MALMÖ UNIVERSITY

Intervention & Regional versus Global Governance

A Case Study Analysis of UN, AU & ECOWAS Legal Framework in the Mali Conflict

Ingrid Anna Isabelle Uebel

Human Rights
Bachelor Thesis
12 Credits
Spring 2025
Supervisor: Mikael Spang

Abstract: The Thesis is concerned with regional and global organisations' response to internal crises on the African Continent. The Analysis is guided by a Case Study of the conflict in Mali. This research is relevant because, as the nature of war and the concept of sovereignty continue to evolve—and as regional organizations increasingly reflect and act on these changes—it is essential to assess the role these actors can play in conflict resolution. The thesis is aimed at discovering this. The legal frameworks examined are the AUCA, the ECOWAS Mechanism and Protocol and the UNC regarding Sovereignty, Peacekeeping and the use of force/R2P. The study has shown that these instruments can work in a subsidiary manner, providing a more comprehensive response to conflict.

Keywords: Sovereignty, Intervention, International Law, Africa, Conflict Resolution

Wordcount: 13531

Table of Contents

1 Introduction 7

1.1 Research Problem and Research Question 8

1.2 Delimitations 9

1.3 Chapter Outline 9

2 Previous Research 9

3 Methodology 11

3.1 Case and Motivation 12

3.2 Material 15

4 Legal and Conceptual Approach 18

4.1 The United Nations Charter 18

4.1.1 Background 18

4.1.2 Provisions 18

4.2 The African Union Constitutive Act 19

4.2.1 Background 19

4.2.2 The Provision 20

4.3 ECOWAS 21

4.3.1 Background 21

4.3.2 Provisions 21

4.4 Sovereignty 23

4.5 The Use of Force and the Responsibility to Protect 24

4.6 Peacekeeping 25

5 Analysis 26

5.1 ECOWAS 26

5.1.1 March 2012 26

5.1.2 April 2012 27

5.2 AU 30

5.2.1 March 2012 30

5.2.2 April 2012 30

5.3 UN 30
5.3.1 July 2012 30
5.3.2 October 2012 31
5.4 AFISMA 33
5.4.1 November 2012 33
5.4.2 December 2012 34
5.5 Operation Serval 34
5.6 MINUSMA 35
5.6.1 April 2013 35
5.7 Structural gap between legal framework and implementation 37
5.8 UN vs. AU/ECOWAS Sovereignty Approaches 37
5.9 UN Security Council role and reform suggestions 38
6 Conclusion 39
7 Bibliography 41
7.1 Primary Sources 41
7.1.1 ECOWAS Documents 41
7.1.2 UN Documents 42
7.1.3 AU Documents 42
7.2 Secondary Sources 43
7.2.1 Literature 43

List of Abbreviations

Art. Article

AFISMA African-led Support Mission to Mali

ASF African Standby Forces

AU African Union

AUA African Union Assembly

AUCA African Union Constitutive Act

AUC African Union Commission

CAR Central African Republic

ECOWAS Economic Community of West African States

MINUSMA United Nations Multidimensional Integrated Stabilisation Mission in Mali

MSC Mediation and Security Council

OAU Organisation of African Unity

PSC Peace and Security Council

R2P Responsibility to Protect

SC Security Council

UN United Nations

UNC United Nations Charter

“African Solutions for African Problems”

— Ghanaian economist George Ayitte

1 Introduction

The nature of war has evolved over the past decade: instead of wars being fought between two or more sovereign states, as was during the Second World War, most conflicts today are intrastate conflicts that are fought between multiple State and non-state actors. Mass atrocities and grave human rights violations often accompany these intrastate wars. Efforts by the international community to counter this challenge the principle of sovereignty as articulated by the drafters of the United Nations Charter (hereinafter UNC) (Espace Mondial 2018). These violations threaten international peace and security and constitute a breach of internationally recognised human rights. As such, interventions, whether through regional or global instruments, must navigate the complex legal terrain of addressing intrastate conflicts and humanitarian crises without undermining the sovereign rights of states. This comes into focus in the case of Mali, a country that has battled political and institutional insecurities stemming from insurgents and Islamists throughout the past decade. Mali is situated in the west of Africa, making it a member of not only the UN and the African Union (hereinafter AU) but also the Economic Community of West African States (hereinafter ECOWAS). ECOWAS, AU and UN each have their frameworks for handling situations like the one escalating in Mali in 2012 (Weiss 2016, p. 132f). The swift responses by ECOWAS and AU, as well as the UN´s involvement in the crisis in Mali, provide a concrete opportunity to examine how different global (UN) and regional (ECOWAS and AU) organisations frame and handle crises and how their frameworks interact, diverge and shape real-world interventions. Of course, considering recent events like the one in Ukraine, one cannot forget that interstate wars are not a relic from old times but are still very recent. The problematization of balancing regional and global governance does, however, also apply to interstate wars and therefore remains relevant.

The changing face of conflict has generated a critical tension at the heart of international governance: how should the international community respond when the principles of sovereignty conflict with the imperative to protect and secure democracy and good governance? In practice, the United Nations Security Council (hereinafter SC) - tasked with maintaining international peace and security - often encounters deadlock due to political disagreements and the use of veto powers by permanent members (Wedgwood 1999, p. 381; Rochester 2016, p. 5f). Consequently, effective and timely intervention is often obstructed. In light of this, as intrastate conflicts continue to destabilise international peace and security, regional organisations such as ECOWAS and AU have emerged as key actors in conflict resolution, often

stepping in before the UN acts or in situations where the UN is unable to act promptly and effectively due to its focus on different types of war and the political deadlock of the SC (Rochester 2016, p. 20f.). Important debates regarding the compatibility of regional and international legal frameworks are raised by the growing participation of regional players in intervention. Concerns arise about the circumstances in which regional interventions are acceptable and the effectiveness of such measures in resolving domestic crises that endanger global peace and security (Akech 2020, p. 143f; Murithi 2008, p. 4f). African leaders have voiced their concerns about foreign involvement in African affairs, stating that such involvement is not beneficial and that long-term solutions can only be pursued through African initiatives (ieUniversity 2021).

1.1 Research Problem and Research Question

This thesis addresses the following research problem: Despite a shared commitment to sovereignty and (international) peace and security, the UN, AU, and ECOWAS have offered different legal and institutional approaches to intervention and in resolving the conflict in Mali. These differences raise crucial questions about the legal basis, legitimacy, and effectiveness of regional versus global governance in the context of intrastate conflict. The research topic, therefore, is framed as follows: *Intervention & Regional vs. Global Governance: A Case Study Analysis of UN, AU & ECOWAS Legal Framework in the Mali Conflict*.

The following research questions will guide the Analysis:

- How do the legal frameworks of ECOWAS and AU differ from the UNC in their treatment of internal political crises?
- To what extent does the Mali case illustrate the evolving understanding of sovereignty in international and regional legal discourse?
- What does Mali suggest about the strengths and limitations of regional governance and global governance relations?

By analysing the application of the different legal instruments governing sovereignty and intervention in Mali, I intend to contribute an empirical example to the ongoing discussion of the developing nature of state sovereignty and the responsibilities international and regional actors face in light of crises. The connection to human rights follows from the abuse of human rights and the commission of atrocities that often accompany intra-state conflicts, which can be restored once conflicts are resolved.

1.2 Delimitations

As the research is conducted as a case study analysis on Mali, the scope of this study is limited to a single case. Furthermore, since the study focuses on regional bodies within the African continent, it cannot provide insights applicable to other regional organisations, such as the European Union or the Organisation of American States. Additionally, the temporal scope of the study is confined to the initial coup d'état and secession of northern Mali in 2012 and the subsequent year, offering no insights into the more recent events in Mali.

1.3 Chapter Outline

The study will proceed as follows: In Chapter 2, previous research and the resulting research gap will be presented. The thesis will then introduce the methodological approach to the research, justifying the use of a single case study and explaining why Mali has been chosen in this context. Chapter 4 will consist of the legal and conceptual framework, presenting the key legal frameworks and concepts of the thesis. Chapter 5 applies these frameworks to the evaluation of the Mali case, detailing the legal justifications and practical outcomes of each actor's involvement. The final chapter will draw together the findings and conclude the thesis.

2 Previous Research

When examining previous research on the topics of intervention, the use of force, and state sovereignty, many of the scholarly articles center around UNC principles, particularly the application of Art. 2(4) and Chapter VII of the UNC, as well as moral imperatives such as the R2P doctrine. One could assert that in the past 80 years of the UNC's existence, its provisions have been exhaustively studied by many scholars with legal (Henkin 1999, Paddeu 2021, Wedgwood 1999, Weiss 2016), military (Téson 2011), and political/philosophical (Ayoob 2002, Head 2008, Rochester 2016) backgrounds. Consequently, conducting a study solely on the UNC and Mali would not fill a research gap, nor would there be much to explore regarding the charter provision, as this has already been extensively researched.

Scholars like Henkin (1999) and Paddeu (2021) focus on the illegality of interventions, and scholars like Wedgwood (1999) and Koh (2017) seek legitimacy for intervention through creative readings of the UNC. Others, like Ayoob (2002) and Bellinger (2020), foreground the contested legitimacy of interventions and problems surrounding power abuse for one’s national objectives. Legal scholars seem to be at odds over whether a rightful justification ought to be drawn from the charter or not. Here, other resources like the AUCU and the ECOWAS

framework might be able to bridge the gap and function in a subsidiary manner. This is, however, not considered by the scholars mentioned thus far.

It has become apparent that the researchers mentioned, along with others like Ohlin (2017), Hurd (2011), and Bellamy (2003), center their research on two imperatives. Firstly, they focus on the normative understanding of the charter provision with little to no empirical evidence or inquiry; secondly, they overlook that in many cases, the application of frameworks beyond that of the UN, such as the AUCA and the ECOWAS framework, might be relevant. Wedgwood (1999), Hofer (2018), and Bellinger (2020), however, agree that the provisions within the UNC are not as clear-cut as other scholars, like Henkin (1999) and Paddeu (2021) conclude. Rochester´s (2016) study of new warfare includes a discussion on just ad bellum and the UNC as well as the evolving understanding of sovereignty. His focus is on the changing nature of conflicts; however, he does not address how regional actors could come into play in situations where all UNC provisions have been exhausted.

Head (2008) critiques the discourse surrounding the intervention in Kosovo as being too one-sided and Western-centric. To counterbalance this, regional frameworks and the involvement of regional actors would have been sufficient. Head (2008) does, however, not offer an outlook on how this could be framed and exhausted in future conflicts.

