



# The Position of the AU and its Member States in the Global Condemnation of the Russia-Ukraine War

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## *Abstract*

International crises such as the war in Ukraine bring about significant changes not only in paradigms, but also in alliance systems. The return of war as a means of regulating international relations has greatly aggravated the interests of Western powers and the African continent, which is at the geopolitical forefront of the war in Ukraine. This study aims to identify the position of the African Union (AU) and its member states on the Russia-Ukraine conflict. It highlights the AU's institutional position at the outset of the conflict, before analyzing the positions of its member states, sometimes in contradiction with the principles of the AU and the United Nations (UN), calling for the immediate cessation of the war initiated by Russia. Similarly, the study shows that African countries, in their mixed positions have a more cynical view of a world order whose rules seem to be determined by the West and it is this difference in perspective that may explain the indulgence of some African states towards Russia.

*Keywords:* position, African Union, Russia-Ukraine conflict.

## 1. Introduction

The Bandung Conference of 1955 was an act of will by the majority of African peoples to reaffirm their neutrality in a world bipolarized by the Cold War. While it was thought to be over, the return of the traditional war between states, materialized by the Russian invasion of Ukraine, raised the debate on the position of the African Union (AU) and its member states, which once again opposed the capitalist bloc (NATO) and the communist bloc (Russia), while Africa, over time, became a fertile ground for cooperation on all sides with these two bastions of hegemony and belligerence. The United Nations General Assembly adopted Resolution A/ES-II/L1 on Wednesday, 2 March 2022, at 11:55 a.m. New York time. This resolution demanded that Russia immediately cease the use of force against Ukraine.<sup>1</sup> The outcome of this vote was very interesting, especially as far as Africa is concerned. However, the term “position” in this study refers to the opinion, sentiment and attitude of the AU, and its member states towards this war, which has been so divisive on the international scene. In this sense, it would not be superfluous to openly ask the

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<sup>1</sup> UN General Assembly Resolution ES-11/1 is a resolution of the eleventh emergency special session of the UN General Assembly, adopted on 2 March 20022. It deplores the invasion of Ukraine by Russia and demands a complete withdrawal of Russian forces and a reversal of its decision to recognize the self-proclaimed Donetsk and Lugo People's Republics.

question: what was Africa's position on the Russian-Ukrainian war? Such a question seems interesting at the political level because it reveals once again the serious disagreements that still undermine the African states since independence and the schism that still exists between the vision of the AU and that of its entities, which at the geopolitical level contributes to seeing the still lightness of this meta-entity. In order to answer this question, on one hand, we will present the institutional position of the AU at the beginning of this conflict, before analyzing, on the other hand, the positions of its members, who were at times at odds with each other and with the General Assembly of the United Nations in condemning and calling for an immediate ceasefire to the war launched by Russia.

## 2. The institutional position of the AU as a meta-entity of African integration

The current Chairperson of the African Union and President of Senegal, Macky Sall, and the Chairman of the African Union Commission, Moussa Faki Mahamat, expressed their deep concern about the serious and dangerous situation created in Ukraine at the time of the Russian invasion. In a statement published on the AU's website and the official Twitter account, they called for respect for Ukraine's territorial integrity and national sovereignty (A) and urged the use of diplomatic negotiation mechanisms for an immediate ceasefire and a return to peace (B).

### 2.1 *AU call for respect of Ukraine's territorial integrity and sovereignty*

The institutional position adopted by the chairperson of the AU on the Russian-Ukrainian war was based on elements of great concern to the international community and to African states, namely; respect for territorial integrity (1) and national sovereignty (2).

#### 2.1.1 *The demand for respect of Ukraine's territorial integrity*

The concept of territorial integrity emerged as a general principle of international law in the 19th century, according to which a nation's ownership of a given territory confers exclusive rights and prohibits others from violating that ownership.<sup>2</sup> Today, we find the protection of territorial integrity explicitly mentioned in the UN Charter as an essential component of the prohibition of the use of force, as emphasized in Article 2(4), which states that "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."<sup>3</sup> The principle in Article 2(4), and with it the concept of territorial integrity is reiterated and elaborated in important UN General Assembly declarations, including the 1970 Declaration on Friendly Relations and the 1974 definition of Aggression. Respect for territorial integrity is thus a principle of international law according to which the borders of a state, territory or province must be respected. It is enshrined in several international texts, reaffirmed in famous judgments of the International Court of Justice (ICJ), and supports the obligation of a state to defend its borders and any part of its territory.

