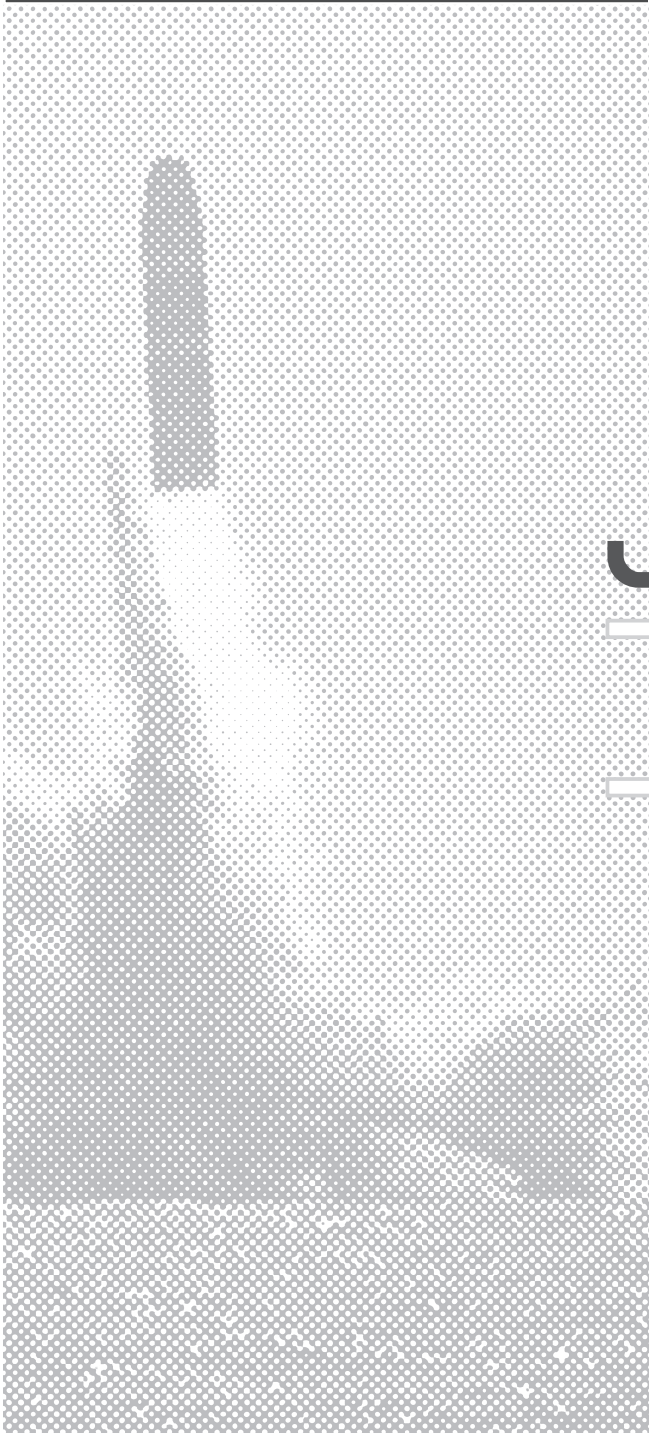




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working
paper

The Responsibility to Protect: East, West, and Southern African Perspectives on Preventing and Responding to Humanitarian Crises

Prepared by Greg Puley on behalf of Africa Peace Forum, African Women's Development and Communication Network, Africa Institute of South Africa, and Project Ploughshares

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About the Author

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About this Paper

This paper, produced jointly by the Africa Peace Forum, the African Women's Development and Communication Network, the Africa Institute of South Africa, and Project Ploughshares, draws on the findings of a series of consultations carried out by these organizations in East, West, and Southern Africa in 2004-2005 with the support of the government of Mali, Foreign Affairs Canada, and the MacArthur Foundation of the United States.



Africa Peace Forum (APFO)

APFO is a non-governmental organization based in Nairobi, Kenya, which carries out research and analysis on peacebuilding, conflict resolution, and security issues in the Horn of Africa and Great Lakes region. APFO engages civil society and the political community in ongoing and joint exploration of new approaches to security arrangements in the region.

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Project Ploughshares

Project Ploughshares is an ecumenical agency of the Canadian Council of Churches established in 1976 to work with churches and related organizations, as well as governments and non-governmental organizations, in Canada and internationally, to identify, develop, and advance approaches that build peace and prevent war. It is affiliated with the Institute of Peace and Conflict Studies at Conrad Grebel University College, University of Waterloo, Waterloo, Ontario, Canada.

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PREFACE

This working paper, produced jointly by the Africa Peace Forum (APFO), the African Women's Development and Communication Network (FEMNET), the Africa Institute of South Africa (AISA), and Project Ploughshares of Canada, has two primary objectives. The first is to provide an overview of current efforts to develop a more effective multilateral approach to preventing and responding to serious humanitarian crises in East, West, and Southern Africa¹, up to and including the use of military force in extreme circumstances. This overview will be conducted with particular reference to the principles and recommendations of the report of the International Commission on Intervention and State Sovereignty (ICISS), entitled *The Responsibility to Protect*. It will assess the degree to which the continent's emerging peace and security architecture reflects these principles, and also provide some recommendations on the steps that could be taken to better incorporate them, where appropriate, as that architecture develops.

The second objective is to identify some of the key challenges facing the development of a more effective multilateral approach to responding to complex humanitarian crises, and to suggest some preliminary strategies for overcoming these challenges.

In pursuing these objectives, the paper will draw on the findings of a series of consultations carried out in East, West, and Southern Africa in 2004-2005 by APFO, FEMNET, and AISA, in cooperation with Project Ploughshares and with the support of the government of Mali, Foreign Affairs Canada, and the MacArthur Foundation of the United States. These consultations included a number of bilateral meetings with senior governmental, non-governmental, and military stakeholders in selected capitals in each sub-region, as well as sub-regional conferences on *The Responsibility to Protect* in Nairobi, Bamako, and Pretoria. The consultations were aimed at examining how the principles and recommendations of *The Responsibility to Protect* might be incorporated into the continent's new peace and security mechanisms. They equally addressed the question of the roles and responsibilities of African and international actors in crisis prevention and response, and the importance of Africa's experiences and perspectives to the broader international debate on the issue.

