

**THE SUBSIDIARITY PRINCIPLE IN THE AFRICAN PEACE  
AND SECURITY ARCHITECTURE (APSA): A CASE OF  
DIFFUSION BY IMITATION OF THE EUROPEAN UNION (EU)**

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### **The subsidiarity principle in the African Peace and Security Architecture (APSA): A case of diffusion by imitation of the European Union (EU)**

*The Memorandum of Understanding between the African Union (AU) and the Regional Economic Communities (REC) and Regional Mechanisms (RM) signed in 2008 identifies subsidiarity as an ordering principle of the African Peace and Security Architecture (APSA). This was the first reference to the subsidiarity principle within the African context in a process of diffusion from the European context. Through process tracing and an analysis of hard and soft law documents of APSA this paper identifies that imitation was the mechanism of diffusion in 2008 in a process led by African agency and with Europe as a normative power. This result contributes to an investigation into the challenges that the APSA faces into becoming fully operational.*

**Keywords:** Normative Power Europe (NPE), African Peace and Security Architecture (APSA), subsidiarity, Africa, peace and conflict

### **O princípio da subsidiariedade na Arquitetura de Paz e Segurança Africana (APSA): Um caso de difusão por imitação da União Europeia (UE)**

*O Memorando de Entendimento entre a União Africana (UA) e as Comunidades Económicas Regionais (CER) e os Mecanismos Regionais (MR) assinado em 2008 identifica a subsidiariedade como um princípio ordenador da Arquitetura de Paz e Segurança Africana (APSA). Esta foi a primeira referência ao princípio da subsidiariedade no contexto africano fruto de um processo de difusão a partir do contexto europeu. Através do rastreamento de processos e da análise dos documentos de hard e soft law da APSA este trabalho identifica que a imitação foi o mecanismo responsável pela difusão de subsidiariedade em 2008 num processo liderado pela agência africana e da Europa como um poder normativo. Este resultado contribui para a investigação sobre os desafios que a APSA enfrenta para se tornar plenamente operacional.*

**Palavras-chave:** Normative Power Europe (NPE), Arquitetura de Paz e Segurança Africana (APSA), subsidiariedade, África, paz e conflito

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African states embarked on a new multilateral project when in 2000 they replaced the Organization of African Unity (OAU) with the African Union (AU). This change was reflective of a new era where the OAU's rationale to secure state sovereignty from external threats in a post-colonial era was replaced by the AU's goals to guarantee the security of the state and its people from internal threats.

The 2000 Constitutive Act of the AU identified the overall mandate, organs and functions of the new organization, and the 2002 Protocol focuses on the peace and security objectives of the organization (African Union, 2002). In it, the AU Peace and Security Council (AU PSC) is the standing decision-making organ for the prevention, management and resolution of conflicts, to be supported by a Commission, a Panel of the Wise, a Continental Early Warning System, an African Standby Force (ASF) and a Special Fund.

The Protocol determined AU's primacy, with primary responsibility in peace and security, and called for the harmonization and coordination between the AU PSC and the "African Regional Mechanisms for Conflict Prevention and Management", which are considered part of the security architecture.

However, there was a need to further specify the nature of the relationship between the AU, and the AU PSC in particular, with the eight Regional Economic Communities (REC) recognized by the AU, with whom it has overlapping membership, functionalities, and geography.<sup>1</sup> These organizations pre-dated the AU and, in some cases, had more peace and security experience than the AU.

The agreement came in the form of the Memorandum of Understanding (MoU) signed in January of 2008 (African Union, 2008), which reaffirms the commitment to the Constitutive Act of the AU and the 2002 Protocol, to then determine the "adherence to the principles of subsidiarity, complementarity and comparative advantage, in order to optimize the partnership between the Union [African Union], the Regional Economic Communities (REC) and the Coordinating Mechanisms in the promotion and maintenance of peace, security and stability" (Article IV, iv)<sup>2</sup> (in this paper referred to as REC/RM). In the Protocol, each of the five regions have an ASF, and this institutional framework is named the African Peace and Security Architecture (APSA).

This is the first reference to the principle of subsidiarity within the APSA, a principle that is of significant relevance in the governance system in Europe. The

<sup>1</sup> RECs: The Arab Maghreb Union (AMU), the Community of Sahel-Saharan States (CEN-SAD), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), and the Southern African Development Community (SADC).

