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## African Union Collective Security Architecture and Conflicts in Africa

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### Abstract

*Africa as a continent has been bedeviled with conflicts with their consequences. The causality conflicts have continued to change in their forms and content depending on the parties to the conflicts and their interest(s). Resolving these conflicts has constituted a great challenge to the continent hence the adoption of collective security architecture by the African Union to resolving these conflicts. This paper examines the African Union's Collective Security Architecture to see if it has achieved its goal of preventing and resolving conflicts and ensuring peace on the continent. The paper made use secondary data and analyzed the data using the arguments of functionalism. It discovered that the African Union collective security architecture has robust legal and structural framework to achieve its mandate but needs more implementing bite to achieve its purpose due to the ever challenging nature and dynamics of conflicts on the continent particularly as it affects the conceptions of what constitute security, governance and development on the continent. The paper therefore recommends among other strategies that African leaders should consider security in terms of development and good governance and collective investments that will ensure good life for the citizenry. These recommendations will help ensure peace and reconcile the contradictions that create conflicts on the continent.*

**Key Words:** Conflict, Security, Architecture, Development, Africa

### Introduction

The peace and security question in Africa just as in other parts of the world has assumed a new dimension in the Twenty First Century because of technological revolution and the emergence of terrorist/ militia groups, ethnic and religious agitations, resource induced conflicts and the emerging roles of non-state actors. Again, the changing position of Africa and African states in their engagements in international affairs as a result of increasing impact of globalization, poverty, migration and refugee crisis and issues of climate change amongst others have made it inevitable for the African continent to develop a more thorough and coordinated security architecture that will protect the continent and ensure that it resolve the conflicts confronting it. This became the major task of the African Union (AU) that

emerged out of the Organization of African Unity (OAU). To this effect, the African Union developed the African Defense and Security Policy which has fundamental legal and structural frameworks that are contained in the Constitutive Act of the Union and the Protocol Relating to the Establishment of the Peace and Security Council of the Union. The main objective of this new framework was succinctly captured in the preamble of the Constitutive Act which states *inter alia* that; "that member states are conscious of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent, and recognizes the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda".

According to Aning (2008:12), prior to the adoption of the Constitutive Act, several processes had been initiated towards establishing a collective African security regime without successfully achieving the mandate due to the lacunas that made the frameworks weak. The Constitutive Act therefore provided a new African Peace and Security Architecture (APSA) in order to build and strengthen African capacities for preventing, managing and resolving conflicts on the continent.

It is worthy to note here that, APSA emerged out of a desire by African Leaders to establish an operational structure to execute decisions taken in accordance with the authority conferred by Article 5 (2) of the Constitutive Act of the African Union. As earlier mentioned, APSA's strength is derived from its legal and structural framework created to help prevent, manage and resolve conflicts on the continent. This paper therefore, interrogates the legal framework and structures of this new security architecture so as to assess if the provisions have effective mechanisms to achieve its mandate.

### **Methodology/ Theoretical Underpinning**

The data for this paper was obtained from secondary sources of books, reports, resolutions and the content of the Constitutive Act of the African Union. This paper adopts the neo-functional theory in order to analyze the data. Tsuwa (2017:56) pointed out that, David Mitrany in 1968 popularized the theory of functionalism in international relations. Arguing based on the effect of the wars that occurred during his time, Mitrany (1968) discovered the inefficiency of the states in maintaining global peace and development and observed that, international cooperation is the best means of softening antagonism in the international environment. He argued that, peace is more than the absence of violence as it lays the ground for all other things to germinate. According to Tsuwa, Mitrany

recommended functional agencies for the execution of international cooperation on all issues affecting inter and intra-state combination of interest. Functionalism therefore creates a working system which is built around functional responsibility in managing those problems for which it creates consensus and cooperation. He called for this cooperation on the ground that, nation states, as political entities, were competitive, divisive and create destabilization forces in the international system and it is only through this that global peace and development can be guaranteed.

O'Neil (1987:33) supporting Mitrany argues that, the functional approach emphasize the common index of need. Much of such needs cut across national boundaries, not a few are universal, and an effective beginning for building up an international community of interest could be made by setting up joint agencies for dealing with these problems. These agencies or international organizations are to be empowered in all ramifications to enable them perform these functions.