Territorial protection in international law is guaranteed by the following principles: The inviolability of territory; the prohibition or nullity of territorial acquisitions by force; the stability of borders established by treaty (regardless of the fate of the treaty); the inviolability of borders inherited from colonization or any regular process of state succession. In accordance with the rules of international law, the AU, which is also the heir to Africa's history of territorial

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<sup>2</sup> G. F. Martens, *Einleitung in das positive Europäische Völkerrecht*, 1796, p. 65.

<sup>3</sup> Article 2(4) of the UN Charter.

invasions under the aegis of colonization, could only oppose an invasion of Ukrainian territory and condemn all attempts to violate the territorial integrity of a state whose history reveals the difficulties of separation from the former USSR and the Soviet influence on its national construction. For this reason, President Macky Sall and President Moussa Faki Mahamat, expressed their deep concern about the dangerous situation in Ukraine and called for a return to peace.<sup>4</sup> In addition, the AU through the voice of its President, also called for respect for national sovereignty, another cardinal element for the existence and survival of a State.

### 2.1.2 *The call to respect Ukrainian national sovereignty*

The word sovereignty is derived from the Latin words *superanus, sui juris, esse suae protestatis*, and *summa protestati* meaning supreme or paramount.<sup>5</sup> It is one of the most important elements of the state because it gives legal status to the actions of the state. It is sovereignty that allows the state to exercise legitimate control over all laws, rules, policies and decisions. Sovereignty can therefore be defined as the situation of an unconditional power that is not subject to any external or superior authority and that acts only according to its will. In international law, it is synonymous with independence and self-determination. Sovereignty has two main dimensions: political and economic. In the political dimension, it implies the freedom of any state, subject to its international obligations, to choose its ideology, its political regime, and its strategic and military alliances. From an economic point of view, sovereignty implies the freedom to choose its economic system, to define its economic relations with other states on a bilateral or multilateral basis, to exploit its natural resources in the interest of its populations in accordance with the principle of the permanent sovereignty of states over their natural resources, as laid down in UN General Assembly Resolution No. 1803.<sup>6</sup>

Sovereignty entails the sovereign equality of States, a cardinal principle of the international legal order, the capacity to engage in international legal acts, including the conclusion of treaties, and the capacity to answer internationally for one's acts and omissions within the framework of responsibility. As for its protection, the sovereignty of a state is basically protected by the principle of non-intervention or non-interference in the affairs of the state and by the principle of state immunity abroad.<sup>7</sup> The Russia-Ukraine conflict arose out of Ukraine's desire to join a strategic alliance, in particular NATO, and Russia's strong reaction to prevent such a situation for alleged security reasons, although many saw this invasion as an unwavering Russian desire to maintain strategic influence over a lost territory. Once again, the AU disagreed with this approach to the use of force and therefore recommended respect for the national sovereignty of this independent state, which had legitimate needs and requirements for strategic projection.

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<sup>4</sup> Statement from Chair of the African Union, H. E. President Macky Sall and Chairperson of the AU Commission H.E Moussa Faki Mahamat, on the situation in Ukraine consulted at <https://au.int/sites/default/files/pressreleases/41529-pr-english.pdf>.

<sup>5</sup> Cambridge University Press, "Sovereignty" consulted at <https://www.cambridge.org/core/books/abs/tallinn-manual-20-on-the-international-law-applicable-to-cyber-operations/sovereignty/6BA0C5B9829FD15D997B8C973C395E16>.

<sup>6</sup> Resolution 1803 (XVII) provides that states and international organizations shall strictly and conscientiously respect the sovereignty of peoples and nations over their natural wealth and resources in accordance with the Charter of the United Nations and the principles contained in the resolution.

