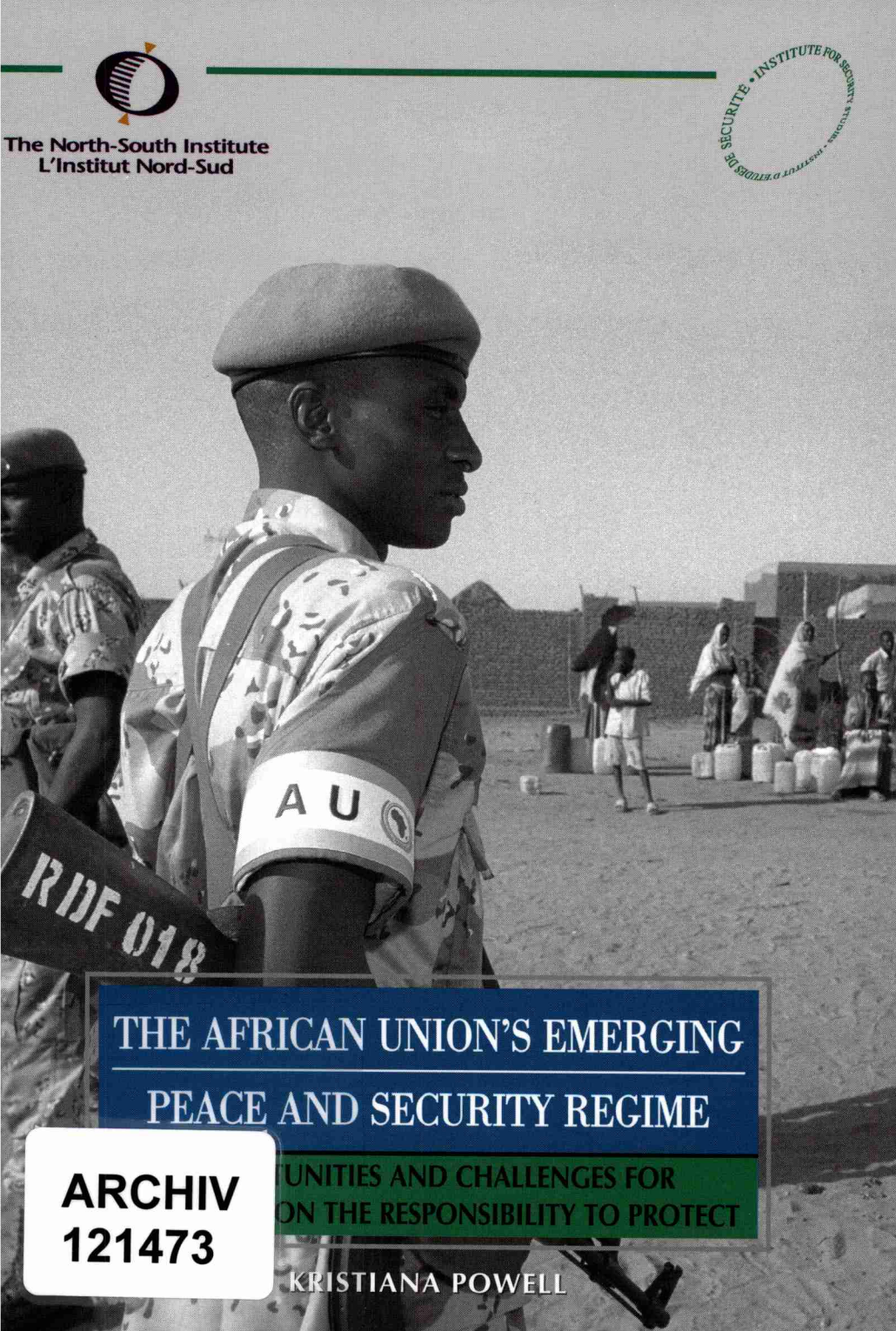




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THE AFRICAN UNION'S EMERGING PEACE AND SECURITY REGIME

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UNITIES AND CHALLENGES FOR
ON THE RESPONSIBILITY TO PROTECT

KRISTIANA POWELL

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THE AFRICAN UNION'S EMERGING PEACE AND SECURITY REGIME

**OPPORTUNITIES AND CHALLENGES FOR
DELIVERING ON THE RESPONSIBILITY TO PROTECT**

**PREPARED BY KRISTIANA POWELL
THE NORTH-SOUTH INSTITUTE
OTTAWA, CANADA**

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The North-South Institute (NSI) is located in Ottawa, Canada. It is a charitable corporation established in 1976 to provide professional, policy relevant research on relations between industrialised and developing countries. The institute is independent and cooperates with a wide range of Canadian and international organisations working on related activities.

LIST OF ABBREVIATIONS

AAP	Africa Action Plan
ACORD	Agency for Cooperation and Research in Development
AMIB	African Mission in Burundi
AMIS	African Union Mission in Sudan
AMU	Arab Maghreb Union
APRM	African Peer Review Mechanism
ASF	African Standby Force
AU	African Union
CADSP	Common Africa Defence and Security Policy
CENAP	Centre d'Alerte et de Prévention des Conflits
CEWS	Continental Early Warning System
CFA	Canada Fund for Africa
CFC	Ceasefire Commission
CIDA	Canadian International Development Agency
CNDD-FDD	Conseil National pour la Défense de la Démocratie – Forces pour la Défense de la Démocratie
COMESA	Common Market for Eastern and Southern Africa
CPA	Comprehensive Peace Agreement
DDR	Disarmament, Demobilisation and Reintegration
DfID	UK Department for International Development
DND	Department of National Defence
DPKO	Department of Peacekeeping Operations
DPMF	Development Policy Management Forum

DRC	Democratic Republic of Congo
EAC	Eastern Africa Community
EASBRIG	East African Brigade
ECCAS	Economic Community of Central Africa States
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EU	European Union
FAC	Foreign Affairs Canada
FDD	Forces pour la Défense de la Démocratie
FNL	Forces Nationales de Libération
FRODEBU	Front pour la Démocratie au Burundi
GoS	Government of Sudan
GPSF	Global Peace and Security Fund
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
IDP	Internally Displaced Persons
IDRC	International Development Research Centre
IGAD	Inter-Governmental Authority on Development
IPPR	Institute for Public Policy Research
ISAF	International Security Assistance Force in Afghanistan
ISDSC	Interstate Defence and Security Sub-Committee
ISS	Institute for Security Studies
JEM	Justice and Equality Movement
KAIPTC	Kofi Annan International Peace Training Centre
MTAP	Military Training Assistance Programme
NATO	North Atlantic Treaty Organisation
NEPAD	New Partnership for Africa's Development
NSI	The North-South Institute

OAU	Organisation of African Unity
ODA	Official Development Assistance
OHCHR	Office of the United Nations High Commissioner for Human Rights
OLMEE	Liaison Mission in Ethiopia-Eritrea
ONUB	United Nations Operation in Burundi
PALIPHEUTU-FNL	Parti pour la Libération du Peuple Hutu – Forces Nationales de Libération
PDCMPS	La Francophonie for Le Projet de Développement des Capacités en Maintien de la Paix et Sécurité
PKF	Peacekeeping Force
PLANELM	“Planning Element”
PMO	Prime Minister’s Office
PSC	Peace and Security Council
PSI	West Africa Peace and Security Initiative
PSO	Peace Support Operation
PTSG	Partners’ Technical Support Group
RECs	Regional Economic Communities
ROEs	Rules of Engagement
SADC	Southern Africa Development Community
SFOR	Stabilisation Force in Bosnia-Herzegovina
SHIRBRIG	Stand-by High Readiness Brigade for United Nations Operations
SLA/M	Sudan Liberation Army/Movement
SPLM	Sudan People’s Liberation Movement
TCC	Troop-contributing Country
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNMIS	United Nations Mission in Sudan

EXECUTIVE SUMMARY

- The transition from the Organisation of African Unity (OAU) to the African Union (AU) ushered in far-reaching changes to the pan-African peace and security agenda, particularly with respect to the parameters of sovereignty and intervention for human protection purposes. The principles underpinning the AU's emerging peace and security regime resonate with elements of the prevention-reaction-rebuilding continuum articulated in *The Responsibility to Protect* framework.
- The AU's emerging security architecture places the continental organisation within a robust security system consisting of African regional arrangements and mechanisms, the United Nations (UN), and other key members of the international community. Yet there are a number of challenges confronting African regional organisations and their efforts to fulfil a peace and security mandate. These include questionable legitimacy, resource and capacity constraints, and conflicting political agendas. Donor initiatives may further exacerbate these broad differences inasmuch as they focus on certain regions over others and support regional organisations with overlapping membership.
- The UN will also provide a central building block in the AU's emerging peace and security system. However, recent practice reveals tensions between the AU and the UN. On the one hand, the AU and African leaders recognise that there is a need to develop African capacities to respond to crises when the UN is unwilling or unable to do so. On the other hand, the UN must be held accountable for its responsibilities in Africa. The lessons from "re-hatting" in Burundi suggest that successful transitions from AU to UN command may require a more formalised relationship between these two organisations that draws on comparative advantages and common understandings of particular conflicts, clarifies respective roles in conflict management and resolution, and minimises troop reductions and demotions.
- Key external actors like the European Union (EU) and the G8 – including

Canada – have helped shape Africa's evolving peace and security regime. The EU's African Peace Facility is providing critical support to the AU, but funds for the Peace Facility are drawn from envelopes already earmarked for development. This raises important questions about how best to negotiate trade-offs between spending for stability and security with the allocation of resources to structural conflict prevention and longer-term development assistance. G8 initiatives in Africa may also make an important contribution to peace and security through regional organisations and the AU. However, the G8's increasingly narrow focus on developing military capability over conflict prevention and resolution capacities in Africa risks contributing to the construction of a security architecture that is only capable of mounting military responses to crises. There is a need for the G8 and other donors to also focus on helping the AU develop a range of operational and structural conflict prevention capacities.

- Canada has been a central player in placing and keeping Africa on the G8's agenda and in developing a set of initiatives that respond to New Partnership for Africa's Development's (NEPAD) broad peace, security and development priorities. Canada is also one of the first donors to provide genuinely flexible funding to the AU. However, Canadian contributions to peace and security capacity building for the AU and regional organisations are minimal in comparison to resources provided to the North Atlantic Treaty Organisation (NATO) and the UN over the past five years. In addition, existing Canadian support for Africa's peace and security regime tends to favour developing West African capacities over funding for the AU. Furthermore, Canada – like other G8 nations – faces critical questions about how to reconcile the urgent need to build peace support operations (PSO) capacity and support crisis response in Africa with the equally pressing need to develop a range of conflict prevention, management and resolution capacities in Africa.
- An examination of the African Mission in Burundi (AMIB) and the African Mission in Sudan (AMIS) reveals that – at least in these cases – the AU possesses the political will to implement its normative commitments to peace and security, including the protection of vulnerable populations. These cases also demonstrate that the AU is filling critical gaps in Africa's peace and security agenda and architecture.
- The AU has had some success in implementing its commitments to peace and security in Burundi and Darfur. In Burundi, AMIB helped stabilise parts of the country and create conditions conducive to UN

deployment. In Darfur, AMIS has served to deter ceasefire violations and provide some security to civilians where it is present.

- Yet the AU faces major obstacles to meeting its peace and security objectives, including its commitment to the protection of civilians. AMIB was tasked with a mandate it could not possibly fulfil and its resources were not aligned with its requirements. The mission also lacked the training and expertise to fulfil its mandate and to provide meaningful protection to civilians. AMIS does not have the planning capacity to deploy on schedule and faces command and control, and logistical constraints. It also has too few troops on the ground and a weak mandate. As a result it is not able to effectively monitor the ceasefire or provide meaningful protection to the most vulnerable civilians.

The experiences of AMIB and AMIS demonstrate that the AU requires extensive financial, logistical and political support from the international community in order to fulfil its commitments to peace and security, including to the protection of civilians. Ultimately, however, the AU and the rest of the international community will need to use a range of tools to deliver on the new peace and security agenda in Africa. Political initiatives to prevent, manage and resolve conflict need to be matched with strategies on the part of national, regional and international actors to address the social and political vulnerabilities at the root of conflict. Yet an examination of donor commitments to development in Burundi and donor contributions to Sudan also raises critical questions of how to appropriately sequence immediate relief and recovery activities, and longer-term strategies to reduce poverty and build a sustainable peace. It also underscores the need for donors to devise strategies for effective engagement in conflict contexts or where the state is unwilling or unable to devise a viable development strategy.

CHAPTER 1

INTRODUCTION

No more, never again. Africans cannot ... watch the tragedies developing in the continent and say it is the UN's responsibility or somebody else's responsibility. We have moved from the concept of non-interference to non-indifference. We cannot as Africans remain indifferent to the tragedy of our people (Ambassador Saïd Djinnit, African Union's Commissioner of Peace and Security, Addis Ababa, 28 June 2004).

In July 2002, in Durban, South Africa, leaders and representatives from 53 African nations launched the African Union (AU), a continental organisation to replace the Organisation of African Unity (OAU). This new organisation calls for major changes to pan-African approaches to peace and security. The Constitutive Act of the AU and its Protocol Relating to the Establishment of the Peace and Security Council place renewed emphasis on building a continental security regime capable of preventing, managing, and resolving conflicts in Africa. The AU's approach to peace and security diverges significantly from the OAU's peace and security mechanisms. The norms underpinning the AU's emerging peace and security agenda draw on elements of a protection framework as articulated in the International Commission on Intervention and State Sovereignty (ICISS) document *The Responsibility to Protect*. The AU, like *The Responsibility to Protect*, clearly lays out provisions for intervention in the internal affairs of a member state through military force, if necessary, to protect vulnerable populations from egregious human rights abuses. Implicit in these provisions is the understanding that sovereignty is conditional and defined in terms of a state's capacity and willingness to protect its citizens. These changes make the AU's Constitutive Act the first international treaty to recognise the right on the part of an international organisation to intervene for human protection purposes. In order to provide an operational dimension to the security provisions of the Constitutive Act, the AU is developing capacities for early warning, quick reaction, conflict prevention, management and resolution. At the same time, it places itself within a robust security system that builds on the strengths of African regional organisations and the United Nations (UN), and that draws on extensive support from other international actors.

The AU has the historic potential to bring Africa closer to a more inclusive peace that takes as its central referent the protection of vulnerable populations. However, there are few studies that consider the opportunities and challenges for delivering on the AU's peace and security agenda, including commitments to protect vulnerable populations threatened by armed conflict. This monograph is designed to help fill these research gaps. It places the AU's founding documents within a protection framework as defined in *The Responsibility to Protect*. It demonstrates that in terms of the norms governing intervention for human protection purposes the AU is closely aligned with *The Responsibility to Protect*. However, like *The Responsibility to Protect*, the AU envisions a continuum of protection that links prevention, reaction and rebuilding activities. This monograph then examines the constitutive elements of the AU's emerging peace and security apparatus with particular reference to the proposed African Standby Force (ASF). It then considers how key international actors and initiatives – the United Nations, the G8 and the European Union – are contributing to the development of the emerging continental security architecture. A survey of the G8's evolving partnership with the AU provides an entry point for an examination of Canada's current and intended contributions to this project. Finally, the monograph considers how the AU's declared commitments to peace and security, including through the protection of civilians, have been realised in practice by examining the AU-led peacekeeping force in Burundi and the AU's evolving response to the crisis in Darfur. Based on these case studies, the paper presents issues for policy dialogue that consider how the AU, Canada and other engaged members of the international community can deliver on their responsibility to protect in Africa.

Methodology

This monograph draws on extensive secondary literature from academic, civil society, AU and UN sources. The author also conducted over 40 field interviews in Addis Ababa, Ethiopia; Khartoum, Sudan; and Bujumbura, Burundi, between February and March 2005. In Addis Ababa, she interviewed senior AU officials and Western and African diplomats. Owing to political constraints, she was not able to travel to Darfur. Instead she interviewed Sudanese academics and civil society actors, including women's organisations, representatives of international humanitarian organisations, Western diplomats, and AMIS (African Mission in Sudan) military and political officers based in Khartoum. In Bujumbura, the author met with Burundian civil society representatives, senior AMIB (African Mission in Burundi) officials, senior ONUB (United Nations Operation in Burundi) officials and

a representative from the Transitional Government of Burundi. These visits were facilitated by the Development Policy Management Forum (DPMF) in Addis Ababa, Agency for Cooperation and Research in Development-Sudan (ACORD-Sudan) in Khartoum, and Centre d'Alerte et de Prévention des Conflits (CENAP) based in Bujumbura. In addition, she interviewed a number of Canadian government officials in the Department of National Defence (DND), Canadian International Development Agency (CIDA) and Foreign Affairs Canada (FAC) between December 2004 and April 2005.

The monograph constitutes the first main output of a policy engagement and project development initiative led by The North-South Institute (NSI) entitled "*Delivering on The Responsibility to Protect: A Policy Research Project on African Regional Security*."¹ The paper was discussed at a policy roundtable co-hosted with CENAP, DPMF and South Africa's Institute for Security Studies (ISS) in Ottawa in May 2005. The roundtable brought together officials from the Canadian government, as well as African, European and North American researchers. Drawing on the working paper and roundtable discussions, NSI prepared a policy brief that developed more specific policy recommendations on how the Canadian government, the AU and other members of the international community can help build a protection regime in Africa. These outputs will form the basis of multi-year policy research project, possibly developed in partnership with CENAP, the Netherlands Institute for International Affairs (Clingendael), and DPMF with joint initiatives undertaken with the ISS and the UK Institute for Public Policy Research (IPPR). This multi-year research and policy engagement initiative will address critical questions surrounding the operationalisation of the responsibility to protect in Africa.

