation (ESO) has also been established to provide accurate, well-researched and timely information to the President and the National Security Council.

Yet another potentially contentious issue is the report that the Ugandan Cabinet intends to amend the 1995 Constitution, which limits the President to only two terms in office. President Yoweri Museveni, whose second term of office ends in 2006, banned all political party activities in the country until recently with the reason that multi-partyism will bring divisions in the country. President Museveni has more recently promised to allow the return to multi-party politics and, in 2004, permitted the establishment of political parties and the use of political party logos. In line with this effort, the President has formally retired from the army. However, this noble gesture will be of little value if he goes ahead to institute constitutional reforms and contests the 2006 elections.[36]

Suppression of all forms of opposition leads to discontent among the population, a situation that can easily be manipulated to cause instability. In the case of Uganda, through its actions the state itself has engaged in policies that undermine the peace and security of its citizens.

A major cause of instability in Africa has been the practice of political suppression, a common phenomenon in Kenya under Ex-President Daniel Arap Moi until his replacement by Mwai Kibaki. The state's response to early warning information about politically instigated ethnic clashes in Kenya in 1992 under the former president was usually late. The government's indifference can be explained by the state's complicity in

34 D Lubowa, "Civil–military history of Uganda", paper presented at the Conference on Civil–Military Relations, Nairobi, April 1999.

35 The Republic of Uganda, *Constitution of the Republic of Uganda*, Entebbe, 1995.

36 See A Hammerstad, *African commitments to democracy in theory and practice: A review of eight NEPAD countries*, African Human Security Initiative, ISS, Pretoria, 2004, p 78.

violent acts. Although Kenya was not a one-party state, a ban was placed on political party activity. This flared up tensions across the country.

Under intense national and international pressure, elections were organised in 2000. They were marred by the government's manipulation of the ethnic diversity of the country to its own political advantage. This resulted in clashes between the different ethnic groups, with the ruling party being accused of collusion in the mayhem in areas such as the Rift Valley, Nyanza and Western Provinces.[37] The government did not act decisively to prevent and resolve the initial violence that erupted. In the 1992 and 1997 clashes, about 1,000 people were killed, yet the individuals who masterminded the killings were not charged for the offences. The state's attempts to prevent the violence were halfhearted, and the national and local government played down the extent of violence by blaming the opposition and the mass media for sensational reporting. Consequently, little was done to deploy adequate security or provide any meaningful assistance or relief to the victims.[38]

In fact, far from preventing violence, former President Daniel Arap Moi's government was implicated in sponsoring the violence in the country. The motives of the violence appear to have been manifold; it was meant to prove the government's often stated assertion that political pluralism was synonymous with ethnic chaos.[39] Security forces were eventually sent to these areas merely to ward off internal and international pressure and criticism. The lack of an adequate and prompt state response to the crisis was due to the government's agenda of using violence to intimidate political opponents. This inaction resulted in more violent outbreaks in February 1998. The Moi government subsequently set up the independent Constitution of Kenya Review Commission, which still exists under President Mwai Kibaki. This fruitless initiative and the unfulfilled election promises made by Kibaki regarding the same, threatens to plunge the country into further chaos, as there are sharp divisions even within the President's National Rainbow Coalition (NARC) and other opposition parties.

37 Centre for Conflict Resolution, "Ethnicity, violence and democracy", Kenya, 1999, p 8.

38 *Ibid*, p 29.

39 *Ibid*, p 32. See also, Divide and rule: State-sponsored violence in Kenya in *Africa Watch*, November 1993.

The Kenya National Security Intelligence Service Act, Act 11 of 1998, stipulates the functions of the security and intelligence agency. First, the service is established with the objective of detecting and identifying threats and potential threats to the security of Kenya both within and without her boundaries, by investigating, gathering, collating, interpreting, storing and disseminating objective and timely intelligence to the President and other policy makers.[40] The act also established the National Security Intelligence Council composed of the Ministers of Security, Finance, Foreign Affairs and the Attorney General and responsible for overseeing the functions of the intelligence services.[41] There is also a Committee on Conflict Resolution and Management, which was suppressed during Moi's regime but has been revived under the Kibaki administration, in the office of the President. District Security Committees investigate and gather intelligence information and report to the Provincial Security Committee. Members of the broader civil society are not allowed to sit on these Committees.

Kenya also has Joint Border Commissions with almost all its neighbouring countries. The Commissions consist of representatives from the police and the provincial administration. The purpose of the Joint Border Commissions is to address cross-border issues such as livestock rustling in the case of Kenya and Ethiopia.

