The African State and Special Procedures

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The African State and Special Procedures: Agency, Leverage and Legitimacy

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This chapter focuses on the broader international politics of the Special Procedures (SP) systems, examining – at both theoretical and empirical levels – why and how states engage with the system and to what end. In doing so, African states' relations with UN SP (Special Rapporteurs (SR) and Working Groups) and African Union (AU) SR will be explored in depth, reflecting both Africa's prominence on lists of visit requests developed annually by UN SP and its frequent characterisation as a continent of 'weak' polities by analysts and commentators.

Our analysis seeks to unpack and challenge this latter notion by considering the nature and calibration of African agency in the international system, both at a general level and when viewed through the lens of SP, a perspective rarely adopted to date in legal and social science explorations of African states' place in the international system. To do so, we draw upon data collated from annual UN SR and Working Group reports to the UN Human Rights Council (UNHRC) and AU SR reports to the African Commission on Human and People's Rights (ACHPR) mapping SR and Working Group visit requests and visits undertaken to African states since the early 2000s.

In doing so, we focus primarily on the seven UN thematic mandates of human rights defenders, freedom of expression, violence against women, migrants and internally displaced, arbitrary detention and discrimination against women which are mirrored in the AU SP system. In doing so, we recognise that this captures only a part of the UN and AU SP systems.[2] Our interest here, however, is in exploring the *interaction* between the two systems and how African states engage herein – and with what implications. It is therefore appropriate to focus particularly on where the two systems directly correspond, and this is the approach taken in this chapter. This comparative data is complemented by data collected in interviews conducted with state and

[1] The authors are extremely grateful to Anna Jobe (PhD candidate, University of Durham) and Louis Monroy Santander (PhD candidate, University of Birmingham) for their invaluable contribution to this project as research assistants. We are also grateful to Richard Moncrieff, Paul Bentall and other colleagues in the Africa and Multilateral Research Groups at the UK Foreign and Commonwealth Office for their insights and advice on the general themes of this project and its context. The authors are grateful to the University of Birmingham's College of Social Sciences-College of Arts and Law Sandpit Scheme for funding this research.

[2] There are currently 34 additional thematic UN SP and 14 country mandate UN SP (6 African) which we do not expressly cover, a full list of UN SP thematic and country mandates are available at UN Office of the High Commissioner for Human Rights, 'Thematic Mandates' (2015) http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM accessed 1 November 2015 and 'Country Mandates' (2015) http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx accessed 1 November 2015. We do, nevertheless, explore the 6 Africa mandates in a number of instances. There are also currently an additional eight additional thematic AU SP which we do not expressly cover, a full list of AU mandates are available at ACHPR, 'Special Mechanisms' (2015) http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx accessed 1 November 2015. While the seven UN SP mandates explore here are mirrored directly in the AU mandates for human rights defenders and freedom of expression there are slight differences in framing under other themes: prisons and detention (AU) instead of arbitrary detention (UN); rights of women (AU) instead of violence against, and discrimination against, women (UN) and refugees (AU) instead of migrants (UN) and internally displaced (UN).

international actors across eastern Africa by both authors since 2006[3] along with discussions with key respondents in the UN human rights architecture undertaken in Geneva in May 2015. Secondary data derived from media houses, public statements and other sources is also engaged with.

We argue that while African states exhibit 'weakness' in a range of areas, many can and do exercise considerable strength and agency in the international system – sometimes through instrumentalising these very weaknesses and sometimes through strategically engaging or disengaging with parts of the system. We see both forms of behaviour evident among a range of semi-authoritarian African states, whose governments use the UN SP system, in part, to improve their standing within the international community and UN architecture as well as to 'socialise' some internal crises (eg internally-displaced persons) and secure international resources to deal with them.

We emphasise, however, the complexity of the picture: many African states engage with the SR systems in good faith, often making an important contribution to its work and outputs. While lack of resources (for UN and AU SP, as well as for African states themselves) limit the effectiveness of the system, of more fundamental significance for its overall future efficacy are the issues of credibility and legitimacy. The somewhat adversarial nature of the UN SP system sits uncomfortably in an African context where defence of state sovereignty above all else often remains the central fulcrum of international relations.[4] The AU SP system is therefore far more deferential and dialogue-based than that of the UN and while greater cooperation between both sets of actors will allow the fostering of greater independence and voice among the former, the latter also have much to learn for their own practice through such an interaction, as this chapter will discuss.

In terms of structure, the chapter will first challenge the notion of African state 'weakness' at the international level before exploring how a range of African governments have secured agency through strategically engaging with the UN and AU SR systems. Part two will nevertheless caution against an interpretation of African engagement with the systems based wholly in *realpolitik*, emphasising more

[3] Primarily in Eritrea, Ethiopia, Kenya, Rwanda and Uganda. This interview data acts primarily as a complement to the visit request data – the latter being the primary evidence explored in the chapter. Eastern Africa nonetheless represents one of the most significant regions of UN SP and AU SR activity in Africa and includes four of the six states currently the focus of UN SR country mandates (Burundi, Eritrea, Somalia and Sudan). Ethiopia is also the home of the African Union and thus accessing diplomats from across the continent has been possible. The interview data therefore provides more than simply a regional perspective on the interactions between the UN SP/AU SR systems and African states.

[4] The artificial creation – and questionable domestic legitimacy - of many African states through the colonial/postcolonial experience, coupled with many African governments' inability or unwillingness to extend state control and infrastructure beyond urban areas has led many scholars to highlight the defence and instrumentalisation of state sovereignty as a central survival strategy for many postcolonial African polities. See, for example. Jean-Francois Bayart, 'Africa in the world: A history of extraversion' [2000] *African Affairs* 99 (395), 217-267; William Brown, 'Sovereignty matters: Africa, donors and the aid relationship' [2013] *African Affairs* 112 (447), 262-282; Christopher Clapham, *Africa in the international system: The politics of state survival* (CUP 1996); Jeff Herbst, *States and Power in Africa: Comparative lessons in authority and control* (Princeton University Press 2000); Robert Jackson and Carl Rosberg, 'Why Africa's weak states persist: The empirical and the juridical in statehood' [1982] *World Politics* 35 (1), 1-24.

constructive forms of interaction as well as highlighting the under-estimation of norms of sovereignty and legitimacy by the UN system in its engagement with Africa. The piece concludes by examining the implications of these findings for practitioners in both systems.

1. African agency and Special Procedures

1.1 The 'African agency' literature

The characterisation of African states as 'weak' in the international system is a longstanding trope in Western political science as well as in Western and international policy-making circles.[5] With sometimes more than half of their national budgets funded by North American and European governments[6], African states are often either ignored in International Relations theory-building altogether or dismissed as passive or dependent objects of a set of power dynamics and norm creations which they play little to no active role in influencing.[7] Often barely able to project their authority beyond their capital cities, let alone beyond their borders, African states have also been the main recipients of the 'failed' or 'fragile' state label developed by World Bank, OECD and academic analysts since the 1990s.[8] Where African agency has been recognised in these various arenas it has tended to be critiqued in sometimes quite pejorative and paternalistic terms; African states not conforming to international standards on governance or human rights, or African states lagging behind the rest of the community of nations vis-à-vis economic liberalisation or adopting international legal norms.[9]

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[5] William Brown, 'Africa and International Relations: A Comment on IR Theory, Anarchy and Statehood' [2006] *Review of International Studies* 32 (1) 119-143; William Brown, 'Sovereignty matters: Africa, donors and the aid relationship' [2013] *African Affairs* 112 (447), 262-282; Sophie Harman and William Brown, 'In from the margins? The changing place of Africa in International Relations' [2013] *International Affairs* 89 (1) 69-87; Kevin Dunn and Timothy Shaw (eds) *Africa's Challenge to International Relations Theory* (Palgrave Macmillan 2001).

[6] Isaline Bergamaschi, 'The fall of a donor darling: The role of aid in Mali's crisis' [2014], *Journal of Modern African Studies* 52 (3), 358; Jonathan Fisher and David M Anderson, 'Authoritarianism and the securitization of development in Africa' [2015] *International Affairs* 91 (1) 131-151; Haley Swedlund, 'From donorship to ownership: Budget support and donor influence in Rwanda and Tanzania' [2013], *Public Administration and Development* 33, 361-363.

[7] William Brown, 'Africa and International Relations: A Comment on IR Theory, Anarchy and Statehood' [2006] *Review of International Studies* 32 (1) 119-143; William Brown, 'Sovereignty matters: Africa, donors and the aid relationship' [2013] *African Affairs* 112 (447), 262-282; Sophie Harman and William Brown, 'In from the margins? The changing place of Africa in International Relations' [2013] *International Affairs* 89 (1) 69-87; Kevin Dunn and Timothy Shaw (eds) *Africa's Challenge to International Relations Theory* (Palgrave Macmillan 2001).

[8] Valerie Arnould, 'Transitional justice and democracy in Uganda: Between impetus and instrumentalisation' [2015] *Journal of Eastern African Studies* 9 (3) 354-374; Jonathan Fisher, 'When it pays to be a "fragile state": Uganda's use and abuse of a dubious concept' [2014] *Third World Quarterly* 35 (2) 316-322; Sonja Grimm, Nicolas Lemay-Hebert and Olivier Nay, "Fragile States": Introducing a political concept' [2014] *Third World Quarterly* 25 (2) 197-209; Nicolas Lemay-Hebert and Xavier Mathieu 'The OECD's discourse on fragile states: Experts and the normalization of knowledge production' [2014] *Third World Quarterly* 35 (2) 232-251.

[9] Examples of this from a range of literatures and media include, Kingsley Chiedu Moghalu, 'Why has Africa fallen behind the rest of the world's economies', *Guardian* (London, 4 August 2014); Robert Rotberg, 'The failure and collapse of nation-states: Breakdown, prevention and repair', in Robert Rotberg (ed), *When States Fail: Causes and Consequences* (Princeton University Press 2003); Frans Viljoen, *International Human Rights Law in Africa* (OUP 2012) 142.