This paper does not seek to summarize the enormously complex moral, legal, and political debates around the question of 'humanitarian intervention', a task that has been admirably undertaken elsewhere, notably in the companion volume to the ICISS (2001) report itself. Nor does it attempt any detailed examination of Northern or Central African sub-components of the continental effort to better respond to humanitarian crises. Such an examination would, of course, be an equally fruitful one and it has, fortunately, also been begun elsewhere.² Further, the paper does not attempt to exhaustively cover the vast range of issues, from preventive diplomacy to post-conflict reconstruction to practical questions of financial and military capacity, that are touched upon in the ICISS report.

Rather, the emphasis here is on how the central normative and operational questions around when, how, and by whom military force ought to be applied in the interests of human protection are currently being addressed by the African Union and the East, West, and Southern African sub-regions. What is presented here is necessarily a 'snapshot' of a very complex and fluid reality that involves an enormous diversity of issues, views, and

perspectives, as well as a series of new and evolving institutions whose future roles and relationships have yet to become clear. It is hoped that by providing this snapshot, the paper might contribute to an enhanced understanding of African efforts to build a better system for protection of the most vulnerable, and of ways in which multilateral ventures might best support these efforts.

INTRODUCTION

The need for a more effective multilateral response to communities in crisis

The need to build a more effective system for the protection of vulnerable populations in Africa could hardly be clearer or more urgent. The Project Ploughshares 2005 *Armed Conflicts Report* states that, of the 32 intra- and inter-state armed conflicts ongoing in 2004, 14, or close to 50 per cent, were in Africa.

The East and West African sub-regions, in particular, and to a lesser extent Southern Africa are among the most conflictive and insecure areas of the world. In East Africa, it is estimated that there are over 30 violent conflicts currently underway in the IGAD region, most of which are pastoral in nature, and four of which are designated as ‘severe’.³ The ongoing struggle to end the scourge of lawlessness and warlordism in Somalia, together with the still unfolding human tragedies both in Northern Uganda and the Darfur region of Sudan, are but the three most conspicuous examples of the pervasive threats faced by communities in the region. In West Africa, the recent history of widespread instability and violence manifested in conflicts involving Liberia, Sierra Leone, Guinea, and Côte d’Ivoire have necessitated the deployment of thousands of regional and international troops, and involved the entire sub-region in a prolonged crisis marked by some of the most severe violations of human rights imaginable. In Southern Africa, the Democratic Republic of the Congo continues to suffer from a brutal civil war that has resulted in almost four million deaths in less than a decade. Countries such as Mozambique and Angola continue the long and difficult struggle to recover from the prolonged armed conflicts fought within their borders.

It has become a commonplace but all too horrifying observation that civilians, and particularly women and children, bear the overwhelming burden of suffering and loss associated with armed conflicts. Conflicts in Africa, and particularly in the East and West African sub-regions, continue to be characterized by the recruitment and use of child soldiers,⁴ the indiscriminate use of landmines and small arms, the deliberate targeting of civilians, widespread and systematic abuses of international humanitarian law, and large-scale forced displacement. Indeed, the African Union (2004b) reports that the continent is currently home to three million refugees, and at least 20 million displaced persons. The direct and indirect impact of armed conflict on people and communities in Africa, and particularly on the most vulnerable, could scarcely be exaggerated.

Although circumstances arising from organized armed conflict pose perhaps the greatest threat to the safety of people and their communities across the region, it would be a mistake to equate the protection of vulnerable populations solely with the need to prevent and

respond to war and its attendant atrocities. The African Union (2004b) reports that the continent experienced 186 coups d'état between 1956 and 2001, half of which occurred in the 1980s and 1990s. In parts of the continent failed or failing states, economic collapse, corrupt or compromised judiciaries, serious human rights violations, and a persistent culture of impunity all contribute to situations where communities are faced by extreme and imminent peril, and where the state concerned is unwilling or simply unable to provide basic security, or is itself the perpetrator.

In this eleventh anniversary year of the Rwandan genocide, the point hardly needs to be belaboured that the response to such communities by both their African neighbours and the world at large has, in many cases, been woefully inadequate. Despite years of commitment to tackle 'root causes', many of the underlying conditions leading to the resort to violence, including economic and political marginalization, poor governance, and the easy availability of arms, have not been fundamentally reversed. In addition, massive new challenges to security and development, like environmental degradation and the spread of communicable disease, threaten to further destabilize large parts of the continent. Organized efforts to prevent the escalation of nascent conflict, including crisis diplomacy and the imposition of sanctions, have often proven inadequate or ineffective. And once a crisis has escalated to the point of imminent or outright disaster, the impulse of many to intervene to stop the suffering has often been thwarted by the pre-eminent norm of 'non-interference' and a prevalent culture of apparent indifference in both African and international political fora.

Intervention in Africa: challenges of principle and practice

In those extraordinary circumstances, as in Somalia, Liberia, and Sierra Leone, where forced intervention has occurred, results have been mixed.⁵ Intervention has often been as controversial as non-intervention. Some critics both on and off the continent have worried that military interventions weaken the fundamental restrictions on the use of force by states, undermining the principle of sovereign equality that is one of the few defences of the weak against the powerful. This consideration is often raised particularly in light of the continent's colonial past.

Others have pointed out that in the case of many African states, without effective control over the entirety of their territories and with their legitimacy challenged among significant elements of their populations, sovereignty is more legal fiction than practical reality. These critics have not been so alarmed by the prospects of neo-imperialism, and have tended to wonder why intervention has occurred in some cases, while not in others.

Still others have asked, with good reason, why crises are allowed to escalate to disastrous proportions before serious political attention is paid, and why military responses often seem to be preferred to non-military ones. These latter concerns have fuelled latent suspicions that there exists a fundamental unwillingness to understand and confront the deeper structural causes of conflict.

