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THE ROLE OF THE ECONOMIC COMMUNITY OF CENTRAL AFRICAN STATES IN THE MAINTENANCE OF PEACE AND SECURITY IN CENTRAL AFRICA

Submitted in partial fulfilment of the requirements of the degree LLM (Human Rights and Democratisation in Africa)

By

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Plagiarism Declaration

I 11368536 do hereby declare that the dissertation '**The role of the Economic Community of Central African States in the maintenance of peace and security in Central Africa'** is my original work and that it has not been submitted for any degree or examination in any other university. Whenever other sources are used or quoted, they have been duly acknowledged.

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Date: 31 October 2011

Dedication

To my late grandmother Ôo Djukem Regime

Your departure from this world was so quick that I did not have sufficient time to express all my love to you. I still remember your love, the advice and passion that you had for my success. I know you were very interested in my future and I am sure that this academic research is the result of your prayers. Ôo, I miss you! I am grateful to have had you as a friend, a mom and a grandmother. Rest in peace!

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'Let us examine our attitude toward peace itself. Too many of us think it is not possible. Too many think it unreal. But that is a dangerous, defeatist belief. It leads to the conclusion that war is inevitable, that mankind is doomed, that we are gripped by forces we cannot control.

We need not accept that view. Our problems are man-made, therefore they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings. Man's reason and spirit have often solved the seemingly unsolvable, and we believe they can do it again'.

John F Kennedy during a conference at the American University on 10 June 1963.

Abstract

This academic research is focusing on the role of the Economic Community of Central African States (ECCAS) in the maintenance of peace and security in Central Africa. It assesses the effectiveness of this Regional Economic Community in dealing with issues relating to peace and security. The study firstly discusses the legal framework that supports the mandate of the Central African subregional institution in the field of peace and security, and then it addresses its peace and security architecture. Secondly, this work stresses the achievements made by ECCAS in coping with security issues; it also stresses its shortcomings and examine the reasons behind them. Most importantly, although this research highlights the shortcomings of the ECCAS in maintaining stability and peace in the Central African subregion, it strongly advocates that the role played by ECCAS should not be underestimated and therefore, it makes some recommendations which can contribute to its rationalisation and make it more effective.

List of abbreviations

AMIB   African Union Peacekeeping Mission in Burundi

APSA   African Peace and Security Architecture

ASF   African Standby Force

AU   African Union

AUC   African Union Commission

AUPSC   African Union Peace and Security Council

CAR   Central African Republic

CCI   Community Contribution for the Integration

CDS   Defence and Security Commission

CEMAC   Economic and Monetary Community of Central Africa

CEPGL   Economic Community of the Great Lakes States

CEWS   Continental Early Warning System

CRESMAC Maritime Security Centre of Central Africa

CMC   Multinational Centre of Coordination

COM   Operational Centre of Marine

COMESA Common Market for Eastern and Southern Community

COPAX   Council for Peace and Security in Central Africa

DDR   Disarmament, Demobilisation and Re-integration

DRC   Democratic Republic of Congo

EAC   East African Community

ECCAS   Economic Community of Central African States

ECOMOG   Economic Community of West African States Monitoring Group

ECOWAS   Economic Community of West African States

EISA   Electoral Institute for the Sustainability of Democracy in Africa

EU   European Union

FOMAC   Central African Multinational Force

FOMUC   Multinational Force in the Central African Republic

IGAD   Inter Governmental Authority on Development

ICJ   International Court of Justice

IRC   International Rescue Committee

MARAC Central African early-warning system

MICOPAX Mission for the Consolidation of Peace in the Central African Republic

OAU   Organisation of African Unity

OECS   Organization of Eastern Caribbean States

ONUB   United Nations Operation in Burundi

OSCE   Organization for Security and Co-operation in Europe

PSC   Peace and Security Council

REC   Regional Economic Communities

SADC   Southern Africa Development Community

UDEAC   Customs and Economic Union of Central Africa

UN   United Nations

UNSC   United Nation Security Council

Chapter One: Introduction

1.1   Background

'Africa is suffering from a curse inflicted many years ago in one of Europe's most famous and cosmopolitan cities: Berlin'.[1] This statement testifies to the dramatic situation of permanent conflicts faced by Sub-Saharan Africa since 1884. Poverty, civil war, human rights violations, lack of democracy and bad governance are common issues in Africa. In 1966, in the wake of the African independences, a French agronomist Rene Dumont wrote a book entitled *'L'Afrique noire est mal partie'*.[2] Dumont wanted to emphasise the calamity in which African countries find themselves in. Today, after 50 years of independence, the continent is not quite saved; so many people – the majority being children and women – are killed due to conflicts.[3]

Furthermore, the year 2011 started with popular uprisings in the Northern part of the continent. These uprisings led to the fall of both Tunisian and Egyptian regimes. The Sudanese conflict, the dispute in Western Sahara, the Ivorian conflict, the case of Somalia and, finally, the Libyan conflict show that from the Algiers to Cape Town and Abidjan to Nairobi, peace and security is being threatened in Africa.

Unfortunately, Central Africa does not escape this situation. This region is strongly 'characterised by conflict and disorder with concomitant social, political and ecological dislocation'.[4] The Rwandan genocide in 1994, the killings of hundreds of people in Burundi in 2003,[5] the on-going conflict and rape of women in the Democratic Republic of Congo (DRC),[6] and the recent conflicts in Chad and in the Central African Republic (CAR) are relevant to highlight the fragility of peace and security in this region of Africa.

However, at different levels, the international community is striving to tackle these situations which have endangered the lives of millions of people. At the global level, the United Nation Security Council (UNSC) under article 24 of the United Nations Charter is assuming its primary responsibility for the maintenance of international peace and security by engaging peacekeeping

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[1]   A Adebajo 'The peacekeeping travail of the AU and the regional economic communities' in J Akokpari, Adinga-Muvumba& T Murithi African Union and its institutions (2008) 131.

[2]   R Dumont *L'Afrique noire est mal partie* (1966).

[3]   See e.g. A Hoeffler 'Dealing with the consequences of violent conflicts in Africa' Background paper for the African Development Bank Report 2008 available at http://users.ox.ac.uk/~ball0144/consequences.pdf (accessed 21 October 2011).

[4]   I Taylor 'Conflict in Central Africa: Clandestine networks and regional/global configurations' (2003) 30 *Review of African Political Economy* 45.

[5]   Global IDP 'Profile of internal displacement: Burundi' (2003) 23 available at http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/F6F142724C65849D802570B500468FD4/$file/Burundi+-June+2003.pdf (accessed 28 May 2011).

[6]   USAID 'Sexual Terrorism: Rape as a Weapon of War in Eastern Democratic Republic of Congo' (2004) available at http://www.reformedelapnc.org/documents/Rape-in-DRC_Final-Report.pdf (accessed 28 May 2011).

missions across the African Continent.[7] At the regional level, the African Union (AU) which has succeeded the defunct Organisation of African Unity (OAU) is quite involved with the maintenance of peace and security through the AU Peace and Security Council which was established in 2003.[8] Underneath these organisations, there are subregional institutions such as the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS) which initially were focused only on the economic integration and which are now involved with the maintenance of peace and security in their respective subregions.

1.2   Problem statement

With a population of about 110 million people, covering a surface area of 6 million square km, and considering 'the sheer scale of the endemic instability and conflict that has plagued the sub-region, particularly in the past two decades,' [9] ECCAS was established on 18 October 1983 by the defunct Customs and Economic Union of Central Africa (UDEAC)[10] members namely: Cameroon, Chad, Central African Republic, Congo, Gabon and Equatorial Guinea and the members of the Economic Community of the Great Lakes States (CEPGL)[11]:Burundi, Rwanda[12] and the then Zaire as well as Sao Tomé and Principe.[13] Angola remained an observer until 1999, when it became a full member. On 24 February 1999 the Council of Peace and Security (COPAX) was established in order to deal with the maintenance of peace and security in this region.[14]

Nevertheless, as stated above and even with the adoption of COPAX the conflicts which break out in Central Africa show with acuity how this sub-region is facing a high crisis of instability. This instability is more extended with common attacks facing Cameroon in its Bakassi peninsula and the frontier conflict between Gabon and Equatorial Guinea which can resurface at any moment. The persistence and the repetition of all these events are the source of the killing of thousands of people in Central Africa. Its negative effects on social and economic development are visible and inevitably the free movement of people and regional integration are stagnating. Therefore, it appears that although ECCAS is willing to deal with conflicts in the subregion, the reality shows it encounters some difficulties which hinder its willingness attain its objectives of

[7]   For further details see http://www.betterworldcampaign.org/un-peacekeeping/missions/africa.html (accessed 13 September 2011).

[8]   See also article 3(f) of the African Union Constitutive Act which emphasises on the promotion of peace,   security and stability on the continent.

[9]   S Ntahuga 'Economic Community of Central African States (ECCAS): Peace and security architecture' available at http://aros.trustafrica.org/index.php/Economic_Community_of_Central_African_States_(ECCAS)_%E2%80%93_Pe ace_and_Security_Architecture (accessed 28 September 2011).

[10]   UDEAC was established by the Brazzaville Treaty in 1966 and it has been replaced by the Economic and   Monetary Community of Central Africa (CEMAC) after the signing of the N'Djamena Treaty on 16 March 1994 which entered into force in June 1999 at the Malabo Summit.

[11]   The CEPGL was established in 1976.

[12]   Rwanda which was one of the founding member states of ECCAS quitted the institution in 2007 in favour of the East Africa Community.

[13]   See e.g. A Bösl & J Diescho *Human Rights in Africa: Legal perspectives on their protection and promotion* (2009) 308.

[14]   See Decision N° 001/Y/1999, Yaoundé 25 February 1999 and Protocol to Council of Peace and Security in Central Africa 24 February 2000 and entered in force in January 2004.

promoting peace and security. Thus, it becomes necessary to address these difficulties and to solve them in order to save the lives of thousands of people in Central Africa.

1.3   Definition of key concepts
Throughout this study, the following concepts will be most often used, it is therefore important to define them in order to avoid any confusion.

1.3.1   Peace
The concept of peace is not easy to define. Two main ideas are most often put forward: negative peace and positive peace.[15] Negative peace is defined as 'the absence of organised violence between such major human groups as nations'.[16] Contrary to negative peace, positive peace is, according to Galtung 'a pattern of co-operation and integration between major human groups'.[17] Within the framework of this study, the concept of peace will be understood as the absence of violence and the integration between human groups.

1.3.2   Peacemaking
Peacemaking refers to a process that aims at resolving a conflict situation. It is 'the use of diplomatic means to persuade parties in conflict to cease hostilities and negotiate a pacific settlement of their dispute'.[18] It includes mediation, conciliation, arbitration, judicial settlement, good offices and it is applied after a dispute has crossed the threshold into armed conflict.[19]

1.3.3   Peace enforcement
It can include the use of force by a UN or UN partner against one of the parties to enforce an end to hostilities or maintain stability once hostilities have ended.[20] Hence, the UN or its partner uses force without the parties' consent to compel them to accept the decisions of Security Council acting under chapter VII of the UN Charter.[21]

1.3.4   Peacekeeping
The concept of peacekeeping does not have an agreed definition or even agreement on when the first peacekeeping mission was set up[22] and despite its prominence, it still lacks a concrete definition.[23] Originally, it was used as 'a means to prevent the two superpowers from becoming

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[15]   Those two conceptions of peace have been described by Galtung who is considered one of the founders and main figure in peace research,
[16]   Galtung quoted in A B Fetherson *Towards a theory of United Nations Peacekeeping* (1994) 93.
[17]   As above.
[18]   E Fanta 'The capacity of African regional organisations in peace and security' 4, at the ERD Workshop: Transforming political structures: Security, institutions, and regional integration mechanisms Florence 16-17 April 2009 available at   (Accessed 27 May 2011).
[19]   As above.
[20]   As above.
[21]   See e.g. D P Barash *Approaches to peace* (2000) 120.
[22]   Barash as above, 115.
[23]   L Juma 'Peacekeeping in Africa: Problems and prospects' (2010) 16 *East African Journal of Peace and Human Rights* 399.

embroiled in localised disputes'.[24] Thus, peacekeeping is a technique which has been developed mainly by the UN and is distinguished from peace enforcement in two fundamental ways: the mission is dependent on the consent of the host member state and the mission has a mandate to use force only in self-defence.[25]

1.3.5   Peacebuilding and post conflict reconstruction

Peacebuilding is an activity that takes place at the end of the conflict. It is the third area of UN activity and although it has been 'variously and often confusingly defined,'[26] it is viewed as crucial because it is a 'means of preventing the recurrence of hostilities, reconstructing economic and social interactions and facilitating resolution.[27] It is similar to post conflict reconstruction and in this light, 'large bilateral or multilateral agencies arrive to work with national governments, and to manage and disburse most funds for social and economic reconstruction.'[28] Thus, contrary to previous concepts, peacebuilding or post conflict reconstruction starts after the signing of a peace agreement and it is more focused on the activities of reconstruction with the collaboration of national governments and populations.