In recent years, however, scholars have sought to challenge this narrative through unpacking the spaces and opportunities for – as well as the limitations of – African agency in the global system.[10] Though the concept of 'agency' is understood in multiple ways across political science – as well as philosophy and sociology – we conceive of it in a broad sense as a state's ability to as it intends to within the international system.[11]

Focusing on a range of different issues – including on collective bargaining by African states within the World Trade Organization, block-voting in the UN General Assembly and individual states' interactions with particular agendas (eg peacekeeping and conflict resolution) – the African agency literature has revealed the degree to which African states can, and have, carved-out significant agency in the international system in a number of contexts, often by instrumentalising their perceived weakness.[12]

By playing-on notions of fragility and memories of a violent and unstable past, for example, African governments encourage their counterparts elsewhere in the world to 'set the bar low' when assessing their achievements and transgressions, particularly in the sphere of democratisation.[13] This approach also enables African states to successfully solicit international aid flows (financial and military), rendering the complex and politically risky task of raising domestic revenue less necessary. This 'extraversion', as it has been characterised by Jean-Francois Bayart, has become a

[10] Danielle Beswick and Anne Hammerstad, 'African agency in a changing security environment: Sources, opportunities and challenges' [2013] *Conflict, Security and Development* 13 (5) 471-486; William Brown and Sophie Harman (eds), *African Agency in International Politics* (Routledge 2013); Lindsay Whitfield (ed), *The Politics of Aid: African Strategies for Dealing with Donors* (OUP 2008).

[11] See William Brown, 'A question of agency: Africa in international politics' [2012] *Third World Quarterly* 10 (33) 1893-1899 for a more detailed discussion of this.

[12] Danielle Beswick, 'From weak state to savvy international player? Rwanda's multi-level strategy for maximising agency', in William Brown and Sophie Harman (eds), *African Agency in International Politics* (Routledge 2013); Danielle Beswick and Anne Hammerstad, 'African agency in a changing security environment: Sources, opportunities and challenges' [2013] *Conflict, Security and Development* 13 (5) 471-486; William Brown and Sophie Harman (eds), *African Agency in International Politics* (Routledge 2013); Devon Curtis, 'Development assistance and the lasting legacies of rebellion in Burundi and Rwanda' [2015] *Third World Quarterly* 36 (7) 1365-1381; Jonathan Fisher, 'Structure, agency and Africa in the international system: Donor diplomacy and regional security policy in East Africa since the 1990s' [2013] *Conflict, Security and Development* 13 (5) 537-567; Jonathan Fisher, 'When it pays to be a "fragile state": Uganda's use and abuse of a dubious concept' [2014] *Third World Quarterly* 35 (2) 316-322; Valerie Freeland, 'Rebranding the state: Uganda's strategic use of the International Criminal Court' [2015] *Development and Change* 46 (2) 293-319; Donna Lee, 'African agency in global trade governance', in William Brown and Sophie Harman (eds), *African Agency in International Politics* (Routledge 2013); Thomas Tieku, 'Exercising African agency in Burundi via multilateral channels: Opportunities and challenges' [2013] *Conflict, Security and Development* 13 (5) 513-535; Lindsay Whitfield (ed), *The Politics of Aid: African Strategies for Dealing with Donors* (OUP 2008); Siphamandla Zondi, 'Common positions as African agency in international negotiations: An appraisal', in William Brown and Sophie Harman (eds), *African Agency in International Politics* (Routledge 2013).

[13] See, for example, Ethiopian prime minister Hailemariam Desalegn's comments in the lead-up to the country's May 2015 elections, *Al-Jazeera*, 'Hailemariam Desalegn: Democracy 'not only an election', <http://www.aljazeera.com/programmes/talktojazeera/2015/05/hailemariam-desalegn-democracy-election-150522074045193.html> last accessed 1 November 2015; see also Stephen Brown, "Well, what can you expect?" Donor officials' apologetics for hybrid regimes in Africa [2011] *Democratization* 18 (2) 512-534.

particularly rewarding strategy for African states given the post-2001 preoccupation of Western governments – along with that of the UN and International Financial Institutions (IFIs) - with supporting stable and resilient African states in the context of a 'Global War on Terror'.[14]

The manner in which such behaviour allows African states to advance more 'positive' activities into the limelight and, thereby, cast more controversial ones into the shadows has been linked by Beswick to Steven David's theory of 'omni-balancing' – an analysis of how leaders in the Third World change alignments in global politics on the basis of rational cost-benefit analyses of their best interests vis-à-vis the overall context of domestic and international political forces.[15] Though rejecting various aspects of the concept when applied to the current, post-Cold War developing world, she nevertheless highlights the core framework of the theory – which focuses on how leaders 'balance' internal and external threats to their hold on power to survive – as valuable for understanding African engagement with the international system. Analysing the case of Rwanda, she demonstrates how the Rwandan Patriotic Front (RPF)-led government aligned with international actors over regional conflict resolution in eastern Democratic Republic of Congo (DRC) during 2009-2010 to head-off criticism and aid suspensions from the same actors (and their possible alignment with domestic Rwandan opposition groups) over democratic backsliding in the lead-up to elections in that country in August 2010.[16]

Similar interpretations have been applied to the behaviour of governments in Ghana and Uganda during the 1990s and those of Ethiopia, Uganda and Chad during the 2000s.[17] Haynes (2001) and others have argued that semi-authoritarian regimes in Ghana and Uganda strategically aligned with powerful Western institutions such as the World Bank in the field of economic liberalisation in order to neutralise criticism (and potential aid cuts) from elsewhere in the donor community regarding limited democratisation.[18]

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[14] Jean-Francois Bayart, 'Africa in the world: A history of extraversion' [2000] *African Affairs* 99 (395), 217-267; Jan Bachmann, 'Governmentality and counterterrorism: Appropriating international security projects in Kenya' [2012] *Journal of Intervention and Statebuilding* 6 (1) 41-56; Jonathan Fisher and David M Anderson, 'Authoritarianism and the securitisation of development in Africa', *International Affairs* 91 (1) 131-151; Cedric Jourde, 'Constructing representations of the "Global War on Terror" in the Islamic Republic of Mauritania' [2007] *Journal of Contemporary African Studies* 25 (1) 77-100.

[15] Danielle Beswick, 'From weak state to savvy international player? Rwanda's multi-level strategy for maximising agency', in William Brown and Sophie Harman (eds), *African Agency in International Politics* (Routledge 2013); Steven David, *Choosing Sides: Alignment and Realignment in the Third World* (Johns Hopkins University Press 1991).

[16] Danielle Beswick, 'From weak state to savvy international player? Rwanda's multi-level strategy for maximising agency', in William Brown and Sophie Harman (eds), *African Agency in International Politics* (Routledge 2013).

[17] Jonathan Fisher and David M Anderson, 'Authoritarianism and the securitisation of development in Africa', *International Affairs* 91 (1) 131-151; Jeff Haynes, 'Limited Democracy in Ghana and Uganda: What is most important to international actors: Stability or Political Freedom?', *Journal of Contemporary African Studies* [2001] 19 (2) 183-204.

[18] Jeff Haynes, 'Limited Democracy in Ghana and Uganda: What is most important to international actors: Stability or Political Freedom?', *Journal of Contemporary African Studies* [2001] 19 (2) 183-204; Andrew Mwenda and Roger Tangri, 'Patronage politics, donor reforms and regime consolidation in Uganda' [2005], *African Affairs* 104 (416) 449-467.

More recently, similar patterns have been identified by Fisher, Anderson and others in analysing strategic alignments by a range of African polities with security-focused Western actors (eg the White House National Security Council, Pentagon, UK Ministry of Defence, Elysee Palace, UN DPKO) regarding counter-terrorism or peacekeeping policies since 2001, playing them off against other institutions within their bureaucracies whose focus is more on democratisation and human rights (eg the State Department, US Congress, UK Foreign and Commonwealth Office or UNHCR).[19] There is also growing evidence of African states aligning with non-Western (re-) 'emerging donors' such as China to similar ends.[20]

This literature also underlines the degree to which these strategic alignments also serve to engender mutual dependency between international and African actors – in other words, this is not simply a case of African states 'surviving' within the system but also influencing and modifying it. As Harrison and others have argued, for example, the World Bank and other major donors require 'success stories' to validate their own prescriptions – and thus their international credibility as effective development institutions and thought-leaders. This provides significant room for manoeuvre among states such as 1990s-2000s Tanzania, Mozambique or Uganda which have implemented their policies and subsequently achieved economic growth.[21] The Bank and others – according to this argument – have invested so much economic and political capital in these states that their fortunes are tied to them to some degree. Prevented from criticising these states' shortcomings in the arenas of transparency, accountability or civil freedoms for fear of undermining their own reputation, therefore, these donors are compelled to modify their universalist discourses to justify the existence of 'successful' states which do not, however, conform to Western political sensitivities; what Harrison calls the 'construction of "governance states".

The generation of these symbiotic relationships by seemingly 'weak' African states is perhaps most clearly captured, at present, in the sphere of international peace and security. The mid-1990s saw the UN and Western states heavily discredited in relation to African conflict, following several failed interventions in war-torn Somalia and the failure *to* intervene in Rwanda during the 1994 genocide. Responding to conflicting international and domestic pressures, these states and institutions rapidly came to throw their support behind regionally-led peacekeeping interventions as a solution, sometimes captured in the Clinton administration's notion of 'African solution to African problems'.[22] Many African states came to support this agenda,

[19] Jonathan Fisher, 'Image management in East Africa: Uganda, Rwanda, Kenya and their donors', in Julia Gallagher (ed) *Images of Africa: Creation, Negotiation and Subversion* (Manchester University Press, 2015); Roger Tangri and Andrew Mwenda, *The Politics of Elite Corruption in Africa: Uganda in Comparative African Perspective* (Routledge, 2013) 149-160.

[20] Padraig Carmody, *The New Scramble for Africa* (Polity Press, 2011); Sam Hickey, 'Beyond the poverty agenda? Insights from the new politics of development in Uganda' [2013] *World Development* 43 194-206.

[21] Graham Harrison, 'The World Bank, Governance and Theories of Political Action in Africa' [2005], *British Journal of Politics and International Relations* 7 (2) 240-260; Ellen Hauser, 'Ugandan relations with Western donors in the 1990s: What influence on democratisation' [1999], *Journal of Modern African Studies* 37 (4) 621-641.

