

The African Union and Article 4(h):
Understanding Changing Norms
of Sovereignty and Intervention in Africa
Through an Integrated Levels-of-Analysis
Approach

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When the former Organization of African Unity (OAU), founded in 1963, officially completed its reincarnation into the African Union (AU) in 2002, observers were quick to analyze various facets of the “newness” of the AU as compared to its predecessor. Among other phenomena, analysts questioned the cause for its rapid creation, the reason for the lack of public knowledge about its genesis, its new stance on the prohibition of non-democratic transitions as enshrined in Article 4(p), and its elevation of Swahili to an official organizational language.¹ Yet undoubtedly, the aspect that garnered the most attention in the transmutation from the

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OAU to the AU was the inclusion of Article 4(h) in the African Union's founding document, the AU Constitutive Act, which entered into force on May 26, 2001. In its entirety, Article 4(h) affirms:

The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect to grave circumstances, namely: war crimes, genocide, and crimes against humanity.²

Put simply, by signing onto the AU Constitutive Act, African Union members gave other constituent states the right to intervene in the affairs of other member states if the latter's domestic politics looked to pose an imminent threat to collective African security, or, if governments elected to harm, rather than protect, their citizens. Possible scenarios for AU intervention then included state collapse and the spillover effects of refugees, crime, and transnational violence and arms, or, the perpetration of mass human rights abuses by individual state governments, which the new African Union pledged not to tolerate.

Not only was the inclusion of such new language progressive in its own right, Article 4(h) was doubly surprising given African states' historically deep-seated protection of their sovereignty, which was entrenched and enforced as a continental norm, by the OAU itself. As is detailed further in this chapter, the OAU had been notable precisely for its inflexible stance on sovereignty: it was created, above all, to *protect* state sovereignty, and to enshrine the notion of non-interference into the very fabric of African international relations. That its successor organization would explicitly legally *permit and even sanction* intervention was a stark departure from the days of old.

As might be intuited, the inclusion of such progressive language in sovereignty was nothing less than unexpected. Given African leaders' rejections of a similar mechanism only years earlier³ the subsequent adoption of such a liberal framework for peace promotion was highly surprising, and was a hallmark of a deeply progressive⁴ stance on the notion of sovereignty not only in the case of Africa, but globally.⁵ To that end, the inclusion of Article 4(h) has been described in its uniqueness as: "striking," "unprecedented," "remarkable," "a major shift," "a normative revolution," and quite simply "without parallel internationally."⁶ Yet, while observers have rightly noted the *extent* of change that the African Union's Constitutive Act brought, particularly as regards Article 4(h), just *why* the adoption of

such new understandings of sovereignty and intervention were included remains a debated topic. What then were the forces by which this notable shift in continental security norms may have been engendered?

As is detailed in subsequent sections, many of the most outstanding scholars of African international relations have offered sundry explanations as to how and why the deeply progressive Article 4(h) language was included in the AU Constitutive Act.⁷ Such hypotheses place the origins of the adoption of Article 4(h) with: shifts in global systemic polarity; pressure from bilateral partners; the prevalence of the responsibility to protect (R2P) ideology globally; the psychological impact of specific conflicts and events on the pan-African consciousness; the AU's mimicking of organizational structures from above (the UN), laterally (the EU), and from below (African regional organizations like the Economic Community of West African States [ECOWAS]); and efforts attributed to individual African states and their leaders.

Yet, despite the various works that have sought to account for the emergence of this highly surprising new norm, this chapter suggests that extant analyses of Article 4(h) typically suffer from at least one of two problems. First, it is often the case that authors offer mono-causal explanations for the emergence of Article 4(h): that is, authors will cite a *singular, specific cause* as having been the driving force for its emergence. Such a tendency is typical (and indeed understandable) in pieces making brief mention of Article 4(h) in passing. The second type of problem relates to instances in which authors proffer *multi-causal* explanations for the emergence of the new progressive security regime. The issue at hand here is that such multi-causal explanations are rarely, if ever, explicit about the fact that the explanations that they offer are, in fact, *multi-causal and span various levels of analysis*: they are multi-causal without being self-admittedly so. To recall, then, extant analyses are either a) shortsighted in singling out only *one factor* at play, or b) *implicit* that their understandings that the processes behind the adoption of Article 4(h) are indeed multi-causal and span various levels of analysis and various periods of pan-African and international history.

In departing from these tendencies, this piece instead suggests that the appropriate way to understand the shift in African continental security norms that emerged in the new African Union is through an *explicit, multi-causal, and integrated levels-of-analysis approach*. That

is, only by looking at both the African and non-African inputs at play at *various* levels of analysis—the systemic (global), pan-African, regional, statist, and individual leadership levels—can one gain a complete picture of the sundry forces that *simultaneously and inter-subjectively* contributed to engender what is ostensibly one of the most progressive international relations sovereignty schematics in the world today. Thus, it seeks not to disprove existing hypotheses, but rather, to affirm their validity as components of a fuller, more complex, and ultimately wider-ranging story that has, so far, remained untold in its entirety.

This chapter proceeds in three parts. The first part offers an overview of the utility of using a levels-of-analysis approach in the study of normative shifts in international relations: particularly, it situates itself in the orientation of scholars working in the international relations (IR) sub-field of the foreign policy analysis (FPA) framework. The second and third parts focus on the African Union as a case study for this approach. It therefore attempts to spell out the various factors that contributed to the adoption of the AU's new progressive outlook on sovereignty and intervention. In the second section, the chapter recounts the evolution of sovereignty in Africa from the post-independence period until the end of the era of the Organization of African Unity in 2002. In the third section, which forms the brunt of the chapter, it investigates the sundry forces at various levels of analysis that collectively, and inter-subjectively, led to the African Union's adoption of radically new norms of sovereignty and intervention. A final section concludes.

THE UTILITY OF A LEVELS-OF-ANALYSIS APPROACH TO STUDYING CHANGING NORMS

The Integration of Levels of Analysis

In the study of IR, “levels of analysis” refer to specific types of agents or phenomena (independent variables) whose actions are deemed to be the causes of other phenomena (dependent variables). Levels of analysis range from the most macroscopic social forces—like the entire international system—to the most microscopic—like the cognitive processes of individual leaders—such that, in theory, there are an infinite number of levels of analysis, according to the level of aggregation or disaggregation of social

phenomena. Most typically, however, IR scholars have selected one of three levels of analysis—the individual, the state, or the international system of states—as the three primary units of interrogation when attempting to understand the causes of international events.

However, while the vast majority of IR scholars tend to focus on one level of analysis depending on their intellectual predispositions, a smaller sub-set has ardently advocated for the utility of the integration of various levels of analysis, since electing just one level of analysis has its inherent shortcomings, and as indeed, “only a limited set of real world problems in international relations lend themselves to this sort of analysis.”⁸ The tendency to integrate various levels of analysis into understandings of international relations finds its genesis most broadly in the field of foreign policy analysis (FPA). One of the founders of the study of FPA, particularly the school of comparative foreign policy analysis, James Rosenau advocated approaching any policy choice from various levels of analysis. Smith et al. have detailed Rosenau’s call for the need to “provide a robust integrated analysis ‘at several levels of analysis—from individual leaders to the international system—in understanding foreign policy’”⁹ and his belief that “the best explanations would be multilevel and multi-causal, integrating information from a variety of social science knowledge systems.”¹⁰ During the same era as Rosenau, David Singer’s noted 1961 work further emphasized how, as Steven Smith puts it, “focusing on a certain level of analysis imposes a bias on the data and in this way evidence is theory dependent.”¹¹

Since the early years of the establishment of the comparative foreign policy research agenda, various other authors have used integrated levels of analysis artfully in their work. Most notable was Graham Allison’s¹² study of the Cuban Missile Crisis through the lenses of three levels of analysis, while Robert Putnam,¹³ Andrew Moravcsik, and others have written on the utility of the “two-level game” of integrating domestic and international politics into explanations of international outcomes. Moravcsik argues that: “empirical studies formulated on a single level of analysis, international or domestic, are increasingly being supplanted by efforts to integrate the two.”¹⁴ Rooted in their historical antecedents, contemporary scholars of FPA continue to synthesize actions at various levels of international society and thus it is perhaps unsurprising that FPA in the post-Cold War period retains, as Valerie Hudson puts it, “a commitment to pursue multi-causal explanations spanning multiple levels of analysis.”¹⁵

Norms and Understanding Normative Change

Within international relations, “norms” may be thought of as “standards of appropriate behavior for actors with a given identity”¹⁶ or “standards of right and wrong, which proscribe certain activities and legitimate others.”¹⁷ Put otherwise, norms are informally understood patterns of what constitutes acceptable behavior among two or more political actors, which, even if lacking a formalized legal basis, are nevertheless thought to carry more or less formal weight. In this piece, the “norm” under consideration is postcolonial African states’ norm of non-intervention in member states’ affairs and how it was replaced by a new ostensibly “pro-interventionist” normative stance.

