A Discourse Analysis of the Role of Collective African Identity in the Shifting Conceptualisation of Sovereignty within the Organization of African Unity, 1990-1999

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"I am an African":

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Abstract

In the first decades following decolonisation, African nations were on the forefront of promoting absolute sovereignty and non-intervention. The Constitutive Act of the African Union that was adopted in 2000, grants the organisation the right to intervene in case of war crimes, genocide, and crimes against humanity. This reflects a conceptualisation of sovereignty as responsibility. To understand this shift in conceptualisation of sovereignty, this thesis conducts a discourse analysis of nine official declarations of the Organization of African Unity between 1990 and 1999 through the lens of constructivist theory. It finds that collective identity, in the guise of Pan-Africanism, serves an important role in enabling the shift in conceptualisation of sovereignty through narrative and interaction. This suggests that collective identity, explicitly on the regional level, is an important factor to be considered in the institutionalisation of humanitarian intervention and has implications for the Responsibility to Protect.

Keywords: *African Union; Collective Identity; Constructivism; Organization of African Unity; Pan-Africanism; Sovereignty; Responsibility to Protect*

List of Abbreviations

UN: United Nations

RtoP: Responsibility to Protect

UNSC: United Nations Security Council

OAU: Organization of African Unity

ICISS: International Commission on Intervention and State Sovereignty

ECOWAS: Economic Community of West African States

SADC: Southern African Development Community

AU: African Union

MCPMR: Mechanism for Conflict Prevention, Management and Resolution

US: United States of America

UK: United Kingdom

Contents

Introduction

"I am an African. I am born of the peoples of the continent of Africa"

– Thabo Mbeki, 1996[1]

At the 2005 World Summit, the Heads of State and Government of the United Nations (UN) unanimously adopted the principle of Responsibility to Protect (RtoP) (Thakur & Maley, 2015, p. 3). In the subsequent years, RtoP has been invoked by the United Nations Security Council (UNSC) on more than eighty occasions (Global Centre for the Responsibility to Protect, 2021). Despite this, RtoP remains controversial. Not only is the principle repeatedly challenged by states, but also among academics it remains contested if RtoP can be considered an accepted global norm (Crossley, 2018, p. 431). Following the 2011 intervention in Libya, the future of RtoP and its implicit conceptualisation of sovereignty as responsibility have become even more uncertain (Erameh, 2019, p. 60).

It is therefore paramount to gain further insight into the development of sovereignty as responsibility. This thesis moves beyond a traditional global scope and focuses on the conceptualisation of sovereignty within the Organization of African Unity (OAU), which shifted from non-intervention towards sovereignty as responsibility. This thesis starts with a historical overview and concludes that a particular 'African RtoP' has emerged. This leads to a literature review assessing the prevalent explanations for the shifting conceptualisation of sovereignty in Africa. It emerges that the overarching variable of collective identity plays a role in this conceptual shift. This leads to the research question: *To what extent has collective identity played a role in the shift of the OAU's conceptualisation of sovereignty, from non-intervention to sovereignty as responsibility?*

This question is answered from a theoretical framework grounded in constructivist thought on collective identity and researched through a discourse analysis of nine official declarations of the OAU. This analysis firstly shows a clear shift in conceptualisation, and secondly that collective identity, through narrative and interaction, creates a framework in which this conceptual shift could take place. Collective identity thus plays a primary enabling role. Following a discussion of the results and methodological process, this thesis ends by presenting tentative implications of the findings and establishing potential avenues for further research.

[1] Mbeki (1996), excerpt from speech made on the occasion of the adoption of the Constitution of South Africa

The importance of collective identity in acceptance of sovereignty of responsibility suggests that a global approach towards a single norm for humanitarian intervention could have significant limitations and that a regionalist, multipolar approach that incorporates regional collective identities could prove more fruitful.

Conceptual Framework

Sovereignty

There is hardly a concept in the field of international relations that is as contested, ambiguous and subject to debate as the concept of sovereignty (Kalmo & Skinner, 2010, p. 2). The "meaning and behavioural implications" of sovereignty are also dependent on the historical context and need to be embedded in a larger value complex in order to have a purpose (Reus-Smit, 1997, p. 567). Sovereignty, thus, is not a static norm (Coe, 2019, p. 4). To understand the shifting dimension of sovereignty, this paper distinguishes two broad conceptualisations of sovereignty that have gained their respective place in history and academic literature.

The first conceptualisation is *sovereignty as non-intervention*, also referred to as an *absolute* conceptualisation of sovereignty (Martin, 2011, p. 154). Sovereignty is here taken to mean, in its internal aspect, the absolute authority of the state to conduct its affairs, and in its external aspect, to have the right to do so freely without interference from others (Vincent, 1974, pp. 3-5). During the Cold War period, the former colonial states unequivocally endorsed an absolute conceptualisation of sovereignty and non-interference (Glanville, 2014, pp. 181-182).

The second conceptualisation is *sovereignty as responsibility.* Though the precise interpretation of sovereignty as responsibility may vary, its primary notion is that non-intervention is contingent on the practices of the state (Martin, 2011, p. 175). Thus defined, states have the right to act as they wish as long as they do so responsibly. Under this principle, states have two responsibilities. Firstly, to respect human rights within their jurisdiction (Lafont, 2015, p. 74). This can be summarised as "you have a right of non-intervention only as long as you are not yourself inflicting serious and systematic human rights abuses on your own citizens" (Slaughter, 2006, p. 2964). Secondly, states have the responsibility to protect human rights against violations from third parties within their jurisdiction (Lafont, 2015, p. 74).

