



The
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From Non-Interference to Non-Indifference: Reflecting on an Article 4(h) Agenda at the African Union

23 January 2014

Hilton Addis Ababa
Menelik II Avenue

11:00 am- 4:00 pm

Participation by invitation only

The Constitutive Act signed by Member States in 2000, represents the historic switch from the ‘non-interference’ approach of the Organization of African Unity (OAU) to the ‘non-indifference’ approach of the African Union (AU). Importantly, in Article 4 (h) of the Constitutive Act, AU member states embraced the “right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity.” However, there remains varied success within the AU with regards to implementing this commitment, largely based on issues related to political will and financial and military capacity to implement the necessary policies and mechanisms for prevention and response.

Five years after the Constitutive Act was adopted, at the 2005 World Summit, all heads of state and government made a commitment in paragraphs 138-139 of the Summit Outcome Document to uphold their Responsibility to Protect (RtoP) populations from genocide, war crimes, crimes against humanity and ethnic cleansing. RtoP affirms that states hold the primary responsibility for protecting their populations from these crimes and violations, while also establishing that the international community bears a responsibility to assist states in meeting their protection obligations and that, if a state is either unable or unwilling to protect populations, has a responsibility to respond in a timely and decisive manner.

The Pan African Lawyers Union, the Stanley Foundation, and the International Coalition for the Responsibility to Protect (ICRtoP), invite you to an event titled “From Non-Interference to Non-Indifference: Reflecting on an Article 4(h) Agenda at the African Union” scheduled to be held at the Hilton in Addis Ababa on January 23. This event will be held prior to the upcoming African Union Summit in January 2014 to reflect on the implementation of both Article 4(h) and RtoP on the Continent in the protection of civilians from genocide, war crimes, crimes against humanity, and ethnic cleansing. We will convene civil society organizations working with AU Member States and those working at the Pan African level, to share information and experiences on how they are engaging the African governments and intergovernmental organizations on issues of RtoP and mass atrocity prevention generally.

Agenda

11:00	Arrival and light refreshments
11:10-11:20	Welcome remarks Mr. Don Deya, Chief Executive Officer, Pan African Lawyers Union (PALU) Mr. Keith Porter, Chief Executive Officer, The Stanley Foundation
11:20-12:45	Panel One: The AU's architecture for prevention and response Chair: Ms. Sapna Chhatpar Considine, Program Director, International Coalition for the Responsibility to Protect The Peace and Security Architecture of the AU <ul style="list-style-type: none">▪ Ambassador Smail Chergui, Commissioner for Peace and Security of the AU▪ Dr. Solomon Dersso, Senior Researcher, Institute for Security Studies Civil society experiences and recommendations for engaging the AU <ul style="list-style-type: none">▪ Ibrahima Kane, AU Advocacy Director, Open Society Foundations▪ Dan Kuwali, Post Doctoral Fellow, Faculty of Law, University of Pretoria
12:45-2:00	Luncheon
2:00-3:30	Panel Two: Civil society engaging in atrocities prevention and the role of the AU Chair: Ms. Angela Bruce-Raeburn, Program Officer, The Stanley Foundation Kenya: <ul style="list-style-type: none">▪ James Gondj, Inform Action, Kenya South Sudan: <ul style="list-style-type: none">▪ David Deng, Head of Research, South Sudan Law Society Central African Republic: <ul style="list-style-type: none">▪ Mathias Barthélemy Morouba; Avocat à la Cour; Barreau de Centrafique Democratic Republic of Congo: <ul style="list-style-type: none">▪ Frank Kamunga, Droits Humains Sans Frontières
3:30-4:00	Conclusions Don Deya, PALU

About the organizers

The Pan African Lawyer's Union (PALU): PALU is the umbrella association of African lawyers and Law Societies. It brings together the continent's five regional and fifty four national Lawyers' Associations, as well as individual lawyer members. Our mission is to work towards the development of the law and legal profession, the rule of law, human rights and the socio-economic development of the African continent, including through supporting African regional integration.

The Stanley Foundation: The Stanley Foundation seeks a secure peace with freedom and justice, built on world citizenship and effective global governance. It brings fresh voices, original ideas, and lasting solutions to debates on global and regional problems. The foundation is a nonpartisan, private operating foundation, located in Muscatine, Iowa, that focuses on peace and security issues and advocates principled multilateralism. The foundation frequently collaborates with other organizations. It does not make grants. Find the foundation online at www.stanleyfoundation.org.

The International Coalition for the Responsibility to Protect (ICRtoP): The ICRtoP is a global network of civil society organizations dedicated to advancing RtoP at the international, regional, sub-regional and national levels. For the past ten years, ICRtoP has worked to build a constituency of civil society support for the norm, and the Coalition now has members representing every region, and working in a wide range of sectors including women's rights, conflict prevention, human rights, genocide prevention, and international and regional justice.