Eastern Africa Region And Conflict Management: Case of Eastern Africa Standby Force

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ABSTRACT

The Eastern Africa Region (EAR) has remained as one of the most conflicted zones in Africa drawing the attention to emergence of new experiments in managing conflicts. This has led to formation of African Union (AU) with specialized organ of African Standby Force (ASF) to untangle complex interstate and intrastate conflicts. Regional Security Organizations (RSO) are established under the auspices of ASF such as Eastern Africa Standby Force (EASF) for interventions to conflict ravaging states within the region. Despite various efforts to contain conflicts within the EAR, the region is compounded by violent conflicts, terrorism and threats towards peace and security. Ostensibly, the efforts of EASF in managing conflicts within the EAR has remained futile due to under representation in conflict interventions within the region. The objective of the study was to examine the rationale for the establishment of EASF as a regional organization (RO) in conflict management within the EAR. The study adopted neo-liberal institutionalism theory to underpin the rationale for establishment of security organizations by states. This study used both primary data from the interview guides, questionnaires and secondary data from document analysis, reports, MoUs, library books among others. The qualitative data is thematically organized to answer the research objective. The findings of this research established that EASF was founded under the authorization of the UNSC to address regional conflicts within the Eastern African region. Also, EASF has a legal framework as an international organization through international legal personality and immunities, and privileges. The study recommends that member states should have more cohesion for effective EASF operationalization.

Keywords: Eastern African Standby Force (EASF), Eastern Africa Region (EAR), conflict management, international/regional organization (IO/RO), peace and security.

INTRODUCTION

Conflict management can be retrieved from replete accounts of conflicts during the First and Second World War era where these internecine conflicts were destructive to humanity (Williams, 2011). These wars pushed states to establish International Organization (IO) that is the League of Nations (LoN) in 1919. The League was mandated to manage and prevent conflicts following the end of the First World War with the authority to prevent wars and lead in dispute settlement (Williams, 2011). The outbreak of the Second World War in 1945 led to replacement of the LoN by the United Nations (UN). The UN was tasked to maintain global peace and security through specialized organ of United Nations Security Council (UNSC) (UN charter, Art. 1). Furthermore, the world continued to experience deteriorating security scenarios with mutation of inter-states conflicts being complex and far reaching thus raising raised an alarm to the international community. The raising of conflicts especially under the 'New World Order' period led to new perspectives on regionalism especially formulation of regional security organizations (RSO).

North Atlantic Treaty Organization (NATO) was established by the Western European front in 1949 as an RSO to manage conflicts within the region (Krivokapic, 2019). NATO is comprised of 18 countries which include Turkey, Germany Spain, the Czech Republic, the United Kingdom, Norway, Belgium, the USA, Italy, Canada, Hungary, Poland, Portugal, Iceland, France, Luxembourg, Denmark, and Greece. NATO was involved in peace operations and military interventions in various states such as Bosnia in 1994, 1995 in

Haiti, and 1999 in Yugoslavia.

Warsaw Pact was established by the former Soviet Union in Eastern Europe and its allies in 1955 to protect member states from external attacks and promote peace and security within the region (Herspring, 2021). The RSO had 8 member states which were: Bulgaria, Czechoslovakia, Hungary, Poland, Albania, Romania, East Germany, and the Soviet Union.

In South East Asia over 10 states established the Association of Southeast Asian Nations (ASEAN) in 1967 to promote political, economic, and security cooperation between member states (Putra, 2019). This region consists of 10 member states such as Cambodia, Brunei, Myanmar, Singapore, Laos, Thailand, Malaysia, Philippines, Vietnam, and Indonesia.

In Africa, The Organization of African Union (OAU) was established in 1963 to enhance African state coherence and unity by defending territorial integrity, sovereignty, independence, and the abolition of colonialism on the African continent (OAU Art. XX, 1963). In 2002 OAU was replaced with African Union (AU) as a new regional organization (RO) that integrated African Peace and Security Architecture (APSA). According to AU Peace and Security Council (PSC) Protocol (2002), APSA was mandated to prevent, manage and resolve conflicts using key pillars which are not limited to (the PSC), Panel of the Wise (PanWise), Continental Early Warning Systems (CEWS), African Standby Force (ASF) the Military Staff Committee (MSC) and African Peace Fund (APF).

CEWS was established with the mandate of facilitating anticipation and conflict prevention with the main objective of collecting and evaluating data regarding potential regional conflicts and providing alternatives to decision-makers (AU PSC Protocol, 2002). APF was formed to provide financial resources for peacekeeping operations and other peacekeeping and security-related activities within the continent. According to Tlalka (2014), the MSC was formed according to the PSC Protocol Article 13 as the PSC advisory organ and it counsels the PSC on matters concerning security requirements for the advancement of African peace and security.

The African Standby Force (ASF) is a multidisciplinary continental force for conflict resolution and peacekeeping that act under the auspices of the PSC of AU. ASF was established in 2003 to support PSC performs the mandate of deployment of peace operations and initiatives under Articles 4 (h) and (j) of the Constitutive Act (Adetula, 2014). ASF consists of multidisciplinary contingents which are comprised of military, police, and civilian components from five RECs/RMs of 11 states of the Southern Africa Development Community (SADC), 13 states of the Economic Community of West African States (ECOWAS), 10 states of Eastern Africa Standby Force (EASF), 11 states of the Economic Community of Central African States (ECCAS), and 6 states of North African Regional Capability (NARC) which are all under the umbrella of ASF.

EASF was established as a political and military organization following an AU summit decision in July 2004 in Ethiopia. The primary objective of EASF is provision of capability for rapid force deployment in carrying out preventive deployments, rapid interventions, peace enforcement, and stability and peace operations support as an ASF building block for the Eastern Africa Region (EAR) (Adetula, 2014). The member states of EASF include Burundi, Comoros, Djibouti, Ethiopia, Kenya, Rwanda, Seychelles, Somalia, Sudan, and Uganda.