When they have occurred, interventions for human protection purposes in Africa have also been plagued by a series of more practical problems. The time-consuming complexities of mandating and organizing a complex mission have often meant that help has arrived too late.

Coordination between military and humanitarian actors has proven difficult and has raised troubling ethical and operational questions for both sides. Other civilian skills so necessary to complex protection operations, for example human rights monitors, have been difficult to integrate effectively. Financial challenges have also proven extremely difficult to overcome. Military interventions are necessarily costly endeavours, and the resources have seldom been available to implement the kind of long-term, post-conflict reconstruction programs necessary to prevent re-escalation and lay the groundwork for lasting peace and security.

It has also proven difficult to convince the larger military powers to commit troops and equipment to missions that are not perceived to touch upon vital national interests. This has left the lion's share of human resources to be provided by poorer countries which, despite the valour and professionalism of their troops, are less well equipped and often lack the infrastructure necessary for effective coordination and inter-operability. Training and configuration of forces have traditionally been oriented more toward classic 'Chapter VI' UN Peacekeeping missions, or toward traditional war-fighting, than toward the dangerous and demanding roles required in complex emergencies. And even when the appropriate military capacity has been deployed, it has sometimes been hampered by political mandates that restrict the freedom of field commanders to take appropriate action to save lives.⁶

In recent years, many stakeholders in Africa and in the broader international community have recognized that these serious questions of principle and practice need to be confronted in a much more urgent and comprehensive way. At the international level, the International Commission on Intervention and State Sovereignty was established to help shake the world out of its indifference and political paralysis. And within Africa, the new African Union and the various sub-regional organizations are establishing a bold new peace and security architecture designed to take a more proactive and coordinated approach to preventing and responding to serious crises both within and between African states.

ICISS and *The Responsibility to Protect*

Before undertaking a review of how the key principles and recommendations of *The Responsibility to Protect* might be applied in the East, West, and Southern African contexts, it will be useful to briefly review the origins and findings of the International Commission on Intervention and State Sovereignty.

In an address to the General Assembly in 1999, United Nations Secretary-General Kofi Annan laid out the terms of the longstanding controversy around the so-called 'right of humanitarian intervention', the seeming contradiction between the need to respect the external sovereignty of states, and the moral imperative to come to the aid of populations facing extraordinary peril. Reflecting on the failure of the international community to prevent the human catastrophes of the 1990s in Rwanda, Bosnia, and elsewhere, the Secretary-General asked, "If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?" His response to this dilemma was unequivocal: "Surely no legal principle – not even sovereignty – can ever shield crimes against humanity.... The sovereignty of states must no longer be used as a shield for gross violations of human rights."

However, the Secretary-General's assertion begged as many questions as it answered. Where is the line to be drawn between a legitimate defence of people's rights and an unacceptable breach of internal affairs? Who is to carry out interventions, and on whose authority? To whom are interveners to be held accountable? How can interventions be managed in a way that efficiently and effectively responds to the needs of the most vulnerable populations?

Annan challenged the international community to face all of these questions head-on and forge a new consensus on the central questions of principle and procedure around sovereignty and intervention. Canadian Prime Minister Jean Chrétien responded to this challenge in 2000 when he announced that Canada would partner with a number of major foundations to support the creation of the International Commission on Intervention and State Sovereignty. The Commission was co-chaired by Gareth Evans, former Foreign Minister of Australia, and Mohamed Sahnoun, Special Advisor to the UN Secretary-General. The 10 additional members of the Commission were distinguished people from diverse national and professional backgrounds, bringing a wide range of expertise and perspectives to the debate.⁷

The major conceptual shift inherent in the findings of the commission was to reconfigure debate not in terms of the purported 'right' of potential interveners but rather in terms of the 'responsibility' of the broader international community to people facing extraordinary crisis. This shift, argued the commissioners, was a result of looking at the issue from the perspective of those in danger, rather from that of the potential interveners. It rightly makes the vulnerable themselves the direct subject of the debate, rather than bit players in a high political drama over which they themselves have little to no control.

The central theme of the report is "the responsibility to protect," or "the idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe – from mass murder and rape, from starvation – but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states." Importantly, the Commission suggests that the 'responsibility to protect' implies a much broader commitment than the controversial 'right to intervene'. The Commission identified three distinct and inter-related dimensions of this responsibility, which were defined as follows:

- A. **The responsibility to prevent:** to address both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk.
- B. **The responsibility to react:** to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention.
- C. **The responsibility to rebuild:** to provide, particularly after a military intervention, full assistance with recovery, reconstruction, and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert.

A number of recommendations were made concerning the nature and dimensions of such a responsibility, including who should exercise it, under whose authority, and when, where, and how. The Commission summarized these recommendations as follows:

(1) The Just Cause Threshold

Military intervention for human protection purposes is an exceptional and extraordinary measure. To be warranted, there must be serious and irreparable harm occurring to human beings, or imminently likely to occur, of the following kind:

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

(2) The Precautionary Principles

- A. **Right intention:** The primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering. Right intention is better assured with multilateral operations, clearly supported by regional opinion and the victims concerned.
- B. **Last resort:** Military 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.
- C. **Proportional means:** The scale, duration, and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective.
- D. **Reasonable prospects:** There must be a reasonable chance of success in halting or averting the suffering that has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction.

The Commission completed its work during the 2000/2001 Millennium Assembly year and reported back to the UN Secretary-General and the international community in December 2001. Since that time, efforts have been focused on disseminating the report of the Commission and stimulating broad debate on its findings, with a view to forging a new consensus on the basic elements of a new approach to human protection. Initial consultations considered the possibility of a General Assembly resolution outlining the central principles of the responsibility to protect. These yielded a strong sense that the subject was not yet ripe for international agreement and that further dissemination and debate would be required at the regional level before consensus could be crystallized in the world body.

