

# 21ST CENTURY AFRICA AS AN “ARC OF (IN)STABILITY”: U.S. AND AFRICAN ECONOMIC, SECURITY, AND DEVELOPMENT POLICIES ADVANCED THROUGH U.S. AFRICA COMMAND INITIATIVES

*Kevin H. Govern*<sup>1</sup>

## INTRODUCTION

On October 1, 2007, U.S. Africa Command (“AFRICOM”) officially “stood up” or reached “initial operating capability” to start its function as the U.S. Department of Defense’s (“DoD’s”) newest regional unified combatant command (“UCC”).<sup>2</sup> On a continent that has changed much since the independence movements of the last half of the 20<sup>th</sup> Century, AFRICOM has been adapting to changes in U.S. law and foreign policy, in the context of evolving African political, security, and economic realities. Given the dramatically unfolding events taking place across the continent in the last four years, AFRICOM has had an urgent, practical imperative to fundamentally and rapidly alter the old “Cold War” paradigm of regional military command orientations to create and implement new approaches to crisis prevention and resolution across the spectrum of civil-military operations.

Towards that end, AFRICOM was conceived to work closely with the African Union (“AU”), other regional African institutions, and individual nations, in order to “provide unique ‘value-added’ capabilities to enhance already existing U.S. and international programs.”<sup>3</sup> AFRICOM’s first commander, General (Gen.) William

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1. The author is an Assistant Professor of Law at Ave Maria School of Law, Naples, FL, a Law and Public Policy Instructor for the California University of Pennsylvania, and a former Assistant Professor of Law at the U.S. Military Academy, West Point, NY. Special thanks go to Ms. Melinda Alico, Ave Maria School of Law Class of 2012, for her superlative research assistant efforts, and invaluable suggestions, and to my colleagues on my school’s faculty and administration. Any errors or omissions are solely the responsibility of the author. Unless otherwise attributed, the conclusions and opinions expressed in this note are solely those of the author cultivated in the freedom of expression and academic environment of the Ave Maria School of Law and the California University of Pennsylvania.

2. U.S. AFRICOM Pub. Affairs Office, *U.S. Africa Command Reaches Initial Operating Capability*, U.S. AFR. COMMAND, Oct. 1, 2007, <http://www.africom.mil/getArticle.asp?art=1462>.

3. *Id.* (quoting General William E. “Kip” Ward, Commander, AFRICOM). The Department of Defense Dictionary of Military and Associated Terms defines Unified Command as  
A command with a broad continuing mission under a single commander and composed of significant assigned components of two or more Military Departments that is established and so designated by the President, through the Secretary of Defense with the advice and assistance of the Chairman of the Joint Chiefs of Staff. Also called unified combatant command.

U.S. DEP’T. OF DEF., U.S. JOINT PUBLICATION NO.1-02, DEPARTMENT OF DEFENSE DICTIONARY OF MILITARY AND ASSOCIATED TERMS (2001) [hereinafter DOD DICTIONARY].

“Kip” Ward, declared that the new command’s structure “reflects the fact that AFRICOM will be charged with overseeing both traditional military activities and programs that are funded through the State Department.”<sup>4</sup> Gen. Ward’s successor-in-command, as of March 9, 2011, became Gen. Carter F. Ham; in one of his first official acts, Gen. Ham’s testimony before Congress reflected an evolution of the command’s structure and responsibilities such that AFRICOM was “protecting American lives and promoting [U.S.] national interests today by helping [its] African partners assume a continually increasing role addressing their own security concerns.”<sup>5</sup> In Gen Ham’s estimation, “Africa’s long-term growth, stability, and economic prosperity is largely dependent on [African] partners’ ability to develop capable and professional militaries that are subordinate to civilian authority, respect human rights, and adhere to the rule of law.”<sup>6</sup> This is consistent with the U.S. State Department’s goals for AFRICOM, namely “to encourage and support such African leadership and initiative, not to compete with it or discourage it. U.S. security is enhanced when African nations themselves endeavor to successfully address and resolve emergent security issues before they become so serious that they require considerable international resources and intervention to resolve.” Consistent with the words of one journalist assessing AFRICOM’s *raison d’être*, it was to become “the military’s first ‘smart power’ command ... [with] no assigned troops and no headquarters in Africa itself, and one of its two top deputies [as] a seasoned American diplomat.”<sup>7</sup>

If this is so, AFRICOM would, in the words of Center for Strategic and International Studies commission members Richard Armitage and Joseph Nye: continue to develop integrated strategies (civil-military), resource bases (economic, political, and military) and tool kits (military and diplomatic capabilities) to

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4. Daniel Volman, *AFRICOM and the Obama Administration*, AFR. SECURITY RES. PROJECT (April, 2009), <http://concernedafricascholars.org/african-security-research-project/?p=43>. Of no small significance, AFRICOM’s first commander, Gen. Ward is African-American, and was appointed by Secretary of Defense Robert Gates on July 10, 2007.

5. General Carter F. Ham, Statement before the U.S. Senate Armed Services Committee, Subcommittee on African Affairs, Washington, DC, 31 (Apr. 7, 2011) <http://armed-services.senate.gov/statemnt/2011/04%20April/Ham%2004-07-11.pdf>. See also U.S. Afr. Command (AFRICOM), *Questions and Answers About AFRICOM*, U.S. AFR. COMMAND, <http://www.africom.mil/AfricomFAQs.asp> (last visited Feb. 16, 2011).

6. *Id.* at 31.

7. Eric Schmitt, *Libya Crisis Thrusts U.S. Africa Command Into Leadership Role*, N.Y. TIMES, (Mar. 22, 2011), available at [http://www.nytimes.com/2011/03/23/world/africa/23command.html?\\_r=1&pagewanted=print](http://www.nytimes.com/2011/03/23/world/africa/23command.html?_r=1&pagewanted=print). Schmitt reported that AFRICOM would remain in command of Operation Odyssey Dawn from afar, namely that

General Ham [would] oversee the American side of the Libya operations, briefing President Obama and his top security aides from Stuttgart ... and providing broad guidance and direction to the mission’s tactical commander, Adm. Samuel J. Locklear III, who is in the Mediterranean aboard a command ship, the Mount Whitney.

According to this reportage, “Defense Secretary Robert M. Gates said ... that the United States would turn control of the Libya military operation over to a coalition — probably led either by the French and British or by NATO — ‘in a matter of days.’ But the American military would continue to fly missions.” *Id.*

achieve American objectives.<sup>8</sup> For Armitage and Nye, a “smart power” AFRICOM would take an “approach that underscores the necessity of a strong military, but also invests heavily in alliances, partnerships and institutions at all levels to expand American influence and establish the legitimacy of American actions.”<sup>9</sup> In four years, the reality of the African Area of Responsibility (“AOR”) has forced AFRICOM’s mission focus to put “smart power” into action, and “set ... aside public diplomacy talks and other civilian-military duties to lead from March 2011 onward the initial phase of a complex, multinational shooting war with Libya,”<sup>10</sup> namely Operation Odyssey Dawn. Of this first-ever combat operation led by AFRICOM, Gen. Ham said,

Our mission is under the United Nations Security Council resolution and it’s very clear. It is to establish an arms embargo and to prevent the illegal shipment of arms to and from Libya. It is, secondly, to establish a no-fly zone so that his military aircraft cannot strike civilians, and thirdly, to protect the civilians from regime forces as best we can. And we’re accomplishing those missions . . . . It’s our hope - and I think as a military person, the best and easiest transition would be to NATO [the North Atlantic Treaty organization] because so many of the nations who are participating are NATO. This is a great example of why we have this military alliance that can come together very quickly and operate very effectively together.<sup>11</sup>

AFRICOM has not only become a vehicle for cooperation amongst military forces in peacetime and in armed conflict, but has also become a powerful engine for change, adding impetus to and encouraging mutual prosperity for the U.S. and Africa through increased capital and trade.<sup>12</sup> This notion of ever evolving scope of interests with African nations towards mutual prosperity includes the estimate that 25% of America’s oil will be imported from Africa by 2015,<sup>13</sup> while America comes under increasing pressure to cease the suffering of millions of Africans who live in poverty and fear daily.

This Article will survey the significant legal, political, and operational challenges that the command has already encountered in its relatively short existence, the challenges which lie ahead for AFRICOM, and why AFRICOM will

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8. Richard L. Armitage et al., CSIS Commission on Smart Power, *A Smarter, More Secure America*, CENTER FOR STRATEGIC AND INT’L STUD., 2007, at 7, available at [http://csis.org/files/media/csis/pubs/071106\\_csissmartpowerreport.pdf](http://csis.org/files/media/csis/pubs/071106_csissmartpowerreport.pdf).

9. *Id.*

10. Schmitt, *supra* note 7.

11. General Carter F. Ham, Address to Media in Sigonella, Sicily on Operation Odyssey Dawn. Mar. 25, 2011 (transcript available at <http://www.africom.mil/getArticle.asp?art=6288>).

12. *Exploring the U.S. Africa Command and a New Strategic Relationship with Africa: Hearing Before the Subcomm. on Afr. Affairs of the S. Comm. on Foreign Relations*, 110th Cong. 10 (2008) (statement of Theresa Whelan).

13. U.S. AGENCY FOR INT’L DEV. & U.S. DEP’T OF STATE, STRATEGIC PLAN: FISCAL YEARS 2007-2012, 44 (2007), available at <http://www.state.gov/documents/organization/86291.pdf>.

need to further adapt its cooperation with African allies and quantify “value-added” capabilities if it is to successfully provide and promote allied capabilities. Part 1 will examine Africa as an “arc of instability,” while Part 2 will describe how U.S. centralized diplomatic and political strategy led to the creation of AFRICOM and the advancement of both U.S. and African economic, security, and development policies. The impact of the “resourcing-to-requirements” differential (or the disparity in the resources AFRICOM has versus what it must do with them) is discussed in Part 3. The uncertainty created by this U.S. action, as well as its implications on future humanitarian efforts in the region is explained in Part 4, with further discussion on how this perceived uncertainty will affect African and non-African nations’ reactions to AFRICOM in Part 5. Finally, what African nations will do about and with AFRICOM now and in the future is described in Part 6. This Article, therefore, addresses the issues and obstacles AFRICOM is likely to encounter, and attempts to discover the potential solutions offered by law and policy that would aid the organization in successfully accomplishing its stated missions, and advancing an “arc of stability” in Africa.

#### I. “*PAX AMERICANA*” AND AFRICA IN THE “ARC OF INSTABILITY?”

In his June 10, 1963 Commencement Address at American University, President John F. Kennedy coined the term *Pax Americana*,<sup>14</sup> a variation on the so-called *Pax Romana*<sup>15</sup> of the Roman Empire, and *Pax Britannica*<sup>16</sup> of the British Empire. For President Kennedy, it was a negative exemplar: what American foreign and defense policy would not advance in the post World War II world. Pres. Kennedy explained:

I have, therefore, chosen this time and place to discuss a topic on which ignorance too often abounds and the truth too rarely perceived. And that is the most important topic on earth: peace. What kind of peace do I mean and what kind of a peace do we seek? Not a *Pax Americana* enforced on the world by American weapons of war. Not the peace of the grave or the security of the slave. I am talking about genuine peace, the kind of peace that makes life on earth worth living, and the kind that enables men and nations to grow, and to hope, and build a better life for their children -- not merely peace for Americans but peace for all men and women, not merely peace in our time but peace in all time.<sup>17</sup>

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14. President John F. Kennedy, Commencement Address at American University (June 10, 1963), (transcript available at <http://www.jfklibrary.org/Asset-Viewer/Archives/JFKPDF-045-002.aspx>).

15. See generally Steven Kreis, *Augustus Caesar and the Pax Romana*, THE HISTORY GUIDE: LECTURES ON ANCIENT AND MEDIEVAL EUROPEAN HISTORY, <http://www.historyguide.org/ancient/lecture12b.html> (last revised Oct. 17, 2010).

16. *Pax Britannica* (European History), ENCYCLOPEDIA BRITANNICA ONLINE, <http://www.britannica.com/> (search “pax Britannica”).

17. Kennedy, *supra* note 14.

In his assessment of U.S.-African relations some forty-six years after the *Pax Americana* speech, President Obama's speech to the Ghanaian Parliament in July 11, 2009 echoed President Kennedy's sentiments, saying,

Now, America will not seek to impose any system of government on any other nation. The essential truth of democracy is that each nation determines its own destiny. But what America will do is increase assistance for responsible individuals and responsible institutions, with a focus on supporting good governance – on parliaments, which check abuses of power and ensure that opposition voices are heard; on the rule of law, which ensures the equal administration of justice; on civic participation, so that young people get involved; and on concrete solutions to corruption.<sup>18</sup>

The latter portion of the 20<sup>th</sup>, and indeed the beginning of the 21<sup>st</sup> Century, had been anything but peaceful. For example, there have been over 200 wars and internal armed conflicts from 1899-2011 alone. In the 21<sup>st</sup> Century, the U.S. National Def. Strategy identifies America as a “nation at war [facing] a diverse set of security challenges . . . yet . . . in an era of advantage and opportunity.”<sup>19</sup> In contrast, the U.S. Nat'l Military Strategy significantly describes Africa as lying in “an ‘arc of instability’ stretching from the Western Hemisphere, through Africa and the Middle East and extending to Asia.” Additionally, and similarly troubling, is the observation that “[t]here are areas in this arc that serve as breeding grounds for threats to [U.S.] interests.”<sup>20</sup> Indicative of that regional instability, the U.S. had become “increasingly involved in Africa since the end of the Cold War,” with over “20 U.S. military operations in Africa between 1990 and 2000 and another 10 [plus] since 2000.”<sup>21</sup>

At the time of AFRICOM's inception in the fall of 2007, Theresa Whelan, Deputy Assistant Secretary of Defense for African Affairs, testified that the U.S. was spending approximately \$9 billion a year in Africa, “funding programs in such areas as health, development, trade promotion, and good governance.” Whelan compared this funding to that received by security-related programs, “only about

18. President Barack H. Obama, Remarks by the President to the Ghanaian Parliament (Jul. 11, 2009) (transcript available at <http://www.whitehouse.gov/the-press-office/remarks-president-ghanaian-parliament>).

19. DEP'T. OF DEF., THE NATIONAL DEFENSE STRATEGY OF THE UNITED STATES OF AMERICA (2005), available at [http://www.cngr.gov/pdf/library/Copy of 4 national defense strategy 2005.pdf](http://www.cngr.gov/pdf/library/Copy%20of%204%20national%20defense%20strategy%202005.pdf).

20. JOINT CHIEFS OF STAFF, THE NATIONAL MILITARY STRATEGY OF THE UNITED STATES OF AMERICA: A STRATEGY FOR TODAY; A VISION FOR TOMORROW 5 (2004), available at <http://www.defense.gov/news/mar2005/d20050318nms.pdf>.

21. See, e.g., Denine Walters, *AFRICOM: Newsworthiness and Current Operations*, CONSULTANCY AFR. INTELLIGENCE (Dec. 1, 2009), [http://www.consultancyafrica.com/index.php?option=com\\_content&view=article&id=300&Itemid=202](http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=300&Itemid=202). See also Brett D. Schaefer & Mackenzie Eaglen, *WebMemo No. 1644: Clarifying the Future of AFRICOM*, HERITAGE FOUND. n.3 (Sep. 27, 2007), <http://www.heritage.org/Research/Africa/wm1644.cfm> (citing Otto Sieber, *Africa Command: Forecast for the Future*, STRATEGIC INSIGHTS (Jan. 2007), <http://www.ccc.nps.navy.mil/si/2007/Jan/sieberJan07.asp>).

\$250 million a year”<sup>22</sup> Moreover, U.S. Assistant Secretary of State, Jendayi Frazer, believed that “we are living in an historic window of opportunity” in Africa based on her observations over the last five years. She additionally commented that “[w]e have seen belligerence yield to negotiation in six contentious settings: Angola, Burundi, Democratic Republic of Congo, Liberia, Sierra Leone and the North-South element of the Sudan Crisis.”<sup>23</sup> Noting this historical shift, Secretary Frazer believed in 2008 that African leaders would face three key challenges in the years and decades ahead: consolidating democratic gains, expanding economic growth, and halting the spread of HIV/AIDS.<sup>24</sup> How prescient those predictions have been, especially with regards to democracy in Africa! At the time of this article’s writing, countries in the Middle East and North Africa were experiencing protests against political repression and economic hardship, unprecedented in scope or duration since independence from imperial domination, and resulting in the rulers in Tunisia and Egypt being ousted, and those of Bahrain, Jordan, Libya, Oman, Tunisia, Yemen and Iran being challenged.<sup>25</sup> U.S. allies and adversaries alike in North Africa and the Middle East were experiencing public unrest challenging the illegitimacy of unelected and elected leaders alike and their role in making and enforcing the laws that rule their nations.

## II. CENTRALIZED AUTHORITY IN A DIVIDED WORLD: FROM THE NATIONAL SECURITY ACT TO GOLDWATER-NICHOLS TO AFRICOM<sup>26</sup>

The National Security Act of 1947 was the first piece of legislation to mention so-called “unified combatant commands,” which have broad, continuing missions and are composed of forces from two or more military departments, and “specified combatant commands,” which are composed of forces from a single military

22. Compare John J. Kruzell, *Pentagon Official Describes AFRICOM’s Mission, Dispels Misconceptions*, ARMED FORCES PRESS SERVICE (Aug. 3, 2007), <http://www.defenselink.mil/news/newsarticle.aspx?id=46931> with *FY2008 Hearings*, *infra* note 38 (discussing overall expenditures on Global War on Terror).

23. *Bureau of African Affairs*, U.S. DEPARTMENT OF STATE: DIPLOMACY IN ACTION, <http://www.web.archive.org/web/2008080211359/http://www.state.gov/p/af> (last visited Feb. 21, 2011).

24. *Id.*

25. See, e.g., Kevin Govern, *Beyond peer pressure to political revolution – Tunisia’s ‘jasmine revolution’ and the use of social networking to (re)establish political legitimacy*, NAPLES DAILY NEWS, Feb. 27, 2011, <http://www.naplesnews.com/news/2011/feb/27/guest-commentary-beyond-peer-pressure-political-re>.

