The African Union (AU): Key Issues and U.S.-AU Relations

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December 16, 2016

Summary

U.S. relations with the African Union (AU), an intergovernmental organization to which all African countries except Morocco belong, have strengthened over the past decade. U.S.-AU cooperation has traditionally focused on peace operations and conflict prevention and mitigation. U.S. aid for AU democracy-strengthening initiatives is another key focus of engagement. Other areas of cooperation include economic development, health, governance, peace and security capacity building, and criminal justice. Direct U.S. aid to the AU Commission (AUC, the organization's secretariat), which oversees AU program activity, is moderate; most U.S. aid in support of AU goals is provided on a bilateral basis or sub-regional basis. Consequently, such aid may not always be accounted for in analyses of U.S. support for the AU.

President George W. Bush formally recognized the AU as an international organization in 2005, and a U.S. mission to the AU was established in 2006, making the United States the first non-African country to have an accredited diplomatic mission to the AU. In 2007, the first AU ambassador to the United States was accredited. In 2010, an agreement on U.S. aid for the AU was signed and in 2013, the AU and the United States established annual partnership dialogues and extended the 2010 aid agreement. Later in 2013, President Obama met with the AUC Chairperson, marking the first exchange between an AUC chair and a U.S. president. In 2015, President Obama addressed the African Union at its headquarters in Addis Ababa, Ethiopia, becoming the first U.S. president to do so. How the Trump Administration and the 115th Congress may view and potentially engage with the AU has yet to be determined.

The AU was established in 2002 as the successor to the now-defunct Organization of African Unity (OAU). The aim of the AU is to promote continental economic integration and socioeconomic development through shared political and economic institutions and the planned creation of a common African market. Other key AU goals include greater political and economic unity, peace and security, and stability within Africa; advocacy of common African positions in international forums; strengthened democratic governance and rule of law; respect for human rights; and gender equality and social justice, among others. The current AUC chair is Dr. Nkosazana Dlamini-Zuma of South Africa. Her priorities have centered on conflict resolution, support for transitional aid in post-conflict countries, AU monitoring of African elections, and efforts to boost economic growth and increase AU finance resources, among other goals.

In July 2016, Dlamini-Zuma's tenure was extended until January 2017 after the AU Assembly (comprising heads of state and government) failed to agree on a successor. The Assembly also decided in July 2016 to impose a 0.2% levy on imports into Africa to fund AU programs and AU-led peacekeeping missions, to facilitate the intra-regional movement of persons through the expanded use of AU passports, and to speed the creation of a Continental Free Trade Area. It also addressed several country-level crises. Key AU challenges include organizational, technical, and skilled personnel capacity gaps and limited financial resources. Political tensions among member states, uneven commitment to AU goals and mandates across the region, and sovereignty concerns have also inhibited AU effectiveness.

The AU's top decisionmaking organ is an Assembly of heads of state and government. Its decisions are overseen by an Executive Council, made up of AU members' foreign affairs ministers. Other notable AU institutions include the Peace and Security Council (PSC), which manages the AU's efforts to prevent and resolve conflicts, and the New Partnership for Africa's Development (NEPAD) Planning and Coordinating Agency, which manages economic programs and projects. The AU is also endeavoring to address violations of international human rights law through an expansion of the African Court on Human and Peoples' Rights, a nascent continental court with a mandate to protect human rights and freedoms.

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Introduction

The United States has long cooperated with the African Union (AU), and its predecessor, the Organization of African Unity (OAU). U.S.-AU ties have strengthened and assumed increasing prominence since the establishment in 2006 of a U.S. diplomatic mission to the African Union (USAU) in Addis Ababa, Ethiopia, where the AU is headquartered.

In mid-2015, President Obama addressed the AU in a speech focused on democracy and a range of other issues centering on governance and security. He had previously met with the AU Commission Chair, Dr. Nkosazana Dlamini-Zuma, in 2013 and in 2014. Key Obama Administration goals with respect to the AU have been to

- support AU efforts to promote democratic and electoral reform across the continent;
- promote inclusive regional economic development and growth through improved trade and investment;
- support various AU developmental objectives, including projects in such areas as agriculture and education;
- strengthen the capacity of the AU and sub-regional organizations to effectively address peace and security challenges, and aid individual stabilization missions;
- improve AU staff and organizational/technical capacities; and
- increase public diplomacy and multilateral engagement with the AU and its member states to further U.S. interests.[1]

While U.S.-AU cooperation is multifaceted, direct annual U.S. assistance to the AU in support of the organization and its nonmilitary program activities—referred to as "core" assistance—is limited. In recent years it has ranged between a low of $521,000 (FY2015) and a high of $1 million (FY2012), with an increase to $2.4 million requested for FY2017.[2] Such aid has been supplemented by periodic one-off U.S. efforts to support special AU activities, such as the AU response to the Ebola viral disease outbreak in West Africa and, separately, the AU's establishment of an African Centre for Disease Control and Prevention. Some additional U.S. aid funding that is allocated to Africa at the regional level, bilaterally, or under presidential initiatives—such as the U.S. Feed the Future food security and agricultural development program—also indirectly supports various AU objectives.

Traditionally, the bulk of U.S. aid for the AU has supported the deployment and sustainment of AU military peacekeeping or stabilization missions, as well as the participation of individual African countries in them. U.S. support for the U.N. Security Council-authorized AU Mission to Somalia (AMISOM) and its troop contributors since 2007, for instance, stands at nearly $2 billion. U.S. support to the AU Mission in Sudan (AMIS), a 2004-2007 AU peacekeeping operation in Sudan's western Darfur region, totaled roughly $472 million.

While in recent years the AU has funded nearly all of its operational (organizational) budget, it remains highly dependent on external funding for its program and security operations budgets. It is taking steps, however, to increase the proportion of funding its member states contribute, including through a new initiative to impose a small levy on imports into these states. If

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[1] Joint State Department/U.S. Agency for International Development response to CRS inquiry, October 20, 2015; see also FY 2017 State Department *Congressional Budget Justification*, among other sources

[2] This would be an increase from an estimated level of $935,000 in FY2016.

successful, such efforts may shape the future relationship between the AU and donors such as the United States.

Congressional engagement with AU institutions has historically been relatively limited, although it has gradually increased as U.S.-AU relations have gained a higher profile, and as U.S. funding of AU peacekeeping and military intervention missions has also increased. Congressional appropriation and oversight activity has regularly focused on such aid. In recent years, some Members of Congress have met with AU leaders or traveled to AU headquarters to discuss with AU leaders common concerns and interests regarding the region. Still, little substantive recent legislation or congressional oversight activity has focused specifically on the AU.

There is arguably considerable potential for expanded U.S.-AU ties and cooperation—and for expanded congressional engagement with the organization—given the AU's diverse program and policy activity, the limited extent of U.S.-AU development cooperation compared to some other AU development partners (e.g., the European Union), and a dovetailing of some U.S.-AU policy goals and interests. Current and prospective areas of cooperation include such issues as peace and security; trade and investment; and socioeconomic and infrastructure development; and science and technology cooperation.

Some U.S. policymakers may also seek to leverage engagement with the AU to counter what they may see as objectionable efforts by individual AU member states' leaders to use the AU to advance or preserve these leaders' parochial interests or political power. Actions that interested U.S. policymakers might seek to counter through engagement with AU institutions include efforts by some African governments to

- withdraw from the International Criminal Court or limit the scope of its efforts to achieve judicial accountability for human rights abuses in Africa;
- ensure U.S. financial support for AU military operations while limiting U.S. input into such missions' operational goals and conduct;
- subvert democratic processes and related constitutional measures at the national level; and
- limit the rights of lesbian, gay, bisexual and transgender persons.

Other Members may wish to more closely tie any U.S. aid to the AU to its pursuit of programs that comport with U.S. objectives, given that many in Congress may be leery of providing aid to multilateral institutions absent the ability of the United States to strongly influence decisionmaking by such institutions. In addition, given that the AU is an arguably bureaucratically cumbersome and technically weak entity, and presents a potentially politically challenging venue through which to pursue U.S. interests, some in Congress may prefer to approach relations with Africa primarily through a bilateral lens, and generally minimize U.S.-AU engagement. Such a strategy, however, risks reducing the ability of the United States to bargain with the region as a whole on such issues as climate change, trade, and action on other global issues in multilateral forums.

Background

The African Union is an intergovernmental grouping that includes as members all countries in Africa except Morocco.[3]The AU, based in Addis Ababa, Ethiopia, was established in 2002 as the

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[3] Morocco withdrew from the OAU in 1984 to protest OAU recognition of the Sahrawi Arab Democratic Republic (SADR), a self-declared state established by the Polisario, an armed movement seeking independence for the largely (continued...)

successor to the now-defunct Organization of African Unity (OAU).[4] OAU members formed it to achieve the goals of the 1991 African Economic Community (AEC) Treaty more quickly. That treaty, which remains in effect, and the AU Constitutive Act, the founding charter of the AU, are intended to promote African regional economic integration and socioeconomic development through the phased creation of a common African market and shared political and economic institutions.[5]

Other key objectives identified in the act include greater political and economic unity, peace and security, and stability within Africa; advocacy of common African positions in international forums; strengthening of democratic governance and the rule of law; respect for human rights; and greater regional self-reliance, gender equality, and social justice. The act identifies "noninterference" by member states in their peers' internal affairs as a key AU principle, but unlike the OAU charter, it recognizes exceptions and grants the AU the right to intervene in member states' affairs in "grave" situations (e.g., to prevent crimes against humanity, war crimes, and genocide). It also allows states to request AU intervention to restore peace and security, and calls for the AU to reject unconstitutional changes of government, as well as "impunity and political assassination, [... and] terrorism.[6]

The creation of the AU was, in part, spurred by criticisms that the OAU's long-standing doctrine of noninterference in member states' internal affairs had often caused it to prioritize member state sovereignty over other principles in its charter, such as respect for human rights. The AU has proven more willing than the OAU to condemn unconstitutional changes in government, to suspend member states whose governments come to power through such means, and—in some cases—to investigate human rights abuses by member states. In many such cases, however, the AU has remained inactive, which has sparked some criticism. The AU's policy of providing immunity from arrest during AU forums to heads of state facing International Criminal Court (ICC) criminal prosecution has also drawn criticism from advocacy groups, as has its opposition to ICC actions against two sitting African heads of state and other high officials.