[22] Mark Bradbury, 'Normalising the crisis in Africa' [1998] *Disasters* 22 (4) 328-338; Peter Rosenblum, 'Irrational exuberance: The Clinton Administration in Africa' [2002] *Current History* 101 (655) 195-202.

partly because of a genuine belief in the need for 'local' solutions to the continent's security problems and partly to secure more comprehensive military assistance and training from Western states through their support for regional initiatives.[23]

This led, during the 2000s, to a transformation of peacekeeping on the African continent whereby African states have become major contributors to UN forces (Ethiopia and Rwanda are among the top five global troop contributors to UN missions, Ghana and Nigeria are among the top ten)[24] and regionally-led missions (under the AU or a sub-regional unit) have increased in number and scope substantially.[25] For the UN and Western states, therefore, African states are now the key 'intermediaries' in the management of peace and conflict on the continent. This has been instrumentalised by a range of states through strategic alignments, as outlined above.[26] It has also, however, been used directly as a *quid pro quo* by states such as Uganda and Rwanda, which have threatened to withdraw their troops from various missions central to UN and Western concerns in Africa (Somalia and Darfur respectively) unless policy shifts are made by these actors. In 2012, for example, the Ugandan government threatened to pull its troops out of the AU Mission in Somalia (AMISOM) unless allegations of Ugandan support for rebels in eastern DRC made by a UN Group of Experts be 'withdrawn'. Western donors rapidly distanced themselves from the Group's report (at least as concerned Uganda).[27]

Crucially, however, African state agency is identified not only in the re-direction or neutralisation of pressures or criticisms from the outside world but also in the moulding and re-conceptualisation of key norms themselves. Fisher and Anderson (2015), for example, have demonstrated how the governments of Uganda, Ethiopia and Chad have employed savvy diplomacy to persuade governments in Europe and North America to re-frame how they view security threats emanating from parts of the African continent.[28] Beswick, Holmes and others have explored the ways in which the Rwandan government has re-conceptualised the 'peacekeeper' not only as an external conflict management entity but as a service provider and organic part of post-conflict societies[29], a narrative which has also emerged in Ethiopia in recent years[30].

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[23] Danielle Beswick, 'Peacekeeping, regime security and "African solutions to African problems" [2010] *Third World Quarterly* 31 (5) 739-754; Paul Williams, 'Keeping the peace in Africa: Why "African" solutions are not enough' [2008] *Ethics and International Affairs* 22 (3) 309-329.

[24] United Nations, 'Troop and police contributors: Contributions by country' (2015) <http://www.un.org/en/peacekeeping/resources/statistics/contributors.shtml> last accessed 1 November 2015.

[25] Alex Vines, 'A decade of African peace and security architecture' [2013] *International Affairs* 89 (1) 89-109.

[26] Danielle Beswick, 'Peacekeeping, regime security and "African solutions to African problems" [2010] *Third World Quarterly* 31 (5) 739-754 and 'The risks of African military [2014] -building: Lessons from Rwanda', *African Affairs* 113 (451) 212-231; Alex de Waal, 'Peacekeeping in the African political marketplace' [2009] *International Affairs* 85 (1) 99-113; Nina Wilen, David Ambrosetti and Gerard Birantamije, 'Sending peacekeepers abroad, sharing power at home: Burundi in Somalia' [2015] *Journal of Eastern African Studies* 9 (2) 307-325.

[27] Jonathan Fisher and David M Anderson, 'Authoritarianism and the securitization of development in Africa' [2015] *International Affairs* 91 (1) 131-151.

[28] Ibid.

[29] Danielle Beswick, 'Military forces in contemporary development', in Paul Jackson (ed) *Handbook of International Security and Development* (Edward Elgar, 2015); Georgina Holmes, 'Gendering the Rwandan Defence Force: A Critical Assessment' [2014], *Journal of Intervention and Statebuilding* 8 (4) 321-333. See also Marco Jowell, 'Cohesion through socialisation: Liberation, tradition and

This 'African agency' literature, therefore, cautions against a simplistic understanding of African states' relationships with, and degree of influence within, the international system. For while there are clear limits to the 'hard power' most African states can seek to exercise, this does not preclude the securing of influence and agency through other means, particularly through the playing-off of different players against one another, strategic alignment with key actors or agendas and re-framing of 'accepted' norms through individual or collective action.

1.2 African agency and the SP system

The above discussion provides valuable context for understanding and exploring how African states engage with the SP system. For many African states, the UN (along, perhaps, with the World Bank and the US – or France[31]) is an international actor whose influence and significance cannot be ignored. Through its various agencies, the UN provides crucial support in the form of programme and project funding, humanitarian assistance, peacekeeping support and resources to help manage refugee and IDP crises. The UN's role as a normative actor – as the legitimiser of cross-border interventions (via the UN Security Council) or as a global monitor of human rights (via the UNHRC) – is also of great significance for African states, not least because of the impact of its judgments and perspectives on the behaviour of global powers.[32] It would be surprising, then, to not encounter attempts by African states to engage with the SP machinery as a means to further their own interests, whether these be in line with the machinery's own goals or otherwise.

The structure of the SP system also provides considerable room for manoeuvre and the carving-out of agency by African states. The existence of 41 thematic mandates and six African country mandates (see above) means that African states have the ability to engage selectively with SR – potentially those whose perspectives or mandates they sympathise with. The existence of a parallel AU SP machinery (appointed via the African Commission on Human and People's Rights, ACHPR) – involving fourteen mandates at present - further expands this space. Finally, SR are not paid a fee for their work and thus rely on the UN/AU for research and administrative assistance with sending – and chasing-up - visit invitations, writing reports and other responsibilities.[33] The UN SP branch has only limited resources to

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modernity in the forging of the Rwanda Defence Force' [2014], *Journal of Eastern African Studies* 8 (2) 278-293; Josefine Kuehnel Larsen, 'Peace by peace: The construction of national-military identity in post-genocide Rwanda', unpublished PhD thesis (University of Copenhagen, 2014).

[30] Interviews with senior Ethiopian political strategist and senior Ethiopian diplomat, Addis Ababa, April 2015.

[31] Guy Martin, 'Continuity and change in Franc-African relations' [1995] *Journal of Modern African Studies* 33 (1) 1-20; Richard Moncrieff, 'French relations with sub-Saharan Africa under President Sarkozy' [2012] SAIIA Occasional Paper 107.

[32] There is a vast literature on the UN's role as a normative actor, key texts for this context include Alex Bellamy, 'The Responsibility to Protect Turns Ten' [2015] *Ethics and International Affairs* 29 (2) 161-185; Michael Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (Cornell University Press, 2004); Martha Finnemore, 'International organizations as teachers of norms: The United Nations Educational, Scientific and Cultural Organization and science policy' [1993] *International Organization* 47 (4) 565-597.

[33] Further information on appointment processes in both systems can be found below and at UN OHCHR, 'Nomination, selection and appointment of mandate holders' (2015)

support these activities while its AU equivalent has virtually none.[34] SR must, therefore, be selective themselves in the countries and issues which they focus upon and must rely far more on the goodwill and cooperation of the countries in question to be effective than many other parts of the UN and AU machinery. Indeed, many AU SR are employed by African governments themselves (UN SR are more often employed by universities or independent policy institutes).[35]

When reviewing the patterns of engagement by African states with SR from both systems it becomes clear that some states have simply sought to ignore them entirely. Eritrea, for example, has consistently ignored visit requests from both thematic SR (UN for Freedom of Expression) and the UN Eritrea SR, the latter being forced to rely instead on interviews with external experts and diaspora members in Europe and North Africa in putting together recent reports.[36] This reflects the Asmara regime's broader disengagement from much of the international system since the early 2000s. Ethiopia has been similarly disinterested in engaging the UN system although – like many African states - has welcomed its actions when they align with its own interests. The appointment of a UN SR for Eritrea in 2012 – Ethiopia's key opponent in the region since war between the two states broke out in 1998 – was strongly supported by officials in Addis Ababa.[37]

Others have – usually unsuccessfully - sought to use the system to strengthen their position in domestic power-plays. In 2009, for example, Zimbabwean Prime Minister Morgan Tsvangirai invited the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, to visit the country. Prior to this, Zimbabwe was a 'serial invite ignorer'. Upon arrival, however, Nowak was detained by security personnel and put on a plane to South Africa the following morning. Later, Nowak stated that 'I have not been treated by any government in such a rude manner than by the Government of Zimbabwe. I will not go back…[but will] recommend to [the UNHRC] to take necessary action'.[38]

During this period, Zimbabwe was governed by an uneasy power-sharing coalition made-up of Tsvangirai's MDC and president Robert Mugabe's long-serving ZANU-PF - an arrangement which had largely been forced upon the latter by the international

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http://www.ohchr.org/EN/HRBodies/SP/Pages/Nominations.aspx last accessed 1 November 2015 and at ACHPR, 'About ACHPR' (2015) <http://www.achpr.org/about/ last accessed 1 November 2015.

[34] Interviews with OHCHR Mechanisms and Special Procedures staff, UNHRC, Geneva 12 May 2015; interviews with UNHRC state representatives, Geneva, 13 May 2015. Interview with a UN SR, Oxford, 15 July 2015.

[35] Ibid; Julia Harrington, 'Special rapporteurs of the African Commission on Human and People's Rights' [2001] *African Human Rights Law Journal* 1 (2), 247-267; Frans Viljoen, 'The Special Rapporteur on Prisons and Conditions of Detention in Africa: Achievements and Possibilities' [2005] *Human Rights Quarterly* 27 (1), 125-171.

[36] UNHRC Report E/CN.4/2005/64, *Report of Ambeyi Ligabo, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, < http://daccess-ods.un.org/TMP/125721.469521523.html> last accessed 1 November 2015; UNHRC. *Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B Keitharuth*. (2014) < http://www.chr.up.ac.za/images/files/documents/ahrdd/eritrea/unreports/2014%20report%20on%20Eritrea%20A_HRC_26_45_ENG.pdf> last accessed 1 November 2015.

[37] *Sudan Tribune*, 'UN special rapporteur blocked from entering Eritrea', 15 April 2013 <http://www.sudantribune.com/spip.php?article46220> last accessed 1 November 2015.

[38] *Reuters*, 'Zimbabwe expels U.N. rights investigator', 29 October 2009, last accessed 1 November 2015.

community after contested elections in 2008. Tsvangirai had sought to use Nowak's visit to weaken Mugabe by having Zimbabwe's poor human rights record (including Mugabe's treatment of Tsvangirai himself) highlighted internationally, as well as to signal to Western donors (now considering a return to the country) that he and the MDC would take the country in a new, more humanitarian direction.[39] Tsvangirai underestimated ZANU-PF's continued hold on the Zimbabwean security services, however, with Nowak's expulsion ultimately making Tsvangirai's movement (now part of the government) look weak.[40] In 2013, Tsvangirai lost the Zimbabwean presidential election to Mugabe by 34% to 62% and was dismissed as executive prime minister, a post which was then abolished.