EASF is directed by the Protocol Relating to the Establishment of AU PSC to perform various functions which include monitoring and observation missions, peace support missions, member states intervention where there are grievous circumstances or a member state's request in the restoration of peace and security (AU PSC Protocol, 2002). Under Articles 4(h) and (j) of the AU Constitutive Act, EASF was also directed to carry out conflict management and humanitarian reinforcement in elevating human suffering of the

civilians in conflict areas among many other functions as addressed by the AU PSC.

Theoretical Framework

There exists different perspectives on role of IOs/ROs in conflict management. Neo-realism also referred to as structural realists and neo-liberalism also called liberal structuralism expounds on the objective under this study.

According to Bayeh (2014) neo-realists, also called structural realists, perceives organizations to be product of states interests. However, organizations are dysfunctional due to set conditions which are determinant whether to be competitive or to cooperate .States act through IOs to protect their interests, such as the UN, IMF, and the EU. Neo-realists refutes the ideology of IOs as their existence is determined by states interests more than collective goals. IOs acts as states agents in defending their interests and states cannot surrender their power based on neo-realist perspectives. Neo-realists only reinforces the ideals of relative position and refutes international cooperation from the lens of states interests. Kenneth Waltz assumptions on relative gains posits that states cooperate due relative gains as compared to others. Neo-realists assumptions are based on what states tend to gain and when cooperation is unproductive to member states is considered fragile (Burchill, 2005). Neo-realism opines that states forms IOs to protect their interests. The existence of IOs is to enhance states execute their goals while reinforce other states attain relative advantage. These assumptions of Neo-realists does not conform to the role of IOs/RO as they are perceived to be instruments of self-interest manifestation (Sinclair and Byers, 2006). Thus, the assumptions cannot be used in examining the role of IOs/ROs in conflict management as the case of EASF.

Neo-Liberal Institutionalism theory as coined by Robert Keohane, Joseph Nye, and Robert Powell, propounds that, to overcome fear resulting from chaos and the system of international anarchy, states cooperate through establishing international institutions. Neo-liberal institutionalists remained idealistic and advocates of international institutions. Their assumptions is that states must be rationalistic and utilitarian: states' decisions are purely subject to cost and benefits analysis and absolute gains are their utmost interest (Bayeh, 2014). Neo-Liberal Institutionalism champions state cooperation within the international anarchic political system which disregards hierarchy. International institutions enhance compliance from the states by using approaches that attach significant existence and operationalization of the institutions (Abbot & Snidal, 1998). EASF member states catalyze operationalization, through the financing of its infrastructure, logistical support, and training of troops among other functions.

Neo-Liberal Institutionalism theory was adopted by the researcher in examining the role of EASF in conflict management within the EAR. Unlike the other perspectives of constructivism and neo-realism, it depicts that the state's primary concern is maximizing its absolute gains. Thus, that states assess their interests, independent of their competitors, more straightforwardly as 'what will gain me the most?' (Burchill, 2005). It is significant for the promotion of cooperation among various states and upholding mutual benefits. Boehmer et al., (2004) in situations where the state's main objective is obtaining absolute gain, cooperation and common security become more achievable. Therefore, liberal institutionalism believes in common or collective security and that states can preserve their common interests by forming IOs or regional organizations.

According to Robert Keohane, IOs maintains cooperation and they plays a significant role towards averting impoverishment of species (Abbot & Snidal, 1998). Therefore, the significant role of organizations is enhancing cooperation between states. Organizations promote cooperation habits, monitor compliance, and sanction defectors (Burchill, 2005). Organizations, according to liberalists, recognize anarchy and the military power's influence on the state's interests. IOs and ROs are used as a framework to enhance cooperation, address security competition and promotion of peace and stability within states. Furthermore, Nathan and Meierhenrich (2012) assert that organizations are utilized to lessen the risks of uncertainty

which could emerge as a result of anarchy since they provide security information. Therefore, IOs are critical in making a cooperative and peaceful world.

According to these theoretical arguments highlighted above, we denote that, IOs play a significant role in enhancing peace and security and are subject to competition for the state's self-interests. Bayeh (2014), the functions and operationalization of the EASF are faced with the hegemonic match between Kenya and Ethiopia. The constructivist approach is less visible in Eastern Africa as the perspective primarily advocates the role of organizations in creating state identity. IOs establish states identity, which enhances cooperation. Constructivists are, however, too radical in their views on institutions role in peace and security maintenance. Hence this study adopted liberal institutionalism in examining the ASF in conflict management in the case of EASF in its efforts of securing the EAR.

Statement of the Problem

The AU *under* APSA led to the establishment of ASF and EASF as regional security organizations (RSO) as multinational forces for peacekeeping operations mandated to intervene in conflict zones to maintain peace and security within member states. Despite EASF's establishment, EAR continues to experience security threats, terror attacks, and bloody wars with unending conflicts in countries such as Sudan, South Sudan, Somalia, and Ethiopia. These conflicts caused deaths to many civilians, refugee influx, and an increased number of Internally Displaced Persons (IDPs). EASF attained Full Operational Capability in 2014 as a standby force in the Eastern Africa region but has not operationalized in peace operation deployment. EASF failed to intervene in the Burundi crisis in 2015 after the eruption of a violent crisis between rebel groups and Burundi Forces, AU mandated deployment of the peacekeepers. The lack of standby forces for deployment in crises acts as an indicator of the EASF impediments. Despite various measures put in place by EASF to militarily collaborate in addressing security threats within the region, the organization has been undermined by various intractable factors that constrain it from operationalization. Various studies have been conducted on EASF for example, Bayeh (2015), Mwikali (2018) Omanyo (2015) Kabage (2020) but there exists insufficient study about the establishment of EASF as a RO and how its structures are aligned to enhance operationalization towards conflict management in Eastern Africa region. The study focused on examining the rationale for the establishment of EASF and also analyzing how its structures reinforce the organization toward conflict management within the EAR.