AU Goals and Objectives

In 2013, the AU celebrated the 50th anniversary of the formation of the OAU and its later transformation into the AU. During the celebration it released a 50-year AU development plan, *Agenda 2063: The Africa We Want*, which is complemented by a number of shorter-term general and sector-specific plans. Key Agenda 2063 goals include the following:

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Moroccan-controlled territory of Western Sahara. Not all African states recognize the SADR, but those that do (e.g., Algeria, South Africa, Angola, and Ethiopia) are influential within the AU. The United States recognizes neither the SADR nor Moroccan sovereignty over Western Sahara. In July 2016, Morocco expressed an interest in joining the AU, while restating its opposition to the SADR's membership. Reactions among AU members have varied widely, suggesting that any decisions on Morocco's actions and the status of the Western Sahara are likely to remain contentious, as they have been for many years. Ayah Aman, "Why Morocco really wants back in the African Union," Al Monitor.com, July 27, 2016. For background, see CRS Report RS20962, *Western Sahara*, by Alexis Arieff.

[4] On the OAU, see CRS Report RS20945, *The Organization of African Unity*, by Gordon Brown and Nicolas Cook.

[5] In early 2014, the Africa, Global Health, Global Human Rights, and International Organizations Subcommittee of the House Foreign Affairs Committee held a hearing on progress toward meeting the goals of the treaty entitled "Will There Be an African Economic Community?"

[6] See *Constitutive Act of the African Union*, at http://www.au.int/en/sites/default/files/ConstitutiveAct_EN.pdf.

- enhancements in standards of living and citizen well-being, especially in the areas of education and skills, health, habitats (e.g., urban services), gender equality, and youth empowerment;

- economic transformation and job growth, notably through agricultural investment and development and underpinned by infrastructure improvements, environmental sustainability, and climate resilience;

- increased political and economic regional integration based on the ideals of Pan Africanism (regional political and economic self-determination and solidarity) and greater African agency in global affairs;

- improved governance, deepening of democratic values, and "entrenched" respect for human rights, justice, and the rule of law;

- institutional and leadership capacity development; and

- regional peace and security.

Agenda 2063 also discusses the trends and opportunities that underpin these goals, drivers and enablers of progress toward meeting them, and strategies for mitigating challenges. Planned programs for achieving these goals are diverse, but center on enhancing performance monitoring and evaluation, marshaling funding for the AU, and improving communications at all levels. Various donors have funded initiatives to strengthen the AU's organizational development and program implementation, the most notable of which is a 2014-2018 World Bank program.[7]

Structure

The AU is a policymaking, representational, and diplomatic body that also undertakes peace- and security-related efforts and programmatic development work. The Assembly, a grouping of heads of state and government, is the AU's supreme decisionmaking organ and is supported by a network of subsidiary institutions. An executive council, made up of AU members' foreign affairs ministers, coordinates the AU Assembly's work and elects the AU Commission (AUC) from among the AU's five sub-regions.[8] While the AU directly undertakes many functional programs, attainment of many of its goals (e.g., in the areas of regional economic growth, development, and integration) is delegated to Africa's various regional economic communities (RECs), which each have specialized functional units.[9]

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[7] The $25 million effort has two main components. The first, a $15 million project, seeks to strengthen institutional capacities relating to "strategic planning and management systems, budget execution, staff capacity, and information and communications technologies (ICT) to provide efficient functional, knowledge, and corporate services in the AUC and other AU organs." A second $10 million component focuses on AUC roles in supporting regional economic development and transformation in coordination with various AU stakeholders, as well as monitoring ratification and implementation of related AU agreements and strategic plans. See World Bank, "Project: Support for Capacity Dev't of the AUC and other African Union Organs," at http://www.worldbank.org/projects/P126848?lang=en.

[8] Member states are divided into five regional groupings: Northern, Southern, Eastern, Western, and Central Africa.

[9] RECs include the Arab Maghreb Union (AMU/UMA); the Economic Community of West African States (ECOWAS); the East African Community (EAC); the Intergovernmental Authority on Development (IGAD); the Southern African Development Community (SADC); the Common Market for Eastern and Southern Africa (COMESA); the Economic Community of Central African States (ECCAS); and the Community of Sahel-Saharan States (CENSAD).

The AUC, the AU's secretariat, implements diverse AU initiatives for the Assembly and Council, administers AU legal instruments, manages relations with the RECs, and undertakes a range of programmatic activities, as do other subsidiary AU functional organs.[10] Notable among these are

- the Peace and Security Council (PSC), the AU's primary decisionmaking organ for the prevention, management and resolution of conflicts;

- the Department of Political Affairs, which coordinates AU election observation missions and other governance-related activities; and

- the New Partnership for Africa's Development (NEPAD) Planning and Coordinating Agency, which carries out a number of the AU's flagship development projects.

In addition to these key organizations, the AU has several representative bodies and numerous specialized technical agencies and working groups, which address such issues as veterinary medicine, space exploration, science and math education,[11] and climate change, among others.[12] In general, AU institutions work to establish and help implement regional goals and policies in various sectoral or thematic areas, and to design best practices for countries and RECs to follow.

Current Leadership and Issues

The current AUC Chairperson, Dr. Dlamini-Zuma, a former South African Foreign Minister, was elected in 2012.[13] Dlamini-Zuma's term was originally scheduled to end in 2016, but was extended until January 2017 at a July 2016 summit of the AU Assembly after none of the three candidates running for the post received the required two-thirds vote. Chadian President Idriss Déby was elected chair of the African Union in early 2016 and is to serve in the post until January 2017. His predecessor was Zimbabwe's president, Robert Mugabe. While the post is largely ceremonial and rotates annually, it offers a high-profile policy advocacy platform.[14]

One key challenge for Dlamini-Zuma and the broader AUC leadership has been to oversee AU efforts to resolve Africa's multiple conflicts, in concert with international agencies and donors.

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[10] AUC work is broken up into portfolios, each headed by a commissioner. The portfolios include political affairs, social affairs, trade and industry, economic affairs, peace and security, infrastructure and energy, human resources, science and technology, and rural economy and agriculture. Functional portfolio work is undertaken by a network of AUC departments, bureaus, and directorates and specialized councils, commissions, and research centers.

[11] Such topics are an area of U.S.-African cooperation, including with respect to the AU. U. S. Mission to the AU, "NASA Administrator engages AUC officials on space, education, and disaster mitigation," November 12, 2014.

[12] For a comprehensive organizational and functional description of the AU, see African Union and Government of New Zealand, *African Union Handbook 2015*, 2014; and Oxfam International Liaison Office with the African Union, *African Union Compendium*, 2nd Edition, 2014, which contains a detailed organizational chart of AUC units.

[13] South Africa actively lobbied for Dlamini-Zuma's candidacy, and she won the position only after narrowly defeating the reelection bid of then-incumbent AUC chair Jean Ping of Gabon. The campaign breached the AU's traditional protocol of using private leadership discussions to reach ostensibly consensus-based final decisions, and sparked what press accounts portrayed as a sometimes bitter rivalry between the region's Francophone and Anglophone states. South Africa's case for Dlamini-Zuma, South Africa's former foreign minister and the ex-wife of South African president Jacob Zuma, was based on the premise that the post should rotate among women and men and among regions. As a woman from southern Africa, which South Africa argued was the region in line to hold the post, Dlamini Zuma was the only candidate who fit these criteria.

[14] While some observers had expressed concern that Mugabe might use the post to pursue an anti-Western agenda, his official speeches as chair generally reflected mainstream AU issues of concern, focusing on African capacity building and political-economic autonomy. More controversial were criticisms he made of presidential term limits and the role of the International Criminal Court (ICC) in Africa.

Simultaneously, the AUC must maintain high-level African and global attention on efforts to bolster diversified economic growth and broad-based socioeconomic development. While growth had been strong in much of the region over the last decade, generally weak commodity prices and demand in recent years have slowed growth in the many African countries that depend on exports of one or two raw commodities. Another AU goal is to secure adequate external and AU member funding for AU activities. Dlamini-Zuma has cited dependence on donor funds as a major AU concern.[15] Donor funding is the source of almost all AU programmatic financing, with the balance coming from AU member assessments, which are often in arrears. Dlamini-Zuma has also prioritized efforts to streamline the AU Commission and make it more effective.[16]

Other stated Dlamini-Zuma priorities have included crisis resolution in multiple countries,[17] reconstruction and transitional aid in post-conflict countries, and continued AU monitoring of African elections. She and AUC Commission Deputy Chairperson Erastus Mwencha—former Secretary General of the Common Market for Eastern and Southern Africa (COMESA) trading bloc—have also sought to promote sustainable regional economic growth and integration, focusing on infrastructure construction, intra-African trade, and agricultural development. Dlamini-Zuma has also pushed, with limited success, to ensure that the sale of Africa's rich natural resources, especially minerals, produces broad-based economic benefits. She has also sought to increase gender equity, access to social services, and jobs; enhance AU institutional, technical and other capacities; promote ties with key external partners; and advance and defend shared African political and economic positions and interests in global contexts.