While those who study normative changes in international relations proffer various suggestions for why norms change, understandings of normative adoption in the Global South remain generally limited. However, three broad frameworks are generally employed in understanding normative adoption in non-hegemonic states and institutions. The most mainstream framework by which normative change has been said to occur is via the process of socialization. Introduced in Finnemore and Sikkinks’s 1998 *Life Cycle of Norms*, the socialization thesis argues that norms emerge when a series of norm entrepreneurs convince a critical mass of states to adopt or support these norms.¹⁸ These norms are then spread (via praise or censure) via socialization, or the process by which member states change their understandings about the importance of a norm due to continued interaction with one another. Resultantly, new relationships and identities emerge between actors regarding their expectations of likely adherence to those norms.¹⁹ Moreover, norms can then get spread from originating organizations to other organizations through the process of mimetic behavior, social learning, and cost–behavior calculations.²⁰

The second (and most blunt) process by which normative change might be said to occur, especially in the Global South, rests in the “hegemonic normative” thesis. In this vein, the notion is that a powerful state within any given system or sub-system decides that it is in its interest that a norm change for the entire system over which it presides, and thus, all others in its orbit must adopt the new normative shift as well.²¹ Recipient states can either adopt new norms because they are actively induced (or forced) to do so, or they may adopt them simply because powerful states or institutions

are looked to as “attractive sources of imitation” for subordinates.²² This latter process has historically been particularly pronounced as related to normative frameworks constructed within the United Nations or in the European Union and disseminated elsewhere. As Lotze writes:

For one, norms held by states widely viewed as successful and desirable models within states, it is argued, are more likely to become prominent and diffuse than norms held by less successful states. On this basis, so-called Western norms are argued to be more likely to diffuse throughout international society than non-Western norms.²³

For her part, Martha Finnemore has combined the two discussions within the “hegemonic normative thesis,” in showing how international organizations have “taught” states what their new interests are, in a wide range of issue areas.

Yet some have rejected the simplified notion that the adoption of norms in the Global South to a mere mimetic process as ascribed by the hegemonic thesis, though they also recognize that forces “from above” nevertheless inform how states “at the bottom” of the international hierarchy adopt norms. Thus, a third means by which norms change can occur, especially throughout the Global South, is via what Amitav Acharya refers to as “constitutive norm localization.”²⁴ Norm localization is the process by which actors take norms that have become accepted at a *global* level and collectively modify them so as to fit *local* realities and exigencies.²⁵ Particularly germane for the current investigation about the AU’s adoption of Article 4(h) is Jürgen Rüländ’s suggestion that as a corrective to the hegemonic normative thesis, “the theory of ‘constitutive localization’ attaches agency not only to external norm entrepreneurs but also to local norm recipients.”²⁶

Normative Change and the Integration of Levels of Analysis

While each of these three explanations seems superficially cogent in its own right, a singular reliance on only one of these paradigms falls short when one considers the adoption of normative frameworks by states that exist at the bottom of the international political hierarchy. How is one to pinpoint when norms were “forced upon” subordinate states (“hegemonic thesis”), “trickled down” from the global level and reconfigured by subordinate

states (“constitutive localization”), or when local actors simply constructed their own ideas locally independent of pressure from the international community (“socialization”)? Moreover, these interpretations give actors “at the bottom” relatively little agency to create or reinterpret norms and then pass the norms “back up” to the global level, in essence, *informing the nature of global norm creation from the bottom up*.

Thus, the utility of a multi-causal approach is particularly pronounced in the course of the study of normative shifts in the case of sub-Saharan Africa. On one hand, given the inter-subjective nature of the construction and adoption of norms generally, the suggestion that normative change originates from only one level of analysis and is transferred and accepted by actors in a second level of analysis is inherently counterintuitive. But, second, given that the lower in the international hierarchy that states find themselves, the more varied the inputs for normative change, the more imperative the need for self-consciously multi-causal, multi-level analyses. Therefore, this piece suggests that rather than the traditional assumption of relying on a distinct analytic by which to understand why and when norms change, the observer is better advised to take into account *all levels of analysis* and to appreciate that the process of normative change occurs instead via *a multi-causal, multi-directional* process. Rather than focusing on just one level to explain why norms emerged, understanding the existence of overlapping modes of normative origination, diffusion, acceptance, rejection, reformation, and implementation is instead imperative.

WHAT CHANGED? THE MEANINGS AND PRACTICE OF SOVEREIGNTY PRIOR TO THE AFRICAN UNION

Before forwarding an overview of the inputs at play in explaining *why* Africa’s security norms changed in the OAU’s transformation to the African Union, it is first imperative to explain exactly *what* changed. Thus, the following section briefly recounts the evolution of the postcolonial African international sovereignty regime. In so doing, it offers an account of what sovereignty looked like before the shift to the AU and the inclusion of Article 4(h), subsequently highlighting the causal factors in the third section that may have been at play in facilitating such a shift.

With Ghana’s independence in 1957, the weight of the Westphalian system bore down on Africa. Former colonial subjects could not revert to existence in the non-formally stated societies in which many had lived

prior to their collision with Europeans; the Yorùbá or Zulu empires that had once served as the organizing unit of politics were not acceptable actors on the international stage. Rather, African leaders were obliged to adhere to the “extraordinarily powerful template” of sovereignty created by the United Nations that “molded international society” to agree that the only legitimate international participant was that of the state. In Africa then, to be free of European occupation was necessarily to inherit the state. Having accepted the state form in theory, leaders were then left to decide just what new African sovereignties would look like: by and large African leaders were in broad agreement that they would retain the boundaries established by the colonial powers. Though not all pre-sovereignties accepted colonially demarcated borders—the Somali Republic being the prime example—in general, these borders were inherited with minimal resistance, as they afforded new leaders the much coveted windfall of internationally recognized juridical sovereignty.²⁷

But the new territories over which these leaders now claimed dominion were in almost all cases larger than the central government could realistically control. As such, Robert Jackson has described (somewhat contentiously) that what ultimately arose in Africa during the postcolonial period were “quasi-states”: entities which were recognized as legally sovereign by the *external* international community, but which lacked effective *internal* control.²⁸ Put otherwise, the Janus-faced nature of international sovereignty meant that the intra-Africa regime was one of “negative” sovereignty: African states were allowed to endure not because of their internal capabilities to protect and govern populations, but because external actors—both neighboring African states and the international community—each had its own reasons to maintain the international status quo.²⁹ With the recognition that they all found themselves in the same tenuous position, leaders were made acutely aware that to ensure that the intra-African sovereignty regime did not collapse (by aggressive acts of state takeover by neighbors) they would be obliged to work together to ensure a continental peace.