Despite this support from O'Neil, Mitrany's functional ideology has been criticized for over exaggerating the role of rationality in his account of social behavior and for believing that the vagaries of politics to be so easily omitted from any balanced account of the operation of the international process. Mitrany's idealism on the elimination of war and the insurance of global peace created the foundation for neo-functional perspective to lay emphasis on the forces for international change generated by modern political economy. Neo-functionalists such as Hass (1964), Schmitter (1964) have argued that, for better management of integration, regional arrangements are better. They insist that, changes in the international systems and conditions vary regionally, so it will be more rational to cooperate on these issues. The neo-functionalists identified economic transactions

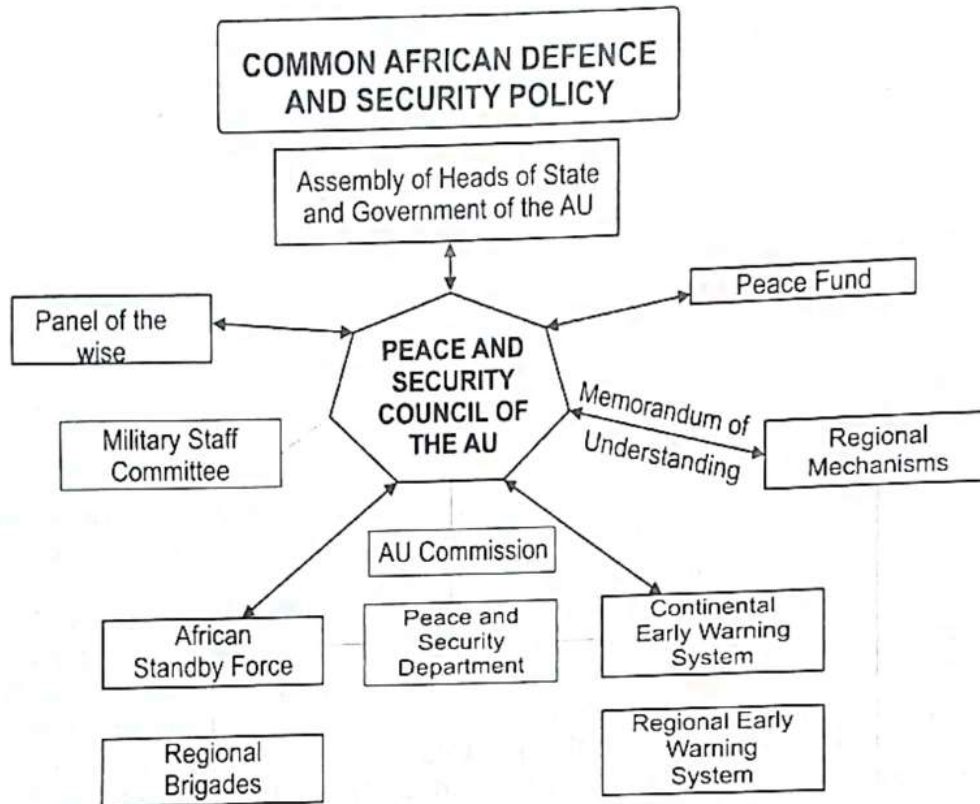
and welfare needs as the real sources of positive cooperation and they see regional integration as an intrinsically political process involving the need to reconcile social diversities and to balance the conflicting interests that exist in all societies, within a community framework.

The applicability of this theory here is based on the reality that it captures the real essence of the formation of international organizations particularly the African Union. The vision of the African Union is to create an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in global arena. The peculiarities of African conflicts have proven that there is need for regional collectivism that will tackle the root causes of these conflicts outside an imposing United Nation's strategy that in many cases concentrate on the symptoms instead of curing the disease. This theory is adopted here to galvanize Africans for greater functional integration especially in economic and knowledge based areas which will generate development and lead to good

governance which will in turn create an absence of violent conflicts on the continent. Ping (2009:5) summarized this desire by pointing out that Africa in the presence of comprehensive global economic, changes in climate needs to map up a common agenda and share its priorities on integration and cooperation in furtherance of sustainable development in the continent. A task all African countries will be responsible for. The above underscores the application of this theory and how the establishment of a functional integration will create peace and development in the continent.