Similar to the normative research conducted regarding the UN Charter, examining research on the conflict in Mali reveals that a significant amount of research is normative, highlighting how mandates exist in theory but not in practice. There is little empirical documentation on why and with what background decisions are made within the ECOWAS and the AU. Kindiki (2003) and Sithole (2018) have researched the normative framework and mechanisms within the AU (Sithole 2018, p. 67f) and scholars like De Coning (2019), Dersso & Williams (2015), and Boutellis & Williams (2013) have researched the partnership that has been established in the past decades between the UN and the AU, especially highlighting the efforts taken by both organisations concerning peacekeeping and conflict resolution on the continent, but also pointing out challenges, especially regarding differing ideas of peacekeeping (Dersso & William 2015, p. 12ff) (Boutellis & Williams 2013, p. 18ff). De Coning writes that regional organisations, by establishing their peacekeeping forces, seek to gain autonomy from the UN and points out how this could potentially lead to tensions in future operations (De Coning 2019, p. 17). Aning & Edu-Afful (2016) highlight the relationship between the AU and ECOWAS, particularly in their revolutionary implementation of the R2P doctrine that differ from UNC

practice (Aning & Edu-Afful 2013, p. 121 & p. 217). They do discuss empirical examples; however, not in detail and not in connection to how exactly the two organisations interplay. Caparini (2015) aligns with these researchers in her exploration of the role of regional actors in this situation, showing the need for regional organisations' action while bearing in mind the complexities such action could bring (Caparini 2015, p. 9f; p. 12f).

It has been hard finding research done on the ECOWAS framework and protocol, as many scholars, like Aning &Edu Afful (2016) and Bolaji (2011), just speak about what the ECOWAS framework and protocol can do without giving explicit reference to provisions within the framework and protocol. I have thereby decided to look into the protocol and framework myself to supplement the literature.

The authors seem to agree that there is a relationship between the regional and global organisations and that this, due to different approaches, bears the power of both enhancing peace and security but also endangering it. However, intersections between regional and global legal regimes – especially how AU and ECOWAS align or diverge from UN norms are underexplored. As are the practical applications of these normative ideas in real-world conflicts, such as Mali. This is where I hope to situate my study. I want to draw attention to the intersection between those three frameworks and, through a case study, offer empirical evidence. Mali offers a view of how interventions are legally framed and legitimised within different organisations. Regional organisations like the AU and ECOWAS play an increasingly central role, yet the empirical and legal implications of their actions remain underexplored. A focus on process tracing in the Mali case can bridge the gap in current research and shed light on how international law functions in hybrid systems of both global and regional authority.

Concerning theory, except for Head (2008), it does not account for a proper theory. This is, however, not surprising, as the issues discussed in those articles are mainly concerned with international law and its application. Some scholars, like Ayoob (2001) borrow ideas from consequentialism (Ayoob 2002, p. 82), while Head (2008) analyses the problem through the lens of discourse ethics. The other scholars are concerned with normative/doctrinal legal study on the issues mentioned in the upper part of this subchapter.

3 Methodology

The research for this study will be conducted through a single case study, focusing on state sovereignty, sanctions, and the use of force in international and regional law. The research itself

is a qualitative study. The following chapter will account for the chosen method and the material used.

3.1 Case and Motivation

The case to be investigated is the situation in Mali from March 2012 to April 2013. The population in the northern parts of the West African country of Mali had for years experienced neglect and marginalisation by the centralised Malian government. These circumstances have led to severe humanitarian consequences for the Malian population living in the northern parts of the state (Weiss 2016, p. 132). Additionally, Mali experienced structural weaknesses within the Malian governmental institutions, including a fragile government, weak democracy, general instability, corruption, and the abuse of power by those tasked with governing the state. This ultimately led to a coup d´état in March 2012. Encouraged by the instability in the Malian government, the Tuareg people, who mainly inhabit the north of Mali along with Islamic Maghreb and Jihad groups, attacked governmental institutions in the north, proclaiming the independence of northern Mali by autonomous terrorist actors (Unmissions.org).

Following this, both ECOWAS and the AU, as regional organisations and the UN, as an international organisation, stepped in to resolve the situation. The legal frameworks of these organisations are applicable to Mali as it is a member state of these organisations (Weiss 2016, p. 132).

Conducting a single case study on Mali will allow me to thoroughly examine the complexity of the situation, thereby allowing a richer and more nuanced understanding of the subject. (Flyvbjerg 2006, p. 236f). Although a legal paper at first sight, there is a political dimension to it as the organisations concerned are neither courts nor judicial organs, but political ones. Moreover, when looking at legal studies, the researchers here use political research methods. Paradigmatic here is the Leiden University Law Method Portal, in particular the “Case Study Research” Article by Jacobs & Nissen (2022), these two researchers, in their guide to case studies for law students, hugely rely on political researchers, amongst whom is Flyvbjerg (2006). This is why Flyvbjerg (2006), and additionally Halperin & Heath (2012), who are political researchers, will be used for contextualisation of the case study.

By employing a single case study, it is possible to conduct a thorough investigation of doctrinal and theoretical ideas in the context of real life, which leads to valuable insights and practical understanding. A comparative case study could have been an option, but it was deemed to be

inappropriate due to the unique characteristics of the Malian context, especially the participation of regional and international organizations and the variety of actors involved, as noted earlier. A comparative legal analysis was also contemplated; however, this approach would have meant a more theoretical exploration of the law's technicalities rather than empirical insights into a specific case, which is the goal of this study. Utilizing the case study method enables a closer involvement with the real problems of the Malian conflict, offering a lens to investigate how regional and international legal frameworks interact or diverge. (Flyvbjerg 2006, p. 222f).

Case studies, especially single case studies, are often characterised as one-sided, and their findings cannot be generalised to other cases. However, the nuanced choice of case can counterbalance this (Flyvbjerg 2006, p. 226). Mali is a unique case as it involves three different regional and international organisations and incorporates the characteristics of contemporary wars, primarily being fought within a state between non-governmental groups, terrorists, and national liberation groups (Espace Mondial 2018). Mali aligns with contemporary conflicts, which increases the generalizability of my findings. Furthermore, the study can, to some extent, be applied to interstate conflicts, provided at least one regional actor is included. Additionally, as my study is descriptive and aimed at acquiring knowledge, generalisation serves as a source rather than the primary objective of the study. A descriptive case study, as in this case, can contribute to generating knowledge and discourse regarding the application of various legal frameworks in matters of regional and global governance, which is the aim of this study (Flyvbjerg 2006, p. 227).

I have developed a strategy for selecting a case based on two criteria to decide which case (country) to conduct the case study on (see Table 1). The first criterion is relatively simple: it needs to be a member of the UN, ECOWAS, and AU to avoid bias towards one framework and to provide a degree of generalisation. A lack of active engagement from one or more of the organisations will make the study one-sided and lead to false validity; therefore, I have decided to set this as a threshold (Flyvbjerg 2006, p. 230). To determine if there is active engagement, I will look at press releases and statements from the respective organs to assess the relevance of the action and the engagement. The second criterion for deciding upon a case is whether it is contemporary or not. For my research to apply to other situations, the case needs to be set in somewhat contemporary terms to address the modern characteristics of conflict.

Mali is a highly relevant case due to its geographical position, making it both a member of the AU (AU Int.) and a member of ECOWAS (Mali has since withdrawn from ECOWAS, the states was, however, during the period concerned, still a member) (ECOWAS Press, 30.01.2025). This adds a sense of uniqueness that other similar interventions on the African continent do not possess. The conflict in Mali is also contemporary, with the last peacekeepers being pulled 2024 after the SC decided on the liquidation of the mission in SC Resolution 2690. With actors tied to terror organisations and the conflict taking place internally, Mali shows further patterns of modern conflicts and the problem of respecting state sovereignty versus intervention in the name of peace and good governance.

Besides passing the two-factor test, Mali also shows other characteristics, making it a suitable state for a case study. It is a hybrid case showing both indicators of deviancy and an extremeness. Due to the multiple actors involved, such as both regional and international actors, as well as parties acting under bilateral agreements, such as France (unmissions.org), it challenges the model of UN-only authorisation and showcases how other (regional) actors interpret situations. In the sense of the scale of involvement, the situation in Mali could also suffice as an extreme case. Mali was not only battling weak internal structural weaknesses like corruption, fragile government, and weak democracy, but also the development of a national liberation movement (unmissions.org) and terrorism by the Maghreb and jihad groups. Furthermore, the scale of foreign involvement by both ECOWAS as a regional organisation within West Africa, but also the AU as a regional organisation on the African continent and the UN as a global organisation tasked with upholding international peace and security.

Other cases that were considered for this study were the Civil War in Sierra Leone, the Darfur crisis and the situation in Libya. Based on the two-factor test, these were, however, dismissed.

The Situation that developed in Libya in 2011 was dominated by the UN and the SC´s decision in SC resolution 1973 authorising the use of force to uphold international peace and security. The Peace and Security Council (hereinafter PSC) of the AU, in its Communique of the 265th Meeting on 10th March 2011, had advocated for a political and peaceful dispute settlement and respect for the territorial integrity of Libya and has, in general, been deemed reluctant to act coercively to end the horrors within Libya. Despite this, following the SC decision in Resolution 1977, NATO intervened in Libya (Alberts 2011). The framework of ECOWAS does not apply to this matter since Libya is not a member of ECOWAS (ecowas.int 2025). Libya, therefore,

fails the two-category test introduced above and does not suffice as a proper case for this case study.

Another case that could come to mind in this context is the situation in Sierra Leone during the 1990s. I have, however, dismissed this idea since it is neither a contemporary issue nor does the AU and/or ECOWAS legal framework apply, as these did not exist at the time of the conflict or had just been drafted as the conflict unfolded. Furthermore, foreign interventions in Sierra Leone were led primarily by UN and Great Britain as well as by the two fellow West African states Guinea and Niger (Harris 2014, p. 101). Therefore, Sierra Leone also fails the two-category test.

Lastly, the Darfur Crisis of 2003 in Sudan could have been considered. This was dismissed because it failed the two-factor test. Sudan is not an ECOWAS member (ecowas.int 2025), and the response by the UN and AU was rhetorical and symbolic rather than effective. Furthermore, there were disagreements amongst UN members on how to properly react in this situation (Badescu & Bergholm 2009, p.295 & p. 322f.). I have therefore decided to dismiss this case and not use it for a case study.