Recent AU Health Programming

A major AU undertaking during Dlamini-Zuma's tenure was the AU's 2014 deployment of health care workers from across Africa to help the West African countries most affected by the Ebola outbreak (Liberia, Sierra Leone, and Guinea). The AU Support to Ebola Outbreak in West Africa operation (ASEOWA) reached its height in early 2015 (after the epidemic had peaked, but while transmission was still widespread) with 835 personnel. It received U.S. and other donor support. Another major health security-related development is the AU's creation, in early 2015, with assistance from the United States and other donors, of an African Centre for Disease Control and Prevention (African CDC), modeled after the U.S. CDC. The AU is also endeavoring to create an African Medicines Agency and is supporting efforts to achieve universal health coverage in Africa.[18]

Peace and Security

Peace and security are major goals of the AU, given that so many African countries have been or are affected by armed conflict or violent extremism, or are undergoing lengthy post-conflict transitions and remain politically and economically fragile. From an AU perspective, insecurity can impede investment, damage perceptions of the region, hamper socioeconomic development, and harm human welfare. Armed conflict is also a source of large refugee flows in parts of Africa.

The AU takes several approaches toward strengthening peace and security. Some are broadly preventive: fostering support for inclusive development, accountable and transparent governance, democracy, and human rights. Others are more focused on conflict prevention or mitigation in particular cases through the various entities and processes that make up the African Peace and

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[15] Mmanaledi Mataboge, "AU Not Ready to Relinquish Donor Funding," *Mail & Guardian*, June 19, 2015.

[16] ISS, "Transforming the AU a momentous task," *PSC Report*, July 13, 2015.

[17] Among these are South Sudan, eastern Democratic Republic of Congo (DRC), Burundi, Lesotho, Mali, the Central African Republic (CAR), Somalia, and the Boko Haram-affected countries of the Lake Chad Basin region.

[18] AU, "Fact Sheet: African Union Response to the Ebola Epidemic in West Africa," as of January 26, 2015.

Security Architecture (APSA), a broad framework that encompasses diverse policies and institutional development efforts relating to peace, security, and stability in Africa.[19]

The PSC is the main AU security policy decisionmaking organ and houses or facilitates much of the APSA. It has a broad mandate to prevent, manage, and resolve conflicts in Africa. Its main functions are indicated by the names of the divisions or entities that make up the AUC Department of Peace and Security: Conflict Prevention and Early Warning; Conflict Management and Post-Conflict Reconstruction; Peace Support Operations; Defense and Security; and the PSC Secretariat.[20] The PSC coordinates its actions with Africa's RECs, the United Nations (U.N.) Security Council, other U.N. and international entities, and donor governments.

The AU routinely mediates in internal and inter-state armed conflicts and political crises. It is, for example, currently seeking to resolve differences between Sudan and South Sudan, among parties to Sudan's internal conflicts, and between the parties to South Sudan's civil war, in concert with other regional organizations and actors. It is also supporting an EAC-led mediation effort to resolve Burundi's political crisis and an IGAD-led mediation for South Sudan. The AU has also repeatedly intervened militarily to address crises in Africa, usually on a first-response basis and often prior to deployments of larger U.N. missions.[21]

The most notable and long-standing AU intervention has been the U.N. Security Council-authorized AU Mission to Somalia (AMISOM, deployed in 2007), which undertakes robust, often offensive operations to counter threats from Al Shabaab and other armed groups and expand Somali government-controlled areas. It also protects the government, trains government forces, and supports humanitarian aid deliveries. AMISOM receives logistical and other support through the U.N. Support Office in Somalia (UNSOS).

The most recent major AU military decision took place in early 2015, when the AU PSC authorized four member states of the Lake Chad Basin Commission (LCBC)—Cameroon, Chad, Niger, and Nigeria—to establish a Multinational Joint Task Force (MNJTF). Benin, a non-LCBC country, is also contributing to the force. The MNJTF's mandate is to combat Boko Haram, a regional terrorist group of Nigerian origin that is active in the four LCBC countries. The United States provides substantial support to MNJTF member state militaries, and helped fund the creation of an MNJTF headquarters in N'Djamena, Chad.[22] The AU also helps coordinate joint

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[19] See AUC Peace and Security Department, *African Peace and Security Architecture (APSA),* 2010 Assessment Study; and Ulrich Karock, *The African Peace and Security Architecture: Still under construction, Briefing, Directorate-General For External Policies*, Brief, Policy Department, European Parliament, 2014, among many other sources.

[20] The Peace Support Operations Division (PSOD) supports AU peace operations (e.g., planning, finance, and logistics) and the ongoing development of the RECs' planned African Standby Force. The Defense and Security Division (DSD) coordinates AU common defense policy implementation and efforts to counter terrorism, check arms proliferation, and foster disarmament, demobilization, and security sector reform. The Crisis Management and Post-Conflict Reconstruction Division (CMPCRD) supports and coordinates AU efforts to manage and resolve conflicts in Africa, as well as post-conflict, peace-building reconstruction and development. The Conflict Prevention and Early Warning Division (CPEWD) helps operationalize key AU African Peace and Security Architecture (APSA) goals, such as border coordination among AU members, monitoring of potential and current conflicts (for prevention and mitigation purposes). It also aids the Panel of the Wise, an advisory body of eminent persons. The department also acts as a secretariat for the Peace and Security Council (PSC).

[21] Past interventions include the 2013 mission in Mali, the African-led International Support Mission in Mali (AFISMA) and a 2013-2014 mission in the Central African Republic, known as the International Support Mission to the Central African Republic (MISCA). The AU earlier mounted missions in Burundi (2003-2004) and Darfur, Sudan (2004-2007, a mission succeeded by the joint AU-U.N. Hybrid Mission in Darfur [UNAMID], which remains mostly manned by African troops), and in 2008 intervened militarily in the Comoros to remove the self-declared president of Anjouan (an island), after imposing a naval blockade there.

[22] AU PSC, *Communique of the 484th PSC Meeting*, January 29, 2015, and AU PSC, *Communique of the 489th PSC* (continued...)

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regional, U.S.-aided military responses in central Africa to counter the Lord's Resistance Army, a rebel group of Ugandan origins, through the Ugandan-led AU Regional Task Force (AU-RTF).[23] The United States has provided or pledged financial support for all AU military interventions, except for its 2008 mission in Comoros.

A key long-term AU goal has been to create an African Standby Force (ASF) made up of five REC-based brigades, to be tasked with peacekeeping or peace enforcement operations, conflict monitoring, and post-conflict mandates. Development of the ASF brigades has been slow, but all of the five ASF forces have made progress.[24] The State Department's Global Peace Operations Initiative (GPOI) provides capacity building aid to individual ASF contributing countries, and the United States has provided some ASF-related support to the AU. DOD has also established liaison officers to some of the regional brigade headquarters.[25] In the interim, pending full ASF operational capacity, and in response to challenges faced by ECOWAS in marshaling troops for the African-led International Support Mission in Mali (AFISMA) in 2013, the AU Assembly established the African Capacity for Immediate Response to Crises (ACIRC; see text box).

African Capacity for Immediate Response to Crises (ACIRC)

As its name implies, ACIRC is conceived as a rapid intervention force. It is meant to serve as an interim standby force deployment mechanism prior to the establishment of the African Standby Force (ASF). It became officially operational in January 2014, with contributions from Algeria, Angola, Chad, Niger, Senegal, South Africa, Sudan, Uganda, and Tanzania, and later by Benin, Burkina Faso, Cameroon, Egypt, and Rwanda. It had a collective force size of 7,500 military personnel as of September 2014.[26] ACIRC, which has never been deployed, is designed to be an "efficient, robust and credible force, which can be deployed very rapidly, able to conduct operations of limited duration and objectives or contribute to creating enabling conditions for the deployment of larger AU and/or U.N. peace operations."[27] Troop contributions are voluntary and are provided, funded, trained, and equipped (for at least 30 days) by AU member states capable of meeting certain minimum standards. The AU has a mandate to support ACIRC deployments longer than 30 days.

The ACIRC is supposed to be a wholly African initiative, but if past history is a guide, the AU may ultimately draw on donor aid to support AICRC deployments. Notionally, an AU Peace Fund finances AU peace operations, but it has generally been undercapitalized and such operations are almost wholly donor-funded. The ECOWAS-led Mali intervention and AU-led CAR intervention received significant U.S. deployment aid, as have prior ECOWAS operations, and AMISOM is supported by donors, including the United States. The Obama Administration supported ACIRC in FY2016 with $3 million in prior-year funds, and has requested $3 million in FY2017.

ACIRC has been somewhat controversial within the AU because some countries reportedly see it as inhibiting quicker progress toward the ASF, which includes a unit called the Rapid Deployment Capability (RDC), a force intended to be deployable in 14 days made up of 2,500 troops from each REC. Some governments have also

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Meeting, March 3, 2015.

[23] The LRA is a brutal armed group that has frequently kidnapped and killed civilians. AU PSC, "The African Union-Led Regional Task Force for the elimination of the LRA," November 23 2015; and CRS Report R42094, *The Lord's Resistance Army: The U.S. Response*, by Alexis Arieff, Lauren Ploch Blanchard, and Tomas F. Husted.

[24] Cedric de Coning, Linnéa Gelot, and John Karlsrud, *Strategic Options for the Future of African Peace Operations 2015–2025*, Seminar Report, NUPI Report 1, 2015; and Oscar Nkala, "AU Stand-By Force Needs $1 Billion to Become Operational," defenceweb.co.za, May 21, 2015

[25] Examples include a military advisor at the AU headquarters (HQ); a Command, Control, Communication and Information Systems (C3IS) network to link AU HQ with the ASF brigades (funded jointly with Canada), with U.S. Africa Command system testing and training contributions; and AU HQ office equipment and staff training.

[26] AU, *African Union Handbook 2015*.

[27] AU, *Report of the Chairperson of the Commission on the Operationalisation of the Rapid Deployment Capability of the African Standby Force and the Establishment of an "African Capacity for Immediate Response to Crises,"* April 29-30, 2013.