#### **The Legal and structural framework of the African Union Collective Security Architecture**

The APSA legal framework, structures and functions as contained in the Constitutive Act of the African Union and the Protocol to the establishment of the Peace and Security Council of the African Union as contained in Art. 2 (2) are clearly demonstrated in figure 1 below.



**Source:** Culled from the report on Moving Africa forward: Africa Peace and Security Architecture Assessment Study, 2010

**a. The Peace and Security Council (PSC)**  
The PSC is the successor to the OAU Central Organ of the Mechanism for Conflict Prevention, Management and Resolution. According to Aning (2011:130), the PSC is made up of 15 elected members on the basis of equal representation. Article 5(2- a-h) of the PSC Protocol lists criteria and obligation of members. These includes: contribution to the promotion and maintenance of peace and security in Africa; participation in conflict resolution, peace-making and peace-building at regional and continental levels; willingness and ability to take up responsibility for regional and continental conflict resolution initiatives; contribution to the Peace Fund and/or Special Fund; respect for constitutional

governance, the rule of law and human rights; and commitment to AU financial obligations. The PSC Secretariat, which sits within the AU secretariat was established under Article 10 (4) of the PSC Protocol and its members meet in continuous session. The meetings of the PSC which is presided over by the chairperson can be held at three levels: permanent representatives, ministers or Heads of State and Government.

The Chairperson of the African Union may bring to the PSC's attention any matter that may threaten peace, security and stability in the continent, and may request briefings from PSC committees and other AU organs and institutions. Art.8 (13) provides that, PSC decisions are guided by the principle of

consensus and where consensus is not possible, decisions on procedural matters are taken by a simple majority and on substantive matters by a two-thirds majority. A member that is party to a conflict or an issue under consideration by the PSC may not participate in the discussion and decision-making process relating to it.

Art. 8(5) of the protocol authorizes the PSC to establish subsidiary bodies and seek such military, legal and other forms of expertise as it may require. The Military Staff Committee was established under Art. 13(8) of the PSC Protocol to advise and assist the PSC in all issues relating to military and security requirements for the promotion and maintenance of peace and security in Africa.

#### b. Panel of the Wise

The Panel of the Wise was developed based on African belief system that wisdom from highly respected African personalities gives knowledge and understanding of events that help in providing solutions to difficult issues. The Panel of the Wise usually consists of 'highly respected African personalities' selected on the basis of regional representation and appointed for three years to serve as a proactive conflict prevention team. Art. 11(1) of the PSC Protocol states *inter alia* that 'in order to support the efforts of the PSC and those of the Chairperson of the Commission, particularly in the area of conflict prevention, a Panel of the Wise shall be established'. Art. 11(2) of the PSC Protocol states *inter alia* that, the Panel of the Wise shall be composed of five highly respected African personalities from various segments of society who have made (an) outstanding contribution to the cause of peace, security and development on the continent. Art. 11 of the PSC Protocol, outlined the responsibility of the panel and its modalities as contained in (sections II(1), (2) and (3) specify the following as the mandate of the Panel:

- i. The Panel shall advise the Council and the Chairperson of the Commission on all issues pertaining to the promotion and maintenance of peace, security and stability in Africa
- ii. The Panel shall undertake all such actions deemed appropriate to support the efforts of the Council and those of the Chairperson of the Commission for the prevention of conflicts
- iii. 'The Panel may, as and when necessary and in the form it considers most appropriate, pronounce itself on any issue relating to the promotion and maintenance of peace, security and stability in Africa'

#### c. The African Standby Force (ASF)

Art. 13 of the Protocol in pursuant to Art. 4(h) and (j) of the Constitutive Act in the bid to perform its functions of deployment for Peace Support Operations provides for the African Standby Force (ASF) as a continental and multidisciplinary peacekeeping force with military, police and civilian contingents controlled and deployed by the African Union to conflict areas on the continent. The ASF recognizes the RECs in promoting peace and security in Africa. The Maputo Report of July 2003 which ratified it provided for five regional Standby Brigade forces: A North Africa Regional Standby Brigade (NASBRIG), an East Africa Standby Brigade (EASBRIG); a Force *Multinationale de l'Afrique Centrale* (FOMAC); a Southern Africa Standby Brigade (SADCBRIG); and an ECOWAS Standby Brigade (ECOBRIG). The same document defined six ASF deployment Scenarios. These are;