	Mali	Libya	Sierra Leone	Sudan
UN	Yes	Yes	Yes	Yes
ECOWAS	Yes	No	Yes	No
AU	Yes	Yes	no	Yes
Contemporary	Yes	Yes	no	Yes

Table 1 “why Mali”

3.2 Material

As this study is a single case study on Mali that is set within the context of international and regional legal frameworks, intervention, and the use of force, it lies within the nature of the study that it will be qualitative rather than quantitative. I will generate no statistical data, nor will statistical material illustrate the situation.

As regards primary material, I use UN, AU and ECOWAS legislation as well as other documents such as (final) communiques, resolutions, press releases a letter by the President of the Commission of ECOWAS, which are provided electronically by the organisations on their

respective websites. These are examined and analysed through the lens of the legal and conceptual framework (to be presented in the following chapter).

By legislation in particular is meant the framework provided by the UN in its Charter, special regard will be put on the provisions under Chapter VII as well as Art. 2(1), Art. 2(4) and Art. 2(7). Other frameworks are the AU Constitutive Act (hereinafter AUCA), in particular, the provisions under Art. 4 and the ECOWAS Protocol on the Mechanisms for Conflict Prevention, Management, Resolution, Peacekeeping and Security, as well as the Supplementary Protocol on Democracy and Good Governance and the ECOWAS Conflict Prevention Protocol.

Besides these legislative instruments, other primary sources include SC Resolutions on Mali. Concerning the AU and ECOWAS, the so-called ´communiqués' of the PSC and the respective ECOWAS organs (the Mediation and Security Council, as well as final communiques by the Heads of State) will be used to understand and trace the decisions made about the situation in Mali. In their form and function, communiques are similar to the SC Resolutions, which will enhance the comparison and help gain an empirical understanding of the normative provisions of the legislative instruments.

It is important to employ the legal frameworks of the different organisations to gain a normative understanding of what precisely the law is. The communiques and resolutions by the three organisations are then, in turn, the empirical application of the normative provisions within the legal texts and are equally important to understand how different regional and international organisations apply different provisions in the context of the concept of sovereignty and the use of force. Furthermore, these primary sources give me direct evidence to support claims made in the secondary material. As these primary sources reveal an almost immediate expression of the drafters' and the responsible actors' intent, using them will allow me to prevent bias from other scholars interpreting and commenting on these instruments (Halperin & Heath 2012, p. 329). The primary material has been chosen by picking the key events that took place in Mali (Coup d´état, secession of Northern Mali, deployment of AFISMA, Operation Serval, deployment of MINUSMA) and looking at the publications by the three organisations in response to these events.

When looking at secondary material, the first choice of usage is academic articles. In particular, legal analysis of the ECOWAS, AU, and UN frameworks, as well as empirical discoveries of the situation in Mali. These secondary sources will aid in understanding and interpreting the

primary data. Furthermore, they will support my analysis by offering a levelled understanding of the multidimensional conflict that took place in Mali.

In sum, one can say that the reason multiple different sources are used in this review is to enhance the overall understanding and complexity of the situation due to the different organisations and actors involved. The different sources and materials used do, in a way, add up to one another. The secondary sources are used to aid in understanding the primary sources, whilst the primary sources are used to back up and understand the claims made in the secondary sources and gain an in-depth understanding of the matter.

One of the main concerns in conducting this kind of research is the bias towards a certain opinion when selecting material. To rule out this bias, I have applied source criticism to the material selected (Halperin & Heath 2012, p. 330). Applying source criticism to legal frameworks is hard and, in its entirety, a new discipline. Regarding the scholarly articles I have, however, to enhance the credibility of the sources, I applied source criticism by asking `Where did it come from´ and `Who said it in what context´ to the secondary material used (Backerra 2024, p. 199f). I have emphasised including both African-trained scholars and non-African scholars to gain a nuanced understanding of the situation and to avoid sliding into a bias stemming from an interpretation of the legal texts by only Western scholars. This has been done not only to cause caution in the choice of material but also to raise my awareness and counterbalance my own biases I might hold regarding the research topic (Halperin & Heath, 2012, p. 331)

Besides the source criticism, I have also done a triangulation of data credibility and reliability of my research. By using different types of data, namely official documents, scholarly articles and press releases, I hope to enrich the study by offering different viewpoints of the Situation (Nobel & Heale 2019, p. 67). This approach enables a multidimensional understanding of the legality and legitimacy of the intervention in Mali.

In addition to the triangulation of materials, I have decided to triangulate the key concepts as well, trying to shed light on multiple concepts, namely sovereignty, use of force/intervention, and R2P, which here again offer different viewpoints of the matter. The careful choosing of the case, paired with the application of the different legal frameworks, will enhance the degree to which my study can be applied to other cases and thereby enhance the external validity of the study (McNabb 2015, p. 82).

4 Legal and Conceptual Approach

As the thesis is concerned with a legal approach rather than a philosophical one, there exists no theory as such in a strict manner through which the problem will be analysed. This chapter will focus on key legal instruments and concepts through which light will be shed on the research problem.

The key legal instruments used for the analysis are the UNC, the AUCA, the ECOWAS Mechanism for Conflict Prevention, Management, Peacekeeping, and Security and the ECOWAS Supplementary Protocol on Democracy and Good Governance. The key concepts on which a focus will be laid throughout the analysis are sovereignty, the use of force (at times use of force will be referred to as *coercive measures* or *enforcement measures*), and Responsibility to Protect (hereinafter R2P). These instruments have been chosen since they present a global framework (UNC), a regional framework (AUCA), and a subregional framework (ECOWAS), all in some ways concerned with upholding peace and security and acting in an authoritarian way when looking at provisions concerned with the key concepts.

4.1 The United Nations Charter

4.1.1 Background

To understand the provisions in the UNC regarding the use of force and sovereignty, it is important to first understand the time the UNC was drafted. The UNC was drafted whilst the 2nd World War was still in full swing. Bombs were still falling, and the new post-war borders were yet to be determined. Considering not only the 2nd but also the 1st World War, the drafters, who, as stated in the preamble of the UNC, had in their lifetime experienced two World Wars, were determined to rule out any possibility of wars like the ones preceding the UNC draft happening again (Rochester 2016, p. 36).

4.1.2 Provisions

The UNC embraces the principle of non-interference. Art. 2(4) prohibits the use of force or even the threat of force against any other member of the UN. Furthermore, the UNC, in Art. 2(7), asserts that the world organisation cannot intervene in the sovereign affairs of any member of the UN. There are only two exceptions to this prohibition, namely Art. 51 of the UNC, which states that if State A's sovereignty has been infringed by State B through aggression (i.e., an armed attack), State A may -individually or collectively - take coercive action against State B to defend its sovereignty. This provision is often referred to as the `right to self-defence`. The other exception is found in Chapter VII of the UNC, which outlines measures taken by the SC

after determining that a situation poses a threat to international peace and security (Rochester 2016, p. 37). Art. 42 is particularly significant, granting the SC the authority to intervene coercively in matters previously deemed to threaten international peace and security, thus authorising members of the UN to act to restore international peace and security. It is the SC that is responsible for upholding international peace and security; therefore, the decisions made by the SC (referred to as resolutions) regarding international peace and security are legally binding upon member states (Hofer 2018). Regarding dispute settlements, the UNC includes provisions for peaceful resolutions under Chapter VI, which may entail mediation and arbitration. If these efforts prove unsuccessful, the SC can impose non-military measures, such as economic sanctions, under Art. 41. Art. 52 empowers regional organisations to take peaceful actions in settling disputes that threaten international peace and security, while Art. 53 reinforces the need for SC authorisation to intervene in matters not within their jurisdiction, even for regional organisations (Rochester 2016, p. 37f).

4.2 The African Union Constitutive Act

4.2.1 Background

Before examining the AUCA provisions on the key concepts, it is important to consider the circumstances leading up to the drafting of the AUCA. The AUCA came into force on the 26th of May 2001 (Kindiki 2003, p. 105). Only a few years after the Rwandan genocide, and not even half a century after the surge for self-determination and decolonisation had swept over the African continent. The Organisation of African Unity (hereinafter OAU), which preceded the AU, was determined to enhance the right to self-determination of the African peoples and decolonisation efforts and had been reluctant to incorporate coercive measures countering the principle of non-interference and sovereignty. Although successful in its decolonisation endeavour and in promoting the independence of the African peoples, the OAU had failed to protect its peoples from internal dangers like weak governments and human rights abuses. The atrocities committed by Dictator Idi Amin in Uganda and Jean-Bédel Bokassa in the Central African Republic (hereinafter CAR), as well as the Rwandan Genocide, bear witness that the OAU had failed in protecting its people from mass atrocities. The OAU Charter did not entail enforcement mechanisms for cases like the ones in Uganda, CAR, and Rwanda; therefore, only the UN would have been able to intervene, but the world organisation failed to do so (Amvane 2015, p. 295).

Frustration with the UN´s inaction and the urge for its own enforcement mechanism grew amongst the African leaders, and therefore, the AU and the principle of non-indifference, replacing the OAU, was created (Akech 2020, p. 141).

4.2.2 The Provision

The AUCA has dedicated itself to maintaining and promoting human rights and the rule of law. Theoretically, sovereignty can be overridden in light of situations where human rights, good governance, and democracy are at stake (Sithole 2018, p. 71). This is manifested through the principle of non-indifference. The principle of non-indifference, or formally the right of the AU to interfere in a member state of the AU to restore peace and order in circumstances of either grave violations of human rights within the country or actions portraying a serious threat to good governance. This decision was taken to ensure that the AU is not indifferent to severe violations of human rights and the legitimate order like the OAU was (Akech 2020, p. 145).

The principle originally is enshrined in Art. 4(h) of the AUAC, and it grants the union the right to intervene in grave human rights violations (namely genocide, crimes against humanity, and war crimes). In 2004, three years after the Act was put into working, an amendment was added to the right to intervene in cases of serious threats to the legitimate order when the PSC of the AU sees it fit and the AU Assembly authorizes it (hereinafter AUA) (Amvane 2015, p. 283). The PSC is the organ tasked with preventing conflicts and overseeing the application of Art. 4(h) of the AUCA. Art 7 of the Protocol Relating to the Establishment of the PSC holds that decisions taken by the PSC are binding. Decisions by the PSC and the AU, as such, are published in so-called ´communiques´ (African Union 2025).