Responsibility to Protect

The principle of RtoP is derived from this second conceptualisation of sovereignty and relies on three "pillars". These are: the "primary responsibility of states to protect their own populations from the four crimes of genocide, war crimes, ethnic cleansing, and crimes against humanity, as well as from their incitement"; the "international community's responsibility to assist a state to fulfil its RtoP"; and the "international community's responsibility to take timely and decisive action, in accordance with the UN Charter, in cases where the state has manifestly failed to protect its population from one or more of the four crimes" (Bellamy, 2010, p. 143). Some scholars stress that RtoP does not equate to humanitarian intervention but comprises a much larger set of possible actions (Barbour & Gorlick, 2008, p. 541). Nevertheless, humanitarian intervention is certainly part of RtoP, and the UNSC may refer to this principle to use collective action in case of severe human rights violations (Pattinson, 2011, p. 174).

Historical Framework

Decolonisation and Sovereignty in the Global South

"Dignity and sovereignty", Franz Fanon wrote, are "exact equivalents" (1963, p. 197). The decolonisation movements on the African continent came with a profound emphasis on sovereignty and self-determination for nations and peoples, and this was put forward by decolonisation leaders as a prerequisite for the enjoyment of other rights (Glanville, 2014, p. 21). Newly independent states were at the forefront of the promotion of non-intervention and played a crucial role in enshrining an absolute conceptualisation of sovereignty in international institutions (Coe, 2019, p. 3). The UN emerged as the main proponent of state sovereignty and non-intervention. The organisation is "based on the principle of the sovereign equality of all its Members" and calls upon its members to "refrain from the threat or use of force against the territorial integrity or political independence of any state" (U.N. Charter art. 2, para. 1; art. 2, para. 4). This is more explicitly put forward in the *Declaration on the Granting of Independence to Colonial Countries and Peoples*, which states that "all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development" (U.N. General Assembly, 1960). Throughout the 1970s and 1980s, the states of the Global South continued to advocate for non-intervention and absolute sovereignty (Kurtz & Rotmann, 2016, pp. 11-12).

The Emerging Norm of Responsibility to Protect

The phrase "Responsibility to Protect" was first circulated by the International Commission on Intervention and State Sovereignty (ICISS) in 2001, and finally unanimously adopted by the UN at the 2005 World Summit (Thakur & Maley, 2015, p. 3). However, though proponents may claim consensus, RtoP remains a contested norm that is only tentatively embraced and unsystematically implemented (Crossley, 2018, p. 431). Nevertheless, this formal support for RtoP constitutes a shift away from the principle of non-intervention.

There is a common idea in international relations that, since the Peace of Westphalia, an international order has been established that rests on absolute sovereignty and non-intervention (Piirimäe, 2011, p. 64). A closer look at non-intervention in the centuries thereafter however shows that this was never absolute, neither in practice nor in philosophical thought (Jamnejad & Wood, 2009, p. 381; Swatek-Evenstein, 2011, p. 48). A long philosophical and legal tradition holds that states are bound to certain humanitarian principles and that their sovereign right comes with respective duties (Piirimäe, 2011, p. 80; Swatek-Evenstein, 2011, p. 47). This tradition has given rise to the notion of human rights following the Second World War and the adoption of the Universal Declaration of Human Rights in 1948, as well as significant further treaties and declarations outlining the duties of states towards these principles of human rights (Therien & Joly, 2014, p. 378). The ICISS report on RtoP makes extensive reference to these institutional foundations of human rights and their implications for human security (ICISS, 2001, p. 26).

From these foundations, a liberal argument for humanitarian intervention developed, but its formal institutionalisation was being held back by the bipolar reality of the Cold War and the rise of the norm of absolute sovereignty (Kurtz & Rotmann, 2016, p. 12). After the end of the Cold War, the idea of humanitarian intervention was vigorously promoted by diplomats such as Kofi Annan and Francis Deng (Luck, 2011a; p. 40; Erameh, 2019, p. 62). Subsequent discussions culminated in the adoption of the World Summit Outcome Document, which can be regarded as, at least a formal, victory for RtoP (Luck, 2011b, p. 393; Poli, 2011, p. 78).

Responsibility to Protect in Africa: African Solutions for African Problems

In light of the central place that self-determination and an absolute conceptualisation of sovereignty had within the struggle for national liberation in the third world, it is at first glance remarkable that African states have moved to adopt the principle of RtoP relatively early on

(Coe, 2019, p. 3). Within Africa, leaders challenged the absolute notion of sovereignty. OAU Secretary-General Salim stated that there was "a need for accountability of governments" and that "we shall be redefining sovereignty" (Gomes, 1991, p. 41). Annan and Deng actively promoted sovereignty in Africa, connecting it to African humanism, or *'ubuntu'* (van Kessel, 2001, p. 48). The changed norm of sovereignty started to show its practical implications in the late 1990s with the Economic Community of West African States (ECOWAS) intervention in Sierra Leone, and the Southern African Development Community's (SADC) intervention in Lesotho (Glanville, 2014, p. 180).

This emergent African framework in which the notion of sovereignty as responsibility and RtoP became embedded culminated at the turn of the millennium in the restructuring of the OAU into the African Union (AU). The AU's founding Constitutive Act provides for an unprecedented right to intervene, as a response to the perceived ineffectiveness of the OAU to prevent atrocities (Butchard, 2015). Article 4(h) of the Constitutive Act gives the Union the right to intervene "pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity" (Organization of African Unity, 2000).