1.3.6   Security

It is not a simple task to define the concept of security since it may be understood differently and according to the context in which it is used. Generally speaking and with regard to this study, it refers to a 'condition that results from the establishment and maintenance of protective measures that ensure a state of inviolability from hostile acts or influences'.[29] Moreover, the concept of security with regard to a community like ECCAS implies '*la préservation de ses valeurs centrales, l'absence d'un sentiment de menace contre elle et la formulation par elle des objectifs politiques*'.[30] In other words, ECCAS must preserve its essential values, lives without threat and develops its political objectives. Nowadays, the concept of security is broader; it encompasses human security, national security, economic security, and environmental security among others.[31]

1.3.7   Conflict

The term conflict is used in our everyday speech and it is obvious that 'every human being has a long experience with conflict'.[32] The Free Dictionary defines conflict as 'a state of disharmony between incompatible or antithetical persons, ideas, or interests; a clash'.[33] According to

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[24] S M Hill & S P Malik *Peacekeeping and the United Nations* (1994) 14.

[25] Fanta (n 18 above) 4.

[26] E M Cousens et al *Peacebuilding as politics: Cultivating peace in fragile societies* (2001) 5.

[27] See e.g. Fetherston (n 16 above) 131.

[28]   S   NAnderlini   &   J   El-bushra   'Post   conflict   reconstruction'   1   available   at
     http://www.huntalternatives.org/download/39_post_conflict.pdf   (accessed 13 September 2011).

[29] Free Dictionary by farlex available at http://www.thefreedictionary.com/security (accessed 29 July 2011).

[30] E M MEKA *Architecture de la sécurité et gouvernance démocratique dans la CEEAC* (2007) 30.

[31] R Thakur *The United Nations, Peace and Security: From collective security to responsibility to Protect*   (2006) 75-
     82.

[32] Fetherson (n 16 above) 97.

[33] Free Dictionary by farlex available at http://www.thefreedictionary.com/conflict (accessed 29 July 2011).

Nicholson, conflict is 'an activity which takes place between conscious, though not necessarily rational, beings'.[34] It may occur at the national level (within the boundaries of a country) as well as at the international level (between two or more than two countries). Within the framework of this study, these two aspects of conflict will be addressed concerning the Central African subregion and the emphasis will be on civil war, coups and conflicts with neighbouring states.

1.4 Research question

Since its establishment, to what extent has ECCAS been effective in maintaining peace and security in Central Africa?

1.5 Sub-sequent questions

- What is the place of the maintenance of peace and security in the main missions of ECCAS?
- What is the potential and the actual role of ECCAS in guaranteeing peace and security in Central Africa?
- Looking at the situation on the ground, what are the main difficulties ECCAS is facing?
- Can ECCAS learn any lessons from other sub-regional organisations in the maintenance of peace and security?

1.6 Significance of this research

There is no development and economic prosperity without peace and security, there are no human rights when people are killing each other every day because of conflicts.[35] Accordingly, this study raises a central point concerning the maintenance of peace and security in Central Africa. Therefore, this research aims to address the current conflicts and their impact on the population. It endeavours to find solutions that can resolve conflicts in Central Africa and save the lives of thousands of people. It contributes not only to giving an understanding of ECCAS' mechanisms of maintaining peace and security but it also discusses ECCAS' capacities and drawbacks as a major actor in the region. Moreover, the study provides strategies and examples drawn from other regional and subregional organisations that ECCAS can follow.

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[34] M Nicholson *Rationality and the analysis of international conflict* (1992) 11.
[35] See e.g. W Kälin & J Künzli *The law of international human rights* (2009) 239 and see article 55 of United Nations Charter of 1945.

1.7 Literature review

There is a proliferation of literature on the issue of peace and security in Africa and among the subregional bodies in Africa, ECOWAS has extensively been discussed due to its real involvement in maintaining peace and security in West Africa.[36] The same cannot be said of Central Africa.

Nevertheless, Adebajo in his article entitled 'The peacekeeping travail of the AU and the regional economic communities' briefly discusses the mission of ECCAS in the field of peace and security.[37] He addresses the drawbacks of this institution but he did not go deeper into the reasons of ECCAS' ineffectiveness as will be the case with this study. Moreover, the author did not really address the therapy that ECCAS could follow in order to resolve the on-going conflicts that occur in the region.

Ela Ela also addresses the issue of conflict in Central Africa.[38] He focuses on the different mechanisms that can be used in order to prevent conflicts in the region. The author pays particular attention to the Standing Advisory Committee on Security Questions in Central Africa established by United Nations through the Resolution 46/37 B of 6 December 1991 adopted by General Assembly. However, ECCAS is not truly the main target of that study. Contrary to this approach, this research will essentially focus on ECCAS and other subregional institutions will be used to inspire it.

Meyer critically analyses the regional peace and security in co-operation in Central Africa. Although she especially focuses on the peace and security missions carried out by CEMAC and ECCAS, she did not address the role that ECCAS plays in the Gulf of Guinea in maintaining peace and security.[39] Moreover, her analysis does not give attention to the situation in the DRC and Burundi. Contrary to that approach, this study is more focused on ECCAS which is the only institution with the required legal mandate in the Central Africa subregion to deal with issues relating to peace and security. In addition, this study explores the various international and regional instruments which constitute the legal foundation for ECCAS' peace and security mission.

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[36] B Møller*The pros and cons of subsidiarity: The role of African regional and sub-regional organisations in ensuring peace and security in Africa* (2005); L Juma 'Peacekeeping in Africa: Problems and prospects' (2010) 16 *East Africa Journal of Peace and Human Rights* 395-419; S Paliwal 'The primacy of regional organizations in international peacekeeping: the African example' (2010) 51 *Vanderbilt Journal of International Law* available at http://jurisafrica.org/docs/international/Paliwal-African-Regional-Organizations.pdf (accessed 13 June 2011);J Bergenas 'the role of regional and sub-regional organizations in implementing UN Security Council Resolution 1540: a preliminary assessment of the African continent' available at accessed 27 May 2011; E Fanta 'The capacity of African regional organisations in peace and security' available at (accessed 27 May 2011).

[37] A Adebajo (n 1 above) 131.

[38] E ElaEla 'Les mécanismes de prévention des conflits en Afrique centrale' (2001) 202-203 *Guerres Mondiales et Conflits Contemporains* 227-239.

[39] A Meyer 'Peace and security cooperation in central Africa: Developments, Challenges and Prospects' (2011) *Nordiska Afrikainstitutet Uppsala*.

1.8 Research methodology

The methodology adopted in this research will be based on the analysis and critique of various sources including treaties, books, articles and reports. Nevertheless, the study will not be exclusively a literature survey. It will also be based on interviews of eminent experts in the African Union such as the representative of ECCAS at the AU and individuals working at the African Union Peace and Security Department in order to take stoke of the real situation on the ground and most importantly to seek the best methods to empower ECCAS.

1.9 Proposed structure

Chapter One: This introductory chapter covers the background of the study, the problem statement, the definition of key concepts, the research questions, the significance of the study, the literature review, the research methodology and an overview of chapters.

Chapter Two: In this chapter, the legal framework which supports the role of ECCAS in the maintenance of peace and security in Central Africa will be discussed. Moreover, this part of the study will address the architecture of ECCAS's organs in charge of peace and security.

Chapter Three: This chapter is the platform where the critical analysis of ECCAS mission in peace and security is discussed. Therefore, the achievements made by COPAX with respect to conflicts in the subregion will be stressed. However, this chapter will also discuss the shortcomings of ECCAS in its peace and security mandate and more importantly and the reasons behind these shortcomings.

Chapter Four: This chapter is an opportunity to address some recommendations that ECCAS can follow and also some lessons that it can learn from other regional or subregional institutions including ECOWAS and SADC which have past experience in the field of peace and security. This will be done in order to strengthen ECCAS's capacity in this domain in Central Africa.

Chapter five: This chapter will draw conclusions of the study.

1.10 Delineation and limitations of study

As stated above, this study will be geographically focused on Central Africa. Therefore, the ten member countries of ECCAS will form the main area of concern. However, other subregional institutions might be evoked occasionally but the main area of this study will remain the Central African subregion. In addition, this research will use all concepts relating to the maintenance peace and security such as peacekeeping operations, peacemaking, peacebuilding and peace enforcement as defined above.

As limitations, the study acknowledges some difficulties faced in getting additional data related to ECCAS due to the fact that it was not possible to go to its headquarters in Libreville – Gabon for further research. Nonetheless, this research will strive to remain relevant. In addition, time constraints and word count will not allow this study to go deeply in the nature and the genesis of conflicts occurring in Central Africa.

Chapter Two: ECCAS and the maintenance of peace and security: Legal basis and institutional architecture

2.1 Introduction

The ECCAS was established on 18 October 1983 and according to its initial constitutive treaty, its main mission was to achieve collective autonomy, raise the standard of living of its populations and maintain economic stability through harmonious cooperation.[40] Generally speaking, the idea was to establish a Central African Common Market, benchmark of the economic development of the subregion.

It is useful to note that the establishment of the ECCAS as a Regional Economic Communities (REC) took place after the adoption of the Lagos Plan of Action for the Economic Development of Africa in 1980. In the Lagos Plan of Action, the African heads of states and governments committed themselves on behalf of their governments and peoples, to promoting the economic and social development and integration of their economies with a view to achieving an increasing measure of self-sufficiency and self-sustainment through the establishment of national, sub-regional and regional institutions.[41]

Hence, the ECCAS was established within the spirit of the Lagos Plan of Action and it is for this reason that one can easily understand why its principal missions were only designed for the pursuit of economic and social goals. However, in 1992, ECCAS as a REC did not really function and it was condemned to irrelevance[42] until 1999 when its members decided to give it a new orientation. Thus, in 1999 ECCAS was revived, and as the other RECs its mandate was 'extended pragmatically to include issues intimately related to economic progress and human rights, such as democracy, peace and security and conflict resolution'.[43] In this light, on 24 February 2000 it adopted the Protocol on the Council of Peace and Security (COPAX) in order to deal with the maintenance of peace and security in the region.[44]

With the establishment of COPAX, ECCAS became deeply involved with matters relating to peace and security and therefore, this chapter aims at exploring the global and regional legal instruments that support the Central African institution in its mission of peace and security. Furthermore, it points out the ECCAS's architecture of peace and security.

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[40] See article 4 of ECCAS treaty on 18 October 1983.
[41] See the Preamble of Lagos Plan of Action for the Economic Development of Africa 1980-2000.
[42] This irrelevance of ECCAS in the 1990s was due to the fact that almost all its members (Angola, Burundi, Cameroon, Central African Republic, Republic of Congo, Gabon, Equatorial Guinea, Democratic Republic of Congo, Sao Tomé and Principe and Chad) faced conflicts.
[43] F Viljoen *International human rights law in Africa* (2007) 514.
[44] n 14 above.

2.2 The legal basis of ECCAS involvement in the maintenance of peace and security

The United Nations Charter, the AU Protocol on Peace and Security Council and the ECCAS constitutive instruments constitute the legal ground of ECCAS's involvement with peace and security.