Besides Art. 4(h) of the AUCA, which grants the AU the right to intervene in grave circumstances, Art. 4(j) grants member states the right to request interventions by the AU. This provision, however, differs from the provision in Art. 4(h). Art. 4(h) is regarded as an enforcement measure, whilst Art. 4(j) is regarded as peacekeeping. This provision was built to ensure that governments overthrown by undemocratic regimes can request immediate help without any issues like Art. 2(7) of the UN Charter forbidding external involvement (Amvane 2015, p. 290f).

To ensure the prevention of mass atrocities and acts that may threaten good governance, the PSC can deploy African Standby Forces (hereinafter ASF) to intervene in member states if needed or if requested by the member state (Kindiki 2003, p. 113f).

The AUCA does not entirely dismiss the right to non-intervention. Art. 4(f) of the AUCA holds that no member should use force against another member of the AU. This prohibition, however, does not mean that the AU as an organisation with the ASF as such can intervene to restore democracy and good governance (Kindiki 2003, p. 106).

The provision within the AUCA makes it clear that the AU, in drafting the AUCA, emphasised democracy, good governance and the rule of law. To ensure that member states comply with the provision, not only are enforcement mechanisms carried out by the ASF enshrined within the AUCA, but also peaceful mechanisms such as sanctions. Art. 23(2) of the AUCA holds that any member who fails to comply with AU policy and decisions will be politically and economically sanctioned. Further, in Art. 30, the AUCA holds that governments that have gained power through undemocratic means will not be allowed to participate in the AU activities (Magliveras 2011, p. 8f).

4.3 ECOWAS

4.3.1 Background

The founding idea of ECOWAS was to assimilate the economies of the West African states and strengthen their standing on the African continent. Internal unrest in Liberia and Sierra Leone, however, catalysed a shift in the organisation's focus from economic assimilation and integration to restoring and maintaining regional peace and security (Aning & Edu-Afful 2016, p. 126). The objectives of ECOWAS, after observing that most member states suffer from conditions like weak governance and corruption in both social and political sectors, which are a breeding ground for conflicts, are now to ensure a peaceful environment for member states to make economic growth possible and enhance good governance. Therefore, ECOWAS has implemented various protocols and frameworks to restore, uphold, and ensure peace amongst its members (Bolaji 2011, p. 192).

4.3.2 Provisions

4.3.2.1 ECOWAS Protocol relating to the Mechanisms for Conflict Prevention, Management, Resolution, Peacekeeping and Security (1999*)*

This protocol establishes the ECOWAS framework to manage conflicts and preserve peace. It entails mechanisms for intervention in case of inter- and intra-state conflicts (Aning & Edu-Afful, 2016, p. 120, p. 127)

The so-called ´mechanisms´ tasked with upholding regional peace and security refer to both institutional and operational instalments codified within the text. The main objectives of the mechanism are enshrined in Art. 3, amongst them are Art. 3(a) prevention, management and resolution of intra and inter-state conflicts, Art. 3(e) maintenance of peace and security and Art. 3(h) authorisation of military and non-military forces to restore peace and security (ECOWAS Mechanism 1999).

The instructional organs are enshrined in Art. 4-10. For the purpose of this paper, however, the focus will be on the Mediation and Security Council (hereinafter MSC) as enshrined in Art. 4 of the protocol. The MSC is the organ responsible for decisions regarding the peace and security within the region. Should the ECOWAS Authority, as the highest decision-making body, deem it necessary, the MSC can, according to Art. 10(c) authorise any intervention to restore peace and security (Kinuthia 2018, p. 31f).

The so-called ´triggers´ that could lead to an intervention are manifested in Art. 25. It holds that ECOWAS can intervene in cases of aggression and conflict or the threat of aggression within or between two member states, in cases of severe humanitarian crises or internal unrest that threaten the regional peace and security, in situation where undemocratic forces have overthrown the democratic government, and in cases where human right and the rule of law are seriously at stake (Aning & Edu-Afful, 2016, p. 127).

Art. 52 of the Protocol holds that ECOWAS ought to inform the UNSC about military interventions in accordance with the Protocol's objectives.

Pacific mechanisms for dispute settlements are enshrined in Chapter IX (Peacebuilding) and Chapter VI (Conflict Management). ECOWAS takes it upon itself to deploy observer missions (Art. 31) and stand-by units (Art. 28) and election monitoring to ensure and preserve peace, security, democracy, and good governance (Art. 42; Art. 45) (Kinuthia 2018, p. 32).

4.3.2.1.1 The Supplementary Protocol on Democracy and Good Governance (2001)

The 1999 Mechanism had a few uncertainties, and the Supplementary Protocol on democracy and good governance is ECOWAS's response to the provision within the Mechanism that remained unclear. A particular emphasis is laid on principles set up in the Mechanism relating to good governance and democracy. The supplementary protocol laid the groundwork for what norms and governmental standards should be attained in the region (Aggad & Miyandazi 2017, p. 8f).

4.4 Sovereignty

Established in 1649 by the Peace of Westphalia, sovereignty is the pillar upon which our international system is built. By the old understanding of sovereignty, sovereignty is described to be the supreme authority of a state to govern over its territory and people in a manner it chooses and without interference by others. The principle of sovereignty, viewed as the absolute authority, is, as seen above, manifested in the UNC and thereby reaffirmed by the UN. Much has, however, happened in the decades since the drafting of the UNC, and the view of absolute sovereignty has, in light of modern conflict, changed. Sovereignty now must coexist with other international obligations, like those of the human rights regime, and international treaties keep constraining the notion of sovereignty (Ayoob 2002, p. 81f).

Norms such as the Clinton Doctrine entail that when human rights and the rule of law are at stake and people suffer, sovereignty should never be a reason to avoid taking action to pursue good governance and reestablish the rule of law (Rochester 2016, p. 46). Sovereignty has gained an external significance that certainly did not exist when sovereignty was first established, and did not exist when the UNC was drafted. Without the respect of other states, sovereignty holds no significance within the international community. If this respect is violated, for instance, in cases of human rights violations, the importance of state sovereignty and territorial integrity disappears (Ayoob 2002, p. 82f).

The meaning of sovereignty, especially in light of when human rights are at stake, has evolved since the end of the Cold War. Sovereignty is now perceived as a responsibility rather than a domestic right. After the international community famously failed to act in Yugoslavia and Rwanda, it became an accepted norm that states have the responsibility to uphold human rights norms (Booth Walling 2015, p. 385f & p. 406). The Charter in its writings puts a larger emphasis on sovereignty, but practice by the international community suggests this shift from absolute Westphalian sovereignty to conditional sovereignty only if human rights and the rule of law are respected and protected (Booth Walling 2015, p. 388f & p. 404f)

If the UNC´s notion of absolute and inviolable sovereignty is evolving, then certain provisions within the UNC Charter might be outdated – or, put more nicely, in need of an update. Similar to the Clinton Doctrine, scholars have argued that the right to sovereignty and territorial integrity ought not to stand above the population's well-being, even if manifested in the UNC (Henkin 1999, p. 824f).

On the other hand, one must not forget that the principle of sovereignty and territorial integrity also upholds international peace and security. That is, if the use of force is generally prohibited based on state sovereignty and only permitted in cases of self-defence. In that case, the principle of sovereignty serves as an upholder of peace. This is the case especially with weaker states who, through the notion of sovereignty and territorial integrity, are protected from interference by militarily stronger states (Bellamy 2003, p. 13f).

4.5 The Use of Force and the Responsibility to Protect

The importance of the notion of sovereignty is reflected in the prohibition of violence within the international legal order and is considered a cornerstone of the international order. However, as stated above, the traditional notion of sovereignty is outdated, and contemporary challenges have challenged the prohibition on violence. The tensions arising from the evolving notion of sovereignty have led to the emergence of the R2P. This frames sovereignty not only as a right but also as a responsibility (Bellamy 2003, p. 15ff), and if one state fails to fulfil this responsibility towards its citizens, other states are obliged to step in to help (Bellinger 2020, p. 375).

The R2P norm has developed thus far as to entail a five-factor test, upon which the international community can determine if an intervention is called for or not. These factors are: is there a just cause? Is the purpose of the intervention solely of a humanitarian nature, meaning in order to clear human suffering? Have other pacific measures been exhausted? Are the means used proportional to the harm caused? And lastly, is there a likelihood that the military action will be successful? (Bellinger 2020, p. 375). The R2P doctrine – although controversial in regard to the traditional concept of sovereignty and the UNC – has been endorsed by the UN through former Secretary General Kofi Annan as well as the International Commission on Intervention and State Sovereignty (Rochester 2016, p. 99).

When a situation is deemed a threat to regional peace and security or is at risk of worsening into a humanitarian crisis, the AU supports the idea of R2P through the right to intervene and the principle of non-indifference, as does ECOWAS in its legal framework. The UNC, which codifies the conventional view of sovereignty, is different from the AUCA and ECOWAS protocols in this respect (Akech 2020, p. 146f).

4.6 Peacekeeping

A few things ought to be said about peacekeeping. Peacekeeping is neither a measure under Chapter VI nor Chapter VII of the UNC. Provisions in Chapter VI are too pacific, whilst Chapter VII entails enforcement measures. Parallel to this, Art. 4(j) of the AUCA would then be considered peacekeeping, whilst Art. 4(h) would be considered enforcement. It may, however, and has been in the past, be deployed by the UN and the AU to support states in restoring good governance and the rule of law (Chesterman et al. 2016, p. 8) (Amvane 2015, p. 289f).

5 Analysis

So far, frameworks from three different organisations have been presented. Each of these organisations has a different approach to addressing situations that threaten international peace and security. In the following section, the response of the different organisations to the situation in Mali will be analysed, along with how the mechanisms introduced in the legal and conceptual part of this thesis are applied. This case study serves to evaluate how regional and global legal frameworks for intervention are operationalised in practice and how principles such as sovereignty and intervention intersect in a real-world conflict.

The situation in Mali took a turn for the worse in March 2012 when rebel groups overthrew the democratically elected government, whilst the Islamists in the north kept pushing for an independent state. The AU and ECOWAS, acting under their authority as regional organisations with a proximity to the situation, were quick to step in to try to resolve the issue (Weiss 2016, p. 132).

5.1 ECOWAS

5.1.1 March 2012

The ECOWAS Extraordinary Summit on March 27, 2012, marked a pivotal moment in the regional organisation's engagement with the situation that was developing in Mali. The summit took place only a few days after the Coup d´état and addressed both the unconstitutional government change and the emerging terrorist insurgency in the north.