Hence, in the period since 2001, a series of further consultations have been carried out with governments and inter-governmental organizations. These consultations have included the participation of parliamentarians, civil society, and representatives of the academic community, and have aimed to galvanize political will to act on *The Responsibility to Protect* at the international level, as well as identifying concrete steps to implement its recommendations in other national, sub-regional, and regional fora.

The “responsibility to protect” principles were taken up in the 2004 report of the High-level Panel on Threats, Challenges and Change. The report, entitled *A More Secure World: Our Shared Responsibility*, was prepared by a panel of eminent persons convened at the request of the UN Secretary-General in 2003. Briefly, the Panel’s mandate was to assess contemporary threats to international peace and security, evaluate the effectiveness to date of existing policies and institutions in addressing those threats, and recommend ways of strengthening the UN to provide collective security for the twenty-first century.

The report’s position (p. 66) on the “responsibility to protect” debate⁸ is summed up as follows: “We endorse the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent.”

Like the earlier ICISS report, the Panel’s report sets out guidelines for assuring the legality and legitimacy of the use of force. It says that the Security Council remains the sole authority empowered to legally authorize the use of force, of course excluding instances of individual or collective self-defence when faced with an actual or imminent threat. The Panel’s report also identifies criteria comparable to the threshold and precautionary criteria outlined in *The Responsibility to Protect*.

In March 2005, the Executive Council of the African Union adopted the organization’s response to the High Level Panel Report – *The Common African Position on the Proposed Reform of the United Nations*, “*The Ezulwini Consensus*,” including the ‘use of force’ criteria outlined in the High Level Panel Report.

In March 2005 the UN Secretary-General’s report, *In Larger Freedom: Towards Development, Security and Human Rights for all*, was submitted to the General Assembly for consideration prior to the 60th anniversary session scheduled for September 2005. In his report, Secretary-General Annan (p. 35) wrote, “The International Commission on Intervention and State Sovereignty and more recently the High-level Panel on Threats ... endorsed what they described as an ‘emerging norm that there is a collective responsibility to protect’. While I am well aware of the sensitivities involved in this issue, I strongly agree with this approach. I believe that we must embrace the responsibility to protect, and, when necessary, we must act on it.”

THE EMERGING AFRICAN PEACE AND SECURITY ARCHITECTURE

The African Union

At roughly the same time as the Commission was undertaking its groundbreaking work in producing *The Responsibility to Protect*, African governments were considering the need to reconfigure the continent’s multilateral institutions in order to better confront its myriad problems. As with the ICISS, fundamental to this process was a recognition of how the

relationship between states, and even the inter-state system itself, were hindering efforts to provide protection to communities in crisis.

Although a detailed examination of the political motivations of the African Union is beyond the scope of this paper,⁹ two key considerations shed particular light on the creation of the new mechanisms for collective intervention in crises.

First, it must be recognized that the continental organization that preceded the African Union, the Organization of African Unity, was widely considered to have been ineffective in its response to human rights and humanitarian crises within member states. The Organization's adherence to the cardinal principle of 'non-interference in internal affairs' led to a failure to act effectively in the face of egregious violations within states. The OAU was commonly criticized as a 'Heads of State Club', focused more on protecting Africa's leaders from its citizens than the much more pressing task of protecting its citizens from its leaders. Although the early 1980s did see the OAU adopt instruments aimed at moderating this imbalance, such as the *The African Charter on Human and People's Rights*, and although the principle of non-interference was overlooked in some exceptional cases, it is widely accepted that the predominant impact of the Organization's commitment to non-intervention was regime protection and paralysis. By the late 1990s a critical mass of African leaders had come to recognize that if the continent was to overcome the political, financial, and technical constraints that plagued the OAU, the Organization would have to be overhauled and some of its founding principles reconsidered.

Second, there emerged within Africa in the late 1990s a growing sense that the continent's serious peace and security problems were not being treated with the necessary urgency at the international level. Ben Kioko argues that the Constitutive Act of the African Union reflects a profound sense by the drafters of "frustration with the slow pace of reform of the international order, and with instances in which the international community tended to focus attention on other parts of the world at the expense of more pressing problems in Africa" (Kioko 2003, p. 821). This frustration is amply reflected in the Declaration of African Heads of State and Government adopted at the same conference that concluded the Constitutive Act. That Declaration takes note of "the fact that the international community has not always accorded due attention to conflict management in Africa, as it has consistently done in other regions, and that the efforts exerted by Africans themselves in the area of peacekeeping, as provided for under Chapter VII of the UN Charter, are not given adequate financial and logistical support." The Declaration also explicitly calls for the "reform of the Security Council aimed at aligning its membership and functioning to new exigencies."¹⁰ This widespread belief that Africa had been marginalized by the UN Security Council contributed to a growing appetite for more 'African solutions to African problems'. Coupled with frustration with the anachronisms and ineffectiveness of the OAU, this appetite helped lead to the agreement of a Constitutive Act of the new African Union at Lomé, Togo in July of 2000.

The Constitutive Act of the African Union was designed to explicitly confront both the central weaknesses of the OAU and the need for a reinvigorated African 'ownership' of the challenges facing the continent. Importantly, the first objective of the Union is to "[a]chieve greater unity and solidarity between the African countries and the *peoples* [emphasis added] of Africa" (Art. 3 a). This recognition of the fundamental importance of *peoples*, rather than just

states, in continental affairs is indicative of the drafters' determination to replace the OAU's 'Heads of State Club' with an institution aimed at overcoming the challenges faced by people and their communities. Further indication of this is to be found in provisions made for civil society organizations to play a role even in the hitherto sacrosanct peace and security decisions of the organization. Article 20 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union states that the PSC "shall encourage non-governmental organizations, community-based and other civil society organizations, particularly women's organizations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required, such organizations may be invited to address the Peace and Security Council."