It can thus be concluded that the core idea of sovereignty as responsibility has become widely accepted in Africa. However, the conceptualisation of this principle in its African context is significantly different from the UN's understanding. The institutionalised RtoP framework on the continent was developed within the context of the OAU, which promoted a Pan-African identity and sought to bring 'African solutions to African problems' (Lobakeng, 2017, p. 7). This implies that the conceptualisation of sovereignty as responsibility, which enables intervention by foreign states, is limited to the African continent. The far-reaching possibilities for intervention of the AU's constitutive act circumvent the necessity of a UNSC response. In fact, many inter-African humanitarian interventions, such as the ones in Burundi, Sudan, Somalia, and the Comoros that invoke RtoP have only retroactively sought UNSC approval (Verhoeven et al., 2014, p. 520). This conflicts with the 'global' conceptualisation of RtoP that the UN has put forward repeatedly. Kurtz & Rotmann (2016) describe this 'African RtoP' as an example of "regional emancipation" (p. 14).

The African conceptualisation of RtoP thus does not automatically entail the right of Western powers to intervene in African states when human rights are violated. African nations remain

cautious of the possibility of abuse and of 'neo-imperialist' actions justified by invoking RtoP, especially following the 2011 intervention in Libya (Verhoeven et al., 2014, p. 526; Graubart, 2015, p. 322). This critical stance was also reflected in the Ezulwini Consensus drafted by the AU in 2005 which stated that "it is imperative that Regional Organisations, in areas of proximity to conflicts, are empowered to take actions in this regard" (African Union, 2005, art. B.i.). The Ezulwini Consensus thus gave primacy to the AU, setting the continent on a distinct track (Butchard, 2015, p. 328).

Literature Review

The outlined shift in conceptualisation of the norm of sovereignty in Africa has been the subject of significant scholarly debate, either directly or indirectly. The following review section will discern several of the recurrent trends that emerge from the literature as tentative explanations for Africa's shift away from non-interference towards sovereignty as responsibility.

Moses (2013) argues from a realist perspective that this shift is part of a struggle for power among states, wherein the powerful states can use RtoP as a tool to advance their interests, dressed up in a humanitarian guise (pp. 133-134). Pushing the norm of RtoP removes the "sovereign immunity" of weaker states and not that of powerful states (Moses, 2013, p. 130). Similarly, Mallavarapu (2015) concludes that the notion of sovereignty as responsibility enables interventionism by Western powers in the Global South (p. 304). RtoP enables material-driven interventionist power politics under the guise of responsibility (Mallavarapu, 2015, p. 322).

Mearsheimer (2001) distinguishes "regional hegemony" as the most important objective for states to ensure their survival (p. 53). Verhoeven et al. (2014) point to the role of South Africa as regional hegemon, and the role of President Mbeki in promoting sovereignty as responsibility in the region (p. 510). Similarly, Tieku (2004) argues that the transformation of the OAU into the AU at the turn of the century was a result of aligned foreign policy preferences of South Africa and Nigeria, two of the most powerful states on the African continent (p. 251). The AU thus emerged as part of a regional power struggle involving national interests and as a result, African states will increasingly come to regard the regional platform as an arena to further their self-interest (Tieku, 2004, p. 267).

Conversely, Kurtz & Rotmann argue that the shift of conceptualisation of sovereignty occurred much earlier than 1999, when the Constitutive Act of the AU was adopted. Rather, it was a continuing process that was already fully underway during the 1990s, shedding doubt upon the hegemonic role of South Africa as a driving force, given that the Apartheid government remained in power until 1994 (2016, pp. 3-4). They argue that the acceptance of sovereignty as responsibility was rather a result of the liberalism of the 1990s, and the institutionalist idea that universal rules that bind all states not only mitigate global inequality, but also address human security concerns at the same time (Kurtz & Rotmann, 2016, p. 12). The conceptual shift itself was a product of the liberal institutionalism that could be unleashed after the end of the Cold War, but the initial scepticism within the Global South, drawing on a history of intervention and colonialism, resulted in it being accepted only when embedded in the regional context (Kurtz & Rotmann, 2016, pp. 12-14).

Hunt (2016b) also points to liberalism as an explanation and argues that the norm of sovereignty as responsibility in Africa can in part be ascribed to the institutionalisation of the emerging human security paradigm, put forward following the Cold War (p. 202). Söderbaum (2004), turns this institutionalist logic on its head and argues that interventions may also have been conducted in response to globalisation and that they were aimed to strengthen sovereignty by supporting neighbouring governments against domestic threats (p. 432). Piiparinen (2013) argues that RtoP is the institutionalisation of a new norm of sovereignty, which is part of the post-Cold War world order and a distinctly liberal tradition (pp. 381-382).

This (neo)liberal explanation is challenged by O'Hagan (2015). She argues, citing the contributions of Francis Deng and Kofi Annan, that the roots of RtoP lie in Africa, and that this explains why the OAU developed an institutionalisation of the norm prior to the UN (pp. 293-294). Herbst (2001) highlights how the new world order of the 1990s has had significant effects on sovereignty in Africa, as an increasing number of states "failed", and governments themselves had limited control over their territory, which offered an opportunity for a different understanding of sovereignty and relationship to the West (pp. 220-222). Coe (2019) looks at, among others, economic explanations. The economic crisis of the 1980s hit Africa especially hard, and this period has become known as the "lost decade for Africa" (p. 146). As a result, the African nations experienced a high material vulnerability, which led their governments to become more open to interventionist politics from a regional organisation (Coe, 2019, p. 157).