But how was such sovereignty-respecting friendship to be ensured among postcolonial African states? Rapidly, the question of an African political union came to the fore. Beginning in 1958, Ghana and Guinea formed a political alliance, and were joined by Mali in 1960 to form the Ghana–Guinea–Mali Union (also known as the Union of African States). Though the union ultimately collapsed, it nevertheless served

as the ideological basis for more attempts at supranational organizations responsible for transnational African governance.³⁰

Thus, on May 25, 1963, African leaders cemented the friendship they needed for the endurance of their states by creating the Organization of African Unity. Outwardly decrying their mutual experiences of colonialism and promoting an ethos of pan-African unity, the OAU's more important purpose was to protect borders via the assurance of interstate peace. To this end, the OAU's (1963) Charter melded the dictates of non-intervention, non-interference, and a respect for state sovereignty with an emancipatory pro-African, anti-colonial rhetoric. A reference to the OAU's Charter highlights the expedient marriage of the two concepts, in calling for:

1. The promotion of the unity and solidarity of African states;
2. The coordination and intensification of their cooperation and efforts to achieve a better life for the peoples of Africa;
3. The defense of the sovereignty, territorial integrity, and independence of African countries;
4. The eradication of all forms of colonialism from Africa.

Yet several dilemmas with the OAU's scheme of sovereignty protection arose in the decades following its creation. The first dilemma created by the OAU was that African states did not actually view the organization as an entity to which they would cede substantial degrees of sovereignty. At the beginning of the project, Ghana's president Kwame Nkrumah advocated that the newly independent states cede substantial sovereignty related to numerous functions of statecraft to a would-be pan-African federal government akin to the USA, that would coordinate economic, and foreign and defense policies, and oversee a singular African citizenry.³¹ Far from adopting such wide-ranging measures, leaders instead made the tacit agreement among themselves that the OAU was to be employed instrumentally to ensure that the intra-African order did not collapse. Rather than becoming an organization that could constrain states' domestic or international actions, the OAU came to stand for the principles of sovereignty protection.³²

A second dilemma of the postcolonial African sovereignty regime was that it allowed leaders' assured protections of non-intervention if they elected to perpetrate crimes against citizens of their states. In short, African sovereignty came to be manipulated as a tool that afforded

leaders the legal and practical ability to extract resources, capital, and power from their societies, typically in the service of entrenching their own political positions.³³ Both because of its language on non-intervention and collusion in similar acts by its constituents, the OAU was precluded from intervening, even in the case of extreme human rights violations. All too aware of this fact, postcolonial leaders took this system to imply a blank check for poor behavior. Most infamous of these unsavory leaders were Fernando Nguema in Equatorial Guinea, Idi Amin in Uganda, and Jean-Bédél Bokassa in the Central African Republic. To this end, Ernest Wamba dia Wamba has argued that since Africa has inherited the norms of international sovereignty, African society has been “forced to service the state, which is controlled by an authoritarian gang of people.”³⁴ Bayart, Ellis, and Hibou in this regard have described the “criminalization of the state”³⁵ in Africa while Mahmood Mamdani refers to the phenomenon as “decentralized despotism.”³⁶ Christopher Clapham writes:

Monopoly statehood, as the mechanism favored by the great majority of independent African rulers, had as its external corollary the insistence on a juridical sovereignty which, while ostensibly protecting the state and nation against illegitimate external interference, actually provided privileged access for rulers of the state to the external resources which they could use to impose their power at home...The result was that sovereignty became the pretext for assuring external support for an increasingly disreputable and often brutal collection of domestic autocracies.³⁷

Thus, the OAU’s norms around sovereignty were in clear need of alteration.

WHY DID NORMS ON SOVEREIGNTY CHANGE? A LEVELS-OF-ANALYSIS EXAMINATION UNDERLYING THE EMERGENCE OF ARTICLE 4(H) OF THE AFRICAN UNION’S CONSTITUTIVE ACT

While the last section highlighted the reasons of the need for a rethinking of sovereignty, what were the forces at play that led the new African Union to adopt the language of Article 4(h), which shifted the intra-African notion of sovereignty as “non-interference” to sovereignty as “non-indifference”³⁸? As noted, numerous scholars, whose work is presented

subsequently, have weighed in on the question. Yet, explanations of sources in general remain diverse, scattered across various levels of analysis and spanning various periods and events in international and African social, political, and economic history. Moreover, they are generally non-explicit about the inter-subjective and multi-causal nature of the explanations that they proffer. Though this chapter takes their suggestions—and thus does not seek to disprove any extant work—it argues instead that the breadth of existing explanations *all* likely play some role as inputs to the decision. While no existing explanations are necessarily “wrong,” the only “right” way to understand the emergence of Article 4(h), and the attendant new sovereignty regime, lies in synthesis of inputs across all levels of analysis in the formation of a consciously multi-causal, and multi-level explanation.

Before concluding: three caveats. First, while the vast majority of African international relations literature has suggested that the norm of non-intervention was a paramount force in early postcolonial African interstate relations—and indeed, it often was—states’ reverence of non-intervention was never as deep as has historically been suggested. Numerous instances of aggressive behavior between states can be seen, even interstate military interventions.³⁹ The second caveat that must be forwarded here relates to the extent to which the African Union’s *legal* shifts actually led to *practical* shifts in the organization’s behavior. In short, simply because organizations include formal language demanding or forbidding particular actions, member states need not necessarily follow them or invoke them in practice. To this end, and despite the fact that those like Fagbayibo call Article 4(h) the AU’s “strongest element of a normative supranationalism,”⁴⁰ most observers of the African Union are in agreement that, despite the juridico-normative changes that ostensibly accompanied Article 4(h), truly significant changes in actual African state foreign policy behavior have not really been forthcoming.⁴¹ That, as of mid-2015, the AU had never invoked Article 4(h) to justify peace operations, this assessment seems reasonable.⁴² Nevertheless, the underlying assumption argument is that normative change *is* present, despite the fact that 4(h) has never been invoked: the fact that the AU now has multiple peacekeeping operations deployed throughout the continent, despite not having invoked 4(h) as such, emphasizes the imperatives of collective security provision, as what is now “good and appropriate behavior” and a stark divergence from the past. A third caveat to note is that due to space limitations, this chapter does not claim to be a fully exhaustive overview of the

various phenomena or hypotheses that have been forwarded to explain the emergence of Article 4(h). Rather, it simply presents a variety of discussions and rationales to emphasize that focusing on even one factor or set of factors at a single level of analysis inherently obscures the explanatory power of important other independent variables.

Following, this chapter traces how various observers of African international relations have understood the rationales underlying the inclusion of Article 4(h). In so doing, it first presents the ways in which observers have understood the *external*, extra-African environment to have informed the adoption of the new norms, particularly in presenting discussions from three predominant strains of international relations theory. Finding an explanation from solely external inputs insufficient, the second section then details the various *internal* African actors—at the pan-African, regional, statist, and leader levels—that informed, along with global forces, the adoption of Article 4(h).