<sup>2</sup> The two Coordinating Mechanisms or Regional Mechanisms are the Eastern Africa Standby Force Coordination Mechanism (EASFCOM) and the North African Regional Capability (NARC).

first reference to subsidiarity in a Treaty occurs in the 1992 Treaty establishing the European Community in article 5, which states that:

in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at a regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level. (European Union, 2002)<sup>3</sup>

Subsidiarity privileges that decisions are taken as closely as possible to the ones affected by them and that a central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate or local level. Within APSA this would mean that the REC/RM should have precedence in dealing with crisis in their regions, and only if not capable (efficient and effective), should the AU intervene.

After 15 years of the MoU, the principle of subsidiarity is underspecified in hard and soft law in the APSA, not consistently observed in practice and contested by academics.

Within the AU or APSA, the principle of subsidiarity has only one other reference in the 2006 Charter on Maritime Safety and Security and Development in Africa, associating it with the independence of lower levels vis-à-vis higher levels. Such formulation considers subsidiarity to establish an hierarchy between AU and REC/RM, something which the European understanding of subsidiarity would not take for granted (Djilo, 2021).

The diffusion of the principle of subsidiarity from the EU to APSA has substantive and applicability challenges. The principle of subsidiarity in Africa is primarily political, as establishing power relations between the AU and the REC, while in Europe it is a governance mechanism (Djilo, 2021). Also, in the EU subsidiarity manages two levels of “civilian” governance, the national and regional levels, while in the APSA, subsidiarity is applicable to four levels of security governance: continental, regional, subregional and national.

We will not further elaborate on these challenges as it is out of the scope of this paper to analyze the process of adaptation of subsidiarity in the APSA. Instead, we intend to explain the emergence of the principle in the 2008 MoU.

This determination is important as the delayed operationalization of APSA is partly a result of a lack of political agreement over the hierarchical ordering principle in decision-making over peace missions in Africa, if at the AU level or,

<sup>3</sup> The 1997 Treaty of Amsterdam included a Protocol on the application of the principle of subsidiarity and proportionality.

firstly, at the REC/RM level. Subsidiarity would favor the latter, but there is unclarity and debate over its adoption.

Firstly, the principles of complementarity and comparative advantage compete with subsidiarity as an ordering principle in the 2008 MOU. Secondly, despite early acceptance of the principle, there has been academic debate over its appropriateness.

The application of the subsidiarity principle to Africa can be traced back to the work of Knight (1996) formulating a possible subsidiary model between the UN and the OAU, even if such a model has been considered idealistic and incompatible with existing conditions (Job, 2004). Isolated accounts applied the principle of subsidiarity to the areas of humanitarian action, namely O'Brien (2000) considered a bottom-up model with a subsidiarity relationship between the UN and the AU, and Helly (2009) suggested that this relationship should also involve the EU. Voeten (2005) proposed the existence of an elite pact on the use of subsidiarity between the United Nations Security Council (UNSC) and regional organizations in order to have stability, even if such a pact is prone to issues of accountability and legality. A study by Møller (2005) operationalized subsidiarity to institutions in Africa from a hegemonic theory perspective.

But the difficulty of internalizing and operationalizing subsidiarity in APSA throughout a series of security crisis led to critical reflections.<sup>4</sup> One reflection proposed an adapted version of the principle, as with “cooperative subsidiarity”, where the institutions at different levels cooperate for the same purpose instead of simply dividing the labor (Kaaba & Fagbayibo, 2019; Vila, 2017). Another proposal rejects subsidiarity in favor of the principle of ad hoc partnerships (Nathan, 2016), something similar to a coalition of the willing identified on a case-by-case basis to intervene in a peace mission.

This lack of clarity results in forum shopping and indetermination in times of crisis, something that became most clearly visible in the 2023 coup d'état crisis in Niger when the ECOWAS favored a military intervention to restore constitutional order, but the AU opposed it.

This paper is part of an assessment of the potential of subsidiarity to be the main reference principle, by clarifying if subsidiarity is an “African solution to African problems” or a post-colonial imposition from European states.

Therefore, even if we know that the EU was the source of APSA's subsidiarity principle, it is still undetermined which powers and mechanisms were at play in the diffusion process.

<sup>4</sup> For an example of the difficulties to operationalize subsidiarity in the Horn of Africa, see Sousa (2013).

We use a framework of analysis that combines the three types of power that the EU is, namely civilian, military and normative (Manners, 2002), with a set of diffusion mechanisms and scope conditions devised from the Inter-Organizational Relations (IOR) literature (Checkel, 2005; Haastrup, 2013; Oksamytna, 2014; Sommerer & Tallberg, 2019).