Mills (2015) describes the development of sovereignty as responsibility in Africa as a response to atrocities committed on the African continent during the 1990s, after which humanitarian interventions have been justified and developed into a present ongoing RtoP regime (pp. 6-8). Mills sees a pattern emerging from the Tanzanian intervention in Uganda and the war in the Congo, greatly accelerated following Rwanda and the idea of "never again", to the institutionalisation at the turn of the century (2015, pp. 4-8; p. 79; p. 87). Abbas (2011) similarly points to the "horrors" of the 1990s which served as justification for the emergence of the institutional changes that enshrined the idea of sovereignty as responsibility (pp. 224-225). Glanville (2014) also argues that the primary reason for the shift in understanding of sovereignty was the occurrence of several mass atrocities committed on the African continent, starting with Idi Amin's rule in Uganda, and culminating in the Rwandan genocide (pp. 179-180).

Since the 1990s, constructivism has become prominent in explaining the changing of norms and conceptualisations (Hunt, 2016a). Finnemore & Sikkink (1998) developed the highly influential life cycle model. This model entails that norms emerge from norm entrepreneurs, "cascade" within states, international organisations, and similar networks, and are finally "internalised" into law and subsequent institutionalisation (1998, p. 898). Tardy (2013) argues that a similar process can be discerned in the acceptance of sovereignty as responsibility within Africa. Norm-makers are involved in a continuous conflict with enduring conceptualisations of sovereignty. The regional platforms allow for a place in which this norm creation can take place (pp. 220-221). Hunt (2016b) also uses the theory of "norm circulation", based on constructivist ideas to illustrate how the regional organisations of Africa provide a space for the perpetual contestation of norms (p. 212; p. 225-226).

Though the discussed arguments and explanations can indeed provide significant and highly applicable insight into the process of the change in conceptualisation of sovereignty, several scholars argue that there is another, more overarching factor that is crucial in finding an explanation for the conceptual shift in Africa. This is the factor of identity. Landsberg (2012) shows how Africanism, in various guises, has been an important spearhead for the foreign policy of African countries, specifically South Africa (p. 437-439). Likewise, Aniche (2020) highlights how Pan-African identity was not only an important factor in the era of decolonisation, but also fundamental to the subsequent regional order and integration of the continent (p. 70; p. 73-74). Similarly, Hunt (2016a) concludes that "pan-Africanism is a vital

antecedent of contemporary manifestations of African regionalism" (p. 205). Concretely, Coe (2019) makes the case that the contestation of the norm of non-interference within the OAU was made possible by "macronationalism", by which he indicates the pan-African identification (p. 67; p. 103).

Research Question

Though the above conclusions are reminiscent of the concept of collective identity, which is prominently featured in constructivist theory, a direct investigation using a constructivist framework is currently absent from the literature. Such an inquiry could prove highly useful in illuminating the process and mechanisms that enabled the shift away from a non-interventionist conceptualisation of sovereignty, towards sovereignty as responsibility. Therefore, this thesis will follow in the footsteps of the last group of scholars in recognizing identity as a crucial overarching and enabling variable in understanding sovereignty in Africa. It will do so by applying a constructivist theory of collective identity, and as a result, the research question that will be answered in this thesis is as follows:

"To what extent has collective identity played a role in the shift of the OAU's conceptualisation of sovereignty, from non-intervention to sovereignty as responsibility?"

Theoretical Framework

Collective Identity

A constructivist framework is particularly suited to discuss the tumultuous changes that occurred in the world since the late 1980s (Hayes, 2017, p. 89). Constructivism does not challenge that states act in their own interest but are primarily concerned with what constitutes this interest (Wendt, 1999, p. 97). A fundamental notion within constructivism is that interests are reflective of identities (Wendt, 1994, p. 385; Cahan, 2019, p. 478). These identities are constructed through ideas, or beliefs that one has about the self, and which are socially constructed through interaction with the 'other' (Wendt, 1999, p. 225; Hayes, 2017, p. 90). Lebow (2012) distinguishes two interactions that together create, transmit, revise, but also undermine identities (p. 46). Through narratives, which are linear stories which state what we should aspire to be and how to relate to others, and practice, or "widely shared and culturally

relegated" repetitive behaviour (Lebow, 2012, p. 46). Crucial for identities is the fact that they are continuously shaped through social practice (Hopf, 1998, p. 199).

For constructivists, states remain the primary unit of analysis, and thus it needs to be considered if this logic of identity formation can be attributed to states as well. Wendt argues that states, as actors, have their own identities and that the model of identity formation can also be ascribed to states as "corporate agents" (1999, p. 215; 2004, p. 316). In addition, states are themselves governed by people, and as such a state is a collection of people, which makes anthropomorphising possible (Greenhill, 2008, p. 346). Hopf (1998) argues that these state identities create predictability because they imply "preferences and consequent actions" (p. 175). International structures, in constructivist thought, are also shaped by continuous interaction, which ascribes identities to the self and to others (Wendt, 1999, p. 337; Hayes, 2017, p. 91). Wendt's famous statement that "anarchy is what states make of it" reflects this principle of continuous action, interpretation, and intersubjective constitutive processes (Wendt, 1992, p. 391; p. 406).

Wendt distinguishes four types of identity: personal or corporate; type; role; and collective identity (1999, p. 224). Collective identity is a specific type of identity that can occur in a state, and which allows this state to transcend their self-interest into altruism (1999, p. 229). Similar to individuals within a state ascribing to a collective identity to form an "imagined community", states may do so (Wendt, 1999, p. 242; Anderson, 2006). Through this collective identity, a state will identify itself with the interests of the other and this level of identification with the other can be placed on a scale, or continuum, from positive to negative (Wendt, 1994, p. 386). Wendt recognises that collective identities are never perfect, but rather that their existence shapes state interaction (1994, p. 387). Though collective identities are fluid and continuously contested, Wendt argues that they can be investigated from a positivist position because they are "sufficiently stabilised so that it appears given", and thus can be analytically useful (Wendt, 1999, p. 340).