Traditional conflict resolution mechanisms also exist in Kenya, especially in the Wajir district – where a community-based conflict resolution initiative has been adopted. This traditional mechanism handles conflicts on governance and traditional competition for resources. The Wajir Peace and Development Committee (WPDC) was established in 1994 by civil society groups in the Wajir District and has since received consistent support from the state. The committee is comprised of Members of Parliament, religious leaders, businessmen, NGO workers, the security committee, women and clan leaders. A Rapid Response Team, composed of elders, religious leaders, women, security officers and two government representatives, has been formed within the WPDC.[42]

40 Draft Bill of the Constitution of the Republic of Kenya, September 2002.

41 Report of the Constitution of Kenya Review Commission, 2002.

42 Women take the peace lead in pastoral Kenya: Back to the future, www.xs4all-conflic1/pbp (accessed 19 March 2004).

Peace Committees operate at two levels – the *ad hoc* and the formal. In conflict-prone areas, members of parliament and opinion leaders – in conjunction with the relevant government agencies, ministries and departments – can form *ad hoc* committees to mediate disputes. Such committees have no institutional backing and are dissolved or dissolve themselves after the relative restoration of peace. In many cases, these committees have been manipulated for political gains.

Civil society organisations have come together to form formal peace and development committees in areas with serious security concerns. These committees are intended to mobilise resources and people to work for peace. While they work closely with the relevant government agencies, they are not institutionalised. Therefore, their collaboration with other stakeholders – the government in particular – depends on the goodwill of individuals within these institutions and is consequently unsustainable.

In recognition of the adverse effect of conflicts on the country's socio-economic development, the Government of Kenya and a small group of NGOs, donors and UN agencies started to meet on an *ad hoc* basis in the year 2000.[43] The broader goal of the group was to work towards the achievement of sustainable peace for all Kenyans. Later on, the group formed a temporary Steering Committee to work on the issue. The purpose of this Committee is to establish, co-ordinate, collaborate, and encourage networking between government and civil society with a view to strengthening and institutionalising effective national peace-building and conflict resolution strategies and structures.

The Committee's terms of reference are:

(1) to facilitate networking between key actors at the local, district, provincial and national levels;
(2) to enhance co-ordination between government, donors and implementing agencies in peace-building initiatives;
(3) to promote the harmonisation of peace-building approaches in the country;

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43 Members from the office of the President, chairman of Peace Net Kenya, DFID/British High Commission, UNDP, ALRMP/OOP, Police Department and Oxfam.

(4) to act as a point of reference for information on peace-building activities and organisations;

(5) to identify and mobilise resources for peace-building and conflict resolution initiatives; and

(6) to promote and advocate peace in the country.

Its ambitions aside, little progress was made towards moving the idea forward before the 2002 national elections and the subsequent installation of a new government. In April 2003, the Committee organised a strategic planning workshop to design a framework for the Committee. During that meeting, membership was expanded to include more stakeholders in recognition of the presence of only two civil society organisations on the Committee. Currently, using funding from Oxfam, an office has been established with a co-ordinator. The Committee is planning to establish four sub-committees to work on each of the broader focus areas, namely the National Focal Point on Small Arms and Light Weapons, CEWARN-IGAD, Community Policing and Peace-building.

South Africa's recent history provides analysts with starkly contrasting interpretations. To some, South Africa presents a model of conflict prevention and management, reflected in the positive national spirit that prevailed during the most recent national elections in 2004, the decline in politically inspired violence (particularly in the province of KwaZulu-Natal) and the effective neutralisation of the vestiges of white, right-wing militancy. The major challenge today is perhaps best captured in the "Two Nations" address by President Thabo Mbeki on the occasion of the parliamentary debate on reconciliation and nation-building in May 1998. Mbeki argued that South Africa consisted of two nations, one white and the other black. The former's citizens, he argued, exhibited the lifestyles of the developed world, and were "relatively prosperous with access to developed economic physical, educational, communication and other infrastructure." The latter's inhabitants were subjected to the poverty and misery resulting largely from the condition of underdevelopment typical of the most marginalised communities in the world.[44] Whilst the disparities

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44 J Daniel, A Habib & R Southall (eds), *State of the nation: South Africa 2003–2004*, HSRC Press, Pretoria, 2003, p 4.

inherited from 350 years of white domination cannot be eradicated in a decade, the South African government has embarked on an extensive programme of land redistribution, black economic empowerment and efforts at social equity, albeit to the advantage of a small black elite rather than the second nation that Mbeki spoke so eloquently about.

To others, government efforts at national reconciliation have not yielded progress – there still exist different forms of racial polarisation within communities.