Case study selection

This monograph draws on the case studies of the AU-led peacekeeping force in Burundi (AMIB) and the AU's response to the crisis in Darfur, Sudan. AMIB was chosen as a case study because it constitutes the AU's first full peacekeeping operation and therefore provides unique insight into the political and practical realities of mounting a peacekeeping mission under the aegis of the AU. Furthermore, because AMIB eventually adopted rules of engagement for civilian protection, the AU's experiences in Burundi offer new thinking on the specific challenges of protecting vulnerable populations in the context of an African-led peacekeeping mission. In addition, the transition to UN command in June 2004 facilitates an exploration of the dynamics surrounding the evolving division of responsibility between

the UN and continental/regional organisations operating in Africa. An examination of the AU's involvement in Burundi also highlights other challenges of implementing the concept of *The Responsibility to Protect* in Africa, including provisions pertaining to the responsibility to prevent and to rebuild. It provides an opportunity to consider how a regionally led military response to conflict might best fit within broader processes of reconstruction and sustainable peacebuilding. It also highlights the challenges facing key development stakeholders as they attempt to find the right balance between immediate reconstruction and longer-term peacebuilding priorities in difficult contexts.

The international community and AU's response to the crisis in the Darfur region of Sudan was chosen as a second case study for a number of reasons. Like AMIB, the African Mission in Sudan (AMIS) sheds light on the AU's emerging capacity to execute political and military responses to internal conflict. Moreover, the conditions in Darfur closely resemble those envisioned in *The Responsibility to Protect* to prompt action on the part of the international community. Consequently, international reactions to the crisis in Darfur serve as a clear test case of the political and operational challenges of responding to political and humanitarian catastrophes in an African context. An examination of the international responses to the crisis raises profound questions about how to carry out initiatives that mitigate human suffering while at the same time creating conditions conducive to conflict resolution and sustainable peacebuilding. In addition, because the conflict in Darfur is part of a broader national crisis in Sudan, an analysis of responses on the part of the AU and other members of the international community reveals the complex relationships between immediate protection imperatives and broader processes of stabilisation, post-conflict reconstruction and longer-term peacebuilding.

Defining “protection”

This monograph uses the central principles of *The Responsibility to Protect* as its guiding conceptual framework and links these principles to the AU's stated commitments to intervene for human protection purposes. It focuses on issues surrounding the physical protection of civilians in armed conflict with limited reference to legal mechanisms for protection. It is important to note that the AU's involvement in Burundi and Darfur does not represent the “last resort” type interventions that are envisioned in *The Responsibility to Protect* and the AU's Constitutive Act. In both cases, the AU's involvement was conditional upon receiving consent from the host authorities/governments.

In addition, the AU's commitments to protect civilians in Burundi and Darfur are among a range of tasks; protection was not/is not the sole or even primary purpose of these missions. However, this monograph may still be a useful analytical tool inasmuch as it maps out shifts in the AU's approach to intervention for human protection purposes and provides an evidence-based assessment of the opportunities and challenges for building an effective peace and security regime in Africa.

CHAPTER 2

THE RESPONSIBILITY TO PROTECT

In 1999, United Nations Secretary General Kofi Annan challenged the international community to develop a consensus around how it should respond to gross and systematic violations of human rights. The Canadian government took up this challenge and supported the creation of the International Commission on Intervention and State Sovereignty (ICISS). Co-chaired by Gareth Evans and Mohamed Sahnoun, the ICISS comprised 12 commissioners from both the North and South and was charged with the task of confronting key questions surrounding intervention for human protection purposes. In 2001, after considerable consultation around the world, the commission released a report called *The Responsibility to Protect*.

The Responsibility to Protect reframes the debate surrounding intervention from a “right” to intervene to suggest that the international community has a “responsibility” to intervene in humanitarian catastrophes to protect vulnerable populations. It is a pro-sovereignty doctrine insofar as it recognises that strong and accountable states are best able to protect their citizens. However, it makes clear that sovereignty entails responsibility on the part of the state to provide for the security of its citizens. When a state is unwilling or unable to protect its population or, indeed, is targeting its own citizens, the responsibility to protect is transferred to the international community. According to the report, the international community has an obligation to act through the use of military force, if necessary, even without the consent of the target state. The report notes that military intervention should be used only as a last resort² and describes a range of non-military mechanisms to address an emerging crisis, including sanctions and robust diplomacy, that should be exhausted before resorting to force. The criteria for military intervention are derived from established international human rights principles. They are described as:

- *large-scale loss of life*, actual or apprehended, with genocidal intent or not, which is the product of either deliberate state action, or state neglect or inability to act, or a failed state situation; or
- *large-scale “ethnic cleansing”*, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.³

The Responsibility to Protect suggests that authorisation for any kind of intervention should be provided by the international community, and more specifically, by the UN Security Council. In the words of the commission, "[t]here is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes". While acknowledging that the UN should not be "surprised" if regional organisations or a "coalition of the willing" ultimately intervene, especially if the Security Council fails to act appropriately, the options provided by the commission indicate that intervention should be on the UN's terms. The report notes that in situations where the Security Council fails to act:

- the question of intervention can be deliberated by the General Assembly in Emergency Special Session under the "Uniting for Peace" procedure; and
- regional or sub-regional organisations within the area of jurisdiction can act under Chapter VIII of the Charter, although they must seek subsequent Security Council authorisation.

In addition, the mechanisms for intervention are those established by or authorised by the UN.

The Responsibility to Protect has generated a great deal of international interest since its release in 2001. Most of the attention surrounding the report has been on the reaction agenda – that is, how the international community should react to egregious human rights violations – in part because military intervention in the internal affairs of a sovereign state is one of the most contested practices in international relations. However, it is critical to note that *The Responsibility to Protect* envisions a continuum of protection that links prevention, reaction and rebuilding activities. It stresses the importance of preventing the development of conditions that create a need for intervention in the first place. It identifies structural issues such as the weakness of state structures and the inequitable distribution of wealth as causes of conflict. Furthermore, *The Responsibility to Protect* calls for a rebuilding agenda that promotes good governance, and social and economic development to ensure that the conditions that prompted military intervention are transformed. In short, *The Responsibility to Protect* reinforces the link between security and development, and provides a comprehensive protection mandate that calls for an integrated approach to prevention, reaction and rebuilding.

CHAPTER 3

THE AFRICAN UNION AND THE RESPONSIBILITY TO PROTECT

The AU's emerging peace and security structures

The OAU became engaged in conflict resolution in Africa almost from its inception in 1963, but restricted its efforts to settling border disputes and adjudicating ideological differences resulting from the Cold War.⁴ The creation of a more robust response on the part of the OAU to different forms and phases of conflict was initiated in 1993 when African heads of state made a declaration leading to the establishment of the Mechanism for Conflict Prevention, Management and Resolution.⁵ The functions given to the mechanism were:

- to anticipate and prevent situations of potential conflict from developing into full-blown wars;
- to undertake peacemaking and peacebuilding efforts if full-blown conflicts should arise; and
- to carry out peacemaking and peacebuilding activities in post-conflict situations.

Although the establishment of the OAU conflict resolution mechanism should have moved the organisation to the centre of conflict management in Africa, the performance of the mechanism was not impressive.⁶ As Ambassador Sam Ibok, then director of the OAU's Political Affairs department, noted in 1999:

“Even though the OAU and its Charter came into existence as a continental framework for the promotion of the African collective will to ensure collective security and collective development, we have been unable in over thirty years to craft a comprehensive security architecture to drive the peace and security agenda of the Continent. This is in spite of the establishment in Cairo in 1993 of a Continental Mechanism for Conflict Prevention, Management and Resolution.”⁷

There are a number of reasons why the OAU's conflict resolution mechanisms were rendered ineffective.⁸ Foremost among these was the organisation's nearly unequivocal commitment to the principles of sovereignty and non-interference, and respect for established borders and territorial integrity. These overriding norms ensured that, with few exceptions,⁹ the OAU was not legally or operationally equipped to intervene in either inter- or intra-state conflicts. The creation of the mechanism in 1993 was an attempt to provide the OAU with the capacity for conflict management and resolution, including interference in the internal affairs of member states, if necessary. However, its establishment did not serve to change dominant views within the organisation and among African leaders of the sanctity of sovereignty and the centrality of non-intervention. Ibok noted that:

"... a strong view pervaded the OAU that conflicts within States fell within the exclusive competence of the States concerned. Arising from that basic assertion, was the equally strong view that it was not the business of the OAU, to pronounce itself on those conflicts and that the Organization certainly had no mandate to involve itself in the resolution of problems of that nature."¹⁰

As a response to the ineffectiveness of the OAU's mechanism, African leaders decided in May 2001 to devise a new security regime to operate within the framework of the nascent AU.¹¹ The AU's emerging security regime is mandated to perform a wide-range of peace and security functions. Specifically, the central tasks that have been assigned to AU's security mechanisms include:

- promoting peace, security and stability in Africa;
- anticipating and preventing conflicts;
- promoting and implementing peace-building and post-conflict reconstruction;
- coordinating and harmonising continental efforts in the prevention and combating of international terrorism;
- developing a common defence policy that can be operationalised;
- promoting and encouraging democratic practices, good governance and the rule of law, through the protection of human rights and fundamental freedoms, the sanctity of human life, and international humanitarian law.¹²

The AU has replaced the OAU's Central Organ for the Mechanism for Conflict Prevention, Management and Resolution with the Peace and Security Council (PSC), which came into being in December 2003.¹³ The PSC is made up of 15 member states, ten of which are elected to serve for two years¹⁴ and five elected to serve for three years.¹⁵ All countries serving on the PSC have equal voting rights and there are no veto rights or permanent memberships.

The PSC serves as "a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa".¹⁶ It meets regularly and recommends action to the Assembly of the Union, which is composed of heads of state and government and stands as the supreme organ of the AU, although the Assembly can provide the PSC with the authority to make decisions on its behalf.¹⁷ The PSC is supported by the chairperson of the commission, who also has official oversight of a number of key peace and security structures meant to contribute to operational conflict prevention, mediation and management. These include a Continental Early Warning System (CEWS), a Panel of the Wise, a Peace Fund, and an African Standby Force (ASF).¹⁸ The day-to-day operations of these structures will be the responsibility of the Peace and Security Department of the AU and the Conflict Management Department, formally the Conflict Management Centre. (See Annex 1 for a description of the CEWS, the Panel of the Wise and the Peace Fund.)

The AU's normative commitments to a protection agenda

The norms underpinning the AU's emerging peace and security regime resonate closely with elements of the protection framework found in *The Responsibility to Protect*. Like *The Responsibility to Protect*, the AU's Constitutive Act and the Protocol Relating to the Establishment of the Peace and Security Council (herein the PSC Protocol) are pro-sovereignty doctrines: they assign high priority to the sovereignty and territorial integrity of its member states. For example, Article 4 (f) of the PSC Protocol advocates "non-interference in the internal affairs of another". In addition, Article 3 (b) of the Constitutive Act states that a core objective of the AU is to "[d]efend the sovereignty, territorial integrity and independence of its Member States".¹⁹

However, the AU's Constitutive Act, like *The Responsibility to Protect*, places important limitations on state sovereignty. It is based on the premise that sovereignty is conditional and is defined in terms of a state's willingness and capacity to provide protection to its citizens; the Constitutive Act acknowledges that the state has the principal responsibility for protecting its

citizens. If a state fails to live up to these commitments, the AU has a right to intervene for human protection purposes through multilateral military force, if necessary. Article 4 (h) of the Constitutive Act declares 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". Like *The Responsibility to Protect*, the AU stresses that military intervention should be considered a last resort and suggests a range of non-military measures to respond to crises before calling for intervention.²⁰

In February 2003, the AU Heads of State and Government added an amendment to Article 4 (h) that extends the right to intervene to situations that pose "a serious threat to legitimate order to restore peace and stability in the Member State of the Union upon the recommendation of the Peace and Security Council". Article 4 (j) of the Constitutive Act also indicates that a member state has the right to request intervention from the Union for the restoration of peace and security. In addition, consistent with the protection mandate and in contrast to the OAU, the AU does not require the consent of a state to intervene in its internal affairs in situations where populations are at risk. That is, the OAU's system of consensus has been abandoned. Under the AU, a collective decision on the part of a two-thirds majority of the Assembly of the Union is required for intervention purposes. Ben Kioko, Legal Advisor to the African Union, remarks:

"The addition of Article 4 (h) was adopted with the sole purpose of enabling the African Union to resolve conflicts more effectively on the continent, without ever having to sit back and do nothing because of the notion of non-interference in the internal affairs of Member States. It should be borne in mind that the Peace and Security Council was intended, and should be able to revolutionize the way conflicts are addressed on the continent."²¹

In March 2005, the AU's Executive Council lent further credence to the AU's endorsement of *The Responsibility to Protect* principles. "The Ezulwini Consensus" constitutes the common African position on the UN reform. The document endorses the incorporation of *The Responsibility to Protect* principles in accordance with the report of the UN Secretary General's High Level Panel on Threats, Challenges and Change, but further stresses that the conditions and criteria proposed by the panel "should not undermine the responsibility of the international community to protect".²²

While review of national and regional perspectives on *The Responsibility to Protect* principles in Africa is beyond the scope of this monograph and has

been competently conducted by others,²³ it is worth noting that during an informal thematic consultation of the General Assembly in April 2005, South Africa acknowledged that the UN Security Council had a responsibility to take action to protect civilians when a state is unwilling or unable to do so. The statement further endorsed the UN Secretary General's criteria for the use of force, which are closely aligned with *The Responsibility to Protect* principles. Although it is not clear how South Africa will push this thinking internationally, such a public declaration may suggest a proliferation of support for *The Responsibility to Protect* principles, at least among some key AU member states.²⁴

One important distinction between the protection mandate and the AU's emerging peace and security architecture is that the Constitutive Act and the PSC Protocol still use the language of a "right" to intervene rather than adopting the commission's language of "responsibility". However, in an important way, the norms of state sovereignty and intervention endorsed by the AU actually advance the protection mandate. The AU's provisions for intervention – "war crimes, genocide, and crimes against humanity" – have existing definitions in international law, thereby providing a clearer set of criteria governing intervention than those articulated in *The Responsibility to Protect*. It is important to note that the AU has not yet agreed on the definitions it will use for "war crimes", "crimes against humanity" and "genocide", although it is likely to adopt the definitions enshrined in the Statute of the International Criminal Court (ICC).²⁵ In addition, the AU has not yet identified the processes that will guide decision-making surrounding Articles 4 (j) and 4 (h). As Wafula Okumu notes, the AU's founding documents are not clear on the form a decision on intervention will take:

"If a [decision on intervention] is issued as a regulation or directive then it will be binding to the Member States and all measures will be taken to ensure that it is implemented within 30 days. However, if a decision is taken as a 'recommendation, resolution or opinion' then it will not be binding."²⁶

It is also important to highlight the potential implications of the February 2003 amendment to the Constitutive Act, which includes "serious threats to legitimate order" as grounds for intervention. This amendment actually sets a lower threshold for intervention than those outlined in *The Responsibility to Protect*. Yet, as Sturman and Baimu stress, the amendment is inconsistent with the rest of the Constitutive Act inasmuch as it could be interpreted to prioritise regime security over human security. They write:

“In many instances, the perceived or authentic threat to legitimate order is used as a pretext to violate human rights. In this sense its inclusion as one of the grounds for intervention could be viewed as a step backward in the efforts to secure better protection of individual rights in Africa.”²⁷

Unlike the Constitutive Act's other criteria for intervention – war crimes, crimes against humanity, and genocide – there exists no clear definition of what constitutes a “serious threat to legitimate order”. The amendment could be invoked according to the political whims of certain African leaders for regime survival or regime change, rather than as a way to protect the aspirations of the people these regimes (purport to) govern. Moreover, if not properly delimited, the concept of “threats to legitimate order” is sufficiently elastic to encompass even peaceful protests for more accountable government as grounds for intervention on the part of the AU. While this interpretation of the amendment represents the worst-case scenario, it underscores the need for further debate in Africa and internationally regarding the implications of these revised parameters for intervention.

However, despite these ambiguities and uncertainties, the AU's Constitutive Act does stand as the first international treaty to identify a right to intervene in a state for humanitarian objectives in cases other than genocide. The AU's revitalised peace and security commitments are intended to break with the OAU's tradition of “non-interference” to build a new culture of “non-indifference”. Consistent with the continuum of protection articulated in the report, the founding documents of the AU and emerging African-wide frameworks, including the Common Africa Defence and Security Policy (CADSP) of the AU and the New Partnership for African Development (NEPAD), emphasise the relationship between development and security.