The final communique of the Summit reflects the organisation's fundamental objectives of good governance, and the rule of law as outlined in the 1999 Mechanism on Conflict Prevention and the 2001 Supplementary Protocol on Democracy and Good Governance. Following Chapter 1 of the 1999 Mechanism, Art. 1 of the Supplementary Protocol and the objectives of the organisation, ECOWAS condemned the actions taken by the rebellious junta and emphasised its zero tolerance for power obtained in an undemocratic and unconstitutional way. Furthermore, as the organisation is devoted to regional peace and security, it denounced the negative impact such an action has on the already fragile security situation in West Africa.

This initial response carried symbolic weight, showcasing the organisation's fundamental values; it had, however, little immediate practical effect. It is a normative way of expressing the organisation's displeasure with the actions taken by the junta but lacked coercive enforcement measures.

Therefore, within the same summit, ECOWAS decided to act under the authority vested in the organisation through Art. 1(e) of the Supplementary Protocol, which requires the armed forces to be under the control of a legitimate constitutional authority, and Art. 45 of the Supplementary Protocol, which imposes targeted sanctions on the de facto authorities and suspends the unconstitutional government from any decision-making body within the organisation. The first goal of the sanctions, as outlined in the final communique, was to undermine the junta's legitimacy on both an economic and diplomatic level. The second goal was to pressure the junta into surrender through diplomatic and economic means, such as travel restrictions and embargoes. Should the situation not improve, the organisation reserves the right to act under Art. 10 of the 1999 Mechanism on conflict prevention and use all means necessary to restore constitutional order.

Regarding the issue of terrorist actions in northern Mali, the organisation reiterated its commitment to employ all necessary means to restore Mali's territorial integrity in accordance with Art. 10 of the mechanism (Final Communique, 27th of March 2012).

5.1.2 April 2012

By April 2012, a peace agreement (Framework Agreement for Implementation of the Solemn Commitment of April 1, 2012) had been signed between the rebellious junta and a national committee tasked with restoring governmental order and ensuring the return to constitutional normality. The agreement functioned as a strategic instrument operationalising the objectives of the 1999 Mechanisms and the 2001 Supplementary Protocol on Democracy and Good Governance regarding maintaining regional peace and security, as outlined in the Final Communique of the Extraordinary Summit of the 27th of March. The framework agreement was a pivotal step towards restoring regional peace and good governance in the region.

In effect, the framework was a direct response to ECOWAS's demands articulated in the final communique of the Extraordinary Meeting of 27th March 2012. The efforts taken by the signatory parties of the framework agreements were endorsed by ECOWAS in the final communique of the Extraordinary Meeting of 26th-27th April 2012, reinforcing the organization's commitment to the active promotion of democratic governance as a condition for regional peace and security. Furthermore, ECOWAS, in its effort to ensure that the objectives of peace, security, good governance, and the rule of law are upheld, called upon its members and the citizens of Mali to uphold the provisions established in the Framework Agreement.

By April 2012, the Islamist group in the north of Mali had seized control of Kidal, Gao, and Timbuktu and declared those parts independent from the central government in Bamako (Caparini 2015, p. 6). This was condemned in the very same Extraordinary Summit, and the organisation's efforts to restore the territorial integrity of Mali in accordance with the mechanism and protocol were reiterated. Therefore, as expressed in the final communiqué of the summit, ECOWAS prepared to deploy all necessary means to assist Mali in regaining its constitutional order and held its Military Standby Forces as per Art. 10 of the Mechanism on Conflict Prevention ready to intervene.

This intervention was, however, rejected by the transitional government in Bamako, as well as by other actors involved in efforts to restore peace and good governance. ECOWAS supported the idea of deploying military forces to address the crisis, but both political and military actors involved in Malian politics opposed the notion of using military forces to resolve the situation. Non-ECOWAS members and neighbouring states, such as Algeria and Mauritania, also opposed such intervention, fearing that it would exacerbate the already fragile security situation in the region. Besides this, ECOWAS also lacked the funding and capacity to deploy such a mission (Caparini 2015, p. 7).

This highlights the challenge faced by international organisations in balancing peacekeeping ambitions with respect for state sovereignty and territorial integrity. Even though Mali, besides struggling with institutional issues after the coup d'état, was facing problems with Islamist separatists, it rejected the use of force on their territory. While the junta's opposition was predictable, given that military intervention threatened its grip on power, the concerns of other political actors suggest insecurities about the further militarisation of an already fragile region. Their refusal hints at institutional distrust in resolving the situation - both toward the regional mechanism itself and the foreign actors, showcasing the limits of regional authorities.

Due to this, the deployment of ECOWAS forces in Mali never surpassed the planning stage, and questions were raised by the international community about whether ECOWAS was the right organisation to resolve the crisis in Mali. Ultimately, the fact that the proposed ECOWAS military mission never moved beyond the planning phase reflects the complex and fragile interplay of political will, legal mandate, and legitimacy of regional actors. It also raises questions about the institutional capacity of ECOWAS to translate its normative commitments to democracy, the rule of law, and good governance as enshrined in the provisions of their legal

texts into effective, coherent action, particularly when met with resistance from both domestic and other regional actors (Caparini 2015, p. 8).

The UNC in Art. 52 favours regional organisations with a geographical and political proximity to the conflict in resolving conflicts through peaceful means. ECOWAS´s engagement in Mali, exemplified by the Framework Agreement of April 2012, illustrates this principle in practice. This provision, however, loses its power once enforcement measures are proposed. The monopoly over the legitimate use of force remains at the SC as manifested in Art. 53 of the UNC. Thus, while ECOWAS may initiate diplomatic efforts, any military actions require SC authorisation (Amvane 2015, p. 286f).

This constraint challenges ECOWAS's interpretation of its mandate under Art. 10 of the mechanism. As mentioned above, ECOWAS reserves the right, as per Art. 10 of the 1999 Mechanism, to use all necessary means to intervene in the situation in Mali should it not resolve through peaceful means. This provision, however, is difficult, as the UN, which is the overarching global authority, prohibits intervention in other states' affairs unless it is authorised by the SC under Chapter VII of the Charter and in light of a serious threat to international peace and security. The SC had, in Resolution 2056 of June 2012, the very first SC resolution on the matter, already invoked Chapter VII and in particular Art. 39, constituting the situation in Mali to be a threat to international peace and security, so authorisation for a military intervention in Mali was just a formal matter. In a letter from the President of the Commission of ECOWAS from the 28th of March 2012, ECOWAS expressed its wish to deploy a stabilising mission in Mali according to Art. 10 of the Mechanism after no significant improvement of the situation had been gained, and sanctions, that can be imposed without SC approval as per Art. 30, had already been intensified by ECOWAS.

Formally, the UNC enshrines the sovereign Westphalian principle of non-intervention and cannot intervene in matters that lie within the sovereignty of one state (UNC Art. 2.7), enshrining the traditional view of sovereignty. UN practice has, however, evolved to fit modern-day conflicts such as this one. This shift reflects a more flexible concept of sovereignty—one that recognises internal instability, such as Mali’s crisis, as a legitimate trigger for international intervention (Amvane 2015, p. 291f).

5.2 AU

5.2.1 March 2012

One day after the coup d'état in Mali, the PSC of the AU, responsible for ensuring peace and security on the continent, published the communiqué from the 315th meeting of the PSC regarding the situation in Mali. In accordance with the AUCA principles enshrined in Article 4 of the AUCA, the PSC condemned the actions of the junta and rejected the unconstitutional change of government. They further decided, with the authority granted to them under Article 30 of the AUCA, to suspend Mali from any AU activity until constitutional order is restored within the state. They also warned of additional potential targeted sanctions as per Article 23(2) of the AUCA, which states that members not complying with AU policies and decisions may face both political and economic sanctions. These considerations were made in cooperation with ECOWAS, which had already imposed targeted sanctions on the junta (final communiqué of 27th March 2012). The AU further recognised and reaffirmed the efforts made by ECOWAS to restore political order in Mali, aligning with ECOWAS objectives that overlap with AU principles. Additionally, the AU endorsed the decision made by ECOWAS to deploy military forces in light of the Islamist separatists in the north of the country to address the situation. Since the AU reserves the right under Article 4(h) to intervene in grave situations and cases of serious threats to legitimate order, it is no surprise that the AU would welcome such intervention. Given that the efforts made by ECOWAS were rejected by local political and military actors, AU support for these efforts would broaden the imperative and persuade neighbouring states opposing ECOWAS intervention to endorse AU intervention (Caparini 2015, p. 8).

5.2.2 April 2012

In the 316th meeting of the PSC – following the declaration of independence by the Islamist separatists - the AU emphasised its profound belief that the territorial integrity and sovereignty of Mali from both the junta but also the Islamist separatists need to be ensured. The AU endorses the efforts taken by ECOWAS in planning the deployment of a military force tasked with restoring territorial integrity as well as the democratic and constitutional order.

5.3 UN

5.3.1 July 2012

In contrast to the other two organisations, especially when compared with ECOWAS, was the SC was hesitant in acting to resolve the crisis in Mali. The SC published Resolution 2056 in

July 2012 in response to the crisis in Mali. The Resolution reflects the core imperatives manifested in the UN. The SC – acting under Chapter VII of the UNC - holds that the situation in Mali constitutes a threat to international peace and security, which would allow the SC to take enforcement measures to maintain or restore international peace and security. The SC in this resolution did not include specific enforcement actions such as sanctions or the authorization of military forces, it did, however, reserve itself the right to impose targeted sanctions as per Art. 41 of the UNC and notes that ECOWAS, as well as the AU, have expressed their wish for a mandate for authorizing the deployment of a military force, but in light of the fragile situation within the governmental level of Mali, reserves the right to do so until further information about the logistics of such a military force are articulated (SC Resolution 2056, 2012). This action to not adhere to regional organizations' ideas showcases the UN's supremacy in international law and the conflict between the UN, ECOWAS and the AU legal framework.

In light of the terrorist threat stemming from the Islamist separatists in the north it comes to no surprise that the SC decided to deem this situation a threat to international peace and security as terrorism had previously in SC Resolution 1373 and SC Resolution 1377 been declared a threat to serious threat to international peace and security that obliges member to take counter terrorist measure which may include use of force in (collective) self-defence under Art. 51 of the UNC to combat terrorism (Chesterman et al. 2016, p. 288f).