**Scenario 1:** AU/Regional military advice to a political mission

**Scenario 2:** AU/Regional observer mission co-deployed with a UN mission

**Scenario 3:** Stand-alone AU/Regional observer mission

**Scenario 4:** AU/Regional Peacekeeping force for Chapter VI and preventive deployment missions (and peace-building)

**Scenario 5:** AU peacekeeping force for complex multi-dimensional peacekeeping missions, including those involving low-level spoilers

**Scenario 6:** AU intervention, e.g. in genocide situations where the international community does not act promptly.

Article 13 of the Protocol specifically directs the following functions to the ASF;

- i. observation and monitoring missions;
- ii. other types of peace support missions;
- iii. intervention in a Member State in respect of grave circumstances or at the request of a Member State in order to restore peace and security, in accordance with Article 4(h) and (j) of the Constitutive Act;
- iv. preventive deployment in order to prevent a dispute or a conflict from escalating, an ongoing violent conflict from spreading to neighboring areas or States, and the resurgence of violence after parties to a conflict have reached an agreement.;
- v. peace-building, including post-conflict disarmament and demobilization;
- vi. humanitarian assistance to alleviate the suffering of civilian population in conflict areas and support efforts to address major natural disasters; and
- vii. Any other functions as may be mandated by the Peace and Security Council or the Assembly.

According to the Protocol, ASF is advised to cooperate with the United Nations and its agencies, other relevant international organizations and regional organizations, as well as with national authorities and NGOs, where appropriate in performing its functions. The detailed tasks of the ASF and its modus operandi for each authorized mission are to be considered and approved by the Peace and Security Council upon recommendation of the Commission.

#### **d. The Continental Early Warning System (CEWS)**

According to the AU basic facts publication (2005), early warning is a systematic collection and analysis of information on potential crises with the aim of developing strategic responses to relevant actors. According to Bahabtu (2011:34), early warning and response systems were first developed in Africa in the 1970s to deal with drought and to ensure food supplies to avoid humanitarian disasters. During the OAU regime, the Central Organ for Conflict Prevention, Management and Resolution (CPMR) was developed in 1993 as an early warning mechanism and by 1998, the Conflict Management Centre (CMC) was established as a component of the OAU Department of Peace and Security (PSD) under the name Conflict Management Division (CMD).

In 2003 during the Maputo summit, the AU Commission in its declaration emphasized on the issue of conflict prevention and the anticipation of conflicts at an early stage. Article 12(1) of the PSC Protocol specifically states that a 'Continental Early Warning System' to be known as the Early Warning System (CEWS) shall be established'. CEWS was therefore established and designed to liaise with the other structures of APSA as well as the various organs of the Commission, through the provision of analysis and timely reports to inform policy making and interventions. The CEWS consists of observation and monitoring units at all levels of APSA operations.

#### **e. The Special Peace Fund (SPF)**

Art. 21(1) of the Protocol provides for a special fund to be known as the Peace Fund. It provides that the Fund will be mobilize by African states from the regular budget of the AU, the voluntary contribution of member states, contributions from non-members states are other partners and miscellaneous receipts. The main purpose of the Fund will be to provide the necessary financial resources for

the functioning of the PSC especially for Peace Support Missions and the general peace and security question in Africa.

The above provisions shows clearly that, deriving from the base of the Constitutive Act of the African Union, the protocol relating to the establishment of the peace and security council of the African union has provided robust framework to help achieve the mandate of the Union.

### **The OAU and AU Collective Security Architecture: Observing the Differences**

Although the provisions of the OAU and AU are not contestable here, it is worthy to note that from the provisions of the Constitutive Act and the Protocol discussed above, there are sharp differences between the provisions of the AU collective security architecture that gives it more bit than what was obtainable during the OAU. Firstly, the OAU did not provide appropriate tools for member states to intervene in internal violent conflicts of states, the Protocol provides in Art.4 (j) that the Union can intervene in the internal affairs of a member state in circumstances such as war crimes, genocide and crime against humanity and to restore peace and stability to a member state where there is serious threat to legitimate order. Secondly, Art. 20 of the Protocol makes provisions for African people to participate in the governance process of their states through civil society organizations to ensure the rule of law and human rights and for the promotion of peace, security and stability which the OAU did not. As Enyila (2005:255) argues, the Protocol also provided for the condemnation and rejection of unconstitutional changes of government, restraint on member states from entering into any treaty or alliance that is incompatible with the objectives and principles of the Union; and prohibition of member states from allowing the use of their territory as a base for subversion against other members.