26. See, e.g., LAUREN PLOCH, CONG. RESEARCH SERV., RL 34003, AFRICA COMMAND: U.S. STRATEGIC INTERESTS AND THE ROLE OF THE U.S. MILITARY IN AFRICA 4 (2010). See also Marnina Cowan, *AFRICOM is the Newest U.S. Combatant Command*, JEWISH INST. FOR NAT’L SECURITY AFF. ONLINE (Aug. 9, 2007), <http://www.jinsa.org/articles/view.html?documentid=3886> (stating that the command’s Area of Responsibility (AOR) “will eventually encompass the continent of Africa, the Islands of Cape Verde, Equatorial Guinea and Sao Tome and Principe, and the Indian Ocean islands of Comoros, Madagascar, Mauritius, and Seychelles. Central Command will still maintain its traditional relationship with Egypt, but AFRICOM will coordinate with Egypt on issues relating to Africa security.”); U.S. Dep’t. of Def., *Questions and Answers About AFRICOM*, U.S. AFR. COMMAND, <http://www.eucom.mil/africom/africomFAQs.asp> (last visited Feb. 16, 2011).

department.<sup>27</sup> An outline of these commands' authorities and responsibilities comes in Title 10, U.S. Code section 161 et seq. The Goldwater-Nichols Department of Defense Reorganization Act of 1986,<sup>28</sup> sponsored by Senator Barry Goldwater and Representative Bill Nichols, was the most significant defense reorganization after the National Security Act of 1947. Of particular significance to defense strategy and policy, this Act centralized the Chairman of the Joint Chiefs of Staff ("CJCS") operational authority, made the CJCS principal military advisor to the President, National Security Council and Secretary of Defense, and streamlined the operational chain of command from the President to the Secretary of Defense to the UCC commanders.<sup>29</sup> The UCCs, appointed by the President, carry full authority unless otherwise directed by the President or Secretary and, according to Title 10, are directly responsible for carrying out missions assigned to the command.<sup>30</sup>

At the time of this article's writing there were ten UCCs; four organized as functional commands, and six geographical commands. The newest functional, centralized command under the DoD is U.S. Cyber Command ("CYBERCOM"). Officially activated on May 21, 2010, CYBERCOM will be "online" and fully operational by October 2010 to

[C]onduct full-spectrum military cyberspace operations in order to enable actions in all domains, ensure US/Allied freedom of action in cyberspace, and deny the same to our adversaries. [This will] support the Armed Services' ability to confidently conduct high-tempo, effective operations as well as protect command and control systems and the cyberspace infrastructure supporting weapons system platforms from disruptions, intrusions and attacks.<sup>31</sup>

Not unlike its regionally-oriented predecessors, the U.S. Cyber Command will use military efforts to directly combat threats and attacks from other countries. AFRICOM, by comparison and contrast, will work together through both military and civil efforts to stabilize the continent and secure U.S. and African interests.

The Unified Command Plan ("UCP"), although not a legal document *per se*, is defined by the DoD as "the document, approved by the President, that sets forth basic guidance to all unified combatant commanders; establishes their missions,

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27. Combatant Commands: Establishment, 10 U.S.C. § 161 (2006). *See also* National Security Act of 1947, 50 U.S.C. § 401 (2006); U.S. DEP'T. OF DEF., *supra* note 3, at 343.

28. Goldwater-Nichols Department of Defense Reorganization Act of 1986, Pub. L. No. 99-433, 100 Stat. 992 (1986).

29. *Id.*

30. 10 U.S.C. § 164 (2010).

31. U.S. Dep't of Def., *U.S. Cyber Command*, U.S. STRATEGIC COMMAND, available at [http://www.stratcom.mil/factsheets/cyber\\_command](http://www.stratcom.mil/factsheets/cyber_command) (last updated Oct. 2010). Worthy of a separate law review note on the legal and policy concerns regarding CYBERCOM, Chairman of the Joint Chiefs of Staff Admiral Mullen said of CYBERCOM during an interview with WIRED Magazine that, "there's a blurring, if you will, in the speed of cyber between defense and offense. And so I think you'll see that, as well." Noah Shachtman, *Top Officer Fears Cyberwar, Hearts Karzai, Tweets With Help*, WIRED (Apr. 21, 2010), available at <http://www.wired.com/dangerroom/2010/04/top-officer-fears-cyberwar-hearts-karzai-tweets-with-help>.

responsibilities, and force structure; delineates the general geographical area of responsibility for geographic combatant commanders; and specifies functional responsibilities for functional combatant commanders.”<sup>32</sup> Prior to October 1, 2007, the UCP under the Dep’t of Def., divided responsibility for African defense and security issues among three “UCCs:” the U.S. Central Command (“CENTCOM”), Pacific Command (“PACOM”) and European Command (“EUCOM”).<sup>33</sup> CENTCOM had responsibility for Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Somalia, and Sudan; PACOM had responsibility for the Comoros, Madagascar, Mauritius, and the Seychelles; and EUCOM had responsibility for the rest of the continent.<sup>34</sup> In the summer of 2006, former U.S. DoD Secretary Donald Rumsfeld tasked the DoD to analyze and make broad recommendations regarding possible adjustments in the UCP to better align with national interests and security requirements.<sup>35</sup> The creation of AFRICOM was designed to “[realign] the region” under one U.S. organization to pursue a “three-pronged defense, diplomatic, and economic effort designed to enable U.S. government elements to work in concert with African partners without the ‘bureaucratic divisions’ created by a shared command structure.”<sup>36</sup>

On August 2, 2007, former Assistant Secretary for the Bureau of Political-Military Affairs, Stephen Mull, stated that AFRICOM would employ a “[w]hole of government approach” as an “unprecedented step forward in inter-agency cooperation and a new vehicle for addressing security issues in Africa.”<sup>37</sup> Current U.S. EUCOM Commander Gen. Bantz Craddock noted the urgent necessity for this three-pronged interagency approach from AFRICOM. In written testimony to Congress, Gen. Craddock said,

Africa is becoming a continent of increasing strategic importance to the U.S. and our allies . . . . The Dept. of Def., in collaboration with other U.S. agencies, is seeking more effective ways to mitigate or respond to

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32. DOD DICTIONARY, *supra* note 3.

33. *Id.* Note: The DoD Dictionary of Military and Associated Terms defines UCP as “The document, approved by the President, that sets forth basic guidance to all unified combatant commanders; establishes their missions, responsibilities, and force structure; delineates the general geographical area of responsibility for geographic combatant commanders; and specifies functional responsibilities for functional combatant commanders.” *Id.* at 385.

34. Schaefer & Eaglen, *supra* note 21.

35. See, e.g., Robert T. Moeller & Mary C. Yates, *The Road to a New Unified Command*, 51 JOINT FORCE Q., 67 (2008), available at <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA516640&Location=U2&doc=GetTRDoc.pdf>

36. John J. Kruzel, *Africa Partnership Station Aims to Boost Maritime Security*, AM. FORCES PRESS SERVICE (Jan. 15, 2008), available at <http://www.defenselink.mil/news/newsarticle.aspx?id=48679>.

37. *Africa Command: Opportunity for Enhanced Engagement or the Militarization of U.S.-Africa Relations?: Hearing Before the Subcomm. on Afr. and Global Health of the H. Comm. on Foreign Affairs*, 110th Cong. 1 (2007) (statement of Stephen D. Mull, Acting Assistant Secretary, Bureau of Political-Military Affairs, U.S. Department of State).



humanitarian crises, sustain African unity and stability, and improve cooperation on such transnational issues as terrorism and HIV/AIDS.<sup>38</sup>

Towards that end, the Obama administration is seeking more than \$7 billion in the upcoming Fiscal Year 2011 budget to provide anti-AIDS drugs and care for the infected, and to support campaigns that will prevent the virus spreading further.<sup>39</sup> In Craddock's estimation, "[t]here is little doubt that Africa will occupy an increasingly larger amount of our national attention in the years ahead."<sup>40</sup>

On September 27, 2007, AFRICOM Commander Gen. Ward responded to the Senate Armed Service Committee questions, stating that: "just as EUCOM focused on security cooperation activities with African nations, so too will AFRICOM continue developing capabilities of African nations to help solidify our relations, achieve our mutual goals, and provide a bright future full of promise and opportunity for Africans everywhere."<sup>41</sup> Moreover, Gen. Ward contends that AFRICOM's exercises, training, and humanitarian assistance efforts across the continent must occur, "in ways that demonstrate value-added through its existence."<sup>42</sup> As successor-in-command, Gen. Ham similarly has assessed that "[AFRICOM] can achieve positive effects that enhance the capability of [African] partners and support U.S. interests disproportionate to our modest investment in resources."<sup>43</sup>

In addition, Rear Admiral Robert Moeller, who supervised the 60-person AFRICOM Transition Team as Executive Dir., stated that AFRICOM will "better enable the Department of Defense, and other elements of the U.S. Government to work in concert and with partners to achieve a more stable environment in which political and economic growth can take place." He felt this change would take place as AFRICOM "consolidate[s] the efforts of three commands into one focused solely on Africa and help coordinate U.S. Government contributions on the continent."<sup>44</sup> The U.S. Department of State has ambitiously predicted that AFRICOM will play a supportive role as Africans continue to build democratic institutions and establish good governance across the continent. Moeller also stressed that "[AFRICOM] will not lead or create policy...our programs are

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38. *Department of Defense Authorization For Appropriations For Fiscal Year 2008: Hearing on S. 1547 Before the S. Comm. on Armed Services*, 110th Cong. 110-201, 1092 (2008) (statement of Gen. Bantz J. Craddock, Commander U.S. European Command) [hereinafter FY2008 Hearings]. See also Sean McFate, *U.S. Africa Command: A New Strategic Paradigm?*, MILITARY REV. 10, 11-12 (with testimony taking place Sep. 19, 2006).

39. Dr. Rajiv Shah, USAID, Testimony before the Subcommittee on State, Foreign Operations and Related Programs, Committee on Appropriations, U.S. House of Representatives, Mar. 30, 2011 available at <http://www.usaid.gov/press/speeches/2011/ty110330.html>.

40. FY2008 Hearings, *supra* note 38 (statement of General Craddock).

41. Press Release, U.S. Dep't. of State, AFRICOM Reaches Initial Operating Capacity (Oct. 1, 2007), available at <http://www.africom.mil/getArticle.asp?art=1462&lang=0>.

42. *Id.*

43. Gen. Ham, *supra* note 5, at 21.

44. Dep't. of Def., *supra* note 26.

designed to respond to what our African partners have asked us to do.”<sup>45</sup> In accordance with these goals, the term national security not only refers to the threats from hostile governments, but from terrorist organizations that feed off weak states and flourish in ungoverned spaces. According to the House of Representatives yearly assessment of AFRICOM, national security is a stable environment, “where education and public health efforts, improvements in the rule of law, and the reduction of corruption can significantly increase a government’s ability to combat these new threats.” In summation, AFRICOM’s “foremost mission is to help Africans achieve their own security, and to support African leadership efforts,”<sup>46</sup> “but they will welcome help in building strong, effective and professional forces.”<sup>47</sup>

### III. RESOURCES TO REQUIREMENTS: WHAT AFRICOM HAS AND WHAT IT MUST DO

On November 21, 2007, Robert G. Berschinski of the Strategic Studies Institute explained that since AFRICOM incorporated security, development, and humanitarian functions into one organization, it “[m]ay be particularly susceptible to strategic failure if it uncritically incorporated the operational concepts that have guided its predecessors.”<sup>48</sup> Two “no-failure” strategic and operational requirements involve AFRICOM’s headquarters location, and stationing AFRICOM troops in Africa.<sup>49</sup> In that lowest-threshold-of-accomplishment regard, AFRICOM has succeeded at avoiding strategic failure since it has avoided a large-scale presence of troops, either in a command and control or operational setting, anywhere on African soil or in African nation territorial waters, despite an increasing operational demand on AFRICOM’s air, sea, and ground assets. Gen. Ward pledged at AFRICOM’s inception that it would have “no designs on creating vast, permanent concentrations of forces on the continent.” Ward asserted, “Bases? Garrisons? It’s not about that . . . we are trying to prevent conflict, as opposed to having to react to a conflict.”<sup>50</sup> In a fall 2008 interview with the BBC, Gen. Ward candidly commented that AFRICOM was not hiding its agenda, and would work to operate “in partnership with our African friends,” so that “trainers or other forms of military support and assistance [remain] . . . only so long as is required to conduct the specific training that we’ve been asked to do or to conduct the specific

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45. Judith Snyderman, *AFRICOM Helps African Nations Build Their Own Secure Future*, NAVY.MIL (Apr. 8, 2010, 11:35 AM), [http://www.navy.mil/search/display.asp?story\\_id=52478](http://www.navy.mil/search/display.asp?story_id=52478).

46. U.S. AFRICOM Pub. Affairs Office, U.S. Dep’t. of State, *Fact Sheet: United States Africa Command*, U.S. AFRICA COMMAND, <http://replay.waybackmachine.org/20080514024304/http://usinfo.state.gov/af/africa/africom.html> (last visited Jan. 21, 2008).

47. Snyderman, *supra* note 45.

48. ROBERT G. BERSCHINSKI, STRATEGIC STUD. INST., AFRICOM’S DILEMMA: THE “GLOBAL WAR ON TERRORISM,” “CAPACITY BUILDING,” HUMANITARIANISM, AND THE FUTURE OF U.S. SECURITY POLICY IN AFRICA 2 (2007), available at <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=827>.

49. *Id.* at 3.

50. Thom Shanker, *Command for Africa is Established by Pentagon*, N.Y. TIMES (Oct. 4, 2008), <http://www.nytimes.com/2008/10/05/world/africa/05command.html>.

activities.”<sup>51</sup> A series of consultations with the several African countries have been held to resolve the issue of AFRICOM’s future central command center. Countries in attendance include Morocco, Algeria, Libya, Egypt, Djibouti, Nigeria, and Kenya among others.<sup>52</sup>

There is much controversy among the African nations about where AFRICOM’s future command center and its subordinate units will be positioned, and who will have base access agreements, status of forces or status of mission agreements, and a myriad of other practical and legal concerns. Complicating the resolution of these controversies is the fact that each country within AFRICOM’s AOR is far different, having unique interests in natural resources, humanitarian issues, economic resources, and environmental concerns. These national differences are magnified by an incredible amount of regional and ethnic diversity, which encompasses 1 billion people spanning 54 nations, 800 ethnic groups, and 1,000 different languages.<sup>53</sup> In addition to the above concerns, AFRICOM must contend with the overarching concerns surrounding the placement of permanent U.S. bases and the overall scope of the U.S. military presence on the African continent.<sup>54</sup> Gen. Ward observed in his speech at the U.S. Army’s Command and General Staff College on May 25, 2010, “there are 1,000 missions, activities, programs, exercises, across a continent that is three and a half times the size of United States every day and you don’t know a thing about it,”<sup>55</sup> referring to the challenges of conducting missions in a nation which has such vast diversity. Ward continued that, “it’s in the best interests of the U.S. that Africa become a more stable region, so AFRICOM’s interests are in providing military training, assisting humanitarian efforts with partner agencies, countering terrorism and building strong relationships...this command is about prevention as opposed to reaction.”<sup>56</sup> In prioritizing the military efforts in Africa, economics is least important, but “sustained security engagement” Ward suggested, through military-to-military programs, military-sponsored activities, and other military operations, would lay a foundation for new capabilities and new relationships among African nations.<sup>57</sup> Only time will tell whether counterterrorism (“CT”) and other missions will become lower priority in the AFRICOM AOR and engagement becomes a higher – or the highest – priority.

In April 2010 testimony by the GAO determining the future of the Horn of Africa (“HOA”) task force, it was reported,

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51. *US Africom 'has no hidden agenda,'* BBC NEWS (Oct. 1, 2008, 10:06 AM) <http://news.bbc.co.uk/2/hi/africa/7645714.stm>.

52. Volman, *supra* note 4.

53. General William “Kip” Ward, *United States Africa Command Brief*, Feb. 2, 2010 available at <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA511286>.

54. Snyderman, *supra* note 45.

55. Melissa Bower, *AFRICOM Commander Visits CGSC*, FORT LEAVENWORTH LAMP (May 27, 2010, 10:24 AM), <http://www.fleavenworthlamp.com/features/x636942868/AFRICOM-commander-visits-CGSC>.

56. *Id.*

57. Jim Garamone, *Ward Discusses U.S. Africa Command’s Goals*, AM. FORCES PRESS SERVICE (Oct. 2, 2008), available at <http://www.defense.gov/news/newsarticle.aspx?id=51367>.

[T]he task force staff has made cultural missteps because they did not understand local religious customs and may have unintentionally burdened embassies that must continuously train new staff on procedures. These problems may be exacerbated by limited training and compounded by short tour lengths (generally 4-12 months) of the AFRICOM staff.<sup>58</sup>

Testifying before the Senate's Committee on Armed Services, Gen. Ham said, "If al-Qaida affiliates grow unchecked in the Horn of Africa or across the Sahel, it may lead to further attacks against US interests overseas or in the homeland."<sup>59</sup> The vast geographical and cultural differences between, and among, Africans, and AFRICOM's "developing" capability to understand them greatly complicate AFRICOM's coordination. Ultimately, sweeping written guidelines and laws applicable to all African nations will not successfully account for the dynamic nature of African society and the vast diversity among African nations. These matters of cultural astuteness and operational sensitivity will be some of the greatest challenges AFRICOM's forces will face in the region.

Because of Africa's extensive diversity and AFRICOM's training challenges, the U.S. faces growing opposition from popular organizations internationally and nationally. Some African nations remain open to the prospect of social and economic assistance programs through partnerships with the U.S.; others will not be open, others still will vacillate between opposing and embracing U.S. influences.<sup>60</sup> Some of the successful cooperative partnerships include legal documents with operational impact called "base access agreements," which were originally negotiated in 2007 by the Bush Administration. The governments of Botswana, Gabon, Ghana, Kenya, Mali, Morocco, Namibia, Sao Tome and Principe, Senegal, Sierra Leone, Tunisia, Uganda, and Zambia have agreed to allow U.S. forces access to local military bases and other African facilities as transit bases or as forward operating bases for combat, surveillance, and other military operations.<sup>61</sup> Navy Vice Adm. Robert T. Moeller, former deputy for military operations at U. S. Africa Command, explained "we send small teams to dozens of countries and offer our perspective on military topics such as leadership, aircraft maintenance, the importance of an inspector-general program, loading equipment onto aircraft for deployment [and] the finer points of air traffic control...including port security and military law."<sup>62</sup> AFRICOM also organizes multinational exercises

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58. U.S. GOV'T ACCOUNTABILITY OFFICE, DEFENSE MANAGEMENT: DOD NEEDS TO DETERMINE THE FUTURE OF ITS HORN OF AFRICA TASK FORCE (2010), *available at* <http://www.gao.gov/products/GAO-10-504>.

59. Gen. Ham, *supra* note 5, at 9.

60. Craig Whitlock, *North Africa Reluctant to Host U.S. Command*, WASH. POST (June 24, 2007), <http://www.washingtonpost.com/wp-dyn/content/article/2007/06/23/AR2007062301318.html>.