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reportedly been uneasy about ACIRC as it was to operate at the AU, not the regional, level; it could be "deployed at the behest of a lead [ACIRC] country with AU approval," rather than by the AU with REC approval.[28] This could arguably undercut REC authority, which is reportedly a concern of Nigeria. Nigerian officials also reportedly view ACIRC, a South African-advocated initiative, as a challenge to Nigerian influence, which has historically been exercised extensively in West Africa through ECOWAS and through past ad hoc AU peacekeeping missions.[29] Current AU plans call for an integration of ACIRC with the ASF and its RDC, and for the AU to eventually pay for 25% of AU peace and security activity.[30]

Justice Issues

The AU Constitutive Act prioritizes the promotion and protection of "human and peoples' rights," in accordance with the African Charter on Human and Peoples' Rights. The Charter—which entered into force under the OAU and remains a binding AU document—lays out a wide variety of human rights, duties, freedoms, and related protections. It also requires member states to recognize and take "measures to give effect" to these provisions. The Charter is a potentially important vehicle for the administration of justice in a continent, where the rule of law is often weak, human rights abuses occur regularly in some countries, and a number of alleged cases of large-scale war crimes, crimes against humanity, and violations of international humanitarian law have occurred in recent years. Attempted enforcement of these provisions has nonetheless been the exception rather than the rule, and human rights conditions have not often been a diplomatic focus of AU institutions.

To help enforce the Charter and build a human rights protection system in Africa, the AU established the African Court on Human and Peoples' Rights (AfCHPR) headquartered in Tanzania, the African Commission on Human and Peoples' Rights (ACHPR) in The Gambia, and an AU Commission on International Law (AUCIL) in Ethiopia. The AfCHPR is charged with defending human rights throughout Africa, and has jurisdiction to hear cases and disputes regarding the interpretation and application of the Charter and related AU human rights instruments, as well as to issue advisory opinions relating to their application. The AUCIL helps codify and institutionalize international law in Africa, interpret the application of human rights instruments, and draft international treaties, and carries out legal research and legal capacity-building advocacy in the region. Activists, however, have questioned the effectiveness of these institutions, and several AU member states have either resisted the institutions' jurisdiction or declined to implement their decisions.

In addition to continent-wide justice mechanisms, the AU has periodically established special purpose commissions of inquiry, such as one formed in 2014 to probe human rights abuses in the South Sudanese civil conflict. One successful ad-hoc institution was an AU-Senegalese hybrid court that was inaugurated in Senegal to try former Chadian dictator Hissène Habré after the AU opposed Belgian efforts to extradite him; in 2016, the court convicted Habré of crimes against humanity and sentenced him to life in prison.[31] Under a 2015 peace deal for South Sudan, the AU

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[28] Peter Fabricius, *Standing by or Standing Up: Is the African Standby Force Nearly Ready for Action?*, ISS, July 23, 2015.

[29] Institute for Security Studies, *Understanding the African Standby Force, Rapid Deployment and Amani Africa II,* November 4, 2015; see also Jason Warner, "Complements or Competitors? The African Standby Force, the African Capacity for Immediate Response to Crises, and the Future of Rapid Reaction Forces in Africa," *African Security*, March 2015.

[30] AU PSC, *Communique of the 10th Meeting of the African Union-United Nations Joint Task Force*, February 5, 2015.

[31] AUC, "AU Welcomes the Judgement of an Unprecedented Trial of Hissène Habré," June 1, 2016. For background (continued...)

is also charged with establishing an independent hybrid court to try war crimes and other serious offenses committed during the conflict, although its prospects are unclear. The AU has taken no concrete steps to do establish the court, and key South Sudanese leaders—including some who could face indictment by the court and, as a result, lose their positions—reportedly oppose it.

African Court on Human and People's Rights: Developments, Prospective Changes, and Implications for the ICC in Africa

The AfCHPR, which is based in Arusha, Tanzania, is a relatively new institution with a limited juridical record; it delivered its first judgment in 2009. Some of its cases have dealt with matters involving AU entities, such as employment cases involving AU bodies and member states and an unsuccessful AfCHPR suit against the Libyan state alleging massive human rights violations. Most of its cases, however, have involved appeals by individuals alleging various violations of the Charter or other instruments by AU member state courts or other authorities, often in labor cases. The Court's deliberations and decisions have often focused on procedural issues, including decisions on admissibility. The court has made relatively few, if any, major international legal precedent-setting rulings that could change the legal landscape at the continental level. Its willingness to consider issues regarding the adequacy of national legal and institutional processes, however, makes the court a potential check on national judicial systems and as well as a mechanism for addressing alleged human rights violations by governments. This is significant, given that national systems are reportedly institutionally weak, politicized, or blemished by corruption in a number of African countries. Still, while the protocol establishing the court requires signatories to comply with its judgments, the manner and extent to which states may do so—or to which the court may seek to enforce its decisions—is largely yet to be determined.

Prospects for the court may also be influenced by prospective changes in its makeup. In 2008, the AU Assembly decided to merge the AfCHPR with the Court of Justice, a body authorized by the AU Constitutive Act but not established. The resulting African Court of Justice and Human Rights (ACJHR) is to take over the mandates of the AfCHPR and would have jurisdiction over essentially all juridical matters and dispute resolution relating to AU decisions and to legal relations between member states. In addition, as a result of a 2014 AU Assembly decision amending the court's statute, the new court would also have jurisdiction in Africa over crimes of genocide, crimes against humanity, war crimes, and certain other crimes.[32] The new court may not be established for some time, however. For the 2008 and 2014 protocols to enter into force, 15 AU member states must ratify and deposit them; as of early 2016, when the most recent ratification update was issued, this threshold had not been met.[33]

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on AU involvement, see Human Rights Watch, "Q&A: The Case of Hissène Habré before the Extraordinary African Chambers in Senegal," May 3, 2016.

[32] Other international crimes over which the court would have jurisdiction, under Article 28A of the 2014 protocol, include unconstitutional changes of government; maritime piracy; terrorism; mercenary activity; money laundering; trafficking in persons, drugs, or hazardous wastes; corruption and illicit exploitation of natural resources "of a serious nature affecting the stability of a state, region" or the AU; and crimes of aggression (essentially, illicit acts of war).

[33] As of early 2016, five countries had deposited the 2008 *Protocol on the Statute of the African Court of Justice and Human Rights* and the annexed statute and nine countries had signed the 2014 *Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights*, but none had ratified or deposited it. The text and status of these and similar documents are available at AU, "OAU/AU Treaties, Conventions, Protocols & Charters," http://au.int/en/treaties.

The amended 2014 statute defining the court's role is controversial because it does not define the relationship between the planned court and the ICC, and arguably represents a rejection of the ICC and its mandate to try genocide and other serious international crimes, for which the planned AU court is given jurisdiction.[34] Moreover, the protocol—unlike the Rome Statute creating the ICC, which many African states ratified—would protect AU heads of state and certain other senior state officials from prosecution before the court during their tenure in office.[35] This provision appears to relate to concerns by some African leaders over the ICC's attempted prosecution of sitting national leaders and seeming prioritization of cases in Africa (see text box). Criticism of the ICC has not been universal, however. Botswana, for instance, has strongly supported the ICC's work and approach in Africa.

Relations Between AU Leaders and the ICC

Thirty-four of the 124 states that have ratified the Rome Statute creating the ICC are AU member states. Despite concern by a number of African leaders over the ICC's approach to carrying out its mandate, most African countries have not been inherently opposed to the role of the ICC, and none have formally withdrawn their ratification. Many African states participated in the formation of the ICC and have strongly supported its mandate; the majority of ICC prosecutions in Africa-related cases arose from member state referral to the Court. In addition, more AU states have ratified the Rome Statute than have adopted the AU protocol to the African Charter on the establishment of the AfCHPR. Several African states have also have also voluntarily referred cases to the ICC.[36]

Still, there are growing African leadership differences with the ICC, notably driven by concern over:

- the ICC's ostensible prioritization of cases in Africa;[37]

- the ICC's attempted prosecution of sitting national leaders, which AU member states assert to be contrary to international norms and potentially harmful to peace, stability, and reconciliation in the region; and

- implications for African leadership agency in resolving conflicts and administering the rule of international law in matters arising from their regional peers' actions—and potentially their own actions—due to the way the ICC and the U.N. Security Council have approached decisionmaking in African cases.

Some African governments have also long been concerned by decisions by key world powers—such as the United States and Russia, which have signed but not ratified the Rome Statute, and China, a non-signatory—ensuring that they are not subject to the court's jurisdiction. A key factor spurring African leadership disquiet with the ICC was the court's issuance of an arrest warrant for President Omar al Bashir of Sudan in 2008 in a case referred to the ICC in 2005 by the U.N. Security Council. This case set a precedent making clear that serving African heads of state, both from states party and nonparty to the Rome Statutes of the ICC, could be subject to ICC judicial proceedings. From that point onward, the AU took an increasingly critical stance toward the ICC and its activities.[38]

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[34] See, e.g., Institute for Security Studies, *Implications of the AU decision to give the African Court jurisdiction over international crimes*, June 2012.

[35] Human Rights Watch, "Statement Regarding Immunity for Sitting Officials Before the Expanded African Court of Justice and Human Rights," November 13, 2014; and Garth Abraham, *Africa's Evolving Continental Court Structures: At the Crossroads?*, SAIA Occasional Paper 209, January 2015.

[36] Uganda's government, a later key ICC critic, referred the situation concerning the Lord's Resistance Army to the court in 2003. Similarly, cases arising in DRC, CAR, and Mali were all referred to the court by the governments of these countries, and the Ivoirian government voluntarily transferred former president Laurent Gbagbo and an associate to the ICC to face crimes against humanity charges. African members of the U.N. Security Council also voted to refer situations in Libya and Darfur, Sudan to the ICC, although African votes were split in the latter case.

[37] Nine of ten of the ICC's situations under investigation (i.e., major cases that are or have been the subjects of major judicial proceedings) focused on cases in Africa. More recent cases under preliminary examinations have been more geographically diverse; only three of nine exclusively address situations in Africa (of the five remaining, all address non-African contexts, although one involves three countries, one of which is African).