Thirdly, the OAU did not provide for punishment for member states that ignored the

decisions of the Organization, the Protocol of the African Union provides in Art. 23 that member states must be punished in terms of imposition of sanctions such as denial of transport and communication links, and other stringent economic and political measures. This has given more impetus to obedience to the APSA Protocol. Fourthly, the AU introduced and established in Art. 2 (1), in pursuant to Art. 5(2) of the Constitutive Act a Peace and Security Council which is a standing decision making body for conflict prevention, management and resolution which was not provided by the OAU.

The Protocol also provides in Art. 12 for early warning system to enable the Union identify frosty relationship and take action to prevent conflicts. The Act also provides in Article 19 for the respect for democratic principles, human rights, rule of law and good governance. According to Gawanas (2009:4), the Au recognized the importance of human rights and provided for human rights instruments such as the African Charter on Human and People's Rights (ACHPR), the African Charter on the Rights and Welfare of the Child (ACRWC), the Protocol of the African Charter on Human and Peoples' Rights On the Rights of Women in Africa (hereinafter Women's Rights Protocol), the Protocol on the Establishment of the African Court on Human and People's Rights, and the Charter on Democracy, Governance and Elections. These new advantages placed on the AU the responsibility of safeguarding the African continent from devastating conflicts, illegitimate governments amongst others.

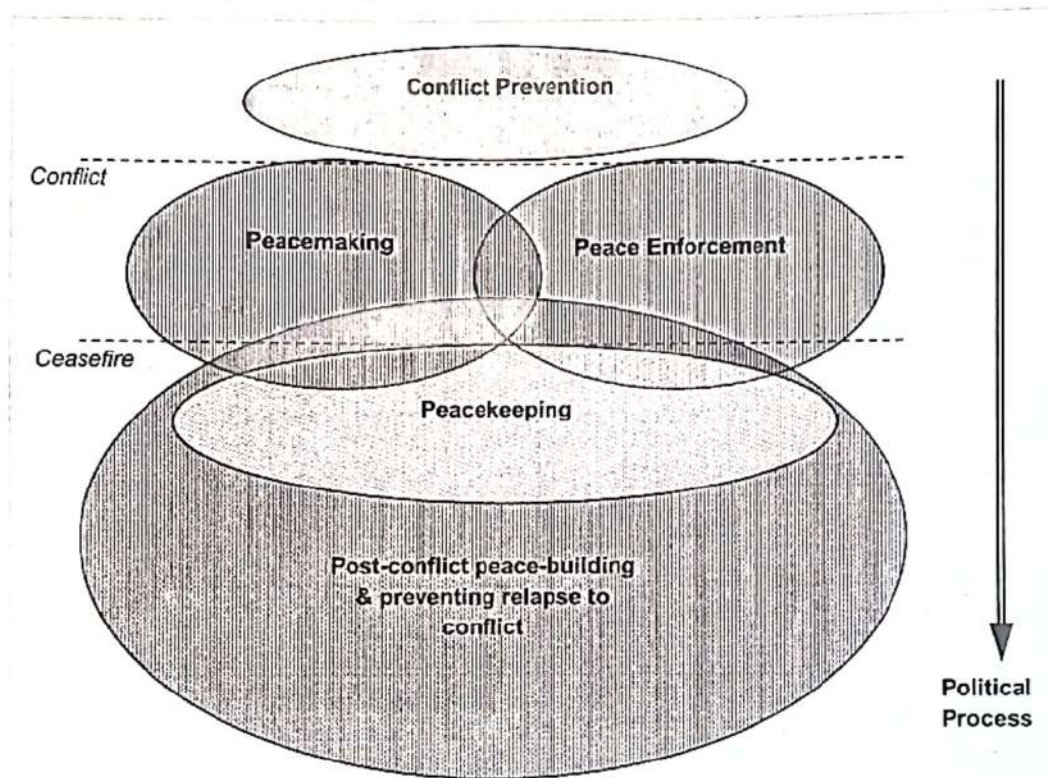
### **Assessing the Performance of the AU Collective Security Architecture**

From the aforementioned, it is clear that APSA has sound legal and operational framework to achieve its purpose. According to Sanda (2015:4), the dynamism in conflicts prevention, management and resolution and particularly in peace support operation

includes conflict prevention, peacemaking, peace enforcement and peace-building. To her, these activities do not have clear-cut boundaries in practice and do not necessarily

Figure 2 – Linkages and Grey Areas

occur in sequence even though for analytical purposes they are presented as such. Figure 2 below clearly shows dynamic nature of this activity in line with the arguments of Sanda.