> "Inequality, poverty and lack of access to justice remain obstacles to establishing a human rights culture. High levels of violence continue to mark the society; and mistrust, suspicion and fear define many interpersonal relationships. Contrary to the popular representation of South Africa as a 'miracle' nation, high levels of violent crime testify that a post-apartheid South Africa is not conflict-free."[45]

The Constitution of the Republic of South Africa, "… is the supreme law of the Republic; law or conduct which is inconsistent with it is invalid, and the duties imposed by it must be performed."[46] The Bill of Rights[47] "applies to all law and binds the legislature, the executive, the judiciary, and all organs of state." Further, the Constitution states that national legislation must regulate the objects, powers and functions of the intelligence services, including any intelligence division of the defence force or police service.[48] Judicial authority of the Republic is vested in the courts that are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice.[49] There is a single national prosecuting authority in the Republic with the power to institute criminal proceedings, on behalf of the state, and to carry out any necessary functions incidental to instituting criminal proceedings.[50]

45 B Harris, "Spaces of violence, places of fear: Urban conflict in post-apartheid South Africa", paper presented on the Conflicts and Urban Violence panel, Foro Social Mundial Tematico, Cartagena, Colombia, 16–20 June 2003.

46 Act 108 of 1996, Section 2.

47 Chapter 2 of the South African Constitution.

48 Section 210.

49 Section 165.

50 Section 179.

Apart from the supremacy of the constitution referred to above, the Constitution, in Chapter 9, creates a number of institutions that seek to balance the power of the state. These are:

(a) The Public Protector;
(b) The Human Rights Commission;
(c) The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities;
(d) The Commission for Gender Equality;
(e) The Auditor-General; and
(f) The Electoral Commission.

The South African government suscribes to a broad interpretation of security. For example, the South African Department of Defence White Paper recognises that the greatest threats to the South African people are socio-economic problems such as poverty, unemployment, poor education, the lack of housing and the absence of adequate social services, and the high level of crime and violence. These problems, the White Paper argues, have made it difficult for the average South African to gain a decent livelihood and to develop his or her human capacities and the country would pursue national security by fulfilling the political, economic, social and cultural rights and needs of South Africa's people.[51]

Different to the situation in most other African countries, the South African Constitutional and legislative system thus provides for extensive systems of checks and balances on security agencies. For example, Act no 40 of 1994[52] established an eleven-member Committee of Members of Parliament on Intelligence, which performs oversight functions in relation to the intelligence and counter-intelligence functions of the various intelligence Services, and reports thereon in Parliament.

Intelligence co-ordination occurs through the National Intelligence Co-ordinating Committee (NICOC) and intelligence was recently made a full ministry. Four departments are engaged with intelligence work as part of

51 South African Department of Defence White Paper, May 1999, p 8. Also see the White Paper on Intelligence, 1995, that follows a similar approach.

52 Act no 40 of 1994: Committee of Members of Parliament and Inspectors-General of Intelligence Act.

their line functions. The National Intelligence Agency gathers, correlates, evaluates and analyses domestic intelligence to identify any threat or potential threat to the security of the Republic or its people. It also conducts and co-ordinates the national counter-intelligence responsibilities. The SA Secret Service gathers, correlates, evaluates and analyses foreign intelligence, excluding foreign military intelligence, to identify any threat or potential threat to the security of the Republic or its people.[53] The Department of Defence and the police may only engage in military and crime intelligence work, respectively within the confines of their constitutional mandate and as required by their primary orientation.

Civil society engagement with early warning and conflict prevention is declining in South Africa and recent years have seen government adopt an instrumentalist rather than a partnership approach in its (increasingly limited) engagement with civil society. At present, no civil society organisations engage formally with the South African government on the early warning of conflict, nationally or regionally, despite the considerable capacity and strength of these organisations compared to the rest of Africa. There have, however, been instances where civil society organisations have either been invited or have taken the initiative to mediate between parties to a conflict at community level. These include the House of Chiefs and the churches led by Archbishop Desmond Tutu. There are also community structures in the rural areas which are engaged in conflict prevention. Formerly an early warning unit that was established in the office of the President was disbanded, but it may be in the process of being resuscitated.

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Ghana has had a history of political instability since gaining independence in 1957, with 23 of the 46 years being under five different

53 Intelligence Agencies, Act no 39 of 1994, as amended.

regimes of military dictatorships. This has led to a militarisation of the country, resulting in a high incidence of arms proliferation and a pervasive sense of insecurity among the population. Since 1992, however, a Fourth Republican constitution has been in existence with a democratic form of government led by the New Patriotic Party (NPP). The government has, however, focused little attention on minor conflicts which do not necessarily threaten the security of the state, but which nonetheless affect the freedom and livelihoods of the inhabitants of these localities. In some instances, state response to violent clashes has been slow, leading to large-scale losses of life and property. In those situations where there had been earlier signs of impending conflict, the response of the state was slow, resulting in the eruption of violent clashes.