Collective identities and identification with the interests of the 'other' can even emerge in an anarchic world (Wendt, 1999, p. 230). This presupposes a systemic shift of understanding of the international order. A primary mechanism that plays a role in such a systemic shift is that of categorisation, where certain states are grouped together, versus those that do not belong to this group (Williams, 2004, p. 655). The understanding of the social process of constructing a

collective identity as taking place through narrative and practice of interaction (Lebow, 2012, p. 46) will be guiding the forthcoming analysis in this thesis.

Expectations

This theoretical framework puts forward a tentative explanation for the problem at hand: African states have, at least to a certain degree, formed a collective identity. This collective identity, though fluid, can be broadly defined as "Pan-African". This could explain why a particular African conceptualisation of sovereignty as responsibility has emerged, which corresponds to the principles of humanitarian intervention as developed by the UN, but places primacy on the AU. Africa's regionalist understanding of RtoP is in line with the principle of 'African solutions for African problems'.

The promulgation of sovereignty as responsibility and the adoption of the distinctly African idea of RtoP would, in this perspective, be part of a broader collective identity, construed by discourse, social interaction and narrative. Because a collective identity allows for the identification with the interests of the other (Wendt, 1994, p. 386), the idea of sovereignty as responsibility becomes more acceptable. When notions of collective identity are established, states will move away from pure self-interest towards a more collective understanding of interests (Wendt, 1999, p. 242). This would in turn open the space for reassessing non-intervention and an absolute stance on sovereignty. When the OAU and the AU, are understood as representing (at least partially) this collective identity, it becomes appropriate to grant them certain powers, such as humanitarian intervention, that were previously exclusive to the sovereign state. Thus, the conceptualisation of sovereignty as responsibility has been enabled by the collective, pan-African identity, and promotion of this conceptualisation can be expected to occur with reference to expressions of this collective identity.

Methodology

A discourse analysis will be performed using primary documents of the OAU, which highlight the fundamental decisions taken by African leaders that eventually led to the establishment of the AU, which included the institutionalisation of the idea of sovereignty as responsibility (Butchard, 2015).

Discourse is a concept that has a plenitude of meanings and interpretations (Gasper & Apthorpe, 1996, p. 2). This research follows a definition of discourse that is in line with the

constructivist perspective of social interaction. According to Hajer (1993), discourse is "an ensemble of ideas, concepts, and categories through which meaning is given to phenomena. Discourses frame certain problems; that is to say, they distinguish some aspects of a situation rather than others." (p. 45). Holzcheiter (2014) broadens the scope by referring to discourse as "the space where intersubjective meaning is created, sustained, transformed and, accordingly, becomes constitutive of social reality" (p. 144). In line with these two definitions, Bondarouk and Ruël (2004, p. 4) argue that discourse analysis contains two elements, which go beyond the scope of a single particular text: context and continuation. Discourse analysis, in conclusion, is always an interaction between texts within a broader continuum, in a particular context, though referring to concrete bodies of text.

Case Selection and Operationalisation

In line with this definition of discourse, the subsequent analysis will discuss a continuous selection of official declarations of the OAU, made between 1990 and 1999, and connect them to the particular context in which they were made. As follows from the theoretical underpinning, these formulated declarations will be regarded as reflective markers of an ongoing interactive and discursive process among African leaders, states, and norm entrepreneurs.

The period 1990-1999 is crucial to evaluate with regard to understanding the shift in conceptualisation of sovereignty because of the institutionalisation of sovereignty with adoption of the Constitutive Act of the AU in 2000. For this analysis, nine official declarations made during this period are collected, starting in 1990 with the *Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World*. This declaration can be regarded as a starting point for discussions on the place of Africa in the post-Cold War world order (Abebe & Fombad, 2021, p. 63). The selection ends in 1999 with the *Algiers Declaration*, the last declaration made before Extraordinary Session of the OAU in Sirte, in which the AU was brought into being.

The selected documents are examined both with regard to the context in which they were adopted and as part of a continuing discourse. The textual analysis concentrates on the references to a common African identity, in relation to shifting away from the norm of non-intervention. In line with a constructivist understanding of discourse, this analysis will let

patterns emerge from the texts when viewed in symbiosis, rather than set out preconceived notions, codes, or themes *a priori*.

Table 1. Overview of Selected Declarations

	Declaration No.	Title	Place and Year
1	AHG/Decl.1. (XXVI)	Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the Political and Socio-Economic Situation in Africa and the fundamental Changes Taking Place in the World	Addis Ababa, 1990
2	AHG/Decl.1. (XXIX)	1993 Cairo Declaration on the Occasion of the Thirtieth Anniversary of the Organization of African Unity	Cairo, 1993
3	AHG/Decl.3. (XXIX)	Declaration of the Assembly of Heads of State and Government on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution	Cairo, 1993
4	AHG/Decl.2. (XXX)	Declaration on a Code of Conduct for Inter-African Relations	Tunis, 1994
5	AHG/Decl.3. (XXXII)	Yaoundé Declaration. Africa: Preparing for the 21st Century	Yaoundé, 1996
6	AHG/Decl.2. (XXXIII)	Declaration of the Thirty-Third Ordinary Session of the OAU Assembly of Heads of State and Government on the Dispute between the Libyan Arab Jamahiriya and the United States of America and Great Britain	Harare, 1997
7	AHG/Decl.3. (XXXIII)	Harare Declaration of the Assembly of Heads of State and Government of the OAU on the Reform of the UN Security Council	Harare, 1997
8	CONF/HRA/DECL (I)	Grand Bay (Mauritius) Declaration and Plan of Action	Grand Bay, 1999
9	AHG/Decl.1. (XXXV)	Algiers Declaration	Algiers, 1999

