



The DRC Peace Process: Rebels Without a Pause, A Peace Agreement with an Escape Clause?

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Introduction

Progress in dealing with the vestiges of conflict in the Democratic Republic of the Congo (DRC) has been dismal at best and an unmitigated disaster at worst. It is a conflict situation that has likely generated more peace processes, peace initiatives and peace agreements than many other African conflict situations, and also generated one of the largest number of violations and failures too. The aim of this article is to provide an update on the recent developments in the DRC, particularly efforts to address the continuation of further conflict in the eastern Congo – a region that has remained almost immune to the various prescriptions and remedies that have been introduced to secure peace. The article will also explore the recent UN-led peace efforts, culminating in the signing of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region, and the prospects for the success of yet another peace agreement in a conflict that is already saturated with the remnants of other ill-fated and futile attempts. Additionally the article will focus on the continuing presence of rebel groups, most notably the continuing threat posed by the M23 rebellion and how its operations are likely to be affected (if at all) by the renewed peace efforts in the region.

A Rebellion Without a Pause: The Continued Threat of the M23 Rebels

As observed by UN-Secretary-General Ban Ki-moon,

The eastern DRC continues to be plagued by recurrent waves of conflict, chronic humanitarian crises and serious human rights violations, including sexual and gender-based violence. Contributing to the cycles of violence has been the continued presence of Congolese and foreign armed groups taking advantage of power and security vacuums in the eastern part of the country... Armed groups continue to constitute the main threat to the security of the population and the general stability of the region and an obstacle to regional cohesion. (UN Security Council 2013, 2; 12)

The *Mouvement du 23 Mars* (M23)¹ rebellion in particular has posed a clear threat to the DRC's national security. The M23 rebels, a group of army mutineers who launched their offensive after accusing President Joseph Kabila of reneging on the terms of a March 2009 peace agreement, have since broadened their goals to include the removal of Kabila and "liberation" of the country (SAPA 2012). In late November 2012 the M23 rebels vowed to take control of all of the Congo, following their seizure of the strategic city of Goma in eastern Congo (SAPA-AP 2012). The M23 managed to capture the regional Congolese capital of Goma, after the withdrawal of about 2,000 soldiers from the Congolese National Army (FARDC) and 700 Congolese policemen. Goma fell to the rebel group despite the presence of nearly 6,000 armed peacekeepers in the North Kivu province, with over 1,500 in the Goma area alone, under MONUSCO (Roux 2013). The rebels also appeared to have a considerable following amongst segments of the region's local population, where in Bukavu demonstrations against the Kinshasa government and in support of the rebels were observed by local residents (SAPA-AP 2012). The fall of Goma and the progress made by the M23 rebels prompted emergency talks in neighbouring Uganda, where President Joseph Kabila met with President Paul Kagame. The talks between Kabila and Kagame were being mediated by Ugandan President Yoweri Museveni. During this particular crisis, speculation was rife that Kabila would be compelled to enter into direct negotiations with the M23 rebels – a position Kabila previously rejected as being an option. The DRC Government was confronted with two relatively straightforward, yet equally unattractive, menu options (neither of which were likely palatable to Kabila) – either talking to, or fighting the rebels.

The operational reach of the M23 rebels also raised alarm. In early February 2013, Cape Town, South Africa became the scene of a sting operation that led to the arrest of the suspected ringleader in a plot to overthrow President Joseph Kabila. This arrest coincided with the arrest in the Limpopo Province of a group of 19 rebels from the DRC (allegedly forming part of the M23 group) on suspicion of running an illegal military operation after an investigation by a crime intelligence unit (SAPA 2013).

The ability of the rebels to sow chaos in the east had also been firmly established. Since the beginning of the M23 rebellion, more than half a million people have been driven from their homes in North Kivu. According to Amnesty International, M23 has been responsible for human

¹ The *Mouvement du 23 Mars*, or March 23 Movement, came into existence in April 2012, when hundreds of mainly ethnic Tutsi soldiers of FARDC, the national army, mutinied over poor living conditions and poor pay. Most of the mutineers had been members of the National Congress for the Defence of the People (CNDP), another armed group that in 2009 signed a deal with the government, which the dissidents felt Kinshasa had not fully implemented. M23 is named after the date the agreement was signed.

rights abuses, including violations of the duty to care for the civilian population when launching attacks, forced recruitment of children to take part in hostilities, unlawful killings, and acts of sexual violence (IRIN News 2013). Additionally, a UN report issued in late-2012 accused Rwanda and Uganda of providing support to the M23 rebels (Jobson 2013). This accusation had further exacerbated tensions in an already highly strained regional relationship.