A range of authoritarian and semi-authoritarian African states and state actors have nevertheless engaged with the system in a more strategic fashion to secure agency at the international level. Both Chad and Sudan, for example, have variously ignored visit requests from the UN SR for human rights defenders and freedom of expression (Chad seven times between 2002-2011) but engaged more constructively with those on IDPs; Sudan welcomed the SR for this mandate for visits in 2004 and 2005 and Chad in 2009.[41] In the case of Sudan, this partly reflects – in all likelihood –

[39] Martin Howell, 'Zimbabwe's PM asks investors, donors to return', *Reuters* 28 January 2010, <http://uk.reuters.com/article/2010/01/28/idUKN28247930._CH_.2420> last accessed 1 November 2015

[40] See, for example, analysis by the UK House of Commons International Development Committee, *DFID's Assistance to Zimbabwe: Eight Report of Session 2009-2010 Volume II* (House of Commons 2010) Ev 67-68.

[41] UNHRC Report, E/CN.4/2005/101, *Report of Hina Jilani, Special Representative of the Secretary-General on human rights defenders - Summary of cases transmitted to Governments and replies received* < http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/CN.4/2005/101/Add.1&Lang=E> last accessed 1 November 2015; UNHRC Report, E/CN.4/2006/95, Annual Report of the Special Representative of the Secretary-General on the situation of human rights defenders (Ms Hina Jilani) < http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/103/68/PDF/G0610368.pdf?OpenElement> last accessed 1 November 2015; UNHRC, Report A/HRC/10/12, Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/107/78/PDF/G0910778.pdf?OpenElement> last accessed 1 November 2015; UNHRC, Report A/HRC/13/22, Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya <http://www2.ohchr.org/english/issues/defenders/docs/A.HRC.13.22.pdf> last accessed 1 November 2015 ; UNHRC Report A/HRC/16/44, Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-44.pdf> last accessed 1 November 2015; UNHRC, Report A/HRC/19/55, Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya <http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-1955_en.pdf> last accessed 1 November 2015; UNHRC, Report A/HRC/22/47, Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya < http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.47_en.pdf> last accessed 1 November 2015; UNHRC, Report E/CN.4/2005/64, Report of Ambeyi Ligabo, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression < http://daccess-ods.un.org/TMP/5637425.18424988.html> last accessed 1 November 2015; UNHRC, Report A/HRC/4/27, Report of Ambeyi Ligabo, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression < http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/101/81/PDF/G0710181.pdf?OpenElement> last accessed 1 November 2015; UNHRC, Report E/CN.4/2005/8, Report of the UN Secretary-General on internally-displaced persons, Francis M Deng < http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G04/161/03/PDF/G0416103.pdf?OpenElement> last accessed 1 November 2015; UNHRC, Report E/CN.4/2006/71/Add.6, Report of the Representative of the

Khartoum's desire to deflect international censure for its part in the Darfur conflict – a leading source of international criticism.[42] In September 2004, for example, US secretary of state Colin Powell labelled the violence a 'genocide' and the UNSC adopted Resolution 1564 threatening Sudanese officials with sanctions if violence continued in its western region[43]; notably Sudan ignored a 2005 invitation from the African SR for Refugees to visit Darfur. This mixing of constructive engagement and request denial also represents a *quid pro quo* offered by both states to the international community – access and engagement on one area of concern (Darfur and IDPs) but stonewalling on another (human rights/freedom of expression).

More broadly, though, this latter behaviour forms part of a wider strategy both states have engaged in since the early 2000s vis-à-vis the international community. With some of the most complex and protracted IDP and refugee crises within and across their borders on the African continent, both states have consistently engaged the international system as a means to 'socialise' the issue. That is, they have intermittently welcomed or facilitated (albeit under strict oversight) UN, EU and other forms of international actors to assist in providing humanitarian and security assistance to refugees and IDPs as a means to internationalise responsibility for the problem – and to free-up space elsewhere in the domestic budget for regime maintenance-focused purposes. [44] Simultaneously, Chad in particular has instrumentalised international support under this socialisation strategy to augment and enhance the size and resources of its own security forces.[45]

DRC has also sought to 'socialise' its own security problems in a similar fashion. Regional and international intervention against rebel movements in its eastern regions have been cautiously facilitated by Kinshasa as an attempt to transfer responsibility for policing insecurity and human rights abuses here away from the government. This includes the issue of rape as a weapon of war – high on the international agenda in DRC since the mid-2000s and a problem which has led a senior UN official to label the country the 'rape capital of the world'.[46] Significantly, Kinshasa has also engaged with the SR system as a means to socialise this issue, inviting the UN SR on Violence

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Secretary-General on the human rights of internally-displaced persons, Walter Kalin <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/107/55/PDF/G0610755.pdf?OpenElement> last accessed 1 November 2015; UNHRC, Report A/HRC/13/21/Add.5 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/177/69/PDF/G0917769.pdf?OpenElement> last accessed 1 November 2015.

[42] Paul Williams and Alex Bellamy, 'The Responsibility to Protect and the Crisis in Darfur' [2005] *Security Dialogue* 36 (1) 27-47.

[43] *BBC News Website*, 'Powell declares genocide in Sudan', 9 September 2004. <http://news.bbc.co.uk/1/hi/3641820.stm> last accessed 1 November 2015; *BBC News Website*, 'Full Text: UN Sudan Resolution', 19 September 2004 <t http://news.bbc.co.uk/1/hi/world/africa/3669978.stm> last accessed 1 November 2015.

[44] Jonathan Fisher and David M Anderson, 'Authoritarianism and the securitization of development in Africa' [2015] *International Affairs* 91 (1) 131-151.

[45] Ibid, 137, 143-145.

[46] *BBC News Website*, 'UN official calls DR Congo 'rape capital of the world', 28 April 2010 <http://news.bbc.co.uk/1/hi/8650112.stm> last accessed 1 November 2015; Nicole D'Errico, Tshibangu Kalaba, Louise Bashige Nzigire, Felicien Maisha and Luc Malemo Kaliysa, "You say rape, I say hospitals. But whose voice is louder?" Health, aid and decision-making in the Democratic Republic of Congo' [2013] *Review of African Political Economy*, 40 (135) 51-66.

against Women to DRC in 2007 having ignored countless requests previously.[47] This coincided with the launch of International Criminal Court (ICC) investigations into rebel war crimes and crimes against humanity following a 2004 referral by the Congolese president - a further example of the international socialisation of a domestic problem (in this case, anti-government rebels).

A range of African states have also sought to use the UN SR system as a means to secure greater influence on the international stage. Throughout the 2000s, for example, Chad, and Rwanda demonstrated limited interest in engaging with the SR system. From 2011 (Rwanda) and 2012 (Chad), however, both issued standing invitations to all UN thematic mandate-holders to demonstrate their constructive engagement with the UN system as part of a broader international campaign to secure election to the African UNSC seats.[48] Though standing invitations from African states do not automatically translate into accepted visits – Sierra Leone did not respond to a range of requests from the UN Working Group on Arbitrary Detention during the 2000s in spite of formally issuing standing invitations.[49] This behaviour by Kigali and Ndjamena appears to have assisted with the two states' campaigns. Rwanda joined the UNSC in 2012 and Chad in 2014.

Finally, it is useful to also consider how African states have engaged with different parts of the UN SP and AU SR systems to secure agency in the international system. In spring 2015, for example, Sudan accepted simultaneous visits from the UN country SR and the UN SR on Violence against Women along with the AU SR on human rights in spring 2015. This followed several years of stonewalling and to coincide with one SR's final few months in office. This was met with scepticism by UNHRC officials in Geneva, who feared that Khartoum would seek to play each off against one another while in the country to minimise criticism, while accepting international 'credit' for opening its doors to monitors in the midst of a complex standoff with the UN over the withdrawal of peacekeeping troops from Darfur.[50]

Likewise, where some states have been reluctant to engage with the UN SR system they have nevertheless been far more open to engaging the AU system. Ethiopia, for example, ignored a range of requests for visits from the UN Working Group on Arbitrary Detention during the 2000s but issued a standing invitation simultaneously during this period to the AU SR on Prisons and Detention, accepting a visit in 2004. This reflects, for some in Geneva, a perception in some African capitals that AU SR are more malleable and less likely to be critical than their UN counterparts given their limited resources and heavy dependence upon African governments and political

[47] UNHRC, Report A/HRC/7/6/Add.4, Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk < http://daccess-ods.un.org/TMP/298496.074974537.html> last accessed 1 November 2015.
[48] Interviews with AU Peace and Security officials, Addis Ababa, May 201
[49] UNHRC, Report E/CN.4/2006/7, Report of the Working Group on Arbitrary Detention < http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/166/48/PDF/G0516648.pdf?OpenElement> last accessed 1 November 2015; UNHRC, Report A/HRC/7/4, Report of the Working Group on Arbitrary Detention <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/100/91/PDF/G0810091.pdf?OpenElement> last accessed 1 November 2015; UNHRC, Report A/HRC/16/47, Report of the Working Group on Arbitrary Detention < http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/102/76/PDF/G1110276.pdf?OpenElement> last accessed 1 November 2015.
[50] Interview with senior OHCHR Special Procedures official, UNHRC, Geneva 12 May 2015.

structures themselves to maintain legitimacy in their roles.[51] In the case of Ethiopia – together with many other African states – there is also, however, a crucial normative element to decisions regarding engaging with the UN or AU around 'African issues', a point which will be developed below.

It is clear, then, that a number of African states have calibrated their engagements with the UN and AU systems skilfully to maximise the space available for securing agency at a range of levels. This has included defensive strategies, aimed at neutralising or re-directing international criticism or censure (often at key moments of difficulty for that state in its broader relationship with the global system) as well as those focused on instrumentalising the systems more generally for domestic, regional or international political purposes. For those with particularly complex relationships with the UN and Western actors, however, more assertive strategies are apparent – notably in the use of SR systems to move areas of domestic crisis and responsibility into the international sphere; depoliticising and socialising problems which are often the consequence (direct or indirect) of government neglect or worse.