Ghana has well-developed traditional and modern conflict management structures. These are the Traditional Councils, the Regional House of Chiefs and the National House of Chiefs.[54] Their primary task is to resolve minor chieftaincy-[55] and land-related conflicts in their traditional areas, while more complex conflicts are referred to the Courts. However, owing to public perceptions about partiality in the dispensation of justice through the modern court system, there is greater public trust in the traditional system.[56] Another conflict response mechanism is provided under the Security and Intelligence Agencies Act of 1996, Act 526,[57] which establishes

> "Regional and District Security Councils … [which] are responsible for implementing government policies on Security of the State and attendant issues on or relating to the internal and external security of Ghana and to provide for related matters."

54 The national house of chiefs was established by art. 271(1) of the 1992 constitution, and consists of 50 paramount chiefs, five from each region.

55 There is an increasing spate of low intensity conflicts which are simmering at different levels of intensity in different regions, the majority of which are chieftaincy. For a detailed analysis of conflicts in Ghana, see "African security dialogue and research", Conflict Vulnerability Assessment of Ghana, Accra, November 2002.

56 A survey conducted revealed that 61 per cent of respondents asserted that they expect justice from the traditional courts while 42 per cent of respondents expect the same from the modern or government courts. Ghanaians prefer "Ahenfie" to State Court – Survey Reveals, *Weekend Agenda*, 8–14 November 2002.

57 Republic of Ghana, The Security and Intelligence Agencies Act of 1996, Act no 526.

The Act also established the Regional Security Council (REGSEC) and the District Security Council (DISEC), whose function is to "provide early warning to Government of the existence or likelihood of any security threat to the region, to the country or to the Government." There are reporting mechanisms by which minutes, reports and conclusions of the districts are forwarded to the REGSEC and eventually to the National Security Council (NSC) on a regular basis. This has ensured the availability of advance warnings to the NSC of potential conflicts.[58] This elaborate system has, however, not been complemented with an equally prompt early response mechanism.

Nigeria has a history of instability, with several *coups d' état* and ethnic clashes since 1960. This has given the military a measure of influence on the country's politics. For this reason, early warning measures in the country are mainly focused on curbing and preventing another military takeover of government. Regime security has tended to be the prime preoccupation of the government's conflict prevention measures. In terms of conflict prevention, the government largely ignores the many ethnic, religious and land clashes between the different groups in the country that threaten the security and livelihoods of the citizens in these areas. Even though there have been clear signs of impending conflicts, government responses have usually been late.[59] In such circumstances, efforts are not made to address the underlying causes; rather, troops are deployed to the troubled areas to restore law and order after the escalation of violence.

Nigeria is a highly polarised society with about 250 ethnic groups spread all over the country.[60] Elections in the country have usually been marred by allegations of fraud and irregularities and politics in Nigeria is highly confrontational. The Executive and the National Assembly frequently clash over policy direction and priorities. Disputes between groups occur over religious differences between Christians and Moslems, especially since the adoption of strict Islamic shari'a laws in some parts of

58 J Kwadjo, "Intelligence sector reform and the democratisation process in Ghana", paper prepared for ASDR research network on security sector reform, Accra, March 2002.

59 B Phillip, Ethnic clashes in Nigeria, *BBC News*, 6 January 2000.

60 A R Mustapha, "Ethnic minority groups in Nigeria", paper prepared for the 9th Session of the Working Group on Minorities, 12–16 May 2003.

the country. This has created an atmosphere of suspicion between adherents of both faiths. Clashes between ethnic groups over ownership of oil-rich lands that would transfer benefits and influence from oil operators to local communities are the most common cause of instability in the southern states. Clashes also occur especially in the north over conflicting demands for pasture and agricultural land. Again, the response of the state to this unrest has been the deployment of soldiers, who have instead worsened the crises through their uncontrolled actions, to these regions. An estimated 10,000 people have died in various incidents of ethnic, religious and communal violence since the return to civilian rule in 1999. According to the National Commission for Refugees, some 800,000 people have been displaced from their homes as a result of communal and religious clashes. Moreover, the use of the military to try to end such clashes has often led to further problems and humans rights abuses by the armed forces.[61]

The Office for the Co-ordination of National Security in Nigeria is composed of three units. The first is the State Security Services (SSS), which is responsible for intelligence gathering in Nigeria. The other units are the National Intelligence Agency (NIA), in charge of foreign intelligence and counter intelligence, and the Defence Intelligence Agency (DIA), charged with military-related intelligence outside and inside the country respectively.[62] These agencies are principally interested in the security of the state and government from internal and external aggression against the state.

President Obasanjo has initiated some national conflict prevention processes since his inauguration in 1999. The new constitution, introduced in May 1999, includes provisions that enshrine power-sharing and provide for a strong executive presidency accountable to an elected legislature and an independent judiciary, but has been a source of major tension. Critics of the new constitution claim it concentrates too much power in the central government, defying the aspirations of many Nigerians for a looser federation. Other areas of contention include the dominance of the federal

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61 Economist Intelligence Unit, *Nigeria Country Profile*, London, 2004, p 10.