In Sirte, Libya, in February 2004, AU member states adopted the Solemn Declaration on a Common Africa Defence and Security Policy (CADSP) of the AU. The CADSP Declaration notes that development is a necessary condition for peace and stability and stresses that intra-state conflict prevention and resolution requires a renewed emphasis on human security on the part of the AU and its member states. The definition of human security adopted in the declaration is a broad one and encompasses a wide range of development priorities. In order to implement the underlying principles of the CADSP, the AU Commission has also taken initial steps to develop a strategy for post-conflict reconstruction.²⁸ The AU has formed a Ministerial Committee on Post-Conflict Reconstruction in Sudan led by South Africa to identify reconstruction priorities following the signing of the Comprehensive

Peace Agreement (CPA). The AU Commission will also host a government expert meeting in June 2005 to devise a strategy for the commission's future engagement in post-conflict reconstruction in Africa.²⁹

The AU has developed various commissions with corresponding departments to deliver on a broad peace, security and development agenda. For instance, the AU's Political Affairs Commission and its Political Affairs Department deal with a range of issues that fit within a conflict prevention mandate, and plan on having consolidated programs on human rights, democracy and election monitoring, humanitarian affairs, refugees and displaced persons. The African Peer Review Mechanism has been designed to promote structural conflict prevention through good governance. In addition, NEPAD, which may eventually become a programme of the AU, sets out a series of peace and security priorities to respond to different stages of conflict that correspond with the report's prevention-reaction-rebuilding framework.³⁰

Implementing a protection agenda: The African Standby Force

In order to implement elements of its invigorated peace and security agenda, the Protocol Relating to the Establishment of the Peace and Security Council of the AU also calls for the development of a rapid reaction capacity, the African Standby Force (ASF), to be developed in two phases by 2010. As Cedric de Coning notes, the use of the term "force" is somewhat inaccurate, given that most of the staff, logistics and equipment for an ASF mission will draw from regionally based resources.³¹ The AU actually envisions creating a standby system that will build on the military capabilities of African regional organisations. According to the AU's Policy Framework for the Establishment of the African Standby Force presented to the third meeting of the African Chiefs of Defence Staff in May 2003, the ASF will consist of a system of five regionally managed multidisciplinary contingents comprising 3,000–4,000 troops, between 300 and 500 military observers, police units, and civilian specialists on standby in their countries of origin.³² These regional brigades will be deployed under AU mandates and placed under AU or UN operational control, as applicable.

The ASF will be supported by a Military Staff Committee comprising senior military officers of the Members of the Peace and Security Council and will be mandated to perform a variety of functions in responding to various conflict scenarios. In his address to the African Chiefs of Defence Staff in January 2004, the chairperson of the AU Commission, HE President Alpha Oumar Konaré, stressed that the AU must be capable of deploying African

missions not only for peacekeeping but also for peace enforcement and post-conflict activities.³³ Accordingly, the ASF will undertake observation and monitoring, preventive deployment, peacekeeping and multi-dimensional peacekeeping, intervention in grave circumstances like genocide, and engagement in peacebuilding tasks, including post-conflict disarmament and demobilisation. The ASF will also undertake tasks that fit within a protection mandate. Specifically, the force may adopt standard operating procedures relating to "[t]he protection of vulnerable groups, namely women, children and the aged, in armed conflict".³⁴ (See Annex 2 for a discussion of the ASF development timeline and conflict mission scenarios.)

The initiative to establish the ASF is not the first attempt to set up a continent-wide rapid reaction arrangement. African leaders mooted the possibility of building a continental military capacity to operate within the framework of the OAU's mechanism for conflict prevention, management and resolution when it was inaugurated in 1993.³⁷ At that time, however, member states were not able to agree on the size, structure, mandate and financing of such a force. While a comprehensive overview of the political dynamics

Box 1 The African Union and the regional brigades

The AU has left it to the regional economic communities (RECs) to determine if the regional brigades will map the membership of the communities. Some progress has been made toward the formation of the brigades. ECOWAS has approved a military vision and strategy, and a force structure, and a mission planning and management cell has been developed.³⁵ In February 2004 the East African Chiefs of Defence Staff adopted a policy framework to establish the East African Brigade (EASBRIG) "as part of the African Standby Force (ASF)" and reviewed a draft protocol under the auspices of the Inter-Governmental Authority on Development (IGAD).³⁶ The draft policy framework and budget of US\$2.5 million for EASBRIG was adopted by IGAD (Inter-Governmental Authority on Development) Heads of States and Government on 11 April 2005 in Addis Ababa. The planning headquarters for the 5,500-strong rapid reaction force will be in Kenya while its logistics and brigade headquarters will be in Addis Ababa. A meeting was held in Lesotho in April 2004 of the Southern Africa Development Community's (SADC) Interstate Defence and Security Sub-Committee (ISDSC) operational staffs to provide recommendations for the SADC Chiefs of Defence Staff regarding the creation of a southern African brigade. Since that meeting, military planners have completed the initial planning process for establishing a southern-Africa-based standby force. Between July 2003 and December 2004, the Economic Community of Central African States (ECCAS) held several meetings on developing a Central African standby brigade and reached agreement on the structure of regional headquarters of the PLANELM and an ECCAS standby brigade. Information on the establishment of a brigade in northern Africa was not available at the time of writing.

behind the decision to build an ASF is beyond the scope of this paper, it is worth mentioning that a number of key factors converged to compel African decision-makers to build a pan-African conflict management capacity with rapid reaction capabilities. Central to these was a growing perception of the UN's inability and unwillingness to engage in Africa effectively and impartially. Ambassador Sam B Ibok writes:

"... the UN has a global responsibility for the maintenance of International Peace and Security. In spite of this, genocide took place in Rwanda. It took place in Rwanda because Africans had to wait for more than six months for the deployment of UN peacekeeping forces. The same thing happened in Somalia, in the DRC, in Burundi, in Liberia, and in Côte d'Ivoire."³⁸

The UN's failures in the face of some of Africa's most profound security challenges reinforced a desire for greater autonomy and an "African solutions to African problems" approach to peace and security on the continent.³⁹ As Bruce Jones writes, "[i]t is not entirely un-coincidental that the two places where we have seen the most development of regional options – Europe and Africa – have been the site of the UN's greatest failures in the 1990s ...".⁴⁰ Yet at the same time African decision-makers acknowledged the tension between the need to develop indigenous conflict management capacities, and the imperative of not legitimising further retrenchment on the part of the UN in Africa. Accordingly, the peace and security architecture envisioned in the PSC Protocol builds on Africa's own resources, while continuing to acknowledge the UN's responsibilities in Africa. The PSC Protocol places the AU within a robust security scheme comprised of African regional arrangements and mechanisms, the UN and other key members of the international community.

CHAPTER 4

THE AFRICAN UNION AND THE REGIONAL MECHANISMS FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION

At a Council of Ministers meeting in 1976,⁴¹ the OAU made the decision to divide Africa into five regions, aligning with a number of existing regional economic communities (RECs) and prompting the establishment of others. While Africa's regional organisations were originally designed as centre points for regional economic development, regional bodies and leaders quickly acknowledged that the insecurity and instability endemic in their regions served as a major impediment to integration and development.⁴² With the exception of the Arab Maghreb Union, all of Africa's RECs have subsequently developed security mechanisms (albeit with varying competencies) to operate within the context of a broader regional integration agenda. (See Annex 3 for an overview of the peace and security mechanisms and mandates of Africa's most prominent and active regional organisations.)

The 1991 Abuja Treaty, which sought to rationalise the pan-African and regional agendas, stressed that the RECs would form the constitutive elements of a pan-African integration agenda. The AU has retained this organisational structure. Within the realm of peace and security, Article 16 of the PSC Protocol and the CADSP stress that the regional mechanisms will form the "building blocks" of the AU's peace and security architecture, including the ASF. The PSC Protocol reinforces this relationship by emphasising the importance of harmonisation, coordination and cooperation between the AU and the regional mechanisms, and ensuring effective partnerships between the regional mechanisms and the PSC.⁴³

The prominent role the AU has assigned to the RECs will allow the AU to build on their comparative advantage, experience and established frameworks and mechanisms for conflict prevention, management and resolution. Regional organisations' proximity to the conflict provide them with a better understanding of its dynamics, key players, and context-specific management and resolution options. At least in theory, this proximity also allows regional organisations to initiate faster and less expensive responses to conflict than the UN.⁴⁴ Regional leaders and organisations may also be considered more accountable and legitimate than pan-African and international organisations

and may have a greater stake in finding a peaceful solution to conflict than more distant powers.⁴⁵

Yet there are a number of challenges confronting African regional organisations and their efforts to fulfil a peace and security mandate. These shortcomings will have important implications for the creation of a continental peace and security architecture, including an ASF, that builds on regional capacities. While proximity to conflict may facilitate (comparatively) rapid and less expensive responses to violent conflict on the part of regional organisations than is possible through the AU or UN, it can also compromise the neutrality and impartiality of this response. Ambassador Sam Ibok notes that "proximity generates tension and undermines the spirit of impartiality between neighbors, sometimes to the extent that neighbors become part of the problems".⁴⁶ This neutrality may be further undermined by the existence of a regional hegemon. For example, Nigeria and South Africa provide their respective regions with the requisite resources, capacity and political legitimacy to execute a regional response to conflict.⁴⁷ However, at the same time, the dependency of the Economic Community of West African States (ECOWAS) and SADC on a regional hegemon means their peace and security agendas may be shaped by the domestic problems and national interests of these powerful states.⁴⁸ Reliance on regional powers also raises profound questions about how to fashion regional responses to conflicts in which the dominate state is party to the conflict.⁴⁹

African regional organisations also suffer from enormous resource and capacity constraints (albeit to varying degrees) that have impacted / will continue to impact on the extent to which they are able to commit meaningfully to conflict prevention through both regional and continental initiatives.⁵⁰ These organisations are also confronted by a lack of capacity to organise as coherent entities owing to the uneven political and economic development of member states, differing political and security agendas and visions, and competition between states.⁵¹ These factors inevitably undermine the consensus required to pursue a collective security mandate and execute effective responses to conflict through regional and continental initiatives. In addition, the broad differences in the peace and security mandates of regional organisations, including ECOWAS' tradition of intervention versus the strong non-intervention norms in East Africa, will complicate a coherent pan-African approach to conflict. As will be discussed in more detail below, these broad differences are augmented by donor-driven peace and security capacity-building initiatives, which are not always well coordinated and tend to favour some regions and member states over others. This contributes to the asymmetrical development of regional organisations. In addition, donors

like the EU provide support to regional organisations with overlapping membership. This can undermine the rationalisation and integration efforts of the AU.⁵²

Finally, the construction of a continental security architecture built on regional capacities may be undermined by the fact that the AU and RECs have not been able to formalise a clear division of labour and responsibilities for conflict prevention, management and resolution on the continent.⁵³ This is due to a resistance on the part of member states to confer greater decision-making authority to the AU in some cases, in part because regional organisations provide an alternative forum to exercise influence and leverage greater institutional support for specific political agendas than might be possible in organisations with a larger and more diverse membership. Moreover, ECOWAS and SADC actually have more experience in executing military responses to conflict than the AU, which – with the exception of AMIB and the nascent AMIS – has only undertaken observer missions. It is not difficult to understand why some regional organisations and regional leaders are hesitant to share responsibility for regional security with the AU, rather than assuming primary decision-making authority in their immediate spheres of influence and/or coordinating closely with the UN.⁵⁴

CHAPTER 5

THE AFRICAN UNION AND OTHER MEMBERS OF THE INTERNATIONAL COMMUNITY

The United Nations and the African Union

The UN will also form a critical block in the overall security architecture envisioned by the AU. Although the AU and the UN have not yet formalised the terms of their relationship and modalities of task-sharing,⁵⁵ the PSC Protocol envisions a partnership based on cooperation and mutual recognition of joint responsibility. For example, Article 17 (1) of the PSC Protocol states that “the Peace and Security Council shall cooperate and work closely with the United Nations Security Council, which has the primary responsibility for the maintenance of international peace and security”. Moreover, the documents establishing the ASF indicate that the AU and regional PLANELMs might be based on the UN/SHIRBRIG (Standby High Readiness Brigade for United Nations Operations) system, not only because this is a well-established standby arrangement but also because it “has the added advantage of ensuring that a mission HQ level structure can be handed over to, or incorporated into, a UN peace support operation with relative ease”.⁵⁶ The AU will also call on the international community for the requisite logistical, financial and political support for its military activities “in keeping with the provisions of Chapter VIII of the UN Charter on the role of Regional Organizations in the maintenance of international peace and security”.⁵⁷ Indeed, this model of task-sharing coheres closely with the evolving dynamics of UN-regional arrangements. The UN Charter states that the Security Council has *primary* responsibility for international peace and security matters but implies that this responsibility is not exclusive. This is reflected in Chapter VIII of the Charter, which legitimises the existence of regional arrangements or agencies and acknowledges the contribution they can make to maintaining international peace and security. In his 1992 *An Agenda for Peace* then UN Secretary General Boutros Boutros-Ghali reinforced this principle and called on regional organisations to play an even more robust security role, not only as means of alleviating mounting UN over-stretch but also to “contribute to a deeper sense of participation, consensus and democratisation in international affairs”.⁵⁸

However, while key AU documents call for shared responsibility between

the UN and the AU, the AU has also internalised the lessons of the 1994 Rwandan genocide and acknowledges that the continent must be prepared to take action in situations where the UN is unwilling or unable to conduct or even authorise an intervention. As a senior official at the AU Commission noted: "Africans know that if we have to wait for the UN, people will die."⁵⁹ Accordingly, the AU's PSC Protocol states that the UN has primary responsibility for maintaining *international* peace and security, but it also notes the AU has primary responsibility for peace, security and stability *in Africa*, thereby subtly staking its claim to the continent. Indeed, neither the Constitutive Act nor the PSC Protocol are clear on what will happen if the UN will not authorise intervention.⁶⁰ Cilliers and Sturman argue that this ambiguity leaves "sufficient leeway for the AU to sanction intervention without prior UN Security Council approval".⁶¹ The AU's March 2005 Ezulwini Consensus on UN reform notes that intervention on the part of regional organisations should be under UN authorisation. However, the document also acknowledges that such approval could be granted "'after the fact' in circumstances requiring immediate action".⁶² Yet, as discussed in more detail below, the AU's recent experiences in Burundi suggest the emergence of a division of labour between the AU and UN, whereby the AU will deploy a military mission to respond to immediate crises and to create conditions sufficiently stable for the Security Council to authorise deployment. The AU may provide the security dimension of a broader humanitarian effort and political process with the UN and other international actors performing the civilian functions that typically form part of complex peace operations.

Although *An Agenda for Peace* and its 1995 supplement emphasise the need to delegate greater responsibility to regional organisations and mechanisms for peace and security within their immediate sphere of influence, they also stress that the UN and other members of the international community have an obligation to support regional efforts. Consistent with these guidelines, the UN has already offered considerable assistance to support the development of the peace and security apparatus of the AU.⁶³ For example, the Department of Political Affairs and the Department of Peacekeeping Operations have assisted in establishing plans for the ASF and the Military Staff Committee. In February 2005 DPKO set up a liaison assistance cell to the AU in part to assist with the Darfur deployment. This may become a permanent UN structure at AU headquarters.⁶⁴ SHIRBRIG⁶⁵ also serves as a potential support mechanism for advancing the AU's peace and security objectives and infrastructure, particularly through the African Standby Force, and has already participated in capacity-building in Africa, including at the level of the AU.⁶⁶

The European Union and the African Union

Other key international actors have played and will continue to play a central role in shaping Africa's emerging peace and security regime. For example, the EU has provided the most significant support to the AU's peace and security agenda and architecture. The EU established the African Peace Facility in March 2004 in response to requests made by African leaders at the AU's 2003 Maputo Summit. The Peace Facility provides €250 million over three years to support peace support operations deployed by the AU or undertaken by regional organisations under the auspices of the AU and requiring a UN mandate.⁶⁷ In addition, a portion of these funds (€35 million) have been allocated for capacity building, including helping the AU to develop its security policy, building planning capacity in the AU's Peace and Security Department, and assisting the AU and regional organisations with planning and managing peacekeeping operations.⁶⁸

The creation of the Peace Facility represents a shift in approach on the part of the EU inasmuch as it transfers funds earmarked for development to peace and security initiatives, although these funds cannot be used to finance the procurement of ammunition, arms and specific military equipment, salaries, military training or the deployment of European peacekeepers.⁶⁹ The Peace Facility funds are drawn from the European Development Fund's (EDF) Country B envelopes and unallocated reserves for long-term development. EU member states have agreed that the reallocation of EDF resources is a temporary measure but it was not clear at the time of writing what other pools of resources might be used to support such an initiative in the future.⁷⁰

The G8 and the African Union

The G8 has offered direct support to building the peace and security infrastructure of the AU. At its summit in Kananaskis in 2002, the G8 adopted the Africa Action Plan (AAP) as a collective response to the NEPAD initiative. The AAP developed eight areas of engagement that correspond with the main priorities for sustainable development identified by the NEPAD initiative.⁷¹ NEPAD lists peace and security as a top priority and stresses the importance of building the capacity of African institutions for early warning, as well as the prevention, management and resolution of conflicts.⁷² The G8 agreed to provide technical and financial assistance to enhance the capacity of African countries and regional organisations to prevent and resolve violent conflict. The AAP also called on G8 member states to design a joint plan to develop African capacities to perform peace support operations, including at the regional level.

At the Evian Summit in 2003, G8 member states reinforced their commitments to promoting peace and security in Africa. However, Evian concentrated almost exclusively on building African capacities to undertake military operations, and largely dropped from the agenda the Kananaskis Summit's focus on developing prevention and resolution capacities. Instead, the G8 announced a joint Africa/G8 plan to enhance African capabilities to undertake peace support operations.⁷³ Using the AU's PSC Protocol as a point of departure and drawing on the AU's May 2003 Policy Framework for the Establishment of the African Standby Force, the G8 agreed to work with African partners to establish, equip and train a single standby brigade by 2010. In addition to developing brigade capacities, G8 members agreed to enhance African capacities to support humanitarian, security and reconstruction efforts within the framework of complex peace support operations.

The 2004 Sea Island Summit maintained this orientation and the G8 agreed to an Action Plan for Expanding Global Capability for Peace Support Operations, an initiative which builds on the Bush administration's proposed five-year US\$660 million Global Peace Operations Initiative. Sea Island did help to sustain the focus on Africa established in Kananaskis and Evian, not least because the Bush administration invited five African leaders to attend the summit, including President Bouteflika of Algeria, President Kufuor of Ghana, President Obasanjo of Nigeria, President Wade of Senegal, and President Mbeki of South Africa. However, the Sea Island proposal concentrates exclusively on building peace support operations capabilities in Africa and globally. It commits member states to train and equip peacekeeping troops, to develop peace support capabilities in regions that are capable of deploying in Africa, to establish transportation and logistics arrangements, and to train gendarme-like forces for peace support operations in Africa.⁷⁴ It makes no explicit mention of the Kananaskis proposal to enhance African conflict prevention capacities or the Evian commitments to support longer-term reconstruction efforts in the context of peace support operations. It is hoped that the upcoming Gleneagles Summit will reintroduce these priorities.