2. Contested perspectives and the SP system in Africa

At this point, it is vital to acknowledge the diverse range and character of African states and their many different relationships with the international system. The discussion above has largely placed African states into a singular category vis-à-vis their engagement/non-engagement with SR systems, one which has tended to characterise them as cynical and insincere in their approach to international and regional human rights structures. As will have become apparent, however, the strategies above have tended to be employed by particular types of African states – authoritarian or semi-authoritarian polities whose governments have long demonstrated disinterest in protecting citizens from arbitrary and violent attacks on their security and livelihoods. Chad, Sudan, Eritrea, DRC and Zimbabwe are among the continent's longest and worst offenders in this regard while Ethiopia and Rwanda – whose developmental vision has been praised in many quarters – continue to feature heavily among states criticised for not upholding human rights norms.[52]

Within the UNHRC itself, as in many other fora, African states do not all share the same approach or agendas. Officials in Geneva note how the Arab Spring 'split' an African group previously dominated by Egypt and South Africa and that a 'fragmentation' of the group has since occurred, with different states rallying around different causes and concerns, to a degree at least.[53] UNHRC staff identify a number of states which they view as genuinely committed to working with the SR structures to help improve the situations of their own citizens and to engage critically and effectively within the system to promote cross-cutting issues of concern (such as forced marriage or threats posed by groups such as *Boko Haram*). Perhaps

[51] Ibid.

[52] While macro-indices rarely capture the nuances of governance and human rights trajectories in individual states it is nonetheless worth noting that *Freedom House*'s 2015 'Freedom in the World' analysis categorises all seven of these states as 'not free', with Sudan and Eritrea both being awarded the lowest possible scores across the board (civil liberties, political rights and freedom rating) (see https://freedomhouse.org/report/freedom-world/freedom-world-2015#.VW3FH-eXGpg, last accessed 1 June 2015). Furthermore, three of the four reports produced by *Human Rights Watch* since the start of 2015 have (at the time of writing) focused on one of these seven states.

[53] Interview with OHCHR senior Mechanisms official, UNHRC, Geneva 12 May 2015.

revealingly, most of these states are among the continent's most democratic – Namibia, Botswana, Ghana, Sierra Leone, Zambia – and many appear to have issued standing invitations (eg Benin, Ghana and Zambia) and accepted visits across mandates and time periods without clear 'ulterior motives' (such as those outlined in section *1.2*).[54]

It remains somewhat problematic – and incongruent with the sentiments of many African officials[55] - to view commitment to, or subversion of, the UN SP system by African governments as equal to support for, or rejection of, human rights. Many African political leaders cynically appeal to narratives on 'neo-colonial tools of oppression' and 'African solutions to African problems' in order to bat away international criticisms of their human rights or governance records or in an attempt to delegitimise planned humanitarian interventions or legal processes.[56] For instance, the UN's recognition of Alassane Outtarra's election victory in Cote d'Ivoire in December 2010 was painted in this light by incumbent president Laurent Gbagbo (who refused to leave office, eventually being deposed by French troops) as have been the activities of the ICC by presidential indictees Omar al-Bashir of Sudan and Uhuru Kenyatta of Kenya[57] and their allies since 2010 and 2012 respectively.[58]

The adoption of such stances – however insincere – often resonate within African societies because they draw-upon deep, longstanding and sincere feelings of ambivalence in parts of the continent regarding the intentions and goodwill of the (seemingly Western-dominated) international community. At one level this derives from historic experiences of oppression and violence experienced during the colonial era and experiences of instrumentalisation and manipulation by major powers during the Cold War.[59] In specific cases, particular experiences of apparent neglect or betrayal by the international organisations especially have also heavily coloured the

[54] In *Freedom House*'s 2015 'Freedom in the World' analysis, Benin, Bostwana, Ghana, Namibia and Zambia count amongst Africa's seven 'free' states with Sierra Leone ranked as 'partly free'. Since November 2012, *Human Rights Watch* has only produced two reports focusing on any of these states.

[55] Unless otherwise stated, references to African state perspectives in this section draw upon interviews and discussions of both authors with state and non-state actors in the security, governance and justice sectors in Djibouti, Ethiopia, Kenya, Rwanda and Uganda since 2006 as well as on views expressed at a roundtable organised by one of the co-authors held at the UK Foreign and Commonwealth Office entitled 'Justice for Mass Atrocity Violence in Africa' on 7 February 2014. The roundtable, held under the Chatham House Rule, focused on African perceptions of international human rights norms and was attended by a range of UK and African state and civil society actors as well as a number of academics, analysts and researchers.

[56] Paul Williams, 'Keeping the peace in Africa: Why "African" solutions are not enough' [2008] *Ethics and International Affairs* 22 (3) 309-329. See also discussions held at the University of Birmingham in July 2012 around the theme of 'Somalia: Negotiating the balance between 'African Solutions' and international responses' (see <http://www.birmingham.ac.uk/research/activity/conflict-cooperation-security/news/2012/08/Somalia-Workshop.aspx> last accessed 1 November 2015).

[57] Kenyatta was deputy prime minister of Kenya at the time of his indictment but won the March 2013 presidential election while still an indictee. The ICC dropped the charges against him in December 2014, 18 months into his presidency.

[58] *Time*, 'Ivory Coast's Disputed Presidential Election', 6 December 2010 <http://content.time.com/time/world/article/0,8599,2035342,00.html> last accessed 1 November 2015.

[59] See Kurt Mills, "Bashir is dividing us": Africa and the International Criminal Court' [2012] *Human Rights Quarterly* 34 (2) 404-447 for an interesting discussion on past and contemporary discussions between African states in this regard.

perspectives of political elites towards the institution: notably in Rwanda post-1994 and in Eritrea since the mid-2000s.[60]

More generally, however, these 'anticolonial' sentiments when applied by African states to issues of international justice arise from a much more fundamental debate within and across African societies and polities regarding the universality and applicability of a range of 'international' norms and approaches in the African context.[61] The absence of notions of community rights and responsibilities from international human rights and charters, for examples, is a perennial critique made by AU and ACHPR officials, as well as a range of African states, elites, analysts, CSOs and communities themselves.[62] The focus of much international human rights law on shaming, prosecuting and punishing perpetrators is also argued to fly in the face of 'traditional' African legal mechanisms which focus on reconciliation and 'moving on'.[63] A common critique by regional officials and NGO actors of the ICC process in Kenya during 2013-2014, for example, centred around the value of further inflaming tensions by trying leading politicians in the Hague (including the serving president and deputy president) as opposed to promoting more reconciliatory activities.[64] Furthermore, a range of African NGOs and public officials also maintain a narrative which argues that the 'African' approach to pushing leaders for change focuses upon constructive and respectful dialogue, often behind closed doors, rather than on public demonisation or criticism.[65]

The extent to which any of these tropes reflect attitudes widely-held (currently or previously) within African societies or speak to genuinely historic practices or norms (if, indeed, the 'survival' of such practices can be truly conceived of following centuries of dynamic interactions within and between African societies and other

[60] Danielle Beswick, 'The risks of African military capacity-building: Lessons from Rwanda', [2014] *African Affairs* 113 (451) 212-231; Michela Wrong, *I Didn't Do It For You: How the World Betrayed a Small African Country* (Harper, 2005). In April 2002, the Eritrea-Ethiopia Boundary Commission (established under the Permanent Court of Arbitration) delivered a 'final and binding verdict' that the town of Badme – control over which had sparked the 1998-2000 Ethio-Eritrea border war – belonged to Eritrea. Ethiopia has never accepted this decision *de facto* and Eritrea has since felt that the UN, US and others have purposely failed to bring pressure to bear on Addis Ababa (a major US security ally and key contributor to UN peacekeeping forces) to withdraw from Badme. This has fed-into a much more established Eritrean discourse of international 'betrayal' linked to its federation within Ethiopia by the UN in 1952 and the international community's apparent accession to its full annexation by imperial Ethiopia in 1960.

[61] Jack Donnelly, 'The relative universality of human rights' [2007] *Human Rights Quarterly* 29 (2), 281-306; Makau Mutua, 'Savages, Victims and Saviors: The Metaphor of Human Rights' [2001] *Harvard International Law Journal* 42, 201-245; Joseph Yaw Asomah, 'Cultural rights versus human rights: A critical analysis of the *trokosi* practice in Ghana and the role of civil society' [2015] *African Human Rights Law Journal* 15 (1), 129-149.

[62] Rosa Freedman, *Failing to Protect: The UN and the politicisation of human rights* (Hurst/OUP, 2014), 38-42; John Mubangizi, 'Towards a new approach to the classification of human rights with specific reference to the African context', [2004] *African Human Rights Law Journal* 4(1), 93-107; Gabrielle Lynch, 'Becoming indigenous in the pursuit of justice: The African Commission on Human and People's Rights and the Endorois' [2012] *African Affairs*, 111 (442), 24-45.

[63] Lyn Graybill and Kimberly Lanegram, 'Truth, justice and reconciliation in Africa: Issues and cases', [2004] *African Studies Quarterly* 8 (1), 1-18.

[64] Discussions with national and regional security officials from Kenya and Uganda held in Kampala and Nairobi under the Chatham House Rule, October 2013 and June-July 2014.

[65] Discussions held with political and security officials – as well as observations of interactions between these officials and both state and non-state actors in a range of formal settings – in Ethiopia, Kenya and Uganda since 2009.

peoples) is a longstanding and rich debate among scholars of anthropology, transitional justice and hybridity – and is not the focus of this piece.[66] It is important, however, to highlight in this study of agency the degree to which Africa's approach to the SP and wider international human rights architectures reflect attempts to reframe debates within the UN around agendas and perspectives presented – notionally or otherwise – as 'African'.

The fact that African SR are appointed by the African Commission on Human *and People's* Rights (emphasis our own) is arguably a conscious attempt by the AU to challenge the perceived individual-centric nature of international human rights law as well as an effort to promote a different understanding of human rights.[67] The development of mandates with less adversarial or more anodyne themes to their UN counterparts – 'prisons' instead of 'arbitrary detention', 'rights of women' instead of 'discrimination – or violence – against women', 'refugees' instead of 'internally displaced' – also reflects, arguably, the ACHPR's promotion of a more subordinate, cooperative or even 'respectful' approach to dealing with African states. This builds on the notion that positive change can only take place with the constructive support of states – requiring a gentle and deferential form of engagement by actors such as SRs. For, to engage on 'arbitrary detention' already suggests a level of critique of a state structure which activity on 'prisons' does not. Moreover, states are invariably responsible for the creation (directly or otherwise) and protection of IDPs whereas refugees are created by poor governance or insecurity abroad.