The eastern DRC's history with rebel groups and the inability to stem the tide of their destabilization efforts has proven to be the Achilles' heel of the much-vaunted peace process that has been undertaken since 1999 and beyond. The signing of yet another new peace agreement to address the crisis in the east raises an important question: has the eastern Congo been overwhelmed by far too many peace agreements that has merely duplicated and 'recycled' initiatives that were dismal and perhaps even damaging to begin with?

Another Panacea for Peace? The Signing of the Peace, Security and Cooperation Framework

The signing on 24 February of the much-vaunted Peace, Security and Cooperation Framework for the DRC and the region should be greeted with cautious optimism at best, considerable scepticism at worst. Eleven African countries signed the UN-drafted peace deal in Addis Ababa – including the DRC, Angola, Republic of Congo, South Africa, Tanzania, Uganda, Central African Republic (CAR), Burundi, Rwanda, South Sudan and Zambia. Expectations are that the new framework will bring stability to the country's war-torn eastern region. The framework aims to address two of the root causes of the conflict in the eastern DRC: the country's weak and dysfunctional security, justice and governance systems, and the continued interference from neighbouring countries.

Importantly the new peace agreement acknowledged that the eastern DRC has continued to suffer from recurring cycles of conflict and persistent violence by armed groups, both Congolese and foreign. Interestingly, the agreement adopted a somewhat optimistic tone citing that “despite these challenges, the recent crisis has created a window of opportunity to address the root causes of conflict and put an end to recurring cycles of violence” and noting “increasing recognition that the current path is untenable” (AU Peace and Security 2013, 1). The framework also sought to secure a set of renewed commitments from each of the central parties to the conflict. The agreement quite significantly called upon the Government of the DRC to pledge a renewed commitment to continue, and deepen security sector reform, particularly with respect to the army and police, to consolidate state authority, particularly in eastern DRC, including the prevention of armed groups from destabilizing neighbouring countries, and to further the agenda of reconciliation, tolerance and democratization. The framework called upon the region to show a renewed commitment not to interfere in the internal affairs of neighbouring countries, to neither tolerate nor provide assistance or support of any kind to armed groups, to respect the sovereignty

and territorial integrity of neighbouring countries, to strengthen regional cooperation, including deepening economic integration with special consideration for the exploitation of natural resources, to respect the legitimate concerns and interests of the neighbouring countries, in particular regarding security matters and to neither harbour nor provide protection of any kind to persons accused of war crimes, crimes against humanity, acts of genocide or crimes of aggression, or persons falling under the United Nations sanctions regime (AU Peace and Security 2013, 3). The Security Council also expressed its intention in the agreement to continue supporting the long-term stability of the DRC and the Great Lakes region, undertaking a strategic review of MONUSCO that aims to strengthen support to the Government to enable it to address security challenges and extend State authority and an appointment of a UN Special Envoy to support efforts to reach durable solutions would be undertaken. (AU Peace and Security 2013, 4).

As an additional measure, a regional oversight mechanism involving the 11 signatory countries' leadership, with the good offices of the UN Secretary-General, Chairperson of the AU Commission, Chairperson of the International Conference on the Great Lakes Region, and the Chairperson of SADC in the role of guarantors (11+4 mechanism), shall be established to meet regularly and review progress in the implementation of the regional commitments outlined in the agreement, while also stressing the need to respect the national sovereignty of the states concerned. The 11+4 mechanism is in support of the ongoing regional efforts and shall therefore be supported by and closely linked to the AU, the International Conference of the Great Lakes Region, SADC and other international partners, including the European Union (EU), Belgium, France, the United Kingdom, and the United States. Another interesting inclusion in the agreement called upon President Joseph Kabila to put in place, within the Government of the DRC, a *national oversight mechanism* in order to accompany and oversee the implementation of the national commitments for reform as outlined in the agreement, with the commensurate support of the UN, AU, World Bank, African Development Bank and other bilateral and multilateral partners of the DRC. An additional stipulation was that the national oversight mechanism would operate in full respect of the national sovereignty of the DRC. (AU Peace and Security 2013, 5). Some initial reflection and critique of the agreement is warranted.