The framework allows us to determine the site of agency in the diffusion process, normative power with a mechanism of mimicry (Piccolino, 2020) or imitation have African agency, while the civilian or military powers with the mechanisms of mentoring (Haastrup, 2013), “authority talk” or incentives and sanctions have European agency.

The analysis uses process tracing based on hard and soft law official documents, academic literature and think tank papers.

The paper will first define the framework of analysis to, subsequently, analyze the diffusion of subsidiarity from the EU to APSA and propose that it occurs as a result of Normative Power Europe through the mechanism of imitation and not alternative mechanisms. We document in more detail the evidence that suggests that material incentives and sanctions were not at play. The paper concludes with reflections on how these results could inform our understanding of the incapacity of APSA to be fully operational.

## Agency in norm diffusion

### Civilian, military, and normative powers of Europe

There are three types of power that the EU can be considered to be (Manners, 2002): a civilian power, with economic power employed alongside multilateralism and international law to achieve (non-military) goals; a military power, with a capacity for self-sufficiency in defense and security and a deterrent and conventional forces capability, and; a normative power (Normative Power Europe - NPE), in the EU’s capacity to shape what is considered normal without instrumentally using economic or military powers.

Of the three, the EU military power is the least operative, while the civilian and normative powers require further differentiation (Diez, 2005; Manners, 2006).

Manners (2006) considers that Europe as a civilian power “is read as a neocolonial attempt to ‘civilize’ the world (again)” (p. 175), relies on material resources (even if non-military), and acts as an agent in its relations with other agents (even if through multilateral settings). The NPE is distinctive in its attempt to avoid the post-colonial critique, with the definition of power as essentially non-material

conceptualization of the EU power as structural (instead of relational), meaning that it is the mere existence of the EU that affects international relations.

In summary, the EU civilian power is the rationalist capacity to coerce, persuade or acquire authority over another agent. In this case, the agency starts with the EU as a norm entrepreneur and ends with the AU/APSA as a norm recipient.

The NPE is the constructivist power to be a source of imitation or persuasion through the intrinsic value of the norms and principles. The agency is in the AU/APSA, while the power of the EU is structural.

### **Inter-Organizational Relations (IOR)**

Based on the Inter-Organizational Relations (IOR) literature, we can devise a theoretical framework with mechanisms and scope conditions under which norm diffusion can occur between International Organizations (IO).

IOR, as a field of study, is focused on “understanding the character, pattern, origins and rationale, and consequences” (Cropper et al., 2008, p. 4) of the interactions between two or more organizations (Biermann, 2011, p. 173; Koops, 2013, p. 72).

The EU and the AU are Intergovernmental Organizations (IGO) established by a charter, comprising sovereign states, possessing actor-like qualities, resources, a physical presence and decision-making bodies that are distinct, even if dependent on, its member states (Biermann & Koops, 2017).

A distinction exists between IO (IGO included), IOR and (International) Regimes. Regimes are a set “of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations” (Krasner, 1983, p. 2). IO stand apart from Regimes due to their specific degree of actorness. Moreover, the study of Regimes is concerned with the immaterial and ideational component of the interaction between actors (IO included), while the focus of IOR is on the interactions of IO (Rittberger et al., 2012, p. 5).<sup>5</sup>

This paper explicitly refrains from examining the norm of subsidiarity as a component of a Regime that guides IO behavior. Instead, it centers on IOR, concentrating on the agency of IO manifested through the diffusion mechanisms linking the EU to the APSA.

Norm diffusion is the process by which there is the adoption of a norm. A norm is “a standard of appropriate behavior for actors with a given identity”

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<sup>5</sup> Here we subscribe to the conceptualization that International Institutions comprehend both regimes and formal organizations (Biermann & Koops, 2017).

(Finnemore & Sikkink, 1998, p. 891). The norm adoption by an IO occurs when there are changes in discourse, institutions and policies (Oksamytna, 2014).<sup>6</sup>

Based on Checkel (2005), Okasmytna (2014) and Sommerer and Tallberg (2019), we devise a framework of analysis for the adoption of new norms by an IO based on strategic, ideational, and sociological mechanisms facilitated by a set of scope conditions. The norm diffusion mechanisms are material and social incentives and sanctions, coercion, persuasion, “authority talk” and imitation. The likelihood of these diffusion mechanisms is affected by scope conditions, namely the norm entrepreneur and norm recipient characteristics,<sup>7</sup> their relationship, the quality of norms and the temporal, interactional and venue-related diffusion environment (Okasmytna, 2014).