General Research Objective

To examine the role of EASF in conflict management in the EAR as mandated by the PSC of the AU

Study Objective

To examine the rationale for establishing Eastern Africa Standby Force as a regional organization for conflict management.

RESEARCH METHODOLOGY

In examining the rationale for the establishment of EASF in conflict management in the EAR, the study adopted desktop review as a source of secondary data. For primary data the study used interview guides from key informants, document analysis, books such as International Organizations by Clive Archer, and peer-reviewed journal articles among others. The document analysis method was also used in examining the rationale for the EASF's establishment as a regional security organization in the EAR in line with the first objective of this research. Document analysis is referred to as an efficient procedure used for the evaluation or reviewing of documents, and electronic and printed materials (Corbin & Strauss, 2008). Document analysis, like any other qualitative research design, usually necessitates the collection of data to be examined

and then interpreted for eliciting meaning, gaining understanding, and developing empirical knowledge.

The research was conducted at the EASF Secretariat situated in Karen, Nairobi, Kenya, the Ministry of Foreign Affairs (MFA), and the International Peace Support Training Center (IPSTC). The Secretariat is the EASF Planning Element which serves as a mission planning organization. The choice of these areas is due to their involvement in peace and security in the EAR, and they provided sufficient information and organizational insight. The target population for this study was obtained from the mentioned sites and scholars of peace and security in higher institutions of learning. Mugenda and Mugenda (2003) define the target population as the sum of several subjects the researcher is interested in and needs to generalize the research outcomes.

RESULTS AND DISCUSSION

The rationale for the establishment of EASF in conflict management in the EAR

The Principle of Subsidiarity

Accordingly, this section broadly analyzed the first objective of the study which was to examine the rationale for the establishment of the Eastern Africa Standby Force for conflict management within the EAR. The following thematic elements guided the analysis of this research objective.

The principle of subsidiarity justifies the rationale for the establishment of EASF as a RSO through APSA. The principle functions to enhance sustainable peace and security within Africa by increasing relationships with RSO such as EASF (Aniekwe, 2015). The subsidiarity principle is a concept underlying APSA and is based on the ideology of sustainable peace which is attained when mechanisms of conflict resolutions are driven by actors affected and closest to conflict. Subsidiarity is recognized as the principle for the organization of divisions of labor. The principle of subsidiarity is possessed by central authority to performing tasks ineffectively performed at the local or immediate level. The subsidiarity principle is applied in the framework of international politics to govern the relations between states within IOs which have overlapping membership (Aniekwe, 2015). The principle of subsidiarity under APSA has been one of the factors for the establishment of the EASF in conflict management in the EAR. The EASF under the subsidiarity principle has more advantages which triggered the rationale for its establishment as a regional security mechanism. The proximity to the local actors within the horn of Africa had the potential of gaining the desired outcome of maintaining peace and security. With greater adaptability and flexibility as compared to the AU through ASF, the principle through EASF was to be quicker in responding to security threats within the region under mission scenario six.

The principle of subsidiarity applies to AU and REC based on 2002 Protocol relating to the establishment of the PSC and the MoU of 2008 on collaboration in peace and security. The protocol positions RECs as hierarchical arrangement parts for security with the primacy of AU while encouraging harmonization and cooperation activities. 2008 MoU elaborated the relationship more explicitly with the description of subsidiarity as the operational mechanism. The wider framework of the AU and EASF relations as a REC and the iteration of the reviews improved possibilities for the coordination and cooperation between the organizations for the need for conflict management within the EAR. The AU advocated and reinforce EASF subsidiarity given the inadequate resources which hinders its operationalization. Subsidiarity on the conceptual level gained traction.

The principle of subsidiarity intrigued the establishment of EASF due to decision-making elements, sharing burdens, and labor division (AU, 2012). The ontological efficient factor which contributed to the process of allocation of governance roles to EASF as regional security was the demise of the single superimposing world system post-cold war period which allowed the development of subsystems. Subsidiarity also led to

new regionalism that was founded to reflect on economic, social, political, and cultural interactions and the interdependence between various regional states (Buzan and Waiver, 2003).

Decision-making in the principle of subsidiarity mechanism is connected with formal mechanisms where decisions for conflict management are considered in safeguarding the legitimacy of the institution. Based on the Charter of the UN. The UNSC has the primacy in enhancing military interventions (Article 53.1). At the AU level, PSC makes decisions regarding the deployment of ASF vis-à-vis EASF through consensus by the African Heads of state and Governments. EASF has structures put in place to make decisions that report to the AU PSC.

Burden sharing is referred to the financial costs of the initiatives of peace and security. AU has three sources of funding: member states' contributions, voluntary contributions, and external partner funds. EASF gets its funds from a contribution by member states and donor funds through 'Friends of EASF'. Division of labor is referred to the execution of mandates of the EASF in conflict management and dispute resolution and is connected with the capacity of the EASF to perform the tasks as stipulated by the UN Charter where the UNSC entrusts RO to execute the tasks that support the concept of the labor distribution established on the charter, EASF division of labor is in line with APSA mission scenarios.

The Relationship between EASF and its Member States: The Concept of Supranationality

International Organizations (IOs) are vested with personality and their existence transcends those of the national states since personality differs from those of member states. IOs personality is a phenomenon that transcends the national state and acquires a technical term which is 'Supranationality'. The term supranational is inferred as a public ideology that defines and evaluates institutional order that occurs above and beyond the nation-state and at the same time transcends. Grieves (1969) posits that:

"Supranationality is a term which implies that a states signatory has transferred to the international institution, specific powers of decision making normally practiced by sovereign state government organs, powers which involve issuing capacity, based on certain conditions, binding norms towards the states or their inhabitants".

Supranationality can also imply institutional order which is characterized by the autonomous power placed within the service states common interests. The understanding simply implies that; first, common interests exist; secondly, placing of powers to the newly established organization or institution; and thirdly, power autonomy. Someka (2001) explains Supranationality as a negotiation platform for national governments. Further, Supranationality is an institutionalized mechanism of solving problems that are unavailable within national-state stand-alone since the problems are transnational in their scope.