<sup>7</sup> State immunity is a principle of international law that is often relied on by states to claim that the particular court or tribunal does not have jurisdiction over it, or to prevent enforcement of an award or judgment against any of its assets. State immunity derives from the theory of the sovereign equality of states, as a consequence of which one state has no right to judge the actions of another by the standards of its national law.

## 2.2 *The AU's position on the application of international law*

International law is a system of legal rules that regulates the legal status and related subjects of international law, as well as the legal status of other persons and relations of international interests.<sup>8</sup> International law regulates the conduct of international entities and it is on the basis of the principles of this law that the AU condemned the Russian invasion and called for its respect (1), while advocating the settlement of this conflict through diplomatic channels (2).

### 2.2.1 *The AU's call for respect for international law*

In accordance with the prohibition of the use of armed force in the event of a dispute between States, as enshrined in the Charter of the UN, the AU strongly condemned the Russian attacks because, as a member of the UN and a permanent member of the UN Security Council, Russia must abide by the rules. This is codified in the principle of *pacta sunt servanda*, which means that any treaty in force is binding on the parties to it and must be implemented in good faith.<sup>9</sup> In fact, the prohibition of the use of force in international law is a principle that emerged at the end of the 19th century with the Hague Convention. This convention was established to encourage states not to resort to armed force in the event of a conflict and to favor peaceful means of settling disputes between states. This principle of international law is enshrined in Article 2(4) of the UN Charter and, in addition to the prohibition of the use of force in the settlement of disputes, the Charter also enshrines the principle of sovereignty, which states that no state is above another in law, that all states are equal and that no state has the right to interfere in the internal affairs of another state or even to undermine the sovereignty of the latter. However, Russia interfered by supporting the secessionist regions of Ukraine and also undermined its sovereignty and integrity by invading the country. The AU therefore respects democratic principles, human rights and the rule of law, which are principles enshrined in Article 4(m) of its Constitutive Act. For this reason, why on 24 February 2022, in Addis Ababa, President Macky Sall and President Moussa Faki Mahamat, while expressing their deep concern about the dangerous situation in Ukraine called on the Russian Federation and other regional or international actors to fully respect international law.<sup>10</sup> Following the condemnation, in accordance with international law, the AU called for a return to peace by peaceful means.

### 2.2.2 *The recommendation to use diplomatic means to resolve the conflict*

The UN Charter had already settled the question of inter-state disputes in Article 2(3), which states that “all members shall settle their international disputes by peaceful means in such a manner that international peace, security, and justice are not endangered.”<sup>11</sup> This article is better explained in Article 33 of the same Charter, which states that “the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice”.<sup>12</sup> As most of its members are parties to this Charter, the AU, as the representative

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<sup>8</sup> R. Alqamoudi, “The concept of international law”, *International Journal of Scientific and Research Publications*, Volume 11, 2021, p. 520.

<sup>9</sup> Vienna Convention on the law of treaties, 1996, Article 26.

<sup>10</sup> Statement from Chair of the African Union, H.E President Macky Sall and Chairperson of the AU Commission H.E Moussa Faki Mahamat, on the situation in Ukraine consulted at <https://au.int/sites/default/files/pressreleases/41529-pr-english.pdf>.

<sup>11</sup> Article 2(3) of the UN Charter.

<sup>12</sup> Article 33 of the UN Charter.

institution of this large group, through the Chairperson of the Assembly of Heads of State and Government, Macky Sall, and the Chairperson of the AU Commission, Moussa Faki Mahamat, in a communiqué issued on 24 February 2022, urged the two parties to establish a ceasefire and start political negotiations under the aegis of the UN and to protect the world from the consequences of a planetary conflict.<sup>13</sup>

The AU is therefore an institution that respects international texts and as such condemned the Russian act. In accordance with the principle of *pacta sunt servanda*, the AU called on Russia to respect international law in the resolution of the conflict, as Russia is bound by the UN Charter and other signed international conventions and must apply them in good faith. It should be noted, however, that the member states of the African Union, in their sovereignty, took different positions in the global condemnation of the Russia-Ukraine war.