62 Intelligence Resource Program. Available at www.fas.org/irp/world/nigeria/fiib.htm (accessed 24 March 2004).

government in the control of state police and the appointment of judges. By stipulating that at least one cabinet minister must be appointed from each of Nigeria's 36 states, it is argued the constitution hamstrings the president and promotes mediocrity by emphasising origin rather than ability.

According to the Economist Intelligence Unit,[63]

> "Although the return to civilian rule was greeted with optimism by most Nigerians, the pace of reform so far has disappointed their expectations. In particular, it is clear that Mr Obasanjo has made little progress in resolving the pressing issue of corruption, even though he has made it a high-profile issue with regard to which he has considerable personal integrity. The government also established the Oputa Panel to investigate past abuses of power. Although similar to the South African Truth and Reconciliation Commission and broadcast live on national television, it lacked the power to require witnesses to attend and compel them to testify. As a result, several former military rulers progress refused to testify, which undermined the commission's effectiveness. The executive and legislature have also been involved in an ongoing series of political stand-offs, which have undermined public confidence in the political classes. These stand-offs have been intensified by the backdrop of repeated calls for constitutional reform and high levels of political and religious violence."

With regard to the security threat posed by youth movements, the President has created a political instrument called the Obasanjo Youth Campaign. This unofficial team of the President's loyalists is usually dispatched to negotiate with potentially disruptive youth movements on behalf of the President. The House of Assembly and Senate, Bar Association and some other professional Institutes are sometimes involved in this process.[64]

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63 Nigeria, *Country Report* 2004, pp 13–14.

64 Interview with a member of the Niger Delta Development Commission, 30 January 2004.

The Nigerian Congress has also passed an Act, called the Niger Delta Development Commission (NDDC) Act as a response to clashes between ethnic groups over ownership of oil in the Niger Delta. The NDDC is expected to address the conflicts in the state, especially those that threaten the nation's oil industry. President Obasanjo established an Institute for Peace and Conflict Resolution (IPRC), as a parastatal of the Ministry of Cooperation and Integration in Africa in February 2000. The IPRC is primarily perceived as a research centre, a think-tank and an agency to support the government in its efforts at peace promotion and conflict management. The Institute has been tasked with designing a national conflict prevention policy to help prevent or address the numerous conflicts erupting in Nigeria. In response to government directives, a National Action Plan on Conflict has been instituted with a Presidential Implementation Committee that is chaired by the Vice-President of the Federal Republic of Nigeria. Also on this committee are representatives of civil society organisations, the business committee and international organisations.[65] The National Action Plan on Conflict has eight major segments, including Security Sector Reform, Early Warning/Early Response and Mainstreaming Conflict Prevention.

Algeria is an Arab republic headed by the country's seventh president, Abdelaziz Bouteflika, now in his second term, under whose rule the country has seen a steady improvement in its regional and international relations. There is no recent record of the use of force by Algeria against any of its neighbours despite the poor relations between the region's two biggest countries, Algeria and Morocco, over the future of the former Spanish colony of Western Sahara, now controlled by Morocco. Algeria backs the pro-independence Polisario movement, which is based in the Algerian Sahara near the disputed border with Morocco. Relations between the two countries remain uneasy and Algeria gave a cool reception to a new plan by the United Nations, which would give the territory five years of limited autonomy under Moroccan sovereignty followed by a referendum (see section 3.2 below).

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65 Interviews held with the Director and researchers of the Institute for Peace and Conflict Resolution (IPCR), Abuja, Nigeria.

Owing to Algeria's acute internal security dilemmas, conflict prevention has mostly been spearheaded by the security services. Following disturbances in October 1988, a series of political and economic reforms were instigated to create a more competitive and open system, including a new constitution that was promulgated in 1989, ending one-party rule in Algeria. The now banned Front Islamique du Salut (FIS) emerged as the only serious threat to the governing Front de Liberation Nationale (FLN), gaining an absolute majority in the June 1990 municipal elections – the first multi-party elections in the country. Another clear victory for the FIS was denied with the cancellation of a second round of parliamentary elections in January 1992. The FIS was banned and its leadership either imprisoned or forced into exile or underground. In subsequent years the country has suffered from severe political violence and economic stagnation. The ban on the FIS resulted in the party's participation in attacks on military vehicles, barracks, the police, government buildings, intellectuals, women, journalists and foreigners.[66] A constitution revision completed in November 1996, after a national referendum, banned political parties from campaigning under a religious or linguistic banner, so that electoral politics could resume in a more stable environment. The amended constitution's central new feature was a bicameral parliament to replace the 200-member Conseil National de Transition (CNT). Members of the lower chamber, the 380-seat Assemblée Populaire Nationale (APN), were elected by direct universal suffrage in June 1997. On 25 December 1997 two-thirds of the members of the new 144-seat upper chamber, the Conseil de la Nation (CN), were appointed by local officials and 96 seats were contested – although the elections were marred by allegations of fraud. The 48 remaining seats were filled by presidential appointees.