The Supranationality concept is construed and unified and jurists are divided on the scenario it represents, indicating the existence of numerous approaches for addressing the concept of supranationality. Some of the jurists differentiate inter-governmental and Supranationality, the latter designates the placing of real powers before an established organization while the former identifies Supranationality version although with different approaches (Someka, 2001). The revolutionary approach regards Supranationality in form of the establishment of supranational entities for certain policy goals and not societal transformation. The revolutionist ideologies perceive Supranationality as platform for implementation of certain collective goals and the creation of administrative convenience. Therefore, revolutionary views Supranationality to consist of the transfer of sovereignty to the supranational organization but not a replacement of the sovereignty of the state.

The revolutionaries contend that, by the establishment of the supranational institutions, cooperating states envisage a collective exercise or sharing sovereignty for specifically selected matters, although retaining

nation-state and protection of sovereignty. IOs have a tiered taxonomy of the power conferrals which are not limited to transfer, delegation of powers, and the agency relationship.

The transfer of powers mechanism is regarded as the largest extent of the conferral of powers and is distinguished between full and partial transfer. The state retains its powers as part of 'sovereignty' although agrees with other nation-states to limit the right of exercising the powers in the favor of these rights being exercised through the established organization and which enhances the sole place for the lawful practice of the transferred mandates (Someka, 2001). Delegation of powers is a lesser domain of bestowment of powers than transfer but more than agency relationship. Explained as a situation where states accord certain powers to the organization for efficiency purposes, convenience and effectiveness. However, states do not have the capacity of exerting direct control over the bestowment of powers through delegation that is practiced by the organization. Agency relationship between IOs and states established by them happens in situations where the organization represents states as an agent in changing particular duties and rights, a preposition that requires an endowment of the organization with international legal personality (ILP). In this scenario, states practices some domain of control over actual power exercised by the organization. An approach that corresponds to revolutionary toward Supranationality.

In addition, EASF was established to protect the sovereignty of the nation jealously. RO challenges the concept of national sovereignty and expands regional and sub-regional cooperation. The regional and sub-regional structural organizations encroach on state sovereignty and have been established in all continents, to strengthen their mandate of peace and security. Clement and Foley (2008), "for success, every regional member requires some domain of de-territorialization and the de-bordernization and ceding notion of sovereignty of the nation." De-nationalization is described as the process of reducing the roles of the nation-state. This is seen in social, economic, and cultural activity levels and responses to global problems such as climatic change. National governments, in most cases, do not make decisions on issues conflicts, and the use of force independently. Similarly, nation-states (functioning state agencies and institutions) are primary tools and prerequisites for efficient conflict management (Paris, 2004). The principle mentioned above is highlighted in UN programs for peace-building.

The principle of Supranationality evaluates the basis for the establishment of EASF as a RSO. Powers are placed on EASF with autonomy which makes it a negotiating platform for Eastern African states in connection to peace and security which is the collective goal for the EASF establishment.

Establishment of Regional Frameworks for Conflict Management

After interrogating the principle of subsidiarity and Supranationality which binds EAR member states into the formation of EASF, multiple instruments guide the establishment EASF and it is reinforced by the policy documents of the AU (Cimiotta, 2017). This section also complements the data on rationale for the establishment of the EASF for conflict management as these frameworks are the guiding principles under which the organization is established.

Multiple instruments were adopted to reinforce sub-regional organizations relations with AU and the UN in Africa, especially in collective security and need for cooperation. The Protocol relating to the establishment of PSC under AU harmonizes legal foundation for military interventions outlined by the AU Constitutive Act, which created PSC (Cimiotta, 2017). AU is mandated under Article 16(1) of the Protocol with the primary mandate of maintaining peace within the African region. The security architecture includes regional mechanisms such as EASF (Levitt, 2003). The PSC harmonizes and coordinates the regional mechanism activities to enhance their consistency with AU ideals and goals.

According to Article 16(3) which states that:

""In undertaking peacekeeping efforts, Regional mechanisms shall through the chairperson of the commission, keep the Peace and Security Council fully and continuously informed of their activities and ensure that these activities are closely harmonized and coordinated with the activities of Peace and Security Council. The Peace and Security Council shall, through the Chairperson of the Commission, also keep the Regional Mechanisms fully and continuously informed of its activities."

The Protocol Relating to the Establishment of the PSC of the AU further stipulates in Article 3(b) that;

"Anticipate and prevent conflicts. In circumstances where conflicts have occurred, the PSC shall have the responsibility to undertake peace-making and peace-building functions for the resolution of these conflicts."

Article 17 (1) (2) (3) (4) acknowledges the UNSC role of peace and security maintenance internationally and mandates AU fully conspire and maintenance of contacts with the body to be granted logistical, financial, and military reinforcement for AU activities towards promotional and conflict management, peace and stability across the continent of African as per UN Charter in Chapter VIII Article 54 which states that;

"The security council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of International peace and security".

MoU was another instrument coined in 2008 to enhance cooperation on proceedings of peace and security in sub-regional African organizations, AU, and coordination systems of regional standby forces of Eastern Africa and Western Africa. Article 11 of the Memorandum legitimately binds the entities as mentioned above relations dependent on their competence. This role underscores distinct duties incumbent on every organization based on their internal laws. Therefore, it emphasizes more on the primary functionality of the AU in the management of peace and security in Africa under Article 16 of the PSC Protocol (AU, 1993). The tasks of the AU are coordination functions of the RO in enhancing their compliance towards the principles and purposes in the protection of the African interests and contributing towards the functioning of APSA.

The Protocol also prescribes that its relations with the UN and AU update the UNSC's broad mandates concerning peacekeeping and conflict management within the continent. In the areas that are subjective to the respective competence, the RSO keeps military operations at the center. The rationale for their establishment is solely based on past experiences, especially the 1994 Rwandan genocide, time is crucial in management of conflicts before it turns catastrophic. Under the peacekeeping framework of the UN, the average time taken is three to six months from the initial time UNSC establishes a peacekeeping mission until deployment.