Non-African Inputs

The following section presents system-level hypotheses from three schools of IR scholarship—realist, liberal, and constructivist—explaining the shifts in continental norms for international intervention from the predominant non-African inputs. One of the primary explanations for the inclusion of Article 4(h) is (neo)-realist in nature, and suggests that its inclusion was underwritten or at least facilitated—though not necessarily caused—by changes in the systemic (global) distribution of power. A neo-realist explanation of the story runs as follows. During the Cold War, the USA and the USSR each had their “clients” in Africa, whom they supported with various political, military, and economic incentives. Upon the collapse of the Soviet Union in 1991, both powers retrenched from Africa: the USSR as a result of domestic turmoil, and the USA due to reduced exigency to maintain a presence in the former ideological battleground. With their departure, a “security vacuum” emerged, destabilized the continent, and led to the proliferation of crises by cutting off former sources of income drawn from forms of “extraversion” from international, non-African patrons.⁴³ The subsequent uptick in conflicts and inability to rely on the superpowers thus signaled to African states that they needed to “get serious” about collective security, and led to the opening of the ideological landscape about long-held ideas about sovereignty.⁴⁴

A similar—though distinct—explanation as to how the end of the Cold War informed norms of African sovereignty comes from constructivists. Predictably, this explanation has more to do with shifts in identities, and not, in the realist vein, the distribution of military and material resources. In this view, African states' identities changed in relation to each other and to non-African actors at the end of the Cold War. The suggestion is that the abandonment of the continent by both superpowers led to a sense of jilting, which changed the ways that African states understood themselves and their relationships with other African states:

[P]ost-Cold War developments initiated a discernible change in the continental self-conception. In what Uganda's President Museveni had called a "decade of awakening" in the face of an increasingly felt impact of globalization on Africa's desolate economies, waning superpower interest and the proliferation of horrific humanitarian catastrophes on the continent, Africa began to experience a new wave of cooperative Pan-Africanism. Driven by a growing sense of urgency and a feeling of disappointment and distrust in the international community and its motives, capabilities and willingness to get involved in African affairs, the continent's leaders realized ... they had to cooperate with each other and together take charge of Africa's destiny.⁴⁵

Yet, the attribution of the end of the Cold War as having drastically altered everything about the nature of African international relations, especially understandings of sovereignty, is in and of itself unsatisfying. For one, reliance on systemic-level explanations over-determines the importance of external actors on the continent *during* the Cold War—which, except in a handful of key states such as Ethiopia, Somalia, and Angola, was rarely ever truly deeply profound enough to have left a devastating security vacuum upon their exit. Second, explanations that the Cold War led to a proliferation of conflicts after its conclusion overlooks the existence of the roots of numerous post-Cold War conflicts during the Cold War era.⁴⁶

Some authors have added nuance to the "end of the Cold War" explanation for the emergence of Africa's new sovereignty interpretation, making it at least partly more palatable. For his part, Wright has suggested the departure of the USA and the USSR did not directly cause the adoption of new norms, but instead, *facilitated* the domestic African conditions necessary for the reformation of such changes to begin. For instance, rather

than imperiling the continent, the retrenchment of superpowers reduced African states' perceptions of external security threats, thus allowing them to focus more on the internal dimensions of the continental security regime.⁴⁷ For his part, Eboe Hutchful thinks that the end of the Cold War simply highlighted to African states the starkness of insufficiencies:

A stress on the geopolitical dimensions as a key component to comprehending recent changes in Africa's security landscape would be misplaced. ... This external element serves merely to expose the fundamental causes of Africa's security crisis, located in the breakdown of internal governance and security structures within African states.

And finally, the constructivist explanation also fails to convince. The notion that African identities changed so substantially upon the departure of the superpowers suffers primarily from a lack of specification of causal mechanisms linking such a change in identities to the shift in norms as such. Yet it more troublingly makes the very odd assumption that African political self-perceptions were so firmly constructed in relation to the superpowers that they suffered crises of identity upon the departure of the latter.

The third genre of international relations theory that proffers a systemic explanation for changes in African collective security norms is the neoliberal institutionalist school. In this understanding, it has been suggested that norms about sovereignty and human rights that had been established at the global, systemic level from international organizations—particularly the UN—in essence “trickled down” into Africa, where they were then enshrined within the new AU's Constitutive Act. As might be expected, the “global norms” here in question are related to the responsibility to protect, or R2P, norm.⁴⁸ First introduced by discussions by Médecins Sans Frontières founder Bernard Kouchner and professor Mario Betatti, the framework was developed further academically in the 1990s by Francis Deng, supported by middle-power states like Canada, Sweden, and Norway; notably referenced by Kofi Annan's agenda for UN reform *In Larger Freedom*; and forwarded globally most prominently in a 2001 International Commission on Intervention and State Sovereignty report.⁴⁹ In sum, the R2P doctrine is at the core of all global norms about the international community's right to intervention in a state when that state is not fulfilling its expected duties of serving as a protector of, and not a threat to, its citizens. The notion of “sovereignty as responsibility”

thus emerged, and articulated that states that could not or would not protect their populaces from harm did not have the right to historical protection of non-intervention as conceived of by the Westphalian notion of sovereignty.⁵⁰

Given the ascendancy for the R2P framework globally, within neoliberal institutionalist predictions of normative change, three specific lines of thought are offered for the inclusion of Article 4(h). The predominant neoliberal, systemic explanation suggests that international leaders *applied pressure* on African states to adopt the new norms. In a broad sense, various authors have noted the tendency for Western powers in the post-Cold War era to demand a host of neoliberal reforms to African states seeking the receipt of foreign aid⁵¹—not only in relation to the protection of human rights, but also in relation to improved governance, transparency, and democratization—in exchange for development assistance and private capital investment.⁵² Thus, the first of three neoliberal explanations for the norm shift suggests that the inclusion of Article 4(h) in the AU was precipitated by the need for preeminent African states, in the protection of their international image for donors, to agree to new forms of good governance.⁵³ Nsongurua Udombana for instance has suggested that the norms embodied in the AU might be considered something of a public relations ploy aimed at bolstering individual states' international images for wealthy, liberal donor states.⁵⁴ Or, as Haggis writes:

According to this account, the key motive behind Article 4(h) was not a genuine commitment to alleviate human suffering but the more self-interested goal of enhancing African states' international reputation in order to reap the economic benefits associated with good international standing. Article 4(h) was thus a means to an end (development assistance and foreign direct investment) and the decision to adopt a right of intervention for the AU was made according to the logic of consequences, rather than the logic of appropriateness.⁵⁵

A second liberal explanation suggests that rather than being compelled to change as a result of international *pressure*, the emergence of the new norms was more coincidental, and suggests that African states were in a dialectical process of norm construction at the global level. Rather than being *forced* to include new language, the imbuing of such norms was simply the result of the AU coming to existence at a time when radical new takes on post-Westphalian sovereignty were simply *de rigueur* globally. Thus, the rationales in this vein suggest that the AU, in effect, learned and adopted the norms from the UN: they weren't necessarily

forced upon African states, though African states did not create the norms wholly on their own. In this explanation, then, the radical shift in the conceptualization of sovereignty can be thought to be driven more as a byproduct of the genesis of a new organization which was able, *tabula rasa*, and as the newest major regional organization, to instill within itself the progressive legal norms contemporarily available. Africa, while exerting agency in the adoption of norms, was in some sense a bystander in the wake of normative shifts at the global level more generally.

Yet, what most liberal, systematic explanations overlook is that African states, rather than being (a) pressured or (b) equal members of a dialectical process of transnational norm construction, were instead (c) *at the forefront of creating global changes themselves*. Consistently under-discussed is that the African Union was the first major international organization to incorporate language on the responsibility to protect into its constitutive act: thus, its *de jure* commitment predates even that of the UN.⁵⁶ To wit: while the African Union Constitutive Act was being ratified in 2002, most non-African members of the United Nations General Assembly and Security Council were only themselves beginning to sign on to UN legislation even *mentioning* the responsibility to protect. The first major instances of UN member state commitment to the *idea* of R2P came at the 2005 World Summit at the UN headquarters in New York, in which states committed, in UN Security Council Resolution 1674, to the “unambiguous acceptance of collective international responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”⁵⁷ Yet, it was only the next year, in April 2006, that the UN Security Council passed its first (legally binding)⁵⁸ resolution in relation to the responsibility to protect, when members passed UNSC Resolution 1706, invoking the language of the “responsibility to protect”⁵⁹ in relation to the crisis in Darfur, Sudan.