Canada's contributions to the G8 Africa Action Plan and other support for the African Union

Building on the NEPAD initiative and the G8 Africa Action Plan, Canada's Kananaskis commitments included a pledge of C\$6 billion over five years in new and existing resources for development in Africa. This involved

the creation of a C\$500 million Canada Fund for Africa (CFA) to be used between 2002 and 2007. Approximately C\$19 million of the CFA has been allocated to building peace and security capacity in Africa. All funds have been committed and the CFA will terminate on 31 March 2007.

As part of this fund, Canada allocated approximately C\$15 million to the development of the West Africa Peace and Security Initiative (PSI) to support ECOWAS and its member states.

The CFA also provided C\$4 million over four years (2004-2007) to enhance the AU's peace and security capacity. Specific distribution priorities were decided by the Canadian International Development Agency (CIDA) in close collaboration with the AU and 75% of these funds are unearmarked allocations. The components of the CFA's contributions to the AU include:

- A contribution of C\$2 million to assist in the development of a rapid response mechanism. These funds are intended to enhance the Peace and Security Council's capacity to respond quickly and effectively to emerging crises through the deployment of unarmed military observer missions. Recent interventions include AU military observer missions to Burundi, the Comoros and Darfur.
- A contribution of C\$1 million over five years for the development of a rapid response mechanism for civil/non-military peace and security activities. Funds have been used for non-military peace support missions and political mediation in Burundi, Côte d'Ivoire, Somalia and Darfur.
- A contribution of C\$500,000 as part of a US\$6.4 million multi-donor initiative managed by the United Nations Development Programme

Box 2 Canada's West Africa Peace and Security Initiative

As part of the PSI, Canada has committed:

- C\$4.5 million over three years for institutional capacity-building for peace and security at ECOWAS;
- C\$3 million for curriculum and training capacity building by the Pearson Peacekeeping Centre at the Kofi Annan International Peace Training Centre (KAIPTC) in Ghana;
- C\$3.5 million to address small arms use and proliferation in West Africa; and
- C\$3.12 million to support capacity-building for training civilian police in the region.

(UNDP) for institutional capacity-building in the AU. Canada is the only donor to channel its funds directly to the AU rather than through the UNDP Trust Fund.

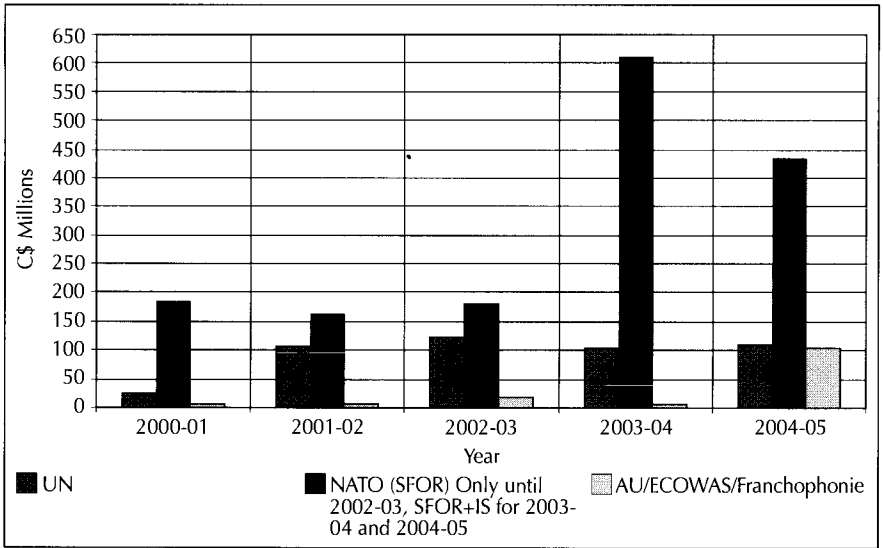
- A total of C\$500,000 to the Political and Humanitarian Affairs Department of the AU Commission to create an AU Special Representative for the Protection of Civilians in Armed Conflict.⁷⁵ The Special Representative's mandate is to advocate for and promote, at the highest levels, the protection of civilians in armed conflict across Africa.

Since 1996 CIDA has also provided a total of C\$7.4 million in support for the African Union through the Pan-Africa Programme.⁷⁶ Between 2000 and 2005 the Pan-Africa Programme contributed C\$4.9 million to two phases of a Restructuring and Renewal Project to assist the OAU/AU with restructuring, management and transition activities. The programme expects to provide additional long-term support based on the AU's own work plans and strategic priorities. The size and duration of this contribution had not been announced at the time of writing.

Canada also contributed C\$20 million to the African Union Mission in Sudan (AMIS) in 2004. If Budget 2005 is passed, these funds will come from the new Global Peace and Security Fund (GPSF), an annual contribution of C\$100 million for five years in new resources. On 12 May 2005 Canada announced that it would provide an additional C\$170 million over two years to support an expanded AMIS.⁷⁷

Canada's current and planned commitments to developing the AU and regional capacities are significant. However, it is helpful to situate these in relation to Canada's support for the UN and North Atlantic Treaty Organisation (NATO). The graph below demonstrates that Canada's contributions to the African peace and security regime is minimal in comparison to its investments in the UN and NATO over the past five years, specifically the NATO Stabilisation Force in Bosnia-Herzegovina (SFOR) and the International Security Assistance Force (ISAF) in Afghanistan. Indeed, by investing in UN missions, Canada is also contributing to peace and security in Africa, since the majority of current UN operations take place in Africa. Moreover, support for NATO is critical for geo-strategic and security reasons. Critically, Canada is a member of the UN and NATO but is clearly not a member of the African Union. However, these spending discrepancies raise profound questions about how to reconcile concentrating Canadian support on NATO and the UN with the emerging tendency to devolve responsibility for peace and security in Africa to African regional organisations.

Canadian Contributions to UN, NATO and African Peace and Security Capacity-Building, 2000-2005



Source: Stephen Baranyi, *Canada and the peace and security pillar of the Millennium Declaration*, Canadian Development Report 2005, The North-South Institute, forthcoming.

Conclusions

The EU is providing important support to Africa's emerging peace and security regime. The EU's assistance to the AU has been critical in helping to build the AU's capacity and push forward its peace and security agenda. Yet, the Peace Facility does not actually signal a higher level of financial commitment on the part of the EU member states inasmuch as funds for the Peace Facility are drawn from resources already earmarked for development. Security is clearly a necessary condition for development. However, the fact that the Peace Facility draws on development funding raises important questions about how to balance spending for security with the provision of long-term development assistance to address the root causes of instability and insecurity.

The G8 may also make a significant contribution to building peace and security in Africa through regional organisations and the AU. However, the dynamics of the G8's increasingly narrow concentration on developing military capability over conflict prevention and resolution capacities risks building a security architecture exclusively focused on mounting military

responses to crises. It is important to note that, unlike the ASF, the AU has not charted out a clear course for delivering on a conflict prevention agenda. However, the AU has identified support for operational conflict prevention mechanisms like the CEWS, the PSC and the Panel of the Wise as a central priority in its 2005 Budget and its Priority Plan of Action. The AU also envisions playing a more robust role in post-conflict reconstruction.⁷⁸ There is a need for the G8 and other donors to respond meaningfully to these priorities and to provide assistance for developing a range of operational and structural conflict prevention capacities.

For its part, Canada has been a central player in placing and keeping Africa on the G8's agenda and has taken the novel approach of providing unearmarked funding for the AU. This makes Canada one of the first donors to assume a more partnership-oriented rather than paternalistic approach to supporting the AU.⁷⁹ Furthermore, Canada has responded to broader peace, security and development priorities in Africa; indeed, the Canada Fund for Africa corresponds directly to the objectives identified in the NEPAD initiative. However, Canadian contributions to peace and security capacity building for the AU and regional organisations is limited in comparison to resources provided to NATO and the UN. This imbalance is potentially problematic as African leaders, the UN and donors assign the AU and regional organisations an increasingly prominent role in maintaining peace and security in Africa. In addition, existing Canadian support for Africa's peace and security regime tends to favour developing West African capacities over funding for the AU. Consider, for example, that Canadian support to West Africa through the PSI was greater than combined CFA and Pan-Africa Programme contributions to the AU from 2002 onwards. While contributing to peace and security in West Africa is important, Canada needs to ensure that its regionally oriented support reinforces rather than undermines the continental security architecture envisioned by the AU Commission and member states.

As the CFA sunsets, Canada – like other G8 nations – may risk channelling its resources for development in Africa toward a narrower PSO capacity-building agenda. The fact that senior bureaucrats are not clear if funds for peace and security will be considered ODA-able may leave space for the diversion of development assistance to fund peace and security initiatives. Similarly, Canada's contribution of a total of C\$190 million over three years to AMIS is an important and timely contribution that exceeds Canadian support delivered through the PSI, and through the CFA and Pan-Africa Programme. Yet, it may also signal a worrying trend whereby Canada provides substantial support for crisis response in Africa that is not also matched with meaningful and sustained political, financial and material assistance to a broader peace

and security agenda. These emerging trends beg critical questions about how Canada can reconcile the urgent need to build PSO capacity and support crisis response on the one hand, with the equally pressing need to provide sufficient resources for operational and structural conflict prevention, on the other.

CHAPTER 6

FROM PROMISE TO PRACTICE? THE AFRICAN UNION IN BURUNDI AND DARFUR

The inauguration of the AU has ushered in far-reaching changes to the continental peace and security agenda and architecture. The UN, the G8 – including Canada – and the EU have offered substantial support to this emerging regime. However, there is a paucity of research on how these declared commitments to peace and security, including through the protection of civilians will be implemented. Indeed, the AU's security regime is in early stages of development. The AU's PSC Protocol entered into force in December 2003 and the Peace and Security Council was launched on 25 May 2004. Moreover, the ASF will not been fully developed for at least another six years. But even an early analysis of the AU-led peacekeeping mission to Burundi and the AU's ceasefire monitoring mission in Darfur elucidates opportunities and challenges facing the AU and other members of the international community in delivering on their responsibility to protect in Africa.

The African Mission in Burundi

Background to the conflict

Violent conflict in Burundi has a long and complex history. The latest cycle of violence erupted in 1993 when Melchior Ndadaye, Burundi's first democratically elected president and leader of the Hutu Front pour la Démocratie au Burundi (FRODEBU), was assassinated by the Tutsi-dominated army, resulting in open warfare between Hutu rebels and the military. The ensuing ethno-political violence has claimed the lives of over 300,000 Burundians – many of them civilians – and has displaced millions more. A number of African leaders, including former Tanzanian president Julius Nyerere, former South African president Nelson Mandela and former South African deputy president Jacob Zuma, have sought a resolution to the conflict. These efforts culminated in the 2000 Arusha Agreement signed by 17 Burundian political parties, the government and the National Assembly. However, the agreement was not signed by the main rebel groups, the Conseil National pour la Défense de la Démocratie – Forces pour la Défense

de la Démocratie (CNDD-FDD) and the Parti pour la Libération du Peuple Hutu – Forces Nationales de Libération (PALIPEHUTU-FNL). It also failed to provide ceasefire agreements, which were subsequently negotiated between the government and the other Arusha signatories in October and December 2002.

In November 2003, after intense negotiation, the CNDD-FDD signed a ceasefire agreement and joined the transitional government. However, at the time of writing, the FNL (Rwasa faction) comprising some 2,000 combatants had still not signed a formal ceasefire and was continuing to launch attacks on the transitional government. In October 2004, the three-year tenure of the transitional government created in the Arusha Agreement was extended by an additional six months and elections, originally scheduled for November, were postponed. Although a country-wide referendum to pass an interim constitution proceeded peacefully in February 2005, the political and social environment in Burundi remained volatile as the country prepared for a series of elections between June and September 2005.

International responses to the conflict

The OAU/AU has been actively engaged in efforts to resolve the conflict in Burundi since 1993. The pan-African organisation has accompanied on-going negotiations coordinated by the regional powers and is a co-signatory to all major political agreements. In April 2003 the AU deployed its first peacekeeping mission to support the peace process in Burundi. While the 2000 Arusha Agreement originally called for a UN peacekeeping operation to assist with the implementation of the peace agreement, the UN would not authorise a mission in the absence of a comprehensive ceasefire agreement. Consequently, the AU, regional leaders and the Burundian parties agreed to the deployment of the African Mission in Burundi (AMIB) to operate under the auspices of the AU. At full capacity, AMIB consisted of some 3,335 troops from South Africa, Ethiopia, and Mozambique with additional military observers from Burkina Faso, Gabon, Mali, Togo and Tunisia.⁸⁰

AMIB's central objective was to create conditions sufficiently stable for the UN Security Council to authorise a UN intervention. AMIB was deployed based on an understanding that the UN would take over peacekeeping responsibilities in Burundi after twelve months. It constituted what de Coning refers to as a "hybrid mission" inasmuch as AMIB was deployed for peacekeeping in the absence of a comprehensive ceasefire but lacked the civilian functions that usually form part of such complex peace operations.⁸¹

AMIB essentially provided the security dimension of the UN's political mission in Burundi. It was through this political mission that it was officially linked to rest of the UN system. AMIB was specifically mandated, among other tasks, to:

- establish and maintain liaison between the parties;
- monitor and verify the implementation of the ceasefire agreements;
- facilitate movement of combatants toward assembly areas;
- facilitate and provide technical assistance to the disarmament, demobilisation and reintegration (DDR) process;
- facilitate the delivery of humanitarian assistance, including to refugees and internally displaced persons; and
- coordinate mission activities with the UN presence in Burundi.

It is important to note that the mission was not given an explicit mandate to protect civilians. However, after several months on the ground, senior AMIB officials drafted rules of engagement (ROEs) to allow their troops to use force to protect civilians in "imminent danger of serious injury or death". According to these ROEs, troops could intervene with force to protect civilians in cases of genocide and mass killings along ethnic lines, although they required prior authorisation from military and civilian officers.

A number of factors help explain why key African leaders and AU Commission were eager to support the deployment of AMIB. At the Regional Summit held in Arusha in December 2002, regional leaders and the AU recognised the importance of securing peace in Burundi in order to bring some stability to the conflict-prone Great Lakes region. The AU also situated the deployment of AMIB within the context of its Constitutive Act. It acknowledged its responsibility for the management and resolution of conflicts on the continent and recognised its right to intervene in grave circumstances in accordance with Article 4 (j) of the Constitutive Act, particularly in situations where the international community was not willing to provide robust support.⁸² Moreover, the then chairperson of the AU, South African president Thabo Mbeki, and other African leaders saw the deployment of AMIB as a crucial opportunity for the pan-African organisation to demonstrate its departure from the OAU and to assign itself a prominent role in delivering on a peace and security agenda in Africa.

At the same time, however, African decision-makers anticipated receiving widespread support from the international community for AMIB's role in Burundi, especially in light of the perceived similarities to the conditions preceding the 1994 genocide in Rwanda.⁸³

In May 2004, the UN Security Council passed Resolution 1545 (2004) authorising the deployment of a UN peacekeeping operation in Burundi. One month later, after 14 months on the ground, AMIB was officially taken over by and absorbed into the UN Operation in Burundi (known by its French acronym, ONUB). The UN Mission comprises 5,650 troops from the three AMIB contributing nations as well as Kenya, Nepal, and Pakistan. It has an annual operating budget of close to US\$333.2 million. ONUB has been provided with a Chapter VII mandate and has been deployed to ensure respect for the ceasefire agreements, to carry out disarmament, demobilisation and cantonment activities, and to contribute to the successful completion of the electoral process. It is also authorised to protect civilians under direct threat of physical violence.

Assessment of international responses to the conflict

The deployment of AMIB represents a critical moment for the development of a continent-wide security architecture in Africa. Not only is sustainable peace in Burundi essential for controlling the spread of violent conflict in the already volatile Great Lakes region, but AMIB's performance in Burundi can also provide an early indication of the contribution the AU is likely to make to promoting peace and security on the continent, including through the protection of civilians. Moreover, the AU's willingness and capacity to implement the provisions in the PSC Protocol could have far-reaching implications for the future of the organisation and could influence the willingness of African leaders, civil society and donors to support its new continental security architecture.

AMIB received a great deal of international attention and has been heralded as a possible model for an "African solutions to African problems" approach to peace and security on the continent. For example, regional leaders and the AU stated in a communiqué of the 20th Summit of the Great Lakes Regional Peace Initiative on Burundi in November 2003 that AMIB serves as a "shining example and model of African solutions to continental security challenges". A March 2004 communiqué issued by the AU's Peace and Security Council acknowledged "the crucial role played by the African Mission in Burundi in the consolidation of the peace and reconciliation process".⁸⁴

AMIB did play an important security role in Burundi inasmuch as it helped stabilise certain parts of the country. The mission helped to protect certain cantonment sites and was even successful in repelling an attack on the part of the CNDD-FDD. It also contributed to creating conditions sufficiently stable for a UN mission, which was finally deployed following the signing of a ceasefire between the CNDD-FDD and the government. However, ceasefire violations persisted under AMIB's watch and fighting continued between the Burundian army and the FDD, on the one hand, and PALIPEHUTU-FNL, on the other.⁸⁵ AMIB was also not able to fully support disarmament, demobilisation and reintegration of former combatants as per its mandate. Moreover, all sides continued to target civilians, even in areas where AMIB was present.⁸⁶ A December 2003 Human Rights Watch report found that government soldiers and rebels were "responsible for deliberate attacks on civilians in violation of international humanitarian law, including killings, rape and other violence to persons, looting and causing forced flight". This pervasive sense of insecurity also compromised the capacity of humanitarian agencies to deliver aid to large portions of the population.⁸⁷ Based on his first-hand experience, Festus Aboagye notes that "the contribution of the mission to political and economic stability in Burundi was limited".⁸⁸

The inability of AMIB to fully realise its mandate and to deliver on its revised ROEs to protect civilians is a result of a number of factors. First, AMIB was assigned a "nearly impossible mission".⁸⁹ With fewer than 3,500 personnel and in the absence of a comprehensive ceasefire, AMIB was tasked with quartering some 25,000 combatants and assigning 45,000 more to barracks. Indeed, the difficulty of the mission is underscored by the fact that when the UN finally agreed to deploy, it did so with close to twice the personnel and financial resources, more sophisticated equipment, and a more secure context in which to carry out its tasks.