These scope conditions, and the relationship one in particular, capture the dimensions of the connectivity model of Sommerer and Tallberg (2019) which considers that “diffusion is more likely to take place between IO with high levels of connectivity than between IO with few links, interactions, and commonalities” (Sommerer & Tallberg, 2019, p. 404).<sup>8</sup>

### Diffusion mechanisms

Based on rationalist social theory, IO will adopt new norms based on strategic calculations over material and social incentives and sanctions (Checkel, 2005). A norm will be adopted when the net benefits of adoption (rewards of adoption minus the costs of adoption) or the costs of non-adoption outweigh non-adoption benefits.

Material incentives and sanctions encompass the provision or withdrawal of foreign aid, military support, access to foreign markets or economic support. Non-material social incentives include status, sense of belonging or sense of well-being, while social costs involve “shaming, shunning, exclusion and demeaning, or dissonance derived from actions inconsistent with role and identity” (Johnston, 2008, p. 79). Material and non-material incentives and sanctions are primarily a civilian power, although in some cases, as in defense and security guarantees, it can constitute a military power. One example of the later are the French defense agreements with some African states.

<sup>6</sup> It is out of the scope of this paper to evaluate the extent or type of changes resulting from the norm adoption, that is if the convergence effect is one of imitation, adaptation or inspiration (Sommerer & Tallberg, 2019).

<sup>7</sup> This classification follows the civilian/military power conceptualization of a norm entrepreneur and norm recipient. As we saw before, NPE puts into question this dichotomy.

<sup>8</sup> Our model considers Sommerer and Tallberg’s formal connectivity measures of membership and institutional linkages and informal connectivity measures of functional similarity, geographical proximity and head quarter location in the relationship scope condition.



Coercion parallels incentives or sanctions but involves a more powerful norm entrepreneur, potentially yielding substantial effects on the norm recipient. Börzel and Risse (2009) consider a more restrictive criteria where coercion occurs when there is legal and physical force involved.

Persuasion results from “the power of the better argument” altering IO behavior devoid of incentives, sanctions, or environmental influences (Checkel, 2005). In line with Habermas’s communicative action theory, rational agents are prone to argumentation and convincing, and therefore their preferences and interests are prone to change. Persuasion is an expression of civilian power if it involves agency by the norm entrepreneur, as with communicative action. Persuasion is an expression of normative power if there is no evidence of active agency by the norm entrepreneur and the norm recipient is not reacting to a new environment.

“Authority talk” occurs when the change of behavior is the result not of the argument but of the source of the norm, which results in unquestioned recognition and voluntary obedience. This mechanism could be both civilian and military if the source of the norm is powerful enough in those dimensions. We will consider that “mentoring” (Haastrup, 2013) is a form of “authority talk” where the mentor is recognized as an expert in a given field.

Imitation is the mechanism of “role-playing”, usually triggered by situations of exposure and intense and prolonged contact with IO norm entrepreneurs (Checkel, 2005). Following organization theory and cognitive social psychology, this is likely due to the bounded rationality of an IO norm recipient reacting to a new environment. This mechanism is the most straightforward case of normative power, where norms diffuse because they are perceived as successful and considered legitimate by other agents (Sommerer & Tallberg, 2019).

Table 1 identifies the link between powers and diffusion mechanisms.

Table 1  
Powers and diffusion mechanisms

Diffusion mechanisms	Power		
	Civilian	Military	Normative
Material and social incentives and sanctions	X	X	
Coercion	X	X	
Persuasion	X		X
Authority	X	X	
Imitation			X

### Scope conditions

Two scope conditions are the norm entrepreneur and the norm recipient characteristics. In this study, the object of analysis are the EU and the AU/APSA, two IGOs with no overlapping member-states or geographical jurisdictions.

The interaction between IGO can occur at different levels. Our research focus is at the system level, specifically in unitary IGO-to-IGO interactions. This means the EU and AU/APSA are conceptualized as whole entities, excluding the analysis of bilateral (state-to-state or state-to-IGO) or African subregional organizations relations and not differentiating the IGO's sub-levels of agency, of the individual, bureaucracy or institution/secretariat levels (Koops, 2017).

The power or resources of a norm entrepreneur can significantly influence its impact, while the characteristics of norm recipients shape their susceptibility to norm diffusion (Oksamytna, 2014). In this case, the EU is a significantly more resourceful actor, while the AU is a younger IGO, making it more susceptible to norm diffusion.