[38] Dire Tladi, "The African Union and the International Criminal Court: The Battle for the Soul of International Law," *South African Year Book of International Law* (34), 2009; Manisuli Ssenyonjo, "The Rise of the African Union Opposition to the International Criminal Court's Investigations and Prosecutions of African Leaders," *International Criminal Law Review* (13), 2013; and Tendayi Achiume, "The African Union, the International Criminal Court, and the United Nations Security Council," Background Paper, University of California, Irvine School of Law ICC-UNSC (continued...)

Such concerns have spurred an increasing number of acts of noncompliance by individual African governments with ICC juridical processes, primarily in relation to the Bashir case and the now-dropped ICC prosecution cases against President Uhuru Kenyatta and Vice President William Ruto of Kenya. President Bashir has repeatedly traveled to African countries that are parties to the ICC's Rome Statute, despite the existence of two ICC arrest warrants against him for alleged crimes against humanity, war crimes, and genocide. In July 2016, an ICC trial chamber determined that Uganda and Djibouti, both states party to the Rome Statute, had failed to comply with ICC obligations by failing to arrest Bashir when he visited their territories to attend presidential inaugurations.[39] In 2015, Bashir's attendance at an AU summit in South Africa also stirred domestic controversy over the government's unwillingness to arrest him, despite its obligations as a party to the Rome Statute.[40] The Kenyatta and Ruto cases, which related to organized political violence after elections in 2007, featured repeated allegations of witness intimidation and political interference. This led the ICC Prosecutor to withdraw charges against Kenyatta late 2014, and an ICC trial chamber to vacate the charges against Ruto and a co-defendant in April 2016.[41]

In 2013, mirroring a number of prior statements, the AU Assembly issued a decision on Africa's relationship with the ICC. Alleging "politicization and misuse of indictments against African leaders" by the ICC, the Assembly—in a statement that is of debatable legal standing[42]—declared that no charges could be brought "before any International Court or Tribunal" against any sitting AU head of state or government and other high officials. It also requested the suspension of ICC cases against Kenya's president and vice president pending their exit from office, as well as a deferral of the Kenyan and Bashir cases, pending a dialogue with the U.N. Security Council on the AU's ICC concerns. The Assembly also decided to push for reforms of the ICC's Rome Statute to address these concerns and to fast-track the expansion of the AfCHPR mandate to include genocide and related high crimes, among other actions.[43] The Assembly has reiterated its demands and criticized the ICC several times since 2013, but has gained little traction on its proposed reforms.

These actions have drawn sharp criticism from human rights groups and some analysts who see them as prioritizing leaders' political positions and power at the expense of accountability for serious violations of human rights.[44] Often missing from deliberations over the AU's relationship with the ICC and the debate over African agency and/or AU institutional efforts to address genocide, crimes against humanity, and war crimes has been the role of other, ad-hoc international courts. Examples include the International Criminal Tribunal for Rwanda (ICTR);

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Workshop, November 2012, among others.

[39] ICC, "Al Bashir case: ICC Pre-Trial Chamber II finds noncompliance of Uganda and Djibouti; refers matter to ASP and U.N. Security Council," July 12, 2016.

[40] In mid-2015, Bashir attended an AU summit hosted by South Africa. While Bashir was in South Africa a national court ordered that the state prevent him from departing the country, setting up his possible arrest, in compliance with South African law and national obligations to the ICC. The government, however, reportedly facilitated his departure, despite then-ongoing court proceedings, based on the immunities it had provided to all AU leaders attending the summit, in line with AU policy. In a later appeal of the ruling, a higher court ruled that the government had not adhered to South African law in allowing Bashir to depart. Officials of South Africa's ruling party, of which the AU Commission chair is a member, later threatened to withdraw South Africa's membership in the ICC.

[41] Neither decision was an acquittal, leaving open the possibility that both cases be reopened in the future.

[42] See, e.g., Kimberly Brody, "What Next for the ICC in Africa?," *Freedom House*, November 22, 2013.

[43] AU Assembly, "Decision on Africa's Relationship with the International Criminal Court (ICC)," October 2013.

[44] Human Rights Watch, *Observations and Recommendations on the International Criminal Court and the African Union in advance of the 17th African Union Summit (30 June-1 July)*, June 27, 2011; ISS, *Implications of the AU Decision to Give the African Court Jurisdiction Over International Crimes*, June 2012 No. 235; and Rowland J. V. Cole, "Africa's Relationship with the International Criminal Court: More Political than Legal," *Melbourne Journal of International Law* (14), June 2013.

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hybrid courts of mixed jurisdiction, such as the Special Court for Sierra Leone (SCSL); and possibly national courts, such as the planned Special Criminal Court (SCC) for CAR, which is to be established with international support to complement the ICC in addressing major human rights crimes in that country.[45] The United States financially supported the ICTR and the SCSL, and has voiced support for the SCC.[46]

Regional Development Initiatives

A major vehicle for achieving Agenda 2063 is the New Partnership for Africa's Development (NEPAD), the AU's main strategic policy framework and plan for continent-wide socioeconomic development. The NEPAD Agency manages programs and projects to aid AU member states and RECs in formulating and implementing policies and programs in six thematic areas: agriculture and food security, climate change and national resource management, regional integration and infrastructure, human development, economic and corporate governance, and cross-cutting issues (e.g., gender equality, institutional development, and information technology). Implementation of NEPAD programs is supported by a range of bilateral, multilateral, and private donors.[47]

A key NEPAD program is the Comprehensive Africa Agriculture Development Program (CAADP), aimed at boosting investment in food and agriculture production via scientific and technical innovation, finance and distribution for farm inputs, and market and trade development. Some CAADP activities are supported under the U.S. Feed the Future initiative.[48] Another is the NEPAD-linked African Peer Review Mechanism (APRM), a voluntary process under which participating states assess one another's adherence to AU standards and goals relating to democracy and political governance, economic and corporate governance and management, and socioeconomic development. The APRM is meant to stimulate examination and diagnosis of state performance with the implicit goal of improving state capacities. Countries are expected to implement NEPAD goals at the national level, but a lack of domestic institutional and financial capacities often hinder these efforts.

Other key NEPAD-facilitated initiatives include the Program for Infrastructure Development in Africa (PIDA) and the linked Africa-EU Infrastructure Trust Fund. The EU uses the latter to provide technical assistance, loan interest rate subsidies, investment grants, and loan guarantees in support of the AU-NEPAD Infrastructure Action Plan, the African Science Technology and Innovation Program, and the NEPAD e-Schools Initiative.

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[45] The ICTR was established by the U.N. Security Council to try international crimes arising from the Rwandan genocide, while the SCSL was a tribunal jointly established by the U.N. and the government of Sierra Leone to prosecute principals bearing the greatest responsibility for grave human rights violations and other crimes under national and international law. In 2015, the CAR transitional government authorized the SCC. It would prosecute gross violations of human rights and serious violations of international humanitarian law for which penalties are provided under national law. The court, which remains at an embryonic stage due to a resource deficit, would be made up of national and international personnel. On the CAR court, see Godfrey M Musila, *The Special Criminal Court and Other Options Of Accountability in the Central African Republic: Legal and Policy Recommendations*, Occasional Paper No.2. International Nuremberg Principles Academy, 2016.

[46] USUN, "Remarks at the U.N. General Assembly on the Report of the International Criminal Court," November 5, 2015. While the Department of State does not plan to financially support the SCC in FY2016, it is supporting CAR's judicial sector through related activities, including through training investigators, judges, court staff, and prosecutors—some of whom may eventually serve in the SCC. State Department response to CRS inquiry, August 18, 2016.

[47] See, for instance, U.N., *New Partnership for Africa's Development: 13th Consolidated Progress Report on Implementation and International Support: Report of the Secretary-General*, A/70/175, July 29, 2015.

[48] See CRS Report R44216, The Obama Administration's Feed the Future Initiative, by Marian L. Lawson, Randy Schnepf, and Nicolas Cook.

Other large AU technical and development initiatives are often joint efforts between the AU, international development agencies, and donor governments. Examples include the following:

- the African Resilient Landscapes Initiative (ARLI), an initiative announced in late 2015 focusing on forest and ecosystem restoration, biodiversity conservation, "climate smart" agriculture, and rangeland management, aided by the World Bank and World Resources Institute;

- the Climate to Development in Africa (CLIMDEV Africa), a joint AUC, AfDB, and U.N. Economic Commission for Africa (UNECA) climate change adaptation project;

- the EU-funded African Monitoring of Environment for Sustainable Development project;

- "Better Training for Safer Food in Africa," an AUC food safety and phyto-sanitary program supporting regional health and export standards compliance;

- the EU-funded AU Inter-African Bureau for Animal Resources (AU-IBAR) Vaccines for the Control of Neglected Animal Diseases in Africa (VACNADA) project; and

- various programs to support the African Peace and Security Architecture (APSA).

Regional Integration

Progress toward regional integration, a key REC and NEPAD goal, has often been slow, but is improving. Challenges have included governments' sovereignty concerns, uneven economic capacities among states, protectionism, and institutional and legal/regulatory incompatibilities. Despite the existence of two multi-country central banks (for West and Central Africa), country participants do not fully overlap with REC boundaries. Additional REC macroeconomic and monetary convergence initiatives have often experienced difficulties, in many cases due to uneven member state performance. While interstate travel and trade within REC regions are often slow and costly, due both to poor infrastructure and burdensome border controls, some RECs now have regional passports that are complemented by AU passports. They are also pursuing various trade facilitation efforts, increasing cross-border movement of citizens and trade in goods and services. Regional communications links are rapidly improving, and there has been some success in developing regional electricity pools and natural gas trade. Similarly, while trade growth and economic integration within RECs (e.g., harmonization of trade rules) has also often been limited—and remains so in some regions, due to such factors as poor infrastructure, high tariffs, and conflict and instability—there are a growing number of successes in this area.[49]

In June 2015, for instance, the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), and the Southern African Development Community (SADC) united to form a Tripartite Free Trade Area (TFTA) comprising 26 countries accounting for over half of Africa's aggregate GDP.[50] Also in June 2015, the AU launched negotiations for the

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[49] For some examples of progress in the EAC in the telecoms sector, see Aubrey Hruby, "China's Slowdown: An Opportunity for Africa to Address Longstanding Economic Inefficiencies," Beyond BRICS Financial Times blog, October, 26, 2015. On regional integration more generally, see United Nations Economic Commission for Africa, "Assessing Regional Integration in Africa VI," October 2013, and prior related studies.