Results

In July 1990, the Heads of State and Government of the OAU met in Addis Ababa and published the *Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World* . The end of the Cold War brought challenges and opportunities for Africa. Free from the influences of the respective sides during the Cold

War, the African states needed to re-evaluate their position in the world and set out their course for the next decade. The economic crises of the 1980s, and the devastating results of natural disasters, disease, and conflict, created a fear of becoming a "marginalised continent" (para. 2). This declaration puts forward steps that "should guide Africa's collective thinking about the challenges and options" (para. 2). The first part of the declaration reflects on the independence of Namibia and reasserts its solidarity with the "oppressed people of South Africa" (para. 4). The subsequent paragraphs outline steps for economic development. These should be "self-reliant, human-centred and sustainable" and based on "social justice and collective self-reliance" (para. 8). In the next section, the need to promote values such as democracy, participation, and "working together" on conflict resolution for an "atmosphere of lasting peace and stability" are put forward (para. 10; 11). The subsequent section provides perspicuous insight in the course of action for the next decade. While in the past the continent had largely focused on political liberation and nation-building, now the OAU will move beyond this and "revive the ideals of Pan-Africanism and commit (…) to maintain and strengthen our unity and solidarity"[2] (para. 12). Though these commitments may still sound rather vague, it is telling that in this document, which is supposed to set the stage for subsequent discussions, the word "sovereignty" is not mentioned once, but the focus rather lies upon working on issues, which could previously be regarded as national objectives, collectively.

The 1993 *Cairo Declaration on the Occasion of the Thirtieth Anniversary of the OAU* makes substantive reference to the OAU's history and collective identity. It starts out by commending the movements of national liberation in the "struggle against colonialism and racial discrimination' as well as the founders of the OAU and the organisation's role in providing a framework for "interaction and institutional unity" (para. 1; 2). The remainder of the declaration follows the trend set out in the Addis Ababa declaration by declaring to "undertake to promote the rights and freedoms of our peoples, and to enhance the democratic values, ideals and institutions of our States", though here the declaration makes mention of "respect for the sovereignty of all African States (…) as well as respect for their political and socio-economic options"[3] (para. 12). These two, ostensibly opposite commitments that occur in one paragraph may indicate occurring norm cascading within the OAU. The remainder of the declaration again stresses the need to "work in unison for the peaceful resolutions of all our conflicts"

[2] Omitted: "ourselves, individually and collectively, on behalf of our governments and peoples"
[3] Omitted: "as spelt out in the OAU Charter"

(para. 15) and for the first time states that security and stability are also a concern for the "regional and continental levels" (para. 14), hereby anticipating a stronger role for the OAU in the field of security. This builds up towards the *Declaration on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution* (MCPMR), also made in Cairo in 1993. This declaration similarly invokes collective identity, stating that the founders were determined to "rekindle the aspirations of the African people for brotherhood and solidarity in a larger unity transcending linguistic, ideological, ethnic and national differences" (para. 1). The declaration makes direct reference to the steps taken in Addis Ababa in 1990 (para. 10). Subsequently, the MCPMR is set out, granting new powers to the OAU such as "institutional dynamism, enabling speedy action" and deploying "civilian and military missions of observation and monitoring of limited scope and duration" (para. 12; 15). But here too, an absolute conceptualisation of sovereignty is being put forward, tied to territorial integrity and non-interference (para. 14). Again, the result of the declaration is a somewhat conflicting collection of aspirations, still firmly within the frame of absolute sovereignty, but containing implications that erode this norm that are justified and presented with reference to collective identity.

The Assembly of the Heads of State and Government in Tunis, 1994 took place while the Rwandan genocide was ongoing. The subsequent *Declaration on a Code of Conduct for Inter-African Relations* does not mention these events, though it refers to "the proliferation of hot beds of tension in Africa and the serious threat they pose to the stability, independence and credibility as well as to the development of our States" (preamble). This is one of the first explicit statements that makes instability an issue that concerns the region, rather than the individual state. Notwithstanding, shortly after the declaration states to "strengthen solidarity (…) based on mutual respect and non-interference"[4] (preamble). This shows conflicting commitments, by now a recurring trend. The declaration continues by stating that "the time has come to take our destiny into our own hands and to seek African solutions to the problems besetting our continent" (preamble). This explicit mention of the "African solutions for African problems" ideal showcases two things. Firstly, the importance of the collective aspect of the approach outlined in this document. Secondly, that the "problems besetting our continent" are no longer the problems of individual states, but that the "hot beds of tension" are an African problem, which as a result requires a collective and regional solution. Recalling the context of

[4] Omitted: ",consultation and co-operation among Member States,"

the Rwandan genocide, but also the Angolan Civil War, this is a clear step towards a more interventionist approach. This is also illustrated by the proposed Code of Conduct itself which speaks of challenges that "can only be met through concerted action, cooperation and solidarity" (para. 6); calls upon a "new package of concrete security measures" (para. 8); pledging to "adopt effective measures" using the MCPMR (para. 11); and explicitly "take necessary operational measures to ensure that Member States' territories do not serve as training camps or indoctrination centres for terrorist elements" (para. 15). Though these developments seem to again push the limits of the OAU charter and expand the scope of their mandate, the declaration continues to show its support for sovereignty and territorial integrity (para. 9; 15).