61. DANIEL VOLMAN, AFRICAN SECURITY RESEARCH PROJECT: U.S. MILITARY PROGRAMS IN SUB-SAHARAN AFRICA 2005-2007, *available at* <http://allafrica.com/peaceafrica/resources/view/00010822.pdf>.

62. Snyderman, *supra* note 45. At the time of this paper's writing, the Deputy to the Commander for Military Operations position remained vacant without replacement. See U.S. AFRICOM Pub. Affairs, *supra* note 2.

that allow participants to practice working together to solve regional security issues and “has acted in an advisory capacity and in a training role for nations that provide peacekeeping forces throughout Africa.”<sup>63</sup>

At the outset of AFRICOM’s creation, Secretary Gates noted that as the U.S. developed the new AFRICOM command center that, “. . . we should [not] push African governments to a place they don’t really want to go in terms of relationships.” However, as the Obama administration emerged, President Obama stated that “there are situations which require the U.S. to work with its partners in Africa to fight terrorism with lethal force and having a unified command operating in Africa will facilitate this action.”<sup>64</sup> This may well further the goals of counternarcotics, counterterrorism, and security and stabilization assistance set forth by AFRICOM Commander Ward.<sup>65</sup>

At the time of this article’s writing, AFRICOM’s only permanent base in Africa was Camp Lemonnier in Djibouti, with 1,800 U.S. troops.<sup>66</sup> U.S. AFRICOM’s headquarters staff at Kelley Barracks, Stuttgart, Germany (co-located with EUCOM), continues to grow in size and composition in an effort to evolve in a manner “tailored to accomplish the command’s mission.”<sup>67</sup> While the average UCC’s staff ranges from 500 to more than 1,000 personnel (not including civilian contractors and supporting intelligence architecture), AFRICOM grew to an initially projected size between 650 and 760, with planned increases to 1,200-1,800, factoring in intelligence and other support requirements. By September 1, 2009, roughly half of the 1,200 headquarters and joint subordinate activities personnel were civilian employees, including representatives from non-military agencies of the U.S. government.<sup>68</sup> The support required for AFRICOM regional operations as well as headquarters staff — or the “service component command personnel,” — can range between 100 to 350 persons, according to the Congressional Research Service.<sup>69</sup> In Gen. Craddock’s estimation, the kinds of forces deployed to Africa by AFRICOM will be “largely based on the capabilities needed to counter the challenges Africa faces.”<sup>70</sup> Craddock recognizes those challenges as “humanitarian assistance, disaster relief, security sector reform, and counterterrorism,” such that AFRICOM forces will “work with host nations to

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63. Snyderman, *supra* note 45.

64. John Cherian, *Barack Obama has Taken on the African Agenda from his Predecessor, Albeit Without Much Fanfare*, FLONNET.COM (Nov. 6, 2009), <http://www.modernghana.com/news1247555/1/barack-obama-has-taken-on-the-african-agenda-from-.html>.

65. ROBERT M. GATES, UNITED STATES DEPARTMENT OF DEFENSE, FISCAL YEAR 2010 BUDGET REQUEST SUMMARY JUSTIFICATION 2-26 (2009), available at [http://comptroller.defense.gov/defbudget/fy2010/fy2010\\_SJ.pdf](http://comptroller.defense.gov/defbudget/fy2010/fy2010_SJ.pdf).

66. David S. Gordon, *Promoting the Rule of Law in Stability Operations: Myths, Methods and the Military*, MIL. LEGITIMACY & LEADERSHIP J. 82, 102 (2009). This camp’s name is often misspelled “Lemonier,” including in the Frequently Asked Questions portion of AFRICOM’s website. See U.S. Dep’t. of Def., *supra* note 26.

67. Kevin H. Govern, *AFRICOM as the New “New Thing:” Mixed metaphor or new Paradigm for the Developing World?*, MIL. LEGITIMACY & LEADERSHIP J. 98, 100 (2009).

68. PLOCH, *supra* note 26, at 11 n.37.

69. *Id.*

70. *FY2008 Hearings*, *supra* note 38, at 1093.

build up African militaries, as well as reinforce the importance of civilian control over the military.”<sup>71</sup>

In attempt to influence, if not control the U.S.’ reorganization of commands under AFRICOM, individual African nations will continue to raise many challenges surrounding the balance between military power, civil society, and the rule of law. With the goals of the U.S. military in mind, questions will necessarily arise as to “what success looks like” for both the U.S. and African nations, and the roles of each in combined civil-military initiatives. The U.S. military’s policy called the “whole of government” approach integrates the collaborative efforts of the departments and agencies of the U.S. Government to achieve unity of effort toward a shared goal.<sup>72</sup> Considering that policy, Congress has expressed concerns that “locating a whole of government approach within a military command presents a tension between the importance of representing U.S. activities in Africa as peaceful and respectful of African national sovereignty.”<sup>73</sup> Additionally, allocating resources effectively and with proper balance is necessary to avoid the military taking the lead on traditionally civilian-led efforts.<sup>74</sup>

By the end of 2008, AFRICOM expanded its development in force structure by including the Army, Navy, Special Operations, and Air Force Component Commands. On December 9, 2008, the 250-person headquarters comprising the Southern European Task Force (“SETAF”) in Vicenza, Italy, was transformed into U.S. Army Africa — the Army Component Command to AFRICOM.<sup>75</sup> The mission of this new organization stated that, “SETAF, in concert with national and international partners, conducts sustained security engagement with African land forces to promote peace, stability, and security in Africa. As directed, these forces will deploy as a contingency headquarters in support of crisis response.”<sup>76</sup>

The Navy Component Command underwent a similar transition. In Naples, Italy, Naval Forces Europe was re-designated in December 2008 and expanded to become “NAVEUR NAVAF” (Naval Forces Europe Naval Forces Africa).<sup>77</sup> Navy officials anticipated that over the next few years, NAVAF’s staff of 500 will likely increase by about 140.<sup>78</sup>

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71. *Id.*

72. U.S. DEP’T OF ARMY, FIELD MANUAL 3-07: STABILITY OPERATIONS 1-5 (2008), *available at* <http://usacac.army.mil/cac2/repository/FM307/FM3-07.pdf>.

73. John Tierney, Chairman, Subcomm. on Nat’l Sec. and Foreign Affairs, Keynote Address at AFRICOM: An Independent Review for the New Administration (Oct. 28, 2009).

74. *Id.*

75. *Task Force Becomes Part of AFRICOM*, ARMY TIMES (Dec. 13, 2008, 6:59:48 EST), [http://www.armytimes.com/news/2008/12/army\\_taskforce\\_121308w/](http://www.armytimes.com/news/2008/12/army_taskforce_121308w/) (the 173rd Airborne Brigade Task Force remains a U.S. Army Europe (“USAREUR”) asset, and is co-located with the new U.S. Army Africa at Caserma Ederle, Vicenza, Italy).

76. *Welcome Information*, U.S. ARMY AFR., <http://www.usaraf.army.mil/welcome.html> (last visited Mar. 27, 2011). It is expected that some administrative support from USAREUR will continue to U.S. Army Africa through Fiscal Year 2012.

77. Lisa M. Novak, *Italy to Host AFRICOM Headquarters*, STARS & STRIPES, Dec. 5, 2008, *available at* <http://www.stripes.com/article.asp?section=104&article=59224>.

78. *Id.*

To compliment this conventional force capability, and rounding out AFRICOM's October 1, 2008 "full operating capability" status, AFRICOM "stood up" a "theater Special Operations Command for Africa," ("SOCAFRICA"). SOCAFRICA will support "USAFRICOM's" (United States Africa Command) Theater Security Cooperation Program, deliberate plans, and real world contingencies and will "eventually take over from Special Operations Command-Europe."<sup>79</sup> Finally, similar transitional changes took place, which affected the Air Force Component Command, as the 17th Air Force at Ramstein Air Base, Germany, was designated to support AFRICOM, and reached its own initial operating capability in October 2008.<sup>80</sup>

The "standing up" of AFRICOM was estimated to cost \$50 million in the 2007 fiscal year.<sup>81</sup> Furthermore, there were authorized appropriations totaling \$509 billion for the 2007 fiscal year for military functions of the DoD, activities of the Dep't. of Energy, and other purposes. That total included \$50 billion for military operations in Iraq and Afghanistan, and over \$68 billion in supplemental appropriations for 2006.<sup>82</sup> According to the Congressional Research Service the "[n]ascent command's budget for Fiscal 2008 (October 1, 2007, to September 30, 2008) [was] estimated at \$154.6 million," and that "AFRICOM's budgetary needs will increase substantially when the command begins its move to the continent, given the construction and/or acquisition of physical infrastructure and other start-up costs."<sup>83</sup>

By 2009, the AFRICOM appropriations bill was reduced from \$389 to \$266 million, a result of budgeting for military personnel, operations, and maintenance (O&M) accounts.<sup>84</sup> Despite this decrease, \$266 million was an improvement from the budget recommended by the House Appropriations Subcommittee on Defense, a low \$80.6 million.<sup>85</sup> According to subcommittee chairman Matthew Mazonkey, that would have been 80 percent less than originally requested.<sup>86</sup> As the challenges in Africa grow and new needs develop, AFRICOM's cost can be expected to increase. For the 2010 Fiscal Year, some \$300 million in O&M funds were proposed to cover the cost of AFRICOM under the \$1.8 billion dollar Global Defense Posture Military Construction Funding supporting all global defense strategies. According to the 2010 Budget Request Summary by the DOD, the 2010

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79. Marina Malenic, *Pentagon Begins Constituting Special Operations Command to Support AFRICOM Efforts*, DEFENSE DAILY, Oct. 9, 2008, available at [http://findarticles.com/p/articles/mi\\_6712/is\\_ai\\_n30977669](http://findarticles.com/p/articles/mi_6712/is_ai_n30977669).

80. *Id.*

81. U.S. Dep't. of Def., *supra* note 26.

82. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE: S. 2766, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007 (2006), available at <http://www.cbo.gov/ftpdocs/72xx/doc7281/s2766.pdf>.

83. PLOCH, *supra* note 26, at 12.

84. CRS REPORT FOR CONGRESS, DEFENSE: FY2009 AUTHORIZATION AND APPROPRIATIONS, (Oct. 6, 2008), at CRS-57, available at <http://www.fas.org/spp/crs/natsec/RL34473.pdf>

85. *AFRICOM facing major budget shortfall for '09 - House subcommittee says funding will keep command at current level*, STARS & STRIPES, Sept. 14, 2008, available at <http://www.stripes.com/article.asp?section=104&article=64565&archive=true>.

86. *Id.*

Base budget included \$5.6 billion in O&M funds for Combatant Commands.<sup>87</sup> The Obama Administration also requested \$263 million to provide additional manpower, airlift, and communications support to AFRICOM, which includes a request for a total of \$451 million to replace or upgrade facilities at enduring CENTCOM and AFRICOM locations.<sup>88</sup> According to the figures cited, these facility upgrades included significant investment at Camp Lemonnier in FY 2010 by the DoD, aside from the \$30 million to pay the annual lease for the 500-acre base in Djibouti and \$170 million to cover the annual operational budget of the base; in contrast, DOD's budget request for AFRICOM for FY2011, \$296.2 million, is roughly comparable to that of FY2010 (excluding funding for CJTF-HOA or base operations at Lemonnier).<sup>89</sup>

These figures all should be considered in the context of 2010 National Defense Authorization Act appropriations totaling \$681 billion supported military functions of the DoD, certain activities of the Dep't of Energy, and other purposes.<sup>90</sup> That total included \$130 billion for the cost of overseas contingency operations, primarily in Iraq and Afghanistan.<sup>91</sup> Noting the potential controversies of a military-influenced implementation of U.S. foreign policy oriented towards Africa, Gen. Ward has commented that,

Several issues have arisen as a result of these appropriations. The Government Accountability Office has expressed concerns that some members of Congress, civilian government agencies, non-governmental organizations, and African nations have criticized the command as a "militarization" of U.S. foreign policy in the region.<sup>92</sup> AFRICOM's public statements and outreach programs have been carefully focused to dispel

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87. GATES, *supra* note 65, at 2-32.

88. Daniel Voman, *Obama Administration Budget Request for AFRICOM Operations and for Security Assistance Programs in Africa in FY 2010*, AFR. SECURITY RES. PROJECT (May, 2009), available at <http://concernedafricascholars.org/african-security-research-project/?p=18>.

89. *Id.* See also PLOCH, *supra* note 26, at 13.

90. National Defense Authorization Act for Fiscal Year 2010, Pub. L. No. 111-84, 123 Stat. 2190 (2009). In this reference guide, Olson says that "the Obama Administration has requested a base budget of \$548.9 billion for the Department of Defense. This is \$18 billion, or 3.4 percent, above the appropriated Fiscal Year 2010 base budget of \$531 billion. In addition, the Administration has requested \$159.3 billion for "Overseas Contingency Operations," to fight the wars in Afghanistan and Iraq. This brings the Fiscal Year 2011 defense budget request to a total of \$708.3 billion. Further, the Administration has requested an additional \$33 billion in emergency supplemental appropriations for Fiscal Year 2010. Including this \$33 billion, total appropriated Pentagon spending for Fiscal Year 2010 will equal approximately \$693.4 billion, a 4.1 percent increase over Fiscal Year 2009. This total brings us to a 2.1 percent increase in Fiscal Year 2011. In real terms, this amounts to a \$9 billion, or 1.3 percent, increase over Fiscal Year 2010." Given the increase in operations tempo for certain elements of the DoD, and potential budget impasses yet to come during Fiscal Year 2011, additional supplemental appropriations – or budget cuts – may well change these figures substantially.

91. CONG. BUDGET OFFICE, H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010 (2009), available at <http://www.cbo.gov/ftpdocs/103xx/doc10341/hr2647.pdf>.

92. U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-08-47T, FORCE STRUCTURE: PRELIMINARY OBSERVATIONS ON THE PROGRESS AND CHALLENGES ASSOCIATED WITH ESTABLISHING THE U.S. AFRICA COMMAND 4 (2008) (statement of John Pendleton, Dir., Def. Capabilities and Mgmt. Issues).



those notions.<sup>93</sup> As for AFRICOM's stated requirements, its present "mission statement" sets forth that: United States Africa Command, in concert with other U.S. government agencies and international partners, conducts sustained security engagement through military-to-military programs, military-sponsored activities, and other military operations as directed to promote a stable and secure African environment in support of U.S. foreign policy.<sup>94</sup>

Additional funding for combatant commands may be appropriated each fiscal year and accounted through the DoD in addition to the amounts otherwise available for that activity for that FY, known as the CINC Initiative Fund, and as of 2003, redesignated as the Combatant Commander Initiative Fund ("CIF"). Authorized under Title 10 of the U.S.C. 166a, "the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command."<sup>95</sup> This fund was established to enhance U.S. war-fighting capabilities and to support low-cost/high-benefit one-time projects that extend aid to a country to accomplish U.S. military objectives and security interests or "complimentary security goals." There are some limitations on funding, and funds will not be provided if Congress does not approve the specific activity for which they are requested. Some of the funding limitations include expenses of foreign countries participating in joint exercises, military education and training to civil and military personnel. Funding priority is considered when funding requests are to "be used for activities that would enhance the war fighting capability, readiness, and sustainability of the forces," or used for activities that will reduce threats and increase U.S. national security, or used for "urgent and unanticipated humanitarian relief and reconstruction assistance."<sup>96</sup> The Obama administration's proposed FY 2010 budget included \$400 million for Global Train and Equip (Section 1206) programs, \$200 million for Security and Stabilization Assistance (Section 1207) programs, and only \$1 million for the Combatant Commander's Initiative Fund.<sup>97</sup> According to the Congressional Research Service ("CRS"),

[I]n its FY2011 budget request, the Obama Administration indicates that it seeks about \$490 million in Section 1206 funding . . . even though the authorized funding level is \$350 million. [However] the FY2011 National

93. See, e.g., William E. Ward, *From Gen William "Kip" Ward*, U.S. AFR. COMMAND (Dec. 21, 2007, 3:20:49 PM), available at <http://www.africom.mil/africomDialogue.asp?entry=20>. (General Ward's new online forum, refereed by the US AFRICOM Public Affairs Office called AFRICOM Dialogue, created "as a way for members of the Africa Command staff to describe what we're doing.")

94. See generally, *About United States Africa Command*, U.S. AFR. COMMAND, <http://www.africom.mil/AboutAFRICOM.asp> (last updated Feb. 2011); See also, *Fact Sheet: AFRICOM Posture Statement: Ward Updates Congress on U.S. Africa Command*, U.S. AFR. COMMAND (Mar. 13, 2008), available at <http://www.africom.mil/printStory.asp?art=1799>.

95. Combatant Commands: Funding Through the Chairman of Joint Chiefs of Staff, 10 U.S.C. § 166a (2006).

96. *Id.*

97. Daniel Volman, *Africom to Continue Under Obama*, GLOBAL RES. (June 27, 2009), available at <http://www.globalresearch.ca/index.php?context=va&aid=14131>.

Defense Authorization Act, H.R. 5136, as passed by the House on May 28, 2010 [raised] authorized funding limit to \$500 million and extend[ed] the authority, currently set to expire in FY2011, through FY2012.<sup>98</sup>

When projects are not well selected for CIF funding, observers have raised a variety of concerns regarding humanitarian and civic assistance in non-emergency situations. These concerns stem from projects that can undermine U.S. credibility and the host nation government by benefiting one ethnic group over another and exacerbating ongoing conflicts. For example, the CRS reports that in the 1990s, Congress scrutinized U.S. humanitarian and civic action ("HCA") activities in Central America when schools were built in an area where there were no qualified teachers, viewing the project as ill-conceived and at odds with sound development policy.<sup>99</sup> Notwithstanding this situation, the HCA includes a myriad of other effective assistance throughout the African nations. Authorized under 10 U.S.C. § 401, the humanitarian and civic assistance program is "aimed at alleviating economic or infrastructure deficiencies or other endemic conditions including disease, hunger, pain, or privation that threaten human life, damage to or loss of property, or social or political stability in developing nations."<sup>100</sup> These programs are carried out in conjunction with authorized military operations and are not only for the benefit of the host country, but also for U.S. interests and military interests in the region. HCA programs, funded by the CIF, are used to build or repair "basic roads, schools, public buildings, well drilling, basic sanitation...construction of or repair to public facilities... [and] basic medical, dental, surgical and veterinary care."<sup>101</sup>

Gen. Ham delivered AFRICOM's fourth annual "Posture Statement" in 2011 before the Senate Armed Services Committee in the long-standing tradition of regional Combatant Commanders reporting on their region of their world.<sup>102</sup> This candid yet relatively concise report outlined the myriad of challenges present in Africa today. African demographic trends are simultaneously impressive and alarming. Africa is home to one billion people, and of the forty countries worldwide with the highest rates of growth, thirty-four are African, and Africa had,

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98. NINA M. SERAFINO ET AL., CONG. RESEARCH SERV., RL 34639, THE DEPARTMENT OF DEFENSE ROLE IN FOREIGN ASSISTANCE: BACKGROUND, MAJOR ISSUES, AND OPTIONS FOR CONGRESS 11 (2008).