The third scope condition concerns the relationship between norm entrepreneurs and norm recipients. In this scope condition we will first use the connectivity model to determine that, although the AU and EU do not have membership and geographical overlap, deep institutional linkages at the time of the norm diffusion and their headquarters are not near each other, they share a security concern, which is the most important factor for diffusion (Sommerer & Tallberg, 2019).<sup>9</sup> Secondly, we look at their power relations (Oksamytna, 2014), where the relationship between IO may be vertical, where there is a hierarchy among the organizations, or horizontal, where there is no formal subordinate position of an IO vis-à-vis another IO. One would expect that a hierarchical position would favor norm diffusion if the norm entrepreneur has authority over the norm recipient and the reverse otherwise. In this case, there is no authority or hierarchy between the EU and the AU, and both are regional IGO.

A fourth scope condition addresses norm quality. More than the intrinsic merits of the norm, for instance, if it promotes justice or injustice, the diffusion-relevant qualities encompass resonance, coherence, fit, congruence and cultural match (Oksamytna, 2014). In this case, subsidiarity is not per se a norm charged with axiomatic value, but its most distinctive quality is that it is in coherence with the norm practiced by the norm entrepreneur.

Finally, the fifth scope condition pertains to the temporal, interactional and venue-related diffusion environment. Specific historical epochs may either foster

<sup>9</sup> The interactions between IGO can be characterized by other dimensions such as their materiality, formality, frequency, quality, duration, goals, and levels at which they occur.

or hinder norm diffusion (Finnemore & Sikkink, 1998). Our case study unfolds in the early 2000s, a phase marked by the establishment of the AU and APSA. This era was inherently conducive to the adoption of new norms. Additionally, the “global war on terror” motivated the EU to adopt a proactive policy toward African security.

In the subsequent section, we will explore the diffusion mechanisms incorporating relevant scope conditions in their assessment.

## **Subsidiarity as a principle in APSA: the dynamics of norm diffusion**

The diffusion of the principle of subsidiarity from the EU to the APSA in 2008 finds its explanation in the mechanism of Normative Power Europe, primarily manifested through the diffusion mechanism of imitation. This mechanism underscores the interplay of African agency and EU structural power, with other diffusion mechanisms, notably material and non-material incentives and sanctions, appearing less relevant during this period.

### **Imitation as a driving force**

In the process of designing the AU, its framers drew inspiration from various models, including the EU, as it stands as the epitome of integrated regional institutions. This led to a noticeable mirroring effect of the EU’s organizational structure in the AU’s framework. This mirroring occurred independently of the EU’s active influence, pointing to a structural power of Europe and a significant level of African agency.

However, this imitation was not a simple replication but rather a complex process where the AU incorporated solutions inspired also in the UN, introduced new principles, and challenged certain fundamental tenets of global governance subscribed to by the EU. This nuanced approach underscores the agency of the African actors in driving the diffusion process of the subsidiarity norm into the APSA.

In this case, the most significant diffusion mechanism is the norm recipient’s imitation when positioning itself in a new environment. The new environment being the new AU/APSA mandate of acquiring self-sufficiency in the support to African states’ security.

The mirroring of the EU occurred in relevant organs, such as in the decision-making organ, which in the AU is the Assembly of Heads of State and Government and in the EU is the Council. Also, similarities exist in the bureau-

cratic organ responsible for implementing policies and programs, led by commissaries and which deals with the daily work of the organization, namely the AU and EU Commissions. Even at the level of the programs, one can find similarities, such as the AU Common African Defense and Security Policy (CADSP) and the EU Common Security and Defense Policy (CSDP), even if each consist of different policy approaches (Haastrup, 2013).

However, a set of differences exist in the AU organs. The EU embraces a degree of supranationalism absent in the AU. While both are intergovernmental organizations, the EU's power-sharing arrangement between the Commission and member states contrasts with the AU Commission's limited decision-making authority, necessitating deference to the Assembly of Heads of State and Government (Bach, 2007).

Furthermore, certain AU organs resemble the structures of the UN. For example, the Pan-African Parliament has representatives of national legislatures, therefore it is constituted by non-universally elected members, and has limited legislative powers. This is unlike the current EU Parliament and more akin to the UN General Assembly. Most significantly, the AU's PSC is the standing decision-making organ for preventing, managing and resolving conflicts. The PSC comprises 15 member states, with quotas for regional representation, with five members elected for three-year terms and ten members for two-year terms, all with equal voting powers. This organ resembles the UNSC more than the EU's Political and Security Committee, with its ambassadors from all member states.<sup>10</sup>

Finally, the AU Charter introduces unique principles absent in the EU or the UN, notably the principle of non-indifference and the institutionalization of the responsibility to protect (R2P). Breaking with the post-colonial OAU tradition of state sovereignty and non-interference, the new AU has the right to intervene in a member state "in respect of grave circumstances, namely war crimes, genocide and crimes against humanity" (Constitutive Act of the African Union, Article 4h, p. 7). Furthermore, and with implications for global governance, the AU Charter does not explicitly recognize UNSC primacy in decisions over the use of force, and the initial policy agenda of the AU was to challenge this prerogative of the UN (Kioko, 2003; Paliwal, 2010; Sousa, 2017).