The declaration *Africa: Preparing for the 21st Century,* made in Yaoundé in 1996 marks another key junction for the OAU's position in the post-Cold War world. The declaration starts by summarising the many challenges facing Africa. It is described as "the most backward in terms of development from whatever angle it is viewed and the most vulnerable as far as peace, security and stability are concerned" (para. 2). Though progress is hailed in areas such as medicine, infrastructure, and national liberation (para. 5), many challenges remain, and a strategy to face these is formulated. Crucial to this strategy is increased regional cooperation. The declaration follows Tunis in calling to resolve Africa's "image as a hotbed of clashes and conflicts and restore the lost dignity of our peoples" (para. 25). It calls upon the operational capacity of the MCPMR to be "strengthened" and advocates other ideas for conflict resolution such as using "eminent African personalities" (para. 25). Though again the wording remains rather vague, the clear omission of any reference to sovereignty in the declaration itself is striking, as is its serious and even grim tone. This declaration thus marks a new step in the continuing discourse.

In 1997, against the backdrop of rising tensions between Libya and the United States (US) and United Kingdom (UK), the OAU leaders met in Harare. The *Declaration on the Dispute between the Libyan Arab Jamahiriya and the United States of America and Great Britain* is noteworthy to discuss in this section because, after an absence in the previous declaration, it starts by mentioning that all nations should "refrain from any threats to their sovereignty, [and] territorial integrity"[5] (para. 1). However, in this case, it is used to defend Libya against the calls

[5] Added: 'and', omitted: "and the security of their nationals"

for extradition of the Lockerbie suspects by the US and UK, and their imposed sanctions (para. 3). The discourse of non-intervention thus demonstrates a divide between Africa and the West. In the subsequent 1997 *Declaration on the Reform of the UNSC*, African leaders issued far-reaching demands to the UN stressing "the imperative need of ensuring equitable geographical representation" (preamble). These include adding two permanent and five non-permanent African members to the SC (para. 2). In both these declarations, the OAU is identifying itself as the champion for African rights and is willing to stand up for these against the status quo.

In 1999, the first Ministerial Conference on Human Rights was held under the auspices of the OAU. The subsequent *Grand Bay Declaration and Plan of Action* is a ground-breaking document. Referencing Addis Ababa and Cairo, this declaration puts forward that "observance of human rights is a key tool for promoting *collective security*, durable peace and sustainable development"[6] (preface). It references the violations of human rights, genocides, and crimes against humanity that occurred in Africa (preface) and recalls the "determination of the collective leadership in Africa to (…) enable African peoples to enjoy better standards of living"[7] (preface). The subsequent *Plan of Action* reflects a tangible shift in understanding of sovereignty. Firstly, it "affirms the interdependence of the principles of good governance" (para. 3). The principle of "good governance" is related to sovereignty as responsibility, and it being officially endorsed by the OAU is significant. Secondly, it ascribes these human rights values as universal and inalienable (para. 2) and related to the "traditional and cultural values of Africa" (para. 5), echoing the African origin-argument for sovereignty as responsibility. Then, it reminds the member states of their obligations under various human rights treaties and gives the OAU a crucial role in upholding these, specifically by calling the Heads of State and Government to "take decisive action" on their activity reports (para. 23). Though the *Grand Bay Declaration and Plan of Action* does not include provisions for intervention, it does mark a noticeable shift. Human rights have taken primacy, references to sovereignty and non-intervention are absent, and states are reminded of their obligations to human rights.

The *Algiers Declaration*, made two months later in 1999, opens by invoking the history of the continent, from colonisation and the struggles of national liberation to the present day, highlighting the "intrinsic ancestral values" that allowed Africa to face its challenges (para. 8).

[6] Emphasis added
[7] Omitted: "establish conditions which will ensure social justice and progress and thus"

It also mentions "inviolability of borders" as having "contributed decisively to the preservation of peace and stability" (para. 10). However, it unequivocally embraces the principles of the previous *Grand Bay Declaration and Plan of Action* and states that "much remains to be done to bring these developments to the level of our own expectations and the legitimate aspirations of our peoples" (para. 17). This declaration has effectively embraced principles that undermine the absolute conceptualisation of sovereignty and closes by stating that Africa "will shoulder its share of responsibility" in the new millennium (para. 36).

Discussion

Findings and Interpretation

The above analysis showcases that the shift in conceptualisation of sovereignty is reflected in the official declarations of the OAU throughout the 1990s. While the first documents analysed make clear reference to non-interference and sovereignty, this is absent in later declarations.

Several distinct patterns emerge throughout the course of the decade that showcase erosion of absolute sovereignty. The first pattern is that sovereignty has increasingly been framed in the context of the relationship between Africa and the West. This is particularly apparent in the two 1997 Harare declarations, on the issue of Libya and reform of the UNSC. Where an absolute conceptualisation of sovereignty in earlier declarations was set out as a norm for relations among African states, it has shifted towards a collective African argument vis à vis perceived intervention from the West.

A second pattern that emerges is the introduction of conflicting goals and norms in the declarations from the first half of the 1990s. The 1990 Addis Ababa declaration already sets out collective goals, among which are democracy, social justice, a common approach to security, and human rights. Over the course of the decade, there exists a tension between the promotion of these aspirations and the continuing prevalence of non-intervention. Here, contestation of the meaning of sovereignty can be witnessed, and during the latter half of the decade, there is an increase in aspects that are perceived as collective and African, such as the recognition of security and conflict resolution as a continental issue, to be addressed by the OAU. In this ongoing discourse, the 1999 *Grand Bay Declaration and Plan of Action* is a watershed moment in that it places clear primacy on human rights. By adopting this declaration two months later in Algiers, the OAU, at least formally, acknowledges the conceptualisation

of sovereignty as responsibility in its very essence, namely: there are certain things that states cannot do, and certain obligations that states have towards human rights. From Grand Bay and Algiers, it is a small step to the adoption of the Constitutive Act of the AU, featuring the much-discussed article 4(h) and its implicit conceptualisation of sovereignty as responsibility.