There remains a lingering doubt that genuine trust and mutual respect for sovereignty can be secured in this overall toxic climate and poisoned atmosphere in which the parties have continued to operate. Whether the latest agreement will withstand what is likely to be many tests of endurance also remains to be seen. In particular whether the new framework delivers anything substantially different that could infuse the peace process with new vigour and a sense that a major breakthrough is achievable this time round to that of previous failed attempts at peace seems doubtful. The omission of the rebels and their leadership and representatives as signatories of the framework agreement could prove to be the agreement's Achilles' heel. Their exclusion from what is being touted as a viable framework to bring stability to the region could prove to be

a fatal mistake in the long-term and provides permissive conditions for the rebels to act with further impunity and without pause. Seeing as the rebels have not formed part of the latest peace process, they are not necessarily bound to abide by the noble intentions and commitments other stakeholders have made. Whether the leaders in the region are genuinely committed to delivering on the peace agreement also remains to be seen. The parties will ultimately have to guard against developing vague benchmarks that would provide parties with renewed opportunities to renege on their pledges – these flaws could provide one or several parties with a convenient escape clause from the agreement! A great responsibility has been placed on the DRC to deliver on the successful outcomes of the new framework agreement. Given its dismal track record of the past, whether Kinshasa can deliver on the provision of security and peace consolidation that is required of a functioning and effective state – which the DRC has to date failed to live up to – is a major concern. The DRC has to date faltered on virtually all critical fronts required for sustainable peace, notably securing the establishment of a professional and fully functioning army. The high incidence and level of corruption, impunity for human rights violations committed, the restriction of political space, the emerging trend towards the concentration of excessive power in the hands of a few well-connected elite, and the increasing presence of authoritarian tendencies in the executive branch are likely to weaken the Kinshasa Government's ability to deliver on yet another ambitious peace agreement. Particularly worrisome is the fact that the DRC has been charged with developing its own national oversight mechanism as part of the new peace agreement. Whether the Kinshasa government will have the necessary political will and commitment to construct such an oversight mechanism, amidst charges of its dismal track-record in the realm of transparency and good governance, could potentially hamper the framework agreement's progress. How the implementation of the framework has progressed to date was to be reviewed during the holding of the first meeting of the follow-up mechanism of the agreement, at the level of Heads of State and Government in Addis Ababa, on 26 May 2013.

In a press statement issued by the AU Peace and Security Council during its 371st Meeting on 25 April 2013, the body took note of and welcomed the initiatives taken as a follow-up to the Framework Agreement for Peace, Security and Cooperation in the DRC and the region, signed in Addis Ababa on 24 February 2013. In this regard, the Council noted with satisfaction the decision of Presidents Jacob Zuma of South Africa, Eduardo Dos Santos of Angola and Joseph Kabila of the DRC, at their meeting held in Luanda, on 12 March 2013, to establish a “tripartite joint cooperation mechanism” to facilitate the implementation of the Framework Agreement. The Council also welcomed the renewed commitment Presidents Denis Sassou N'guesso of the Republic of Congo (as mediator), Joseph Kabila, Paul Kagame of Rwanda and Yoweri Museveni of Uganda, made at their meeting in Oyo, Republic of Congo, on 24 March 2013, to implement the Framework Agreement.

The Future of MONUSCO: A Mission Whose Time Has Come?

UN Secretary-General Ban Ki-moon also presented a special report to the UN Security Council outlining a proposal for a strengthened political and security role for MONUSCO – the UN’s peacekeeping operation in the DRC, which was widely criticised for failing to prevent M23 rebels from capturing the city of Goma in November 2012. The Special Report of the Secretary-General on the DRC and the Great Lakes Region, issued on 27 February 2013, highlighted important developments, in particular recommendations to address the recurring cycles of violence in the eastern DRC. Perhaps the most important development was the Secretary-General’s announcement of the establishment of a new intervention brigade. As outlined by the Secretary-General:

In support of the objectives of the Framework for Peace, Security and Cooperation for the Democratic Republic of the Congo and the region, and following consultation with the African Union, SADC and the International Conference on the Great Lakes Region, which had initially conceived the idea of the deployment of a peace-enforcement force to address the threat posed by armed groups, it is proposed that a dedicated intervention brigade be established within MONUSCO for an initial period of one year. Under the direct operational command of the MONUSCO Force Commander and operating alongside other MONUSCO brigades in eastern Democratic Republic of the Congo, the intervention brigade would have the peace-enforcement tasks of preventing the expansion of, neutralizing and disarming armed groups, to be carried out together with disarmament, demobilization and reintegration and disarmament, demobilization, repatriation, reintegration and resettlement efforts. The activities of the intervention brigade would be aimed at creating an environment conducive to the restoration of State authority and the achievement of sustainable stability (UN Security Council 2013,14).