Secondly, AMIB lacked the requisite financial resources to carry out such a robust mandate in the context of continued insecurity. When the AU and the South African negotiators first submitted a budget for AMIB to members of the UN Security Council, they were told that the budget was too large and the personnel numbers and equipment requests set for AMIB – although based on UN standards – were too ambitious for an African mission. In response, the AU drastically reduced its requests for financial and equipment assistance and lowered its personnel estimates.⁹⁰ However, even with a reduced budget, funds were slowly disbursed and ultimately inadequate. Of the African countries contributing to AMIB, South Africa bore the greatest financial burden of sustaining AMIB and also supplied most of the logistics, including fuel, transport and medical supplies. Ethiopia and Mozambique

did not have the financial resources, transportation capacity and guarantees of reimbursement required to deploy as scheduled and were only able to do so with assistance from South Africa, the US and the UK.⁹¹ The EU, which committed €25 million, provided the most significant external contribution to AMIB.⁹² Yet, owing to delays in decision-making at the EU, as well as a lack of absorption capacity on the part of the African Union and AMIB headquarters, these funds were only released close to a year after AMIB had been deployed. Moreover, the funds committed were not sufficient to cover AMIB's total costs, which amounted to US\$134 million. Such financial constraints, augmented by delays in the disbursement of pledges on the part of donors, impacted on the operational performance of AMIB throughout the mission.⁹³

Thirdly, AMIB was hampered by a lack of capacity. For example, the Peace and Security Council, and the Peace and Security Department, which were only coming into being when AMIB was deployed, did not have the institutional capacity to organise the financing or deployment. Consequently, South Africa had to assume primary responsibility for running the mission.⁹⁴ Moreover, the mission was generally unable to fulfil its mandate and follow through on its revised rules of engagement for protecting civilians, because it lacked the equipment to move out of the relative security of urban areas. Human Rights Watch also suggests that most AMIB troops lacked the proper training to protect civilians.⁹⁵ The result, as Kofi Annan noted in a March 2004 report to the UN Security Council, was that even under AMIB's watch "the Burundian population continue[d] to live in fear".

The transition to ONUB in June 2004 helped resolve many of the resource and capacity issues plaguing AMIB. The transition was a smooth one and may highlight important lessons for future AU-UN operational relations.⁹⁶ From the beginning of its engagement in Burundi, the OAU/AU worked closely with the UN and the two organisations developed a common understanding of the dynamics of the conflict in Burundi. As a result, they were able to reach consensus on the requirements for resolution and their respective roles for delivering on this agenda. AMIB itself was deployed based on prior agreement that the UN would eventually assume responsibility for the mission, and the June 2004 transition was in direct response to a request from the AU. Consequently, AMIB headquarters and the UN political office in Burundi were keen to coordinate efforts and developed informal mechanisms for sharing information, analysis and best practices throughout AMIB's tenure. Furthermore, when the UN finally took over the mission, it kept AMIB's command structure largely intact and absorbed the African troops already on the ground. This "re-hatting" served not only to facilitate

a relatively seamless transition but also to avoid the highly contentious issue of demotions and troop reductions. The result has been that, after just under a year on the ground, ONUB has helped to improve the security situation in Burundi, to build confidence in the peace process among key stakeholders, and to signal the international community's resolve to find a definitive solution to the conflict.⁹⁷

Yet, despite improvements in security and progress on the political front, most Burundians continue to live in extreme poverty, a situation that could seriously undermine peace efforts in the country.⁹⁸ Unless the population sees a meaningful improvement in their lives as a result of the anticipated peace dividend, they will be less likely to support the peace process. These dynamics have become increasingly prominent as the country prepares for elections. One senior ONUB official recently underscored the link between successful elections and socio-economic progress: if there are no alternatives to a life of poverty, there is little incentive for political actors to give up power should they lose the elections. Moreover, Burundi, along with other countries in the Great Lakes region, is undergoing a large-scale demobilisation, reinsertion and reintegration process, funded by the World Bank and other donors, including Canada.⁹⁹ Yet, this initiative will only be effective if reintegrated former combatants are provided with viable income-generating opportunities. Otherwise, they will remain particularly vulnerable to "re-recruitment" by the remaining armed groups or to become involved in criminal activity in order to make a living.¹⁰⁰ While the programme does provide a modest salary and business training for demobilised combatants, Burundi requires other elements of development, including a more viable private sector, better infrastructure and rural development, for reintegration to be successful.¹⁰¹

At an international donor conference in January 2004, donors dramatically increased their commitments to Burundi and pledged over US\$1 billion in assistance. Yet, at the time of writing, only 30% of these funds had been released. This is due in part to the fact that the transitional government is principally occupied with the elections and has not devised a clear strategy for development in the post-transition period. Donors have not developed sufficient policy approaches or delivery mechanisms to channel assistance in the absence of a coherent country strategy.¹⁰² Donors have also assumed a "stability first" approach in Burundi and are reluctant to release funds without an all-inclusive peace agreement lest assistance inadvertently undermine peace efforts.¹⁰³ Indeed, Canada has found itself caught in this calculus. While Burundi has never been a country of concentration for Canada, even modest Canadian bilateral assistance to Burundi decreased from C\$11.6

million in 1992/93 to C\$5.8 million in 2003/04, in large measure because the government was concerned development funds might be misused or wasted in the context of war and ensuing instability.¹⁰⁴ However, Burundi requires development assistance that helps address the social and political vulnerabilities that contributed to the conflict in the first place. Without progress in these domains, post-transition peace may well remain elusive.

Conclusions

The experiences of AMIB highlight a number of important lessons pertaining to the opportunities and constraints facing the African Union as it develops its capacity to promote peace and security on the continent, including through the protection of vulnerable populations. AMIB played a critical security role in Burundi in a situation where the UN was initially unwilling to provide a peacekeeping force in the absence of a comprehensive ceasefire. The mission's deployment signals a willingness on the part of at least some leaders in Africa to provide resources and political support to a continent-wide peace and security initiative under the auspices of the AU. Furthermore, it confirms that there is support among some key decision-makers to enable the AU to assume a responsibility to provide physical protection to populations at risk. However, the AU faced a number of profound challenges while trying to meet its peace and security objectives in Burundi. For example, AMIB was tasked with a mandate that it could not possibly fulfil given its limited personnel. Moreover, inadequate financing and lack of capacity delayed AMIB's deployment and limited its ability to fulfil its mandate. The AU's experience in Burundi therefore reveals that the organisation requires sustained and meaningful support from the international community in order to actualise its peace and security agenda, including its commitment to protect vulnerable populations.

The transition from the AU to the UN – although delayed – was largely successful, due at least in part to the fact that both organisations had reached a consensus about their respective contributions to resolving the conflict. However, this division of labour may reveal a troubling double standard. The fact that AMIB was deployed to an insecure environment with half the resources and personnel as ONUB risks creating a two-tiered system of international security where the lives of some peacekeepers and the people for whom they are keeping the peace are implicitly accorded less value than others. In addition to providing assistance to the security role played by AMIB, and now ONUB, donors have increased their pledges for assistance to Burundi. However, donors' commitments to development in Burundi beg questions of

how to appropriately sequence immediate post-conflict needs like elections as well as disarmament, demobilisation and reintegration with investment in poverty reduction and longer-term sustainable peacebuilding. The dynamics behind donor commitments to Burundi also underscore the need for donors to devise strategies for effective engagement in conflict contexts or where the state is not willing or able to produce a viable development strategy. Indeed, it is precisely in these difficult environments where sustainable development and structural conflict prevention are so urgently needed.¹⁰⁵

The African Union and the crisis in Darfur

Background to the crisis

The crisis in Darfur has been described by the UN as “the worst humanitarian and human rights catastrophe in the world”.¹⁰⁶ The current conflict is anchored in long-standing struggles over resources (primarily land and water) between farming and nomadic communities. These tensions have been expressed violently in the past and have been exacerbated since the droughts of the mid-1980s. A number of analysts have suggested that close to thirty years of marginalisation by governments in Khartoum also lies at the heart of the conflict and that the Darfur region has been systematically denied services and has received minimal development support from Khartoum.¹⁰⁷ These pervasive inter-communal tensions incited and exacerbated by a lack of development in Darfur prompted the mobilisation in 2001 of two loosely aligned Darfurian rebel groups, the Sudan Liberation Army/Movement (SLA/M) and the Justice and Equality Movement (JEM).

The current phase of the conflict was triggered in February 2003, when the SLA/M attacked government institutions in El Fashir, the capital of North Darfur State. In response, the Government of Sudan (GoS) mounted a brutal campaign that involved arming Arab militias or ‘Janjaweed’ to fight a counter-insurgency war on the part of the government. The ensuing violence has killed close to 70,000 people and displaced up to two million. With military and political support from the GoS, the Janjaweed began intentionally targeting civilians from the Fur, Masaalit, Tunjur, Zaghawa and other tribes in reprisal for their apparent support of the rebels, but also to gain access to land and water occupied by non-Arab farming communities. Their tactics include mass killings, rape, looting, intentional starvation and the destruction of vital infrastructure. The rebels have also been implicated in violent acts, reportedly attacking police and aid convoys as well as abducting and killing civilians.¹⁰⁸

International responses to the crisis

The African Union

The scale and brutality of this complex crisis have compelled some observers to call for international intervention in accordance with the principles underpinning *The Responsibility to Protect*, claiming that the threshold conditions for international response have been met (and exceeded) in Darfur and the international community is obligated to initiate robust action to curtail the violence.¹⁰⁹ A number of steps have been taken to end the violence and mitigate the humanitarian crisis it has created, as well as to find an enduring resolution to the conflict. The AU has played an active role in these efforts. The AU Commission, according to its chairperson, Alpha Oumar Konaré, has made the crisis in Darfur a central priority, as it poses "the first major challenge to the recently established Peace and Security Council". Konaré has further noted that the AU has a responsibility to act in Darfur, remarking that "[t]he AU is duty bound to play a leading role in resolving [the] crisis".¹¹⁰ This sense of responsibility and activism on the part of the AU represents a clear shift from the OAU's *de facto* policy of "non-intervention" to the AU's commitment to "non-indifference" – to use the words of Commissioner Djinnit cited at the beginning of this paper. A central concern here is how the AU's firm words have been translated into action. An investigation of the AU's response to the crisis serves to highlight some of the opportunities and challenges facing the AU and the rest of the international community in delivering on pan-African peace and security objectives, including the protection of civilians.

In March 2004, the AU began issuing public statements expressing its concerns over the "grave humanitarian situation in the Darfur region", condemning the Janjaweed militia for its campaign of attack and destruction against the civilian population.¹¹¹ These early declarations were reinforced by concerted action on the part of the AU to play a lead role in the political negotiations between the government and the rebel groups in the Chadian capital of N'djamena, beginning in March 2004. The process produced a Humanitarian Ceasefire Agreement signed by the parties to the conflict on 8 April 2004. This agreement calls on the parties "to cease hostilities for renewable 45-day periods, to free 'prisoners of war' and to facilitate humanitarian access to IDPs and other civilian victims".¹¹² The GoS also agreed to neutralise the militias.

In addition to playing a key role in drafting and implementing the ceasefire agreement, the AU has taken the official lead in finding a political solution to the conflict. The peace talks have been taking place in Abuja since October

2004. Before stalling in December 2004, these negotiations had made some progress, including producing signed (and subsequently violated) protocols on the improvement of the humanitarian and security situations. However, they collapsed before the AU mediation team could present its draft Declaration of Principles for resolution of the conflict. Negotiations restarted on June 12 in Abuja under the chair of Dr Salim A Salim but a political settlement continues to remain elusive.

The ceasefire agreement calls for the creation of a Ceasefire Commission (CFC) consisting of representatives from the parties to the conflict, the Chadian mediators, and the international community. The AU agreed to operationalise and lead the CFC, with the first ceasefire monitors beginning their work in El Fashir in June 2004. At its July 2004 Summit, the African Union agreed to deploy over 300 troops from Nigeria and Rwanda to provide protection for the AU observers in Darfur. However, in a July 27th communiqué from the Peace and Security Council, the AU signalled its willingness to transform this force into a peacekeeping mission with greater presence on the ground and a more robust mandate, if necessary, to ensure effective implementation of the ceasefire agreement. Critically, the PSC explicitly stated that “protection of the civilian population” would be a primary objective of this invigorated mission, along with the disarmament and the neutralisation of the Janjaweed and the facilitation of the delivery of the humanitarian assistance.¹¹³

In October 2004, the PSC released another communiqué, expounding the revised mandate of the expanded AU deployment. The communiqué envisioned a larger African Union Mission in Sudan (AMIS) to be deployed for a one year, with the possibility of renewal, consisting of over 3,320 personnel, including military personnel, observers, civilian police, as well as civilian personnel. AMIS has been given the following mandate:

- to monitor and observe compliance with the April 8th Ceasefire Agreement, and any future agreement;
- to assist with confidence building;
- to help create conditions sufficiently secure for the delivery of humanitarian relief and, beyond that, the return of internally displaced persons (IDPs) and refugees to their homes, in order to assist in increasing the level of compliance of all parties with the Humanitarian Ceasefire Agreement and to contribute to the improvement of the security situation throughout Darfur.

It is important to note that while AMIS is a ceasefire monitoring mission – not a peace enforcement or disarmament mission – it is still expected to undertake measures to protect civilians. However, these provisions are weaker than those originally articulated in the July 2004 PSC communiqué, primarily because the GoS rejected the extension of the AU's mandate to include the protection of civilians, insisting that it had the primary responsibility to fulfil this obligation.¹¹⁴ Consequently, AMIS has not been provided with an explicit protection mandate; rather, it is charged with the task of protecting civilians it “encounters under imminent threat and in the immediate vicinity, within resources and capability” and formally acknowledges that “the protection of the civilian population is the responsibility of the [Government of Sudan]”.¹¹⁵ By the end of May 2005, AMIS had just over 2,500 personnel on the ground with headquarters in El Fashir, Khartoum and Addis Ababa. At full deployment, which has been delayed considerably, the AU plans to have over 600 ceasefire monitors, more than 800 civilian police and 1,900 soldiers to protect the monitors. The ceasefire monitoring teams generally consist of observers from the AU, the GoS, the rebel groups, representatives from the EU (with representation rotating on a regular basis), the US and Chad. Each team is protected by approximately ten armed AU soldiers.

A number of factors guided the AU's decision to play a leading role in trying to respond to and resolve the conflict. On the one hand, key African leaders and the AU Commission were eager to “do something” about the egregious human rights violations taking place in Sudan and to demonstrate the organization's willingness and capacity to respond meaningfully to crises situations on the continent.¹¹⁶ On the other hand, the AU was one of the few actors in the position to take action. The Government of Sudan would not allow any other international player to assume a central role in political negotiations or ceasefire monitoring.¹¹⁷ At the same time, the GoS was not pushed by the UN to accept more active international engagement because members of the Security Council were not able to come to a consensus on the role of western powers in responding to the crisis. These dynamics will be discussed in more detail below.

Other members of the international community

Key members of the international community have drawn on a range of strategies to engage in Darfur and have offered political, humanitarian, financial and technical assistance to the AU to manage and resolve the conflict. For example, the UN Security Council has passed a number of resolutions related to the crisis in Darfur which call on the GoS to disarm the Janjaweed and/or to bring to justice those who have committed grave human

rights violations.¹¹⁸ The resolutions underscore the UN's support for the AU's efforts to resolve the conflict, but they also acknowledge that the GoS has primary responsibility for the protection of civilians in Sudan, a highly problematic conclusion given that the GoS has been directly implicated in targeting civilians and supporting the Janjaweed to do the same. Moreover, it was not until March 2005 that the Security Council passed resolutions that call for any meaningful punitive action against the government of Sudan. Resolution 1590 of 24 March 2005 extends an arms embargo originally imposed on non-state actors in Darfur to the government of Sudan. It also establishes a Security Council Committee to monitor the arms embargo and to identify candidates for targeted sanctions. Resolution 1593 of 31 March 2005 referred the situation in Darfur (since July 2002) to the International Criminal Court in accordance with the findings of the UN's International Commission of Inquiry.¹¹⁹

In addition to engaging at the political level, key members of the international community have provided substantial humanitarian relief.¹²⁰ Donors have also provided financial and technical assistance to AMIS' first phase of expansion. By May 2005 donors' pledges had amounted to US\$300 million of the requested US\$466 million for AMIS' second phase of expansion. For its part, Canada is pursuing a multi-track response to the conflict with engagement of a number of government departments, including the Department of National Defence (DND), the Prime Minister's Office (PMO), Foreign Affairs Canada (FAC) and the Canadian International Development Agency (CIDA). Canadian contributions include:

- C\$20 million in non-ODAable funds to AMIS to provide helicopters, in addition to CA\$1.5 million in basic army supplies for AMIS offered in kind.¹²¹ DND has also sent rotating force planners to AU headquarters in Addis Ababa to provide technical assistance to AMIS.¹²² On 12 May 2005 Canada announced an additional contribution of C\$170 million over two years to AMIS to assist an expanded mission.
- Through a series of public declarations and high profile visits to Sudan by Canadian officials, the government of Canada has attempted to bring pressure to bear on the GoS to facilitate access by humanitarian organisations and to improve the security situation.¹²³
- The Prime Minister created an Advisory Team on Darfur comprising the Prime Minister's Personal Representative for Africa, Ambassador Robert Fowler; Canada's Special Envoy for Peace in Sudan, Senator Mobina Jaffer; and Senator Roméo Dallaire.