Such a chronology should lay to rest the notion that the R2P ideology imbued within Article 4(h) was externally imposed upon the nascent African Union by the UN. Admissions from senior UN officials speak for themselves. In no uncertain terms, UN Secretary-General Ban Ki-moon, in describing the relationship of the UN and regional and sub-regional organizations on the responsibility to protect, wrote:

Regional and sub-regional bodies, such as the Economic Community of West African States (ECOWAS), the African Union, and the Organization for Security and Cooperation in Europe (OSCE), were in the vanguard of international efforts to develop both the principles of protection and the practical tools for achieving them. The United Nations followed their lead.⁶⁰

Or as Edward Luck, Special Advisor to the United Nations Secretary-General, declared: “the responsibility to protect really came from Africa, and the African experience” and “emerged, quite literally, from the soil and soul of Africa.”⁶¹ And in a statement to the UN Security Council in 2004, the then-UK ambassador and permanent representative to the UN, Sir Emyr Jones Parry, stressed the magnitude of Article 4(h):

The African Union has made rapid strides in a very short period of time ... It even recognizes the principle—*which no one outside Africa has done*—that an intervention in a territory may be permissible if a Government is not protecting its own citizens ... and that intervention, if necessary, can be made against the wishes of the country concerned. That is immensely far reaching.⁶²

What then are we to make of the arguments for systemic sources of shifts in African collective security policy regarding sovereignty and non-intervention? In short, both realist and constructivist explanations add to our understanding only insofar as they suggest that global forces might have *facilitated* the conditions for new outlooks on sovereignty—though did not *cause* them—while predominant liberal explanations, in emphasizing the new circulation of norms regarding R2P at the global level, nevertheless get the direction of causality about the origin of the norms wrong. Or at the very least, liberal systemic explanations typically overemphasize Africa’s *receipt* of normative frameworks while downplaying its agency as a *generator* of norms. While it does seem clear that shifts in the international environment did have some bearing on the generation of Article 4(h), the language itself must be understood with reference, not least of all, to a host of African actors themselves.

African Inputs

While illuminating to a degree, relying exclusively on the aforementioned non-African inputs as having primarily informed the continental adoption of Article 4(h) is insufficient primarily in that such a strategy gives virtually no agency to African policymakers, states, and institutions themselves. Thus, this section delves into four African levels of analysis—pan-African

phenomena; regional organizations; states; and leaders—to elucidate the various ways that actors at each informed the adoption of new African norms of sovereignty.

Pan-African Factors

Certain scholars have cited institutional factors at the level of the Organization of African Unity to have been at the heart of the change regarding the inclusion of Article 4(h). Sundry rationales as to just how the OAU served as a predecessor in the creation of the norms that would become imbued within the AU are detailed below.

The first rationale relates simply to the notion of the “appropriateness” of the inclusion of such language: the inclusion of new norms was a byproduct of the OAU’s collective historical inaction in the face of mass violence. This inaction led to an indelible recognition of the need for African states to abandon their non-interventionist outlook and adopt more bio-centric, or human-centered, approaches to security. Various instances of mass violence—this explanation runs—eventually engendered the recognition of the need for norm reformation. The chronology of examples is diverse: beginning with violence in Rwanda (1963–1964); the attempted Katanga secession in Zaire (1967); followed by the failed Biafran war of independence in Nigeria (1967–1970); violence in Burundi (1972); Idi Amin’s reign of terror in Uganda (1970–1980); the Marxist “Red Terror” in Ethiopia (1977–1978); the First Liberian civil war (1989–1996); the collapse of Somalia (1993–1994); the Rwandan genocide (1994); and the conflict in Burundi (1997).⁶³ In each of these instances, it could be argued, the African international community was “ingloriously quiet” using, Carolyn Haggis’s⁶⁴ words, leveraging the OAU’s norms of sovereignty as non-intervention in what Donald Puchala⁶⁵ has referred to as “moats around national elites” and leaders. This reasoning, in other words, suggests a gradual, historic–functionalist explanation of the change in the nature of norms embedded in the AU Constitution. African states, having witnessed instances of mass violence since the 1960s and beyond, and thereby impacted psychologically, created a set of statutes to prevent mass violence in ways previously seen.

Many astute observers of African international relations have broadly forwarded this “intuition of adoption” or as Finnemore⁶⁶ calls it, the “logics of appropriateness” argument, based in the notion of historical inadequacy of the OAU’s stance on sovereignty specifically, or on the broader recognition that by the early 1990s, “the contemporary challenges faced by the continent were no longer the same as those of [OAU’s founding in] 1963.”⁶⁷ For instance, Ben Kioko writes that: “The decision by the Assembly of Heads of State and Government of the OAU who adopted the Constitutive Act of the African Union to incorporate the right of intervention in that Act stemmed from concern about the OAU’s failure to intervene in order to stop the gross and massive human rights violations witnessed in Africa in the past.”⁶⁸ Maluwa relays that:

In an era in which post-independence Africa has witnessed the horrors of genocide and ethnic cleansing perpetrated on its own soil and against her own kind, it would have been absolutely amiss for the Constitutive Act to remain silent on the question of the right to intervene in respect of such grave circumstances as war crimes, genocide and crimes against humanity.⁶⁹

Within these explanations, a great number of scholars cite in particular the psychological impacts of inaction during the Rwandan genocide as having played an integral role in the adoption of Article 4(h). For her part, H el ene Gandois⁷⁰ insinuates that leaders have since been dealing with how to avoid another genocide since Rwanda, where Paul Williams forwards more definitively that “the introspection that followed the 1994 Rwanda genocide was a major catalyst in prompting the subsequent shift in the normative climate of African society.”⁷¹ Many others have forwarded broadly similar suggestions, also noting the psychological effect that inaction during Rwanda had on members of the United Nations as well.⁷²

Authors’ explanations of just how these instances of inaction causally translated into the adoption of new norms have also been varied. Williams has suggested that these glaring failures were impactful in their ability to generate discussion about the importance of norm reformation within the OAU secretariat, all of which led to acceptance, in 1995, of the OAU’s endorsement of the necessity of “ready contingents” within national armies to be able to respond to conflicts.⁷³ In another explanation, Haggis has

argued that the shift in norms was less the product of the Rwandan genocide *per se*, but rather, a question of timing: she has suggested that the timing of the OAU's July 2000 release of its internal report (*Panel on the Rwandan Genocide*), which offered scathing critiques of OAU inaction, coincided with discussions on the creation of the AU in ways that led to a more innovative agenda for intervention than might have otherwise been expected.⁷⁴

The second explanation at the pan-African level for the inclusion of Article 4(h) is that the process of the change in norms was one that had been in development for decades anyway: rather than being a radical departure as some have suggested, the inclusion of Article 4(h) was simply the next logical step in a piecemeal evolution on the OAU's understanding of sovereignty. In short, though the OAU was initially clear that non-intervention was to remain the norm, as time progressed even it broke its own rules. Beginning in 1981, the OAU itself launched its first attempt at intervention in Chad. Following, the first instance of the continent's movement toward allowing intervention in member states' conflict occurred in 1993 in Cairo with the establishment of the OAU Mechanism on Conflict Prevention, Management, and Resolution.⁷⁵ Thus, the AU Constitutive Act simply reinforced the Cairo Declaration.⁷⁶

A third AU institutional explanation has also been proffered at the pan-African level, and suggests that the personalities within the AU Secretariat sought the inclusion of Article 4(h) to ensure that sub-regional organizations (especially ECOWAS), which were becoming more prominent players in the African security arena, remained subordinate to the pan-African Union. The inclusion of Article 4(h) might be thought of as the fight to "keep the continental organization relevant" in the face of expanding mandates of Africa's regional economic communities (RECs).⁷⁷ Thus, in this explanation, it was members operating within the OAU Secretariat—not member states themselves—who sought to ensure that the AU retained top hand in the continental security agenda. It was then the OAU as such that was serving as a "norm entrepreneur."⁷⁸ As Franke puts it, by 1993, the OAU was "still lagging far behind the proactive stances towards conflict management of regional organizations such as ECOWAS," thus the OAU remained "a peripheral actor compared to the UN and regional organizations like ECOWAS."⁷⁹ The move for the AU to include new liberal norms

on intervention, then, could theoretically be attributed to, as Haggis writes, “the OAU’s purported search for relevance in an institutionally-dense security environment.”⁸⁰