In acknowledgement of the trend in North and South Kivu of armed groups returning after operations targeting them in North and South Kivu have concluded, often with the specific aim of committing violent reprisal acts against civilians, MONUSCO indicated that it would also incorporate enhanced mechanisms for the protection of civilians. The ability to successfully act against armed groups this time around will prove to be the ultimate test for MONUSCO. The Secretary-General also stressed and placed emphasis on the fact the envisioned intervention brigade should have a clear exit strategy that recognizes that the Armed Forces of the DRC (FARDC) has the primary responsibility for safeguarding the sovereignty and territorial integrity of the DRC. On 28 March 2013 the Security Council formally approved the creation of its first-ever “offensive” combat force, intended to carry out targeted operations to “neutralize and disarm” the M23 rebel group, as well as other Congolese rebels and foreign armed groups in the eastern DRC. The Council unanimously adopted resolution 2098 (2013), extending until 31 March 2014, the mandate of MONUSCO and created, on an exceptional basis, a specialized

intervention brigade within the operation's existing 19,815-strong force (UN Security Council 2013b).² The envisioned intervention brigade with a new peace-enforcement mandate could, however, exacerbate tensions and lead to a potential escalation in military confrontations. The objective of attempting to ultimately neutralize all armed groups could potentially backfire into a protracted struggle against numerous groups in virtually all expanses of the eastern Congo. Estimates in recent IRIN reports suggest that there are presently more than 33 armed groups operating in eastern DRC undertaking various endeavours, such as mineral extraction and self-defence (IRIN News 2013b). The UN could consequently find itself involved in a long and costly engagement, could be overrun by a determined and battle-ready rebel group seeking to secure a bruising blow against 'external enemies' and ultimately be engulfed in and overwhelmed by a far graver humanitarian crisis due to the increased risk of retaliatory attacks by armed groups against civilians. MONUSCO – established with the mandate of stabilization – is venturing into uncharted territory with potentially disastrous consequences if the peace enforcement mission fails.

Another significant step by the UN was the appointment, on 18 March 2013, of Mary Robinson as Special Envoy for the Great Lakes Region, who will work closely with the governments of the region to reach agreements and establish mechanisms to guarantee non-interference in the internal affairs of the neighbouring States (UN Security Council 2013, 13). The former Irish leader and member of the illustrious Elders, expressed her hopes of a "fresh chance" to resolve underlying issues behind a cycle of violence in the DRC and outlined her vision in a document entitled "A Framework of Hope", which reflected the newly-appointed Special Envoy's sense of the agreement and how she could most effectively contribute to its implementation. Robinson expressed her conviction that with sustained political will, the new Framework could work. The Special Envoy delivered a briefing to Council members, following her first visit to the region in early May 2013 (SAFPI 2013).

The deployment of SADC and South Africa as part of the intervention brigade could additionally complicate the envisioned deployment. This begs the question whether SADC and South Africa will be able to contribute meaningfully to the proposed intervention, given current practical constraints.

SADC and South Africa: Crucial Pivots for Peace...or Spent Force?

President Jacob Zuma expressed South Africa's commitment to the new framework agreement and its commitment to partnering with the government and people of the DRC as they respond to

² South Africa, Tanzania and Malawi would be the primary troop-contributing countries for this intervention brigade of 3,069 soldiers, authorized in terms of Security Council resolution 2098 of April 1, 2013

the urgent challenges of development. President Zuma expressed South Africa's readiness to work with the DRC on important challenges such as reconciliation, post-conflict reconstruction and development covering such areas as security sector reform, institutional capacity building and economic development (Zuma 2013). The new Special Envoy also praised South Africa's role to boost its economic partnership with the DRC. South Africa welcomed the intention to review the MONUSCO mission and also welcomed the proposal for an Intervention Brigade as a realistic option to bring security to the eastern DRC within the shortest timeframe and expressed hope that the signing of the new peace framework would hasten the deployment of an appropriate peace enforcement mechanism. President Zuma, however, stressed that a military deployment presented only a short term solution, but that real stability, peace and development requires far-reaching actions from the Government of the DRC and its neighbours, and expressed the belief that only a comprehensive political solution would form the basis of lasting peace in the eastern DRC (Zuma 2013).

South Africa's involvement in the DRC peace process has produced a mixed outcome and track-record. Its envisioned deployment to the eastern Congo – on what could be the first aggressive long-term engagement by the army since 1994 – could have negative consequences. The SADC indicated earlier in February 2013 that it required only a mandate from the UN Security Council to go ahead with the deployment of an intervention force in which SA would have a key role. The envisioned SADC contingent will number approximately 4,000 troops.