Source: Capstone Doctrine 2008, p.10 as cited by Sanda (2015:5).

We can therefore argue that the provisions of APSA has complex mandate that cover political, security, humanitarian, human rights and developmental issues to achieve its task in line with the linkage –Grey areas that are dynamic. It is pertinent to at this point to bring out some of the areas that the AU new security architecture has shown the willingness to achieve its mandate.

1. **The Togo Experience:** The AU intervened when President Gnassingbé Eyadéma died on 5 February 2005 and in a bravado way, his son Faure Gnassingbé captured power and installed himself as the successor as against the speaker of

parliament who was constitutionally supposed to take over leadership. According to Reynolds (2002:4), with the rejection of his government by the AU, he was forced to conduct elections in May of the same year.

2. **The Mauritania Experience:** Mauritania witnessed a coup on 3 August 2005. The rejection of this coup by the AU was total and final to the extent that the AU suspended Mauritania from all organizational activities. As Joensson (2010:6) informed, the military Council that took control of Mauritania had no choice but to conduct acceptable elections

in 2007. When another coup took place again in that country in 2008, the AU again did not hesitate to suspend the country for the second time from the activities of the Union.

3. **The Darfur Experience:** The Military Staff Committee (MSC) under the ASF was also called to task when the AU established the African Union Mission in Sudan (AMIS) in Darfur to provide the necessary support in terms of how to undertake a military operation and how to establish the necessary mechanisms, since this was the first time that the AU had undertaken a full-scale peace support operation and without any previous experience or laid down operational procedures. The AU under the leadership of President Idriss Deby of Chad and the Chairperson of the African Union Commission, in 2004 engaged the warring parties in the Sudanese conflict and subsequently signed a Humanitarian Ceasefire Agreement (HCFA) on the Darfur Conflict and a Protocol on the Establishment of Humanitarian Assistance in Darfur. Under the HCFA, the parties agreed in principle to:

- i. Cease hostilities and proclaim a ceasefire, and facilitate the delivery of humanitarian assistance to Darfur and combine their efforts in order to establish a global and definitive peace in Darfur. This never happened.
- ii. Establish a Ceasefire Commission (CFC) comprising two high-ranking officers from the parties and members of the mediation team and international community. The CFC was mandated to operationalise the ceasefire mechanisms on the ground, and submit reports of alleged ceasefire violations to a Joint Commission (JC), comprising representatives from parties to the agreement, the mediation team and the international community.

According to Cilliers et al (2005:6), the HCFA was an unorthodox ceasefire which brought all the parties to the conflict to negotiate on the best means possible to end the conflict through military force. With this, the AU had put into practice the provisions of the APSA on the right to intervene in a member state pursuant to a decision by the Assembly of Heads of State and Government in respect of grave circumstances, namely war crimes, genocide and crimes against humanity.

4. **The Burundian Experience:** In Burundi the AU established (AMIB) and provided protection to politicians returning to take part in the transitional government. According to Murithi (2009:98) AMIB provided peace building structures such as opening up of secure demobilization centers and improving the ability of the mission to reintegrate formal militia members back to the society. These centers provided by AMIB supervised the Disarmament, Demobilization and Reintegration (DRR) process. The conclusion here is that, AMIB succeeded in de-escalating the conflict in Burundi and established relative peace thereby fulfilling the provisions of Art. 13(5) of the Protocol which mandates the APSA to help in peace-building and post conflict disarmament and demobilization.

5. **The Experience of the Comoros Island:** The AU has also performed relatively well in other countries such as Comoros through the establishment of AMISEC. The AU supported the Government of Comoros against the irredentist island of Anjouan. To this effect, the AU in 2007 instituted a naval road block. This enabled the AU to cripple the powers of the irredentist groups and their demobilization and disintegration.