2.2.1 The United Nations Charter

The UN Charter was adopted after the Second World War on 26 June 1945 in San Francisco (United States of America). It is the constituting instrument of the United Nations; it sets out the rights and obligations of Member States, and establishes the UN organs and procedures. The Charter codifies the major principles of international relations, from sovereign equality of States to the prohibition of the use of force in international relations.[45]

As it is mentioned in article 1(1) of the Charter, one of the most important purposes[46] of the UN is:

> to maintain the international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

In order to have a safer world, the members of the UN 'confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf'.[47] Hence, the UN Security Council is the 'only UN organ empowered to make decisions that are binding on all members states'.[48]

However, the Charter (Chapter VIII) also recognises a possibility for regional organisations to undertake actions related to peace and security as far as their region is concerned. In this light, it clearly affirms that 'nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action'.[49]

The recognition of regional organisations' role in the maintenance of peace and security is a pure implementation of the principle of subsidiarity.[50] It is based on the idea that neighbouring countries and sub-regional organisations 'are often in a better position to comprehend a conflict

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[45]   See for more details http://untreaty.un.org/cod/avl/ha/cun/cun.html (accessed on 31 August 2011).
[46]   See E de Wet *The Chapter VII powers of the United Nations Security Council* (2004) 138.
[47]   See article 24 of the UN Charter.
[48]   n 35 above, 254 and see also article 25 of the UN Charter.
[49]   See article 52 (1) of the UN Charter.
[50]   B Møller *The pros and cons of subsidiarity: The role of African regional and subregional organisations in ensuring peace and securityin Africa* (2005) 4.

than distant ones, as they often share the same culture'[51] and also because their rapidity of intervention may be more effective than a global organisation.[52]

With regard to what has been said above, the role of ECCAS in the maintenance of peace and security in Central Africa falls within the requirements of Chapter VIII of the UN Charter and therefore ECCAS has a legal basis under the UN Charter to deal with such matters. This idea is reinforced by the UN Security Council Resolution 1631[53] which emphasises the usefulness of co-operation amongst the UN Security Council, regional and sub-regional organisations in maintaining peace and security.[54] In the same light, the UN through its Standing Advisory Committee on Security Questions in Central Africa established in May 1992 has been carrying out a series of activities with ECCAS.[55]

2.2.2 The Protocol relating to the establishment of the Peace and Security Council of the Africa Union

The idea to create the AU was concretised by the Sirte Declaration on 9 September 1999 issued by the Heads of states of the Organisation of African Unity (OAU)[56] and on 11 July 2000 in Lomé, the AU was established through the adoption of its Constitutive Act.[57] In 2002, the Durban Summit launched the AU and convened the first assembly of Heads of States of the Union. [58]

With regard to the AU Constitutive Act[59] and recalling the Declaration on the establishment, within the OAU, of a Mechanism for Conflict Prevention, Management and Resolution,[60] the Peace and Security Council (PSC) was established through a Protocol.[61] According to article 3 of this Protocol, the objectives of the AUPSC are to promote peace, security and stability in Africa, anticipate and prevent conflicts and so on. Hence, the Council has 'considerable powers, serving as the standing decision-making vehicle for the prevention management and resolution of conflicts'.[62]

In the pursuit of this commendable mission, the Protocol has established a relationship with regional mechanisms for conflict prevention, management and resolution which are considered part

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[51] As above, 5.
[52] See e.g. UN Secretary General *Agenda for Peace* (1991).
[53] UN Security Council Resolution 1631 adopted on 17 October 2005 available at http://www.un.org/disarmament/disarmsec/Coop/Security_Council_Resolution_1631(2005).pdf (accessed 1 September 2011).
[54] See C Gray *International law and the use of force* (2008) 373.
[55] See e.g. Report of the UN Secretary General on the activities of the United Nations Advisory Committee on Security Questions   on 25 July 2000.
[56] Sirte Declaration on 9 September 1999 available at http://www.africa-union.org/Docs_AUGovernment/decisions/Sirte_Declaration_1999.pdf (accessed 1 September 2011).
[57] AU Constitutive Act adopted on 11 July 2000 in Lomé (Togo) available at http://www.au2002.gov.za/docs/key_oau/au_act.pdf (accessed 1 September 2011).
[58] For more details see http://www.au2002.gov.za/docs/dbnsummit/index.html (accessed 1 September 2011).
[59] Article 5(2) of the AU constitutive Act.
[60] Declaration adopted by the 29th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Cairo, Egypt, from 28 to 30 June 1993.
[61] Protocol relating to the establishment of the Peace and Security Council of the African Union adopted on 9 July 2002 in Durban and entered into force on 26 December 2003.
[62] J Cilliers & K Sturman 'Challenges facing the AU's Peace and Security Council' (2004) 13 *African Security Review* 98.

of the overall security architecture of the Union.[63] The AUPSC and the chairperson of the Commission shall in this respect:[64]

- [H]armonise and co-ordinate the activities of Regional Mechanisms in the field of peace, security and stability to ensure that these activities are consistent with the objectives and principles of the Union;

- work closely with Regional Mechanisms, to ensure effective partnership between them and the Peace and Security Council in the promotion and maintenance of peace, security and stability.

Moreover, in June 2008, the AU signed a Memorandum of Understanding on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa. The rationale behind this relationship as it has been said above[65] is that 'regional organisations' proximity to the conflict provides them with a better understanding of its dynamics, key players and context-specific management and resolution option'.[66] Moreover, regional leaders and organisations are 'considered more accountable and legitimate than international organisations and may have a greater stake in finding a peaceful solution to conflict than more distant powers'.[67]

Conclusively, the ECCAS as a subregional organisation has a legal entitlement to carry out missions related to peace and security in the Central African sub-region. Having said that, one may argue that its relationship with the AUPSC is crucial given that the region is still highly sensitive and consequently, a harmonisation and a co-ordination of their activities as prescribed by the AUPSC's Protocol will be more effective in maintaining peace and security in the region.

2.2.3 The ECCAS constitutive instruments

Relevant sources reveal that most of the regional and sub-regional organisations in the world did not make any express provision for peacekeeping in their constituent instruments when they were set up.[68] For example, the OAU, Arab League, Organization of Eastern Caribbean States (OECS), ECOWAS, SADC, Inter-Governmental Authority on Development (IGAD), Organization for Security and Co-operation in Europe (OSCE), European Union (EU), did not include the express power to take actions related to peace and security in their constituent treaties.[69]

However, taking into account the influence of peace and security in the achievement of development and economic integration goals, all the RECs in Africa except for the Arab Maghreb Union have now adopted treaties or protocols pertaining to the maintenance of peace and security.

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[63] Article 16 of AUPSC's Protocol.
[64] Article 16(1)(a)(b).
[65] n 50 above.
[66] K Powell 'The African Union's emerging peace and security regime: Opportunities and challenges for delivering on the responsibility to protect' Working paper, The North-South Institute 16 in May 2005 available at http://responsibilitytoprotect.org/The%20African%20Union's%20Emerging%20Peace%20and%20Security%20Regime.pdf (accessed 2 September 2011).
[67] Powell (as above).
[68] Gray (n 54 above) 387.
[69] As above.

In this regard, ECOWAS adopted its Protocol on Non-Aggression in 1978, in 1981 the Protocol on Mutual Assistance in Defence and in 1999 the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security. SADC did the same when it adopted the Protocol on Politics, Defence and Security co-operation.[70]

ECCAS also followed the approach taken by other RECs. Its constituent treaty adopted in 1983 did not contain any provisions regarding peace and security. Its primary objective was to cope with economic integration in Central Africa. Thus, ECCAS in the middle of the 1990s started adopting instruments which justify its mandate in peace operations. The first instrument was the Pact on Non-Aggression, adopted in Cameroon on 8 July 1996. This Pact was adopted under the impulsion of the UN Standing Advisory Committee on Security Questions in Central Africa and it insists on the use of peaceful mechanisms to deal with disputes amongst states.[71]

On 24 February 2000, ECCAS adopted the Protocol on COPAX which is the main instrument on the maintenance of peace and security in Central Africa. This Protocol was adopted at a time when most Central African States faced conflicts.

Another major instrument concluded by ECCAS with respect to peace and security was the Pact on Mutual Assistance. This pact was adopted on 24 February 2000 in Malabo, Equatorial Guinea and it aims at protecting the Community against external aggression.[72] Article 12(2) of this Pact creates a link with the Pact on Non-Aggression and the Protocol on COPAX by stating that all the three instruments constitute a unique legal instrument. Moreover, in October 2009, the member states adopted a new Protocol on the strategy to secure ECCAS States' vital interests at sea in the Gulf of Guinea

It is also important to note that the member states of ECCAS have adopted many declarations related to peace and security such as the Brazzaville Declaration on the Co-operation for Peace and Security in Central Africa, the Bata Declaration on the Promotion of Democracy, Peace and Sustainable development in Central Africa and the Yaoundé Declaration on Peace, Security and Stability in Central Africa.

As a result, all the aforementioned instruments (UN Charter, AUPSC's Protocol) and the instruments adopted by ECCAS constitute the legal basis of its mandate with regard to peace and security in Central Africa. Having elaborated on the question of the legal basis, this study now turns to the ECCAS's peace and security architecture.

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[70] Protocol adopted in August 2001.
[71] See article 4 of this Protocol.
[72] See article 3 of this Pact.

2.3 The peace and security architecture of ECCAS: The COPAX

COPAX is the political and military organ of ECCAS in the mandate of promoting of peace and security.[73] An analysis of COPAX Protocol shows us that it is composed of two political organs, the Conference of heads of states and the Council of ministers and three operational organs, the Defence and Security Commission, Central African Early-warning System and the Central African Multinational Force. Although the General Secretariat is also a part of this architecture, this study will not have a particular focus on it.

2.3.1 The Conference of heads of states and government

The Conference of the heads of states and government is the supreme body of the COPAX and consequently, it is the decisional body in matters relating to peace and security. The Conference is constituted of heads of states and governments of the Community. According to article 10(1) of ECCAS treaty and recalling that the Protocol on COPAX is part of this treaty, it holds an ordinary session meeting at least once a year. However, there might be an extra-ordinary session when it is called on by the Chairperson of the Conference who is one of the heads of state in one of the member states of the community[74] or by a state party under the approval of two thirds of its members.[75]

As part of its functions, the Conference may decide to undertake appropriate measures as far as the prevention, management and resolution of conflicts is concerned.[76] Furthermore, it decides among others on whether or not a Central African Multinational Force needs to be set up and appoints a special representative for each of its operations.[77] In addition, it is worth mentioning that the decisions made by the Conference are binding to member states and institutions of ECCAS except for the Court of Justice of the Community.[78]

2.3.2 The Council of Ministers

The COPAX's Council of Ministers consists of ministers of foreign affairs, ministers of defence, ministers of home affairs and any other ministers designated by a member state.[79]It is ruled by the minister of foreign affairs whose head of state is the Chairperson of the Conference of heads of states and governments.

The Council is in charge of the follow up and the execution of decisions made by the Conference.[80] In the same light, it carries out other mandates as provided for by the Conference. Therefore, it appears that the functions of the COPAX's Council of Ministers are not very clear as is the case with the other organs of COPAX. The meetings of the Council began in earnest in 2008

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[73] Meka (n 30 above) 93 and see also article 2 of COPAX's Protocol.
[74] See article 10(2).
[75] See article 10(1) of ECCAS treaty.
[76] See article 8(b) (i) of the Protocol relating to COPAX.
[77] For further details on the functions of the Conference, see articles 8, 9 and 10 of the Protocol on COPAX.
[78] See article 11 of ECCAS treaty.
[79] See article 11 of the Protocol relating to COPAX.
[80] See article 12 of the Protocol relating to COPAX.

with the establishment of COPAX.[81] However, in 2009 the Council made recommendations in order to review the Protocol relating to COPAX.[82]

2.3.3 The Defence and Security Commission (CDS)

The CDS is an advisory organ of COPAX and in this respect, it consists of chiefs of staff of armed forces or their representatives, chiefs of police or their representatives, experts from Ministries of Foreign Affairs, experts from Ministries of Defence or Armed forces, experts from Ministries of the Interior/Security.[83]

The CDS is one of the most important organs of the COPAX, it is in charge of the conception of military or operational strategies of COPAX. Its functions are clearly expressed in articles 14 to 16 of the Protocol relating to COPAX. Due to this, the CDS among other things, examines all the administrative, technical and logistical questions and evaluates the needs for operations relating to the maintenance of peace. It is in charge of the examination of the strategy on the fight against criminality in the sub-region.[84] Moreover, the military activities of ECCAS are organised by the CDS under the political authority of heads of states and governments.[85] The CDS also assists the Council of Ministers in several activities in respect of the dispositions prescribed by article 14.