It is in this context of African agency of selecting normative references that the AU and the REC/RM introduced subsidiarity in the 2008 MOU as one of the ordering principles for their relationship.

<sup>10</sup> The 2000 Constitutive Act of the African Union identifies the following organs: Assembly of Heads of State and Government, Executive Council, Specialized Technical Committees, Pan-African Parliament, Court of Justice, Commission, Permanent Representatives Committee, and the Economic and Cultural Council. In 2002 the Protocol Relating to the Establishment of the Peace and Security Council was adopted.

The fact that subsidiarity is included alongside complementarity and comparative advantage indicates the choice of the African framers to factor in flexibility in the management of intricate multilayered relationships, particularly during times of crisis.

Subsidiarity determines that an effective local actor has primacy over the response to a crisis vis-à-vis a more central authority. When the local actor lacks effectiveness, a more central authority should take the lead. Subsidiarity can be a helpful principle to inform the division of labor between IO in dense institutional spaces, such as in the case of the African security arena.

Nevertheless, in a situation of crisis and emergency, charged with political tensions, determining the criteria for and evaluating an IO's effectiveness can become subject to significant subjectivity and political pressure (Djilo, 2021).

It is to preempt this ambiguity and to caution over the heterogeneity of REC/RM effectiveness that one can understand the inclusion in the 2008 MOU of the alternative principles of complementarity and comparative advantage (Economic Community of Central African States (ECCAS) & Crisis Management Initiative (CMI), 2016).

The subsidiarity principle in APSA is inherently political rather than purely a legal or technical criteria.

### **Material and non-material incentives and sanctions**

The existence of material power disparities between norm entrepreneur and norm recipient is conducive to the use of material incentives or sanctions as a diffusion mechanism. In this context, the EU's civilian economic power emerges as a potential tool, distinct from its normative power.

However, the evidence suggests that the EU did not behave as an agent promoting subsidiarity and even undermined it. The EU increased the funding to the AU and the REC/RM despite a lack of evidence that APSA was appropriating the principle of subsidiarity. Additionally, its policies contradict the subsidiarity principle when it promoted AU agency in detriment of the REC/RM. The EU's funding of the APSA, as well as by other OECD partners, privileged the support to the AU over the REC/RM.

We now document the nature of the EU financial support to the AU and APSA contextualized by the nature of their political relations during the early years of the 21<sup>st</sup> century.

The first Africa-EU Summit occurred in Cairo in 2000 and inaugurated a new era of relationships between the two regions, in the same year as the AU was established.

Since its inception, the AU and the APSA have faced a chronic lack of African financial commitments. AU member states often do not pay their regular contributions and provide insufficient voluntary contributions to the AU (African Union, 2015; Engel, 2015). The result is that the AU budget and the African Peace Fund (the structure within APSA designed to fund AU Peace Support Operations (PSO) is mainly funded by external parties.

It was in this context that, at the AU Summit in Maputo in July of 2003, the African Heads of State made a “Decision on the Establishment by the European Union of a Peace Support Operation Facility for the African Union”. In response to this request, the EU set up in December 2003 the African Peace Facility (APF), funded from the European Development Fund (EDF), and which became the primary EU mechanism to finance the APSA.<sup>11</sup>

The APF’s unique determination to fund only AU PSC-endorsed PSO grants the AU significant inspection authority over REC/RM-led PSO, asserting AU PSC primacy (as defined in article 16 of the Protocol establishing the PSC) (Djilo, 2021). This, however, diminishes the practical application of subsidiarity within APSA, as the AU’s role takes precedence over REC/RM in decision-making, regardless of effectiveness considerations.<sup>12</sup>

The EU-AU relationship underwent notable elevation with the approval of the Joint Africa-EU Strategy (JAES) signed during the second EU-Africa Summit in Lisbon in 2007, a year before the introduction of subsidiarity into the APSA. JAES sets out peace and security as one of the critical areas of the EU’s strategic and targeted support to African initiatives (Council of the European Union, 2007).

Despite underlying power imbalances, JAES represents an important shift in the principles that govern Africa-EU relationship which ought to be based on equality, partnership and local ownership and it constitutes a statement and acknowledgement of African agency (Mangala, 2013).