6. **The Experience of the LRA:** The AU has also made efforts in fighting and eliminating militia groups in dangerous places in Africa. According to Tsuwa (2018:13), the Lord's Resistance Army (LRA) is one of the dreaded militia groups in Africa. The LRA has attacked civilians across the Great Lakes Region for decades, depopulating the entire area and hindering humanitarian access to the affected population. According to Barnett and Weiss (2008:34) between 2006 and 2011, the LRA fighters had murdered more than 2,000 people, abducted 2,600 and displaced over 400,000 across the Central African Republic, the Democratic Republic of Congo and South Sudan. The LRA has also carried out callous and heinous acts in Uganda where it originally started. The AU in implementing its mandate coordinated efforts against the LRA. During the AU summit in Banjul in July 2010, a plan for an AU authorized mission to eliminate the LRA threat was developed. The plan provided for appointment of a special envoy, the establishment of a joint operations Centre, and the deployment of a Regional Task Force (RTF) with a 5,000 strong military component. According to Ferris (2011:13) the coordinated efforts of the AU drastically reduced the impact of the LRA and by extension brought in a decline in the number of displaced persons on the region. This shows a clear impact of the AU on ending illegal organizations and militias groups in the region as contained in the provision of its Constitutive Act.

#### **Re-Strategizing the APSA Collective Security Architecture for Peace and Development in Africa**

It is worthy to note that, APSA has made appreciable efforts in resolving the challenges of conflicts on the continent. It has also helped in reducing the number of illegal regimes on the continent as well as increasing the

participation of CSOs in the governance process of their countries. Despite these appreciable progress, it has become very clear from the dimension, dynamics and content of emerging conflicts challenges and the dynamism of preventing, managing and resolving conflicts and actions of peace support operations as shown earlier in the linkage-Grey areas diagram that the present collective security strategy of the African Union cannot completely resolve the problem of conflict on the continent if African states and their leaders continue to adopt and use it the way they presently do. It is based on the shortcomings as exemplified by the continuous occurrence of conflicts in Africa that this paper recommends the following as strategies to strengthen the AU collective security architecture for more efficiency;

- a. Since the security dilemma of African states starts from the construction of what constitute security in a fast globalizing world. The AU should reconstruct security in terms of massive development that will greatly reduce poverty and illiteracy. To achieve this, the African Union should insist on all African states to meet the MDGs/SDGs, to coordinate and integrate their economies through the African Growth and Opportunity Act (AGO) and the New Partnership for African Development (NEPAD).

This paper believes that, if these three strategies are carefully and sincerely articulated by the AU and an African integrative monetary policy is developed, weak performing states in Africa will be reinforced and protected against harsh economic policies of the foreign powers and instead trade with them on the basis of comparative advantage. On a larger note, the AU as a collective body should an investment component that will invest in each region of the continent and encourage same for sub-regions especially in areas of comparative

advantage so as to enhance the local content of the states towards viable development.

- b. African states need to foster a genuine integration which Deutsch (1964:143) insists has a price that must be paid. He insists that, African states have failed to integrate because they have refused to or are unwilling to pay the price of meeting people's needs and demands. The cooperation in Africa to him has also not clearly stated the rewards and the pay off of integration. Deducing from Deutsch's security community argument of collective transaction. This paper urges the AU to develop the same security community which Deutsch argues is difficult to experience break down in security as participating members usually desire peace and stable environment for effective transaction. With this concept, all states will not only secure the welfare of their citizens but also their common wealth, hence peace on the continent.
- c. This paper also recommends that, Collective Security should be conceived in terms of non-violent means. African leaders should not conceive security in terms of armament but as a collective form of living amongst neighbors and groups who construct their identities in form of a single collection brought together by nature and determined to live and protect each other through collective sharing of the resources available to the society. African leaders should provide ideological basis for African collective reasoning and cooperation in terms of controlling their resources, preventing capitalist penetration of the core values of communitarians and elimination of autocratic leadership.
- d. Finally African states must imbibe the qualities of good governance, genuine democracy that will ensure the rule of law, justice, freedom and equality. This will

prevent African states from failing and will reduce the frustration that follows with cases of failed states. It is also the belief of this paper that when African states are prevented from failing, corruption, premordial politics, political violence and clientelism that usually lead to ethnic conflicts, arms proliferation, refugee and IDPs crisis will end hence guaranteeing peace and development on the continent.

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