This general commitment to place people at the centre of political discourse in Africa is backed up by a specific commitment to intervene when people and communities are put in grave danger by the actions or inaction of their own governments. The Constitutive Act of the African Union is the first international agreement to recognize a right of 'humanitarian intervention'. Article 4 (h) of the Act establishes "[t]he 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." Curiously, the preceding Article, 4 (g), establishes the principle of "[n]on interference by any Member State in the internal affairs of another." Although these articles may initially appear contradictory, they are in fact complementary: 4(g) warns against unilateral intervention, while 4(h) provides for *multilateral* action based on a decision of the Assembly of Heads of State. AU officials call this a policy of 'non-indifference'.¹¹ Jackie Cilliers (2002) of the Institute for Security Studies calls these provisions the 'cornerstone of credibility' of the new African Union, potentially heralding a new era in which African heads of state would use their collective power for the protection of people, rather than the protection of each other.

The Peace and Security Council is the central mechanism through which the AU proposes to maintain peace and security throughout the continent. The Protocol Relating to the Establishment of the Peace and Security Council came into force in January 2004, and the body was officially inaugurated in May of the same year. The Protocol puts into place the mechanisms to operationalize the peace and security elements of the Constitutive Act. In carrying out its functions the Peace and Security Council will be supported by a Panel of the Wise, a Continental Early Warning System, a Common Defence and Security Policy, an African Standby Force, and a Special Fund.

Article 2 of the Protocol defines the PSC as "a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa." The mandate accorded to the Council, established in Article 7 of the Protocol, includes the following elements:

- the anticipation and prevention of disputes, conflicts, and policies that may lead to genocide and war crimes;
- peacemaking and peacebuilding functions to resolve existing conflicts;
- authorization and deployment of peace-support missions;¹²
- recommendation to the Assembly of intervention in the case of 'grave circumstances'; and

- support and facilitation of humanitarian action.

There are a number of means by which an item may be placed on the agenda of the Peace and Security Council. These include submission by a member state, by the Chairperson of the Commission (Secretariat) of the Union, by the Panel of the Wise, by a Regional Mechanism (which is an essential part of the overall peace and security architecture of the AU), or by the Pan-African Parliament. As noted above, civil society organizations may also make representations to the PSC. This important provision is designed to address the problem of political will and sovereignty of member states, and to ensure that the initiation of action is not left to member states alone.

Sub-regional and other multilateral organizations

The African Union is not the only inter-governmental organization to have put in place new political and operative mechanisms relevant to the implementation of the Responsibility to Protect in East, West, and Southern Africa. In recent years, sub-regional and other multilateral organizations have also readdressed the fundamental questions around sovereignty and intervention and taken steps towards building the capacity to enforce their decisions.

West Africa is the region of the world with the most substantial recent history of intervention for human protection purposes, and is also the African sub-region with the most fully elaborated mechanism for crisis prevention and response (see chart in Annex II). Within the Economic Community of West African States (ECOWAS), the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security calls for intervention in case of conflict between states or in case of internal conflict that “threatens to trigger a humanitarian disaster” or that “poses a serious threat to peace and security in the sub-region.” Intervention is also made possible in situations of “serious and massive violations of human rights and the rule of law” or “[i]n the event of an overthrow or attempted overthrow of a democratically elected government” (Art. 25). Decisions around intervention are to be made by the ECOWAS Mediation and Security Council, which consists of representatives of nine Member States and can meet at the Ambassadorial, Ministerial, and Head of State levels (Art. 8, 11). The same Protocol formally establishes ECOMOG – the multinational ‘ceasefire monitoring group’ established for the ECOWAS intervention in Liberia in 1990 and subsequently deployed in Sierra Leone, Guinea-Bissau, and along the Guinea-Liberian border – as the regional ‘intervention force’ (“Definitions”). It also formalizes an Early Warning System based on a series of monitoring and reporting centres in various ‘zones’ of the sub-region (though to date the System has struggled to develop the capacity to work effectively), and reinforces the broad regional moratorium on the trade in small arms and light weapons concluded in 1998 and renewed in 2001.

Unlike ECOWAS, East African states do not yet have in place a functioning sub-regional mechanism for collective intervention, although the Inter-Governmental Authority on Development (IGAD) has recently been active in developing such a capacity. In February 2004, IGAD convened a meeting of Experts on the establishment of the East Africa Standby Brigade (EASBRIG) and the subsequent meeting of Eastern African Chiefs of

Defence Staff which resulted in the signing of the Draft Protocol for the Establishment of the Eastern Africa Standby Brigade. These were followed by meetings at the ministerial level in July in Addis Ababa and September in Kigali that provided further clarification regarding the structure and functions of the standby force. This process culminated on 11 April 2005 when, during the First EASBRIG Assembly of Heads of State and Government in Addis Ababa, the Policy Framework, Memorandum of Understanding, and Budget for the establishment of EASBRIG were adopted.

The East African sub-region has also been active in other areas of conflict management relevant to the Responsibility to Protect, most particularly in the areas of prevention and rebuilding. CEWARN – the Authority’s Conflict Early Warning and Response Network – was established in 1995 to help governments and local communities to prevent the escalation of violent cross-border conflicts and to enable the IGAD Secretariat to pursue conflict prevention initiatives and to provide technical and financial support. CEWARN provides the region with a useful framework for regional conflict resolution, notably including a mechanism for preventive diplomacy and the provision of ‘good offices’. The IGAD Executive Secretary also possesses the capacity to establish fact-finding missions to examine events on the ground and determine how disputes might best be addressed.

In the Southern African region, member states of the Southern African Development Community have also been engaged in collectively developing their sub-regional capacity for conflict prevention and management. Furthermore, the Community also has in place procedures for intervention in the event of extraordinary crises. Specifically, Article 11 of the SADC Protocol on Politics, Defence and Security Co-operation allows the Organ to take “enforcement action” in the case of “significant intra-state conflict,” including “large-scale violence between sections of the population or between a state and sections of the population, including genocide, ethnic cleansing and gross violation of human rights;” “a military coup or other threat to 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.” It should be noted that the controversial military action in the Democratic Republic of the Congo (DRC) in 1998 by SADC allies Angola, Namibia, and Zimbabwe occurred before the entry into force of the Protocol, although there were serious concerns at the time that existing SADC procedures for consultation and collective action were not followed (Ngoma 2004).