Abdelaziz Bouteflika was first elected as President on 15 April 1999 in circumstances that saw all the other candidates pull out the day before the main voting began. Soon after taking office, Mr Bouteflika launched his Civil Concord initiative, offering a limited amnesty to Islamist militants (to the Front Islamique du Salut – FIS) who surrendered to the

66 P Cameron, Algeria's army, Algeria's agony. www.maxwell.syr.edu (accessed 19 March 2004).

authorities. This offer required substantial political courage at the time, yet has started to smother the flames of a rampant Islamist insurgency that had claimed the lives of around 150,000 people. Some two or three thousand armed militants were reported to have taken advantage of the amnesty, and on 13 January 2000 the Armée Islamique du Salut (AIS), the armed wing of the banned FIS, was granted a full amnesty for its estimated 3,000 rebels. Formally at least, the FIS had relinquished the armed struggle in support of its political objectives. The two Islamist groups which rejected the amnesty, the Groupe Islamique Armée (GIA) and the Salafiya Group for Call and Combat (GSPC), never articulated any political demands. However, violence involving the GIA and GSPC remains an acute problem. Mr Bouteflika was rewarded for his courage by winning 85 per cent of the vote in the 2004 presidential elections that were declared "free and fair" by international observers and largely violence free. This victory has empowered his search for national reconciliation that will involve seeking peace with both the remaining militant Islamists and Kabylia's Berber population.

The Department of Intelligence and Security in Algeria is the principal agency for domestic and foreign intelligence activities. Even though it operates under the Ministry of Interior, it comprises military personnel commanded by an army general and reports to the Ministry of Interior. However, some of its members have been accused of committing gross human rights violations such as torture, extrajudicial executions and "disappearances" over the years. Other members of the intelligence unit are the Department of Internal Security and the Special Security Services. Internal security has been a major preoccupation of Algeria owing to the activities of the Islamic fundamentalists. This has strengthened the army's position in political life and its control of the centres of decision.[67] As evidenced above, Civil Society organisations and individuals are generally excluded from all conflict prevention mechanisms, since these structures are mostly controlled by the military.

67 F Faria & A Vasconcelos, "Security in Northern Africa: Ambiguity and reality", EU-ISS *Chaillot Paper 25*, September 1996.

2.3 Early warning within a regional context

State commitment and progress with early warning systems also need to be placed within an appropriate regional context.[68]

Following earlier efforts, the establishment of a unit for conflict early warning at continental level formally commenced in June 1992 when, at its 28th Meeting in Dakar, Senegal, the Assembly of the OAU decided to establish the Mechanism for Conflict Prevention, Management and Resolution – a decision that was operationalised in June 1993, with the adoption of the "Cairo Declaration."[69] The Mechanism was charged with the anticipation and prevention of situations of armed conflict as well as with undertaking peacemaking and peace-building efforts during conflicts and in post-conflict situations. The Mechanism sought to avoid any substantial role for the OAU in peacekeeping, since the Organisation's earlier experiences had exposed its limitations all too severely.[70]

With the assistance of key donors, the capacity of the Conflict Management Division steadily expanded to include a situation room, a small library and a documentation centre, regional desk officers and a "Field Operations Unit" tasked with the organisation of military observer missions' deployment.[71]

68 This section is based on Jakkie Cilliers, "African security architecture: Developments regarding early warning and the African Standby Force", *Africa south of the Sahara*, Vol 34 (forthcoming).

69 Prior to this loose entity, the Commission on Mediation, Conciliation and Arbitration, served as the peace and security organ of the Organisation. But the Commission was still-born. Its mandate was limited to inter-state conflicts and few such conflicts were referred to it. Moreover, it lacked the necessary financial resources, as member states failed to pay their contribution to its budget. Attempts to revive it in the mid 1970s failed largely because member states showed little interest in it. Instead, disputes were referred to *ad hoc* dispute settlement committees, composed of heads of state or ministers. The first such body was constituted in 1963 to mediate in the Algerian-Moroccan dispute. Similar bodies were created to grapple with the disputes between Somalia and Ethiopia, Rwanda and Burundi, the dispute between Angolan warring factions, the Congo crises and the Nigerian civil war. Despite its precariousness, the OAU *ad hoc* arrangements did manage to contain conflict between member states. Most of the border disputes, as those between Nigeria and Cameroon, Tanzania and Malawi, Burkina Faso and Mali, were either settled without force or kept simmering at a non-violent level through OAU diplomacy. Even where border conflicts escalated to armed hostilities (as between Algeria and Morocco over their Saharan frontiers or between Ethiopia and Somalia over Ogaden), OAU mediation brought about a ceasefire. O A Touray, "The common African defence and security policy: A survey", unpublished paper, Addis Ababa, May 2004.