### 3. The *intuitu personae* position of African states on the Russia-Ukraine war: The case of the UN General Assembly Resolution of 2 March 2022

*Intuitu personae* is a characteristic of a contract that is considered to have been concluded essentially because of the personal qualities of its co-contracting party. In other words, the position in consideration of the person (African States) and as such restricts the ability to assign the position to a third party. In this section, we will enumerate the individual votes of the African States and show the motives or justifications for these choices.

#### 3.1 *Condemnation of the war and abstention by many African states*

The 54 African countries (27.97% of the total vote) had a considerable influence on the vote on the resolution against the Russian invasion adopted on Wednesday 2 March. However, the African vote in the General Assembly was less unanimous than in the Security Council. While some African states voted for and against the resolution, other countries were conspicuous by their abstentions.

##### 3.1.1 *African states that voted for the resolution and those that abstained*

Russia's invasion of Ukraine is one of the tensest situations in international relations since the end of the Cold War. These tensions were evident during the deliberations and voting by UN members on resolutions calling on Russia to end its invasion and withdraw its forces from Ukraine. The resolution against the Russian invasion adopted on Wednesday 2 March, received a massive 141 votes in favor from the 193 member states of the UN General Assembly. Despite the call by the President of the AU and Senegal, Macky Sall, and the AU Commission, Moussa Mahamat Faki, for an immediate ceasefire and openness to political dialogue under the auspices of the UN in order to ensure peace and security in the world, the African votes were less unanimous in the General Assembly than in the Security Council.

The majority of African countries clearly sided with Ukraine – 28 out of 54 (51.85%). But almost a third of them abstained from taking sides (17 out of 54), assuming that abstention is halfway between yes and no. The group of 28 African countries in favor of the resolution were: Benin, Botswana, Cape Verde, Chad, Comoros, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Gabon, Gambia, Ghana, Kenya, Lesotho, Liberia, Libya, Malawi, Mauritania,

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<sup>13</sup> Statement from Chair of the African Union, H.E President Macky Sall and Chairperson of the AU Commission H.E Moussa Faki Mahamat, on the situation in Ukraine consulted at <https://au.int/sites/default/files/pressreleases/41529-pr-english.pdf>.



Mauritius, Niger, Nigeria, Rwanda, Sao Tome and Principe, Tunisia, Zambia, Somalia, Seychelles, and Sierra Leone.

Conversely, 17 African countries chose to abstain from the vote. These included Algeria, Angola, Burundi, Central African Republic, Congo Brazzaville, Equatorial Guinea, Mali, Mozambique, Namibia, Senegal, South Africa, South Sudan, Sudan, Uganda, Tanzania, Zimbabwe, and Madagascar. That is, a total of 17 countries out of 54 (31.48%).

### 3.1.2 *Reasons or justifications*

For the political scientist Michel Galy, a specialist in West Africa, interviewed on TV5 MONDE, the vote reveals the malaise and the division of an Africa that does not know whether it is better to follow the lead country or to abstain prudently until the last word has been spoken in the conflict. We noted some reasons that may have influenced some African countries in their vote. The group of 28 African countries in favor of the resolution consisted mainly of Western-aligned democracies such as: Benin, Botswana, Cape Verde, Comoros, Democratic Republic of Congo, Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mauritius, Niger, Nigeria, Sao Tome and Principe, Seychelles, Sierra Leone, Tunisia, and Zambia. But the list also included some undemocratic or hybrid regimes such as Côte d'Ivoire, Gabon, Libya, Chad, Egypt, Mauritania, Rwanda and Somalia. However, they had one thing in common: they were Western allies, with close military ties (military bases and joint military operations against jihadists). The presence of Ghana, the country of Kwame Nkrumah, the most ardent pan-African president of his time (1963-1966), sounded like a dramatic turnaround, almost incomprehensible.