More recently, SADC has taken steps towards further developing the sub-region’s conflict prevention and management mechanisms. The First Conference on Defence and Security Co-operation, held in Maputo in December 2004, and the meeting of the SADC Organ on Politics, Defence and Security Co-operation held later in the month in Pretoria were both focused on SADC’s capacity in conflict prevention and management. For example, the issues on the agenda of the Pretoria meeting included, *inter alia*, the operationalization of the Early Warning Centre and of the African Standby Force, with particular reference to the SADC Regional Brigade.

Although they are not the immediate focus of this paper, it should be noted that other African sub-regional organizations have also taken important steps towards the development of more effective collective responses to crises that touch upon the Responsibility to Protect. The Economic Community of Central African States (ECCAS) has similarly established a

sub-regional peace and security council, early warning system, and a non-permanent multinational force consisting of military contingents from Member States. In addition to the range of diplomatic and other measures aimed at the prevention and mitigation of conflicts, the Protocol Related to the Peace and Security Council of Central Africa (COPAX) adopted by the Community allows for intervention by the multinational force in case of internal conflict that “threatens to produce a humanitarian catastrophe” or that “constitutes a serious threat to peace and security in the sub-region” (ECCAS 2000, Art. 25).¹³

R2P and the AU

Having outlined the Responsibility to Protect and given a brief description of the emerging peace and security architecture in East, West, and Southern Africa, the paper will now turn to an examination of the degree to which the principles of the former are reflected in the latter, and, where these principles are not already incorporated, provide some thoughts on whether and how they might be.

General principles

The new peace and security architecture that has been put in place by the AU and the African sub-regional organizations is broadly consistent with the basic principles of The Responsibility to Protect. Both seek to place people and their communities at the centre of the debate around crisis prevention and response. Both put the cardinal emphasis on the overriding importance of prevention. When conflict does emerge, both call for an escalating series of non-coercive measures to provide immediate relief for communities and address the sources of insecurity and grievance. And, when all other measures have been exhausted and humanitarian disaster is imminent or underway, both make provision for the use of military force to provide relief and restore basic security, even without the consent of the state or states concerned.

Although it may appear that the AU’s establishment of a ‘right of intervention’ is not consistent with the ICISS rejection of this terminology and preference for ‘The Responsibility to Protect’, the two are not irreconcilable. The AU establishment of a ‘right’ of intervention is by consent – states party to the Constitutive Act legally acknowledge the existence of this right, and create a series of representative institutions designed to give it force. It is also necessarily multilateral. No particular state is endowed with the right to intervene. Rather, this right is conferred upon the African Union itself, pursuant to a decision by the Assembly of Heads of State. In addition to the important reasons of principle outlined above, the reluctance of the ICISS to use the terminology of ‘rights’ stems from the broader international context, where no such act of consent, no such representative institutions and no such assurance of multilateralism apply. Therefore it is not inconsistent to speak of a general international ‘responsibility to protect’ and, simultaneously, of a ‘right to intervene’ in the context of a legally binding regional framework freely entered into by (in this case, African) states.

Just cause

The Responsibility to Protect sets an extremely high bar for the use of military force for human protection purposes, calling for intervention in cases of “serious and irreparable harm occurring to human beings,” characterized by large-scale loss of life or large-scale ethnic

cleansing. Similarly, the Constitutive Act of the African Union calls for intervention without the consent of the concerned state only in the case of “grave circumstances, namely war crimes, genocide, and crimes against humanity.” Although the terms ‘war crimes’, ‘genocide’, and ‘crimes against humanity’ are not defined in the Constitutive Act, the Protocol Relating to the Establishment of the Peace and Security Council refers to these terms “as defined in relevant international conventions and instruments” (Art. 7 [e]), suggesting that the Geneva Conventions, the Genocide Convention, and the Rome Statute of the International Criminal Court will provide the key references.

As noted above, the three African sub-regional organizations with intervention mandates employ similar language, with ECOWAS and SADC significantly adding the criteria of, respectively, “serious and massive” and “gross” violations of human rights. Although the AU Constitutive Act contains a number of broader references to human rights as founding principles of the Union, these are not included among the criteria that would ‘trigger’ a collective intervention. The ICISS (2001, para. 4.25) took a similar position to that of the AU, preferring that methods other than military intervention be used to respond to situations of gross human rights abuse falling short of large-scale loss of life.

Significantly, a potentially new ‘trigger’ for intervention by the AU has been proposed. The Protocol on Amendments to the Constitutive Act, adopted by the Union but not yet in force, expanded this mandate to allow for intervention in instances of threats to “legitimate order.” This has caused concern among some observers that intervention could be used for purposes more consistent with the character of the old OAU – i.e., the protection of regimes – than with the new, more people-centred approach of the African Union. Concern has also been expressed that, unlike legal terms like “war crimes” and “crimes against humanity” there is no international or African consensus around what constitutes “legitimate order.” This could make the provision more open to manipulation according to the political or economic interests of particular states (Sturman & Baimu 2003).

Others are less concerned by this development, arguing that while the amendment actually broadens the scope for interventions in situations that fall short of the criteria established in the Constitutive Act (such as, for example, a total breakdown of law and order or a government refusal to hand over power following a legitimate election), the rights-based principles and standards embedded in other areas of the AU’s constitutive framework would protect against abuse of the provision (Kioko 2003).

One potential avenue for clarifying this provision would be for the African Court of Justice to render an opinion on the interpretation of “legitimate order.”

Whatever the criteria, the key element of practical decision-making around military intervention and the establishment of “just cause” is the question of evidence. What information and sources are decision-makers to use in reaching the conclusion that “grave circumstances” are afoot? Potential sources of information and analysis to feed into decision-making at the level of the Peace and Security Council would include the Continental and Sub-Regional Early Warning Systems, reports by observers and fact-finding missions appointed by the AU Commission or the United Nations, submissions to the Council by the Pan-African Parliament or Human Rights Commission, and submissions by NGOs participating under Article 20 of the Protocol. A major challenge for the Union is the

development of quick and effective research and analysis capacity, able to draw selectively from the cacophony of voices usually present around a developing crisis to deliver reliable and politically disinterested information in time for any potential reaction to make a difference.