- Canada, along with the League of Arab States, the UN, and the US, has observer status at the Abuja talks with Libya and Nigeria assuming facilitation responsibilities.
- Through FAC's Human Security Programme, Canada also contributed C\$500,000 to the International Criminal Court investigations in Darfur.
- Through CIDA, Canada has provided over C\$25 million in humanitarian assistance directly to the Darfur region. Canada will also contribute a percentage of the C\$90 million pledged at the Oslo Donors' Conference for the North-South Comprehensive Peace Agreement for humanitarian and peace support in Darfur and Chad.

Assessment of international responses to the crisis in Darfur

The African Union and other key members of the international community have undertaken a variety of initiatives to respond to the crisis in Darfur over the past year. The AU's performance in Darfur is widely understood as the "litmus test" of the AU's capacity and willingness to serve as a regional force for peace and to implement its peace and security agenda.¹²⁴ AMIS has contributed to improving conditions on the ground. While it is not yet fully deployed, AMIS regularly reports on ceasefire violations by all sides and frequently issues press releases that circumvent formal violations reporting process. As one commentator on Sudan has noted: "AMIS is possibly the most outspoken monitoring mission in history."¹²⁵ Moreover, AMIS teams have broadly interpreted the mission's protection mandate. For example, the mission has frequently responded to NGO requests to be present when women leave the IDP's camps to collect firewood or water in order to deter attack, although it is left to individual field commanders to decide how, when and whether to take on this and other protection tasks.¹²⁶ In short, AMIS has deterred ceasefire violations and managed to create safe zones where it is present.

However, the mission continues to face enormous challenges. It still encounters problems with command and control, and logistical support. AMIS' delayed deployment is at least partly attributable to weak planning capacity in Addis Ababa. In addition, the mission lacked accommodations structures, particularly for the police, due in part to delays by the western sub-contractors assigned this task.¹²⁷ Until receiving an equipment contribution, the AU did not have adequate communications capacity to relay information from the field-level to headquarter-level.

In addition, some donated troops lack the expertise to carry out AMIS' complex mission.¹²⁸

Furthermore, AMIS has far too few troops on the ground. Even at full deployment (over 3,000 personnel in Phase I), vast amounts of territory will remain unmonitored, particularly in rural areas. It is important to note that on 28 April 2005 the AU PSC agreed to expand AMIS to 7,500 military, police and civilian personnel by August 2005 (Phase II) and may eventually expand to 12,300 personnel to assist with the return of IDPs (Phase III). Other challenges include the fact that AMIS does not have the mandate to enforce the ceasefire, but instead attempts to deter violations through monitoring. In addition, the mission protects civilians on an *ad hoc* rather than formalised basis within its limited capacity. This means many civilians are left with few guarantees of protection against on-going and widespread human rights violations.¹²⁹ It is important to note that this type of analysis "shifts the goal posts" for assessment inasmuch as it measures AMIS' performance against desired (albeit minimalist) outcomes of its presence rather than against its own mandate. However, this analysis may prove helpful to the extent that it provides insight into what is required for the AU and the rest of the international community to deliver on the responsibility to protect in Darfur.

Donors have provided broad support for AMIS. One AU official remarked that sustained donor commitment was due in large part to the fact that representatives from the EU and the US actually serve on the monitoring teams and therefore "keep their capitals and their embassies engaged on Darfur".¹³⁰ Moreover, donor support is fairly well coordinated, at least compared to contributions to AMIB in Burundi.¹³¹ However, beyond providing financial and technical assistance to AMIS, the international community's responses to the crisis have been delayed and ultimately inadequate.

The United Nations was slow to respond to early warning signals that the crisis was mounting and continued to issue weak resolutions months after the conflict had erupted. The Security Council delayed acting on Darfur in part because military engagement on the part of Western powers was and continues to be "politically contentious in Sudan and very unpopular at home".¹³² There were also concerns among member states that a decisive response on the part of the UN and others would serve to derail the Naivasha peace process that was on the verge of concluding a Comprehensive Peace Agreement (CPA) to end the 21-year war between the GoS and the Sudan People's Liberation Movement (SPLM). "At the time, some thought that Darfur had to be sacrificed in the short-term so that the CPA could live."¹³³ A recently released UK House of Commons report noted:

"... [t]he evidence shows that the international community – including the UK – chose to treat the CPA and Darfur sequentially, with the priority given to securing the North-South peace through the CPA, in the hope it would in turn provide a template for peace in Darfur. Governments, including our own, felt that highlighting events in Darfur, and pressurizing the Sudanese government in relation to Darfur, might throw the CPA process off-track."¹³⁴

As a result of these weak responses on the part of the international community, the conditions in Darfur have deteriorated in many areas and have only modestly improved in others.¹³⁵ Violations of the ceasefire agreement continue and the number of armed groups active in the region is on the rise. Many people have not been able to return to villages – many of which have been completely destroyed – and their land due to insecurity and the fact that in some areas the Janjaweed are claiming confiscated territory as their own. In addition, humanitarian agencies are still not able to provide assistance to thousands of people, due to continued violence. As a result, the possibility of large-scale famine looms.¹³⁶ In some areas, particularly South Darfur, people continue to live in conditions of extreme physical insecurity perpetrated by the GoS, armed militias, the rebels and/or bandits. Women and girls remain particularly vulnerable to sexual abuse inside the IDP camps and face the threat of attack while moving outside the camps to collect wood and water. This pervasive insecurity and deterioration of conditions have served to frustrate and politicise populations in Darfur, potentially serving to exacerbate the conflict. As one interviewee remarked, "the people of Darfur are not isolated from the rest of the world. They listen to the BBC and watch CNN. They know what people do in Iraq and Chechnya when their rights are not recognized and they are desperate."¹³⁷

The most urgent requirement in Darfur is physical security. In the short term, the AU needs to expand its mandate to be able to enforce the ceasefire, rather than monitor violations. One AU official noted that "our experiences in Burundi taught us that monitoring is not enough. We will need to have an enforcement capacity."¹³⁸ It also needs to accelerate its deployment of additional and better equipped troops in order to provide improved protection to civilians. A more robust AU mission will require sustained support from international actors. Donors will need to ensure that financial and technical support – including air transport capacity, helicopter gunships, armoured personnel carriers, sophisticated intelligence gathering capability, communication equipment as well as planning and mission management capacity – is sufficient to match the expanded size of the deployment. Canada's May 2005 contribution may be a good example in this regard. In

addition, at the time of writing, NATO had agreed to provide air transport, materiel and some military training (command and control and operational planning) for an expanded mission and was working out the modalities of this support.

The AU may also need to coordinate more closely with the UN. The UN's Security Council Resolution 1590 adopted on 24 March 2005 does call for better coordination between AMIS and UNMIS, the UN force that will monitor the comprehensive peace agreement negotiated between the GoS and the SPLM. This may eventually create space for UNMIS "to identify ways in liaison with the AU to utilize UNMIS's resources, particularly logistical and operations support elements, as well as resource capacity toward this end".¹³⁹ However, it is not clear how this type of coordination might work in practice. The shift from AU to UN command in Burundi revealed that successful transitions require a shared understanding of the nature of the conflict and a common agenda for its resolution, as well as a prior consensus on the appropriate role for each organisation in fulfilling this agenda. However, it is not clear these conditions exist in Darfur. While the AU has officially recognised that it is acting on behalf of the UN in Darfur, AMIS officials demonstrated a certain sense of ownership over this mission, particularly since AMIS troops were risking their lives under very difficult conditions in a situation where the UN would not act decisively.¹⁴⁰ Furthermore, the AU and the UN have charted out very distinct courses for action in Darfur. For example, the AU has led on the political negotiations and has provided a presence on the ground in a situation where the UN Security Council was paralysed. If the lessons from Burundi apply, the fact that the AU and UN have not developed a harmonised agenda or clear division of labour may compromise coordination efforts.

Ultimately, however, the crisis requires a political solution. Key members of the international community – Canada included – need to move beyond rhetoric to better coordinated and more robust action. Engaged international actors need to pressure all sides to participate meaningfully in political negotiations and to honour their ceasefire commitments. The international community also needs to apply consistent pressure on the GoS to live up to its numerous commitments to protect civilians as well as disarm those elements of the militias over which it continues to exercise control.¹⁴¹

These security and political initiatives need to be complemented with a national development strategy that begins to address the root causes of conflict and charts out a course for equitable development in Darfur. Donors have generally not looked to Darfur for development funding focusing instead

on providing immediate relief. "For the past decade and a half, international aid programmes in Darfur have focused more on the provision of relief and basic services than to enhancing the ability of Darfur communities to stand up to repression, exploitation and neglect."¹⁴² While providing relief is critical, stakeholders also need to start planning for longer-term development in Darfur and other marginalized areas of Sudan.

For its part, Canada did pledge generously at the Oslo Donors' Conference following the signing of the CPA. Through CIDA Canada will provide Sudan with C\$90 million over two years. A significant percentage of this will be directed to Darfur as a "whole of Sudan" approach to engagement. However, only C\$10 million of Canadian pledges have been specifically earmarked for non-relief/immediate recovery activities such as peacebuilding and governance reform. In addition, while Canada is committed in principle to providing support to Sudan throughout the interim period, the government has only provided a two-year financial commitment. These dynamics are not altogether surprising. Many donors drastically decreased development contributions and level of engagement in Sudan in protest of political changes at the end of the 1980s. As a result, donors like Canada are not well positioned to find appropriate methods of channelling sustainable resources in ways that might help transform the underlying conflict conditions throughout Sudan.¹⁴³

Conclusions

The conditions in Darfur closely resemble those envisioned in *The Responsibility to Protect* to prompt action on the part of the international community in situations where a large number of human lives are at risk. For its part, the AU is playing critical political and security roles in Darfur where the UN Security Council would not act decisively. In deploying AMIS and leading the political negotiations, the AU has signalled its willingness to promote its peace and security agenda. AMIS is helping to improve the security situation, albeit with a limited presence and a weak mandate. Key members of the international community have provided significant support to AMIS, but the UN Security Council's diplomatic response to the crisis has been slow and inadequate. This is due in part to the fact that the Comprehensive Peace Agreement was prioritised over resolution in Darfur and points to the need to devise more comprehensive strategies for addressing multiple conflicts in a single state.

The international community will need to continue to pressure all sides to honour the ceasefire and to protect civilians. It must also provide adequate

technical and financial backing to any expanded AU mission. The UN – through UNMIS – may be in the position to provide significant support to the AU, but it is not clear how this coordination might work in practice, given that each organisation has pursued a distinct course of action in Sudan. However, AMIS can only play a limited role in restoring peace to Darfur. The crisis ultimately requires a political solution backed by concerted and coordinated action on the part of key members of the international community. A sustainable resolution to the conflict also requires that local, national and international actors plan for and pursue development strategies that address the marginalisation, inequality and exploitation that contributed to the conflict in the first place.

CHAPTER 7

CONCLUSIONS

The African Union and The Responsibility to Protect

The transition from the OAU to the AU ushered in far-reaching changes to the pan-African peace and security agenda, particularly with respect to the parameters of sovereignty and intervention for human protection purposes. The principles underpinning the AU's emerging peace and security regime resonates with elements of *The Responsibility to Protect* framework. In terms of the norms and rules governing intervention, the AU finds itself closely aligned with *The Responsibility to Protect* principles inasmuch as the AU acknowledges that it has a right to intervene without the consent of the target state to protect populations against egregious human rights violations. However, consistent with the prevention-reaction-rebuilding continuum of protection articulated in *The Responsibility to Protect*, the emerging frameworks and founding documents underscore the importance of conflict prevention and sustainable post-conflict reconstruction through development as a means of achieving inter- and intra-state peace and security, and stresses that sustainable development cannot take place in the context of extreme instability and insecurity.

Early lessons from Burundi and Darfur

The case studies presented in this paper reveal that – at least in these cases – the AU possesses the political will to implement its normative commitments to peace and security, including the protection of vulnerable populations. In Burundi, the AU and regional leaders recognised the importance of peace to avoid further exacerbating conflict in the sub-region. Key African leaders also saw the deployment of AMIB as a critical opportunity to distance the AU from the OAU. Senior AMIB officers also drafted rules of engagement that would allow AMIB troops to protect civilians. In Darfur, key African leaders and the AU Commission were eager to demonstrate the AU's capacity to respond meaningfully to the crisis. AMIS has a mandate to protect civilians in its immediate vicinity, within the limits of its capacity and resources.

The AU is filling critical gaps in Africa's peace and security agenda and architecture. In Burundi, the AU provided a military mission to compensate for the UN's unwillingness to deploy troops in unstable conditions. In Darfur, the AU was one of the few actors capable of taking action. The GoS would not allow any other international player to assume a central role in political negotiations or ceasefire monitoring. At the same time, the GoS was not pushed by the UN to accept more active international engagement because members of the Security Council were not able to come to a consensus on the role of western powers in responding to the crisis.

The AU has had some success in implementing its commitments to peace and security in Burundi and Darfur. In Burundi, AMIB helped stabilise parts of the country and contribute to creating the conditions conducive to UN deployment. In Darfur, AMIS is deterring some ceasefire violations and is providing some security to civilians where it is present. However, the AU faces major obstacles to meeting its peace and security objectives, including its commitment to the protection of civilians. AMIB was tasked with a mandate it could not possibly fulfil and its resources were not aligned with its requirements. The mission lacked the requisite financial resources, operational and institutional capacity as well as training and expertise to fulfil its mandate and to provide meaningful protection to civilians. AMIS does not have the planning capacity to deploy on schedule and faces command and control, and logistical constraints. Some troops may also lack proper training and expertise to carry out their assigned tasks. It also has too few troops on the ground and a weak mandate.

The AU's experience in Burundi and Darfur reveals that the AU requires extensive political and material support from the international community in order to deliver on its commitments to peace and security, including to the protection of civilians. However, slow decision-making on the part of donors delayed AMIB's deployment. In comparison, external support for AMIS has been disbursed comparatively quickly and is fairly well coordinated. However, key members of the international community have not backed the AU with the political pressure required to help resolve the conflict, including through political negotiations and the implementation of the ceasefire and commitments to protect civilians.

The African Union and regional organisations

The AU's emerging security architecture places the continental organisation within a robust security system made up of African regional arrangements

and mechanisms, the UN, and other key members of the international community. The building blocks of this security architecture are Africa's regional economic communities (RECs), allowing the AU to build on the regions' comparative advantage, experience and – in the case of western, eastern and southern Africa – established frameworks and mechanisms for conflict prevention, management and resolution. Yet there are a number of challenges confronting African regional organisations and their efforts to fulfil a peace and security mandate, including questionable legitimacy, resource and capacity constraints and conflicting political agendas within and between regional organizations. In addition, member states may be resistant to grant greater decision-making authority to the AU, in part because regional organisations provide an alternative forum to exercise influence and leverage greater institutional support for specific political agendas than might be possible in organisations with a larger and more diverse membership. Donor initiatives may further exacerbate these broad differences inasmuch as they focus on certain regions over others and support regional organizations with overlapping membership. This may undermine the rationalisation and integration project of the AU.

The African Union and the United Nations

The UN also provides a central building block in the AU's emerging peace and security system. Yet recent practice reveals tensions between the AU and the UN. On the one hand, the AU and African leaders recognise that there is a need to develop African capacities to respond to crises when the UN is unwilling or unable to do so. On the other hand, the UN must be held to account for its responsibilities in Africa. The AU's recent experiences in Burundi elucidates an emerging division of labour between the AU and UN, whereby the AU will provide the security dimension of a broader political process to respond to immediate crises and to create conditions sufficiently stable for the Security Council to authorise a more robust operation.

The lessons from "re-hatting" in Burundi suggest that successful transitions from AU to UN command may require a more formalised relationship between these two organizations that draws on comparative advantages and common understandings of the nature of the conflict, clarifies respective roles in conflict management and resolution, and minimises troop reductions and demotions. It is not clear how the AU and the UN might cooperate in Darfur given that the two organisations have charted out very distinct courses for action. In addition, the AU's missions in Burundi and Darfur may also reveal the emergence of a two-tiered system of international security where African

regional organisations are deployed to contexts of extreme insecurity with fewer resources and stronger mandates than a UN mission. These dynamics may be generating a tension between the AU and the UN that will need to be addressed if the two organisations are to share responsibility for peace and security in Africa. On the one hand, AMIB and AMIS officials recognised that they were/are acting on part of UN. On the other hand, officials expressed what might best be described as resentment at the fact that African soldiers put their lives at risk in difficult circumstances only to hand over – as one AU official put it – “a clean baby” to the UN.

Supporting the African Union's integrated approach

To implement its peace and security agenda the AU has created or supports a number of institutions and arrangements that will contribute to structural conflict prevention and sustainable development on the continent. The AU has developed various commissions with corresponding departments to deliver on a broad peace, security and development agenda, and the AU Commission has taken initial steps to develop a strategy for post-conflict reconstruction. The African Peer Review Mechanism is intended to promote structural conflict prevention through good governance. In addition, NEPAD sets out a series of peace and security priorities to respond to different stages of conflict.