On 17 June 2002, the member states adopted the standing orders of the CDS.[86] This instrument is the main text that provides details on the mode of operation of the CDS. Pursuant, to its article 10, the CDS shall have one Bureau: the Bureau of the Defence and Security Commission and this Bureau shall consists of one Chairperson, one Vice-Chairperson and two Rapporteurs. The meetings of the CDS are convened by the serving Chairperson of the Conference of the heads of states and governments and these meetings are held in the state which ensures the chairpersonship or in any other member state if circumstances so require.[87]

2.3.4 The Central African Early-Warning System (MARAC)

The early-warning system refers to the:[88]

> [S]ystematic collection and analysis of information coming from the areas of crises for the purpose of anticipating the escalation of violence; development of strategic responses to these crises; and presentation of options to the critical actors for the purpose of decision making'.

The origins of the early-warning system are controversial and there are two different schools of thoughts which attempt to explain these origins. The former asserts that the early warning system emerged from a military origin and was developed during the Cold War in order to strengthen

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[81]See e.g. ECCAS 'Feuille de route « Paix et Sécurité » de la CEEAC' available at http://www.operationspaix.net/IMG/pdf/20090929_Feuille_de_route_Paix_et_Securite_de_la_CEEAC_Bis_Draft_4. pdf (accessed 5 September 2011).

[82] As above, 3.

[83] See article13 of the Protocol relating to the COPAX.

[84] See article 16 of the Protocol relating to the COPAX.

[85] See article 5(2) of the ECCAS's Pact on Mutual Assistance.

[86] Standing orders of the Defence and Security Commission of ECCAS adopted on 17 June 2002 available at http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/eccas/dsceng.pdf (accessed12 September 2011).

[87] See article 3 of the Standing Orders relating to CDS.

[88] The Forum for Early Warning and Early Response (FEWER) cited in n 15 above, 3.

capacities to predict potential attacks.[89] The latter claims that the system had its emergence from a humanitarian perspective due to the necessity to predict environment hazards and to detect natural disasters.[90]

Whatever the school of thought, the early warning system as a system of conflict prevention was established in the UN secretariat in 1992[91] and it was established after a long process in Africa as a body of the Peace and Security Council in 2004 under the Peace and Security Secretariat of the African Union.[92]

The Central African early-warning system (MARAC) is part of COPAX and it is governed by the COPAX Protocol. Hence, MARAC consists of a monitoring and observation centre in charge of supplying the data base of the community with information and monitoring and observation units of the sub-region.[93]It should also be noted that MARAC is part of the Continental Early Warning System and due to this, it works together with the AUPSC in order to share information and to prevent conflict in the African region as a whole. Therefore, it is evident that with MARAC, ECCAS locks the door to the strategy of reactive measures which aimed at waiting until conflicts started before intervening and embraces as is the case with other RECs such as IGAD and ECOWAS, the strategy of proactive measures.

2.3.5 The Central African Multinational Force (FOMAC)

FOMAC is the military an organ of COPAX and according to article 23 of the Protocol relating to COPAX, it is a 'force composed of national inter-service, police, gendarmerie contingents and of civilian modules from member states of ECCAS, with a view to carry out peace, security and humanitarian assistance missions'. However, it may receive reinforcements from civilian units composed of non-governmental organisations and associations authorised by the ECCAS General Secretariat.[94]

As a non-permanent force, it consists of around 2400 soldiers[95] and it is in charge of observation and monitoring, peacekeeping and restoration of peace, humanitarian intervention following humanitarian disasters, enforcement of sanctions as provided for by the existing regulations, preventive deployment, peacebuilding, disarmament and demobilisation and finally policing activities including the control of fraud and organised crime.[96] As a military force and as a part of the African Standby Force, it may be deployed after a decision of the Conference of Heads

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[89] Simon & Niels quoted in B T Tiruneh 'Establishing an early warning system in the African peace and security architecture: Challenges and prospects' Kofi Annan International Peacekeeping Training Centre Occasional Paper No. 29 (September 2010) 4-5.

[90] As above .

[91] See e.g.Report on *An Agenda for Peace* of the UN Secretary General (1992) para23.

[92] n 89 above, 5-6.

[93] See article 22 of the Protocol relating to COPAX.

[94] See article 1 of the standing orders of African Multinational Force adopted on 17 June 2002.

[95] M O Modo 'CEEAC: Fiche d' information et structure' (July 2010) available at http://www.operationspaix.net/CEEAC,94 (accessed 14 September 2011).

[96] See article 24 of the Protocol relating to COPAX.

of states made on the request of a member state and UN or AU, in the case of aggression or conflict or threat in any member state, in case of conflict between two or several member states, in case of internal conflict threatening the security of the region, in case of an unconstitutional change of power in one of the member states and under any other circumstances decided by the Conference.[97]

As said above, FOMAC consists of national modules which include army, land force units, navy units, gendarmerie units, police units and civilian modules.[98] Moreover, it also comprises forces of the size of one major brigade at the lowest estimate, two major brigades at the average estimate and three major brigades at the highest estimate with, in each case, adequate air and naval facilities.[99] All this capacity has been very helpful to FOMAC and this study will show how it has given the opportunity to COPAX to carry out its first peacekeeping mission in the subregion.

2.4 Conclusion

In this chapter, the legal arguments which underscored the ECCAS's mandate of maintaining peace and security in the Central Africa sub-region have been developed. In this respect, Chapter VIII of the UN Charter at a global level, the AU Constitutive Act and the AUPSC Protocol at regional level have been used to demonstrate that the role of ECCAS is supported by global and regional legal instruments. At the ECCAS level, it has been shown that the Protocol relating to COPAX is the main instrument in Central Africa which clearly defines the mandate of ECCAS in its mission of peace and security and besides, there are other instruments which support ECCAS activities in peace and security. Furthermore, this chapter has stressed the main organs or bodies in charge of this mission. This Chapter illustrated that COPAX is the political and military organ in charge of security in Central Africa. To achieve this commendable mission, the Council carries out its missions through the Conference of the heads of states, the Council of Ministers, the Defence and Security Commission, the Central Africa Early Warning System and the Central African Multinational Force. This Chapter will assist in critically assess the role of ECCAS in the maintenance of peace and security in Central Africa which will be the topic of discussion in the following chapter.

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[97] See article 25 of the Protocol relating to COPAX.
[98] See article 5 of the standing orders of FOMAC.
[99] See article 5 of the standing orders of FOMAC.

Chapter Three: A critical assessment of the actual role of ECCAS in the maintenance of peace and security in Central Africa

3.1 Introduction

From 1992 to 1997, ECCAS as a subregional institution was in a state of lethargy, having merely functioned for seven years.[100] This lethargy as stated above was justified by the fact that during that period, seven out of the eleven members of ECCAS were in conflict.[101] Hence, the institution was paralysed and was not be able to perform its duties. However, after the Libreville Summit which took place in 1998 and the adoption of the Protocol relating to COPAX, ECCAS once again became functional. Since the establishment of COPAX, much has been achieved in the field of peace and security in the Central African subregion. These achievements highlight the importance of having such an institution. Nonetheless, there have been some conflicts in the Sub-region where ECCAS through the COPAX could have intervened and played a major role in finding solutions yet, it did not. It is among others the case for the conflict and the post-conflict reconstruction in DRC, the consolidation of peace in Burundi and the conflict between Nigeria and Cameroon over the Bakassi Peninsula. This reticence on the part of ECCAS has been justified by the different challenges that the institution is facing.

3.2 ECCAS involvement in the area of peace and security

On 17 June 2002, the standing orders of the CDS and FOMAC were adopted by member states of ECCAS and with the entry into force of the COPAX Protocol in January 2004; these two organs besides MARAC became operational. From that date until now, they have performed considerable activities in maintaining peace and security in Central Africa. The first activities carried out by COPAX related to training exercises. In this respect, in November 2005, a multinational exercise called Barh-el gazel which brought together member states as well as Togo was organised in Chad.[102] This multinational training which ended in November 2007, aimed at identifying the operational capacities of ECCAS and assessing the capacity of maintaining peace and humanitarian assistance of national commandments within the framework of the Regional Standby Brigade. In the same light, another multinational exercise called Sawa 2006 took place in Cameroon in 2006 with the support of France. Moreover, from 22 May 2010 to 10 June 2010, still another multinational exercise organised by FOMAC, Kwanza 2010 took place in Angola. However, the main achievements of ECCAS with respect to peace and security in Central Africa are more linked to the establishment of a Mission for the Consolidation of Peace in the Central African Republic

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[100] As said above, the treaty which established ECCAS was adopted in 1983. However, ECCAS started functioning in 1985.

[101] n 41 above.

[102] n 94 above.

(MICOPAX), the implementation of proactive measures in order to secure the Gulf of Guinea and its involvement in the electoral process in member states.

3.2.1 The establishment of a Mission for the Consolidation of Peace in the Central African Republic Central Africa Republic (MICOPAX)

The Central African Republic (CAR) is one of the landlocked countries in Central Africa. It has around 4.4 million inhabitants within a territory of 622 436 square kilometres, yet, this country 'has been one of Africa's most volatile states and long plagued by political instability, a weak economy, social fragmentation and high levels of insecurity'.[103] The instability in the CAR started in 1996 and since then, there have been three mutinies in the country. The first was from 18 to 22 April 1996, the second from 18 May to 5 June 1996 and from 15 November 1996 to 25 January 1997.[104] This instability has persisted and led to the death of hundreds of people. Moreover, on 15 March 2003, a military coup staged by General Francois Bozizé which ousted President Ange Felix Patassé took place.

In responding to the conflict in the CAR, the member states of CEMAC agreed to send a peacekeeping mission to this country. Thus, the first subregional peacekeeping mission in CAR was undertaken by CEMAC in 2003. This mission dubbed the Central African Multinational Force (FOMUC) was composed of military forces from Gabon, Republic of Congo and Chad and was supported by France. However, due to some pressures from the European Union, on 12 July 2008, FOMUC was transferred to ECCAS and became MICOPAX.[105]

The main objective of the MICOPAX is to contribute to sustainable peace and security in CAR by creating the preconditions for sustainable development.[106] In this regard, it contributes to the restructuring of army forces of CAR and accompanies the process of stabilisation by sustaining economic institutions.[107] Contrary to FOMUC, MICOPAX has not only a military dimension but also a civilian branch. It is under the authority of the Special Representative of ECCAS, Mr Albert Akendengué from Gabon. Its military branch pursues the missions carried out by FOMUC and it is composed of 500 military personnel (from Gabon, DRC, Chad, Cameroon, Republic of Congo and

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[103] C Macaulay & T Karbo 'Up to the task? Assessing the ability of the Economic Community of Central African States to protect human security in Central Africa' in C Ayangafac (2008) *Political economy of regionalisation in Central Africa* 154.

[104] G Nzongola-Ntalaja 'La dynamique des conflits en Afrique Centrale : Acteurs et processus' 3 14ième congrès biennal de l'Association Africaine de Science Politique Durban, Afrique du Sud, 26-28 juin 2003 available at http://pregesco.org/documents/analyses/afrique_centrale/LA_DYNAMIQUE_DES_CONFLITS_EN_AFRIQUE_CENTRALE.pdf (accessed 19 September 2011).

[105] This mutation was based on the Brazzaville agreement concluded on 30 October 2007.

[106] See MICOPAX available at http://ec.europa.eu/europeaid/where/acp/regional-cooperation/peace/peace support-operations/micopax_en.htm (accessed 19 September 2011).

[107] See Bilan mandat FOMAC/MICOPAX 1 January 2011 available at (accessed 19 September 2011). It should be mentioned that such actions are common to peacekeeping operations, the case of Economic Community of West African States Monitoring Group (ECOMOG) in Sierra Leone might be cited as an example.

Equatorial Guinea), 31 military observers and 167 police officers.[108] It is also in charge of the Disarmament, Demobilisation and Re-integration (DDR) process in the country.[109] However, the civil branch of MICOPAX is in charge of assisting the government in civil and political matters. Hence, it contributes to the respect of human rights, co-ordination of humanitarian aid and fight against pandemic and endemic diseases such as HIV/AIDS.[110]

Currently, MICOPAX is deployed in Bangui and in the north of the country, including in Ouham-Pendé (Paoua and Bozoum), Nana-Gribizi (Kaga-Bandoro) and Ndélé (Bamingui-Bangoran prefecture).[111] This mission is supported by a detachment of 241 French soldiers from *Operation Boali*[112] and funded by the European Union which contributes two thirds of funding through the African Peace Facility (APF) established in 2004.[113] Therefore, it appears that the ECCAS's member states contribute only one third of the funding.