Through APSA, AU established the ASF to address matters of peace and security within the African continent. ASF was comprised of police, military, and civilian component. The rationale behind establishing ASF was to enhance preventive action through collaboration in conflict management, immediate deployments, and diplomacy. PSC protocol mandates APSA through a system of conflict management, conflict prevention, and conflict resolution according to Article 13(1), which states that:

"In order to enable the Peace and Security Council perform its responsibilities with respect to the deployment of peace support missions and intervention pursuant to article 4 (h) and (j) of the Constitutive Act, an African Standby Force shall be established. Such Force shall be composed of standby multidisplinary contingents, with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice."

Within the region, the ASF comprises five regional standby brigades, which also include: Planning Element (PLANELM), the Logistics Depot (LD), the Pledged Brigades Unit, and the Brigades Headquarters. These regional brigades include the EASF, ESF (ECOWAS Standby Force), Economic Community of Central African States (ECCAS), Standby Force traditionally (FOMAC), the SSF (SADC Standby Force), and the NASBRIG (North African Regional Capability). The RECs/RMs and AU manage the regional forces. EASF has been established under the MoU between Eastern Africa region member states. The legal establishment under Article 2 (1) states that;

"The Eastern Africa standby Force as part of the African peace and security architecture, is hereby established as a regional mechanism for conflict prevention, management and resolution in the EAR."

Legal entities justify the formation of a security organization within the region (EASF). All regional security forces in Africa are sheltered by the AU PSC under the umbrella of the UNSC that mandates states interventions for conflict management. The legal framework complements the principles under which EASF is established in carrying out its mandate as per the Agreement for establishment.

EASF Legal Framework as an International Organization

EASFs International Legal Personality

In connection to objective of the research study this section examines how EASF possess characteristics of IO under international law (IL) justifying the rationale for its establishment. This section delves into various instruments within the EASF establishment agreement that are also found in the UN Charter and AU.

The EASF is considered to possess characteristics of IOs as it operates within a regional sphere through duties and functions which extend across member states of the EASF. Functions are stipulated in the constitutive instrument (the AU Constitutive Act) which establishes EASF. Eligibility of EASF as an IO based on IL is ostensibly and sharply pertinent to the possession of the international legal personality (ILP) and the internationality exercise of powers (Amerasighe, 2004). EASF meets all the criteria objectives: it is established by states and Treaties under IL. It contains International organs, and Member states meet at least annually to discuss EASF matters. Hence, EASF has implied an ILP. Fulfilling these criteria does not guarantee the organization's global legal nature. Based on features, EASFs treaty of establishment and its consecutive practice does not spell final provision concerning EASFs ILP. The Agreement on the establishment of the EASF Article II (2) and (3) states that:

"(2) The EASF shall have international legal personality to perform any of the functions conferred upon it by this Agreement. In particular, it shall have the capacity to enter into a contract, to acquire and dispose of property, and institute legal proceedings in its name. (3) The EASF shall, in the exercise of its legal personality, be represented by the Director of the Secretariat."

The provision of EASF capacity and the legal personality are ambiguous and refutes to elaborate mentioned functionality within national or international level. The findings attributes to EASF's descriptive and functional aspects. Under the establishment agreement, it invokes the legal element that mandates EASF as typically an operating entity in performing legal activities that are appropriate to its role (Patel, 2000). As earlier mentioned, the purpose and the Agreement of the establishment of EASF are congruent with UNSC and AU mission and plan. Therefore, Article III also functions internationally.

Additionally, the article imposes the authority of attribution of measuring the legal power and capability of the EASF. It validates that EASF has a recourse towards the doctrine of the implicit powers as an organ of executing the goals and objectives and the functions which are entrusted to it through the adoption of the

decisions by EASF policy organs and via the Agreement established by EASF executive (Rama-Montaldo, 1970). The addition of classical and internal description of widely used clause of personality, which is conferred on specifics of EASF, the interior or domestic legal framework imposed from 'the power to enter into a contract, purchase and dispose of assets, and initiate legal action in its capacity,' there is no clarity on the EASFs establishment agreement and distinct legal personality at both the regional and the international levels as it is clearly stated in other treaties. For example, Chapter Two Article 3 (1) and (2) of the South African Development Community (SADC) states that:

"(1) SADC shall be an international organization and shall have legal personality with capacity and power to enter into a contract, acquire, own, or dispose of movable or immovable property and to sue or be sued. (2) In the territory of each member state, SADC shall, according to paragraph 1 of this article, have such legal capacity as is necessary for the proper exercise of its functions."

Also, the same example of a specific attribute on ILP is found in ECOWAS under Article 88 (1) (2, A & B), which states that:

"(1) The Community shall enjoy international legal personality. The community shall have in territory of each Member State: (2a) the legal powers required for the performance of the functions, assigned to it under this Treaty; (b) power to enter into contracts and acquire, hold and dispose of movable and immovable property."

And also, Article 4(1) of the Rome Statute of ICC attributes the issue of the ILP. Which states that:

"The Court shall be endowed with international legal personality. It will possess legal capacity as required for the exercise of its roles and the achievement of its objectives."

The custody of the international legal personality by EASF can be determined through contemplations from more powers and capacities imposed in the EASF agreement on establishment and the mandates entrusted to EASF as compared to the ICJ Reparation cases (Liang, 1949).

Immunities and the Privileges

EASF grants immunities and privileges within every member state's region, similar to those conferred to missions of the other regions or the IOs. Article 17(1) and (2) EASF Agreement on establishment posits that:

"(1) Member states agree to extend to the EASF and its personnel immunities and privileges as may be necessary for carrying out their tasks within their respective national territories as are accorded to personnel of other regional or international organizations. (2) A host Nation of an EASF establishment shall accord the EASF and personnel of such establishment such privileges and immunities to facilitate its activities. These privileges and immunities shall not be less than those accorded to other regional or international organizations of comparable status."