99. *Id.*

100. DEF. SEC. COOPERATION AGENCY, DEP'T OF DEF., SECURITY ASSISTANCE MANAGEMENT MANUAL 577 (2003).

101. DEF. SEC. COOPERATION AGENCY, DEP'T OF DEF., HUMANITARIAN AND CIVIC ASSISTANCE AND HUMANITARIAN MINE ACTION PROGRAMS 1 (2010). Note: These HCA missions do NOT include distributing or promoting contraception or providing abortions, notwithstanding of any actual (or purported) past, present, or future USAID or other U.S. governmental "AIDS prevention," "population control," or "population stabilization" initiatives.

102. U.S. AFR. COMMAND, 2010 POSTURE STATEMENT (2010). In testimony before Congress March 9, 2010, the commander of AFRICOM provided an overview of the strategic environment in Africa, explained AFRICOM's strategic approach, and showed how security cooperation efforts promote stability in support of U.S. foreign policy and national security objectives. It is noteworthy that these Annual Posture Statements seldom, if ever, include "metrics" related to "measures of success," identifying instead, anecdotal instances of mission successes and efficacy.

as of 2010, the world's largest number of forcibly displaced individuals, with close to three million refugees and approximately 11.6 million internally displaced persons in nineteen countries across the continent."<sup>103</sup> Not surprisingly, the Fund for Peace's 2010 Failed States Index, which reports on these socioeconomic concerns, identified a total of thirty-eight nations as being the most at risk for instability and future conflict. Twenty-two out of the thirty-eight nations listed are on the African subcontinent. Further, the bottom five ranked countries with respect to economic decline, human plight, and group grievances are Somalia, Zimbabwe, Sudan, Chad and the Democratic Republic of the Congo respectively.<sup>104</sup>

For these and other reasons, AFRICOM has advanced U.S. interests to help its African partners improve their capabilities and broaden their capacities, where "weakly governed spaces provide favorable operating environments for violent extremism, piracy, and trafficking of humans, weapons, and drugs."<sup>105</sup> In the time of AFRICOM's existence, "al-Qaeda and terrorist groups in Africa appear to have strengthened their collaboration."<sup>106</sup> With respect to illicit narco-trafficking, "West Africa is a node for Latin American drugs transiting to their primary destination in European markets," and, alarmingly, "[t]he destabilizing and corrupting influence of narcotics trafficking threatens to turn Guinea-Bissau into a narco-state [expanding] the Latin American cartel's network and influence throughout the region."<sup>107</sup> A grim assessment from 2009 accurately predicted that pirate attacks would continue to escalate in frequency and expanded their geographic range in the western Indian Ocean out to 1,000 nautical miles from the African coast.<sup>108</sup> Further, African populations remain at great risk to a host of infectious diseases, including H1N1 Influenza, with the "Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome (HIV/AIDS), tuberculosis, and malaria [continuing to be] the leading causes of adult mortality in Africa . . . in [most African countries that] lack adequate capacity and capability to contain or mitigate the threat of pandemic diseases."<sup>109</sup>

Further challenges present in Africa today include economic decline and the prevalence of poor governance throughout the continent. In the economic and political realm, up "until the global economic crisis of late 2008, Africa as a whole

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103. *Id.* at 6.

104. *The Failed States Index 2010*, FOREIGN POL., available at [http://www.foreignpolicy.com/articles/2010/06/21/2010\\_failed\\_states\\_index\\_interactive\\_map\\_and\\_rankings](http://www.foreignpolicy.com/articles/2010/06/21/2010_failed_states_index_interactive_map_and_rankings) (last visited Dec. 29, 2010). The Fund for Peace is a research and educational organization that works to prevent war and alleviate the conditions that cause war. Annual Failed States Index assessments are based upon four social indicators, two economic indicators, and six political indicators. Similarly the 2010 Ibrahim Index of African Governance only swaps Sudan at sixth with fifth worst Eritrea, when measuring Safety and Rule of Law; Participation and Human Rights; Sustainable Economic Opportunity; and Human Development as "proxies for the quality of the processes and outcomes of governance." *The Ibrahim Index*, MO IBRAHIM FOUND., available at <http://www.moibrahimfoundation.org/en/section/the-ibrahim-index> (last visited Dec. 29, 2010).

105. U.S. AFR. COMMAND, *supra* note 102, at 7.

106. *Id.*

107. *Id.* at 8.

108. *Id.*

109. *Id.*

experienced a 10-year trend of sustained economic growth, averaging over 5 percent growth in gross domestic product per year,” but “undiversified economies, high unemployment, and corruption, have prevented the wealth generated by Africa’s natural resources from finding its way to the neediest segments of African societies.”<sup>110</sup> Especially in the sub-Sahara region, many African nations are encumbered with patrimonial systems of governance; high power political and military positions and other leadership roles are often passed down through families and comrades as opposed to promotions upon merit or democratic elections, and profitable national resources are used to retain loyalty rather than improving the life of the general civilian population.<sup>111</sup>

In order to combat these problems efficiently, AFRICOM must work in a highly organized manner, delegating specific tasks and objectives to the components that are best able to handle all these responsibilities and by working to develop the leadership of African militaries to improve overall state stability. The Quadrennial Defense Review, outlined in the U.S. Code, implements this strategy and requires consistent reevaluation of defense strategies in consultation with the Chairman of the Joint Chiefs of Staff. According to Title 10, U.S. Code section 118:

The Secretary of Defense shall every four years, during a year following a year evenly divisible by four, conduct a comprehensive examination (to be known as a “quadrennial defense review”) of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years.<sup>112</sup>

Aside from emergent contingency operations such as Operation Odyssey Dawn mentioned above, ongoing training and operational missions that AFRICOM assumed or will assume from USEUCOM and other combatant commands include *but are not limited to* those listed in Table 1:

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110. *Id.* at 8-9.

111. Eboe Hutchful, *Military and Policy Reform in Ghana*, 35 J. OF MOD. AFR. STUD. 251, 251-278 (1997).

112. U.S. DEP’T OF DEF., QUADRENNIAL DEFENSE REVIEW REPORT, <http://www.defense.gov/qdr/archive/20060206qdr1.html> (last visited March 22, 2011); *also see* U.S. DEP’T OF DEF., QUADRENNIAL DEFENSE REVIEW REPORT 12 (2010), *available at* <http://www.defense.gov/qdr/qdr%20as%20of%2029jan10%201600.pdf>; Quadrennial Defense Review, 10 U.S.C. § 118 (2010), specifying,

The Secretary of Defense shall every four years, during a year following a year evenly divisible by four, conduct a comprehensive examination (to be known as a “quadrennial defense review”) of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years. Each such quadrennial defense review shall be conducted in consultation with the Chairman of the Joint Chiefs of Staff.

Table 1: Ongoing unclassified missions since 2006.

Location	Ongoing Unclassified Missions Since 2006
Kenya, Ethiopia and Djibouti	Combined Joint Task Force Horn of Africa (“CJTF-HOA”) given to AFRICOM by CENTCOM in 2008, is currently helping to build host-nation capacity. <sup>113</sup> East Africa Counter-Terrorism Initiative (“EACTI”), multi year program for training similar to Trans-Sahara Counter-Terrorism Partnership (“TSCTP”). <sup>114</sup>
Liberia	Joint Task Force Liberia with Economic Community of West African States (“ECOWAS”) to provide aid to victims of civil war and to restore order and prevent a full-blown humanitarian crisis. <sup>115</sup>
Northern Africa	TSCTP, the U.S. Government’s long-term interagency plan to combat terrorism in Northern Africa. <sup>116</sup> TSCTP, originally known as the Trans-Sahara Counterterrorism Initiative was developed as a follow-on to the Pan-Sahel Initiative, which provided basic military training and equipment to the militaries of Chad, Mali, Mauritania, and Niger from 2002 through 2004. Flintlock 2005 and 2007 were Joint Combined Exchange Training exercises conducted by units of the U.S. Army Special Forces and the U.S. Army Rangers to provide interoperability training experiences for American and African troops. <sup>117</sup>
Northern and Western Africa	Countering emerging terrorist extremist threats <sup>118</sup>
Pan-Africa	Security Assistance missions to increase the capacity of international organizations to contribute more effectively to the improvement of governance and the expansion of civil society (specifically support to the AU’s development of a humanitarian crisis intervention capability), to include: -Operation Enduring Freedom: Trans Sahara /Trans Sahara

113. U.S. DEP’T OF DEF., QUADRENNIAL DEFENSE REVIEW REPORT 12 (2010), available at <http://www.defense.gov/qdr/qdr%20as%20of%2029jan10%201600.pdf>

114. Daniel Volman, *Obama, Africom, and U.S. Military Policy Toward Africa* 13 (Northwestern Univ. Prog. of Afr. Stud., Working Paper No. 14, 2009), available at [www.northwestern.edu/africanstudies/.../working-papers/Volman-Obama%20and%20AfricomFinal.pdf](http://www.northwestern.edu/africanstudies/.../working-papers/Volman-Obama%20and%20AfricomFinal.pdf).

115. QUADRENNIAL DEFENSE REVIEW REPORT, *supra* note 112, at 13-14.

116. *Id.* at 23. TSCTP, was developed as a follow-up to the Pan-Sahel Initiative, which provided basic military training and equipment to the militaries of Chad, Mali, Mauritania, and Niger from 2002 through 2004. See, e.g., U.S. GOV’T ACCOUNTABILITY OFFICE, GAO-08-860, COMBATING TERRORISM - ACTIONS NEEDED TO ENHANCE IMPLEMENTATION OF TRANS-SAHARA COUNTERTERRORISM PARTNERSHIP 1 (2008).

117. Volman, *supra* note 114, at 13.

118. QUADRENNIAL DEFENSE REVIEW REPORT, *supra* note 112, at 12.

	Counter-Terrorism Partnership; -International Military Education and Training (IMET);
Pan-Africa cont.	-The African Contingency Operations Training and Assistance Program (ACOTA)/ Global Peace Operations Initiative (GPOI), <sup>119</sup> and; -Communications exercises with the AU. <sup>120</sup> Twenty-one communications experts from around twenty-five African armies and AFRICOM met in Senegal in January 2009 to plan a continental exercise in Gabon, the third of its kind and intended to pave the way for a common communications platform.

AFRICOM's focus is to build the capacity of its African partners in order to reduce conflict, improve security, defeat terrorists, and support crisis response.<sup>121</sup> Journalist Paul Salopek noted, "Over the past five years, 21 African countries have hosted military instructors in the biggest-ever U.S. training effort on the continent."<sup>122</sup> For instance, just one of the above-mentioned, ongoing missions is the TSCTP, which involves combined teams of U.S. Special Forces, and soldiers of Chad, Mali, Mauritania and Niger, working with the armies of Algeria, Morocco, Nigeria, Senegal and Tunisia. The TSCTP also involves smaller, regular training exercises conducted by U.S. Army Special Forces throughout the region.<sup>123</sup> Their mission is to control "under-governed" spaces of the Sahara; areas which were under rebellion in the past and which are presently believed to be under radical Islamist and/or terrorist group control.<sup>124</sup>

In order to further its proposed goals, AFRICOM must face another substantial threat to regional and global security: that posed by narco-trafficking. The total value of illegal drugs trafficked through the West African sub-region has risen to more than \$2 billion per year in 2009.<sup>125</sup> Former Deputy AFRICOM Commander, Ambassador Mary Carlin Yates, who has since been replaced by Ambassador J. Anthony Holmes, related that the total value of Ghanaian drug trafficking was higher than Ghana's annual gold export, and that eight percent of the total drug

119. *Id.* at 90. See also PLOCH, *supra* note 26, at 21-22.

120. Alistair Thomson, *U.S. Helps Africa's Armies Talk to Each Other*, REUTERS, Jan. 13, 2009, available at <http://www.reuters.com/article/latestCrisis/idUSLD341580> (noting that twenty-one "communications experts from around 25 African armies and the U.S. Africa Command (Africom) are meeting in Senegal this week to plan a continental exercise in Gabon in July, the third of its kind and intended to pave the way for a common communications platform.").

121. Ward, *supra* note 93, at 1.

122. Paul Salopek, *African Armies Receive U.S. Expertise, Ammo*, CHI. TRIB., Nov. 18, 2008, available at [http://www.chicagotribune.com/News/Chi-Africa\\_Terror\\_Sidebarnov18,0,4213072.Story](http://www.chicagotribune.com/News/Chi-Africa_Terror_Sidebarnov18,0,4213072.Story).

123. Volman, *supra* note 114, at 12-13.

124. *Policing the Undergoverned Spaces – Africa and the "War on Terror,"* ECONOMIST, June 16, 2007, available at [http://www.economist.com/world/africa/displaystory.cfm?story\\_id=9340544](http://www.economist.com/world/africa/displaystory.cfm?story_id=9340544).

125. *Eight Percent of Europe's Drugs Pass Through Ghana*, GHANAIAAN J., Mar. 3, 2009, available at <http://www.theghanaianjournal.com/2009/03/03/eight-per-cent-of-europes-drugs-pass-through-ghana/>.

seizures in the whole of Europe passed through Ghana.<sup>126</sup> The United Nations Office on Drugs and Crime estimates at least fifty tons of cocaine transits through West Africa annually, channeled from Latin America to Europe. Narcotics also are becoming more widely available in the region, as traffickers reportedly pay transport costs in cocaine instead of money, causing political instability, threats to public health, and security.<sup>127</sup> This occurs despite military and police efforts to counter-act narcotics trafficking.

In March 2009, former AFRICOM Deputy Commander Yates' journey to Ghana highlighted Ghanaian-U.S. counter-narcotics co-operation; ongoing efforts included enhancing Ghanaian naval and police forces' storage and processing of evidence related to drug cases, funding drug screening equipment, and upgrading airport customs facilities.<sup>128</sup> In related combined and interagency counter-narcotics efforts, AFRICOM, the U.S. Treasury Dep't., and regional governments are cooperating on programs "[t]o address money laundering and provide legal security of assets owned by known drug-trafficking leaders."<sup>129</sup> While narcotic trafficking plagues West Africa, sub-Saharan Africa loses roughly \$1 billion annually to illegal fishing, and piracy on both western and eastern coasts accounting for almost seventy percent of the worldwide total, particularly in Nigeria and Somalia.<sup>130</sup>

Regional conflicts exacerbate the challenges that African nations already face in their own internal social and economic struggles. After continuous combat operations and a deadly mosque explosion in May 2010 in Mogadishu, Somalia (a stronghold of the U.S.-targeted *al-Shabaab* group)<sup>131</sup> fighting ensued between a pro-government militia and *al-Shabaab* and *Hizbal al Islam*, which are both factions of the Union of Islamic Courts movement.<sup>132</sup> Rather than a mere portend of AFRICOM's first overt war, U.S. Africa Command officials have opined that: "the developing situation in Somalia highlights the nature of the threats to African regional stability and security."<sup>133</sup> At that time, AFRICOM's Gen. Ward pledged

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126. *Id.*

127. John J. Kruzel, *West African Drug Trade Concerns U.S. Officials*, AM. FORCES PRESS SERVICE, Mar. 3, 2009, available at <http://www.defense.gov/news/newsarticle.aspx?id=53307>.

128. *Eight Percent*, *supra* note 125.

129. *Id.*

130. John J. Kruzel, *Africom Assists Security, Stability Efforts*, AM. FORCES PRESS SERVICE, Mar. 9, 2010, available at <http://www.defense.gov/news/newsarticle.aspx?id=58239>.

131. Jeffrey Gettleman, *Bombs Hit Mosque in Somalia's Capital, Killing Dozens*, N.Y. TIMES, May 1, 2010, available at <http://www.nytimes.com/2010/05/02/world/africa/02somalia.html>. Gettleman reported that

[t]he United States has provided millions of dollars of military aid to Somalia's transitional government in the hopes that it can quash the rebels and seize back the capital. [At the time of the article's writing], government troops control only small slices of the city and poisonous political divisions within the government threaten to imperil any upcoming military operations.

132. *About United States Africa Command*, U.S. AFR. COMMAND, <http://www.africom.mil/AfricomFAQs.asp>.

133. *US Africa Command Chief Vows Support for Somali Government*, VOANEWS.COM, Aug. 21, 2009, <http://www.voanews.com/english/news/a-13-2009-08-21-voa46-68705257.html>. AFRICOM had reported, but not commented officially, in "open source media" about the Oct. 1, 2010 Independence Day bombings in Abuja, for which the Movement for the Emancipation of the Niger Delta had claimed credit. See *Top News Related to U.S. Africa Command and Africa*, U.S. AFR. COMMAND PUB. AFF.

his command's continued support of Somalia's transitional federal government and the AU forces operating there; naming Somalia and the eastern African region a top priority for AFRICOM and supporting continued logistical assistance in the area.<sup>134</sup>

Somalia carried over as a major focus for AFRICOM under Gen. Ward to Gen. Ham; the latter recently assessed Somalia to be a "...a failed state: divided, weak, and fragile. Despite the intentions of the Transitional Federal Government (TFG) to establish the sinews of a function state, Somalia is unable to provide essential services or control of its territory on its own"<sup>135</sup> He predicted that "the survival of the TFG in Mogadishu depends, in large measure, on the presence of the African Union Mission in Somalia (AMISOM) and the more than 8,000 troops supplied by willing African partners."<sup>136</sup> Linked to Somalia's instability is *al-Qaida's* dramatic influence in east Africa over the last year; in Gen. Ham's assessment, since *al-Shabaab's* early 2010 announced alignment with al-Qaida, "[t]his alliance provides al-Qaida a safe haven to plan global terror operations, train foreign fighters, and conduct global terror operations."<sup>137</sup> AFRICOM attributes the July 2010 attacks in Kampala, Uganda<sup>138</sup> to be a demonstrated willingness and capability of *al-Qaida* to expand the conflict beyond Somalia, such that it can and will "pose ...a direct threat to the security of the United States."<sup>139</sup> Gen. Ham was already able to trace al-Shabaab's ability to sustain itself economically through piracy, adding that "*al-Qaeda* would inevitably become associated with pirates."<sup>140</sup>

The creation of AFRICOM was not in response to these growing tensions, but in order to consolidate the efforts to help coordinate U.S. Government contributions on the continent and better enable the DoD and other elements of the U.S. government, to work in concert and with partners to achieve a more stable environment in which 1) political and economic growth can take place and 2) humanitarian and development assistance can be used more effectively.<sup>141</sup> Towards those ends, the Africa Partnership Station, a U.S. led maritime training effort which was deployed in response to growing African requests, is expanding its scope along the African coastline.<sup>142</sup> According to Gen. Ward at a press conference in March 2010: "The training is focused on a broad range of areas, including maritime law enforcement, search and rescue capabilities, civil engineering and logistics, and

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OFF., Oct. 5, 2010, <http://www.scribd.com/doc/38735521/AFRICOM-Related-News-Clips-October-5-2010>. The Voice of America reported, "Nigeria has nothing to celebrate after 50 years of failure, including the neglect of the people and the environment in the oil-rich delta." Scott Stearns, *Nigerian Police Arrest Nine Bombing Suspects*, VOANEWS.COM, Oct. 4, 2010, <http://www.voanews.com/English/news/Nigerian-Police-Search-for-Bombing-Suspects--104267464.html>.