Although MICOPAX is being criticised by the Human Rights Observatory of Central African Republic because of the exactions committed by its forces against civilians,[114] one should acknowledge that it is achieving its mandate of consolidating peace in CAR. This first peace and security mission shows ECCAS' willingness to deal with conflicts and insecurity in the Central African region. This willingness can be also seen in its involvement in the Gulf of Guinea.

3.2.2 ECCAS in securing the Gulf of Guinea

(Map representing the Gulf of Guinea)

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[108] Fiche d'information MICOPAX available at http://www.operationspaix.net/MICOPAX (accessed 19 September 2011).

[109] n 94 above.

[110] n 94 above.

[111] See UNSG 'Report of the Secretary-General on children and armed conflict in the Central African Republic' 10 available at http://www.unhcr.org/refworld/docid/4dbe869c2.html (accessed 19 September 2011).

[112] For further details see http://www.defense.gouv.fr/operations/autres-operations/operation-boali-rca/dossier/les-forces-francaises-en-republique-centrafricaine (accessed 19 September 2011).

[113] n 94 above.

[114] n 107 above.

The Gulf of Guinea is part of the Atlantic Ocean between Cape Lopez in Gabon, north and west to Cape Palmas in Liberia. It encompasses West and Central African countries such as Benin, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Senegal, Sierra Leone, Togo, Liberia, Nigeria, Angola, Cameroon, the Democratic Republic of Congo, Equatorial Guinea, Gabon, Republic of Congo, São Tomé and Príncipe. This part of the Continent has incredible natural resources 'which, if carefully managed, can contribute to global prosperity'.[115] The Gulf of Guinea is an area 'where recoverable oil reserves are reported in excess of five billion barrel of crude oil and oil production exceeds one million barrels per day'.[116] Besides, the region has other large reserves of mineral resources such as diamonds and gold and surrounding countries including Nigeria, Angola, Equatorial Guinea, Cameroon, Republic of Congo, Gabon, and Chad are 'oil producers and are expected to become major suppliers of energy'.[117]

Hence, it appears that six member states of ECCAS (Gabon, Republic of Congo, Cameroon, Equatorial Guinea, Angola and São Tomé and Príncipe) are directly linked to the Gulf of Guinea. However, that region has become an opportune territory for pirates and, according to some observers, the Gulf of Guinea 'is second only to Somalia in terms of such attacks, with some 32 pirate strikes reported in the first nine months of 2009'.[118] Hence, with its strategic position, it is now said that 'the waters of the Gulf of Guinea are at least as dangerous as those off the Somali coast, if not more so'.[119] As a result, all the countries of the region and especially those of the Central Africa subregion are victims of acts of piracy which endanger the security of the region. In this respect, it is important to mention the different recent attacks that have taken place in this area: in 2007, there was an attack on a supermarket in Port-Gentil (Republic of Gabon), in 2008 another attack was reported in a Bank in Bata (Equatorial Guinea) and during the same year, two other attacks took place in three banks in Cameroon in the town of Limbe and in an area of oil exploitation.[120]

To tackle this problem of instability in the Gulf of Guinea, ECCAS took important measures. On 24 October 2009, the member states adopted the Protocol on the strategy to secure ECCAS States' vital interests at sea in the Gulf of Guinea. This Protocol is a real manifestation of the willingness

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[115] D O Mañe 'Emergence of the Gulf of Guinea in the global economy: Prospects and challenges' (2005) *IMF Working Paper* 4 available at http://www.imf.org/external/pubs/ft/wp/2005/wp05235.pdf (accessed 26 September 2011).

[116] JM Bruso et al 'Gulf of Guinea Geology' (2004) *Oil & Gas Journal* 2 available at http://www.sovereignoil.com/PDFs/OGJFeb16.pdf (accessed 26 September 2011).

[117] n 114 as above.

[118] S Baldauf 'Pirates take new territory: West African Gulf of Guinea' (2010) *The Christian Science Monitor* 1 available at http://www.csmonitor.com/World/Africa/2010/0115/Pirates-take-new-territory-West-African-Gulf-of-Guinea (accessed 26 September 2011).

[119] Baldauf as above.

[120] ECCAS 'Strategie de securisation maritime des interets vitaux en mer des etats CEEAC du Golfe de Guinee' Workshop organised in Addis Ababa (Ethiopia) on 6 April 2010 available at http://www.africa-union.org/root/ua/conferences/2010/avril/psc/07avril/Maritime.htm (accessed 27 September 2011).

of ECCAS's member states to cope with the problem of insecurity in the Gulf of Guinea. It puts in place a strategy which aims at gathering means of member states in order to fight against common threats in the region. In this regard, article 3 of the Protocol addresses the six important pillars that member states ought to follow including the research and the exchange of information, the harmonisation of states' action in sea, in the judicial and institutional level and the institutionalisation of a community tax on the basis of existing mechanisms.

Moreover, the Protocol establishes the Regional Maritime Security Centre of Central Africa (CRESMAC), Multinational Centre of Coordination (CMC) and an Operational Centre of Marine (COM) which are the main organs in charge of the implementation of the missions provided by the Protocol.[121] The CRESMAC is based in Pointe Noire (Republic of Congo) and its main objective is to control the maritime space of ECCAS member states of the Gulf of Guinea through the protection of natural resources, the securing of maritime roads, the fight against illegal immigration, drug trafficking, piracy and maritime pollution among others.[122] To achieve that mission the Protocol divides the maritime zone of ECCAS into three zones (A, B, D).[123] Zone A is composed of Angola and DRC, zone B includes Angola, Gabon and Republic of Congo and finally zone D encompasses Cameroon, Equatorial Guinea and São Tomé and Príncipe.[124] All these zones have one CMC which is under the command of CRESMAC.

It is important to note that the activities of CRESMAC are carried out under the command of COPAX which is the political and military organ of ECCAS. In this respect, operations in Zone D (Cameroon, Equatorial Guinea and São Tomé and Príncipe) have already begun under the name of SECMAR1. Hence, on 6 May 2009 in Yaoundé a technical agreement was signed by the ministers of Defence of the member states of zone D in order to start controlling its waters, protect vital interests of the different countries with the aim to facilitate free circulation of persons and goods in this zone.[125]The operations consisted of the launching of joint mixed patrols in zone D. On 16 September 2009, the first launching of these joint mixed patrols took place in Malabo (Equatorial Guinea) and three Patrols (Patrol boat Cabo San Juan of Equatorial Guinea, Patrol boat Akwayafe of Cameroon and Patrol Betseng of Gabon) were involved.[126]

Given the examples discussed above, it can be said that ECCAS is involved in securing the Gulf of Guinea, its operations in zone D are not the sole initiative to establish peace and security, other operations are being implemented in zone A and B. Moreover, ECCAS works in synergy with ECOWAS and the Commission of Gulf Guinea which includes Nigeria, Cameroon, Gabon, Equatorial, Republic of Congo, DRC and São Tomé and Príncipe. According to the Representative

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[121] See article 4 of the Protocol the strategy to secure ECCAS States' vital interests at sea in the Gulf of Guinea.
[122] As above.
[123] See article 7(2) of the Protocol.
[124] As above.
[125]   S   F   Mbah   'The   Multinational   Centre   of   Coordination   zone   D'   available   at   *www.africa-union.org/...States...Strategy.../ENHANCE_1.PPT* (accessed 28 September 2011).
[126]   Mbah as above.

of ECCAS to the AU, the presence of ECCAS in the Gulf of Guinea constitutes evidence that ECCAS is really involved with the maintenance of peace and security in Central Africa. This shows that operations occurring in the area of the Gulf of Guinea are useful in the fight against piracy and such mechanisms are playing an important role in fighting illegal fishing and clandestine immigration.[127]

3.2.3 ECCAS in the electoral process in its member states

Elections have been described as an important element of democracy. They are an effective and legitimate method to ensure alternation in leadership in a democratic country and hence, for this reason Lindberg affirms that 'elections are an institutionalised attempt to actualise the essence of democracy: the rule of the people by the people'.[128] In this light, the African Union adopted on 30 January 2007 the African Charter on Democracy, Elections and Governance to show its attachment to the values of elections.[129]

However, elections in Africa have often led to the disturbance of peace and security in the continent. The post-election conflicts in Kenya in 2007 and in Cote d'Ivoire in 2010 show that elections might degenerate into serious conflicts. It is with this perspective that ECCAS joined the international community in observing elections in its member states. The Protocol of COPAX does not give directly such a mandate to ECCAS, nevertheless, in article 3 (h) it clearly states that ECCAS is deeply attached to the principle of promotion and consolidation of democratic institutions and constitutional legality in each member state.

Hence, since 2006, ECCAS has deployed election observers in more than four countries of the Central African sub-region. In 2006, ECCAS was involved in monitoring the presidential elections in two countries of the region: DRC and São Tomé and Principe and the legislative elections in Gabon. This participation of ECCAS in the electoral processes in these countries was a success and it received UN approval. In addition, in 2008, ECCAS sent 15 observers for the legislative elections in Angola.[130] In June 2010 with the co-operation of AU and others international institutions, ECCAS participated in the observation of presidential elections in Burundi.[131] It is also important to mention that ECCAS also took part in the observation of presidential elections in São Tomé and Príncipe in 2011. Furthermore, ECCAS is working in electoral observation in partnership with other international organisations such as the Electoral Institute for the

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[127] Interview with Mr M Mangondza Representative of ECCAS to the AU on 8 September 2011.
[128] S I Linberg *Democracy and elections in Africa* (2006)1.
[129] See Chapter 7 of this Charter.
[130] See http://www.portalangop.co.ao/motix/en_us/especiais/eleicoes/2008/8/37/ECCAS-Considers-Angola-Elections-Transparent,b2a0a687-1425-4e77-bf0e-8eac81ef2516.html (accessed 28 September 2011).
[131] See http://www.africa-union.org/.../2010/.../... (accessed 28 September 2011).

Sustainability of Democracy in Africa (EISA) with whom it signed a Memorandum of Understanding in 2010.[132]

As a result, ECCAS is deeply involved with the electoral process of its member states and by doing so, it contributes not only to enhance democracy in the sub-region but also to maintain peace and security. Nonetheless, the role of ECCAS in the maintenance of peace and security can be criticised with regard to its behaviour in some conflicts that broke out in the region.

3.3 The shortcomings of ECCAS in its peace and security mandate

There are some conflicts in the Central Africa region which have showed that ECCAS as a subregional security body has shortcomings with regard to its role of maintaining peace and security in the subregion. Within the framework of this study, because of their serious impacts on populations, the conflict in the DRC and the situation in Burundi will be addressed. In addition, the problem faced by Cameroon in its Bakassi Peninsula will be discussed as well.

3.3.1 The conflict in the DRC

The DRC is one of the largest country in Africa and the eleventh in the world and has around 71 million inhabitants. This country is also one of the richest countries in the world with respect to its natural resources. Yet, in the past decades, DRC faced a conflict which has claimed the lives of thousands of people and especially those who live in the eastern part of the country.[133] According to the International Rescue Committee (IRC) between 1998 and 2004 some 3.8 million people died in the DRC.[134] This period marked the second war in DRC. This second conflict was exacerbated by the involvement of seven armies of African countries such as Rwanda, Uganda, Zimbabwe, Angola and Namibia. The conflict had continued to cause the death of people despite the signing of the Lusaka Ceasefire Agreement in August 1999.

In response to the conflict in the DRC and to rebuild this big country, many international organisations such as the UN and SADC took part in the peace process. In this respect, the UNSC established the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) by its resolution 1279 of 30 November 1999.[135] The initial mandate of MONUC was to plan for the observation of the ceasefire and disengagement of forces and maintain liaison with all parties to the Ceasefire Agreement. In 2010, through Resolution 1925 of 28 May, MONUC was

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[132] EISA 'Partnership signed between EISA and ECCAS' available at http://www.eisa.org.za/EISA/pr20100617.htm (accessed 29 September 2011).

[133] C Rakisits 'Child soldiers in the east of the Democratic Republic of the Congo' (2009) 27 *Refugee Survey Quarterly* 110.

[134] International Rescue Committee's report 'Mortality in the Democratic Republic of Congo: An on-going crisis' 1 available at http://reliefweb.int/sites/reliefweb.int/files/resources/57BAA229A443A9F8C12573D80050D796-Full_Report.pdf (accessed 29 September 2011).