The existence of these provisions proves that EASF member states accept the obligation of recognizing the privileges and the legal status around their legal structures (Crawford & Brownlie, 2019). ETF's rights to enjoy immunities and privileges are considered critical indicators of ILP, although EASF excludes the provision for the capacity of treaty-making. Additionally, EASF internal rules regarding funding and service as per Article 18, followed by regulation procedures that apply to EASF meetings of the Council of Ministers and the CDS and HoSG According to Schermers and Blokker (2011), these guiding rules are obtained from the International Law and the constituent Treaty.

Based on the above analysis of the ILP and immunities and privileges of the EASF, one can contextualize the rationale of establishing standby force for conflict management within the EAR. These tenets distinguish

EASF as IOs from other institutions or non-governmental organizations.

The Inability of AU to Contain Conflicts in the Eastern Africa Region

The AU's inability to resolve conflicts led to the formation of EASF as an RSO under PSC of the AU. The region was marked by unending conflicts, starting with civil wars in Sudan, and Somalia, inter and intra states conflicts in Ethiopia and Eritrea and terrorism among many others.

The EAR consists of; Great Lakes Region, the Great Horn, and Islands in the Indian Ocean. Member states within this sub-region have EASF, IGAD, EAC, and ICGLR. The EAR is usually defined by a history of protracted conflicts transnational and non-convectional security strife such as terrorism, as the capability of nation-states has been weak in addressing the insecurity issues (Zeleza, 2008). There is continued instability within the region despite numerous efforts which address stability and peace. Terrorist attacks in Kenya melted by militia groups such as Al-Shabaab and the most notable ones include the attack on Manda Bay killing, military base where three US citizens were killed in January 2020. In 2014 there were terrorist attacks in Mpeketoni where forty-seven people were killed, buildings were burned, and the 2013 Westgate Mall attack where seventy-one civilians were killed and two hundred others injured in a mass shooting, the Dusit Hotel attack where more than twenty people were killed (Kabage, 2021). There have been tribal/ethnic conflicts in South Sudan among the Nuer and Danka, and the related constitutional conflicts that led to civil unrest in Burundi when Nkurunziza extended his term in office. The intra-state conflicts in Eastern Africa are attributed to persistent poverty and the rise of susceptibility in many parts of the region due to drought and other environmental epidemics (Markakis, 1995). Darfur conflicts are caused by competition for lands for grazing and scarce resources such as water.

The abundance of resources has shaped the nature of conflicts within the EAR as there is a struggle over their control. Competition for control of resources and other valuable minerals has been the main driver of conflicts in parts of the Great Lakes. For instance, Sudan and South Sudan have disputes regarding the exploitation and control of revenue extracted from the natural gas and oil in the Abyei. These conflicts have led to intervention from international actors (Raleigh & Kniveton, 2012). Additionally, violent activities of the insurgent groups have been widespread in the region, which affects civilians and the regime or state's survival. They have resulted in secessionist states such as South Sudan due to the rebellion of the Sudanese Peoples Liberation Movement/Army (SPLM/A) against the Khartoum government and the formation of the Eritrean state by insurgents' activities of Eritrean Liberation Front (ELF).

In some instances within the EAR, leaders have ascended into power through coups, which resulted in the use of force to fight the rebel groups and reinforce insurgency to wage proxy wars against the incumbent regime, mostly neighbor states. Before the South Sudan secession, Northern Ugandan conflicts were sustained by insurgent activities reinforced by the government of Khartoum and Uganda (Marchal, 2006). In Darfur, some accusations were raised against Chad for supporting Justice and the Equality Movement (JEM) and the Khartoum (Sudan) government-supported Janjaweed militias.

Border disputes within the EAR resulted in armed conflicts within states. For instance, the Ogaden war between Ethiopia and Somalia and the territorial border crisis between Ethno-Eritrean. The EAR conflicts dynamics, as mentioned above, limit individual states from planning their security as they have to consider the security dynamics of other states. Regional mechanisms and interdependence of protection must be regarded (Fanta, 2008). Through CSSDA, the EAR regionalized its initiatives of conflict resolution to deal with security challenges within the area through sub-regional organizations. AU harmonizes security by creating regional multinational brigades of ASF and advocates for limited cooperation of organizations to avoid duplication efforts to enhance the efficient utilization of limited resources of AU.

Regional Organizations involved in Conflict Management within Eastern Africa Region

The section seeks to explore the organizations which were established before EASF to deal with conflict situations in the EAR. AU had initiatives for peace and security at the levels of region and sub-region through its strategic guidance. Article 3 of the Constitutive Act of AU mandates RECs to 'implement arms' of the organs objective of a successful and peaceful continent. The goal relied on the REC's mandate of enhancing regional and political development. Regional and sub-regional organizations align their blueprint, guidance, and strategies in security and peace matters around the AU under APSA legal framework where security mechanisms are anchored.

Inter-Governmental Authority for Development

IGAD was established in 1996 as a replacement for IGADD, which was formed in 1986 to deal with states' national efforts on natural disasters. The disasters led to severe hardships within the EAR. The IGAD mandate is "to promote greater regional economic and political cooperation." It was involved in promoting peace and security across the region through the 'creation of mechanisms for CPMR responsible for inter and intra-states conflicts via dialogue and facilitation of reintegration and refugee repatriation, returnees and persons displaced and soldiers who were demobilized.' Member states also deals with crisis around the sub-regional mechanism ahead of regional and the international bodies' (Jacobsen & Nordby, 2012). IGAD regional security threats extend toward economic, development, and environmental issues.