Other pan-African inputs have also been noted. Haggis, in her exhaustive overview of the emergence of Article 4(h), has compiled a list of various other suggestions at a broadly pan-African level, including the suggestion by S. Neil MacFarlane and Yeun Foon Kong about the desire for more African ownership over collective security; Alex Bellamy’s insinuation about Article 4(h)’s utility to deter Western intervention; and Jean Allain’s suggestion that the inclusion of 4(h) related to consternation from African actors about the UN’s inaction in intervening in conflicts.⁸¹ Apart from those that she has compiled, other inputs that authors have noted include the insufficiency of extant OAU mechanisms in dealing with conflict due to their tendency to be hamstrung by members to the conflict⁸² and the inclusion of Article 4(h) as broadly reflective of desires of African civil society,⁸³ especially the role of women’s rights activists.⁸⁴ Yet problems arise from claiming that the OAU or other pan-African forces were exclusively at the heart of engendering a new AU security framework. Explanations of this genre are functionally tautological. To suggest that the AU imbued itself with new norms of pro-intervention simply because it wanted to gives no explanation as to the source of the presences *within the institution itself*: where did such preferences for these norms come from at all? Thus, although as an interrogation of pan-African factors, these explanations give us some insight into the factors and conditions at play, they are unsatisfactory in painting a clear and wide-ranging picture.

African Regional and Subregional Factors

While regional explanations for the shifts in African continental security norms tend not to be common, they should not be overlooked, as they are far more compelling than typically assumed. Dembinski and Schott have offered a cogent explanation relating the importance of regional international institutions as concerns the adoption and dissemination of norms, writing that regional organizations are unique in that they:

Exert their influence ... by shaping the reception of emerging global norms regionally. [They] can either transport global norms to the national level, thus enabling a process of outside-in transmission, or block the adoption of global norms and articulate their rejection through their member states, thus performing an inside-out process of dismissal.⁸⁵

Two regional explanations for the nature of norm change can be forwarded. The first regional explanation that Africa's subregional organizations were at the heart of the AU's normative change regarding sovereignty is the common recognition that several of Africa's international organizations, most notably ECOWAS, have *always* been at the forefront of pushing forward ever-more liberal interpretations of sovereignty, especially as it relates to the possibility of collective intervention during times of conflict. To that end, the broad suggestion is that the essence of the language of Article 4(h), in fact, came from the AU's adoption of some of the most progressive ideas from smaller subregional organizations, whose mandates of the promotion of peace and security, among other goals, largely mimicked its own, and which had, in any case, developed more expertise in the area of peacekeeping than the O(AU) itself.⁸⁶

In a more specified linkage, many authors have argued that the AU's progressive interpretation of sovereignty and intervention in member conflicts was most heavily borrowed from ECOWAS, in West Africa. To be sure, ECOWAS has always been the leading African international organization as concerns collective security efforts. It broke new ground in 1990 with the deployment of the ECOWAS Monitoring Group (ECOMOG) intervention mission into its member state of Liberia to oust President Samuel Doe in 1990, serving as the first time an African subregional international organization had ever launched a peace enforcement operation. ECOWAS's subsequent interventions into Sierra Leone (1993) and Liberia (1997) reinforced the fact that, at least in Africa's western regions, norms of non-intervention were more a relic of the 1960s post-independence paranoia than a contemporary understanding of effective African statecraft in the less uncertain 1990s. Thus some like Katharina Coleman suggest that when it comes to establishing norms of intervention in Africa, ECOWAS has served as a "model for African organizations considering regional peace enforcement operations."⁸⁷

More acutely still, a compelling case for understanding the African regional inputs into the AU's adoption can be seen in that, beyond just their interventionist *actions*, ECOWAS and other African RECs were also at the forefront of creating *legal* frameworks to codify and thus justify these interventions, which the AU borrowed from substantially when it emerged in 2002. Indeed, throughout the 1990s, RECs in Africa set about on the process of revising their *own* founding treaties,

analogues to the AU's Constitutive Act, to reflect their own dismantling of the historical African norms of non-intervention. To that end, in 1993, ECOWAS revised its treaty to allow itself to better respond to collective security threats within the region, and in December 1999, it created the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, which, particularly in Article 25, allowed for collective responses to insecurity in member states.⁸⁸ For their part, members of the Southern African Development Community (SADC) created a similar instrument, the Organ on Politics, Defense and Security (adopted in 1996, entering into force in 2001), as did members of the Economic Community of Central African State (ECCAS), which created the Protocol Relating to the Establishment of a Mutual Security Pact in Central Africa (adopted in 2000, entering into force in 2004). As with ECOWAS, the adoption of these mechanisms "opened up the internal affairs of SADC and ECCAS members to collective scrutiny and allowed for some type of military response."⁸⁹ Thus, it has been argued frequently that the RECs have been the most progressive leaders on the continent when it comes to changing norms about continental security.⁹⁰

While an appreciation of the African regional forces moves us closer toward a more complete understanding of the origins of Article 4(h), some lingering concerns remain. One's struggle for greater clarity comes when the location of the source of such changes within the regions is to be pinpointed: although regional organizations created new norms themselves that the AU may have broadly mimicked, from where did *those* norms derive? Was it somehow the security culture of West Africa as such? Or, did progressive norms of intervention arise in West Africa during the 1990s behind the power of statist norm entrepreneurs, pulling the organization in a particular direction? To understand how and why organizations create specific outlooks, the observer must dig deeper into the preferences of its constituent member states.

African Statist Factors

Moving down from the level of the region to the level of the state, it has also been argued that the change in African collective security norms was brought not by the horrors caused by the collapse of *weak* African states,

but rather as a result of forceful leadership from *powerful* individual African states. Particularly, observers have underlined the roles of South Africa, Nigeria, and Libya in engendering a shift in norms.⁹¹ Concerning South Africa, Baimu and Sturman relay that South Africa had a “strong hand”⁹² in the drafting of the Constitutive Act. Christopher Landsberg understands South African leadership to be “instrumental in articulating a right to intervene in the internal affairs of member state and Peter Kagwanja argues that the African Union’s new stance on sovereignty has a ‘strong South African imprimatur.’”⁹³ Others have since argued that the responsibility to protect doctrine has become a “major pillar” in South Africa’s foreign policy.⁹⁴ Others, however, disagree.⁹⁵ Further hypotheses sit at the nexus of regional and statist explanations, suggesting that South Africa and Nigeria used their regional dominance to *de facto* pressure their neighbors into acceptance of Article 4(h), a proposition that is discussed subsequently.⁹⁶ Or, as Haggis articulates, “regional power dynamics, in other words, might be the silent reason why the AU was given this particular set of prerogatives.”⁹⁷

Others have looked at country-level forces from less powerful African states. Walter Lotze has outlined that certain African countries have been outspoken for the benefits of R2P within the context of the United Nations, particularly noting that “during a UN Security Council Debate on the responsibility to protect in 2005, it was three African states (Benin, Rwanda, and Tanzania) that provided strong support for the norm.”⁹⁸ Others have also looked back in African history and have cited Tanzania’s 1978–1970 invasion into Uganda as a turning point for the reformation of the norms of non-intervention. Tiyanjana Maluwa writes that the Tanzanian intervention “facilitated the emerging debate within the OAU on the need to rethink ... [the] principles of sovereignty and non-interference,”⁹⁹ while Baimu and Sturman relay that it got the OAU to “question its rigid interpretation of the notion of sovereignty.”¹⁰⁰

However, while superficially cogent, attributing the emergence of Article 4(h) norms to strong African states alone intuitively has its drawbacks. First, such explanations tend to suggest only that specific states were advocates of such language: relatively little attention is given to how and why coalitions for and against such norms emerged.¹⁰¹ Second, it overlooks the fact that assumptions of statist responsibility for new normative inclusions simply “blackbox” the state, with little reference to where statist

preferences themselves emerge. Indeed, in the history of African foreign policymaking, these have frequently been derived from individual leaders, the final level of analysis that will be investigated.