70 Besides a few bilateral peacekeeping interventions, the Pan-African peacekeeping force that operated in the Shaba Province of Congo (Kinshasa) in 1978–79 was the first OAU "first

In terms of the Protocol, an observation and monitoring centre to be known as the "situation room" will be located at the conflict management directorate of the Union, and responsible for data collection and analysis on the basis of an appropriate early warning indicators module. Observation and monitoring centres of the regional mechanisms are to be linked directly through appropriate means of communications to the Situation Room and will be expected to collect and process data at their level and transmit it to the Situation Room.[72] Under the protocol, member states committed themselves to facilitate early action by the Peace and Security Council and/or the Chairperson of the Commission based on early warning information.

The ambitions of the PSC Protocol with regard to early warning are clear. According to the Protocol, the information gathered through the Continental Early Warning System (CEWS) will be used "timeously to advise the Peace and Security Council on potential conflicts and threats to peace and security in Africa and recommend the best course of action. The Chairperson of the Commission shall also use this information for the execution of the responsibilities and functions entrusted to him/her under the present Protocol [on the Peace and Security Council]."[73] In theory, the Continental Early Warning System will be linked to situation rooms in each of Africa's five regions, to share information with the PSC on impending conflicts. Should preventive diplomacy, through either the Chairman of the Commission or the Council of the Wise, fail, this system should trigger the deployment of peacekeepers funded by the Peace Fund, to prevent or reduce bloodletting, .

The PSC Protocol further determines that the CEWS is to collect and analyse data on the basis of an appropriate "early warning indicators

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generation" peace support undertaking; followed by the Chadian operation (1979–82), which was also the only OAU peacekeeping venture of a complex nature – although the operation did much to demonstrate the limitations of Africa.

71 The unit, staffed with a small core group of civilian and military officers, was subsequently equipped with the required communication resources.

72. See Art. 12 of the PSC Protocol.

73 Art. 12(5) of the PSC Protocol.

module."[74] This module must be based on political, economic, social, military and humanitarian indicators.

Of the eight countries under review, namely Algeria, Ethiopia, Ghana, Kenya, Nigeria, Senegal, South Africa and Uganda, only Algeria is part of a regional economic community (in this case the Arab Mahreb Union) where no progress is apparent regarding early warning.

ECOWAS (which includes three of the eight AHSI countries under review, namely Ghana, Nigeria and Senegal) has the most developed early warning system and has established a system of observation and monitoring in the 15 member states as defined in the 1999 ECOWAS Protocol for the Establishment of a Mechanism for Conflict Prevention, Management and Resolution, Peace and Security. The Protocol established, amongst others, a Mediation and Security Council composed of ten countries to oversee a Defence and Security Commission, Council of Elders, Early Warning Observation and Monitoring Centre and the peacekeeping standby capacity, ECOMOG.

The Observation and Monitoring System is divided into four sub-regions, with its Headquarters in Abuja, to gather information (through government authorities, locals, public media and other news agencies).[75] ECOWAS has recently appointed a director and a programme manager responsible for early warning analysis. During May 2001, ECOWAS signed a headquarters agreement with Benin to establish an observation zone in Cotonou, whose role would be to signal the potential of conflicts in Benin, Nigeria and Togo. This would be the fourth zone. The others are in Banjul (Gambia), Monrovia (Liberia) and Ouagadougou (Burkina Faso).

At present, the system is hampered by a lack of adequate and sensitive technological equipment to enhance and facilitate the process of data collection, processing and dissemination, and poor co-operation between states.

74 Art. 12(4) of the PSC Protocol.

75 The observation and monitoring zones were created based on proximity, ease of communication and efficiency. Each zone has an identification number and a zonal centre. Under zone 1 are Cape Verde, Gambia, Guinea-Bissau and Senegal with the zonal capital in Banjul. Zone 2 comprises Burkina Faso, Ivory Coast, Mali and Niger and a zonal capital in Ouagadougou. Monrovia is the zonal capital of zone 3 which is made up of Ghana, Guinea, Liberia and Sierra Leone; while Cotonou is the zonal capital for Benin, Nigeria and Togo.