The upgraded political relationship between the EU and Africa was translated into the financial support.

The APF disbursed funds increased more than two-fold in every new EDF. From 347,2 million EUR in the 9<sup>th</sup> EDF (2000-2007) to 723,6 million EUR in the 10<sup>th</sup> EDF (2008-2013) and 1943,9 million in the 11<sup>th</sup> EDF (2014-2020). The bulk of the APF funds went to African lead PSO: between 2004 and 2007, mainly to the AU

<sup>11</sup> EU funding through the Regional Indicative Programs (RIPs) also targets peace and security initiatives on a smaller scale. In 2021 the APF was replaced by the European Peace Facility (EPF).

<sup>12</sup> This configuration was subsequently changed, both in terms of the relationship between the AU and the REC/RM within APSA as well as between the EU and the APSA. For a review of the former see Sousa (2017) and for a review of the later see Sousa and Duić (forthcoming).

mission in Sudan (AMIS), and from 2008/2009 onwards, mainly to the AU mission in Somalia (AMISOM). Only a residual amount of funds targeted the other two objectives of the APF: capacity building and the early response mechanism (European Commission, 2020).

This continuous funding was not conditional on the development of the principle of subsidiarity within APSA, something which did not occur. Instead, the European Court of Auditors report of 2018 highlighted that the EU had been covering operational costs of APSA rather than capacity building and that the AU had not taken ownership of financing the APSA (European Court of Auditors, 2018).

A broader analysis of the funding for security in Africa classified as regional official development assistance (ODA) reported to the Organization for Economic Co-operation and Development (OECD), of which the EU is one of the big 5 funders and does not account for the EU funding of PSOs in Africa, confirms the overall increase in funding in the period, the centrality of the AU and REC among the IO in the area of security and a preference for the AU from 2007 onwards (Stapel & Söderbaum, 2020).<sup>13</sup>

The disbursed regional ODA funds grew significantly, from USD 1.5 billion in 2002 to USD 5 billion per year in 2016.<sup>14</sup> The direct support to the AU and REC for the security and governance sectors increased in the number of projects and total disbursements per year, from 22 projects and USD 6.6 million in 2002 to 150 projects and USD 121 million in 2016.

During this period, the AU and REC are the preferred channels to execute security-related activities, and funders privilege the AU over the REC. The AU accounted for more support (44% of activities and 60% of funds) than the support provided to SADC, ECOWAS, EAC and IGAD combined (46% of activities and 34% of funds). It is instructive that the remaining REC had very little or no support: COMESA and ECCAS are rarely targeted (with only three percent of activities and below two percent of funds), and there are no activities in CED-SAD and AMU.<sup>15</sup>

Between 2002 and 2006, the disbursements occurred to several African organizations, but between 2007 and 2011, the funds increasingly targeted the AU.

<sup>13</sup> The EU is one of the key ODA/OECD funders, belonging to the Big 5 alongside Germany, Norway, Sweden and the United Kingdom, which support 67 per cent of the activities and make 80 per cent of the disbursements of ODA. This dataset of ODA does not include the EU support for peacekeeping missions and other security-related projects in Africa.

<sup>14</sup> Disbursed amounts as reported to the OECD Creditor Reporting System.

<sup>15</sup> Some bilateral support to countries in these RECs may not be reported as ODA.



### **Other diffusion mechanisms**

Neither of the remaining diffusion mechanisms of coercion, persuasion or “authority talk” appears to have been operative.

Historically, the EU’s agreements with the African, Caribbean and Pacific (ACP) countries reflected a coercive undertone, favoring the EU’s interests disproportionately (Haastrup, 2013). A case in point were the negotiations leading to the 2000 Cotonou agreement (2000-2020) (Hurt, 2003). However, this dynamic underwent a paradigm shift, evident in the delay in securing Economic Partnership Agreements (EPA). This delay underscored and emergent African agency in the 21<sup>st</sup> century (Hurt et al., 2013).

In the 1990s, the EU negotiated with the ACP countries using incentives, either in the form of access to the European markets through preferential trade or in the form of programs for socio-economic development and monetary aid. Additionally, the EU used conditionalities to determine that aid money promotes the core norms of human rights, transparency and democratization (Haastrup, 2013).

However, the dawn of the new century was a period of “African Renaissance” marked by economic resurgence and political assertion. The period witnesses a remarkable economic growth, averaging six percent annually between 2002 and 2008 in Africa. Simultaneously, African states displayed heightened agency on global issues such as climate, trade and security (Vickers, 2013), epitomized by the 2007 JAES.

