

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.
- 36 See Draft Protocol for the Establishment of the Eastern Africa Standby Brigade (EASBRIG), Intergovernmental Authority on Development (IGAD), Jinja, Uganda, 13-16 February 2004, p 9.

- 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.
- 42 M Mwanasali, From the Organization of African Unity to the African Union, in M Baregu and C Landsberg (eds), *From Cape to Congo: Southern Africa's evolving security challenges*, Lynne Rienner, Boulder, 2003.
- 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 hegemony, 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 be 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.