134. *US Africa Command Chief Vows Support for Somali Government*, VOANEWS.COM, Aug. 21, 2009, <http://www.voanews.com/english/news/a-13-2009-08-21-voa46-68705257.html>.

135. Gen. Ham, *supra* note 5, at 8.

136. *Id.*

137. *Id.*

138. See, e.g., *Somali link as 74 World Cup fans die in Uganda blasts*, BBC WORLD SERVICE, Jul. 12, 2010, available at <http://www.bbc.co.uk/news/10593771>.

139. Gen. Ham, *supra* note 5, at 8.

140. *Id.*

141. *About United States Africa Command*, *supra* note 132.

142. Kruzel, *supra* note 130.



navigation.<sup>143</sup> However, as a major focus of U.S. security remains concerns over Somali “pirates,” a military response to these threats is not sufficient to satiate this complex and growing issue, international and national laws and other measures promoting peace and regional stability must be set in place. Furthermore, several other African countries openly mock human rights and democracy as the Obama Administration attempts to privatize diplomacy within these countries.<sup>144</sup>

As an effort to advance U.S.-African cooperation and the rule of law in African states, the first Africa Military Legal Conference hosted by AFRICOM concluded on May 21, 2010 at the Kofi Annan International Peacekeeping Training Center in Accra, Ghana. This conference brought together legal experts from fifteen African nations to discuss common challenges, including military justice and maritime law and counter-narcotics authorities.<sup>145</sup> Major Joy Primoli of 17th Air Force (Air Forces Africa) and Lieutenant Colonel Timothy Tuckey, U.S. Army Africa, led a discussion about the U.S. military justice system and discussed challenges that common law countries face in applying military disciplinary rules to maintain good order and discipline while ensuring that unlawful command influence does not corrupt the system.<sup>146</sup> Countries using civilian justice systems for military offenses discussed challenges in case processing, including the lack of resources to dispense timely justice.<sup>147</sup>

Promoting and sustaining the rule of law within and among individual African countries is one of the biggest challenges facing African nations. On December 29, 2010, the Voice of America reported that “a crowd attacked a U.N. convoy in Abidjan, Ivory Coast (a/k/a Côte d’Ivoire), and an ECOWAS<sup>148</sup> delegation left Abidjan empty-handed after urging incumbent president, Laurent Gbagbo, to step down peacefully and end the bloody political showdown following last month’s disputed election.”<sup>149</sup> While the ECOWAS delegation had returned to the Ivory Coast in early January, its leaders had “taken the use of force to oust Ivory Coast’s immovable strongman Laurent Gbagbo off the table as the region tries to mediate a solution.”<sup>150</sup> AFRICOM’s unclassified public affairs stance had been to merely reissue media reportage on that nation’s instability,<sup>151</sup> rather than to indicate a future role in restoring democracy to the Ivory Coast. As events have played out

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143. Kruzel, *supra* note 130.

144. Afr. Action and Foreign Policy in Focus, *Africa Policy Outlook 2010*, INST. FOR POL’Y STUD., Jan. 22, 2010, [http://www.fpf.org/articles/africa\\_policy\\_outlook\\_2010](http://www.fpf.org/articles/africa_policy_outlook_2010).

145. Kathleen A. Duignan, *Successful Completion of First Africa Military Legal Conference*, U.S. AFR. COMMAND, Jun. 4, 2010, <http://www.africom.mil/getArticle.asp?art=4520&lang=0>.

146. *Id.*

147. *Id.*

148. QUADRENNIAL DEFENSE REVIEW REPORT, *supra* note 112.

149. Anne Look, *Ivory Coast Tensions at Fever Pitch*, VOANEWS.COM, Dec. 29, 2010, <http://www.voanews.com/english/news/West-Africa-Struggles-to-End-Ivory-Coast-Crisis-112601664.html>.

150. *Ivory Coast - No Military Intervention*, NEWS24.COM, Dec. 29, 2010, [http://www.news24.com/Africa/News/Ivory-Coast-no-military-intervention-20101229?utm\\_source=web&utm\\_medium=twitter](http://www.news24.com/Africa/News/Ivory-Coast-no-military-intervention-20101229?utm_source=web&utm_medium=twitter).

151. See, e.g., Kelly Hawkes, *Deteriorating Situation in Cote d’Ivoire: A threat to regional stability*, AFRICOM, Mar. 24, 2011, [available at http://www.africom.mil/getArticle.asp?art=6281](http://www.africom.mil/getArticle.asp?art=6281).

in the French-led ouster of Gbagbo,<sup>152</sup> AFRICOM has apparently acted consistent with ECOWAS' expressed intentions, center on supporting ACOTA initiatives through the U.S. State Department in training AU trainers, who in turn keep training AU troops to conduct peacekeeping missions,<sup>153</sup> rather than taking an active role in intervention.

Commander Luke Reid of the Defense International Institute of Legal Studies suggested that maintaining a partnership between nations and with the U.S. is going to be the key practical component to the suppression of narcotics trafficking,<sup>154</sup> and, in turn, bolstering the rule of law. Furthermore, maintaining contact with other legal professionals in the nation will aid in each countries' understanding and respect for the law, and promote the peacekeeping and other missions of AFRICOM.<sup>155</sup>

The militaries of U.S. and African nations may have a great deal in common on issues of security sector reform, transformation, and the importance of military professionalism. By way of contrast, Theresa Whalen believed that "terrorism is the issue of greatest divergence . . . wherein some nations in Africa have similar outlooks . . . as the U.S. but others have entirely different takes."<sup>156</sup> Understanding the differences, and using this information to solve other national and international issues, will be imperative to establishing a more stable environment throughout Africa and improving security. In particular, a key responsibility for U.S. diplomats and AFRICOM will be "to listen and understand the concern of African nations . . . this has to be a two way conversation."<sup>157</sup> For example, African nations throughout the continent regard human security as supremely important, in the sense that "an individual can go about their daily business with a reasonable level of surety that they will be able to live their lives without being beset by some great calamity of war or the ability to survive and thrive because they're beset by endemic disease or poverty," according to Whalen.<sup>158</sup> She also suggests that these fundamental differences are overlooked because people in the West are accustomed to basic human security and are not internally or internationally conflicted over basic human needs, as are many Africans living in daily fear of crime, poverty, and war.<sup>159</sup>

Improving security will also require a focus on improving intelligence efforts in the region in order to defeat terrorists and promote regional prosperity. As part of its security assistance and counterterrorism missions, the U.S. has been training

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152. See, e.g., *French military to try to help oust Gbagbo*, TWINCITIES.COM, Apr. 4, 2011, available at [http://www.twincities.com/national/ci\\_17771942?source=rss&nclick\\_check=1](http://www.twincities.com/national/ci_17771942?source=rss&nclick_check=1).

153. See, e.g., QUADRENNIAL DEFENSE REVIEW REPORT, *supra* note 112 for some of the initiatives engaged in by ACOTA.

154. *Id.*

155. *Id.*

156. Jim Garamone, *Policy Dialogue Allows U.S., African Officials to Address Security Issues*, AM. FORCES PRESS SERVICE, Mar. 28, 2008, available at <http://www.africom.mil/getArticle.asp?art=1711&lang=0>.

157. *Id.*

158. *Id.*

159. *Id.*

Ugandan troops in counterterrorism for several years.<sup>160</sup> The Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 was established by congress in reply to one of Africa's longest running conflicts beginning in 1987 and led by Joseph Kony. In this conflict more than two million Ugandans were displaced from their homes by use of brutal tactics including mutilation, abduction, and forcing children into rebel armies.<sup>161</sup> According to Russell Rogers, the U.S. Army Forces Command's Staff Historian, such asymmetric or irregular warfare uses "significantly dissimilar methods and weapons systems compared to those used by an enemy."<sup>162</sup> This type of warfare is not uncommon when countries are involved in high intensity unconventional wars as in the case of Uganda. The use of traditional tactics commonly used in the west, including technology and mechanical calculations, are out of the question in these situations. Mr. Rogers describes this type of "demographic warfare" as "having large numbers of children to breed a large quantity of fighters of various types and caliber, a staple of asymmetric insurgency. [Wherein] a target culture with a low birthrate is a prime victim to this approach, as there are no quick fixes or rapid transformations when a culture is behind the demographic eight ball."<sup>163</sup>

The policy of the United States, and in effect AFRICOM, is to "work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda and other affected areas by...providing support for multilateral efforts to protect civilians...and promote reconstruction."<sup>164</sup> As a result, in early February 2009, it was reported that a team of seventeen advisers and analysts from AFRICOM provided satellite phones, intelligence, and \$1 million in fuel to Ugandan forces. However, the New York Times also reported, "[t]he American military helped plan and pay for a recent attack on a notorious Ugandan rebel group, but the offensive went awry, scattering fighters who carried out a wave of massacres as they fled, killing as many as 900 civilians."<sup>165</sup> Participants worked closely with Ugandan officers so that Ugandan troops could conduct cross-border attacks into the Congo.<sup>166</sup> Because of this conflict and ensuing U.S. foreign policy, under section 491 of the Foreign Assistance Act of 1961, President Obama "is authorized to provide additional assistance to the Democratic Republic of Congo

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160. See, e.g., Allen Pizzey, *U.S. Reaches Out In Africa Al Qaeda Fight*, CBS NEWS BROADCAST, May 1, 2008, available at <http://www.cbsnews.com/stories/2008/05/01/eveningnews/main4063821.shtml>.

161. Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, Pub. L. No. 111-172, § 2, 124 Stat. 1209 (2010).

162. RUSSELL ROGERS, FUNDAMENTALS OF ISLAMIC ASYMMETRIC WARFARE: A DOCUMENTARY ANALYSIS OF THE PRINCIPLES OF MUHAMMAD 166-67 (2008).

163. *Id.*

164. Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, Pub. L. No. 111-172, § 3, 124 Stat. 1209 (2010).

165. Jeffrey Gettleman & Eric Schmitt, *U.S. Aided a Failed Plan to Rout Ugandan Rebels*, N.Y. TIMES, Feb. 6, 2009, at A1, available at <http://www.nytimes.com/2009/02/07/world/africa/07congo.html?emc=eta1>. (Gettleman and Schmitt reported that "[t]he American military helped plan and pay for a recent attack on a notorious Ugandan rebel group, but the offensive went awry, scattering fighters who carried out a wave of massacres as they fled, killing as many as 900 civilians.")

166. *Id.*

southern Sudan, and Central African Republic to respond to the humanitarian needs of populations directly affected by the activity of the Lord's Resistance Army.<sup>167</sup> This humanitarian assistance available in areas outside of Uganda will remain in place unless or until Uganda ceases to continue its proactive steps to reconstruct its nation and reconcile the war-affected areas. It is the sense of Congress that for the fiscal year 2011, the Department of State and foreign operations will have up to \$10 million allocated to be used to carry out the activities of humanitarian assistance to countries affected by the LRA and for reconciliation and transitional justice in northern Uganda.<sup>168</sup>

AFRICOM's role in the region's economic and political development is key to maintaining security of both African nations and U.S. interests in these nations. According to Title 19 of the U.S. Code section 3554, the President "should develop and implement a comprehensive trade and development policy for the countries of Africa" and report to Congress on the progress.<sup>169</sup> Accordingly, AFRICOM can and should support such promising strategic initiatives as the New Partnership for Africa's Development ("NEPAD").<sup>170</sup> The stated goals of this agreement are to "address the current challenges facing the African continent . . . [such as] escalating poverty levels, underdevelopment and the continued marginalization of Africa needed a new radical intervention, spearheaded by African leaders, to develop a new Vision that would guarantee Africa's Renewal."<sup>171</sup> The Organization of African Unity ("OAU") (replaced by the AU in 2002) gave a mandate to the five initiating NEPAD Heads of State (Algeria, Egypt, Nigeria, Senegal, South Africa) to "develop an integrated socio-economic development framework for Africa."<sup>172</sup>

In furtherance of NEPAD's goals, the African Growth and Opportunity Act ("AGOA"), amended by the AGOA Acceleration Act of 2004 and effective until September 30, 2015, is aimed at accelerating economic and political growth and encouraging integration of sub-Saharan nations among themselves and into the rest of the world.<sup>173</sup> Congress enacted the AGOA because they found the forty-eight countries of sub-Saharan Africa were endowed with natural and human resources with enormous economic potential and of enduring political significance to the United States. Furthermore, the AGOA extends preferential treatment to countries that have taken steps to increase economic growth rates and liberalize their economies. These countries represent powerful tools for trade and investment and by encouraging broader participation in the political process by taking measures to strengthen their democracies, political freedom can flourish throughout the region.<sup>174</sup> Congress also stated that "African countries [will] continue to need trade

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167. Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009, Pub. L. No. 111-172, § 5, 124 Stat. 1209, 1211 (2010).

168. *Id.* at § 9.

169. Africa Trade and Development Policy, 19 U.S.C. § 3554 (2000).

170. NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT (NEPAD), <http://www.nepad.org/> (last visited Apr. 16, 2011).

171. *Id.*

172. *Id.*

173. Trade Policy for Sub-Saharan Africa § 3, 19 U.S.C. § 3701 (2000).

174. *Id.*

capacity assistance to establish viable economic capacity, a well grounded rule of law, and efficient government practices.”<sup>175</sup>

Specific provisions of the AGOA extended textile-trading provisions, capped increases to 3.5%, and expanded duty free provisions originated in “under developed countries.” Under or lesser developed countries are defined as African nations that had a per capita gross national product of less than \$1,500 as measured by the International Bank for Reconstruction and Development.<sup>176</sup> Under Title 19 U.S.C. § 3701, the President should “negotiate with the member countries...to provide the opportunity to open and make permanent the benefits of the Act while giving the U.S. access to the markets of these African countries.” Some of these negotiations include reducing tariffs, improving transparency, instilling dispute resolution mechanisms both between states and investors.<sup>177</sup> In addition, under Title 19, Congress supports “a continued commitment to increase trade between the United States and sub-Saharan Africa and increase investment in sub-Saharan Africa to the benefit of workers, businesses, and farmers in the United States and in sub-Saharan Africa, including by developing innovative approaches to encourage development and investment in sub-Saharan Africa.”<sup>178</sup> The aim of increasing the economic diversification in sub-Saharan African countries and expansion of trade beyond textile and apparel is to promote economic stability in the region, creating a better foundation to uplift African nations, and to ensure the continuance of U.S.-African relationships. In order for a country to receive benefits from the U.S., they must meet the eligibility requirements set out under 19 U.S. Code Section 3703. In general, the President is authorized to designate a sub-Saharan African country as “eligible” if it is determined that the country is taking steps to establish a market based economy, establish the rule of law with equal protection, eliminate trade barriers with the U.S., and impose economic policies which reduce poverty and promote private enterprise.<sup>179</sup>

Each eligible nation must also adhere to a system that reduces corruption by imposing sanctions against bribery for political and economic gain under the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. This open-ended peer monitored Convention established by the Organization for Economic Co-operation and Development (“OECD”) has been successful in combating political corruption.<sup>180</sup> Although the OECD has actual authority to uphold the Convention, it requires signing countries to create their own national legislation that criminalizes bribery and corruption. Participating countries monitor each other as an international effort, and if a nation strays from the agreement it will encounter international pressures.

Similar to the policies of the OECD and relating to NEPAD which calls for the setting up of a coordinated mechanism to combat corruption effectively, Africa

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175. *Id.* at § 2.

176. Treatment of Certain Textiles and Apparel, 19 U.S.C. § 3721(C)(3)(A) (2000).

177. Trade Policy for Sub-Saharan Africa § 3, 19 U.S.C. § 3701 (2000).

178. *Id.*

179. Eligibility Requirements, 19 U.S.C. § 3703(a) (2000).

180. *Id.* at § 3703(1)(E).

held its own AU Convention on Preventing and Combating Corruption in 2003. Because of concerns about the negative effects of corruption and impunity on the political, economic, social and cultural stability of African states, this regional Convention represents a consensus on what African states should do in the areas of prevention, criminalization, international cooperation and asset recovery.<sup>181</sup> The African Convention covers a wide range of offences including domestic and foreign bribery, trading in influence, illicit enrichment, money laundering and concealment of property and primarily consists of mandatory provisions.<sup>182</sup> By participating in these conventions, African nations build foundations for more stable nations and political institutions as well as creating their eligibility to receive the necessary funding and aid from international aid programs and support from the international community.

The success in the AGOA and AGOA Acceleration Acts, in support of the many aims of the NEPAD, resulted in a spur in economic growth, record level of exports both to and from the U.S., and increases in foreign investment leads to tens of thousands of new jobs being created in Africa.<sup>183</sup> Despite the growing prosperity in some countries, the CRS reported on Africa's concerns about these trade provisions and continuing relationships with the U.S. as the old programs are set to expire in the end of 2010.

Some African leaders have expressed concern that a preference program giving trade benefits similar to those enjoyed by AGOA countries, or creating one trade preference program for all developing countries, would lead to erosion of the preferences granted to African countries under AGOA, and place them in direct competition for U.S. market share and investment with other developing and least-developed countries such as Bangladesh and Cambodia.<sup>184</sup>

Although these concerns are valid, the U.S. Code addresses these notions by stating, "Expanded trade because of the Act has improved fundamental economic conditions within sub-Saharan Africa . . . and most of sub-African countries have sought to take advantage of the opportunities provided by the Act."<sup>185</sup>

In order to continue to enhance the measures taken by these programs and maximize the benefit of such measures, the U.S. must encourage the development of infrastructure and enterprise in eligible sub-Saharan African nations. To achieve increased trade, transportation systems, telecommunication, and energy infrastructure in these countries, there must be vibrant growth and development

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181. African Union Convention on Preventing and Combating Corruption, July 11, 2003, available at <http://www.unhcr.org/refworld/docid/493fe36a2.html>.