African Leadership Factors

A final and no less compelling explanation of the shift in ushering in such norms has been attributed to the efforts of specific African leaders. In undergirding the shift from the OAU to the AU, it has also been suggested that certain African leaders have served as so-called “norm entrepreneurs,”¹⁰² to borrow the phrase from Finnemore and Sikkink¹⁰³ encouraging the deepening of norms within the organization. At least three prominent scholars have landed on the role of leaders as the prime determinants of the inclusion of 4(h).

First, Thomas Teiku¹⁰⁴ has offered a fascinating analysis of the political bargaining processes that undergirded the shift of the OAU to the AU, concluding that the efforts of three leaders—Moammar Qaddafi (Libya), Olusegun Obasanjo (Nigeria), and Thabo Mbeki (South Africa)—made them the fundamental players that put the right of intervention into the AU Constitutive Act. Particularly, he argues that the 1999 elections of Obasanjo and Thabo Mbeki in Nigeria and South Africa respectively were imperative sources of the inclusion of the new norms. For his part, Obasanjo wanted other countries to help shoulder the responsibility of policing the West Africa region after the expensive Nigerian-led ECOMOG interventions in the 1990s, especially in light of Nigerian civil society backlashes against their costs.¹⁰⁵ For his part, Thabo Mbeki was motivated, it is argued, by a desire to deepen his liberal credentials and ingratiate himself with the international community, and by the imperatives of leadership that his African National Congress (ANC) party needed to evince.¹⁰⁶ These efforts coincided with the Libyan leader Moammar Qaddafi’s renewed push to use the OAU as a platform to counter his own international isolation.¹⁰⁷ After meetings were convened to ostensibly improve the efficacy of the OAU in July and September 1999, which ultimately led to the Sirte Declaration¹⁰⁸—including Qaddafi’s radical suggestion for the United States of Africa—most observers agree that the ultimate outcome version of the AU Constitutive Act was a conciliatory agreement by other states toward Qaddafi, or a process that Baimu and Sturman¹⁰⁹ have

referred to as carrying on OAU business while still keeping an overly radical Libya “inside the AU tent.”¹¹⁰

Second, for her part Carolyn Haggis,¹¹¹ in what is unquestionably the most thorough and well-articulated analysis to date of the genesis of Article 4(h), has also landed on leaders as being the primary determinants of the inclusion of Article 4(h). While she has investigated many of the above hypotheses as well, her analysis comes down to the roles of leaders, particularly within powerful states. In short, she suggests that Qaddafi’s dogged insistence on the adoption of a new stance of sovereignty—which notably, had nothing at all to do with a notion of humanitarian protection—made him the most important of the individual entrepreneurs, but that the efforts of other leaders in diluting his suggestions to be more palatable cannot be overlooked. In adding nuance to existing explanations, she has emphasized the role of Senegalese President Abdoulaye Wade in trying to salvage discussions when other members found the Libyan proposal overly radical. Others have emphasized the role of African leaders such as Nigeria’s Ibrahim Babangida and Yoweri Museveni in encouraging the opening up of conversations about the role of the OAU’s potential avenues for domestic conflict resolution mechanisms and the broader legitimizing role of South Africa’s Nelson Mandela.¹¹²

Beyond simply the norm entrepreneurship of statist leaders, others have cited that leadership from bureaucrats within the OAU itself might have been an important input in reforming continental security norms. Most cited in this regard is Tanzanian diplomat Salim Ahmed Salim, who served as the Secretary-General of the OAU between 1989 and 2001.¹¹³ Notable for the release of the 1992 report *Resolving Conflicts in Africa: Proposals for Action*, Salim is widely noted as a key catalyst in encouraging the OAU to become more open to inserting itself in member states’ domestic politics in instances of gross human rights violations. Thus, Gandois, citing Liberian president Ellen Johnson Sirleaf, notes that during the Liberian crisis of 1990, Salim asserted that “nowhere in the OAU Charter does it refer to the term ‘noninterference’ as meaning indifference to the plight of our people,”¹¹⁴ a notion that he put into action in 1999 in warning successive leaders in the Côte d’Ivoire—against the status quo of non-interference—about the potentially dangerous consequences of their actions.¹¹⁵

Of all existing interpretations, the role of African leaders in serving as the most fundamental inputs leading to inclusion of new outlooks on sovereignty is most cogent. Indeed, given the extensive nature of the OAU bureaucracy and its attendant potential veto points, it is hard to imagine the inclusion of such radical language without the backing of specific norm entrepreneurs like Obasanjo, Mbeki, Qaddafi, and Salim. Yet relying strictly on the interpretation of leaders as having ushered in the new norms overlooks both the changing international backdrop—particularly globally new thinking on the responsibility to protect—as well as the statist contexts—including legislatures, bureaucracies, and civil societies—that inevitably informed the context in which leaders could even forward suggestions. Apart from these critiques, the simple suggestion that leaders were at the forefront of precipitating such changes does not allow for a full interrogation into the micro-processes of cognition, rationality, and decision-making, which inevitably have at least some bearing on the resultant outcomes. Most importantly though, to distill explanations for the inclusion of Article 4(h)—arguably the largest about-face in the history of African postcolonial international relations—to a handful of state leaders is a gross simplification of a far wider-ranging series of phenomena that have, over the course of a half-century, all collectively contributed to the emergence of what has been hailed as a new dawn in African security relations.

CONCLUSION

Given the breadth of explanations that have been forwarded in the preceding pages, to suggest that there is a single, isolatable “cause” of the shift in African collective security norms that resulted in the inclusion of Article 4(h) has been shown here to be misguided. Instead of pinpointing one independent variable, a more accurate understanding of just why this shift has occurred should take into account various inputs at all levels of analysis in an attempt to construct a logical explanatory story. Especially when dealing with phenomena that are as intangible, fungible, and contested as norms—not least those that are purportedly stretching across the second largest continent in the world—some degree of opacity in our understanding seems to be inherent. Indeed, as has been shown, selecting any one level of analysis when attempting to understand normative shifts inherently overlooks both the more macroscopic and microscopic forces at play.

NOTES

1. See Packer and Rukare 2002, 365; Udombana 2002, 1181; Williams 2007; Tieku 2004.
2. See African Union 2002.
3. See Mwanaswali 2008, 47.
4. Indeed, as Haggis (2009, 10) notes, many legal scholars at the time were highly doubtful about the ability of any legal enshrinement of the right of intervention—much less in an African context—to the extent that “the likelihood that a right of humanitarian intervention would be codified in a treaty outside of the forum of the UN was almost entirely overlooked in the literature.”
5. See Haggis 2009, 85; Kinidiki 2003; Mwanaswali 2008, 47.
6. See Cilliers and Sturman 2002, 29; Haggis 2009, 2, 85; Mwanaswali 2006, 90; Mwanaswali 2008, 41; Packer and Rukare 2002, 372.
7. See Haggis 2009; Williams 2007; Franke 2008; Kioko 2003; Baimu and Sturman 2003; Tieku 2004.
8. See Moravcsik 1993, 6. See Ray 2001, 356.
9. See Smith, Dunne, and Hadfield 2012, 8.
10. See Smith, Dunne, and Hadfield 2012, 16.
11. See Singer 1961; Smith 1986.
12. See Allison 1969.
13. See Putnam 1988.
14. See Moravcsik 1993, 6.
15. See Hudson 2012, 31. See Smith, Dunne, and Hadfield 2012; Hudson 2014; Neack 2014.
16. See Finnemore and Sikkink 1998, 891.
17. See Williams 2007, 258.
18. See Sikkinks 1998.
19. See Finnemore and Sikkink 1998.
20. See Rüländ 2014.
21. See Kindleberger 1986.
22. See Volberding 2015.
23. See Lotze 2010, 35.
24. See Acharya 2004.
25. See Acharya 2004; Rüländ 2014; Williams 2007.
26. See Rüländ 2014, 183.
27. See Jackson and Rosberg 1982; Jackson 1993; Herbst 2000.
28. See Jackson 1993, 27.
29. See Jackson and Rosberg 1982; Clapham 1996.
30. See Mezu 1965, 40.
31. See Mezu 1965, 65.