[50] United Nations Economic Commission for Africa, "Africa's latest free trade agreement is a good step for continent's integration," June 29, 2015.

establishment of a Continental Free Trade Area (CFTA), which would integrate the eight RECs into a single continental customs union, a goal of the AEC Treaty. The decision calls for negotiations on the CFTA to be concluded by 2017, although they appear likely to continue past that date.[51]

Regional economic integration and trade growth within the EAC is a major Obama Administration goal under the U.S. Trade Africa presidential initiative.[52] Regional integration could have significant implications for potential increases in U.S. trade with and investment in Africa, since major disincentives for U.S. investors are the small size of many national markets; highly variable business rules and investment climates among countries; disparate treatment of investment and profit repatriation among countries; and large variances in tariffs and relative ease of undertaking cross-border trade among countries.

Financial and Technical Challenges

While criticisms of the AU's effectiveness are common, some observers have noted that the AU's institutional development and pursuit of regional political unification have been relatively rapid, despite a lack of financial wherewithal and the presence of obstacles comparable to those facing similar efforts in richer regions of the world. Nonetheless, the challenges facing the AU are profound. Securing the financial resources to strengthen the AU's institutional, technical, and staff capacities is one key obstacle. In recent years, while member states have funded all or nearly all of the AUC's organizational operational budget (e.g., headquarters staff costs), with a handful of member states funding the bulk of such costs, roughly 95% of the AU program budget has been funded by external donors.[53] The demise of the Qadhafi regime in Libya, which had provided large amounts of funding for the AU, exacerbated such trends. The AU has had to reduce its budget several times in recent years after receiving insufficient donor commitments to fund its initial plans.

A number of efforts, often backed by foreign donors, seek to enhance AU technical, oversight, monitoring and evaluation, and fiscal management capacities, and the AU is taking steps to fund its activities from the resources of member states and gradually reduce its reliance on external funding. In June 2015, the AU Assembly adopted a new scale of assessment targeted, in part, at having AU member states fund 100% of the AU operational budget, 75% of the program budget, and 25% of the peace support operations budget. Under the decision, these targets are to be phased in over five years starting in January 2016. In a meeting in July 2016, the AU Assembly took an additional step toward attaining these goals when it instituted a 0.2% levy on imports into the continent, to be imposed over several years at the REC level. Whether these goals will be reached remains to be seen; past efforts to achieve greater self-reliance have had limited impact.[54]

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[51] AU, Decisions, Declarations, and Resolutions, 25th Ordinary Session of the Assembly of the Union, June 25, 2015.

[52] See CRS Insight IN10015, *Trade Africa Initiative*, by Nicolas Cook and Brock R. Williams.

[53] Key donors to the AU include the European Union (the largest); Germany; the World Bank; the African Development Bank; Canada; and the United States, although in some years other donors, such as Turkey, have provided significant levels of support. China has been a major donor of in-kind construction and building maintenance support (e.g., worth $26.4 million in 2014) and in September 2015 pledged $100 million in aid over five years to help fund development of two AU military intervention force initiatives, the African Standby Force and the African Capacity for Immediate Response to Crisis. China also funded the $200 million headquarters of the AU, which was completed in 2012. State Department information provided to CRS October 29, 2016; Janah Ncube and Achieng Maureen Akena, *A Stream Cannot Rise Above Its Source: Financing of Africa's Regional Integration*, Centre for Citizens' Participation on the African Union, 2012; and AU budgets for 2013-2016.

[54] How the levy may work, and whether AU member states will be willing to make such payments, has yet to be (continued...)

U.S. Relations, Policy, and Assistance

While the United States has long aided and cooperated with the AU and the OAU before it, U.S.-AU ties have strengthened over the past decade, and have assumed a higher profile in U.S.-African relations. In July 2015, during his third presidential trip to sub-Saharan Africa, President Obama addressed the AU in a speech addressed "to the People of Africa."[55] The speech was wide-ranging, focusing on various issues of shared concern. A key topic that drew particular attention among observers was the President's call for strong adherence to democratic norms in the region and for African leaders to "abide by term limits and their constitutions." He also stressed the need for respect for "human dignity," a concept that he used as a vehicle to address issues of peace and security, including efforts to counter terrorism and political extremism, and of respect for human rights, social equality, and the rule of law, among other ends.[56]

President Obama had previously engaged with the African Union in meetings with AUC Commissioner Dlamini-Zuma in mid-2013 during a trip to Africa, and in 2014 during the U.S.-Africa Leaders Summit in Washington, DC.[57] Key topics addressed at both forums included U.S.-AU partnership, peace and security efforts, development, women and youth, and trade and investment.

The U.S. move toward closer ties began in 2005, when then-President George W. Bush granted the AU international organization status, allowing it to open an office in Washington, DC; the first AU ambassador to the AU was accredited in 2007. The U.S. AU mission (USAU) was initiated in 2006, making the United States the first non-African country to have an accredited AU mission.

According to USAU, which includes representatives from the Departments of State, Defense, and Agriculture, as well as the U.S. Agency for International Development (USAID), the mission's key goals under the Obama Administration have been to

- support the AU in playing a lead role in democratic and electoral reform;
- develop inclusive economic development through improved trade and investment;
- strengthen Africa's capacity to address peace and security challenges;
- accelerate implementation of the AU's human capacity and educational development projects; and
- increase public diplomacy and multilateral engagement to further U.S. interests.[58]

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determined. A press release on the decision stated that "the specific mechanisms are being worked out," but that notionally "the amounts collected will automatically be paid by Member States into an account opened for the AU within the Central Bank" of each state and transmitted to the AU to pay for a given country's assessed AU contributions. AU, "Summary of 27th AU Summit Decisions: Tax Imports to Finance AU; Establish Protocol to Issue African Passports to Citizens; and Extend Mandate of Chairperson and Commission," July 25, 2016.

[55] White House, "Remarks by President Obama to the People of Africa," July 28, 2015.

[56] In his remarks on term limits, Obama said that "nobody should be president for life... and your country is better off if you have new blood and new ideas." White House, "Remarks by President Obama to the People of Africa," July 28, 2015.

[57] CRS Report R43655, *U.S.-Africa Leaders Summit: Frequently Asked Questions and Background*, coordinated by Nicolas Cook.

[58] State Department response to CRS inquiry October 29, 2015.

Conflict prevention, mitigation, and peace operations have been key traditional focuses of U.S.-AU relations. The United States has also played a key role as an observer during multiple AU, OAU or REC peace negotiations, often through various international contact groups that the AU has formed to address unfolding crises. Some U.S. aid has centered on helping the AU develop its peace and security capacities, but such aid is modest compared to that of certain other donors, notably the European Union. The United States is, however, a major source of often large amounts of logistical support to member states participating in individual AU peace operations. U.S. support for AMISOM troop contributors since the mission's inception in 2007, for instance, stands at about $1.8 billion. U.S. support to the AU Mission in Sudan (AMIS), a now-concluded AU peacekeeping operation in Sudan's western Darfur region, totaled about $472 million. The United States also provided sizable military logistical support to troop-contributing countries participating in recent AU peace operations in Mali and CAR.

U.S. Assistance

While the United States provides aid in support of various other AUC and AU agency nonsecurity development activities and programs, the level of such capacity-building aid is far smaller than that for peace and security, particularly compared to funding provided by European donors. U.S. direct funding for AU institutions, sometimes dubbed "core" funding, is limited (e.g., $774,000 in FY2014, $521,000 in FY2015, and $935,000 in FY2016, with $2.4 million requested in FY2017) and focuses on technical assistance at the headquarters level and selected other initiatives. Total U.S. aid for the AU is challenging to track, but totaled an estimated $7.6 million in 2015; in 2014, the total was $4.7 million, along with a one-time $10 million grant to support the deployment of the AU Response to the Ebola Epidemic in West Africa (ASEOWA). Most U.S. aid related to the attainment of AU goals is provided on a bilateral basis or to regional RECs, rather than to the AU itself, and is thus not always accounted for in analyses of U.S. support for the AU.

The United States has nonetheless increased cooperation with the AU in recent years. In 2013, two key U.S.-AU cooperation agreements were signed: a June follow-up to a 2010 agreement that had pledged $5.8 million in U.S. non-peacekeeping mission aid to the AU through 2013, and a January "partnership" Memorandum of Understanding (MOU).[59] The June 2013 agreement centered on areas of possible U.S. support for the AUC's Strategic Plan 2014-2017, which addresses a wide range of peace and security, governance, and sectoral and human development goals and programs. The 2013 MOU prioritized cooperation centering on the Obama Administration's 2012 *U.S. Strategy Toward Sub-Saharan Africa*: peace and security, democracy and governance, economic growth, trade, and investment, and promotion of opportunity and development. The MOU also formalized an annual U.S. Secretary of State-AU Chairperson dialogue; AU Peace and Security Department-U.S. Defense Department staff talks, and information exchanges on various technical issues and best practices.