5.3.2 October 2012

The months following the coup d'état and the power secession by Islamist separatists in Mali were shaped by two changes in the intra-political situation in Mali. The framework agreement worked, and a fragile but functioning transitional government under the auspices of the president of fellow ECOWAS state Burkina Faso was up and running. In the north, however, the humanitarian situation had worsened, human rights were deteriorating, and people were forcibly displaced. In light of this, the SC endorsed the efforts taken by ECOWAS and AU towards establishing, together with the UN, an international support mission to Mali to support international peace and security (Weiss 2016, p. 132). The African-Led Support Mission to Mali (hereinafter AFISMA) was established through SC Resolution 2085 of December 2012 (discussed in more detail further down).

It is notable to see that both AU and ECOWAS endorse the use of force to restore sovereignty and good governance pretty early in the conflict. They also do not consider the external circumstances, such as funding problems and problems such a force would have on the already

fragile situation within the country. The UN´s approach differs from the AU/ECOWAS approach. Firstly, the UN´s response was way more reluctant, and secondly, and the most noticeable difference: The UN authorises the use of force only if the SC has established a situation to be a threat to international peace and security.

Art. 10 of the 1999 ECOWAS mechanism allows the MSC to deploy military intervention in cases where the mechanism can or has been applied. Such cases, as follows from the so-called triggers manifested in Art. 25 of the Mechanism, may be (as in the case of Mali) a conflict that triggers a humanitarian disaster or a situation that poses a serious threat to regional peace and security. In this regard, the ECOWAS mechanism is much more inclusive than the UNC, catering to internal and more modern internal conflicts, something the UNC formally doesn't, as it is primarily concerned with interstate conflicts Of course, SC practice over the course of the last few decades has proven to be different, yet even if the SC has adopted the practice of declaring intra-state situations to constitute a threat to international peace and security, thereby paving the way to interventions in internal matters, SC authorisation is still needed (Koh 2017).

In matters such as Mali, where a clear legal framework is provided by regional organisations with geographical, political, and diplomatic proximity to the conflict, whose pacific dispute settlement actions would later be endorsed by the SC (SC Resolution 2056, 2012), one might wonder why ECOWAS cannot function in a subsidiary way, as its legal framework is well equipped to handle the situation. The UNC in this case is superior to the ECOWAS legal framework, as Art. 103 of the UNC frames it. Symmetrically, this also applies to the AUCA and its principle of non-indifference. One can say that both the AU and ECOWAS have legally codified the principle of R2P, while the UN only endorsed it at the 2005 World Summit but has never made it legally applicable through a binding legal instrument. It is precisely because of this notion of R2P that the AU sees no problem with interventions under Art. 4(h) of the AUCA lacking SC authorisation. Following this logic, the same would apply to interventions under Art. 10 of the ECOWAS mechanism according to the so-called triggers enshrined in Art. 25 (Amvane 2015, p. 297f).

According to this viewpoint, it can be argued that the AU and ECOWAS frameworks are more morally and legally responsive to crises such as the one in Mali. They possess a better understanding of regional dynamics and a stronger normative case for action, due to their geographical, political, and diplomatic proximity. However, because international law is hierarchical, the UN's supremacy continues to restrict the ability of regional actors like the AU

and ECOWAS to operate independently. At first glance, it might seem that the AU/ECOWAS approach to intervention and sovereignty conflicts with the UN; however, the AU and ECOWAS appear to have internalised the normative thrust of R2P to a greater extent than the UN has thus far and have demonstrated a willingness to act pre-emptively in defence of both sovereignty and democratic governance, learning from past events where inaction led to deterioration (Amvane 2015, p. 295f). This policy that has emerged and been codified within the AU and ECOWAS could work in favour of the UN in upholding international peace and security globally, since global peace and security presuppose regional and subregional peace and security. It remains to be seen whether UN practice will adopt a framework regarding intervention and the use of force as authorised by regional and subregional actors.

5.4 AFISMA

5.4.1 November 2012

In the months following the coup d´etat in the south of Mali and the secession of power by the Islamist separatists in the north of Mali, the call for military intervention grew strong. ECOWAS had reserved the right under the Mechanism´s relevant articles to intervene should the situation not improve. The organization would, however, formally need SC approval for such a deployment. Due to uncertainties within the country, the SC had thus far been reluctant to authorize the deployment of such a mission (Weiss 20016, p. 132).

In the ECOWAS Extraordinary Summit of 11th November 2012, ECOWAS explicitly addressed the deployment of a mission in Mali. They emphasized, following the objectives of the organization, that pacific settlement, through, for instance, dialogue, remains the preferred modus operandi for resolving the situation. Further they hold that the deterioration of the situation on both a political but also a humanitarian ground necessitates the use of force to battle the terrorist network that had developed in the north of Mali. The forces, as suggested by ECOWAS, ought to support the transitional government in Mali to regain control over the northern parts. The concept suggested by ECOWAS was presented to the SC and later authorized in UNSC Resolution 2085, and with that, the AFISMA was born.

The legal basis for such actions is grounded on the one hand in the 1999 ECOWAS Mechanism on Conflict Prevention, Art. 10, and on the other hand in the powers of the SC to intervene in situations that threaten international peace and security. The situation had previously been addressed in the SC in Resolution 2056, where the SC acted under Chapter VII, Art. 39, determining the situation to be a threat to international peace and security. Besides this, the

efforts initiated by ECOWAS were endorsed by the PSC of the AU in the communique following the 341st meeting of the PSC. An intervention as suggested and outlined by ECOWAS fits in with the broader AU framework, specifically the ASF concept, which outlines the role of regional forces in maintaining continental peace and security (Caparini 2015, p. 8f).

5.4.2 December 2012

Finally, on December 20th, the SC, acting under the authority of Chapter VII of the UNC and in particular Art. 42 of the UNC, deployed a mission to Mali. AFISMA was mandated to defeat and regain control of the northern regions of Mali and to support the Malian authorities in rebuilding democracy, peace, and security. In accordance with Art. 53 of the charter, the SC tasked ECOWAS and the AU with carrying out the mission. This is possible, as Art. 53 allows the UN to utilize regional measures for enforcement actions after the SC has authorized the action, as is the case in this situation (Weiss 2016, p. 132).

5.5 Operation Serval

The situation in Mali worsened in January 2013 when the terrorist groupings, which had previously declared the north of the country independent, moved towards the south, closing in on the capital. Unfortunately, AFISMA took time to implement, and therefore, the Malian government had asked for French assistance. This move is an interessting political and legal choice since, as a member of the AU, the Malian government has the right to request an intervention by the AU per Art. 4(j). In light of when the AUCA was drafted, a time during which many countries on the continent struggled with internal problems, including unconstitutional changes of governments and widespread instability, it supports the efforts of the AU in maintaining and restoring regional peace and security and the rule of law. It was designed to strengthen the AU´s capacity to support states in restoring constitutional order in cases of, for instance, internal collapse and armed rebellion (Amvane 2015, p. 290; p. 295) (Caparini 2015, p. 8f).

As the Malian government was, on one hand, unconstitutionally overthrown by a junta during a coup d'état that ousted the democratically elected government, simultaneously, Mali struggled with a serious internal threat of terrorism. Islamist insurgents had seized control of the northern parts of Male and declared themselves independent (Caparinin 2015, p.6f).

Despite this, Mali did not ask the AU for an intervention following Art. 4(j). Whilst the AU possesses a framework that permits member state-initiated intervention, Mali chose to ask for bilateral assistance, suggesting a lack of confidence in the AU's capacities.

As established by the SC in Resolution 1373 and Resolution 1377, terrorist threats enable the international community to resort to coercive measures, enabling the recourse to force in (collective) self-defence. Therefore, Mali requested the support of France, which had already shown a particular interest in resolving the situation through diplomatic efforts, leading to France launching Operation Serval (Boeke & Schuurman 2015).

Legitimacy for Frances' actions, which had not been authorised by the SC, can be sought in two ways. On one hand, legitimacy is invested in the action through UNSC Resolutions 1373 and 1377, calling upon members to fight terrorism and approving the use of force in collective self-defence per Art. 51 UNC to fight terrorism. If legitimacy can be sought through Art. 51 and the premises of collective self-defence against terrorists, one ought to think that the same could apply to collective self-defence against an unconstitutional regime like the rebel group that had overthrown the Malian government, but this was, however, not within the scope of the legitimisation for the French intervention. Further, one could argue that no violation of Art. 2(4) of the UNC and the prohibition on violence was committed since France did technically not infringe on the sovereignty of Mali, as they were invited by the Malian government to intervene and restore Malian territory integrity (Caparini 2015, p. 9).

The other way France sought to legitimise its action was through UNSC Resolution 2085, in which the SC called upon members to endorse AFISMA and offer their full support for the efforts taken by AFISMA. France´s action was not formally part of AFISMA; however, the resolution did create a permissive environment for international support of Mali´s government. Operation Serval can therefore be interpreted as a form of indirect implementation of the SC Resolution (Weiss 2016, p. 132f).

5.6 MINUSMA

5.6.1 April 2013

After the French airstrikes in Mali defeated the Islamist separatists and supported the Malian government in restoring its territorial integrity and sovereignty, a stabilising force was needed in Mali to ensure the status quo and prevent further political escalations from both the separatists and the junta. The president of ECOWAS had previously requested in a letter to the

Secretary General that AFISMA, which lacked operational power, transfer its mandate to an UN-led mission (Letter dated 28 September 2012*)*. Therefore, in April 2013, the SC, in Resolution 2100, authorised the Multidimensional Integrated Stabilisation Mission in Mali (hereinafter MINUSMA). The mission was intended to replace AFISMA but did not receive full support from the AU. Suggestions made by the PSC were not considered, although the fundamental idea of a peacekeeping force aligns with AU principles as enshrined in Art. 13 relating to the ASF of the PSC Protocol (Caparini 2015, p. 10f) (Sithole 2018, p. 80).

Having previously established in SC Resolution 2056, in accordance with Art. 39 of the UNC, that the situation in Mali constituted a threat to international peace and security, the SC acted under its mandate of Chapter VII by authorising the Peacekeeping mission. The primary mandate of MINUSMA was to stabilise the region, support the political process, establish good governance and the rule of law, protect the population of Mali, and deliver humanitarian aid. In establishing MINUSMA, the SC assigned it a mandate to implement not only the imperatives of sovereignty and territorial integrity, as enshrined in the UNC (particularly in Art. 1 of the UNC), but also the values emphasised as objectives in the ECOWAS Mechanism and Protocol and the AUCA. As already mentioned, both ECOWAS and the AU value good governance, the rule of law and reject the unconstitutional gain of power (Aning & Edu-Afful 2016, p. 127). (Sithole 2018, p.71). MINUSMA was tasked with helping the country reestablish these values (SC Resolution 2100, 2013). Although critical at first, the AU later endorsed MINUSMA, as expressed by the organisation in the press statement released following the 376th PSC Meeting on the Situation in Mali, while also emphasising the importance of regional actors' involvement in the mission, showing the AU's disregard for decisions made above their heads (Final Communique 376th PSC Meeting).