[135] UNSC Resolution 1279 available at http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1279 (1999) (accessed 29 September 2011).

renamed as the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to reflect the new phase reached in the country.[136]

SADC has also played an important role in the DRC conflict. Its intervention in this country was an opportunity to provide its first peacekeeping and intervention force to assist the government of the late Laurent Desire Kabila.[137] Indeed, DRC is also member of SADC, it is on that ground and especially on the basis of the SADC Protocol on Politics, Defence and Security Co-operation that SADC justified its military intervention in the country. Hence, the Southern African subregional institution contributed to the restoration of peace and security in the DRC and it still plays that role up to now.[138]

Contrary to the UN and SADC, the role of ECCAS in the conflict in the DRC is unclear yet the DRC is a founding member of ECCAS and deeply located in Central Africa. The Central African subregional institution did not take any real measures such as setting up a peacekeeping mission or deploying troops to contribute to the restoration of peace and security in the DRC. This silence on the part of ECCAS in the conflict in the DRC may be justified by the fact that at that moment, ECCAS was in the lethargy due to the different conflicts that occurred in seven of its member states and also by the fact that the Protocol relating to COPAX which is the basis of ECCAS' mandate in enforcing peace and security had not yet entered into force. However, that Protocol entered into force in January 2004, thus, ECCAS could have carried out some activities in order to consolidate peace and security in the DRC as provided for in the Protocol relating to COPAX, but it is not the case and this may be the reasons why ECCAS is not considered a viable security body.[139]

3.3.2 The conflict in Burundi

Just like the DRC, Burundi is a country of the Central African subregion. It is a landlocked country located in the region of the Great Lakes. Its population is composed of the Hutu majority and the Tutsi and Twa minorities.[140] This poor and dense populated country 'has experienced cycles of war since independence was attained on 1 July 1962'.[141] The conflicts in Burundi have been particularly based on ethnicity similar to the case in Rwanda. Hence, the first major conflict in Burundi took place in 1972 when the Hutu rebels group from the south used Tanzania to invade the country. The conflict caused the death of hundreds of people.[142] The second major conflict was in

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[136]   UNSC   Resolution   1925   adopted   on   28   May   2010   available   at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DRC%20S%20RES%201925.pdf (accessed 29 September 2011).

[137] See e.g. DJ Francis 'Peacekeeping in Africa' in R E Utley *Major powers and peacekeeping: Perspectives, priorities and the challenges of military intervention* (2006) 113.

[138] M Yabadi 'The role of international organisations in the post-conflict period in Democratic Republic of Congo' unpublished LLM dissertation, University of Pretoria, 2011 49.

[139] n 103 above, 156.

[140] For further details on Burundi, see http://www.infoplease.com/ipa/A0107374.html (accessed 26 October 2011).

[141] H Boshoff et al (ed) *The Burundi peace process: From civil war to conditional peace* (2010) 3.

[142] Boshoff (as above).

October 1993. It was caused by the assassination of the first democratically elected Hutu President Melchior Ndadaye followed by the killing of his successor Cyprien Ntaryamira and the Rwandan president Juvenal Habyarimana in a plane crash in April 1994.[143]

These two conflicts have plunged Burundi into violent conflict and insecurity for decades. To tackle this 'bitter civil war in Burundi'[144] which has caused the killing of thousands of people, the international community deployed a peacekeeping mission in the country. In this respect, South Africa played an important role in the restoration of peace in Burundi. After the death of Julius Nyerere, the former president of Tanzania in 1999 who was deeply involved with the negotiations between the different rebel groups, Nelson Mandela the former president of South Africa was appointed as facilitator of the peace process in Burundi in December 1999. In December 2001, for the first time in its history, South Africa sent a peacekeeping mission to Burundi in order to protect returning political leaders. This intervention by South Africa 'marked the country's engagement in peace operations in Burundi, and was a significant part of Mandela's strategic input into the Arusha agreement'.[145] In April 2003, AU sent a peacekeeping mission in Burundi (AMIB). This mission was also the first experience of the AU, it was comprised of 3335 troops from South Africa,[146] Mozambique and Ethiopia with additional observers from Gabon, Burkina Faso, Togo and Tunisia.[147] Less than two years later, the UNSC unanimously adopted Resolution 1545 on 21 May 2004 authorising the deployment of a UN Operation in Burundi (ONUB) in order to transform the existing AMIB into a UN peacekeeping mission.[148]

Hence, it appears that ECCAS was not involved with the peace process at all. The arguments that ECCAS was in lethargy because of the fact that most of its member states were in conflict and the idea that the Protocol of COPAX had not yet come into force cannot work here. The revival of ECCAS started in 1999 and the Protocol of COPAX entered into force in January 2004. So, ECCAS could have intervened in this peace process in order to bring its own added value in the restoration of peace in Burundi. Apart from Gabon which was individually involved with the Burundian conflict,[149] no country from Central Africa contributed to the peace process yet other countries such as Nigeria, Ghana, and South Africa sent troops. This situation is one of the reasons

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[143]Norwegian Refugee Council 'Profile of internal displacement: Burundi' 23 June 2003 13 available at http://www.idpproject.org (accessed 20 July 2011).

[144] G Rautenbach & W Very 'South Africa's foreign policy and Africa: The case of Burundi' in H Boshoff et al (ed) *The Burundi peace process: From civil war to conditional peace* (2010) 11.

[145]The African Centre for the Constructive Resolution of Disputes (ACCORD) *South Africa's peacekeeping role in Burundi: Challenges and opportunities for Future peace missions* (2007) 19.

[146] It is important to mention again that South African troops were already there since 2001.

[147] n 66 above, 25-26.

[148] n 141 above, 75.

[149] n 140 above, 21; in January 2001, Gabon held a meeting on the Burundian conflict in the presence of the representatives of rebel groups.

behind the intentions of Burundi to leave ECCAS to join the East African Community (EAC).[150] The Burundian civil war coupled with the DRC conflict has contributed to the opinion that:[151]

> ECCAS seems to be notably absent from theatres of major conflict in the region, and states experiencing insecurity have more often than not relied on the support of states and bodies outside the region for support.

3.3.3 The conflict between Cameroon and Nigeria concerning the Bakassi Peninsula

In contrast to the DRC conflict and the Burundian conflict which were essentially related to civil war, the Conflict in the Peninsula of Bakassi between Cameroon and Nigeria did not have any element of a civil war. It was a conflict based on the Bakassi Peninsula, an oil rich land, over which both countries claimed their sovereignty.[152] Bakassi Peninsula is 'an area of some 1000 km of mangrove swamp submerged islands mostly occupied by fishermen settlers'.[153] It is the extension of the African territory of Calabar into the Atlantic Ocean and as said above, it is not only an oil wealthy place but it also has boats of heavy fish deposit. However, the discovery of these potentials 'has only helped heighten tensions between the two countries'.[154] Hence, the real problem concerning the Bakassi peninsula was to determine which state had sovereignty over it.

The tension between the two neighbours was visible and the military struggle became heated on 16 May 1981 when a Cameroon national radio news report informed 'the world that a Nigerian military patrol army violated Cameroun's territory by penetrating the Bakassi peninsula as far as the Rio del Rey and opening fire on the Cameroun Navy'.[155] To respond to that situation Cameroon troops killed Nigerian soldiers. The instability in the region lasted and it caused the death of many people on both sides of the borders. In this light, although the Cameroonian government referred the case before the International Court of Justice (ICJ) in 1994, the killings of people did not stop in the region.[156] The ICJ after seven years rendered its decision on 10 October 2002 in favour of Cameroon.[157]

An analysis of the Bakassi conflict shows that neither CEMAC nor ECCAS were involved in the conflict to support Cameroon, a member state of the two communities. More defective, Equatorial Guinea, a member state of both communities intervened on the side of Nigeria at the judicial level.[158] This reluctance of the ECCAS and CEMAC has been justified on grounds that at that moment, the two institutions' primary responsibility was to deal with economic integration and

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[150] n 103 above, 156.
[151] n 103 above, 156 – 157.
[152] See e.g. K Nicholas et al 'The Cameroon and Nigeria negotiation process over the contested oil rich Bakassi peninsula' (2010) 2 *Journal of Alternative Perspectives in the Social Sciences*
[153] Anene quoted in K Nicholas et al (as above) 198.
[154] As above.
[155] M Mbu *International law and conflicts: Resolving borders and sovereignty dispute in Africa* (2004) 2.
[156] Mbu (155 above) 3.
[157] *Case Cameroon v Nigeria* (10 October 2002) (2002) ICJ Reports
[158] See e.g. J M Gankou & M N Ntah 'Is the regional integration in Central Africa in question? (2008) 2 *African Review of Integration* 9.

therefore there was no agenda related to conflict resolutions.[159] Moreover, the Representative of ECCAS at the AU claims that by bringing the case before the ICJ, ECCAS could not take a position anymore because the case was pending before the Court and according to him it could have been risky for the judicial process.[160] These arguments contended by the Representative of ECCAS might be justifiable, nevertheless, it should be recalled that the rationale behind the creation or the establishment of a community is to build a real community which constitutes a block and therefore, when a member of the community has a problem or a dispute with any other state, all the community must engage in order to resolve the dispute. This idea is corroborated by the fact that on 24 February 2000 the members of ECCAS adopted the Protocol on Mutual Assistance, hence, the silence of the member states of ECCAS during the Bakassi conflict illustrated once again the lack of solidarity among ECCAS members. Colonel Christophe Touko affirms that this lack of solidarity is a serious impediment to the improvement of ECCAS in its mission of maintaining peace and security in the Central African subregion.[161]

However, despite ECCAS' reluctance in the resolution of certain conflicts in the region, it should be acknowledged that there is a willingness to improve on its involvement in this matter, in spite of major difficulties that it is facing.

3.4 The difficulties faced by ECCAS in its peace and security mandate

The mission of ECCAS in the field of peace and security is impeded by certain difficulties. As part of this study, the involvement of ECCAS members in other RECs, the lack of capacity building and the state of ECCAS' Court of Justice will be stressed.

3.4.1 ECCAS under the shadow of other RECs

The member states of the Central African region are much dispersed. The ten countries of ECCAS are also members of other subregional communities apart from the fact that they are members of the UN and AU. The DRC[162] and Angola[163] are also members of SADC and COMESA (Common Market for Eastern and Southern Community), Burundi and DRC are members of CEPGL and Burundi itself is also member of the EAC.[164] Moreover, Cameroon, Gabon, Equatorial Guinea, Republic of Congo, CAR and Chad are members of CEMAC. As a consequence, it follows that in the Central African subregion, there are three subregional institutions: ECCAS, CEMAC and CEPGL. In this regard, it is easy to understand why ECCAS has some difficulties.

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[159] See e.g. S Aliyou 'L'attitude des etats de la CEMAC face au conflit de Bakassi et ses effets sur l'institution' unpublished LLM dissertation, University of Dschang, 2007.
[160] n 127 above.
[161] Interview with Colonel Christophe Touko, member staff of Peace and Security Department at the AU, on 1 October 2011.
[162] The DRC joined SADC in 1997.
[163] For further information see http://www.sadc.int/index/browse/page/70 (accessed 3 October 2011).
[164] n 1 above, 150.

The dispersion of its members has caused the lack of dynamism and leadership in the sub-region. Hence, in the Central African region, there are no clear leaders who could take up the role of driving force which could stimulate the integration, foster the reform agenda and therefore contribute to the maintenance of peace and security.[165] Because of this imbroglio, Rwanda, in 2007, withdrew from ECCAS by explaining that it was facing difficulties in managing its membership in four RECs (COMESA, ECCAS, CEPGL and EAC).[166] This dispersion of ECCAS coupled with the co-existence of CEMAC and ECCAS that partly have the same mission is also evidence that some members do not really believe in the existence of a unique strong Central African community. Moreover, it has been said that there are some members which do not frequently attend meetings organised by the ECCAS.[167] It appears that the national interests of member states are predominant and the negative impact on the effective operation of the ECCAS security architecture is indubitable.[168]

3.4.2 The lack of capacity building

ECCAS is handicapped by the lack of capacity in both its finances and human resources. The ECCAS's source of funding is based on the contribution of member states, Community Contribution for the Integration (CCI) which is an autonomous financing mechanism put in place by the member states[169] and financial support from external partners.[170] However, 'ECCAS is unable to effectively mobilise sufficient resources to fund its work'.[171] For instance, in 2007, the budget allocated to peace and security FCFA 260 000 000 and it was subject to constant change although it did not include staff and administration costs.[172] This lack of financial resources is justified by the fact that some states do not pay their contributions and the CCI.[173] Hence, it is not surprising to realise that the ECCAS relies mostly on financial support and in this respect, one can understand why the two thirds of funds allocated to the MICOPAX were supported by EU. Moreover, it has to be noted that 'EU is the most important financiers of ECCAS' security architecture'.[174] In the same light, in January 2009, 'the EU signed a convention for a subvention of

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[165] T Stevens et al 'Politics of regional integration in Central Africa' in C Ayangafac (ed) *Political economy of regionalisation in Central Africa* (2008) 179.