The AU is also developing tools for operational conflict prevention, including the Continental Early Warning System, a Panel of the Wise and the Peace and Security Council. The AU is building its capacity to respond rapidly to a various types and phases of conflict through the development an African Standby Force (ASF). Once fully developed the ASF should be able to adopt standard operating procedures for protecting civilians and to respond rapidly to crisis situations where the international community does not act promptly.

Key external actors have helped shape Africa's evolving peace and security regime. The EU's African Peace Facility is providing critical support to the AU. However, funds for the Peace Facility are drawn from envelopes already earmarked for development thereby begging profound questions about how best to negotiate trade-offs between spending for stability and security with the allocation of resources to operational and structural conflict prevention and longer-term development assistance designed to address the root causes of instability and insecurity. The G8's joint initiatives in Africa may also make an important contribution to peace and security through regional

organisations and the AU. However, the G8's increasingly narrow focus on developing military capability over conflict prevention and resolution capacities on Africa risks contributing to the construction of a security architecture that is only capable mounting military responses to crises. There is a need for the G8 and other donors to also focus on helping the AU to develop a range of operational and structural conflict prevention capacities.

Canada has been a central player in placing and keeping Africa on the G8's agenda and in developing a set of initiatives that respond to NEPAD's broad peace, security and development priorities. Canada is one of the first donors to provide genuinely flexible funding to the AU. However, Canadian contributions to peace and security capacity-building for the AU and regional organisations are minimal in comparison to resources provided to NATO and the UN over the past five years. These spending patterns raise important questions about how Canada should balance its contributions to international peace and security, particularly as Africa leaders, the UN and donors assign greater responsibility for peace and security in Africa to the AU and regional organisations. In addition, existing Canadian support for Africa's peace and security regime tends to favour developing West African capacities over funding for the AU. While contributing to peace and security in West Africa is important, Canada needs to ensure that its regionally oriented support reinforces rather than undermines the continental security architecture envisioned by the AU Commission and member states. Furthermore, as the Canada Fund for Africa sunsets, Canada – like other G8 nations – faces critical questions about how to reconcile the urgent need to build PSO capacity and support crisis response in Africa with the equally pressing need to develop a range of conflict prevention, management and resolution capacities in Africa.

Shared responsibilities in fragile states

Ultimately, the AU and the rest of the international community will need to use a range of tools to deliver its new peace and security agenda in Africa. This has become particularly clear in Darfur, where sustained pressure is required for all sides to fulfil ceasefire agreement and commitments to protect civilians and find a political resolution to the conflict. At the same time, these political initiatives need to be matched with strategies on part of national and international actors to address the social and political vulnerabilities at the root of conflict. Yet an examination of donor commitments to development in Burundi and donor contributions to Sudan also raises important questions of how to appropriately sequence immediate

relief and recovery activities, and longer-term strategies to reduce poverty and build a sustainable peace. It highlights the importance of devising more comprehensive strategies of addressing multiple conflicts in a single state. It also underscores the need for donors to devise strategies for effective engagement in conflict contexts or where the state is unwilling or unable to devise a viable development strategy.

ANNEX 1

DESCRIPTION OF THE AFRICAN UNION'S CONTINENTAL EARLY WARNING SYSTEM, THE PANEL OF THE WISE AND THE PEACE FUND

The **Continental Early Warning System** (CEWS) will be designed to anticipate and prevent conflicts. It will consist of an observation headquarters ("The Situation Room") in the Conflict Management Directorate and will be charged with the task of collecting and analysing data. The Situation Room will be connected to the observation and monitoring units of the regional mechanisms. The information collected and analysed through this system will be used by the chairperson of the commission to provide the Peace and Security Council with advice on appropriate responses to potential or actual conflict.

The proposed **Panel of the Wise** will consist of highly respected African personalities from various segments of society who have made outstanding contribution(s) to the cause of peace, security and development on the continent. The panel will meet regularly and will assist the Peace and Security Council and the chairperson of the commission with the promotion and maintenance of peace, security and stability on the continent.

The peace and security activities of the African Union will be supported by a **Peace Fund**. The Peace Fund houses financial contributions from the AU's regular budget voluntary contributions from member states, from other sources within Africa such as the private sector, civil society and individuals, and from international donors.

ANNEX 2

PROPOSED TIMELINE FOR THE DEVELOPMENT OF THE AFRICAN STANDBY FORCE

The proposed structure of the African Standby Force (ASF) is based on six conflict mission scenarios requiring a rapid response:

- Scenario 1: AU/Regional military advice to a political mission, for example in Côte d'Ivoire. Deployment timeline of 30 days.
- Scenario 2: AU/Regional observer mission co-deployed with a UN mission, for example OAU/AU Liaison Mission in Ethiopia-Eritrea (OLMEE). Deployment timeline of 30 days.
- Scenario 3: Standalone AU/Regional observer mission, for example AU mission in the Comoros (AMIC). Deployment timeline of 30 days.
- Scenario 4: AU/Regional peacekeeping force (PKF) for Chapter VI and preventive deployment mission (and peacebuilding), for example AU mission in Burundi (AMIB). Deployment timeline of 30 days.
- Scenario 5: AU PKF for complex multidimensional peacekeeping mission, including those involving low-level spoilers. Deployment timeline for complete ASF deployment within 90 days with military component deployed within 30 days.
- Scenario 6: AU intervention, for example in genocide situations where the international community does not act promptly. Deployment timeline of 14 days.

The ASF will be developed in a phased approach over the next five years. Phase I extends to 30 June 2006. By this point, the AU aims to be equipped to undertake AU or joint AU-UN monitoring missions, as well as to provide military advice to political missions (Scenarios 1-3). The AU will also be responsible for identifying lead nations to undertake intervention operations in conflict contexts where regional mechanisms are underdeveloped. To accomplish these tasks, the AU will establish the AU-level PLANELM with the capacity to pursue staff work and preparations for the establishment of

the ASF. During Phase I, the regional mechanisms are expected to develop PLANELMS that are capable of undertaking force planning, preparation and training of regional standby elements. They will also establish mission HQ level management capability. Finally, standby capabilities will be developed at the national level.

In January 2004, the African Ministers of Defence and Security acknowledged that it is likely that the ASF will not be prepared by the end of Phase I to include "humanitarian, development and human rights elements" in ASF deployments and instead suggests that the UN provide these specialists, which do not require UN Security Council approval for deployment. The AU's March 2005 "Roadmap for the Operationalisation of the African Standby Force" sets out a series of workshops to help develop specific components of the ASF during this first phase. These include workshops on doctrine; standard operating procedures; command, control, communication and information; logistics system; and training and evaluation system.

Phase II will extend up to 30 June 2010. By this stage, it is expected that AU will have developed the capacity to deploy a complex peacekeeping operation within 90 days, with the military component capable of deploying within 30 days. The AU also aims to be capable of deploying an intervention force within 14 days, in order to respond to the urgency of these types of scenarios. To generate this capacity, the RECs are expected to develop standby brigades. Those with standby capacity should aim to improve their rapid reaction capabilities. The RECs will also continue to develop their capacity to deploy a mission HQ for a Scenario 4 engagement.

ANNEX 3

OVERVIEW OF THE PEACE AND SECURITY MECHANISMS AND MANDATES OF SELECTED REGIONAL ORGANISATIONS

The **Arab Maghreb Union (AMU)** operating in northern Africa is the only regional economic community that has not established a peace and security mechanism. The AMU has not met at head of state level since 1994, because of internal disagreement over Western Sahara.

The **Common Market for Eastern and Southern Africa (COMESA)** has not adopted a formal protocol on peace and security. However, in 1999, COMESA Ministers of Foreign Affairs formally acknowledged that chronic insecurity in the region was compromising development and integration efforts. They agreed to meet annually to discuss peace and security issues in the region. COMESA has endorsed a number of state-centric guiding principles, including non-aggression between member states and the peaceful resolution of disputes between member states.

The **Eastern African Community (EAC)** has developed a Memorandum of Cooperation in Defence and has held joint meetings on small arms and light weapons, joint exercises for peace operations training, counter-terrorism and disaster management.

The **Economic Community of Central African States (ECCAS)** has also developed a peace and security mechanism, the Conseil de Paix et de Sécurité de l'Afrique Centrale (COPAX), and an early warning system. The COPAX Protocol calls for the creation of a non-standing multinational force, Force Multinationale d'Afrique Centrale (FOMAC), that could be deployed in response to humanitarian crises, serious threats to peace and security in the region, and unconstitutional changes of government. FOMAC has already participated in a military mission to the Central African Republic in 2002/03 with assistance from France, although its capacity for deployment and sustainment was limited.

The **Economic Community of West African States (ECOWAS)** remains West Africa's principle multilateral organisation and has the most developed peace and security mandate and mechanisms of Africa's regional organisations. Its Protocol Establishing the Mechanism for Conflict Prevention, Management,

Resolution, Peacekeeping and Security underscores the region's willingness to intervene militarily, if necessary, for human protection purposes by calling for a multilateral response to situations that threaten to escalate into "humanitarian disasters", that constitute "serious and massive violations of human rights and the rule of law, and that present "a serious threat to peace and security" in the region. ECOWAS also possesses the operational infrastructure to offer military responses to conflict. Its peace and security protocol authorised the establishment of the ECOWAS Ceasefire Monitoring Group (ECOMOG), which has undertaken peacekeeping and peace enforcement with varying degrees of success and competency in Liberia (in the 1990s and again in 2003), Sierra Leone, Guinea-Bissau, and Côte d'Ivoire. As noted above, ECOWAS has also advanced on a proposal to develop an ECOWAS brigade-size standby force.

In Eastern African, the reinvigorated **Inter-Governmental Authority on Development (IGAD)** has developed a peace and security mandate and established a conflict prevention, management, and resolution mechanism. In contrast to ECOWAS and SADC, IGAD does not possess the operational infrastructure to respond militarily to conflict. It has instead focused its efforts on "conflict prevention" through the on-going formation of a continental early warning system, and "conflict resolution" by mediating the (GoS-SPLM/A) peace processes in Sudan and offering critical support to the Somalia-Djibouti-led peace process.

Southern Africa has also developed a regional security mechanism to operate within the framework of the **Southern Africa Development Community (SADC)**. In 1998, SADC created the Organ on Politics, Defence and Security (now the Organ on Politics, Defence and Security Cooperation) to serve as the region's primary conflict prevention, management and resolution mechanism. The SADC Protocol lays out the provisions for multilateral enforcement action under the auspices of the Organ. Conditions under which intervention might be justified include intra-state crises characterised by "large scale violence between sections of the population or between a state and sections of the population, including genocide, ethnic cleansing and gross violations of human rights, a military coup or other threat against the legitimate authority of a state; a condition of civil war or insurgency; and, a conflict which threatens peace and security in the region or in the territory of another State Party". SADC states have limited experience with executing multilateral interventions, including the highly problematic and controversial interventions in 1998 in the Democratic Republic of Congo (DRC) by Zimbabwe, Angola and Namibia, and in Lesotho in the same year by South Africa and Botswana.

NOTES

- 1 Funding for the first this initiative has been provided by the International Development Research Centre (IDRC), the Carnegie Corporation of New York, the Foreign Affairs Canada's Responsibility to Protect Unit, and The North-South Institute.
- 2 The report notes that "[m]ilitary intervention can only be justified when every non-military option for the prevention or peaceful resolution of the crisis has been explored, with reasonable grounds for believing lesser measures would not have succeeded".
- 3 It is important to note that the report says very little about sexual abuse and gender-based violence other than to note that its definition of large-scale ethnic cleansing includes considerations of rape.
- 4 S Amoo, The role of the OAU: Past, present and future, in David R Smock (ed), *Making war and waging peace: Foreign intervention in Africa*, United States Institute of Peace, Washington, DC, 1993.
- 5 E Berman, African regional organisations' peace operations: Developments and challenges, *African Security Review* 11(4), 2002; R Jackson, The dangers of regionalising international conflict management: The African experience, *Political Science* 52(1), 2000.
- 6 For an assessment of the OAU's conflict response capacities see Monde Muyangwa and Margaret A Vogt, *An assessment of the OAU Mechanism for Conflict Prevention, Management and Resolution, 1993-2000*, International Peace Academy, New York, 2002.
- 7 S B Ibok, "The OAU Mechanism for Conflict Prevention, Management and Resolution." (Addis Ababa, 1999). Available at: <www.dpmf.org/conflict-sam.html>.
- 8 For an overview of the transition from the OAU's mechanism for conflict prevention, management and resolution to the AU's emerging peace and security regime, see C Burton et al, The African Union's Standby Force: Canadian foreign and defence policy options, *Canadian Foreign Policy* 11(1), Fall 2004.
- 9 Exceptions include the OAU's limited military involvement in then Zaire in 1978/79 and the truncated peacekeeping mission it deployed to Chad between 1979 and 1982.

- 10 S B Ibok The OAU/AU: Records, Challenges and Prospects, in A Bujra and H Solomon (ed), *Perspectives on the OAU/AU and Conflict Management in Africa*, African Books Collective Ltd., Oxford, 2004, p 16.
- 11 For a more comprehensive discussion of the political dynamics behind the shift in norms surrounding intervention accompanying the transition from the OAU to the AU see B Kioko, The right of intervention under the African Union's Constitutive Act, *International Review of the Red Cross* 85(853), 2003, pp 807-825.
- 12 See Article 3 of the Protocol Relating to the Establishment of the Peace and Security Council of the AU.
- 13 See the Protocol Relating to the Establishment of the Peace and Security Council of the AU adopted at the Durban Summit in 2002.
- 14 At present these are Cameroon and Congo (representing central Africa), Kenya and Sudan (representing East Africa), Libya (representing North Africa), Lesotho and Mozambique (representing South Africa), and Ghana, Senegal and Togo (representing West Africa).
- 15 Algeria (representing North Africa sub-region), Gabon (representing central Africa), Ethiopia (representing East Africa sub-region), Nigeria (representing West Africa sub-region) and South Africa (representing South Africa sub-region) will serve for three years.
- 16 Article 2 of the PSC Protocol.
- 17 See Article 9 of the Constitutive Act.
- 18 The proposed structure and function of the ASF are described in detail below.
- 19 See Article 3 (b) of the AU's Constitutive Act.
- 20 See Article 23 (2) of the AU's Constitutive Act.
- 21 Kioko, op cit, p 817.
- 22 See African Union Executive Council, The common Africa position on the proposed reform of the United Nations: "The Ezulwini Consensus", 7th Extraordinary Session, 7-8 March 2005, Addis Ababa, Ethiopia, p 6.
- 23 For example, in 2004-2005, Project Ploughshares, in collaboration with several African organisations and the Department of Foreign Affairs Canada, held a series of consultations examining regional perspectives on *The Responsibility to Protect*. A final working paper will be available in mid-2005 on the Ploughshares website at <www.ploughshares.ca>.
- 24 See South African Statement to the informal thematic consultations of the General Assembly Cluster III delivered by Mr Xolisa Mabhongo, Chargé d'Affaires, 20 April 2005. This statement is available at < www.southafrica-newyork.net/pmun/>.

- 25 If these definitions are adopted, rape of civilians and other forms of sexual violence will be considered by the AU as both a war crime and a crime against humanity in accordance with International Criminal Court (ICC) definitions. Interview with African diplomats, Addis Ababa, February 2004.
- 26 W Okumu, The African Union: The structures and mechanism for crisis prevention and response, Unpublished paper, 2004, p 22.
- 27 E Baimu and K Sturman, Amendment to the African Union's right to intervene: A shift from human security to regime security, *African Security Review* 12(2), 2003, p 42.
- 28 Interview with senior AU official, Addis Ababa, March 2005.
- 29 Information shared at joint Chatham House / United Nations Association of the UK and Institute for Security Studies launch and workshop on "Priority areas for the implementation of the joint Africa/G8 plan to enhance African peacekeeping capabilities", London, April 2005.
- 30 For a discussion of the conceptual links between NEPAD and *The Responsibility to Protect* see R Gossen and S Sharma, Advancing NEPAD through *The Responsibility to Protect*, Policy brief, The Liu Institute for Global Issues, July 2003.
- 31 Cedric de Coning "Refining the African Standby Force Concept" *Conflict Trends*, Special Edition – Peacekeeping. 2 (2004): p 22.
- 32 Also see the following documents for a description of the ASF's proposed structure, priorities, and development and deployment timelines: Concept Paper on the African Standby Force and Military Staff Committee, 23 April 2003; Report of the Interim Chairperson of the AU Commission on the Third Meeting of the African Chiefs of Defence Staff and the Military Staff Committee, held in Addis Ababa, Ethiopia, 15-16 May 2003, Ext/EX/CL/3 (III); Issues Paper on the Establishment of the African Standby Force and the Military Staff Committee for First Meeting of the African Ministers of Defence and Security on the Establishment of the ASF and the CADSP, 20-21 January, Addis Ababa, Ethiopia, MIN/Def&Sec2 (II) Rev 1 Annex.
- 33 See Report of the 4th Meeting of African Chiefs of Defence Staff and Experts on the Establishment of the African Standby Force and the Common African Defence and Security Policy, EXP/Def&SecRpt (IV), January 2004.
- 34 See Issues Paper on the Establishment of the African Standby Force and the Military Staff Committee for First Meeting of the African Ministers of Defence and Security on the Establishment of the ASF and the CADSP, op cit.
- 35 See African Union, roadmap for the operationalization of the African Standby Force, EXP/AU-RECs/ASF/4 (I), Addis Ababa, 22-23 March 2005.
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- 37 For an overview of the decision-making surrounding the creation of a military capability to operate under the auspices of the OAU, see Burton et al, op cit.
- 38 S B Ibok, The OAU/AU: Records, challenges and prospects, in A Bujra and H Solomon (eds), *Perspectives on the OAU/AU and conflict management in Africa*, African Books Collective, Oxford, 2004, p 16.
- 39 Ibid.
- 40 B Jones, Evolving models of peacekeeping: Policy implications and responses, *United Nations Peacekeeping External Study*, 2003, p 19.
- 41 See OAU, Resolution CM/Res464 (XXVI), Twenty-Sixth Ordinary Session of the Council of Ministers, Addis Ababa, 23 February – 1 March 1976.
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- 43 See Article 7 (j).
- 44 Interview with African diplomat. Addis Ababa, February 2005; Interview with African Union senior official, Addis Ababa, March 2005.
- 45 M Juma and A Mengistu, *The infrastructure of peace in Africa: Assessing the peacebuilding capacity of African institutions*, International Peace Academy, New York, September 2002.
- 46 S Ibok, The effectiveness of African regional and sub-regional mechanisms to prevent ethnic and racial conflicts, Paper presented at the regional seminar of experts on the prevention of ethnic and racial conflicts, Addis Ababa, 4-6 October 2000, pp 7-9.
- 47 A Adebajo, South Africa and Nigeria as regional hegemons, in Baregu and Landsberg, op cit.
- 48 Ibid.
- 49 International Peace Academy, *Refashioning the dialogue: Regional perspectives on the Brahimi Report on UN Operations*, 2001.
- 50 Juma and Mengistu, op cit.
- 51 For example, the deep divisions between Francophone and Anglophone blocks in West Africa and the competition between Zimbabwe and South Africa in southern Africa have undermined common agenda setting and development of collective responses to conflict in both regions.
- 52 Interview with Western diplomat, Addis Ababa, February 2005.
- 53 At an Experts' Meeting in Addis Ababa in March 2005, the AU and the RECs (ECOWAS, ECCAS, IGAD, COMESA, EAC and SADC) agreed to consider a

draft Memorandum of Understanding on conflict prevention, resolution and management but were not able to come to a final agreement on modalities. See EXP/AU-RECs/ASF/Comm (I).