U.S. support for AU democracy strengthening initiatives is another key area of engagement. Broadly, U.S. efforts are designed to support AU implementation of the AU African Charter on Democracy, Elections and Governance, which sets out the AU's democratic principles and objectives in this area, and capacity-building of the African Governance Architecture—a broad

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[59] The June 2013 agreement centers on areas of possible U.S. support for the AUC's *Strategic Plan 2014-2017*, a wide range of peace and security, governance, and sectoral and human development goals and programs. The 2013 MOU prioritizes cooperation centering on the Obama Administration's 2012 *U.S. Strategy Toward Sub-Saharan Africa*: peace and security; democracy and governance; economic growth, trade, and investment; and promotion of opportunity and development. The MOU also formalizes an annual U.S. Secretary of State-AU Chairperson dialogue; AU Peace and Security Department-U.S. Defense Department staff talks; and best practices and technical information exchanges.

set of democracy, governance, and human rights charters, frameworks, and implementing institutions.[60] The United States has in the past deployed contracted advisors to support the work of the AU's Democracy and Elections Assistance Unit (DEAU), which is part of the AUC's Department of Political Affairs.[61] DEAU sends observation teams to monitor most African elections and assists member states efforts to improve electoral systems.[62] In mid-2015, the AUC and the National Democratic Institute (NDI), a U.S. democracy capacity-building organization that receives U.S. government funding, signed an MOU aimed at increasing African youth involvement in democratic processes. In late 2015, during a global summit of the Open Government Partnership (OGP)—of which the United States is a founding member—NDI also signed an MOU with the Pan African Parliament focusing on cooperation "on a broad range of issues, including women's and youth participation, good governance, rule of law and other areas of common interest."[63] Both programs are supported by the U.S. National Endowment for Democracy (NED), which receives a direct annual congressional appropriation. The Pan African Parliament also participates in the OGP's Open Data Group.[64]

Other areas of cooperation, administered mostly by USAID, center on development goals, such as AU efforts to reduce maternal mortality; to support the Comprehensive Africa Agriculture Development Program (CAADP); to increase intra-African trade and regional integration efforts; and to advance AU climate change adaptation efforts. In 2013 USAID and the AU also agreed to jointly pursue geothermal energy development in East Africa. Much of this kind of U.S. sectoral aid is funded through various bilateral, sectoral, or regional programs, and is often undertaken jointly with other donors. Other aid helps the RECs implement their programs, which are often linked to overarching AU policies or programs. U.S. and AU officials also periodically engage in dialogue over various issues, such as peace and security capacity building, criminal justice, and political crises. The United States, along with other donors, also supported the AU's recently-established African Centre for Disease Control and Prevention (African CDC).[65]

Planned U.S. Assistance to the AU

According to the Obama Administration's FY2017 State Department foreign aid Congressional Budget Justification (CBJ), current aid to the AU "focuses on strengthening diplomatic and nonmilitary approaches to advocacy for implementation, policy harmonization and coordination, strategic communication for political engagement, and resource mobilization and partnership." A key goal is to develop AU public diplomacy tools and strategic communication capacities to "drive reform across African countries and help prevent, manage, and resolve conflict and accelerate investment and improved social outcomes."

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[60] See Europafrica.net, "The African Governance Architecture," n.d.; African Governance Architecture Platform, http://aga-platform.org/; and GIZ (German development agency), "Support to the African Governance Architecture (AGA)," n.d.

[61] State Department to CRS inquiry, April 10, 2009.

[62] For background on the role of the AU in fostering democracy in Africa, see USAID, *African Union Democracy and Governance Stocktaking Assessment*, June 2013.

[63] NDI, "NDI Partners with African Union to Increase Youth Political Involvement," June 25, 2015; and "NDI Deepens Cooperation with the Pan African Parliament," November, 6, 2015; and CRS contacts with NDI and NED.

[64] Open data refers to public access to government data, and the prioritization of its release in a regular and transparent manner. OGP, of which the United States is a co-founder, seeks to foster transparent, effective, and accountable governance by securing targeted commitments from governments to advance that goal, which is shared by the AU.

[65] State Department, "Signing of a Memorandum of Cooperation to Support the African Centres for Disease Control and Prevention," April 13, 2015; and text of MOU on African CDC.

The outgoing Administration's planned FY2017 U.S. assistance would build on current programs. A core target in FY2017 would be support for the AU 2014-2017 Strategic Plan "in areas of mutual interest with the United States" and with respect to strengthening future prospective AU leadership. Specific targets of this proposed aid include staffing and technical assistance for

- AUC departments implementing or advocating for activities that foster human rights, youth empowerment, economic governance, and the reduction of illicit activities.
- AU efforts that focus on political consensus building and AU-donor cooperation.
- AUC-private sector and -civil society collaboration focusing on advancing the rights of youth, women, and the private sector in AU member states, and AU efforts to boost youth employment.

The request also seeks to maintain the deployment of a USAU-based rule of law adviser to support the AU Department of Political Affairs (DPA) and Office of the Legal Counsel.[66]

Whether Congress and the incoming Trump Administration may pursue a similar or different approach to providing aid to the AU in FY2017—or potentially cut it in whole or in part— remains to be seen. At present, the current continuing resolution (P.L. 114-254) generally extends into FY2017 foreign aid funding at existing FY2016 levels, albeit at a lower rescission rate.

Outlook

The AU is a multifaceted organization engaged in ambitious development and capacity-building efforts across a wide range of policy areas. Its capacity to realize its stated goals, however, has historically been limited by political tensions among African leaders, insufficient member state funding, and, often, technical or institutional weaknesses. While the AU has taken a number of steps to address these challenges, whether it will become a more effective institution remains to be seen. Future AU Commission leadership changes, including one expected in early 2017, could reshape the organization's goals and priorities. The AU's overall policy objectives, however, are collectively set by the AU member states' leaders, and are unlikely to fundamentally shift in the short to medium term.

For the United States, there is arguably much potential scope for expanded cooperation with the AU, both with respect to security challenges—historically the most resource-intensive area of cooperation—and broader political and development goals. The AU may, in many cases, offer the United States an effective partner—and one that can uniquely work at the regional level—in mutually beneficial efforts to spur greater trade, investment, and economic integration and pursue socioeconomic development goals, among others. Some policymakers may also view U.S.-AU engagement as a forum for pressing African countries to take on a greater role in shouldering the burden for security and stability in the region and, more broadly, for promoting "African solutions to African problems." Some may also see the AU as a key interlocutor through which the United States can advance its own national interests and policy objectives—and counter trends to which U.S. decisionmakers may object.


[66] The mandate of the rule of law adviser is to generally help to advance AU efforts to promote the rule of law, accountable governance, and respect for human rights in AU Member States; to help increase AU capacities to counter transnational crime, corruption, terrorism, and human and wildlife trafficking; and to aid the AU's DPA in implementing AU human rights and governance instruments.

At the same time, AU bureaucracy and the influence of heavyweight member states, whose policy priorities have often been at odds with U.S. preferences, are likely to continue to hinder the AU's effectiveness as a U.S. partner. The United States is therefore likely to continue to direct the majority of its aid and diplomacy through bilateral and sub-regional channels. Whether the Trump Administration and the 115th Congress may make such assumptions, and whether and how they may pursue expanded U.S.-AU engagement—or not, in light of countervailing U.S. interests and resource constraints—has yet to be determined.
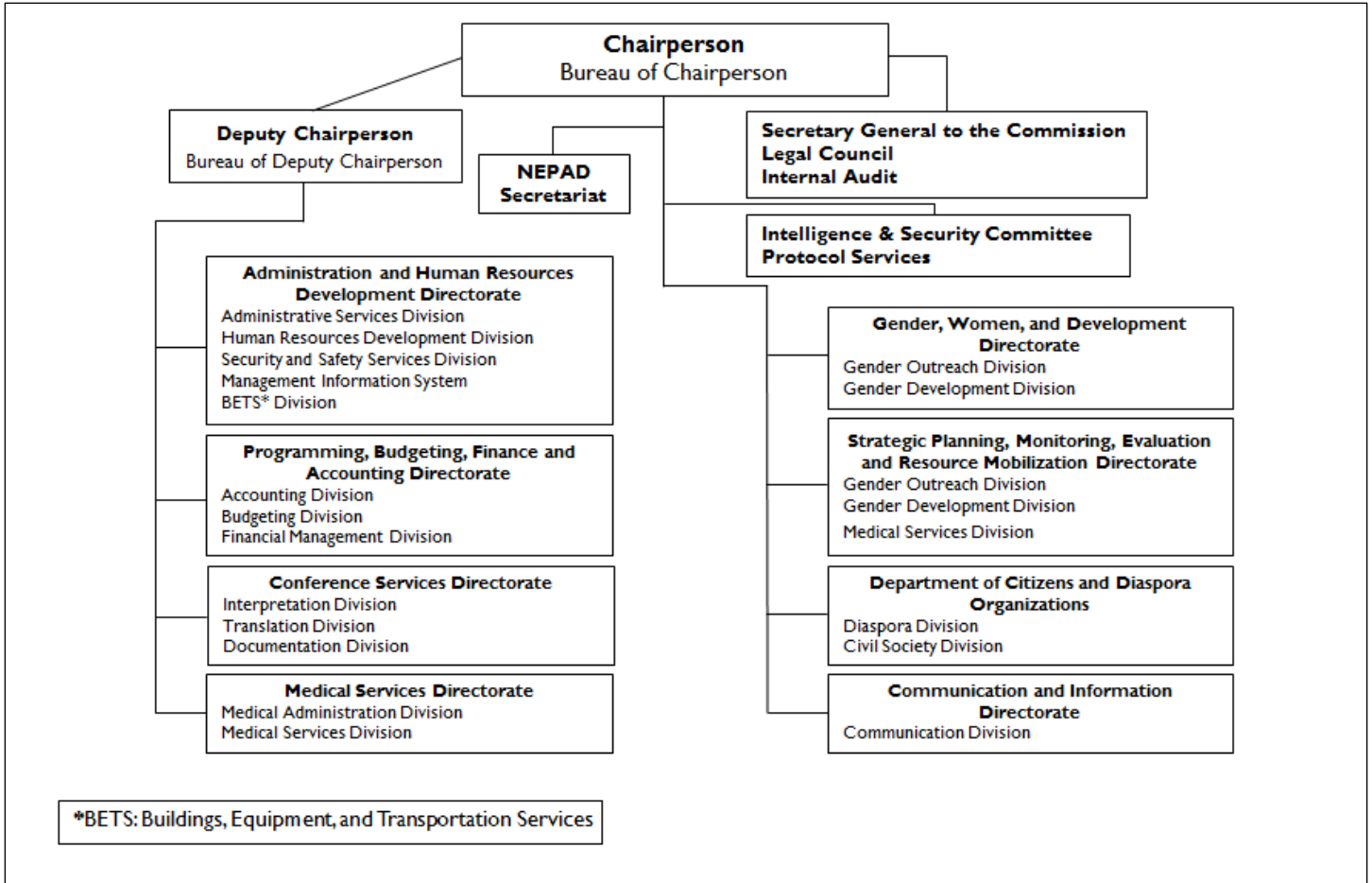
Appendix. Organization of the African Union