To a certain extent, the EU contributed to this process, empowering Sub-Saharan African (SSA) states in the promotion of common values internationally. Noteworthy cases include the establishment of the International Criminal Court (ICC) in 2002 and the signing of the Kyoto protocol in 1997 (Scheipers & Sicurelli, 2008). By fostering SSA states’ identity, knowledge, and material capacities through recognition, expert advice, and conditional aid, the EU catalyzed African agency on the international stage.

During the EPA negotiations post-2000, the African regional groupings used a series of tactics to delay the process, such as averseness, foot-dragging, and procrastination strategies (Björkdahl & Elgström, 2015). Despite the threat of losing preferential market access, a mere 14 of the 54 recognized African states had ratified an EPA by February 2022. The varying degrees of EPA adoption within ECOWAS, SADC, and EAC underscore the nuanced reflection of regional interests (European Commission, 2022; Hulse, 2016). The failure to generalize EPA is due to the agreement's perceived detrimental effect on African states’ long-term development processes (Aileen Kwa & Musonge, 2014). This resistance reflects



a novel form of African agency, asserting their developmental concerns over immediate gains.

Finally, persuasion or “authority talk” had limited influence in shaping norm diffusion. Firstly, subsidiarity is not one of the nine norms identified as constitutive of the EU normative power<sup>16</sup> (Manners, 2002). Only indirectly can subsidiarity be associated with the norms of democracy or good governance, but even in these cases, subsidiarity, understood as the allocation of power to decide at the lowest level of governance, is not a guarantee of either, as there can be subsidiarity alongside autocracy and bad governance. Secondly, as described before, the AU and APSA are a project of African states’ agency; even if dependent on external financial support, it is a project impervious to external persuasion or “authority talk”.

Haastrup (2013) suggest the possibility that the EU can be a mentor to the AU regional integration. Even if mentorship is a watered-down version of “authority talk”, it is still embedded in the leader/norm-entrepreneur and follower/norm-recipient dichotomy of a relationship based on (civilian) power imbalance, of knowledge or skills but most significantly of agency. Mentorship is a diffusion mechanism dependent on EU agency: the mechanism does not occur if the EU does not provide mentorship. Conversely, and as documented before, the mechanism of imitation in NPE is closer to this case and to the JAES principles of equality, partnership and local ownership. It relies solely on African agency and, therefore, is not dependent on the EU predisposition to diffuse or mentor African actors.

## Conclusion

The study identifies imitation as the underlying mechanism of diffusion of the principle of subsidiarity from the EU to the 2008 APSA’s MoU, facilitated by the African Union’s (AU) newfound agency and the unique context of APSA’s establishment.

The imitation mechanism is the result of Normative Power Europe, the constructivist power of the EU’s norms and principles to attract replications, in a process led by others agencies.

We should caution that generalizations based on this case across different contexts remain challenging, even if they are based on the underlying enduring

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<sup>16</sup> The five “core” norms of peace, liberty, democracy, the rule of law and human rights and the four “minor” norms of social solidarity, anti-discrimination, sustainable development, and good governance.

processes of increased African agency and the EU's unique achievements in regional integration.

The fact that the African agency leads the diffusion of subsidiarity has implications for the study of security in Africa and the operationalization of the APSA.

Adding to the documented financial difficulties, one of the main challenges of the APSA is to solve the political deadlock of reaching an agreement on the distribution of power among the multilevel governance involving several IGO, specifically between the AU and the REC/RM.

Subsidiarity could guide this distribution of power, but since 2008 it did not develop within the hard and soft laws of the institutional framework of the APSA.

Having eliminated the hypothesis that subsidiarity in the 2008 MoU is the result of external pressure or coercion, we are now better able to evaluate the advantages and disadvantages of subsidiarity, its subtleties, and possibilities of appropriation or adaptation to solve the political deadlock in the APSA.

As it stands in the 2008 MoU, subsidiarity competes with comparative advantage and complementarity, and all of these principles have implications to the legitimacy, burden-sharing and decision-making mechanisms of APSA and its PSO.

Furthermore, the APSA is uniquely positioned to be a case in point for a reflection on the possibilities of having multilevel governance that accommodates regional agency alongside global agency.

But this regional agency can only unfold once the APSA is able to find an agreement on its guiding principles, one that allows it to become fully operational. To identify the appropriate principle, if subsidiarity, ad-hoc partnerships (Nathan, 2016) or cooperation (International Security Studies (ISS), 2022), among others, need to be assessed on its normative and empirical merits as well as implications for global governance.

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