

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.