Right intention

The precautionary principle of “right intention” described by the ICISS is straightforward. Interventions must be carried out primarily to halt or avert human suffering and not to further the political, economic, or other interests of any state or group of states.

The principal means by which the African Union and the sub-regional mechanisms seek to ensure “right intention” is through the multilateralism of the decision-making process. An intervention by the AU would require the approval of a two-thirds majority of the Assembly of Heads of State. Sub-regional mechanisms similarly require majority decisions to be made at the Head of State level before enforcement action can be carried out without the consent of the state concerned.

Another mechanism designed to ensure “right intention” is the possibility for representatives of the communities in question to themselves address the Peace and Security Council through the provision made in Article 20 of the Protocol. This provides a means for ensuring that a proposed intervention is in the best interests of those most directly affected.

In practice, while the requirement for multilateralism and the provision to incorporate the voices of the vulnerable are important means of ensuring that interventions are carried out for the right reasons, it is unrealistic to expect states to ‘check their national interests at the door’ when considering their response to humanitarian crises in other states. Nor should they necessarily be expected to. In many cases complex humanitarian emergencies are fundamentally international events. Phenomena such as the proliferation of arms, the activities of mercenaries, and the flow of refugees can spill across borders and have a major impact on neighbouring states. Indeed the World Bank estimates that the presence of refugees in Africa costs their host states around \$530 million per year (Sahnoun 2004). Further, the collapse of authority that often accompanies large-scale crises can create a haven for international terrorists, drug traffickers, and other criminal groups. Their terrible impact can be felt not only on neighbouring states but on communities half a world away.

The reality is that interventions of the kind foreseen by the ICISS and the AU can and will be carried out for a complicated mix of humanitarian and practical motives, which may often be coincident or at least complementary. The most pressing question is not whether the motives that underpin such interventions are purely and uniquely humanitarian, but rather whether states with the capacity to act will be moved to do so in cases where their fundamental interests are *not* significantly at play.

Another important factor in ensuring the principle of “right intention” in the African context concerns the role of the more powerful African states in influencing decision-making. This consideration is perhaps more relevant at the level of the sub-regional organizations, and particularly those sub-regions like West and South Africa that are characterized by the presence of a clear hegemon, than at the level of the African Union.

Given the extremely limited collective financial and military capacities available to the multilateral organizations, practical decision-making around intervention is likely to be dominated by those states that are willing and able to put their money where their mouth is. The African Chiefs of Defence Staff recognized as much in their 2003 Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee, in which they concede that for the foreseeable future any “intervention mission” would require the leadership of a powerful “lead nation”(para 2.5).

The fact that such a lead nation is recognized as a necessary element of a complex intervention mission does tend to dilute the multilateral decision-making that is the most effective guarantee of the principle of “right intention.” Surely no such intervention would be contemplated if it were not in the interests of the lead nation. However, short of a major injection of resources dedicated to building up the independent capacity of the multilateral institutions (see below), this is a practical reality that cannot be expected to change. It is worth noting in this context that South Africa and Nigeria are themselves at the forefront of pushing for this injection of resources, feeling as they do the significant financial and military strain of providing the lion’s share of support for operations on the ground. These states appear willing to cede some of the disproportionate influence that comes from their greater military and financial capacities in exchange for more equal sharing of the burdens associated with peace and security tasks in their sub-regions.

Last resort

The principle of “last resort” established by the ICISS (2001, p. XII) states, “Military 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.”

Although it is not expressly written into any intervention mandate, this consideration is amply incorporated into the mechanisms of the AU and the East, West, and Southern African sub-regional systems. All provide for a series of measures short of military force, such as preventive diplomacy, the provision of ‘good offices’, the dispatching of monitors, and the imposition of sanctions. It can be assumed that, as a matter of procedure, all such measures would be contemplated by the African Union’s Peace and Security Council (or, indeed the ECOWAS Security and Mediation Council) before a recommendation for intervention was made to the Heads of State.

Recent experience in Africa indicates that the greater danger here is not that the range of non-coercive means will be rushed through too quickly, but rather that the collective response to a crisis may be stalled at this stage even if these means prove ineffective. It is not difficult to imagine a situation in which, a critical mass of opinion not having formed at either the sub-regional or continental levels in favour of intervention in a catastrophic situation, a long series of hearings and fact-finding missions plays itself out while suffering on the ground continues or accelerates.

A related danger here has to do with the nature of the decision-making process itself. The AU’s Peace and Security Council itself is not empowered to make decisions around intervention but only to make recommendations to the Assembly of Heads of State and to

subsequently establish the ‘modalities’ of an approved intervention. This raises the question of how long, in practice, it would take for such an authorization to occur. The Constitutive Act initially provided that the Assembly shall only meet once a year in ordinary session. In crisis situations like those that have occurred in Liberia, Rwanda, Sierra Leone, and Sudan, a few months delay in action could come at the expense of thousands of lives. Perhaps due in part to this realization, the Constitutive Act was amended to require the Assembly to meet biannually. In addition to these meetings, the Constitutive Act (Art. 6 [3]) states that extraordinary sessions may be arranged at the request of a Member State and upon the approval of a two-thirds majority of Member States.

One practical means of overcoming this dilemma would be for the Peace and Security Council to set a definitive time limit for a decision on intervention once a recommendation has been made to the Assembly of Heads of State. Another, parallel measure might be for the PSC to adopt its own rules of procedure for expedient deliberations, including the solicitation of early input from concerned governmental and non-governmental groups, once a humanitarian emergency is brought to its attention. A final possibility would be to endow the Chairperson of the Peace and Security Council, or of the AU itself, with the authority and budget to begin logistical and other preparations for a mission even in the absence of a final authorization from the Assembly. Such a step could considerably shorten the ‘lag time’ between a positive decision and actual deployment, and would parallel the recent UN decision to endow the Secretary-General with similar powers. It must be conceded, however, that given the current dependence of the AU on external sources of funding, such a development does not appear likely in the foreseeable future.