**Figure A-1. African Union Organogram**
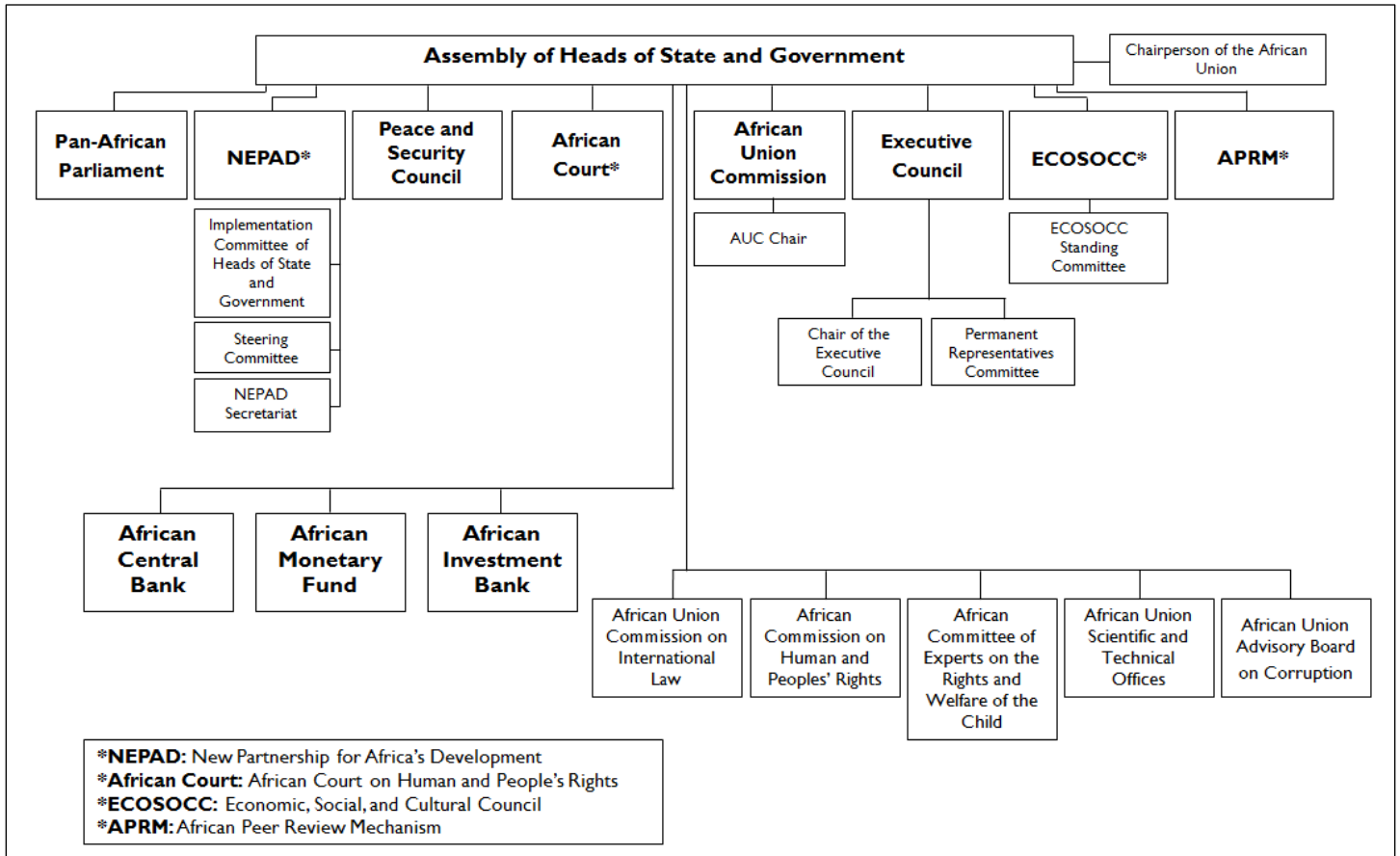
Source: Organizational chart *African Union Directly Subordinate to Assembly of the Union* created by CRS Research Assistant Tomas Husted, based on information from African Union and Government of New Zealand, African Union Handbook 2015.

Figure A-2. African Union Directorate

Chairperson
Bureau of Chairperson

Deputy Chairperson
Bureau of Deputy Chairperson

NEPAD Secretariat

Secretary General to the Commission
Legal Council
Internal Audit

Intelligence & Security Committee
Protocol Services

Administration and Human Resources Development Directorate
Administrative Services Division
Human Resources Development Division
Security and Safety Services Division
Management Information System
BETS* Division

Programming, Budgeting, Finance and Accounting Directorate
Accounting Division
Budgeting Division
Financial Management Division

Conference Services Directorate
Interpretation Division
Translation Division
Documentation Division

Medical Services Directorate
Medical Administration Division
Medical Services Division

Gender, Women, and Development Directorate
Gender Outreach Division
Gender Development Division

Strategic Planning, Monitoring, Evaluation and Resource Mobilization Directorate
Gender Outreach Division
Gender Development Division
Medical Services Division

Department of Citizens and Diaspora Organizations
Diaspora Division
Civil Society Division

Communication and Information Directorate
Communication Division

*BETS: Buildings, Equipment, and Transportation Services

Source: Chart is taken from the *African Union Compendium*, 2nd Edition, 2014.

Figure A-3. African Union Commission
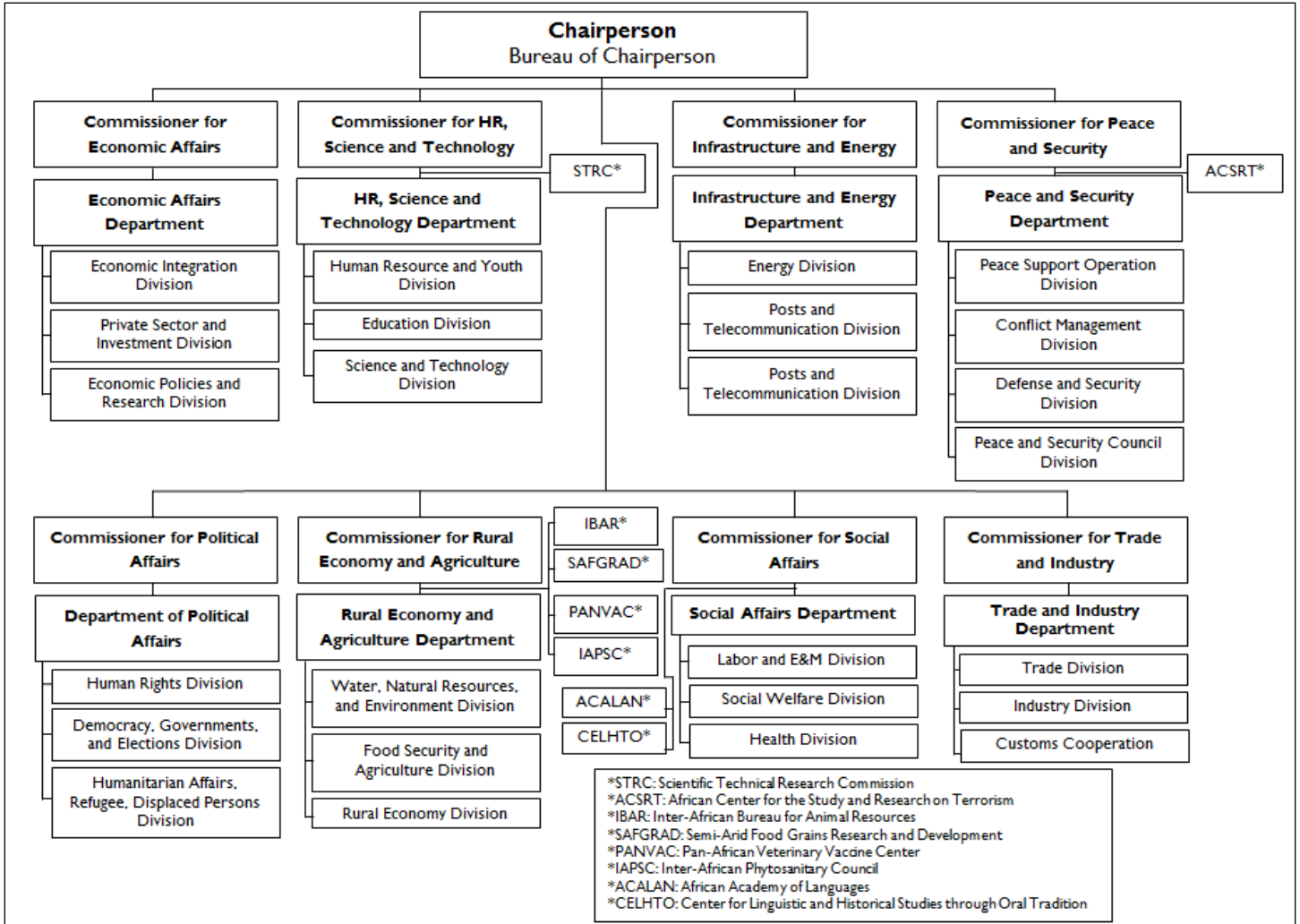
Source: Chart is taken from the *African Union Compendium*, 2nd Edition, 2014.

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