The manner in which AU SR are appointed and conduct their work is also much more in line with this approach. While member states play a leading role in the appointment of both UN and AU SRs, their influence in the former case is limited by procedure in a way which is not the case in the latter. While states screen candidates in the UN system, for example, any individual can apply to be considered. Moreover, a shortlist is delineated by a group of ambassadors who then provide this to the President of the UNHCR for the final selection.[68]

Furthermore, with few exceptions, AU SR visits take the form of either informal add-ons to conference or workshop trips, 'fact-finding missions' or 'promotional visits', the latter being focused mainly on promoting the African Charter on Human and People's Rights, 'exchanging views and sharing experiences with major human rights stakeholders', to raise awareness of the Africa Commission within the government bureaucracy and to encourage closer collaboration between the Commission, state and CSOs (see, for example, the report on a promotional visit to Zambia in 2008, ACHPR 2008).[69] Recommendations are made on the back of such trips although the form of

[66] Allen and Macdonald (2013) provide an excellent critical review of the transitional justice literature in this regard while the work of Terence Ranger (1983, 1993) and Gabrielle Lynch (2011) comprehensively unpicks the relationship between 'indigenous' and 'contemporary' across a range of African contexts.

[67] Richard Kiwanuka, 'The meaning of "people" in the African Charter on Human and People's Rights' [1988] *American Journal of International Law* 82 (1), 80-101; Rachel Murray, *The African Commission on Human and People's Rights and International Law* (Bloomsbury Publishing, 2000), 34-51, 105-120, 164-180.

[68] Interviews with OHCHR Mechanisms and Special Procedures staff, UNHRC, Geneva 12 May 2015.

[69] It is worth noting, of course, that state-AU SR relations are not always harmonious. In 2005, the AU SR for Refugees was asked to leave Zimbabwe by the government following unsuccessful negotiations to extend a fact-finding mission of one week.

engagement is framed in far more cooperative terms than that of UN SRs. Reports of these visits, when written, are also rarely made fully or publicly available in the same manner as those by UN SRs, further evidence – arguably – of a more deferential-style relationship between the ACHPR, its SR and African states than that between counterparts in the UN system.[70] It is worth noting, though, that state-AU SR relations are not always harmonious. In 2005, the AU SR for Refugees was asked to leave Zimbabwe by the government following unsuccessful negotiations to extend a fact-finding mission of one week.

For many officials in Geneva – both within the UNHCR and in member state missions, as well as some AU SR themselves, this state of affairs reflects less a divide in normative perspectives but more the consequence of limited resources.[71] As noted, unlike their UN counterparts, AU SRs' capacity is heavily restricted by an almost total lack of financial and administrative resources – including no travel or office budgets – and most are therefore almost entirely dependent upon governments of visiting states to facilitate and manage their visits. Some AU SR seek to overcome this 'sense of isolation' from the wider global human rights network through undertaking joint visits with UN or other AU SR – such as the 2008 joint visit by UN and AU SR for Human Rights Defenders to Togo or the 2013 joint visit by AU SR for Human Rights Defenders and by AU SR for Prisons and Refugees to Chad – although coordination between AU SR and between AU and UN SR remains limited overall.[72]

This structural lack of independence among AU SR is further compounded by the fact that many rely upon African governments and state bureaucracies for their livelihoods themselves. Whereas most UN SR are drawn from independent academic and policy institutions, most AU SR are more often drawn from ministries or state-funded agencies, NGOs or policy advice bodies.[73] They are, therefore – in the words of one senior UNHCR official – often part of the 'same culture as the governments' whose record on human rights they are assessing.[74] This does not, of course, mean that AU SR will automatically hold-back from highlighting or criticising abuses but it does, at the very least, represent a significant structural disincentive for doing so which is less present in the context of UN SR work.

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[70] The analysis in this paragraph is based on reflections on the contents of the 17th-37th (inclusive) Activity Reports of the African Commission on Human and People's Rights (available via http://www.achpr.org/activity-reports/, last accessed 1 November 2015) together with Interviews with OHCHR Mechanisms and Special Procedures staff, UNHRC, Geneva 12 May 2015; interviews with UNHRC state representatives, Geneva, 13 May 2015. Interview with a UN SR, Oxford, 15 July 2015.

[71] Interviews with OHCHR Mechanisms and Special Procedures staff, UNHRC, Geneva 12 May 2015; interviews with UNHRC state representatives, Geneva, 13 May 2015. Interview with a UN SR, Oxford, 15 July 2015.

[72] UN OHCHR, 'The United Nations and African Union Special Rapporteurs on the situation of human rights defenders conclude their joint visit to the Republic of Togo' (2008) < http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8694&LangID=E> last accessed 1 November 2015; ACHPR, *Chad: Promotion Mission 2013*, (2013) < http://www.achpr.org/states/chad/missions/chad-promo-2014/> last accessed 1 November 2015; Interviews with OHCHR Mechanisms and Special Procedures staff, UNHRC, Geneva 12 May 2015; Interview with a UN SR, Oxford, 15 July 2015.

[73] Interviews with OHCHR Mechanisms and Special Procedures staff, UNHRC, Geneva 12 May 2015; interviews with UNHRC state representatives, Geneva, 13 May 2015. Interview with a UN SR, Oxford, 15 July 2015. Interviews with representatives of *Universal Rights Group*, Geneva, 12-13 May 2015.

[74] Interview with senior OHCHR Special Procedures official, UNHRC, Geneva 12 May 2015

It would be problematic, however, to view differences in the AU approach to SP as purely a reflection of practicalities – not least given the much greater success rate AU SR have had in the last decade in gaining consistent access to more authoritarian polities than UN SRs, albeit as part of promotional visits (notably Ethiopia, Sudan, Chad and Rwanda). Instead, it is helpful to place the issues discussed above in the wider context of African state engagement with the UN.

In their analysis of the development of SP mandates, for example, Freedman and Mchangama highlight the prominent role of African authoritarian and semi-authoritarian states (along with others from the developing and non-Western world) in supporting the creation of 'Third Generation Rights' mandates – focused on issues of global 'solidarity' and equity – over those centred around political and civil rights, as promoted particularly by Western liberal democratic states.[75] The ACHPR also contains a 'right to development' unparalleled in other comparable charters worldwide.[76]

African states were also major players in the 2009 Durban Review Conference and 2011 'Durban III' meeting, both of which were largely boycotted by Western states and focused upon an agenda of opposing racism, racial discrimination and xenophobia. The boycotts came in response to a variety of objections by Western states to perceived anti-Israel, anti-semitic and anti-blasphemy language in the pre-conference negotiations and the 2001 Durban Declaration and Plan of Action (a review of which was the basis for the 2009 conference) - as well as disagreement over how to address the issue of slavery, including the question of the US and European states issuing apologies for past crimes in this area.[77]

For many African states, however, the issue of racism has been neglected in discussions and mandates created by the UNHRC. This reflects – according to them – an inherent Western bias within the UN system. Within this narrative, Western states and allies can seemingly dictate norms and use these to censure opponents and block criticism based on other normative agendas. The absence of a permanent African, or 'Southern', seat on the UNSC, the perceived US 'protection' of Israel within the UN system, the prominence of African states among UN SR country mandates (4/10) and the fact that all 36 people indicted by the ICC to date[78] are from an African state all feed into this narrative and reinforce its power and legitimacy for many African politicians and others on and outside the continent.[79]

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[75] Rosa Freedman and Jacob Mchangama, 'Expanding or diluting human rights? The proliferation of United Nations Special Procedures mandates' [2016, forthcoming] *Human Rights Quarterly.*

[76] Gabrielle Lynch, 'Becoming indigenous in the pursuit of justice: The African Commission on Human and People's Rights and the Endorois' [2012] *African Affairs*, 111 (442), 24-45.

[77] *BBC News Website*. 2001. 'US abandons racism summit', 3 September 2001. Available at http://news.bbc.co.uk/1/hi/world/africa/1523600.stm. Last accessed 1 June 2015.

[78] Figure correct at time of writing (1 June 2015).

[79] *Economist*, 'The ICC and Africa: Dim prospects' (2011) < http://www.economist.com/node/18176088> accessed 1 November 2015; Catherine Gegout 'The International Criminal Court: Limits, potential and conditions for the promotion of justice and peace' [2013] *Third World Quarterly* 34 (5) 800-818; Elise Keppler, 'Managing setbacks for the International Criminal Court in Africa' [2012] *Journal of African Law* 56 (1) 1-14; William Schabas, 'The banality of international justice' [2013] *Journal of International Criminal Justice* 11 (3) 545-551.

The differing mandates of AU SRs, more deferential AU SR approach to engaging states and promotion of modified or separate agendas within the UNHRC and wider UN system by African states should also, then, be understood as part of a wider quest for normative agency. This quest is not simply concerned with avoiding or re-directing critique but in challenging the notion of a universal consensus on the contents of human rights and the attempted negotiation of an alternative or, at least, wider conceptualisation. Whether this is a positive or negative development for African citizens themselves is a different question; either way, though, it forces those who care about the continent to take more seriously how and why African states engage with SR systems.

Conclusion and Implications

The purpose of this chapter has been to critically unpack and explore the engagement of African states with the UN and AU SR systems, focusing particularly on the ways in which different states carve out agency within this dynamic. In doing so, the study builds-upon a growing literature on African agency in the international system to challenge notions of African weakness and dependency which have previously characterised much International Relations academic discourse.

Highlighting how semi-authoritarian and authoritarian African states in particular have engaged with SR to evade international criticism as well as to secure greater influence and political space at the global level, the chapter has also emphasised the normative dimension to these interactions. For while a range of (particularly more democratic) African states seek to engage with the UNHRC and SR systems 'constructively' – that is in pursuit of their defined objectives – many take a deeply ambivalent view of how 'human rights' are conceptualised within the Council and the mandates it appoints. Hence, the development of the AU SR system and wider engagement of African states with the UN human rights architecture should be understood not simply as reactionary or pragmatic but part of a broader contestation of global human rights norms and governance mechanisms.

In this context, the making of recommendations has not been a clear objective of this analysis. A preliminary consideration of the implications of this study for UNHCR, AU and SP officials, however, leads to a number of conclusions. More comprehensive engagement between UN and AU SR – and the two systems in general – clearly holds significant advantages for both sides, and for the promotion of human rights as understood by both the UNHCR and the ACHPR.