Since then South Africa was left reeling by the disastrous outcomes of its ill-fated military involvement in the Central African Republic. During its deployment 13 South African soldiers were killed during a brutal skirmish with rebel fighters who were determined to wrest control of the Central African Republic and overthrow its president, François Bozizé.³ President Jacob Zuma's legacy as a peacemaker on the continent is likely to have suffered a severe blow and SA's involvement and deployment in Central African Republic was also described as being “an unprecedented domestic and international disaster for Zuma and his administration” (Dawes 2013, 3). The ‘Zuma Doctrine’ – so dubbed by analysts to reflect a perceived departure from

³ For a more in-depth overview of South Africa's involvement in the recent events in the Central African Republic see Graeme Hosken & Isaac Mahlangu (2013) “We were killing kids”, *Sunday Times*, 31 March; Sibusiso Ngalwa (2013) “SA's CAR presence in the balance”, *Sunday Times*, 31 March; *AmaBhungane Reporters* (2013) “Is this what our soldiers died for?”, *Mail & Guardian*, 28 March-4 April; Mmanaledi Mataboge & Glynnis Underhill (2013) “Timely Warnings were ignored”, *Mail & Guardian*, 28 March-4 April; Mmanaledi Mataboge & Glynnis Underhill (2013) “Humiliated SA given its marching orders”, *Mail & Guardian*, 5 April-11 April; David Smith (2013) “Who wants SA back in Bangui?”, *Mail & Guardian*, 26 April-2 May.

South Africa's previous military ventures, with a more aggressive stance towards resolving the continent's conflicts through more proactive participation in continental missions – is, however, not yet properly developed and potentially based on grandiose ambitions to secure the President accolades as an African statesman.

As a result, South Africa's envisioned deployment to the DRC will be undertaken with far greater trepidation and fear, given its brutal experience with CAR's rebels. The loss of further SA troops in yet another ill-conceived foreign intervention could turn the tide against South Africa's future involvement in peacekeeping and related missions on the continent, especially where domestic opinion is concerned. The M23 rebels are also likely a force to be reckoned with and whether SADC (under SADCBrig) is genuinely prepared for a mission of such a nature and scale is questionable, given its lack of cohesion as a force. In mid-April indications began to emerge that M23 rebels could potentially attack South African forces in the DRC pre-emptively, as preparations to get battle-ready are still taking place (De Wet and Mataboge 2013b). As part of the propaganda war, M23 warned South Africa that it would not be responsible for a "mutual massacre" when attacked on its home turf and also issued a stern warning to UN forces that it would face "continuous deadly combat". South Africa's Munigi base (on the outskirts of Goma) could therefore face a massive onslaught and if successful the M23 rebels could score a major morale-boosting and political victory.

Conclusion: An Agreement Already Faltering

Recent developments do not bode well for the fledgling peace agreement. Tensions amongst the M23 leadership led to a split in late February 2013 in which the president of the movement, Jean-Marie Runiga, was dismissed by General Makenga, the military leader of the movement. Runiga left with the second strongman of the M23, General Baudoin Ngaruye and Bosco Ntaganda, wanted by the International Criminal Court. This contributed towards the creation of a potentially dangerous power vacuum in key M23 strongholds. On 18 March, Ntaganda surrendered himself to the US Embassy in the Rwandan capital, Kigali, and asked to be transferred to the International Criminal Court for trial over alleged war crimes and crimes against humanity – a move welcomed in the fight against impunity in the region, yet by no means adequate in itself to end violence in the region. The ICGLR peace talks in Kampala between the M23 and Kinshasa also reached a deadlock over a number of points of contention. The Kampala peace talks between M23 and the DRC government commenced in December 2012, under the auspices of the ICGLR. The talks had made little progress and had been put on hold partially due to the rebel group's internal problems (IRIN News 2013). Not surprisingly, the M23 delegation engaged in peace talks with the Congolese government indicated that the peace process has been undermined by the proposed deployment of the UN-sanctioned intervention

brigade (SAPA-AP 2013b). With the likelihood of peace talks indefinitely shelved, the M23 rebels have already commenced their planning for the impending clash.

Amidst emerging fault lines and signs that the peace agreement is likely to falter like many peace agreements initiated in the region prior, the rebellion is likely to persist without pause, and the agreement likely to provide only a brief respite from hostilities and a restive short-term peace – until one of the parties initiates a frantic search for an escape clause.

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