In contrast, most of the 17 African countries that abstained or, like Eritrea, voted against the resolution, are authoritarian or hybrid regimes, including; Algeria, Angola, Burundi, Central African Republic, Congo, Equatorial Guinea, Madagascar, Mali, Mozambique, South Sudan, Tanzania and Zimbabwe. Some of these countries have close military and ideological ties to Russia, sometimes dating back to the Cold War, such as Algeria, Angola, Congo, Mozambique, Zimbabwe, Mali and the Central African Republic. We observed that Morocco, returned to Russia what Russia did through her repeated abstention from resolutions on Western Sahara in the UN Security Council. The Moroccan Foreign Minister also said in a statement that the country remained faithful to the principle of positive neutrality.<sup>14</sup> Algerian Foreign Minister Ramtane Lamamra referred to the concept of pragmatic neutrality, a pragmatism that takes into account an important reality: his country's extensive military cooperation with Russia. Between 2017 and 2021, 81% of the purchases of arms and defense equipment for Algeria's armed forces were supplied by Moscow.<sup>15</sup> The Central African Republic, through public demonstrations in the streets of the capital Bangui, agreed that it was with Russia, which helped bring peace and security in the country through the intervention of the Wagner military group, while the country was in total chaos and in recent years.

There were, however, some exceptions to the rule as a number of functioning democracies such as Namibia, South Africa and Senegal, also abstained. All have strong affinities with the West. In the case of Namibia, its ruling party, the People's Organisation of South West Africa, received support from the Soviet Union during its struggle for independence. South Africa's response can also be understood in terms of its independent and non-aligned foreign policy principles which resist being drawn into great power conflicts, as well as the importance of

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<sup>14</sup> Principles of positive neutrality are the principles of peaceful coexistence, repudiation of the use of force, non-interference in the internal affairs of other states, etc.

<sup>15</sup> A. Belkaid, "Maghreb-Ukraine (1). Algeria and Morocco Refuse to Choose," consulted at <https://orientxxi.info/magazine/maghreb-Ukraine-1-algeria-and-morocco-refuse-to-choose>, 5624.

working with old friends, since the African Nation Congress (ANC) has a long-standing relationship with the Soviet Union, which supported its armed struggle and where many ANC leaders were educated or received military training.<sup>16</sup>

The case of Senegal was more puzzling, as the country is considered a favorite of Western democracies because of its long democratic tradition and close proximity to France's international positions. The Senegalese government stated that its abstention was in line with "the principles of non-alignment and the peaceful settlement of disputes. However, the official statement of its President, as Chairperson of the AU, and that of the chairperson of the AU Commission, could be interpreted as support for Ukraine's territorial integrity. These events also tested the strength of military and political alliances. Far from being an anecdote, the event was evidence of Russia's growing influence on the continent. At a time when the international community was condemning Russia's invasion of Ukraine, the position of African countries seemed even more ambiguous.

### *3.2 Opposition and absence of other African states during the vote on the resolution*

As in all votes, there was opposition and absence of African states in the context of this resolution.

#### *3.2.1 List of states concerned*

In this category, we noticed that only one African country, Eritrea, voted against this resolution, which condemned unreservedly the terms and intentions of this "anti-Russian" resolution, representing 1.85% of the African votes. On the other hand, in terms of absentees, the African countries stood out for their considerable representativeness. We are referring here to 8 countries out of 54 (14.81%). They include Cameroon, Guinea Conakry, Guinea Bissau, Burkina Faso, Togo, Eswatini (the former kingdom of Swaziland in southern Africa) and Ethiopia which remains (to this day) an African empire/country that no nation colonized. These nations chose to express themselves through their physical absence from the voting room.