182. *Id.*

183. Trade Policy for Sub-Saharan Africa § 2, 19 U.S.C. § 3701 (2000).

184. Vivian C. Jones, *U.S. Trade and Investment Relationship with Sub-Saharan Africa: The African Growth and Opportunity Act*, CONG. RES. SERV., Feb. 4, 2010, available at <http://www.nationalaglawcenter.org/assets/crs/RL31772.pdf>.

185. Trade Policy for Sub-Saharan Africa § 2, 19 U.S.C. § 3701 (2000).

improvement in the region, as Africa's underdeveloped nations pose a threat to regional stability.<sup>186</sup> By strengthening primary and vocational education systems and introducing business education including international business, finance, and stock exchanges, African institutions will become more stable allowing international markets and business to become more confident in the African economy. Furthering these concepts, Congress also stated in Title 19 that private investment should be encouraged by the President, including building relationships between U.S. and African trading companies by increasing coordination within and across ports, airports, customs, chambers of commerce, and air service in order to facilitate and increase trade between Africa and the U.S.<sup>187</sup>

In efforts to advance NEPAD's vision for renewal, two AFRICOM Academic Symposia have been conducted, with the most recent one taking place August 18, 2009 at the Sheraton Hotel in Addis Ababa, Ethiopia. Co-hosted by AFRICOM and the Africa Center for Strategic Studies ("ACSS"), the most recent symposium brought together thirty-seven academics with expertise in subject matter areas including history, political science, security studies, civil-military relations, and conflict management from Africa, Europe and the United States.<sup>188</sup> The goal of this ACSS-AFRICOM joint venture was to "engage academics to enhance their understanding of U.S. Africa Command and offer their input on how the command can best support peace and stability in Africa," to include creating new trade platforms and encouraging investment to improve infrastructure and trading markets in order to boost Africa-U.S. economic ties.<sup>189</sup>

African nations also face the growing issue of debt, and their inability to pay off these growing margins worsens their economic instability. The burden of external debt in these countries has become a major impediment to economic growth and poverty reduction in many of the world's poorest countries.<sup>190</sup> Despite previous efforts by the United States to address this problem by rescheduling payment on debt owed, and in other instances forgiving parts of the debt, the cumulative debt continues to grow in Africa beyond the nations' capacity to pay on their loans.<sup>191</sup> In attempts to alleviate this problem, the Heavily Indebted Poor Countries ("HIPC") Initiative and Multilateral Debt Relief Initiative ("MDRI") were created and adopted by the International Monetary Fund ("IMF"), World Bank, and Group of Seven to encourage bilateral and multilateral repayment of loans and assistance in decreasing mounting debt. The HIPC Initiative program supports the policy of sharing and spreading throughout nations education, health care, and clean water/environmental protection promotions.<sup>192</sup> Currently, the program is undergoing revisions to improve its ability to address issues such as

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186. *Id.* at § 11.

187. *Id.* at § 12.

188. *2nd U.S. Africa Command Academic Symposium*, AFR. CENTER FOR STRATEGIC STUD., [http://www.africacenter.org/Dev2Go.web?anchor=ACSS\\_home](http://www.africacenter.org/Dev2Go.web?anchor=ACSS_home) (last visited Apr. 16, 2011).

189. *Id.*

190. For a sense of the Congress regarding comprehensive debt relief for the world's poorest countries, see 19 U.S.C. § 3731 (2000).

191. *Id.*

192. *Id.*

country preferences, debt relief amounts, and allocation of savings realized through the Initiative; concerns which are not unfamiliar to U.S.-African efforts in the region. Another provision of the debt relief agreements proposed by Congress in Title 19 Section 3731 includes the importance of implementing debt relief in a transparent manner and with broad participation.<sup>193</sup> It is the sense of Congress that if a country is not in cooperation with the U.S. on terrorism, anti-narcotics enforcement, and human rights, they will be ineligible to receive the benefits of the debt relief agreements nor be able to participate in U.S. funded programs.<sup>194</sup>

According to the new World Bank-IMF report on HIPC and MDRI progress, the implementation of these programs has provided substantial debt relief under both initiatives and has substantially alleviated debt burdens in recipient countries. Aided by continued flexibility on the part of the International Development Association and the IMF, substantial progress has been achieved by continued flexibility on the part of these organizations that provide grants and zero-interest credits to the poorest countries.<sup>195</sup> Listed as one of the many successes, the report shows assistance committed to the thirty-five post-decision-point HIPCs represents on average about forty percent of these countries' 2008 GDP and after the full delivery of debt relief, their debt burden will be reduced by about eighty percent.<sup>196</sup> The success of these programs will promote economic growth and poverty alleviation, but nonetheless there are challenges to consider before the full implementation of the programs. The countries receiving aid must continue to show that they have the capacity to manage their public debt even while the current global economic crisis has aggravated repayment sustainability. For other countries that are not eligible at this point, issues such as political instability and government corruption will have to be addressed, and stable institutions with international backing must be implemented before they can receive aid.<sup>197</sup> Debt relief is a key component to poverty reduction and will be an important factor in stabilizing African nations and the continent; where debt relief frees up money for social spending and investment, it also provides an environment for stable political institutions to flourish.

As AFRICOM develops, more responsibilities will transition from other UCC and government initiatives into AFRICOM. In its "way ahead," AFRICOM's staff recognizes that it "must, continue on-going activities without interruption, increase [AFRICOM] personnel and resources, [and eventually] establish USAFRICOM HQ on the continent . . . Many details of U.S. Africa Command remain to be developed."<sup>198</sup>

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193. *Id.*

194. *Id.*

195. Otaviano Canuto & Reza Moghadam, *Heavily Indebted Poor Countries (HIPC) Initiative and Multilateral Debt Relief Initiative (MDRI) — Status of Implementation*, INT'L DEV. ASS'N & INT'L MONETARY FUND, Sept. 19, 2009, available at <http://go.worldbank.org/48MIDC8BH0>.

196. *Id.*

197. *Id.*

198. Ward, *supra* note 93, at 8.



#### IV. IMPLICATIONS OF AFRICOM ON FUTURE HUMANITARIAN EFFORTS IN THE REGION

The long and troubled history of humanitarian disasters and conflict in Africa is likely to create issues which AFRICOM must understand and will have to confront in order for its future operations to unfold successfully. Researcher Ibrahim J. Wani described the commonplace occurrences of man-made and natural disasters and their ability to “cause significant property destruction and loss of lives, and disrupt social relations.”<sup>199</sup> Wani further remarked, “Emerging disasters such as AIDS and other health epidemics, industrial accidents, arms trafficking and terrorism are likely to stress national resources even further and, therefore, increase the vulnerability of communities and individuals.”<sup>200</sup>

The African Crisis Response Initiative (ACRI), which evolved into ACOTA in 1997, has been a U.S. Dep’t of State, Africa Bureau program.<sup>201</sup> The ACRI was designed, according to the U.S. Naval Postgraduate School, “[t]o enhance the capacity of African partner nations to effectively participate in multinational peace support operations,” or in other words, to improve the training and effectiveness of African military forces.<sup>202</sup> The goal of these programs has been “to increase the capabilities of these militaries in areas such as human rights, interaction with civil society, international law, military staff skills, and small unit operations.”<sup>203</sup>

AFRICOM has embraced this ACOTA strategy as a “Global Peace Operations Initiative”, as evidenced by Gen. Ward’s testimony to Congress in March of 2008.<sup>204</sup> That testimony did not escape the attention of the UN Office for the Coordination of Humanitarian Affairs. That IRIN News website, featuring UN humanitarian news and analysis, correctly pointed out that Ward focused his comments mainly on “military training, security and counter-terrorism,” and gave very little time to AFRICOM’s involvement in humanitarian efforts.<sup>205</sup> IRIN News further reported that despite these remarks, many in the NGO and development communities have grave concerns regarding AFRICOM’s focus on humanitarian aid and efforts.<sup>206</sup> These concerns may be partially allayed by the fact that

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199. Ibrahim J. Wani, *African Humanitarian Assistance and Disaster Relief Operations – A Case Study of Multilateral Cooperation*, INST. FOR NAT’L. STRATEGIC STUD. (2001), available at <http://www.ndu.edu/inss/symposia/pacific2001/wanipaper.htm>.

200. *Id.*

201. *Africa Crisis Response Initiative (ACRI) / African Contingency Operations Training and Assistance*, GLOBALSECURITY.ORG <http://www.globalsecurity.org/military/agency/dod/acri.htm> (last visited May 20, 2011).

202. QUADRENNIAL DEFENSE REVIEW REPORT, *supra* note 112.

203. *Id.*

204. Ward, *supra* note 93, at 8.

205. UN OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS, *AFRICA: AFRICOM to Focus on Military, Not Humanitarian Role*, IRIN (Mar. 14, 2008), <http://www.irinnews.org/Report.aspx?ReportId=77283>. The UN Office for the Coordination of Humanitarian Affairs maintains the IRIN News Website. Gen. Ward’s comments on humanitarian roles amounted to four lines in the Strategic Approach and six lines in Theater Security Cooperation of a fifteen-page document.

206. *Id.*

AFRICOM currently “has more diplomats and aid experts than other headquarters.”<sup>207</sup>

This tension has somewhat stifled AFRICOM’s progress in terms of incorporating experts from USAID and State Department development experts into AFRICOM’s ranks.<sup>208</sup> Despite seemingly competing interests, these groups have met in order to share concerns and plot a course for the future that appeals to both sides. Much progress remains to be accomplished on this front however. The U.S. Government maintains, “Conducting humanitarian operations with military precision will only help to make American aid to Africa more effective and will ultimately save and improve many more lives.”<sup>209</sup> Alternatively, many Non-Governmental Organizations share the belief expressed by Sam Worthington, President and CEO of the NGO “Interaction,” who stated that “[t]he best image of the U.S. overseas, in development and humanitarian work, should be that of a civilian” and that military presence will without a doubt complicate matters and add to confusion.<sup>210</sup>

Nevertheless, AFRICOM’s proponents stress that its focus is to strengthen and develop the militaries that comprise the AU force so “they’re able to handle their own problems.”<sup>211</sup> Towards this end, on January 5, 2009, former President Bush authorized an airlift of 240 containers of heavy equipment into Darfur, Sudan to facilitate peacekeeping missions in the area.<sup>212</sup> AFRICOM’s work will edify the military forces of African nations, which in turn will not only strengthen the integrity of those nations, but also provide security for ongoing humanitarian and development efforts.

While concerns are likely to persist into the future regarding conflicts between the military and NGOs, AFRICOM will be able to prove its great strategic importance when and where it provides wherewithal unique to the military and unavailable to NGOs and other organizations. U.S. military resources have proven beneficial in the past, as evinced by efforts not only in support of relief following the 2004 Indian Ocean Tsunami, but also by the U.S. Navy medical care provided off the coast of Ghana.<sup>213</sup> As former AFRICOM Ambassador Mary Yates observed, “[t]he proof will be in the fact that we will be supporting – whether it’s humanitarian assistance or whether it’s a crisis or a natural disaster — that’s where I think we will have some assets and some value added.”<sup>214</sup>

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207. *Id.*

208. Darren Taylor, *Aid Workers Anxious about US Military Involvement in African Development*, VOANEWS, (May 26, 2008), <http://www.voanews.com/english/Africa/Aid-Workers-Anxious-about-US-Military-Involvement-in-African-Development-PART-5-of-5.cfm> (quoting Theresa Whelan).

209. *Id.*

210. *Id.* (quoting Sam Worthington).

211. Darren Taylor, *AFRICOM to Stay in Germany for Several Years*, VOANEWS (May 26, 2008), <http://www.voanews.com/english/news/a-13-AFRICOM-to-Stay-in-Germany-for-Several-Years-PART-2-of-5-66648282.html> (quoting Vice Admiral Moeller).

212. Paula Wolfson, *Bush Orders Airlift of Supplies for Darfur Mission*, VOANEWS (Jan. 5, 2009), <http://www.voanews.com/english/2009-01-05-voa25.cfm?renderforprint=1>.

213. UN OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS, *supra* note 205.

214. Taylor, *supra* note 208, at 2 (quoting Mary Yates).

VI. HOW WILL AFRICAN AND NON-AFRICAN NATIONS ACT WITH OR COUNTERACT  
AFRICOM'S INITIATIVES IN THE FUTURE?

The Economist Magazine sanguinely predicted on June 14, 2007 that the U.S.'s "struggle for hearts and minds [in Africa] may be easier than in the Middle East." Economist commentary on the subject continued with the observation that:

Africans still think of America as a foe of colonialism . . . On top of this, Africans know that the superpower's military investment will bring money and jobs. The budget of the Trans-Sahara Counter-Terrorism Partnership for 2007 is about \$115m, while non-military assistance increased by about 60% last year as well. Unimaginable in many parts of the world, there is keen competition among African countries to host AFRICOM's new headquarters.<sup>215</sup>

By contrast, Karen DeYoung's Summer 2008 Washington Post reportage indicated that such predictions may have been erroneous, and there was controversy among African nations over AFRICOM's regional presence.<sup>216</sup> One issue in particular is the distrust of U.S. motives for establishing a military presence in Africa. DeYoung stated, "[t]he trouble was, no one consulted the Africans . . . Worry swept the continent that the United States planned major new military installations in Africa."<sup>217</sup> Some nations with a great deal of political clout immediately refused to allow U.S. military bases to be established in their countries, and others followed suit. Yet despite this perceived setback, Theresa Whelan testified before the Senate Africa Subcommittee that eight countries have offered to host AFRICOM facilities (although seven of those countries made those offers privately).<sup>218</sup> Liberia, Botswana, Senegal, and Djibouti were among the countries that had expressed support for AFRICOM — although only Liberia has publicly expressed a willingness to play host to AFRICOM personnel.<sup>219</sup> In the meantime, the decision had also been made to maintain the command's current headquarters in Stuttgart, Germany, although AFRICOM's official website still describes its base in Germany as an "interim" headquarters.<sup>220</sup> Gen. Ward has rejected criticisms that AFRICOM would result in a militarization of foreign policy, arguing that its basis for creation was to increase the organization and

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215. *Policing the Undergoverned Spaces*, *supra* note 124.

216. Karen DeYoung, *U.S. Africa Command Trims Its Aspirations*, WASH. POST, June 1, 2008, at A18.

217. *Id.*

218. Al Pessin, *Pentagon Says AFRICOM Will Be Ready for Full Operations October 1*, VOANEWS (May 30, 2008), <http://www.voanews.com/English/2008-05-30-Voa62.cfm> (quoting Teresa Whelan).

219. *Exploring The U.S. Africa Command And A New Strategic Relationship With Africa: Hearing Before the Subcomm. on Afr. Affairs of the S. Comm. on Foreign Relations*, 110th Cong. 24 (2007) (testimony of Theresa Whelan, Deputy Assistant Secretary for African Affairs), *available at* [http://www.fas.org/irp/congress/2007\\_hr/africom.html](http://www.fas.org/irp/congress/2007_hr/africom.html).

220. *Id.*

efficiency of cooperative efforts by U.S. government agencies. This belief is consistent with U.S. Def. Secretary Robert M. Gates' admonitions that "diplomacy and development should lead efforts abroad."<sup>221</sup> Secretary Gates further warned against a "creeping militarization" of U.S. foreign policy.<sup>222</sup>

In Post-colonial Africa (the era following the independence movement throughout Africa<sup>223</sup>) how could (or should) AFRICOM operate to build harmony and foster cooperation; rather than raise anxiety and divisiveness? I would suggest a strong measure of what business executive Karen Benjack Glatzer calls "cultural astuteness." To paraphrase Glatzer, that is "[t]he ability to get out of your . . . comfort zone and navigate smoothly through the cultural nuances of your specific area of responsibility."<sup>224</sup> Organizational consultant Kevin Hummel asserts a critical component of "cultural astuteness" as being able to "move your goals forward in a way that is not seen as self-serving . . . through a combination of direct communication, influence, and asking other people to be your advocate or champion."<sup>225</sup>

A "culturally astute" mission focus must necessarily include an understanding of African post-colonial identity. Recently, a SW Radio Africa news program in Zimbabwe expressed the notion that post-colonial construction of an African identity should be treated as a "social, political and historical fact through which public discourse should be formed and shaped."<sup>226</sup> Africa, as a nation of imagined and actual community, "requires an assumed collectivity and mutuality beyond an individual's circumstances and political communities are only real when they are collectively imagined."<sup>227</sup>

On October 27, 2008, Forbes' Tunku Varadarajan mused that "whether we like it or not, vast swaths of Africa, Asia and the Middle East still live in varying degrees of post-colonial confrontation with the West, and with whiteness."<sup>228</sup> Mindful of that construct, Varadarajan believes it is "difficult (often impossible) for the West to get the non-West to embrace its better ideas."<sup>229</sup> In a speech at the U.K.

221. Shanker, *supra* note 50.

222. John J. Kruzel, *U.S. Defense Secretary Warns Against "Militarization of Foreign Policy" - Says Military Should Clearly be Seen Supporting Civilian Agencies*, U.S. AFR. COMMAND (July 17, 2008), <http://www.africom.mil/getArticle.asp?art=1915>.

223. THE AMERICAN HERITAGE DICTIONARY, (4th ed. 2006) available at <http://dictionary.reference.com/browse/postcolonial>. See also Deepika Bahri, *Introduction to Postcolonial Studies*, EMORY UNIV. ENG. DEP'T (Sep. 1, 2009), <http://www.english.emory.edu/Bahri/Intro.html>.

224. Adapted from Connie Glaser, *Doing a good job isn't enough -- 'cultural astuteness' is needed to succeed*, BUS. FIRST - LOUISVILLE (July 20, 2007), <http://louisville.bizjournals.com/louisville/stories/2007/07/23/editorial5.html> (Glaser quotes Karen Benjack Glatzer, founder and CEO of GH Consulting, an Atlanta executive and leadership coaching firm, whose concept of "cultural astuteness for the business realm is "the ability to get out of your office and your comfort zone and navigate smoothly through the cultural nuances of your specific company.").

225. *Id.*

226. *Africa 2008: A Conversation on Nation, Nation State and Nationalism in Post-Colonial Africa*, SW RADIO AFR. (Oct. 7, 2008), <http://www.swradioafrica.com/pages/nation071008.htm>.

227. *Id.*

228. Tunku Varadarajan, *Black Power*, FORBES (Oct. 27, 2008, 12:01AM), [http://www.forbes.com/opinions/2008/10/26/obama-black-power-oped-cx\\_tv\\_1027varadarajan.html](http://www.forbes.com/opinions/2008/10/26/obama-black-power-oped-cx_tv_1027varadarajan.html).