The mission in Mali was framed by the UN as a peacekeeping mission (unmission.org). It was, however, authorised in SC Resolution 2100 as an authorisation made by the SC acting under the authority invested in the organisation under Chapter VII of the UNC. Peacekeeping missions are formally not an action under Chapter VII of the UN (Chesterman et al. 2016, p. 8). AFIMSA was also authorised under Chapter VII of the UNC but was mandated differently from MINUSMA. As the name already suggests, AFISMA was a support mission, primarily mandated to support the Malian forces to regain control over the northern parts of the country. MINUSMA is a stabilising force, mandated to support the Malian government in building after the Islamist separatists had already been defeated. It is emphasised by the UN that Peacekeeping

Missions are not tasked to defeat terrorism but to support the - as the name suggests - peacekeeping efforts amongst which counter terrorism measures are not counted, thus MINUSMA is not mandated to perform peacekeeping tasks (Weiss 2016, p. 133).

5.7 Structural gap between legal framework and implementation

The situation in Mali exemplifies the underlying tensions within African peace and security practices. The AUCA and ECOWAS legal frameworks permit intervention in cases of unconstitutional change or serious threats to peace. However, the actual implementation is often influenced by factors such as political will, concerns about legitimacy, and operational challenges. This can be observed in the initial actions taken by ECOWAS, which were halted because of operational limitations. As mentioned before, opposition from within the Malian government and other states trying to mediate in the conflict, financing issues and concerns regarding whether AU and ECOWAS are legitimate to mandate such actions hindered the effectiveness of the normative frameworks. The Mali case thus underscores the gap between normative aspirations as enshrined in the regional and subregional legal framework and the empirical scope of enforceability in regional crisis response.

Mali's turn to France rather than the AU (or ECOWAS), which both had shown efforts in establishing a military force in Mali, further reveals a conflict between regional normative frameworks and the reality of security politics on the African continent. Even though it offers a legal framework for legitimate involvement, the inability to take coercive operational action and effectively implement the normative frameworks of the AUCA and ECOWAS in emergencies such as Mali highlights a deficiency in institutional capacity or state confidence. Nevertheless, France's behaviour demonstrates how countries establish legitimacy for actions that might otherwise be challenged under conventional sovereignty rules by manoeuvring through overlapping legal frameworks and selectively utilising both UNC provisions and SC resolutions.

5.8 UN vs. AU/ECOWAS Sovereignty Approaches

Both ECOWAS and AU present a strong legal framework for maintaining and restoring peace and security through various means, including the use of force in support of the greater good of democratic values and good governance. Bearing in mind the circumstances in which the relevant ECOWAS instruments, AUCA, and the UNC were drafted, it follows logically that ECOWAS and the AU take on a different stance than the drafters of the UNC, who were very

much still influenced by the Second World War. As opposed to the UN, which has a more traditional view of sovereignty, AU and ECOWAS endorse sovereignty and territorial integrity as much as the UN, but in a conditional sense where sovereignty is conditioned to constitutional legitimacy and democratic order, as it has become apparent in their legal frameworks. When upholding territorial sovereignty, they have recognised and operationalised that the nature of conflicts has changed and that the threat to sovereignty stems from international problems such as civil unrest and military junta overthrowing democratically elected governments and issues like terrorism. To fight this, the AU and ECOWAS frameworks offer the possibility to intervene in territorial integrity to restore territorial integrity and sovereignty. The principle of non-indifference adopted by the AU in the AUCA and endorsed by ECOWAS constitutes a middle path between upholding the principle of sovereignty yet reserving the right to intervene should the rule of law, democratic values and good governance not be upheld. Graphically, one could imagine Sovereignty as enshrined in the UNC as a core that has many protective layers to it, such as the right to non-intervention that protects the core. From an AU/ECOWAS perspective, sovereignty is also something worth protecting. Instead of layers, here sovereignty rests on pillars which are good governance, democracy and the rule of law. Should these pillars be violated, sovereignty will be violated to rebuild the plateau upon which sovereignty rests.

The UN regards the principle of sovereignty so highly that it not only calls upon its members to refrain from interference but also itself, whilst the AU has, in the AUCA, created a provision clearly stating how the AU has the right to intervene when the right circumstances are met to restore good governance and democracy. This once again shows the difference between the two organisations with the application of the principle of sovereignty.

The AU and ECOWAS have thereby codified the external notion of sovereignty, as described in the Sovereignty part of Chapter 4 of this thesis. Without the respect of other States, and respect is gained through upholding human rights, good governance and democracy, sovereignty loses its significance.

5.9 UN Security Council role and reform suggestions

Formally, within the UN, there exists only one exemption to Art. 2(7), prohibiting the UN from interventions in the domestic problems of member states, and that is, actions regarding threats (or breaches) of international peace and security. The UNC does, however, not state in Chapter VII what constitutes a threat (or breach) to international peace and security. Something that is

clearly stated in the ECOWAS and AU legal framework. It is up to the SC to determine the existence of such a threat and authorise mandates accordingly. The UN has developed in this regard, recognising that internal situations, especially regarding terrorism and the overthrow of governments, as seen in the case study, may constitute a threat to international peace and security. In the case of Mali, however, this recognition came several months after both ECOWAS and AU had shown efforts in resolving the crisis, which, according to them, constituted a threat to regional peace and security.

The research has shown that the UN came into play kind of as a big brother, after measures initiated by ECOWAS and the AU proved insufficient. To authorise the use of force, the regional organisations needed SC approval, which took the SC some time and allowed for the situation to worsen. If the SC could mandate regional arrangements like the AU´s PSC and ECOWAS´s MSC to authorise the use of force in the name of the SC, then the regional organisations could work in a subsidiary manner, and conflicts like the one in Mali could be resolved quicker and more effectively which would lie in the interest of the state itself; ECOWAS and the AU.

6 Conclusion

The crisis in Mali, as analysed above, provides a critical example for evaluating the operationalisations of regional legal frameworks for intervention compared to global frameworks. Challenged by internal problems like constitutional breakdowns and terrorism, the situation constituted a threat to international peace and security.

The study has shown that ECOWAS and the AU response were swift regarding the unfolding situation. The application of the mandates provided for in the respective legal instruments was, however, constrained by political, diplomatic, and economic burdens a result, the potential of the regional organisations framework, although clearly articulated in the AUCA and ECOWAS mechanisms and Protocols, was undermined and never fully realised.

Nevertheless, the AU and ECOWAS provide a framework for balancing sovereignty and the responsibility to uphold constitutional order and good governance. Their action, which follows Africa's recent history with violent intra-state conflict, is grounded in the zero tolerance for unconstitutional power changes principle and the principle of non-indifference, showing the regional organisations' dedication to a wider understanding of the classic conception of sovereignty and intervention that is codified in the UNC.

The UN´s actions under Chapter VII of the UNC can complement the regional efforts taken by the AU and ECOWAS and show that, regardless of the normative reading of the UNC, it can accommodate modern conflicts.

A key revelation from conducting this case study is the overlapping legal rationales between the UN, the AU and ECOWAS. Whilst all organisations invoked the maintenance of international and regional peace and security, only Ecowas and the AU explicitly emphasised the preservation and restoration of constitutional order as a basis for intervention. This hints at the growing shift within international law that democratic legitimacy and political stability are conditions for peace and not just internal matters protected by the principle of sovereignty and non-intervention. Further showcasing this is the circumstance that the AU mostly followed along with what ECOWAS did. Only when ECOWAS implementation failed did the AU continue efforts, showing how these bodies are, on a regional level, not only well equipped to handle such situations but also work out of the principle of subsidiarity.

More importantly, the efforts taken by the different organisations and the AU´s initial response to AFISMA being transferred to MINUSMA underscore the desire for regional handling of questions regarding regional issues. However, the lack of operationalisation of the normative efforts showcases a paradox where the UN is not 100% needed but also not indispensable.

Ultimately, this case supports a subsidiarity-based approach to global governance where regional organisations with a proximity to the conflict act as first responders and the UN, as the overarching global organisation, plays a supporting role when additional resources and coordination are needed. The crisis in Mali demonstrates how regional bodies are both normatively and structurally equipped to understand and handle complex critical structures. Given, of course, that their mandate is supported by a political unity and adequate international support. Strengthening this evolving multilayered system of crisis response that is grounded in shared responsibilities and differentiated competencies could offer a promising way of managing situations on the African continent and potentially also beyond.