[166] C D G Awoumou 'ECCAS or CEMAC Which Regional Economic Community for Central Africa?' ISS 129- 130 available at http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=103679 (accessed 3October 2011).

[167] n 127 above.

[168] See e.g. E F Ewane 'The Role of the European Union in ECCAS security architecture' *4th European Conference on African Studies* 5 available at http://www.nai.uu.se/ecas-4/panels/41-60/panel-42/Etah%20Ewane%20-%20Abstract.pdf (accessed 4 October 2011).

[169] It was adopted by Decision No 05/ECCAS/CHSG/X/02 of the Conference of the Heads of States on 17 June 2002 in Malabo.

[170] E-mail from the Representative of ECCAS at the AU on 26 September 2011.

[171] n 9 above.

[172] As above.

[173] n 9 as above.

[174] Ewane (n 168 above) 11.

9.6 billion Francs CFA (about €14.6 million), whichwas meant to finance peacekeeping operations in the ECCAS region'.[175]

Concerning human resources, it was noted that ECCAS is suffering from a lack of staff and that there were 'only six professional staff working in the ECCAS Secretariat in October 2007'.[176] This lack of staff members has been confirmed by the Representative of ECCAS at the AU.[177] He further affirms that this problem has continued to have a serious impact on the effectiveness of the subregional institution. An example is the peace mission in CAR (MICOPAX), where the 527 troops sent to the country are insufficient to accomplish the peace mandate.[178] This problem of inadequate human resources is due to a host of reasons. First, it is because member states are not very interested in sending their representatives in the case of positions attributed to them or when they do so, they do not respect the delays. The second major reason that justifies the low human resources is related to financial difficulties.[179] Moreover, it seems that there might be 'challenges of identifying well-trained human resources in the subregion'. This reason is advocated by the Director of MARAC.[180] But, this study does not support this idea because the Central African region does not lack well trained human resources, the problem should be identified in the lack of information and as the representative of ECCAS says the recruitment procedures are also part of problem.

3.4.3 The state of ECCAS Court of Justice

The added value that the rule of law can have in the maintenance of peace and security is incommensurable. Not only does the rule of law contribute to economic development, but it is also an important catalyst of social stability.[181] If the importance of the rule of law at the national level is established, it is also the case at the subregional and the regional level. The manifestation of the rule of law is guaranteed by courts and tribunals. At the ECCAS level, article 16 of the ECCAS's treaty establishes a Court of Justice in order to make sure that law is respected.

However, if one can say that there is an ECCAS Court of Justice, it is also important to point out that this Court exists on papers only, it is not yet effective. The ineffectiveness of this Court of Justice has had a negative impact on the peace and security situation in the Central African subregion. Moreover, the provisions of this Court are no longer appropriate to the current context in the region. The main objective of the Court is to control the respect of the communitarian law

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[175] n 164 above, 12.
[176] n 1 above, 150.
[177] n 170.
[178] See e.g. Meyer (n 39 above) 26.
[179] n 170.
[180] n 9 above.
[181] BC Smith *Good governance and development* (2007) 75.

and the conformity of national policies,[182] so, it is more focused on integration issues. The Court does not have a mandate relating to human rights violations. Therefore, this may be seen as an impediment to a peaceful environment in the Central African region. In this regard, ECCAS is at the back of the ladder because RECs such as ECOWAS have functioning Courts of Justice or Tribunals which deal with questions related to the security of human beings. Nevertheless, the members of CEMAC have established a Court of Justice based in Ndjamena which is already effective.[183] This co-existence of two courts of justice in the Central African subregion once more shows a lack of solidarity among the member states and with this attitude it will be very difficult to respect its new agenda.

3.5 Conclusion

This chapter has critically analysed the actual role of ECCAS in the maintenance of peace and security in Central Africa. It focused on the main achievements of ECCAS related to peace and security such as the establishment of MICOPAX, the role that ECCAS is playing in securing the Gulf of Guinea and its involvement in the electoral process through its observations. This Chapter has also stressed some weaknesses of the Central African institutions regarding peace and security matters. In this respect, the DRC conflict, the Bakassi conflict and the Burundian civil war have been discussed. Finally, the reasons behind the shortcomings of ECCAS have been highlighted. The ideas developed in this chapter should not imply that the situation in Central Africa is desperate, ECCAS missions in peace and security can be rationalised in order to make it more effective.

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[182] Article16 of ECCAS's treaty.
[183] Convention on CEMAC's Court of Justice available at http://www.cjcemac.org/textes%20organiques,%20convention%20regissant%20la%20cour%20de%20justice%20de %20la%20CEMAC.htm (accessed 4 October 2011).

Chapter Four: The rationalisation of ECCAS in its peace and security missions

4.1 Introduction

This study advocates that ECCAS is not only a major actor for economic and political integration in the Central African subregion but it also has a key role to play in the maintenance of peace and security in the subregion. Therefore, to become a stronger community which is able to achieve its missions relating to security and stability and capable of providing good opportunities to its population, ECCAS has to be rationalised by taking into account the different points developed below.

4.2 The integration of CEMAC into ECCAS

As it has been said above, three regional communities co-exist in the Central African subregion: CEPGL, CEMAC and ECCAS. This plurality of communities is more negative than positive. It promotes the dispersion of ECCAS membership, prevents the harmonisation of development policies and it discredits the subregion. Furthermore, it is normal to say that the co-existence of several communities in one subregion is against the spirit of the Abuja treaty[184] which envisages the delineation of States' memberships in accordance with the five regions (Central Africa, West Africa, North Africa, Southern Africa and East Africa) defined in OAU Council of Ministers Resolution CM/464 (XXVI).

Indeed, the rationale behind the establishment of only five regions in Africa was to avoid '*les risques d'éclatement des groupements actuels liés à un renforcement de l'intégration régionale en Afrique*'.[185] In other words, it was a way to avoid the explosion of the existing communities and to foster the regional integration in Africa. Hence, the idea of merging CEMAC into ECCAS is justifiable. First, ECCAS is more representative of Central Africa than CEMAC, it covers all the ten countries of the subregion, therefore, it gives more visibility to the region. Moreover, this integration of the two communities will stop the duplication of efforts, the dispersion of resources by member states and most importantly, it will contribute to the end of disputes over legitimacy that result from multiple treaties.[186]

This necessity to merge CEMAC into ECCAS has been more visible when external partners convinced the member states of CEMAC to transfer the peacekeeping mission in CAR (FOMUC) to ECCAS (FOMAC). That means with the merger of the two communities, the Central African subregion will become more effective and able to easily deal with its difficulties and especially with peace and security issues. The member states of the Central African Community should keep

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[184] It is the treaty establishing the African Economic Community and it was adopted in June 1991 in Nigeria.

[185] C D G Awoumou 'La coexistence CEEAC-CEMAC : Une nécessité ?' *Fondation Paul Ango Ela* available at http://www.fpae.net/story/coexistence-ceeac-cemac%C2%A0-necessite%C2%A0 (accessed 5 October 2011).

[186] UNECA *Assessing Regional Integration in Africa II: Rationalizing Regional Economic Communities* (2006) 45-46.

in mind that with the phenomenon of globalisation, 'it is the time of large groups and as a matter of fact, the small regional areas are doomed to be absorbed by larger and powerful groups'.[187] Therefore, the project of fusion of the two communities which is lasting on the pipeline since 2006[188] has to be concretised in order to enhance the capacities of the Central African subregion.

4.3 The advantages for ECCAS to be self-financed

It has been said that the large part of ECCAS budget is supported by external partners such as the EU - the biggest financier of ECCAS,[189] France and China. This financial support is very important but in the long-run it is not sustainable. It is not sustainable because it renders ECCAS more dependent on its partners than on itself as is the case with the AU.[190] Logically, it denotes that the ECCAS cannot carry out is peace and security mandate or any other activities without the approval of its partners.[191] Moreover, as far as security is concerned, it signifies that the partners will be more focused on their interests than those of the Central African community. The best example which illustrates this assertion is the security in the Gulf of Guinea. Because this region is very rich and because most the ECCAS's partners are interested in reaping benefits from it, they are more concerned with the protection of their interests than the security of Central African people living in that area.

The Central African subregion is paradoxically one of the richest regions of the world[192] but these riches are not used properly. If the natural resources of the region were used appropriately, the region could avoid reliance on foreign aid. Thus, the ECCAS budget would depend on the contribution of member states, the CCI and external funds. But, as far as the contribution of member states and the CCI are concerned, it must be recalled that member states do not fully respect their obligations.[193]The CCI is an alternative mechanism of funding which has been adopted for the majority of sub-regional institutions in order to replace the traditional systems of states' contributions and international assistance.[194] This system is used in the ECOWAS and its strict enforcement there contributes to the acceleration of integration.[195] ECCAS also adopted the CCI in 2002– which tax base is made up of goods originating from third countries, imported by

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[187]A M Pibasso 'Central Africa: On the road to CEEAC-CEMAC' available at http://www.businessincameroon.com/categories/53-News/242-central-africa-on-the-road-to-ceeac--cemac-merger (accessed 25 November 2010).

[188]E I Ngoya 'Fusion Cemac-CEEAC: une mutation nécessaire mais parsemée de virtualités' available at http://www.cotedivoire-economie.com/article.asp?numero=73 (accessed 20 September 2011).

[189] n 168 above.

[190] J Nyoyo 'La crédibilité de la capacité de prévention et de gestion des conflits de l'Union Africaine à l'épreuve de la crise ivoirienne' unpublished LLM dissertation, Université Jean Moulin, 2007 76-82.

[191] n 39 above, 27.

[192] I Tamba et al *L'Afrique centrale, le paradoxe de la richesse : Industries extractives, gouvernance et développement social dans les pays de la CEMAC* (2007).

[193] n 9 above.

[194] n 158 above, 20.

[195] n 158 above, 20.

member states for domestic consumption.[196] It implies that if the CCI was strictly enforced by ECCAS member states, the financial difficulties would be attenuated and ECCAS would be able to fund its own projects according to its priorities and therefore, the COPAX would be more involved with the maintenance of peace and security in Central Africa. The Protocol relating to COPAX states that there is a special fund furnished by exceptional contributions of member states and external donors exclusively for implementations of COPAX activities.[197] Unfortunately, this prescription is not completely respected, COPAX activities are almost funded by donors only whereas, if CCI was strictly respected, there would not be such dependence

Being aware of the importance of the CCI, this study advocates its strict respect by all the ten members of the ECCAS in order to get out of the dependence and more importantly to enhance COPAX activities in the maintenance of peace and security in the region.

4.4 Future opportunities for the effectiveness of ECCAS Court of Justice

The implementation of article 16 of the ECCAS treaty which establishes a Court of Justice in the Community is very important for ensuring security and peace. In Central Africa, there is no effective sub-regional mechanism in charge of the protection of human rights and the CEMAC Court of Justice which is effective does not address such matters. Therefore, it will be an opportunity for the ECCAS to have an effective Court of justice.

This court will contribute to the protection of human rights in Central Africa. In this respect, ECCAS can learn from ECOWAS and SADC. The ECOWAS Court of justice exists formally since 1991 and the Court became effective in 2001.[198] This Court has competence to rule on human rights violations through an individual complaints procedure and may refer to the provisions of the African Charter on Human Rights and Peoples' Rights.[199] Moreover, the condition of exhaustion[200] of local remedies is not required and its decisions are legally binding to ECOWAS member states. The SADC Tribunal would have been another example for ECCAS if it was not dissolved. However, it is important to mention that the Tribunal also had opportunity to adjudicate human rights violations through the individual complaint mechanism. Contrary to ECCAS Court of Justice, it required the exhaustion of local remedies and its decisions were binding to SADC member states as well.[201] In the same light, the EAC Court of Justice may be also useful for ECCAS. It became operational on 30 November 2001[202] and in November 2007, the Court seized the opportunity given by the case of *James Katabazi and 21 others v Secretary General of the East*

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[196] n 169 above.

[197] See article 28 of COPAX Protocol.