- 54 For example, the ECOWAS PSC Protocol considers the UN and not the AU as the central political authority on matters pertaining to peace and security.
- 55 At the time of writing, the AU and the UN were working on a draft Memorandum of Understanding. Interview with senior AU official, Addis Ababa, March 2005.
- 56 See Issues Paper on the Establishment of the African Standby Force and the Military Staff Committee for First Meeting of the African Ministers of Defence and Security on the Establishment of the ASF and the CADSP, *op cit*, p 5.
- 57 See Article 17 (2) of the PSC Protocol.
- 58 B Boutros-Ghali, *An Agenda for Peace*, United Nations, New York, 1995, paragraph 64.
- 59 Interview at AU headquarters, Addis Ababa, Ethiopia, March 2005.
- 60 See also Kioko, *op cit*, p 821 for a similar interpretation.
- 61 J Cilliers and K Sturman, The right intervention: Enforcement challenges for the African Union, *African Security Review* 11(3), 2002, p 8.
- 62 African Union Executive Council, The common Africa position on the proposed reform of the United Nations: "The Ezulwini Consensus", *op cit*, p 6.
- 63 Since 1998 the UNDP has been assisting the O/AU with developing its early warning and conflict analysis capacity. The UNDP will also provide assistance for building the capacity of the AU's Peace and Security Directorate and the Peace and Security Council for conflict prevention, including preventive diplomacy, and for the mobilization of resources for peace and security initiatives.
- 64 Interview with Western diplomat, Addis Ababa, February 2005.
- 65 SHIRBRIG was established in 1996 and has 16 members. It serves as a UN non-standing multinational brigade that can be mandated by the UN Security Council and used by the UN for the rapid deployment of a peacekeeping force, to monitor truce agreements, to supervise the separation of forces, to provide humanitarian assistance, and to engage in other scenarios where agreements have been signed by parties to the conflict.
- 66 During the Canadian presidency, SHIRBRIG offered information sharing and training to AU staff, and hosted representatives from AU, ECOWAS and SADC for a command post exercise in September 2003 at SHIRBRIG headquarters in Denmark. SHIRBRIG has also sponsored the participation of observers from the AU, ECOWAS and Ghanaian military to attend SHIRBRIG steering committee meetings. With Canadian funding, SHIRBRIG's Contact Training Programme

also sponsored two African officers to train at headquarters and provided some assistance to the AU and EASBRIG for the establishment of the ASF. SHIRBRIG has developed a comprehensive plan for capacity-building at the AU, including initiatives to help the AU with fleshing out plans for developing the ASF and to expand the Contact Training Programme.

- 67 In addition to the Peace Facility, the EU has contributed in the past two years:
 - €10 million in April 2003 to support the AU's mediation processes and conflict prevention;
 - €2 million for institutional support to the AU; and
 - €25 million to support the AU's peacekeeping mission in Burundi.
- 68 See *Securing peace and stability for Africa: The EU-funded African Peace Facility*, <http://europa.eu.int/comm/development/body/publications/docs/flyer_peace_en.pdf>.
- 69 The Peace Facility can fund per diems for soldiers, communication equipment, medical facilities, civilian equipment and transport and logistic requirements.
- 70 Interview with Western diplomat, Addis Ababa, February 2005.
- 71 These priorities include: enhancing peace and security; promoting democracy and good governance; pursuing regional cooperation and integration; and building capacity to promote sustainable development.
- 72 See Chapter V, AI, paragraph 72 of NEPAD.
- 73 The proposal, made by Canada, France, the UK and the US, was initiated during the Berlin process and became the leading proposal in the Implementation Report by African Personal Representatives to Leaders of the G8 Africa Action Plan.
- 74 Sea Island Summit 2004 – G8 Action Plan for Expanding Global Capacity for Peace Support Operations.
- 75 Former Senegalese prime minister Mame Madior Boye has been appointed as Special Representative and will engage directly with state and non-state actors on behalf of war-affected populations. She will report to the chairperson of the AU Commission and may communicate concerns and recommendations directly to the Peace and Security Council.
- 76 Other current Canadian commitments to building peace and security capacity in Africa that do not fall within the CFA, the Pan-Africa Programme or the proposed GPSF envelopes include:
 - C\$6.2 million from 2001 to 2006 to Africa through CIDA's La Francophonie for Le Projet de Développement des Capacités en Maintien de la Paix et Sécurité (PDCMPS).
 - Approximately C\$900,000 to train African military and civilian personnel through DND's Military Training Assistance Programme (MTAP).

- C\$1.5 million from Foreign Affairs's Human Security Programme for funding peace support operations, a portion of which has been used in Africa.
- 77 Further details of Canada's AMIS contribution are provided below.
 - 78 The AU Commission has scheduled a policy workshop for June 2005 to explore its potential role in contributing to post-conflict reconstruction in Africa.
 - 79 Interview with senior AU official, Addis Ababa, March 2005.
 - 80 AMIB augmented and transformed the 700 South African troops which had been deployed in 2001 to protect political leaders during the transition.
 - 81 C de Coning, Refining the African Standby Force concept, *ACCORD 2*, 2004, Special edition on peacekeeping.
 - 82 See, for example, AMIB, An explanatory memorandum, Bujumbura, Burundi, October 2003, p 4.
 - 83 Interview with senior AMIB official, Bujumbura, March 2005.
 - 84 Communiqué of the Peace and Security Council, Second Ordinary Session, 25 March 2004, Addis Ababa PSC/PR/Communiqué (II).
 - 85 See, for example, Clashes in Burundi after truce announcement, United Nations Integrated Regional Information Networks, 23 April 2004; UN Security Council, Report of the Secretary General on Burundi, 16 March 2004.
 - 86 Interview with human rights defender, Bujumbura, March 2005.
 - 87 UN Security Council, 16 March 2004, op cit.
 - 88 F Aboagye, The African Mission in Burundi: Lessons learned from the first African Union peacekeeping operation, *ACCORD 2*, 2004, Special edition on peacekeeping, p 14.
 - 89 International Crisis Group, End of transition in Burundi: The home stretch, *ICG Africa Report No 81*, Nairobi/Brussels, 5 July 2004, p 10.
 - 90 Interview with senior AMIB official, Bujumbura, March 2005.
 - 91 Most Ethiopian and Mozambican troops were not fully deployed until October 2003. The US and UK provided close to US\$12 million in total to provide the necessary resources for the deployment of the Mozambican and Ethiopian troop contributions.
 - 92 The funds contributed by the EU were used to cover the operational costs of the peacekeeping troops, including fuel and medical expenses and daily stipends for peacekeeping troops and military observers.
 - 93 The AU formally acknowledged this dilemma in a consultation with AMIB HQs, the troop-contributing countries (TCCs) and a delegation of the UN DPKO in February 2004: "... the reason for delay in disbursements to TCCs was primarily

due to the fact that the pledges made by donors have not been realized. It is clearly felt that the financial constraints were having a negative impact on mission performance." As an example, the same document underscores the fact that the Mozambican contingent, tasked with escorting convoys, often lacked adequate food rations.

- 94 W Okumu, Promoting the African Union's peace and security agenda through regional mechanisms for conflict prevention, management and resolution, Paper delivered at The African International Conference on Linking Peace, Security and Regional Integration in Africa, University of Bradford, Bradford, UK, June 2003.
- 95 Human Rights Watch, Everyday victims: Civilians in the Burundian war, December 2003.
- 96 Interview with AMIB official, Bujumbura, March 2005; Interview with ONUB officials, Bujumbura, March 2005.
- 97 UN Security Council, Third report of the Secretary General on the United Nations Operation in Burundi, 8 March 2005.
- 98 Centre d'Alerte et de Prévention des Conflits (CENAP), Pour une Préparation Plus Apaisée des Elections, Juillet 2004.
- 99 CIDA has contributed C\$15 million to the MDRP initiative.
- 100 N Alusala, Disarmament and the transition in Burundi: How soon? *Institute for Security Studies Paper 97*, January 2005.
- 101 Interview with Transitional Government of Burundi official, Bujumbura, March 2004.
- 102 Interview with senior ONUB official, Bujumbura, March 2005.
- 103 J Clover, Burundi beyond the transition: The challenges of a return to peace, *Africa Security Review* 13(2), 2004.
- 104 Interview with Canadian Foreign Affairs official, Ottawa, November 2004.
- 105 A number of donors are beginning to grapple with the challenges of development programming in failed/fragile states or difficult environments. Yet emerging strategies do not yet address a number of key issues, including questions surrounding appropriate priorities in the context of fragility and state failure, the role of local and national actors, and the impact of social divisions on aid effectiveness. For an overview and assessment of the fragile states strategies of AusAID, UK Department for International Development (DfID), the Organization for Economic Cooperation and Development, Development Assistance Committee (OECD DAC), selected UN agencies, USAID and the World Bank from a gender equality perspective, see S Baranyi and K Powell, Fragile states, gender equality and aid effectiveness: A review of donor

- perspectives, Paper commissioned by the Canadian International Development Agency, 31 March 2005.
- 106 Statement made by Mukesh Kapila, the United Nations humanitarian coordinator in Darfur during a seminar at the Overseas Development Institute in London, May 2004. See also: Report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) mission to Chad (5-15 April) 2004.
- 107 See for example, Interagency paper, Rule of lawlessness: Roots and repercussions of the Darfur crisis, January 2005.
- 108 These findings are reported in a series of reports by international institutions, including the UN High Commissioner for Refugees (UNHCR), Human Rights Watch, and Amnesty International. This description of the nature of the violence was corroborated in a number of key interviews conducted by the author in Khartoum, February–March 2005.
- 109 For example, in a May press release, the International Crisis Group called on the Security Council to “authorize the application of military force on ‘responsibility to protect’ principles”. See also Gareth Evans, The world should be ready to intervene in Sudan, *International Herald Tribune*, 14 May 2004.
- 110 As referenced in Report of Chairperson on Conflicts in Africa June 25 – July 3, 2004, p 14.
- 111 See, for example, the Report of the Chairperson of the Commission on the Establishment of a Continental Peace and Security Architecture and the Status of Peace Processes in Africa, 25 May 2004, PSC/AHG/3 (IX), p 11.
- 112 International Crisis Group, Sudan: Now or never in Darfur, *ICG Africa Report No 80*, 23 May 2004, p 4.
- 113 See PSC/PR/Comm (XIII), July 2004, p 2.
- 114 Interview with African diplomat, Addis Ababa, February 2005.
- 115 African Union Peace and Security Council Communiqué, PSC/PR/Comm (XVII), p 2.
- 116 Interviews with African diplomats, Addis Ababa, February 2005; Interviews with senior AU officials, Addis Ababa, March 2005.
- 117 At the early stages of the crisis, the Sudanese government characterised the crisis in Darfur as “an African problem” and claimed that the African Union should become actively engaged in trying to resolve the conflict. See African Union, Report of the Chairperson of the Commission on the Situation in Sudan, 13 April 2004, PSC/PR/2 (V), p 4.
- 118 These include UN Security Council Resolutions 1556 (30 July 30 2004), 1564 (18 September 2004), and 1574 (19 November 2004), 1590 (24 March 2005), 1591 (29 March 2005) and 1593 (31 March 2005).

- 119 The International Commission of Inquiry was set up to determine if genocide was occurring in the Darfur region and to identify perpetrators. The commission reported on its findings at the end of January 2005 and concluded that while there was not sufficient evidence to suggest genocidal intent on the part of the government, the government and the Janjaweed bear the brunt of responsibility for targeting civilians and their actions constitute crimes against humanity.
- 120 It is estimated that, by 2006, US\$0.5 billion will have been spent on relief efforts in Darfur.
- 121 Canada has made the fourth largest contribution to AMIS after the EU, the US and the UK.
- 122 Interview with Department of National Defence officials, Ottawa, December 2004, April 2004.
- 123 For example, Canada's Minister of International Cooperation, Aileen Carroll, travelled to Darfur in September 2004 while Prime Minister Paul Martin visited Khartoum in November 2004 and met with President al-Bashir.
- 124 Interview with Western diplomat, Addis Ababa, February 2005.
- 125 Justice Africa, Prospects for peace in Sudan, Briefing, 23 February 2005, p 5.
- 126 Interview with representative from international humanitarian organisation active in Darfur, Khartoum, February 2005.
- 127 Interview with Western diplomat, Khartoum, February 2005.
- 128 Interview with senior AMIS official, Khartoum, February 2005.
- 129 Interview with representative from United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), Khartoum, February 2005.
- 130 Interview, Addis Ababa, March 2005.
- 131 To assist the AMIS mission, key donors devised a unique coordinating mechanism consisting of a Partners' Technical Support Group (PTSG) that serves as forum for donors to coordinate their support for AMIS in accordance with requests made from the AU. A smaller group consisting of some PTSG members then liaises between the AU and the PTSG. This arrangement is meant to help harmonise donor views and assistance and minimise the transaction costs of dealing with multiple donors. It may serve as a helpful model to guide donor-AU relations in the future.
- 132 Interview with Western diplomat, Addis Ababa, February 2005. A meeting held in Libya in October 2004 and attended by the leaders of Libya, Egypt, Sudan and Nigeria as well as the chairperson of the AU Commission produced a joint statement rejecting "foreign" military intervention in Darfur.
- 133 Interview with Western diplomat, Addis Ababa, February 2005.

- 134 UK House of Commons International Development Committee, Darfur, Sudan: The responsibility to protect, Fifth Report of Session 2004-2005, House of Commons, London, 30 March 2005, p 36.
- 135 This point was emphasised in almost all interviews undertaken by the author in Khartoum, February 2005.
- 136 International Crisis Group, Darfur: The failure to protect, *ICG Africa Report No 89*, 8 March 2005.
- 137 Participant in Sudanese civil society focus group on Darfur, Khartoum, February 2005.
- 138 Interview, Addis Ababa, March 2005.
- 139 UN Security Council Resolution 1590, March 2005, paragraph 5.
- 140 Interview with senior AMIS officials, Khartoum, February 2005.
- 141 As the International Crisis Group remarked in a recent report: "The government has broken nearly every security-related commitment it has made on Darfur, from the N'djamena ceasefire agreement of 8 April, 2004, through the N'djamena agreement of 25 April, the 3 July Communiqué signed with the UN and the subsequent Plan of Action of 5 August, to the recent Abuja security protocol" (op cit, March 2005, p 6).
- 142 Interagency Paper, op cit, p 45.
- 143 Interview with Canadian official, Khartoum, February 2005.



In 2001 the International Commission on Intervention and State Sovereignty (ICISS) argued that sovereign states and the international community have a responsibility to protect populations at risk of grave human rights violations to rebuild war-affected societies and – above all – to prevent severe human rights violations and deadly conflict.

The notion of the “responsibility to protect” has made some progress in recent years, particularly in Africa. For example, the African Union’s (AU) new peace and security agenda resonates with the prevention–reaction–rebuilding continuum outlined in the ICISS report. This monograph offers a timely exploration of the capacity of the AU, other African regional organisations, and members of the international community to deliver on their responsibility to protect. It draws on case studies of the AU and other international engagements in Burundi and Darfur, Sudan, to explore the opportunities and challenges for operationalising the responsibility to protect in Africa. The monograph concludes that while the AU appears to possess the political will to deliver on its reinvigorated peace and security agenda – at least in Burundi and Darfur – it continues to face enormous constraints. International donors are helping to strengthen the AU’s capacities in this regard, but need to strike a better balance between supporting crisis response and developing conflict prevention, management and resolution capabilities in Africa. Moreover, the United Nations, key member states and African regional organisations will need to devise a more effective division of labour for prevention, reaction and rebuilding on the continent.

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