7 Bibliography

7.1 Primary Sources

7.1.1 ECOWAS Documents

ECOWAS Protocol relating to the Mechanisms for Conflict Prevention, Management, Resolution, Peacekeeping and Security: https://amaniafrica-et.org/wp-content/uploads/201/04/Protocol-Relating-to-the-Mechanism-for-Conflict-Prevention-Management-Resolution-Peace-Keeping-and-Security-1999.pdf (accessed: 09.05.2025)

The ECOWAS Conflict Prevention Framework: https://au.int/sites/default/files/documents/39184-doc 140._the_ecowas_conflict_prevention_framework.pdf (accessed: 09.05.2025)

Framework agreement for implementation of the Formal engagement of April 1, 2012: https://www.peaceagreements.org/media/documents/ag808_57d4542935511.pdf (accessed: 12.05.2025)

The Supplementary Protocol on democracy and Good Governance https://www.eisa.org/pdf/ecowas2001protocol.pdf (accessed: 09.05.2025)

Final Communique of the Extraordinary Summit on the 27th March 2012: https://reliefweb.int/report/mali/final-communique-extraordinary-summit-ecowas-heads-state-and-government (accessed: 09.05.2025)

Final communique of the Extraordinary Summit on the 26th – 27th April 2012:

https://amaniafrica-et.org/wp-content/uploads/2022/05/EXTRAORDINARY-SUMMIT-OF-ECOWAS-HEADS-OF-STATE-AND-GOVERNMENT-26-april-2012.pdf (accessed: 12.05.2025)

Letter dated 28 September 2012 from the President of the Commission of the Economic Community of West African States addressed to the Secretary-General

https://digitallibrary.un.org/record/735900?v=pdf (accessed: 13.05.2025)

Final Communique of the Extraordinary Session of the Authority of ECOWAS Heads of States and Governments on 11 November 2012

https://ecowas.int/wp-content/uploads/2022/08/2012-Extra-Nov.pdf (accessed: 14.05.2025)

7.1.2 UN Documents

UN Charter:

https://www.un.org/en/about-us/un-charter/full-text (accessed: 09.05.2025)

2005 World Summit Outcome Document

https://docs.un.org/en/A/RES/60/1 (accessed: 21.05.2025)

Resolutions

UNSC Resolution 1373 S/RES/1373 (2001):

https://digitallibrary.un.org/record/449020?v=pdf (accessed: 09.05.2025)

UNSC Resolution 1377 S/RES/1377 (2001):

https://digitallibrary.un.org/record/452238?v=pdf (accessed: 09.05.2025)

UNSC Resolution 1973 S/RES/1973 (2011):

https://docs.un.org/en/S/RES/1973%20(2011) (accessed: 19.05.2025)

UNSC Resolution 2056 S/RES/2056 (2012)

http://unscr.com/en/resolutions/doc/2056 (accessed: 14.05.2025)

UNSC Resolution 2071 (2012) S/RES/2071

https://digitallibrary.un.org/record/736069?v=pdf (accessed: 13.05.2025)

UNSC Resolution 2085 S/RES/2085 (2012)

http://unscr.com/en/resolutions/2085 8accessed: 09.05.2025)

UNSC Resolution 2100 (2013) S/RES/2100

https://digitallibrary.un.org/record/748429?v=pdf (accessed: 14.05.2025)

UNSC Resolution 2690 (2023) S/RES/2690

http://unscr.com/en/resolutions/2690 (accessed:22.05.2025)

7.1.3 AU Documents

African Union Constitutive Act

https://au.int/sites/default/files/pages/34873-file-constitutiveact_en.pdf (accessed: 15.05.2025

Protocol Relating to the Establishment of the Peace and Security Council of the African Union

https://www.peaceau.org/uploads/psc-protocol-en.pdf (accessed: 15.05.2025)

Communique of the 265th Peace and Security Council Meeting on 10th March 2011: https://www.peaceau.org/en/article/communique-of-the-265th-meeting-of-the-peace-and-security-council-1 (accessed: 10.04.2025)

Communique of the 315th Peace and Security Council Meeting on 23rd March 2012: https://papsrepository.africanunion.org/server/api/core/bitstreams/a7d7e1fb-c980-407a-a26f-646f51fcbf2e/content (accessed: 12.05.2025)

Communiqué of the 341st Peace and Security Council Meeting on 13th of November 2012:

https://africanlii.org/akn/aa-au/doc/communique/pscau/2012/341-2/eng%402012-11-13 (accessed: 14.05.2025)

Press statement of the 376th PSC meeting on the situation in Mali

https://www.peaceau.org/en/article/press-statement-of-the-376th-psc-meeting-on-the-situation-in-mali (accessed: 16.05.2025)

7.2 Secondary Sources

7.2.1 Literature

African Union. (2025). *Members.* found at : https://au.int/en/member_states/countryprofiles2 (Accessed: 219.05.2025)

African Union. (2025). *Peace and Security Council.* Found at: https://au.int/en/PSC (accessed: 26.05.2025)

Akech, M. (2020). Regional mechanisms and intra-state conflicts: Implementing the African Union´s principle of non-indifference? *Strathmore Law Journal*, 141-153.

Alberts, T. (2011). The African Union and Libya, on the horns of a dilemma. *African Arguments*. Found at: https://africanarguments.org/2011/11/the-african-union-and-libya-on-the-horns-of-a-dilemma-by-thomas-alberts/ (accessed: 19.05.2025)

Amvane, G. (2015). Intervention pursuant to article 4(h) of the Constitutive Act of the African Union without United Nations Security Council Authorization . *African Human Rights Law Journal*, 282-298.

Aning, K. & Edu-Afful F. (2016). African Agency in R2P: Interventions by African Union and ECOWAS in Mali, Cote D'ivoire, and Libya. *International Studies Review, Vol,18, No. 1*, 120–133.

Ayoob, M. (2002). Humaniterian Intervention and State Sovereignty. *The International Journal of Human Rights Vol. 6, No. 1*, 81-102.

Backerra, C. (2024). Source criticism for cultural history. *Rethinking History Vol. 28, No. 2*, 194-216.

Bellamy, A. J. (2003). Humanitarian Intervention and the Three Traditions. *Global Society, Vol. 17*, *no. 1.* 3-20.

Bellinger, M. (2020). The Dangers of Humanitarian Intervention and the Responsibility to Protect Doctrine, and a Partial Solution. *Indiana Journal of Global Legal Studies, Vol. 27, No. 2*, 371-390.

Bergholm, C. G. (2009). The Responsibility To Protect and the Conflict in Darfur: The Big Let-Down. *Security Dialogue Vol. 40, No. 3*, 287-309.

Bolaji, K. A. (2011). Adapting Traditional Peacemaking Principles to Contemporary Conflicts: The ECOWAS Conflict Prevention Framework. *African Conflict and Peacebuilding Review, Vol. 1, No. 2*, 183-204.

Boutellis, P. D. (2013). Peace Operations, the African Union, and the United Nations: Toward More Effective Partnerships. *International Peace Institute* (New York)

Caparini, M. (2015). The Mali crisis and responses by regional actors. *Norwegian Institute of International Affairs* (Oslo)

Chesterman, S., Johnstone, I. & Malone, D. M. (2016). *Law and Practice of the United Nations (2nd Edition).* Oxford University Press

ECOWAS CEDEAO. (2025). Bukina Faso, Mali and Miger´s Withdrawal from ECOWAS is no Reality. *Press Releases*. Found at: https://ecowas.int/burkina-faso-mali-and-nigers-withdrawal-from-ecowas-is-now-a-reality/ (accessed: 19.05.2025)

Espace Mondial l´Atlas. (2018). Contemporary Conflicts. *Rowman & Littlefield* (London) Found at: https://espace-mondial-atlas.sciencespo.fr/en/topic-insecuritypeace/article-4A05-EN-contemporary-conflict.html (accessed: 13.04.2025)

Flyvbjerg, B. (2006). Five Misunderstandings About Case Study Research . *Qualitative Inquiry Vol. 12 No. 2*, 219-245.

Harris, D. J. (2014). *Sierra Leone: A Political History.* Oxford University Press.

Head, N. (2008). Critical Theory and its Practice: Habermas, Kosovo and International Relations. *Politics, Vol. 28, No. 3*, 150-159.

Noble H. & Heale R. (2019). Triangulation in research, with examples. *Evidence Based Nurs Vol. 22, No. 3*.

Halperin, S. & Heath, O. (2012). *Political Research. Methods and Practical Skills.* Oxford University Press.

Henkin, L. (1999). Kosovo and the Law of Humanitarian Intervention. *American Journal of International Law Vol. 93*, 824–28.

Hofer, A. (2018). International Law regarding use of force. *OUPblog*. Found at: https://blog.oup.com/2018/11/international-law-regarding-use-force/ (accessed: 19.05.2025)

Hurd, I. (2011). Is Humanitarian Intervention Legal? The Rule of Law in an Incoherent World. *Ethics & International Affairs, Vol. 25, no. 3*, 293-313.

ieUniversity. (2021). *African Solutions to African Problems?*. found at: https://www.ie.edu/blue-talks/african-solutions-to-african-problems/ (accessed: 19.05.2025)

Kindiki, K. (2003). The normative and institutional framework of the African Union relating to the protection of human rights and the maintenance of international peace and security: A critical appraisal. *African Human Rights Law Journal Vol. 3, No. 1*, 97-119.

Koh, H. H. (2017). Not Illegal: But Now the Hard Part Begins. *Just Security*. Found at: https://www.justsecurity.org/39695/illegal-hard-part-begins/ (accessed: 26.03.2025)

Magliveras, K. D. (2011). The Sanctioning System of the African Union: Part Success, Part Failure?. *Department of Mediterranean Studies*. University of the Aegean.

Murithi, T. (2008). The African Unions Evolving role in peace operations: the African Union Mission in Burundi, the African Union Mission in Sudan and the African Union Mission in Somalia. *African Security Review Vol. 17, no. 1* , 71-82.

United Nations (2025). United Nations Multidimensional Integrated Stabilisation Mission in Mali History. *unmission.org*. found at: MINUSMA: https://minusma.unmissions.org/en/history (accessed: 19.05.2025)

Nissen, A, & Jacobs C. (2022). Case Study Research. *leidenlawmethodsportal*. Found at: https://www.leidenlawmethodsportal.nl/topics/case-study-research (01.05.20125)

Ohlin, J. D. (2017). Two Visions of the UN Charter. *OpinioJuris*. Found at: https://opiniojuris.org/2017/04/13/two-visions-of-the-un-charter/ (accessed: 26.03.2025)

Paddeu, F. I. (2021). Humanitarian Intervention and the Law of State Responsibility. *The European Journal of International Law Vol. 32 no. 2*, 649–678.

Rochester, J. M. (2016). *New Warfare: Rethinking Rules for an Unruly World.* Routledge

Schuurman, B. &. Boeke, S. (2015). Operation Serval: The French Intervention in Mali *leidensecurityandglobalaffairsblog*. Found at : https://www.leidensecurityandglobalaffairs.nl/articles/operation-serval-the-french-intervention-in-mali (accessed: 09.05.2025)

Sithole, T. (2018). A Review on the African Union framework and mechanism on political peace and security. *Journal of African Union Studies Vol. 7, No. 1*, 67-90.

Téson, F. R. (2011). Humanitarian Intervention: Loose Ends. *Journal of Military Ethics Vol 10, no. 3*, 192-212.

Walling, C. B. (2015). Human Rights Norms, State Sovereignty and Humanitarian Intervention. *Human Rights Quarterly Vol. 32, No. 2*, 383-413

Wedgwood, R. (1999). NATO`s Campaign in Yugoslavia. *The American Journal of International Law Vol. 93, no. 4*, 828-834.

Weiss, T. G. (2016). *The United Nations and Changing World Politics*. Taylor & Francis Group.

Williams, S. A. (2015). Saving Strangers and Neighbors: Advancing UN-AU Cooperation on Peace Operations. *International Peace Institute* (New York).

.