[198] Claiming Human Rights 'The ECOWAS Court of Justice' available at http://www.claiminghumanrights.org/ecowas.html (accessed 5 October 2011).

[199] As above.

[200] The conditions of exhaustion are the general international adjudication principle which ECOWAS chose to bypass because there is no stringent rule on the matter.

[201] Claiming Human Rights 'The SADC Tribunal' available at http://www.claiminghumanrights.org/sadc.html?&L=0 (accessed 5 October 2011).

[202] East African Court of Justice available at http://www.eac.int/eacj.html?start=2 (accessed 27 October 2011)

African Community and the Attorney General of the Republic of Uganda to deal with issues relating to human rights with respect to EAC treaty.[203] These three examples can inform ECCAS in building a subregional mechanism of protection of human security.

As a matter of fact, the effectiveness of the ECCAS Court of Justice will play a fundamental role in the functioning of the Community, it will oblige the member states to respect their legal obligations. In addition, this Court will emphasise 'the importance of building right relationships and social structures through a radical respect for human rights and life'[204] and therefore, the Central African Community will become stronger.

4.5 The co-operation between ECCAS, AU and other RECs

As a REC, the ECCAS peace and security architecture is part of the overall security architecture of the African Union. It is composed of almost the same organs that the African Peace and Security Architecture (APSA) has. Hence, the AUPSC amounts to the COPAX, the FOMAC to the African Standby Force (ASF) and the Continental Early Warning System (CEWS) to the MARAC. It seems therefore that because the AU has the primary responsibility in the maintenance of peace and security in Africa, ECCAS has to co-operate with all the organs of the APSA in its activities related to peace and security. As it has been said above, there is a Memorandum of Understanding between AU and RECs on the co-operation in the area of peace and security. This Memorandum is a binding instrument between the AU and RECs and consequently, this co-operation is non-negotiable.

However, the reality is different. Although, there is a fructuous exchange of information between the MARAC and the CEWS, co-operation on other matters is not satisfactory.[205] The relationship between ECCAS and AU is criticised because of the fact that ECCAS is not really open and its members do not give much attention to AU activities related to peace and security.[206] It has been said that sometimes these members do not attend to regional meetings on peace and security issues and they prefer to act alone.[207] This attitude of ECCAS is not useful, it should be recalled that the AU has the primary responsibility for promoting peace, security and stability in Africa, therefore it is in the interest of ECCAS to co-operate with the AU because the conception of security nowadays is much more global and a subregional community cannot function stand-alone. This argument is supported by the Solemn Declaration on a Common African Defence and Security Policy of 28 February 2004 adopted in Sirte (Libya) which also insists on the co-operation

[203] *Katabazi and 21 others v Secretary General of the East African Community and another* (Ref. No. 1 of 2007) [2007] EACJ 3 (1 November 2007); see also S T Ebobrah 'Litigating human rights before sub-regional courts in Africa: Prospects and challenges' (2009) 17 *African Journal of International and Comparative Law* 82.

[204] J P Lederach *The Little book of conflict transformation* (2003) 4.

[205] Interview with Mr Yao Pascal, Desk Officer Conflict Management Division (AU Peace and Security Department) on 7 October 2011.

[206] As above.

[207] n 205 above.

between AU and RECs. Moreover, this study advocates an intensive co-operation between ECCAS and other RECs particularly ECOWAS and SADC. The co-operation with ECOWAS is already effective as far as the region of Gulf of Guinea is concerned. This co-operation is commendable and it should continue. Compared to ECCAS, ECOWAS has strong experience in peace and security issues so, ECCAS might learn some lessons from it. The co-operation with SADC might also be fruitful. ECCAS shares an important part of its border with SADC and SADC has been involved with the resolution of conflicts in some ECCAS states, so the link between the two RECs is unavoidable. Consequently, they can exchange information and work together in order to ensure security in their regions.

4.6 The emphasis on democracy, good governance, and development in Central African states

The ECCAS has been criticised for having adopted a narrow conception of security which gives more attention to the military and defence dimension.[208] Meyer affirms that ECCAS activities with respect to peace and security are focused on 'regular joint military trainings as well as multinational operations and missions'[209] which 'present the major elements of ECCAS' new turning towards security issues'.[210] Moreover, this conception of security is more related to the negative peace which is characterised by the absence of conflicts and it is definitely acknowledged that the absence of conflict does not mean security or peace.

Hence, it is clear that the concept of human security should be the objective of ECCAS. Human security means that human beings become the subject which has to be secured. Instead of giving more interest to materials, territory or state, human lives should be the main subject of security.[211]Human security is an essential condition for welfare, characterised by freedom, the right to life and more importantly it is clear that human security leads to national security and to collective security.[212] Therefore, to really maintain peace and security in Central Africa, ECCAS should focus on human security and to have human security, addressing the problems of democracy, governance and development must be the first priority. Is it the case in Central Africa?

Indeed, an analysis of the political context in Central Africa shows that lack of good governance, lack of rule of law and poverty are real and those factors are the main elements that constitute insecurity and instability in the subregion.[213] Corruption is considered a curse, countries such as Cameroon, Chad, Equatorial Guinea and the DRC are amongst the most corrupt countries in the

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[208] A Meyer *Regional integration and security in Central Africa: Assessment and perspectives 10 years after the revival* (2008) 17.

[209] Meyer (above, 18).

[210] As above.

[211] n 30 above, 32.

[212] n 30 above, 32.

[213] n 30 above, 68.

world.[214] Moreover, the personalisation and longevity in power in Central Africa remain problems. Paul Biya of Cameroon, Denis Sassou Nguesso of Republic of Congo, Does Santos of Angola, Obiang Nguema of Equatorial Guinea, Idriss Deby of Chad have been in power for more than 20 years in power. In addition poverty has become a fatality in this part of the African continent. Populations have become vulnerable, criminal and terrorist because of poverty.[215] In this regard, one can say that human security in Central Africa is not really prioritised. As a result, ECCAS has to improve its involvement in the amelioration of living conditions in order to ensure peace and security.

Hence, a more comprehensive approach to tackle the problem of insecurity in Central Africa is to go beyond the purely military dimension and address the socio-political or economic aspects which are the real causes of most conflicts and crises in the subregion. In this respect, Mr Yao Pascal, AU expert on CAR affirms that poverty and lack of good governance coupled with corruption are the main causes of war in this country.[216] The same arguments might justify the recent attacks that took place in Cameroon in September 2011.[217] It is true that through its involvement in election observations in its member states, ECCAS is improving democracy in the subregion. Nevertheless, it is obvious that 'economic, political, social and human issues are indeed the key for tackling the root causes of instability and insecurity'[218] and therefore, the ECCAS should concentrate its energies on those issues to maintain peace and security in the subregion.

4.7 Conclusion

This chapter has discussed the different ideas that can enhance the capacities of the ECCAS in its role of promoting peace, security and stability in Central Africa. This mission is not an easy one, it is strewed with a lot of difficulties. However, taking into consideration the integration of CEMAC into ECCAS, the opportunities of ECCAS to become self-financed, the need for an effective Court of Justice and the emphasis on democracy, good governance and the economic, social and infrastructural development, ECCAS will become a stronger REC and therefore it will achieve its peace and security objectives.

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[214] Transparency International annual report (2010) 80.

[215] n 30 above, 68.

[216] n 205 above.

[217] On 29 September 2011, there have been military attacks in Douala, the economic capital of Cameroon, the motives of assailants were to ask to Paul Biya to step down because of its longevity in power and its dictatorship.

[218] n 39 above, 18.

Chapter Five: General Conclusion

Based on what has been said in this work, the Central African subregion is still an unstable area in Africa. The situation in the DRC, the recent conflicts in the CAR, piracy in the Gulf of Guinea, the on-going peace process in Burundi, the instability in Chad are concrete evidence that the international community as a whole should be more involved in order to ensure peace, security and stability in this subregion which is the hearth of Africa.

This study focused on the role played by ECCAS in responding to the maintenance of peace and security in its region. In this regard, Chapter Two clearly discussed the legal foundation of ECCAS in such a mission given that the UNSC has the primary responsibility in the maintenance of international peace and security. Hence, the UN Charter, the AU Constitutive Act, the AUPSC' Protocol and ECCAS constitutive instruments have been used to support the legal basis of the Central African subregional institution in its peace and security missions. Indeed, the Chapter VIII of the UN Charter through the principle of subsidiarity recognises the right for regional organisations to undertake actions relating to peace and security as far as their region is concerned, so in this light, the actions of ECCAS are legitimate. This legitimacy is also supported by the Protocol relating to the establishment of the Peace and Security Council of the African Union and to some degree by the Memorandum of Understanding on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa. At the ECCAS' level, instruments such as the Protocol relating to the COPAX, the Pact on Mutual Assistance and Protocol on the strategy to secure ECCAS States' vital interests at sea in the Gulf of Guinea have been highlighted. Moreover, Chapter Two also stressed the peace and security architecture of the ECCAS, it emphasised the political organs such as the Conference of heads of states and the Council of Ministers. As regards the operational or the technical organs, the study discussed the role and the functioning of the Defence and Security Commission, the Central Africa Early-Warning System and the Central Africa Multinational Force. In doing so, this Chapter has underlined the place of the maintenance of peace and security in the main missions of the ECCAS.

Having elaborated on the potential of ECCAS in its missions of peace and security, the interest of this study was to critically analyse the implementation of this mission. Hence, it is clear that since the entry into force of the ECCAS Protocol relating to the COPAX, ECCAS has carried out important missions with respect to the maintenance of stability in the subregion. Thus, its first peacekeeping mission is the Mission for the Consolidation of Peace in Central Africa Republic which has contributed to give more visibility to ECCAS as a major actor of the peace process in the subregion. Although this mission has been criticised because of the insufficient staffers and because of some exactions committed by its troops, one can say that it is really contributing to the

consolidation of peace in CAR and since its establishment, this country has become safer than it previously was. In the same light, the involvement of ECCAS in securing the Gulf of Guinea is viewed as another added value of its role in protecting its member states from insecurity and instability. In addition, the fact that the ECCAS is now involved with the monitoring and observations of elections shows its commitment to the values of democracy which is key to stability. However, the ECCAS has been passive and sometimes absent from some conflicts which have seriously threatened the Central African subregion. It was the case with the conflict in the DRC, the civil war in Burundi and to a certain extent the Bakassi conflict between Cameroon and Nigeria. This lethargy has been justified by the lack of capacity building, the ineffectiveness of the ECCAS' Court of Justice and more importantly the dispersion of ECCAS member states. Hence, Chapter three of this study has been the platform for addressing the achievements, drawbacks and the difficulties faced by ECCAS in its mission of peace and security.

Like any serious academic research, after addressing the difficulties faced by ECCAS, this study through Chapter Four discussed the opportunities which can contribute to the rationalisation of the Central African institution. Thus, the first important aspect is to integrate CEMAC into ECCAS in order to prevent any dispersion of the member states, both in terms of geography and energy. By doing so, the Community will become stronger. The second idea is to make ECCAS self-financed. It has been said that two thirds of the peace and security budget of ECCAS is supported by external funding. This dependence of ECCAS is considered a serious difficulty for the peace and security agenda in the region. It implies that the interests of the funders are more protected than those of the region. To tackle this problem, the ECCAS member states must take seriously their contribution and more importantly the Community Contribution for the Integration must be strictly enforced. In addition, the effectiveness of ECCAS Court of Justice as it is the case in the ECOWAS and EAC may also be a plus in addressing instability in the subregion. This should also take into consideration the necessity of promoting democracy, good governance and development in the Central African subregion given that their negligence has been considered the main causes of instability and insecurity in the subregion.

The main question of this study was to what extent has ECCAS been effective in maintaining peace and security in Central Africa since its establishment. It has been said that the involvement of the ECCAS in peace and security issues started off with the adoption of the Protocol of COPAX in 1999 and its entry into force in January 2004. Hence, although the Central African institution has some shortcomings and despite the difficulties that it is facing, the study has endeavoured to show that ECCAS is willing to achieve its peace and security mission, so its effectiveness is a reality. Nonetheless, this effectiveness will be complete when the Central African member states will get rid of their selfishness and focus on the interest of their peoples. Hence, there is no doubt that a valid political will on the part of Central African leaders is necessary for such an

achievement. In this light, Central African populations should play the role of catalyst in order to put pressure on their leaders. By doing so, ECCAS will become stronger and the maintenance of peace and security will become more effective.

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