Collective African identity is shown to play an important role within this process of contestation of non-intervention and acceptance of sovereignty as responsibility. The collective identity and the idea of a common purpose for Africa provide a clear narrative structure. Setting out the goals for the new century in 1990, a story is created of an Africa that is moving away from its 'backwards past', as the *Yaoundé Declaration* also very clearly shows. A red thread through this narrative is that the struggle for national liberation has succeeded, and now it is time for the continent to take the next step, united as one Africa. Within this narrative, there is also room for a re-evaluation of sovereignty. Security issues become issues for the whole of Africa. *The Grand Bay declaration and Plan of Action* consistently embeds its far-reaching recommendations for human rights protection within this African narrative, by referring to their African origins. The Algiers declaration, which adopted this plan, starts with three pages of history, in which the African struggle is referenced, and where the 21st century is again inferred as a century in which a united, stronger continent shall rise.

Limitations

This type of discourse analysis will always have certain limitations, and it will not provide clear-cut and definite answers. There is always a certain subjectivity that comes with the interpretation of discourse and an overarching narrative. Acknowledging this, however, discourse analysis remains most suitable for investigating the issue of collective identity. As identities are created through narratives and interaction (Lebow, 2012, p. 46), a purely textual analysis will fail to capture this identity and the role that it played within the contestation of the conceptualisation of sovereignty. Discourse analysis allows for a broader view and is thus able to observe and discern patterns.

The subjectivity of interpretation limits the conclusions in that it will not unambiguously discard alternative explanations. Realists may, for example, continue to argue that African leaders just pay lip service to common identity but are ultimately motivated by state interests only. The goal of this thesis, however, has not been to debunk other theories about the acceptance of responsibility to protect. It rather serves to explore the role of collective identity

and to give more insight into how the conceptualisation of sovereignty could change. The insights that discourse analysis can provide have their merit and should be considered by those who wish to gain a better understanding of this process.

By selecting the main OAU-issued declarations that mention security issues, this thesis has endeavoured to avoid a selective reading of the available evidence. However, a selection had to be made and it might be argued that omitting other types of documents, such as resolutions, impacts the depth of the analysis. Therefore, further research remains warranted, using other representations of the ongoing discourse within the OAU during the 1990s.

A significant advantage of this type of discourse analysis is that the context is considered. Changes in conceptualisation, and their reflections in declarations, can thus be related to events. As has been shown, events such as the African economic crisis, the Rwandan genocide, and the Lockerbie affair have their role within the ongoing narrative. This thesis however has focused on a limited number of events, which can be directly linked to the discourse discussed. A wider and more extensive analysis of the historical context of the conceptual shift of sovereignty could prove illuminating and is therefore recommended.

Conclusion and Implications

Conclusion

The findings of this discourse analysis lead to an answer to the research question: *"To what extent has collective identity played a role in the shift of the OAU's conceptualisation of sovereignty, from non-intervention to sovereignty as responsibility?"*

Collective African identity has played a significant role in the conceptual shift of sovereignty within the OAU. It enabled a narrative and a platform for interaction and contestation. This resulted in a discourse in which the conceptualisation of sovereignty could change. Presenting these, at times subtle, realignments of sovereignty as part of a broader narrative of a united Africa that is moving towards a new century and is reasserting itself versus the West, provides an opportunity for interests to align. This conclusion is in line with what constructivist ideas about collective identity suggest. The construction of a collective identity enables states to align their interests with those of the group. In such an environment, it is possible for a previously firmly set conceptualisation of sovereignty as absolute to change.

Implications

The conclusions in this thesis have implications for the development of a framework for humanitarian intervention. Collective identity could serve a crucial part in the acceptance of sovereignty as responsibility, and thus this identity needs to be considered. This requires a more regional and multi-facetted approach towards humanitarian intervention, acknowledging regional differences. This research can add to the understanding of why establishing RtoP as a norm has been challenging, especially in its implementation. It has moved beyond focusing on the global level, and the traditionally investigated landmarks of the 2001 ICISS report and the 2005 World Summit and provided deeper insight into the development of a conceptualisation on the regional level. By doing so, the importance of collective identity as an enabling factor of discourse in which conceptualisations can change, and norms can be eroded, is highlighted.

A purely institutionalist logic, that ignores these identities and narratives, results in the imposition of a single blueprint for RtoP for the entire world. The analysis in this paper suggests that this drive might have the inverse effect of its objectives. It gives room for RtoP to be criticised as Western-centric and neo-imperialist, exactly because crucial constitutive elements within the global South are neglected in favour of a globalist perspective that ignores historical narratives, identity, and development. This implies that if the 'international community' is serious about protecting human rights on an international level and wishes to remove the obstacle of non-intervention tied to a non-interventionist conceptualisation of sovereignty, it may paradoxically need to let go of the predisposition towards global governance.

Recommendations

Further research is warranted to analyse if the observed patterns can be discerned in other regions of the world. Further research on Africa should focus on understanding causal mechanisms behind the acceptance of sovereignty as responsibility and could pay explicit attention to actors, organisational structures, and the impact of world events on the discourse within the OAU. Finally, analysing the period after 2000 would be highly beneficial in understanding how this discourse developed, and if the linear development that has been observed during the 1990s continues, or might be reverted.

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