A more systematic exchange between SR would allow for a clearer division of labour vis-à-vis planned visits, target states and crises and undermine state attempts to play SR and systems off against one another. This would also open-up greater space for the sharing of resources and expertise between the two sides; at present AU SR must rely on *ad hoc* assistance from NGOs such as *The International Foundation for the Protection of Human Rights Defenders* together with a range of other actors in academic and elsewhere. AU SR also argue that their authority is enhanced through association/joint visits with UN SR whose perceived independence and expertise they

also value.[80] Though greater coordination and resource exchange would, of course, require greater capacity-building on both sides this would not only enhance the effectiveness of both systems, it would also provide *structural* support to African states with a genuine commitment to doing this. At present, as many officials in Geneva note, strong African voices within the AU SP system and UNHRC itself rise and fall with the particular skills and expertise of individual diplomats and personnel.[81]

It is important, however, for UN officials to see any greater cooperation or exchange as a mutually-beneficial arrangement. At present, some of the former feel that UN SR are primarily 'opening the doors for regional SR' through their interactions with them.[82] As argued above, however, AU SR tend to be more conscious of how best to secure access to parts of the continent and of what approaches are most effective in constructively engaging state actors, even in authoritarian settings. More fundamentally, though, AU SR are more clearly able to credibly represent and parse African (state and popular) perspectives on human rights norms at the UN and global level. Where these perspectives challenge those held by officials based in, and appointed by, Geneva this provides an opportunity for open and critical exchange, rather than dismissal by the former as cynical African politicking. Since, for better or worse, the actual prevention of human rights abuses remains heavily within the purview of states themselves – international mechanisms to ensure that such prevention occurs must therefore remain legitimate in the eyes of states themselves.

The fate of the ICC represents a cautionary tale for supporters of the SP system in this regard. The Court was established with massive African support (with more than half of the continent's polities ratifying, or acceding to, the Rome Statute by late 2003) and a number of governments – including those of South Africa, Kenya and Tanzania – even viewed the institution as a welcome challenge to US hegemony and 'imperialism'. Within a decade, however, the ICC became thoroughly delegitimised within the continent's political elites. The indictments of a number of senior African leaders (including the serving Sudanese president and Kenyan deputy prime minister along with the recently deposed leaders of Libya and Cote d'Ivoire), apparently arbitrary and top-down selection of indictees, perceived disregard for African state legal processes and heavy focus on African cases has eroded the institution's legitimacy for many African states, including some of its earliest supporters.[83]

In late 2014, for example, Ugandan president Yoweri Museveni – who had sat alongside ICC Special Prosecutor Luis Moreno Ocampo when the latter announced the indictment of several Ugandan rebel leaders in 2005 – called upon African states (in Swahili) to pull-out of the Court and 'let them [Western states] stay with their

[80] Interviews with OHCHR Mechanisms and Special Procedures staff, UNHRC, Geneva 12 May 2015; interviews with UNHRC state representatives, Geneva, 13 May 2015. Interview with a UN SR, Oxford, 15 July 2015.
[81] Ibid.
[82] Ibid.
[83] Catherine Gegout 'The International Criminal Court: Limits, potential and conditions for the promotion of justice and peace' [2013] *Third World Quarterly* 34 (5) 800-818; Elise Keppler, 'Managing setbacks for the International Criminal Court in Africa' [2012] *Journal of African Law* 56 (1) 1-14; William Schabas, 'The banality of international justice' [2013] *Journal of International Criminal Justice* 11 (3) 545-551.

court'.[84] This sentiment was echoed by Ethiopian prime minister Hailemariam Desalegn days later when he condemned the ICC as a tool of Western imperialism: '[UNSC permanent members] have stayed away from the court, but still use it to implement their political will' – having previously accused it of 'intimidating and harassing' African states.[85]

Whether such a *volte-face* among many of the continent's leaders was inevitable when the ICC turned on their number (as opposed to their rebel opponents) in its indictments is open to question. Regardless, though, the Court is increasingly losing credibility as a vehicle for effectively prosecuting and deterring massive human rights violations in Africa.[86] If the UN and AU SP systems are to avoid the same fate, more comprehensive and mutually empathetic exchange is vital.

[84] *Reuters*, 'Uganda's Museveni calls on African nations to quit the ICC', 12 December 2014 <http://www.reuters.com/article/2014/12/12/us-africa-icc-idUSKBN0JQ1DO20141212> last accessed 1 November 2015; Valerie Freeland, 'Rebranding the state: Uganda's strategic use of the International Criminal Court' [2015] *Development and Change* 46 (2) 293-319.

[85] *Tigrai Online*, 'Ethiopian prime minister Hailemariam Desalegn urges African countries to withdraw their membership from the International Criminal Court' 29 December 2014 < http://tigraionline.com/articles/ethiopia-rejects-icc.html> last accessed 1 November 2015.

[86] *Economist*, 'The ICC and Africa: Dim prospects' (2011) < http://www.economist.com/node/18176088> accessed 1 November 2015; Catherine Gegout 'The International Criminal Court: Limits, potential and conditions for the promotion of justice and peace' [2013] *Third World Quarterly* 34 (5) 800-818; William Schabas, 'The banality of international justice' [2013] *Journal of International Criminal Justice* 11 (3) 545-551.

References

ACHPR (African Commission on Human and People's Rights). 2008. *Report of the Promotional Visit to the Republic of Zambia, 14-18 April 2008.* Available at http://www.achpr.org/files/sessions/44th/mission-reports/zambia/misrep_promo_zambia_2008_eng.pdf. Last accessed 1 June 2015.

Al-Jazeera. 2015. 'Hailemariam Desalegn: Democracy "not only an election", 22 May 2015. Available at http://www.aljazeera.com/programmes/talktojazeera/2015/05/hailemariam-desalegn-democracy-election-150522074045193.html. Last accessed 1 June 2015.

Allen, Tim and Macdonald, Anna. 2013. *Post-Conflict Traditional Justice: A Critical Overview*, Justice and Security Research Programme Paper 3, LSE. Available at http://eprints.lse.ac.uk/56357/1/JSRP_Paper3_Post-conflict_traditional_justice_Allen_Macdonald_2013.pdf. Last accessed 1 June 2015.

Arnould, Valerie. 2015. 'Transitional justice and democracy in Uganda: Between impetus and instrumentalisation' *Journal of Eastern African Studies* 9 (3) 354-374.

Bachmann, Jan. 2012. 'Governmentality and counterterrorism: Appropriating international security projects in Kenya', *Journal of Intervention and Statebuilding* 6 (1) 41-56.

Barnett, Michael and Finnemore, Martha. 2004. *Rules for the World: International Organizations in Global Politics* (Cornell University Press, Ithaca, NY).

Bayart, Jean-Francois. 2000. 'Africa in the world: A history of extraversion', *African Affairs*, 99 (395): 217-267.

Bellamy, Alex. 2015. 'The Responsibility to Protect Turns Ten', *Ethics and International Affairs* 29 (2) 161-185.

Bergamaschi, Isaline. 2014. 'The fall of a donor darling: The role of aid in Mali's crisis', *Journal of Modern African Studies* 52 (3), 358

Beswick, Danielle. 2010. 'Peacekeeping, regime security and "African Solutions to African Problems": Exploring motivations for Rwanda's involvement in Darfur', *Third World Quarterly*, 31 (5): 739-754.

Beswick, Danielle. 2013. 'From weak state to savvy international player? Rwanda's multi-level strategy for maximizing agency', in William Brown and Sophie Harman (eds), *African Agency in International Politics* (Routledge, London).

Beswick, Danielle. 2014. 'The risks of African military capacity-building: Lessons from Rwanda', *African Affairs*, 113 (451): 212-231.

Beswick, Danielle. 2015. 'Military forces in contemporary development', in Paul Jackson (ed) *Handbook of International Security and Development* (Edward Elgar, London).

Beswick, Danielle and Hammerstad, Anne. 2013. 'African agency in a changing security environment: Sources, opportunities and challenges', *Conflict, Security and Development* 13 (5) 471-486.

BBC News Website. 2001. 'US abandons racism summit', 3 September 2001. Available at http://news.bbc.co.uk/1/hi/world/africa/1523600.stm. Last accessed 1 June 2015.

BBC News Website. 2004. 'Powell declares genocide in Sudan', 9 September 2004. Available at http://news.bbc.co.uk/1/hi/3641820.stm. Last accessed 1 June 2015.

BBC News Website. 2004. 'Full Text: UN Sudan Resolution', 19 September 2004. Available at http://news.bbc.co.uk/1/hi/world/africa/3669978.stm. Last accessed 1 June 2015.

BBC News Website. 2010. 'UN official calls DR Congo 'rape capital of the world', 28 April 2010. Available at http://news.bbc.co.uk/1/hi/8650112.stm. Last accessed 1 June 2015.

Bradbury, Mark. 1998. 'Normalising the crisis in Africa', *Disasters* 22 (4) 328-338.

Brown, Stephen. 2011. "Well, what can you expect?" Donor officials' apologetics for hybrid regimes in Africa', *Democratization*, 18 (2): 512-534.

Brown, William. 2006. 'Africa and International Relations: A Comment on IR Theory, Anarchy and Statehood' *Review of International Studies* 32 (1) 119-143.

Brown, William. 2012. 'A Question of Agency: Africa in international politics', *Third World Quarterly*, 33 (10): 1889-1908.

Brown, William. 2013. 'Sovereignty matters: Africa, donors and the aid relationship', *African Affairs*, 112 (447).

Brown, William and Harman, Sophie (eds). 2013. *African Agency in International Politics* (Routledge, London).

Carmody, Padraig. 2011. *The New Scramble for Africa* (Polity Press, Cambridge).

Curtis, Devon. 2015. 'Development assistance and the lasting legacies of rebellion in Burundi and Rwanda', *Third World Quarterly* 36 (7) 1365-1381.

David, Steven. 1991. *Choosing Sides: Alignment and Realignment in the Third World* (Johns Hopkins University Press, Baltimore, MD).

D'Errico, Nicole; Kalaba, Tshibangu; Nzigire, Louise Bashige; Maisha, Felicien and Kaliysa, Luc Malemo. 2013. "You say rape, I say hospitals. But whose voice is

louder?" Health, aid and decision-making in the Democratic Republic of Congo', *Review of African Political Economy*, 40 (135): 51-66.

De Waal, Alex. 2009. 'Mission without end? Peacekeeping in the African political marketplace', *International Affairs*, 85 (1): 99-113.

Donnelly, Jack. 2007. 'The relative universality of human rights', *Human Rights Quarterly* 29 (2), 281-306.

Dunn, Kevin and Shaw, Timothy (eds). 2001. *Africa's Challenge to International Relations Theory* (Palgrave Macmillan, London).