#### *3.2.2 Justifications or motives*

Eritrea's condemnation of the UN resolution on imperialist Russia was surprising because the country seems more like Ukraine, a young country that has long been threatened by its bigger neighbors. Eritrea gained independence from Ethiopia, a much more powerful country, in 1993, a few years after Ukraine gained independence from Russia. The country fought bloody wars for decades against successive regimes in Ethiopia, so it was expected to condemn any attempts to violate the territorial integrity of another country. However, there are several reasons for these positions in Africa. At first glance, Eritrea justified its negative vote by rejecting unilateral sanctions, which only serve to exacerbate tensions, to the detriment of the civilian population. In addition, Eritrea's vote against the UN resolution was motivated by regional ambitions, bilateral relations, geopolitical and economic interests. It should be noted that several projects have been agreed between the two countries. These include the construction of a port project, including the establishment of a logistics center in one of Eritrea's ports to develop bilateral trade, as well as mining projects, infrastructure development, and the supply of agricultural equipment between

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<sup>16</sup> The ANC is a political party which defended the interest of the black majority against the white minority during the apartheid in 1960.

the two business communities.<sup>17</sup> Eritrea's position in support of Russia could also be explained as part of President Isaias Afwerki's decades-long anti-American policy.<sup>18</sup>

#### 4. The reasons for voting neutrality in Africa

Still likened to the empty chair policy, the voting neutrality observed in the eight African countries can be explained on several levels. On the historical level, it is explained by Moscow's historical legacy and new African policy; by the reminiscence of old loyalties from the Cold War and decolonization periods; and by the memory of Soviet support for decolonization. Economically, it is explained by the fact that Russia is the leading exporter of wheat to Africa in general and the countries of North Africa in particular. On the other hand, it is a major player in the African security market. Between 2016 and 2020, it supplied 30% of the arms purchased by sub-Saharan African countries. Russia also signed military cooperation agreements with 20 sub-Saharan African countries including Cameroon on 12 April 2022.

At the security level, we witnessed the so-called diplomacy of mercenaryism between some African countries and Russia, epitomized by the famous Wagner group present in Libya, Sudan, Mozambique, the Central African Republic, and Mali. Strategically, Wagner's presence in Africa makes it possible to expand the Russian space at low cost. The group offers a "mercenaries/digital propaganda" package to weakened African powers and it is very active on the continent.

#### 5. Conclusion

Arriving at the end of this analysis, it is important to recall that it was question for us to analyze the position of the AU and its member states in relation to the Russia-Ukraine war. In order to facilitate the understanding of this topic, the analysis first focused on the institutional position of the AU, which, as a meta-entity of African integration, opposed the conduct of this war and called for the respect for the territorial integrity and sovereignty of Ukraine. Beyond this aspect, the expression of the *intuitu personae* position of African states on the resolution of the UN General Assembly of 2 March 2022 which demanded that Russia immediately cease the use of force against Ukraine. It turned out that 28 African countries voted in favor of the resolution condemning the Russian invasion, some 17 African countries abstained from the UN General Assembly vote and Eritrea was the only African country to vote against the resolution. The continent's positions varied from country to country, with many states taking a "non-aligned" position. Western countries such as France and the United States were surprised by the neutrality of African countries towards the Russian invasion and some African officials justified their indifference to the Russia-Ukraine war by comparing it to the American invasion of Iraq in 2003 and the NATO's assassination of Libyan leader Muammar Gaddafi in 2011. It thus became a proxy for countless examples of the West's failure to play by the rules it expected others to play. Whatever one may think, a trend is emerging: the gradual awareness among Africans of the need to do a better job of defending their own interests, rather than serving as a sound board for the defense of those of their allies. Unfortunately, there is no coordination between AU member states, let alone a common foreign policy. The gap between the remarkable normative and institutional progress

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<sup>17</sup> Agence Ecofin, "Russia negotiates the creation of a logistics center in an Eritrean port," consulted at <https://www.agenceecofin.com/investissements-publics/0409-59650-la-russie-negocie-la-creation-d-un-centre-logistique-dans-un-port-erythreen>.

<sup>18</sup> Isaias Afwerki's attitude and anti-American campaign begun after the Eritrean-Ethiopian Border war in 1998. This led to the Obama administration's sponsorship of the UN Security Council Resolution 1907 in 2009, imposing sanctions and an arms embargo against Eritrea.



of African organizations, on the one hand, and the actual implementation of strategic foreign policies and decisions, on the other, remains wide. By bridging this gap, the Russia-Ukraine conflict could be an opportunity to strengthen Africa's strategic position to better adapt to structural changes in the world order.

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