229. *Id.*

Royal United Services Institute, Gen. Ward alluded to the idea of “cultural astuteness” when he recalled advice given to him in previous assignments about the “human dimension” of operations, particularly the “need to have someone to help you understand the human dimension. . . . human terrain analysis.”<sup>230</sup>

AFRICOM will likely develop this and other capabilities through the employment of so-called “private military firms” or “PMFs,” which are “corporate bodies that specialize in the provision of military skills, including combat operations operating globally, often with strategic impact on both the process and outcome of conflicts.”<sup>231</sup> Towards the end of establishing civilian contractor-based “human terrain analysis” capability, AFRICOM is emulating the U.S. Army’s “Human Terrain System” program,<sup>232</sup> managed by civilian defense contractor BAE Systems. According to the U.S. Army, HTS is a “new proof-of-concept program, run by the U.S. Army Training and Doctrine Command, and serving the joint community. The near-term focus of the HTS program is to improve the military’s ability to understand the highly complex local socio-cultural environment in the areas where they are deployed; however, in the long-term, HTS hopes to assist the US government in understanding foreign countries and regions prior to an engagement within that region.”<sup>233</sup> AFRICOM retained the research and risk management firm Archimedes Global, Inc.<sup>234</sup> to hire personnel for developing and employing new capabilities as a “socio-cultural cell” and a “Social Scientist Research Center” within AFRICOM.<sup>235</sup>

AFRICOM’s outsourcing to PMFs was the primary focus of the International Peace Operations Association Annual Summit held in late October 2009 in Washington, D.C.<sup>236</sup> That Summit included experts, representatives from international organizations, NGOs, governments and IPOA’s fifty-plus member

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230. General William E. “Kip” Ward, Vision for U.S. Africa Command, Royal United Services Institute (Feb. 18, 2008) (transcript available at <http://www.africom.mil/getArticle.asp?art=1659>). It should be noted that the National Defense Authorization Act for Fiscal Year 2011, specifically cites to AFRICOM’s Intelligence and Knowledge Development Directorate and the need for need for “flexible and tailorable approaches as the Department of Defense gains a better understanding of how social science research can support defense missions,” H.R. 5136, 111th Cong. (2010) at 389. Note that the U.S. policies advanced by AFRICOM do not overtly recommend or extol the role of religious leaders. Indeed, there may well be a place within U.S. and African national operational and legal limits for Chaplains and other religious leaders to render advice and assist in advancing what His Holiness Benedict XVIII called “reconciliation, justice or peace in a continent that is very much in dire need of these graces and virtues.” *The Blessings of God are Still Abundant*, CATH. INFO. SERVICE FOR AFR. (NAIROBI) (Oct. 26, 2009), <http://allafrica.com/stories/200910280844.html>.

231. P.W. SINGER, CORPORATE WARRIORS: THE RISE OF THE PRIVATIZED MILITARY INDUSTRY 8 (2003), cited with authority in Kevin H. Govern & Eric C. Bales, *Taking Shots at Private Military Firms: International Law Misses Its Mark (Again)*, 32 FORDHAM INT’L L. J. 56 (2008).

232. *Human Terrain System*, U.S. ARMY, <http://humanterrainsystem.army.mil> (last visited Feb. 19, 2011).

233. *Id.*

234. ARCHIMEDES GLOBAL, <http://www.archimedesglobal.com/> (last visited Apr. 19, 2011).

235. Nathan Hodge, *Help Wanted: ‘Human Terrain’ Teams for Africa*, WIRED BLOG NETWORK (Jan. 12, 2009), <http://blog.wired.com/defense/2009/01/help-wanted-hum.html>.

236. See, e.g., INTERNATIONAL PEACE OPERATIONS ASSOCIATION (IPOA), <http://ipoaworld.org/en/> (last visited Feb. 19, 2011).

companies, which represented “[t]he full capabilities of the private sector.”<sup>237</sup> The keynote speaker was retired four-star Marine Gen. and former Commander in Chief of CENTCOM Anthony Zinni (formerly including parts of USAFRICOM’s current AOR). Also speaking was Maj. Gen. Patrick Cammaert, formerly the United Nations Force Commander for the Eastern Democratic Republic of the Congo, and Jane Holl Lute, recently named the United Nations Assistant Secretary-General for Mission Support in the Department of Peacekeeping Operations.<sup>238</sup> In addition, AFRICOM’s outreach and partnership director, Paul Saxton, reportedly informed the large audience that the organization intends to enlist the help of the private sector.<sup>239</sup>

In Africa, speculation and skepticism still abound concerning the motivation for outreach. For instance, one past proto-PMF/mercenary leader, Eeben Barlow, recently opined on African skepticism towards American policies and PMF actions in Africa. Specifically he noted that, “looking at . . . US administrations’ record in Africa, it is one long script of betrayal, destabilization, political blackmail and even worse . . . [African nations], remain extremely reluctant and wary to allow the wolf to guard their sheep.”<sup>240</sup> The former South African soldier Eeben Barlow founded the mercenary/PMF firm Executive Outcomes. Executive Outcomes was hired by the Angolan government in 1994 to prevent its overthrow by the rebel National Union for the Total Independence of Angola (“UNITA”). Executive Outcomes decimated UNITA, allowing Angola’s government to remain in control and consolidate its power.<sup>241</sup> In 1995, Executive Outcomes did much the same for Sierra Leone when it dislodged the Revolutionary United Front from the diamond fields and forced them to negotiate a peace settlement with the government.<sup>242</sup> Economic concerns are also a prevailing issue. Dr. Bello Oboko, leader of the Federated Niger Delta Ijaw Communities in Nigeria, warned on October 28, 2008 that “America’s slide to economic meltdown was caused by wasteful spending to display strength in

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237. *AFRICOM and African Peacekeeping Operations to Be Focus of IPOA Annual Summit*, REUTERS, (Aug. 14, 2008), <http://www.reuters.com/article/pressRelease/idUS207446+14-Aug-2008+PRN20080814>. Reuters reported that the keynote speaker was retired four-star Marine General and former Commander in Chief of CENTCOM Anthony Zinni (formerly including parts of USAFRICOM’s current AOR). Also speaking was Maj. Gen. Patrick Cammaert, formerly the United Nations Force Commander for the Eastern Democratic Republic of the Congo, and Jane Holl Lute, recently named the United Nations Assistant Secretary-General for Mission Support in the Department of Peacekeeping Operations.

238. *Id.*

239. Bruce Falconer & Daniel Schulman, *Blackwater’s New Frontier: Their Own Private Africa*, MOTHER JONES, (Mar./Apr. 2009) <http://www.motherjones.com/politics/2009/03/blackwaters-new-frontier-their-own-private-africa>. Note, since publication of this Mother Jones article, Blackwater Worldwide, a “Private Military Firm,” has changed its name to Xe™ and its founding President and CEO has stepped down as the chief executive officer. See Jay Price, *Xe, Formerly Blackwater, Names New Leadership*, THE NEWS & OBS., Mar. 3, 2009, <http://www.newsobserver.com/2009/03/02/839999/xe-formerly-blackwater-names-new.html>. The article goes on to recount “Five Xe guards have pleaded not guilty to charges brought by federal prosecutors for their roles in a shooting at a Baghdad traffic circle in Sept. 2007 in which 17 Iraqi civilians were killed. A sixth guard pleaded guilty and is working with prosecutors.”

240. *Id.* See also Govern & Bales, *supra* note 231, at 63.

241. *Id.*

242. *Id.*

Iraq,” and that “Nigeria’s subscription to AFRICOM, a U.S./Africa Security pact could spell similar disaster for Nigeria.”<sup>243</sup>

Much of the speculation about AFRICOM’s politico-military reach stems from our former involvement with other countries, particularly Iraq. Journalist Karen DeYoung’s assessment is that “despite the promise of new development and security partnerships, many Africans concluded that AFRICOM was primarily an extension of U.S. counterterrorism policy, intended to keep an eye on Africa’s large Muslim population.”<sup>244</sup> This reaction partly comes from the deeply rooted antipathy many Africans have toward foreign nations as a result of a long and bloody history with colonial powers during the nineteenth and twentieth centuries. It may also derive from the perception that terrorism and Islam, a prevalent religion in some African countries, have become intertwined in the eyes of American policymakers.<sup>245</sup>

The renowned South African artist and author Breyten Breytenbach expressed his skepticism about AFRICOM in late fall of 2008, saying:

You’re not concerned about developing society. You’re not concerned about democracy. You’re not concerned about women’s rights. You’re not really particularly concerned about the health problems either, although some work has been done in that field. So, AFRICOM, I think, should be seen within that context. I know I’ve read that and I’ll say that they would be as interested in developing democracy and health services, etc., as they would be in maintaining security or assuring American security interest. But I don’t think that’s going to be the case.<sup>246</sup>

DeYoung also reported that in mid-2008, President Bush encountered African leaders who were adamantly opposed to the possibility of U.S. bases being built in their countries. The President purportedly responded that the notion of bases being built in the countries was false.<sup>247</sup> During a summer 2008 interview with current Vice Admiral Moeller, he indicated that current U.S. plans are to locate AFRICOM stations in pre-existing U.S. installations, such as military offices within U.S. embassies. Moeller reiterated, “We’re not going to go anywhere we’re not invited.”<sup>248</sup> Following President Obama’s summer 2009 trip to Africa, AFRICOM spokesman Vince Crowley renewed the official stance in regards to basing:

We absolutely are not seeking bases in Africa right now . . . We have one base in Djibouti which the United States has had for a number of years.

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243. *Africom Threat to Nigeria’s Sovereignty – Oboko*, VANGUARD (Oct. 28, 2008), <http://www.vanguardngr.com/content/20329/44/>.

244. *C.f.* DeYoung, *supra* note 216.

245. Al Pessin, *supra* note 218.

246. Interview by Amy Goodman with Breyten Breytenbach, Democracy Now (Dec. 26, 2008), available at [http://i2.democracynow.org/2008/12/26/an\\_hour\\_with\\_the\\_renowned\\_south](http://i2.democracynow.org/2008/12/26/an_hour_with_the_renowned_south).

247. DeYoung, *supra* note 216.

248. Danielle Skinner, *Deputy Moeller Speaks on Future of AFRICOM* (June 5, 2008), <http://www.africom.mil/getArticle.asp?art=1779>.

And I have seen the same press reports coming out of Ghana. And the purpose of the Obama trip is to engage with sub-Saharan Africa with a very reliable partner nation, but . . . Africa Command has no interest in seeking bases in that region at this time.<sup>249</sup>

At the time of this article's writing, AFRICOM's sole (unclassified) basing presence remained in Djibouti, and had been proceeding with a great deal of concern for the African populace, and with keen appreciation that the U.S. is not the only nation with aspirations for ongoing and future military and interagency cooperation in Africa. Helmut Heitman, the South Africa Correspondent of Jane's Defense Weekly, aptly pointed out a subtle fact of foreign influence in Africa: "[T]he U.S. is not the only foreign power trying to secure its grip on the region; the difference is others are more covert in the way they're going about it."<sup>250</sup> Heitman believes "China, India and to a lesser extent Brazil will try to expand their interests in Africa," but in contrast to past and ongoing U.S. initiatives, those nations "won't do things as obviously . . . I think they will only be indirectly involved militarily, by supporting their favored government, opposition group or warlord."<sup>251</sup>

Key members of the Bush and Obama administrations have become increasingly alarmed by the growing efforts of China to expand its access to energy supplies and other resources from Africa and to enhance its political and economic influence throughout the continent. Beginning in 2008, China has allocated large sums of money to establishing relationships between the leaders of China and developing African nations, hosting meetings in Beijing between President Hu Jintao and African heads of state.<sup>252</sup> The Forum on China- Africa Cooperation, has held four meetings to strengthen bilateral ties and increase cooperation between China and African nations as a continuance of the almost sixty-year long cooperative effort between China and African countries.<sup>253</sup> China's "grand strategy" jeopardizes U.S. national security interest in Africa and shows China's attempts to secure a grip on the eastern nations and overpower the West's efforts in Africa.

In the Council on Foreign Relations' 2006 report "More than Humanitarianism," foreign affairs experts assessed that "all across Africa today, China is acquiring control of natural resource assets, outbidding Western contractors on major infrastructure projects, and providing soft loans and other incentives to bolster its competitive advantage."<sup>254</sup> In the Council's 2008 follow-up

249. *BBC World Service Discusses U.S. African Command in Analysis Broadcast*, U.S. AFR. COMMAND (June 26, 2009), available at <http://www.africom.mil/getArticle.asp?art=3175>.

250. Daniel Gordon, *The Controversy over Africom*, BBC WORLD SERVICE, (Oct. 3, 2007), <http://news.bbc.co.uk/1/hi/world/africa/7026197.stm>.

251. *Id.*

252. *C.f., Hu Jintao Meets with Gabonese President, Comoros President and African Union Commission Chairman*, MINISTRY OF FOREIGN AFF., CHINA (Nov. 1, 2006), available at <http://www.fm.prc.gov.cn/eng/wjzb/zjzg/fzs/gjlb/2949/2951/t279390.htm>.

253. *Declaration of Sharm El Sheikh of the Forum on China-Africa Cooperation*, Forum on China-Africa Cooperation, The Fourth Ministerial Conference (Nov. 12, 2009), available at <http://www.focac.org/eng/dsjbzjhy/hywj/t626388.htm>.

254. Anthony Lake & Christine Todd Whitman, *More than Humanitarianism: A Strategic U.S. Approach Toward Africa*, Council on Foreign Affairs, INDEPENDENT TASK FORCE REPORT NO. 56



assessment, Stephanie Hanson wrote that as the economy in China booms, it increasingly becomes “intent on getting the resources needed to sustain its rapid growth, and is taking its quest to lock down sources of oil and other necessary raw materials across the globe . . . turning to Africa, an oil-producing source whose risks and challenges have often caused it to be overlooked economically.”<sup>255</sup>

In his speech to AFRICOM officials and staff at the AFRICOM headquarters in late June 2010, Larry Diamond warned of the dangers of discovering oil early on in a nation’s development trajectory, noting that oil and democracy don’t mix if the goal of a nation is to establish a successful centralized political system.<sup>256</sup> With China’s increased demand for resources, African development is in jeopardy. In Africa, there are twenty-three countries that derive the majority of their export earnings (sixty percent or more) from oil.<sup>257</sup> Of those countries, none are considered electoral democracies.<sup>258</sup> This is an unfortunate statistic for the future of growing democracy and Mr. Diamond contributes this downward spiral to “a weak rule of law with extensive corruption and abuse of power, poor economic performance, ethnic and religious divisions, weak and ineffective political institutions, and weak constraints on authoritarian leaders.”<sup>259</sup> The role of AFRICOM in these oil rich countries must be continuing to increase African stability by helping to institutionalize professional military roles, mentalities, and capacities with a focus on security function. In order for African countries to reach their goals, they must continue to fight for economic and political stability through good governance and not with Chinese control over their resources.<sup>260</sup>

With some degree of cynicism, Conn Hallinan of the Foreign Policy in Focus has wondered in international print, “Is the Libya Intervention Directed at China?”<sup>261</sup> He assessed Libya to be a “fresh slate for Africom, and that is making the Chinese even more nervous (and explains why they have been so cranky about civilian casualties in Libya),”<sup>262</sup> further theorizing that “[when] Africom was in its infancy it war-gamed a military intervention in the Gulf of Guinea in case civil disturbances caused any disruptions in oil supplies. Angola, China’s other major African supplier, is in the Gulf of Guinea;”<sup>263</sup> for Hallinan, “[i]t hardly seems like a

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(Council on Foreign Relations, U.S.), Jan. 2006, at 40, *available at* [www.technoserve.org/assets/documents/councilonforeignrelationspaperhumanitarianism.pdf](http://www.technoserve.org/assets/documents/councilonforeignrelationspaperhumanitarianism.pdf).

255. Stephanie Hanson, *Backgrounder: China, Africa, and Oil*, COUNCIL ON FOREIGN AFF. (Jun. 6, 2008), *available at* <http://www.cfr.org/publication/9557/>.

256. Danielle Skinner, *Larry Diamond Speaks on Governance and Democracy in Africa*, U.S. AFRICOM PUB. AFF. (July, 1, 2010), *available at* <http://www.africom.mil/getArticle.asp?art=4775&>.

257. *Id.*

258. *Id.*

259. *Id.*

260. *Id.*

261. UN OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS, *Africa: AFRICOM to Focus on Military, Not Humanitarian Role*, IRIN (Mar. 14, 2008), <http://www.irinnews.org/Report.aspx?ReportId=77283>.

262. *Id.*

263. *Id.* This assertion is, at least in part, supported by unclassified reports that in March of 2010, ninety-five U.S. Marines led by General Paul Brier, commander of U.S. Marine Forces Africa, deployed to the Bundase Training Camp in the Ghanaian capital of Accra for a three-week exercise with the armed forces of the host country, “part of the Africa Partnership Station,” which also included the

coincidence that, at the very moment that African oil supplies become important, the U.S. creates a new military formation for the continent. Africom is currently advising and training the military forces of 53 countries in the region.”<sup>264</sup>

Notwithstanding this outlook, both Deputy Assistant Secretaries Thomas Christensen and James Swan suggested the U.S. had a more positive outlook on the role of China and other countries assisting in the region. Despite the less than transparent nature of aid that China gives to African nations, the officials noted “it is the Africans themselves who will shape the relationship with China.”<sup>265</sup> Christensen and Swan further commented that the U.S. has “encouraged China to reconsider its close military relationships with repressive military regimes in Africa; [furthermore], there also may be some additional opportunities for cooperation in non-security sectors in Africa, such as health and agriculture.”<sup>266</sup> Jennifer Cooke, an expert at the Centre for Strategic and International Studies, predicts that AFRICOM will offer “[m]ore direct engagement, particularly with African organizations such as the AU, with a separate command, than when you have people rolling through from Europe from time to time,” providing a “much more nuanced understanding of the problems Africa faces.”<sup>267</sup>

Moreover, such direct engagement will become even more important as post-colonial strides towards African unity progress towards fruition. The OAU existed for thirty-nine years, from May 25, 1963 onward, as “an expression of the will to act collectively on issues of common interest,” yet it acted in “compromise between supporters of a full political integration and those preferring a loose cooperation organization.”<sup>268</sup> The OAU’s initial membership of thirty-five nations had aspirations and goals that outgrew the OAU structure, such that it was replaced by the successor-in-interest AU in 2002.<sup>269</sup>

In 2006, the AU contemplated a deliberative, “gradual incrementalism and multi-layered approach to implement a United States of Africa by 2015.”<sup>270</sup> In accordance with the AU’s 2006 “Tentative Roadmap of the Union Government,” the union was to evolve in three-year phases. Phase 1 consisted of the establishment of the Union Government, including the steps and processes necessary for immediate operation. Phase 2 calls for making the Union Government fully operational in all its components and laying the constitutional

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participation of the USS Gunston Hall dock landing ship and “embarked international staff” in the Gulf of Guinea. See, e.g., Rick Rozoff, *Militarization of Energy Policy: U.S. AFRICOM and Gulf of Guinea*, WORLD FUTURE ONLINE POL. ISLAM PORTAL (Jan. 8, 2011), available at <http://wfol.tv/index.php/stop-nato/5987-militarization-of-energy-policy-us-africom-and-gulf-of-guinea.html>.