IGADs adoption of a protocol CEWARN assists in the prevention of conflicts by gathering information and responding early to crises detected. The body has also developed management capacity for the proliferation of arms via the Regional Center for Control of Small Arms and Light Weapons (RECSA), and Capacity for Building Program against Terrorism (ICPAT), which is an initiative towards counter-terrorism. Prioritization on forming a mediation support unit by IGAD has engaged in Somalia and Sudan conflict management (Moller, 2009). IGAD implemented legal and diplomatic capacity to combat terrorism and adopted a *Plan of Action for the Prevention and Combating of Terrorism* (PAPCT) in 2003 and the *Convention on Mutual Legal Assistance and Extradition* (CMLAE) in 2009. There has been a creation of Transnational Security Threat (TST), an initiative geared towards the advancement of research and the underpinning of evidence-based and efficient policy and action towards violent extremism.

A peacekeeping force was intended to be deployed (IGASOM) in Somalia in 2012 though it never succeeded due to disharmony between member states. IGAD signed a relations protocol with AEC and REC in 1998 and worked closely with EAC and COMESA to prevent duplication of projects. Though involved in peace and security settlement, it faces numerous challenges such as inadequate resources and funding, which has led to dependence on external financing. Lack of organizational and political-legal authority is linked with widespread inter and intra-state crises, political unrest, and a lack of hegemony within the member states.

East African Community

Established with the agenda of promoting economic integration within the region in 1967 but ceased operations in 1977 due to ideological and political differences between the member states. Later on, in 1999, it was re-established through the Treaty of EAC, and in 2000 it came into force after enactment by the regional member by then Kenya, Tanzania, and Uganda. In 2007, Burundi and Rwanda became members of EAC (Mazrui, 2016). EAC recognizes the need for security within the region as Article 124 (1) states:

"The partner states agree that peace and security are pre-requisites to social and economic development within the community and vital to the achievement of the objectives of the community. In this regards, the

partner states agree to foster and maintain an atmosphere that is conducive to peace and security through co-operation and consultations on issues pertaining to peace and security of the partner states with a view to prevention, better management and resolution of disputes and conflicts between them."

And Article 125 emphasizes matters of defense, and it states that:

"In order to promote the achievement of the objectives of the Community as set out in Article 5 of the Treaty particularly with respect to the promotion of peace, security and stability within, and good neighborliness among the Partner States, and in accordance with Article 124 of this Treaty, the Partner States agree to closely co-operate in defense affairs."

Security and defense collaboration in matters of SALW proliferation and cooperation between the member states in fighting against cross-border criminalities. The organization has collaborated with other regional bodies such as IGAD, ECOWAS, ICGLR, and AU. In operating numerous CEW Mechanisms, which is a pillar of crisis and conflict prevention (Calas & Martinon, 2010). The establishment of a peace and research center in Tanzania to provide policy decisions on peace and security issues demonstrates the EAC's unprecedented dedication to tackling security issues.

Resource constraints and insufficient funding are some of the main constraints that threaten an organization's functioning in carrying out its mandate as authorized by the EAC Treaty. Also, the lack of adequate personnel and enforcement of the legal Agreement prevents the organization from acting on security matters across the region due to the lack of mandate over military control (Jacobsen & Nordby, 2012). However, Tanzania is reserved on issues to do with the political federation of the EAC countries, and it is, for this reason, there exists hegemonic competition with neighboring Kenya.

International Conference for Great Lakes Region

ICGLR was established as an inter-governmental organization for Great Lakes countries. Whose member states include: Kenya, Angola, Rwanda, Burundi, CAR, Tanzania, DRC Congo, Congo, Uganda, South Sudan, Sudan, and Zambia. Its establishment resulted from UNSC concerns over the prolonged crisis within the Great Lakes region and the spillover impacts; hence, it came into existence through resolutions 1291 and 1304. Resolutions 1292 and 1304 states that:

"Reaffirms the importance of holding, at the appropriate time, an international conference on peace, security, democracy and development in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity, with the participation of all the Governments of the region and all others concerned."

The goal of regional mechanism is to transform the region for viable peace and security, democracy and stability, and development via member states coordination efforts. Its legal framework and plan are usually guided by its Pact which contains programs and protocols that reinforce the ICGLR objective. The Pact emphasizes non-aggression and regional mutual defense. Headquartered in Burundi's capital, the secretariat plays various roles, including facilitation, monitoring, coordination, and Pact implementation to enhance the region's peace, political stability, development, and security (Church & Jowell, 2007). ICGLR pillars include peace and security, economic development, humanitarian causes, and democratic governance.

Towards conflict management, the organization has been involved in collective security management of borders, including disarmament projects isnd armed groups' repatriation within Eastern Congo, promotion of security, and development of the border zones affecting GLR. It has also led campaigns to wage war against the proliferation of SALW and transnational crimes and terrorism (Kanyangara, 2016). As mandated by the Protocol, the organization has led the war against illegal natural resource exploitation by developing

regional initiatives against unlawful exploitation of natural resources (RINR), aiming to delink armed conflicts and natural resource revenues.

Common Market for Eastern and Southern Africa

It was established with an agenda of promoting integration within the region through economic trade and development and natural and human resource development for the organization's benefit of member states (Karangizi, 2001). Article 3 of the Treaty states COMESA objectives, and one being cooperation towards peace, stability, and security promotion among the member states. The agenda followed after persistent conflicts across the Horn of Africa, the Great Lakes, and their devastating impacts on the agenda of COMESA (Elizabeth, 2012). Joint efforts between EAC, COMESA, and IGAD established the CPMR mechanism for the Eastern and the Southern African (ESA) territory in fighting an economic war with an agenda of eliminating natural resource illegal exploitation from conflict propagation with the help of EU funding. Article VI of COMESA elaborates on the need for "the rule of law, good governance, and a democratic system." The organization links other EAR organizations on their peace and security promotion mandate, and it has also taken action in Burundi peace negotiations. Institutions within COMESA, such as Conflict Early Warning System (CEWS), align with AU APSA, which endeavors conflict management using preventive diplomacy. Both private sectors and organizations of civil society had engaged in strengthening the policies of COMESA at both regional and national levels in the reinforcement of democratic principles and the rule of the law (Elizabeth, 2012). In 2006 in Banjul, COMESA adopted a development and post-conflict reconstruction policy with the AU to enhance coordination, integration, and multi-dimensionality. It also collaborates with DFID and the USAID on trading for peace projects with a plan of strengthening peace and security through equal and fair trade.