Three of the countries that form part of this review are part of the Inter-Governmental Authority on Development (IGAD), namely Kenya, Ethiopia and Uganda. Following the Khartoum Declaration of November 2000, IGAD finalised a Protocol on Conflict Early Warning and Response Mechanism (CEWARN).[76] Ethiopia subsequently volunteered to host the central interpretation unit in Addis Ababa. In theory, CEWARN will eventually enable the IGAD countries to systematically anticipate and respond to various conflicts in the region. In practice, its mandate is limited to inter-communal matters. Part II of the Annexure to the Protocol stipulates that: "CEWARN shall rely, for its operations, on information collected from the public domain, particularly in the following areas: livestock rustling, conflicts over grazing and water points; smuggling and illegal trade; nomadic movements; refugees; landmines and banditry."

CEWARN presently covers only two local areas, namely the Karamoja and Wajir Clusters that put together the countries of Uganda, Kenya, Sudan, Ethiopia and Somalia. In these countries, IGAD has identified research institutions or civil society organisations that, in turn, appoint an individual to co-ordinate the early warning information on conflicts and ongoing resolutions that is fed into the central CEWARN unit. Until recently, the central interpretation unit in Addis Ababa had only three professional staff and a resource centre but has established the field structures necessary for its operations. However, owing to lack of adequate infrastructure, and suspicion between member countries of the region caused by political interference in ongoing conflicts in member countries, information sharing, a key component of the protocol, does not occur.

There is no early warning system yet established within SADC (that includes South Africa), although the Protocol on Politics, Defence and Security Co-operation provides for such a system, with its central interpretation unit co-located with the SADC Secretariat in Gaborone, Botswana. Once established, it would appear that the SADC early warning system will work largely with and through linkages with the national intelligence agencies of member countries. Although both the SADC Treaty and the Protocol on Politics, Defence and Security Co-operation provide for

76 Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD member states, at Khartoum on 9 January 2002.

engagement by civil society, SADC is perhaps the least transparent of all regional organisations and traditionally closed to effective civil society participation.

2.4 Conclusion

The research conducted examines the commitment of heads of state to adopt effective measures aimed at preventing situations of emerging conflict. States such as Algeria, Kenya (under Ex-President Arap Moi), Nigeria (under Sani Abacha), Uganda and Ethiopia have, through their actions or inactions, been involved in situations which undermine the security of their citizens. In countries such as Senegal, Ghana, and South Africa – where the state has not necessarily been directly involved in crisis situations – responses to information on impending conflicts have either been lackadaisical or simply nonchalant. With regard to the establishment of conflict prevention structures, all the states under review regard their intelligence and national security apparatus as the most reliable conflict prevention structures available.

Uganda and Ethiopia have, through their actions or inactions, been involved in situations which undermine the security of their citizens.

Even though all the member states under review have signed and ratified the Protocol, which entered into force on 26 December 2003, little has been done in terms of implementation with regard to establishing early warning centres capable of transmitting information to the continental situation room in Addis Ababa, with the exception of West Africa (ECOWAS) and the Horn of Africa (CEWARN) where limited structures predate the signature of the Protocol. However, none of the countries has a substantive Early Warning Framework/Policy that involves civil society organisations, although Early Warning programmes – where they exist – are instituted and operated by civil society groups. Unfortunately, there are no national institutional processes for information exchange between civil society and the formal state structures.

Civil Society Organisations (CSOs) are usually ignored in the collection and processing of data, although there is some indication of a willingness

by ECOWAS to engage CSOs in early warning processes. In the Horn of Africa CEWARN has yet to deliver to its potential and time will reveal what will happen in SADC. Owing to the history of conflict and instability that most of the states under review have experienced, security issues have tended to be perceived as highly sensitive. States have, therefore, ignored the possibly useful contribution that civil society can make to conflict prevention and resolution and tend to conflate early warning with intelligence in an approach out of step with modern trends towards information sharing and increased reliance upon open sources. While heads of states are "interested" in early warning mechanisms, a general narrow view of intelligence prevents them from actively involving ordinary citizens in data gathering.

The previous section has noted that three of the regional organisations that include seven of the eight countries under review, ECOWAS, IGAD and SADC, have established or are in the process of establishing regional early warning systems. Only Algeria is not part of a regional economic community and no progress on the establishment of such a system was detected. Although these regional early warning frameworks exist and work at different levels of effectiveness – in terms of their capacity to identify the different issues that can result in conflict – there is an apparent disconnection between the rhetoric of establishing such mechanisms and the reality of their capacities to perform. Thus, there is no progress in Southern Africa, limited geographical coverage in IGAD and a degree of coverage (with the inclusion of CSOs) in ECOWAS.

The challenge, therefore, is for the AU to establish strong and mutually supportive relationships between the continental mechanism and those of the regional organisations. This will result in a situation where a framework is created for the regional institutions to feed their data, which is either processed or unprocessed, into the AU mechanisms and to share and distribute it through a loop-back mechanism.