Finnemore, Martha. 1993. 'International organizations as teachers of norms: The United Nations Educational, Scientific and Cultural Organization and science policy', *International Organization* 47 (4) 565-597.

Fisher, Jonathan. 2012. 'Managing donor perceptions: Contextualizing Uganda's 2007 intervention in Somalia', *African Affairs*, 111 (444): 404-423.

Fisher, Jonathan. 2013. 'Structure, agency and Africa in the international system: Donor diplomacy and regional security policy in East Africa since the 1990s', *Conflict, Security and Development*, 13 (5): 537-567.

Fisher, Jonathan. 2014. 'When it pays to be a "fragile state": Uganda's use and abuse of a dubious concept', *Third World Quarterly*, 35 (2): 316-332.

Fisher, Jonathan. 2015. "Image management" in East Africa: Uganda, Rwanda, Kenya and their donors', in Julia Gallagher (ed), *Image and Africa: Creation, negotiation, subversion* (Manchester University Press, Manchester).

Fisher, Jonathan and Anderson, David M. 2015. 'Authoritarianism and the securitization of development in Africa', *International Affairs*, 91 (1): 131-151.

Freeland, Valerie. 2015. 'Rebranding the state: Uganda's strategic use of the International Criminal Court', *Development and Change* 46 (2) 293-319.

Freedman, Rosa. 2014. *Failing to Protect: The UN and the Politicisation of Human Rights* (C Hurst & Co and Oxford University Press, London and New York).

Freedman, Rosa and Mchangama, Joseph. Forthcoming, 2016. 'Expanding or Diluting Human Rights? The Proliferation of United Nations Special Procedures Mandates', *Human Rights Quarterly*, Forthcoming 2016.

Gegout, Catherine. 2013. 'The International Criminal Court: Limits, potential and conditions for the promotion of justice and peace', *Third World Quarterly* 34 (5) 800-818.

Graybill, Lyn and Lanegram, Kimberly. 2004. 'Truth, justice and reconciliation in Africa: Issues and cases', *African Studies Quarterly* 8 (1), 1-18.

Grimm, Sonja; Lemay-Hebert, Nicolas and Nay, Olivier. 2014. "Fragile states": Introducing a political concept', *Third World Quarterly*, 35 (2): 197-209.

Harman, Sophie and Brown, William. 2013. 'In from the margins? The changing place of Africa in International Relations?', *International Affairs*, 89 (1): 69-87.

Harrington, Julia. 2001. 'Special rapporteurs of the African Commission on Human and People's Rights', *African Human Rights Law Journal* 1 (2), 247-267.

Harrison, Graham. 2005. *The World Bank and Africa: The Construction of Governance States* (Routledge, London).

Harrison, Graham. 2005. 'The World Bank, Governance and Theories of Political Action in Africa', *British Journal of Politics and International Relations* 7 (2) 240-260.

Hauser, Ellen. 1999. 'Ugandan relations with Western donors in the 1990s: What influence on democratisation', *Journal of Modern African Studies* 37 (4) 621-641.

Haynes, Jeff. 2001. "Limited" Democracy in Ghana and Uganda: What is most important to international actors – stability or political freedom?', *Journal of Contemporary African Studies*, 19 (2): 183-204.

Herbst, Jeff. 2000. *States and Power in Africa: Comparative lessons in authority and control* (Princeton University Press)

Hickey, Sam. 2013. 'Beyond the poverty agenda? Insights from the new politics of development in Uganda', *World Development*, 43: 194-206.

Holmes, Georgina. 2014. 'Gendering the Rwandan Defence Force: A Critical Assessment', *Journal of Intervention and Statebuilding*, 8 (4): 321-333.

House of Commons International Development Committee. 2010. *DFID's Assistance to Zimbabwe: Eight Report of Session 2009-2010 Volume II* (House of Commons, London).

Jackson, Robert and Rosberg, Carl. 1982. 'Why Africa's weak states persist: The empirical and the juridical in statehood' *World Politics* 35 (1), 1-24.

Jourde, Cedric. 2007. 'Constructing representations of the "Global War on Terror" in the Islamic Republic of Mauritania', *Journal of Contemporary African Studies* 25 (1) 77-100.

Jowell, Marco. 2014. 'Cohesion through socialisation: Liberation, tradition and modernity in the forging of the Rwanda Defence Force', *Journal of Eastern African Studies* 8 (2) 278-293.

Keppler, Elise. 2012. 'Managing setbacks for the International Criminal Court in Africa' [2012] *Journal of African Law* 56 (1) 1-14.

Kiwanuka, Richard. 1988. 'The meaning of "people" in the African Charter on Human and People's Rights', *American Journal of International Law* 82 (1), 80-101.

Kuehnel Larsen, Josefine. 2014. 'Peace by peace: The construction of national-military identity in post-genocide Rwanda', unpublished PhD thesis (University of Copenhagen, Copenhagen).

Lee, Donna. 2013. 'African agency in global trade governance', in William Brown and Sophie Harman (eds), *African Agency in International Politics* (Routledge, London).

Lemay-Hebert, Nicolas and Mathieu, Xavier. 2014. 'The OECD's discourse on fragile states: Experts and the normalization of knowledge production', *Third World Quarterly* 35 (2) 232-251.

Lynch, Gabrielle. 2011. *I say to you: Ethnic politics and the Kalenjin in Kenya* (University of Chicago Press, Chicago, IL).

Lynch, Gabrielle. 2012. 'Becoming indigenous in the pursuit of justice: The African Commission on Human and People's Rights and the Endorois', *African Affairs*, 111 (442): 24-45.

Martin, Guy. 1995. 'Continuity and change in Franc-African relations', *Journal of Modern African Studies* 33 (1) 1-20.

Mills, Kurt. 2012. "Bashir is dividing us": Africa and the International Criminal Court', *Human Rights Quarterly* 34 (2) 404-447.

Moncrieff, Richard. 2012. 'French relations with sub-Saharan Africa under President Sarkozy', SAIIA Occasional Paper 107.

Mubangizi, John. 2004. 'Towards a new approach to the classification of human rights with specific reference to the African context', *African Human Rights Law Journal* 4(1), 93-107.

Murray, Rachel. 2000. *The African Commission on Human and People's Rights and International Law* (Bloomsbury Publishing, London).

Mutua, Makau. 2001. 'Savages, Victims and Saviors: The Metaphor of Human Rights', *Harvard International Law Journal* 42, 201-245.

Mwenda, Andrew and Tangri, Roger. 2005. 'Patronage politics, donor reforms and regime consolidation in Uganda', *African Affairs* 104 (416) 449-467.

Ranger, Terence. 1983. 'The invention of tradition in colonial Africa', in Eric Hobsbawm and Terence Ranger (eds), *The Invention of Tradition* (Cambridge University Press, Cambridge).

Ranger, Terence. 1993. 'The invention of tradition revisited: The case of colonial Africa', in Terence Ranger and Olufemi Vaughan (eds), *Legitimacy and the State in Twentieth-Century Africa* (Palgrave Macmillan, London).

Reuters. 2009. 'Zimbabwe expels U.N. rights investigator', 29 October 2009. Available at http://www.reuters.com/article/2009/10/29/us-zimbabwe-nowak-idUSTRE59S0WP20091029. Last accessed 1 June 2015.

Reuters. 2014. 'Uganda's Museveni calls on African nations to quit the ICC', 12 December 2014. Available at http://www.reuters.com/article/2014/12/12/us-africa-icc-idUSKBN0JQ1DO20141212. Last accessed 1 June 2015.

Rosenblum, Peter. 2002. 'Irrational exuberance: The Clinton Administration in Africa', *Current History* 101 (655) 195-202.

Rotberg, Robert. 2003. 'The failure and collapse of nation-states: Breakdown, prevention and repair', in Robert Rotberg (ed), *When States Fail: Causes and Consequences* (Princeton University Press, Princeton, NJ).

Schabas, William. 2013. 'The banality of international justice', *Journal of International Criminal Justice* 11 (3) 545-551.

Sudan Tribune (Paris). 2013. 'UN special rapporteur blocked from entering Eritrea', 15 April 2013. Available at http://www.sudantribune.com/spip.php?article46220. Last accessed 1 June 2015.

Swedlund, Haley. 2013. 'From donorship to ownership: Budget support and donor influence in Rwanda and Tanzania', *Public Administration and Development* 33, 361-363.

Tangri, Roger and Mwenda, Andrew M. 2013. *The Politics of Elite Corruption in Africa: Uganda in Comparative Perspective* (Routledge, London).

Tieku, Thomas. 2013. 'Exercising African agency in Burundi via multilateral channels: Opportunities and challenges', *Conflict, Security and Development* 13 (5) 513-535.

Time. 2010. 'Ivory Coast's Disputed Presidential Election', 6 December 2010. Available at http://content.time.com/time/world/article/0,8599,2035342,00.html. Last accessed 1 June 2015.

UNHRC (UN Human Rights Council). 2014. *Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B Keitharuth*. Available at http://www.chr.up.ac.za/images/files/documents/ahrdd/eritrea/unreports/2014%20report%20on%20Eritrea%20A_HRC_26_45_ENG.pdf. Last accessed 1 June 2015.

Viljoen, Frans. 2005. 'The Special Rapporteur on Prisons and Conditions of Detention in Africa: Achievements and Possibilities', *Human Rights Quarterly* 27 (1), 125-171.

Viljoen, Frans. 2012. *International Human Rights Law in Africa* (Oxford University Press, Oxford).

Vines, Alex. 2013. 'A decade of African peace and security architecture', *International Affairs* 89 (1) 89-109.

Whitfield, Lindsay (ed). 2008. *The Politics of Aid: African strategies for dealing with donors* (Oxford University Press, Oxford).

Wilen, Nina; Ambrosetti, David and Birantamije, Gerard. 2015. 'Sending peacekeepers abroad, sharing power at home: Burundi in Somalia', *Journal of Eastern African Studies*, published online March 2015.

Williams, Paul. 2008. 'Keeping the peace in Africa: Why "African" solutions are not enough', *Ethics and International Affairs*, 22 (3): 309-329.

Williams, Paul and Bellamy, Alex. 2005. 'The Responsibility to Protect and the Crisis in Darfur', *Security Dialogue* 36 (1) 27-47.

Wrong, Michela. 2005. *I didn't do it for you. How the world betrayed a small African nation* (Harper, London).

Zondi, Siphamandla. 2013. 'Common positions as African agency in international negotiations: An appraisal', in William Brown and Sophie Harman (eds), *African Agency in International Politics* (Routledge, London).