32. See Foltz 1983.
33. See Clapham 1996.
34. See Wamba dia Wamba 1994, 252.
35. See Bayart, Ellis, and Hibou 1999.
36. See Mamdani 1996.
37. See Clapham, Herbst, and Mills 2006, 247.
38. See Mwanaswali 2008, 41.
39. As Haggis (2009, 60) writes: “During the Cold War, there were numerous cases in which African states used subversive tactics against other African states. For example, Congo–Brazzaville and the Malagasy Republic supported Kataganese secessionists, and Arab countries in North Africa supported Eritrean secessionists. Similarly, Sudan worked to subvert Eritrea and Chad, Somalia labored to destabilize Ethiopia, Algeria strove to undermine Western Sahara, and Libya toiled to weaken Sudan, Western Sahara, and Chad. There were also instances in which African states intervened militarily in their neighbors. To name just a few, Tanzania launched a military incursion into Uganda in 1979, Libya intervened in Chad and Tunisia in the early 1980s, and Somalia intervened in Ethiopia in 1982.”
40. See Fagbayibo 2013, 415.
41. See Zähringer 2013, 199–200; Haggis 2009, 44; Dembinski and Schott 2013, 290; Williams 2007, 258.
42. See Dembinski and Schott 2013, 286.
43. See Bates 2010; Franke 2008, 318; Dersso 2014, 52.
44. See Packer and Rukare 2002, 367; Warner 2015.
45. See Franke 2008, 318–319.
46. See Kasajja 2013.
47. Though not stated explicitly in his work, this notion is broadly derived from Wright 1999, 9.
48. Yet, what the new tendency to allow intervention means is inherently contested. As Adam Branch (2014, 187) has written of the R2P concept: “Among its proponents, it has been called variously a norm, a doctrine, a concept, an idea, a principle, a framework, or a lens, while among its critics, it has been less charitably identified as an excuse, an ideology, a fad, a buzzword, or an empty slogan.”
49. See Dembinski and Schott 2014, 366; Kioko 2003, 808; Lotze 2010, 63; Zähringer 2013, 187.
50. Yet not all are convinced that the R2P norm is as “liberal” as its proponents would suggest. Adam Branch (2014, 189) forwards that from some African perspectives, the notion of R2P “represents just the latest excuse for Western intervention and aggression” and is “not even new ... considering

that ‘protection’ was the justification frequently given for intervention during the colonial period.”

51. These of course, have been most notable in relation to the neoliberal reforms demanded in the service of the international financial institutions’ structural adjustment policies (SAPs), but, in a bilateral sense, in relation to the USA’s so-called “Washington Consensus.”
52. See Wright 1999; Tiekou 2007, 253; Haggis 2009, 88.
53. See Haggis 2009, 88–90.
54. See Udombana 2002.
55. See Haggis 2009, 89. However, despite articulating the hypothesis, Haggis (2009, 193) finds little evidence that an economic explanation was actually at play.
56. See Zähringer 2013, 190.
57. See United Nations 2005.
58. The distinction of the UN Security Council passage of resolutions is important, given that they are the only legally binding decision (apart from budgetary matters in the General Assembly) that are made in the United Nations.
59. The UN Security Council has subsequently invoked its responsibility to protect civilians in conflicts several times since then, including in Libya in 2011 (UNSC Resolutions 1970 and 1973); Cote d’Ivoire in 2011 (UNSC Resolution 1975); Yemen in 2011 (UNSC Resolution 2014); Mali in 2012 (UNSC Resolution 2085); Sudan and South Sudan in 2011 and 2013, respectively (UNSC Resolutions 1996 and 2121); and Central African Republic in 2013 (UNSC Resolutions 2121 and 2127) and 2014 (UNSC Resolution 2134).
60. See United Nations 2011.
61. Quoted in Branch 2014, 187.
62. Quoted in Haggis 2009, 3.
63. See Paul Williams 2011, 150; Baimu and Sturman 2003.
64. See Haggis 2009, 58.
65. See Puchala 1998.
66. See Finnemore 1996.
67. See Packer and Rukare 2002, 366.
68. See Kioko 2003, 812.
69. See Maluwa 2001, 28–29.
70. See Gandois 2009, 16.
71. See Williams 2014, 148–149.
72. See Zähringer 2013, 190; Dembinski and Schott 2014, 372; Franke 2008, 92; Gandois 2009, 16; Williams 2014, 148–149; Dersso 2014, 52; Kioko 2003, 812; Williams 2011, 150; Mwanswali 2006, 89–90.

73. See Williams 2011, 151.
74. See Haggis 2009.
75. See Franke 2008, Chap. 5; Hailu 2011, 60. Franke (2008, 89) notes that even though the 1993 creation of the OAU Mechanism for Conflict Prevention, Management, and Resolution signaled the beginning of the second wave of the African peace and security landscape, enthusiasm among member states remained low: particularly, they preferred that the OAU focus on the prevention of conflicts, rather than on managing coordination efforts in the aftermath of the outbreak of violence.
76. I attribute this observation to an anonymous reviewer.
77. See Haggis 2009, 97–100.
78. See Murithi 2012; Dembinski and Schott 2014.
79. See Franke 2008, 88, 91.
80. See Haggis 2009, 98.
81. See Haggis 2009, 16.
82. See Kioko 2003, 814; Udombana, 2002 182.
83. See Maluwa 2003.
84. See Tieku 2004, 263–264.
85. See Dembinski and Schott 2014, 362–363.
86. See Franke 2008, 88.
87. See Coleman 2007, 73.
88. See ECOWAS 1999; Williams 2011, 152; Haggis 2009, 143–153.
89. See Williams 2011, 152; Haggis 2009, 146–148.
90. See Franke 2008, 88; Williams 2011, 152; Zähringer 2013, 190.
91. For more on the quality of African state leadership and legitimacy within various regions, see Gebrewold 2014.
92. See Baimu and Sturman 2003, 38.
93. Quoted in Haggis 2009, 92.
94. See Verhoeven et al. 2014.
95. See Haggis 2009, 196.
96. See Dembinski and Schott, 374–375; Haggis, 2009, 91–95; Tieku, 2004.
97. See Haggis 2009, 94.
98. See Lotze 2010.
99. See Maluwa 2004, 217.
100. See Baimu and Sturman 2003, 39.
101. A notable exception in this regard is the work done by Haggis 2009.
102. See Williams 2007, 276.
103. See Finnemore and Sikkink 1998.
104. See Teiku 2007.
105. See Teiku 2007, 259.

106. The South African support for the transition to the AU was part and parcel of the ANC (African National Congress) party's platform. Recognizing that the populist–socialist platform that brought it to power was increasingly unattractive in the neo-liberal 1990s and 2000s, it sought to adhere to new neo-liberal values in order to create a new image and to attract foreign investment for the purposes of South African nation-building (Tieku 2004, 253).
107. For more on Qadaffi's relationship with Africa, see Kioko 2003; Tieku 2004; Haggis 2009, 160–163.
108. For more on the 1999 Sirte Summit and its internal politics, see Franke 2008, 95; Tieku 2004; Haggis 2009, 163–166; Packer and Rukare 2002, 371.
109. See Baimu and Sturman 2003, 38.
110. See Baimu and Sturman 2003; Tieku 2007.
111. See Haggis 2009.
112. See Packer and Rukare 2002, 368; Tieku 2007.
113. See Gandois 2009; Tieku 2007; Mwanswali 2008; Haggis 2009, 137–141.
114. See Gandois 2009, 125.
115. See Mwanswali 2008, 50.

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