264. Rick Rozoff, *Militarization of Energy Policy: U.S. AFRICOM and Gulf of Guinea*, WORLD FUTURE ONLINE POL. ISLAM PORTAL (Jan. 8, 2011).

265. Charles Corey, *A Better Africa for Africans is Goal of U.S. Policy* (Jun. 5, 2008), available at <http://www.america.gov/st/peacesec-english/2008/June/20080605153632WCyeroC0.2556116.html&dis tid=ucs>.

266. *Id.*

267. Jim Lobe, *Africa to Get Its Own U.S. Military Command* INTER PRESS SERVICE (Jan. 31, 2007), available at <http://www.antiwar.com/lobe/?articleid=10443>.

268. *Id.*

269. *Id.*

270. STUDY ON AN AFRICAN UNION GOVERNMENT TOWARDS THE UNITED STATES OF AFRICA 32 (2006), available at [http://www.africa-union.org/Doc/study\\_on\\_AUGovernment\\_june2006.pdf](http://www.africa-union.org/Doc/study_on_AUGovernment_june2006.pdf).

ground for the United States of Africa. Finally, Phase 3 will facilitate all required structures of the United States of Africa at the levels of the states, the regions and the continent.<sup>271</sup>

Direct engagement with an evolving AU and emergent United States of Africa may well take an interesting turn in the near future, specifically within the next five years. On February 2, 2009, the “Leader of the Revolution of the Great Socialist People’s Libyan Arab Jamahiriya” (a. k. a. President of Libya), President Muammar el-Qaddafi, became Chairperson of the AU.<sup>272</sup> In February 2009, Qaddafi claimed that he would participate at the AU’s forthcoming summit in Sirte, Libya, vote for the immediate unity of African nations into a United States of Africa, and support the establishment of a single currency, army and passport for the entire continent.<sup>273</sup> No immediate unity or common currency or identification systems resulted from that meeting. Qaddafi instead “commended his peers . . . for their responsibility and readiness to work for the African people by accepting during this Summit, to accelerate the transition process from the [AU] Commission to the AU Authority,” including their efforts to “[b]ring stability in Africa as Africa will be speaking with one voice, defending common positions in international negotiations and contributing to the global economy.”<sup>274</sup> Whether or not Qaddafi remains even at the helm of his own nation was a matter far from resolved at the time of this article’s writing,<sup>275</sup> and his potential “transition” from power had been a distinct matter of mission planning and execution for AFRICOM.

United or not, African governments will have to overcome internal and external problems, both past and ongoing. One such notable problem is the current crisis in Sudan’s Darfur region, where more than two million people have fled their homes over the last six years.<sup>276</sup> The AU appointed former South African President (and former AU Chairperson) Thabo Mbeki, as chair of their human rights committees, to investigate violations in Darfur.<sup>277</sup> That came about as a reaction to the International Criminal Court’s (“ICC”) arrest warrant for Sudan’s President Omar al-Bashir on March 5, 2009; a warrant that included five counts of crimes

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271. *Id.* at 32.

272. Press Release, African Union, Leader Muammar Gaddafi Visit’s AU Headquarters: “The time has come for Africa’s voice to be heard” (Feb. 5, 2009), *available at* <http://www.africa-union.org/root/au/Conferences/2009/january/summit/assembly/press/12th%20summit%20-%20LEADER%20GADDAFI%20-%2005-02-09%20-%20ENGLISH.doc>.

273. Lydia Polgreen, *Qaddafi, as New African Union Head, Will Seek Single State*, N.Y. TIMES, Feb. 3, 2009, at A9, Fortunately, Qaddafi subsequently failed in his bid to remain in the AU chairmanship. *See, e.g., Gaddafi fails in bid to remain African Union chair*, REUTERS, Jan. 31, 2010, <http://af.reuters.com/article/topNews/idAFJOE60U05O20100131>.

274. Press Release, 13th African Union Summit, African Heads of States End 13th Summit in Sirte With An Agreement For the Establishment of the African Union Authority (Jul. 6, 2009), *available at* <http://www.africa-union.org/root/AU/Conferences/2009/july/summit/13thsummit.html>.

275. *See, e.g., More U.S. help may be crucial to Qaddafi’s exit*, CBS NEWS, Apr. 13, 2011, <http://www.cbsnews.com/stories/2011/04/13/eveningnews/main20053703.shtml?tag=cbsnewsTwoColUpperPromoArea>.

276. *Q&A: Sudan’s Darfur conflict*, BBC NEWS (Mar. 5, 2009), <http://news.bbc.co.uk/2/hi/africa/3496731.stm>.

277. *Mbeki Named to Heal Bashir Rift*, BBC NEWS (Mar. 6, 2009), <http://news.bbc.co.uk/2/hi/africa/7927706.stm>. [hereinafter *Mbeki*].

against humanity and two counts of war crime involving the atrocities committed in Darfur.<sup>278</sup> The British Broadcasting Service reported that shortly after the warrant's issuance, al-Bashir "scoffed" at his arrest warrant,<sup>279</sup> and rejected the charges as "neo-colonialism."<sup>280</sup> In turn, the AU requested a one-year delay in ICC charges, "warning that attempts to arrest Mr. Bashir could further destabilize the situation in Darfur."<sup>281</sup> At the time of this article's writing, not only was al-Bashir still in power and at large, but he had even traveled to Tripoli (before it came under rebel siege) to attend the 40<sup>th</sup> anniversary celebrations of Qaddafi's Libya coup, held September 1, 2009, won a lopsided and questionable victory in April 11-15, 2010 national elections, and became the beneficiary of the AU's Summer of 2010 request (perhaps on al-Bashir's behest) of yet another one-year delay in ICC charges.<sup>282</sup>

The U.S. position regarding this matter is awkward. The U.S. did not assist in the establishment of the ICC, yet a senior State Department official has said "[t]he United States wants to see those responsible for Darfur atrocities held accountable and will not stand in the way of the possible prosecution of Sudanese President Omar al-Bashir by the International Criminal Court."<sup>283</sup> Retired Foreign Service Officer Robert E. Gribben warned of intensifying politico-military "turf issues" and human rights concerns in Africa, since "already, U.S. military resources and projects are crossing ministerial lines across the continent."<sup>284</sup> Gribben points to the theoretical "key local client for AFRICOM" as being the host Ministry of Defense, yet the additional realities are that "U.S. military resources already go to projects in ministries of water development, women's affairs, health, interior [and] aviation."<sup>285</sup>

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278. *Id.*

279. Peter Martell, *Dancing Bashir Scoffs at Darfur Warrant*, BBC NEWS (Mar. 5, 2009), <http://news.bbc.co.uk/2/hi/africa/7926813.stm>.

280. Mbeki, *supra* note 277.

281. *Id.*

282. Patrick Goodenough, *Little Western Support As Libya Marks 40 Years of Gaddafi*, CNS NEWS (Sept. 1, 2009), <http://www.cnsnews.com/news/article/53329>. See also Edith M. Lederer, *Africans Ask UN to Delay al-Bashir Prosecution*, THE ASSOCIATED PRESS, Sep. 25, 2010 (The AU made such request ostensibly because a trial would "interfere with efforts to end the seven-year conflict in western Darfur"); Will Ross, *Sudan Holds Landmark Multi-Party Elections*, BBC NEWS (Apr. 11, 2010), <http://news.bbc.co.uk/2/hi/8613572.stm>.

283. David Gollust, *US Signals Support for ICC Prosecution of Sudan's Bashir*, VOANEWS (Feb. 12, 2009), <http://www.voanews.com/english/2009-02-12-voa56.cfm>. (As a "multimedia international broadcasting service funded by the U.S. Government," the VOA oversimplified why the U.S. is not a party to the ICC, asserting that it was "owing to concerns of the former Bush administration that the court is unaccountable to anyone and might prosecute U.S. troops or diplomats").

284. Robert E. Gribbin, *Implementing AFRICOM: Tread Carefully*, FOREIGN SERVICE J., May 2008, at 25. See also Pub. L. No. 104-208, 110 Stat. 3009-133 (1996) (Certain human rights abuses by host nations may trigger restrictions on U.S. funding under the aforementioned Leahy Amendment); Theresa Whelan, *TRANSCRIPT: Pentagon Africa Policy Chief Whelan Describes U.S. Objectives for Africa Command*, U.S. AFRICA COMMAND, Feb. 18, 2008, <http://www.africom.mil/getArticle.asp?art=1663> ("There are a number of pieces of legislation -- one of them for example is the Leahy Amendment, which requires human rights vetting of every single individual we train. Even if we're training a large unit, every individual in that unit has to be vetted as best we can with the information that we have for human rights violations to anyone that there is even the smallest bit of suspicion about is removed from the training program.").

285. Robert E. Gribbin, *Implementing AFRICOM: Tread Carefully*, FOREIGN SERVICE J., May 15, 2008.

Gribben counsels that, “Washington policy makers, as well as ambassadors in the field, need to decide how much militarization of non-military assistance is wise and to ensure that such undertakings are properly vetted. Such discussions will become increasingly important when (not if) AFRICOM gets more resources to play with.”<sup>286</sup>

Singly and apart, or together as one nation, there will be no substitute for “African solutions to Africa’s problems,” asserts Professor James J.F. Forest, Director of Terrorism Studies at the Combating Terrorism Center at West Point.<sup>287</sup> Forest found that the AU, a key partner to AFRICOM, at present faces a crisis of legitimacy, such that “[t]he AU is being judged on whether it can and will respond effectively to situations of armed conflict [under the provisions of the AU Constitutive Act].”<sup>288</sup> The AU Constitutive Act states that the Union has the right to intervene “in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity.”<sup>289</sup> Forest outlined AU’s initiatives to build legitimacy, including the previously-mentioned “alphabet soup” of allied coalitions, namely: GPOI, ATAP, TSCTP, EACTI, ACOTA, and IMET, the African Coastal Security Program, Foreign Military Financing, the AU Standby Force, the Kofi Annan International Peacekeeping Training Center, the Military Personnel Exchange Program, the Regional Defense CT Fellowship Program, and the National Guard Bureau State Partnership Program.<sup>290</sup> In Forest’s estimation, the AU is “also being judged on whether the presence of AU or regional peacekeeping forces can resolve complex peace support or enforcement operations.”<sup>291</sup>

According to Forest, if the AU aspires to become the leading enabler of peace and security on the continent, it must be “seen as capable of responding to all kinds of humanitarian crises”, find common ground on how to respond to threats, enhance their individual and collective ability to communicate across borders, share information, and develop the ability and the will to conduct joint exercises.<sup>292</sup>

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286. *Id.*

287. James J.F. Forest, *Legitimacy and Peace: Linking U.S. Strategic Objectives with the African Union and Darfur* 6 (2007), [http://www.teachingterror.net/lectures/Forest\\_IDC2007.ppt](http://www.teachingterror.net/lectures/Forest_IDC2007.ppt). (presented at 13<sup>th</sup> Annual International Development Conference).

288. *Id.* at 8, (quoting with authority Article 4(h), of the AU Constitutive Act, July 11, 2000, available at [http://www.africa-union.org/root/au/AboutAu/Constitutive\\_Act\\_en.htm](http://www.africa-union.org/root/au/AboutAu/Constitutive_Act_en.htm), “The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity”). Initiatives to build legitimacy, as outlined by Forest at Slide 10, included the following: Global Peace Operations Initiative; Anti-Terrorism Assistance Program; Trans-Sahara Counter Terrorism Partnership; East Africa Counterterrorism Initiative; African Coastal Security Program; Foreign Military Financing; African Union Standby Force; Kofi Annan International Peacekeeping Training Center; African Contingency Operations Training & Assistance; International Military Education Training; Military Personnel Exchange Program; Regional Defense CT Fellowship Program, and National Guard Bureau State Partnership Program.

289. *Id.* at 8.

290. *Id.* at 8. See also footnotes 112-119.

291. See Forest, *supra* note 287, at 8.

292. *Id.* at 6.

Of no small additional import, Forest believes the AU member nations could and should develop “regional early warning centers, logistical depots and transportation/force projection capabilities, professional militaries and police forces, accountability among decision-makers, and cultivate a perception of AU power and capability.”<sup>293</sup> For Forest, great mutual advantage will accrue if the U.S. and the international community do everything possible to “enable the success of the [AU]” as “AFRICOM is a reflection of the continent’s strategic importance to the U.S.”<sup>294</sup>

In a May 2009 briefing to the Department of State’s Foreign Press Center, Former Deputy AFRICOM Commander, Ambassador Yates conceded another key shortcoming in AFRICOM’s development up to that point; it was a candid assessment how AFRICOM measured (or failed to measure) the success of its operations generally:

How do we measure the success? Oh, boy, that’s a good question. The assessment – actually, we’ve had lengthy discussions about what tools we need to have to have a good assessment. In this whole-of-government approach, our USAID colleagues are much further ahead than, certainly, State Department colleagues in having to assess programs – you know, they build a program, it exists for three years or five years, they have to assess it to try and go back to Congress and ask for more. One of the five USAID officials who have come to the command is in our inspector general’s corps, and so she is informing us, in the umbrella sense, of how important assessment is.<sup>295</sup>

CRS has identified numerous potential problem areas and shortcomings besides this “assessment gap” regarding U.S. strategic interests and the role of the U.S. military in Africa under AFRICOM.<sup>296</sup> How to quantify and measure AFRICOM’s effectiveness is far from clear. The understanding of how to do so is important not only to the Departments of Defense and State, but to regional and international alliances, and indeed to regional and global peace and security, particularly at a time when AFRICOM as a central role in the economic, political, and military stability of one of the world’s most volatile continents. As AFRICOM transforms itself from its initial operating capability, I would propose that its combatant commander, its staff, and subordinate commanders develop analytic tools to help make the best choices possible, consistent with solid, workable, universally understandable measures of effectiveness (“MOEs”). Consistent with the RAND Corporation’s considerations of MOE appropriate for an information

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293. *Id.*

294. *Id.* at 11.

295. Ambassador Mary C. Yates, Deputy AFRICOM Commander, Brief on Lessons Learned from a New Combatant Command – AFRICOM, (May 12, 2009) (transcript available at <http://fpc.state.gov/123292.htm>).

296. *See*, PLOCH, *supra* note 26, at 2-3.

age army,<sup>297</sup> AFRICOM's MOE must assess and be used to convey the value of information in terms of civil-military objectives against civil-military outcomes across the entire spectrum of operations in the "legal way ahead between war and peace."<sup>298</sup> Here are the MOEs I propose for AFRICOM, based upon CRS recommendations for Congressional oversight; they address each key aspect of AFRICOM's composition, resourcing, and missions:

- Is an African Command necessary or desirable? Is its mission well defined?
- How are U.S. strategic interests influencing the size and scope of the U.S. military footprint on the continent, and what effect will the creation of a new AFRICOM have on future U.S. military operations in Africa?
- How are AFRICOM and U.S. military efforts in Africa perceived by Africans and by other foreign countries, including China?
- What role, if any, will contractors play in AFRICOM's operations?
- How closely do the State Department and DoD coordinate plans for the command and on U.S. military efforts in Africa in general? What are the Obama administration's views on the development of AFRICOM interagency process? Does AFRICOM's enhanced interrogation of non-DoD USG agency personnel into the command necessitate statutory changes?
- How is AFRICOM addressing the intelligence community's need to realign its resources directed toward the continent?
- How will the Obama Administration efforts to ensure that U.S. military efforts in Africa do not overshadow or contradict U.S. diplomatic and development objectives?
- What are the authorities granted to U.S. Chiefs of Mission regarding combatant command activities in the countries to which they are posted, and are these authorities sufficient?
- How prominent will counter-terrorism operations and programs be particularly relative to the peacekeeping training and support components in AFRICOM's mandate?
- Are the authorities guiding DOD's implementation of security cooperation reform programs sufficient?
- What efforts does DoD take to ensure that the training and equipment provided to African security forces are not used to suppress internal dissent or to threaten other nations?<sup>299</sup>

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297. See, e.g., Richard E. Darilek, et al., *Measures of Effectiveness for the Information-Age Army*, RAND CORP. (2001), at iii, available at [http://www.rand.org/content/dam/rand/pubs/monograph\\_reports/MR1155/MR1155.pref.pdf](http://www.rand.org/content/dam/rand/pubs/monograph_reports/MR1155/MR1155.pref.pdf).

298. See e.g., Kevin Govern, *The Legal Way Ahead Between War and Peace*, in ENEMY COMBATANTS, TERRORISM, AND ARMED CONFLICT LAW: A GUIDE TO THE ISSUES, 280-304 (2008).

299. See, PLOCH, *supra* note 26, at 2-3.

The qualitative and quantitative answers to these MOE questions will likely help AFRICOM, the DoD, Congress, and the President guide AFRICOM towards successful accomplishment of stated and implied missions. Those answers will also help the U.S. shape perceptions in Africa and beyond to sustain and improve partnerships and collaboration between agencies and countries to lift African nations out of social, economic, and political poverty.

## VII. CONCLUSION

This article is an early look at AFRICOM as a nascent organization approaching its fourth year of existence. AFRICOM is actively and ambitiously adapting U.S. “Cold War” defense and security strategies to both present-day and future realities, using limited assets. It set out to support, but not assuming leadership in inter-African operations; that *modus operandi* has now become overcome by events after the post “jasmine revolution” politico-military realities on the continent.<sup>300</sup> It seeks to “add value” to advance U.S. and African economic, security and development policies, but has yet to realize the full range of measures of success and goals against which its progress should be measured. President Obama expressed an optimistic outlook when he envisioned that AFRICOM would be:

Working under the foreign policy leadership of the State Department, [and that] this command should help to integrate military (especially non-lethal capabilities) with all the other elements of US power and diplomacy ... Increased security depends on better governance and plans for long-term stability that foster a believable hope among Africans that tomorrow will be better. This means cleaner water, adequate food, better schools, available and affordable healthcare, improved infrastructure and communications, more employment opportunities, human rights, and total gender equality.<sup>301</sup>

In closing, let me offer hopes that those inspirational comments become self-fulfilling prophecies, such that “democracy, opportunity, health, and the peaceful resolution of conflict”<sup>302</sup> become achievable and measurable realities throughout Africa, as a direct result of AFRICOM coordinating and synchronizing U.S. military activities with our diplomatic and economic objectives in Africa.

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300. Govern, *supra* note 25.

301. Volman, *supra* note 4.

302. Obama, *supra* note 18.