Eastern Africa Standby Force

EASF as a regional standby force for the EAR was established with the objective of "carrying out promptly the functions of maintaining peace, security, and stability, as authorized by mandated by the PSC of the African Union" (Bouhuys, 2011). Additionally, it was tasked with "performing the mandate of conflict prevention, management and resolution in the context of the APSA" as a multidimensional force; it consists of the civilian, police, and military components (Art. 5).

During an interview with the key informant, they posited that:

"The rationale for the establishment of the EASF was due to the nature of conflicts in the region, and most of the leadership were seeking African solutions to African problems right from AU to the establishment of EASF; the rationale was basically from AU and could not happen at the continental level but through regional organizations to deal with conflict management and peacekeeping role. In other words, the rationale was to manage peace and security warfare problems and prevent depending on the outside world in solving local problems" (KII 4, Peace and Security Scholar, KU).

These findings are reinforced by Omanyo (2015) that, the rationale for the formation of EASF was due EAR conflicts and the need for African mechanisms of dealing with African problems at the regional level through the AU legal framework for establishing the African Standby Force. IGAD was the regional body recognized by AU and other IOs as the leading organization responsible for security and peace maintenance. On an interim basis in coordinating the organizations efforts before the formation of EASBRIG. EASBRIG (Eastern Africa Standby Brigade) was established under the IGADs Jinja, Uganda meeting in February 2004 by regional security experts who included the EA Chief of Defenses, who drafted the policy framework towards the formation of EASBRIG within the AU framework planned on the ASF. After the approval of the framework, the MoU was signed during the EASBRIG ordinary summit of Heads of State, and the Government of the EASBRIG convened in Addis Ababa. Three primary documents were adopted: a policy

framework for the EASBRIG establishment, the MoU for creating EASBRIG, and the EASBRIG establishment budget. EASBRIG functioned on MoU basis since most member states were non-IGAD members, Mauritius and Tanzania defected to join SADC. A prevenient discussion from one of the informants regarding the creation of EASF argued that:

"The basis of the foundation of EASF is contained in APSA owing to failures of other existing peace and security bodies. The rationale for establishing the EASF is to have a robust intervening force that will not require states to contribute troops. The practice in peace support operations and peacekeeping is first to identify troops contributing countries and the identification process may be lengthy and also call for state willingness to participate as opposed to when we have a robust force in place which usually indicates who does what, the current force commander who takes charge of all operations as opposed to when the countries begin contributing troops. The need to have a force that will intervene immediately when called upon to end the issues of internal disputes among states" (KII 3, Peace and Security Scholar, KU).

The findings are reinforced by Bayeh (2014) that, EASF was created as a collective and sole instrument for coordination as a result of rebellion from non-IGAD member states within the region. Due to the monopoly of IGAD members and its lack of structures for command and control which are essential in providing both political and technical coordination, so EASBRIG took over from the IGAD (Bayeh, 2014). The brigade was later changed into force after the 2010 Council of Ministers meeting to portray the multi-dimensionality of the organization.

EASBRIG is oriented towards UN Chapter VI of monitoring and peacekeeping mandates with the AU proposed prospects, an operation for peacekeeping and conflict management in pursuing the security agenda of Africa. Weldesellassie (2011) EASBRIG became EASF, and it incorporated all three components, the police, civilians, and the military. EASBRICOM was transformed into EASFCOM with Headquarters, the Planning Element serving as Secretariat to EA Chiefs of Defense Staff, and the Logistic Base. The Headquarters of the standby brigade and the Logistics Base are located in Ethiopia, and the PLANELM is located in Kenya. LOGBASE has outposts within member states.

The EASF objective according to the Agreement in Article 3, is: "to carry out promptly the mandate of maintenance of peace, security, and stability, as authorized by the EASF Assembly and mandated by the AU PSC." The aspiration of EASF management of conflicts within and outside the region through adequate CPMR capacity within Eastern Africa and the continent of Africa. The organization is on the verge of developing an integrated force that is multidimensional and operational.

In conclusion, the section provided a background to the rationale for the establishment of EASF as a regional organization for conflict management within the EAR After many years of conflicts within the region, and the inability of AU to contain these conflicts various organs were established which include the APSA, the guiding document that is the Constitutive Act of the AU and the ASF to facilitate the formation of RSO since the Western powers had withdrawn their forces from the African continent and in dealing with conflicts in the African continent as part of Africa solutions to African problems.

This objective addresses the rationale for the establishment of EASF despite the existence of other organizations such as IGAD in dealing with conflict management within the EAR. It is governed by the principle of subsidiarity, Supranationality, and legal frameworks as constituted by the African Union. The section finds conflicts of interests within member states led establishment of EASF despite IGAD having strong support in addressing peace and security matters in the horn of Africa.

The study also denotes that, emerging conflicts within the EAR needed immediate intervention from member states which led to the establishment of the RSO with a mandate from the AU and authorized by the UNSC. It is through examination of the rationale for the establishment of EASF for conflict management in

the EAR that led to the analysis of how EASF operationalizes through its already established structures.

Conclusion

The study concludes EASF as an RO has both independence and centralization, which contains different functions. EASF facilitates negotiations and agreement implementation, interventions in conflicts, dispute management, and other operational activities that shape international discourse. EASF, as a military organization, has to be more empowered to carry out its mandate of peace and security, which other states have neglected due to different regional organizations performing the same roles.

Recommendation

The study confirmed that member states are rational actors that should have to cooperate rather than mutual defection. These will enhance collaboration efforts put in place to allow EASF to perform its functions and maintenance of peace and security within the region and provide intelligence for actual life interventions within the area. EASF should be the only peace and security mechanism within the EAR other organizations within the region that also has security element in their structure should withdraw the aspect of peace and security to enhance the organization's centralization and independence in carrying out its mandate as authorized by PSC under APSA.

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