Proportional means

The ICISS principle of “proportional means” requires that “[t]he scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective” (ICISS 2001, p. XII).

In the African context, responsibility for respecting the principle of “proportional means” would fall both to the AU Peace and Security Council (and/or sub-regional authorizing body) in its establishment of the modalities of an intervention mission, and to the armed forces tasked with carrying it out.

One obvious means of ensuring that intervention missions are carried out in as effective and restrained a manner as possible is full incorporation of and respect for International Humanitarian Law in all operations. This principle is well incorporated into the AU’s founding documents, including the Constitutive Act and the Protocol Relating to the Establishment of the Peace and Security Council. The Draft Framework for a Common African Defence and Security Policy (AU 2004a, p. 11) commits the AU to “provide a framework for humanitarian action to ensure that international humanitarian law [IHL] is applied during conflicts between and among African States.”

African Chiefs of Defence Staff have also stressed the importance of IHL in their deliberations around the doctrine and standard operating procedures for the new African Standby Force. In their draft policy frameworks for the establishment of the ASF and Military Staff Committee (AU 2003), they have committed the AU to drawing as much as

possible on doctrine produced and used by the UN. They have also begun a forthright dialogue on doctrine for multilateral operations with SHIRBRIG – the international Standing High Readiness Brigade based in Denmark. It is recognized, however, that this doctrine is aimed primarily at complex peacekeeping missions and may not be entirely suited to the unique demands of an intervention mission aimed at human protection without the consent of the state involved. The Chiefs of Staff recognize this reality and suggest that, in the case of intervention, the AU may wish to seek NATO or European advice (para 2.13).¹⁴ While such a consultation may indeed prove helpful, the AU should also be able to draw on the wealth of practical experience in this field that has been accrued at the sub-regional level, and particularly in ECOWAS.

As the African Standby Force consolidates and the modalities of AU cooperation with sub-regional organizations on issues of peace and security become clearer, significant attention must be dedicated to drawing on the best practices and lessons learned in the area of military missions aimed at human protection, sharing these across the different sub-regions, and incorporating them into the various training programs for peace support operations in different parts of the continent.

Reasonable prospects

The ICISS (2001, p. XII) principle of “reasonable prospects” states that: “[t]here must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction.” The Commission (2001, para. 4.42) recognized that, on purely utilitarian grounds, this principle implies that military intervention for human protection purposes could not be carried out against any of the permanent members of the Security Council or other ‘major powers’.

It is reasonable to assume that a similar constraint would also apply to any continentally or sub-regionally mandated intervention in Africa. It is difficult to imagine a scenario in which a proposed intervention on the territory of one of the larger regional hegemony would command the broad support of other Heads of State. Even in the unlikely event that such an intervention did command the necessary levels of support, the current operational realities on the continent are such that it would have to be carried out largely with extra-African military resources.

In practical terms, then, for the foreseeable future any interventions contemplated by the AU, ECCAS, SADC, or ECOWAS are likely to be against relatively weak, failed or failing states or in regions where the intervention force is unlikely to meet heavy resistance from a significant national army. Within such parameters, the most effective guarantor of the principle of “reasonable prospects” is cautious, considered deliberation on the part of the various decision-making bodies. Indispensable to this objective is the availability of the most accurate and sophisticated research and analysis possible, allowing decision-makers to consider all of the possible consequences and incorporating the enormous lessons learned from the experiences of Somalia, Rwanda, Liberia, Sierra Leone, and elsewhere. This in turn will require a highly competent and professional staff working in close cooperation with the appropriate sub-regional bodies – an asset that the African Union seems focused on developing as more resources become available.

Right authority

On the question of what body or bodies could authorize a military intervention for human protection purposes, the ICISS took the view that the UN Security Council was the best and most appropriate body. It focused many of its recommendations on making the Security Council more effective in facing humanitarian crises within states.

Recognizing, however, that these recommendations are unlikely to be immediately implemented, the ICISS acknowledged the role of regional or sub-regional organizations in undertaking enforcement action under Chapter VIII of the UN Charter, subject to their seeking subsequent authorization from the Security Council. This process of local authorization and ex post facto recognition from the Security Council did in fact prevail in the cases of the Nigerian and ECOWAS interventions in Liberia and Sierra Leone in the 1990s.

The current situation with regard to “right authority” on the African continent is decidedly complicated. New institutions are in the process of emerging and the relationship between the various levels of authority has yet to become entirely clear. The AU’s Protocol Relating to the Establishment of the Peace and Security Council pledges the body to “fully cooperate with” and “maintain close and continued cooperation with” the United Nations Security Council and with the sub-regional bodies. It recognizes all of these bodies as an integral part of the continent’s peace and security architecture. It also recognizes (p. 1) the “primary role” of the Security Council in the maintenance of international peace and security.¹⁵ However, there is no indication of the specific role of the Security Council in authorizing a proposed intervention, as would be its right under Chapter VII of the UN Charter.¹⁶

Similarly, the ECOWAS Protocol relating to the mechanism for conflict prevention, management, resolution, peacekeeping and security (Art. 27, 52) provides that the Community shall inform the Security Council and the AU of any decision to intervene, but does not indicate that any prior authorizations shall be sought. The South African Development Community is somewhat less equivocal on this question, affirming that, in accordance with Article 53 of the UN Charter, enforcement action shall be taken “only with the authorization of the UN Security Council.” The SADC Protocol on Politics, Defence and Security Cooperation does not indicate, however, at what stage this authorization shall be sought, and it does not specify any particular role for the African Union (see Art. 11[3]). As noted above, there are serious questions around how closely existing internal procedures were followed in the case of the 1998 actions by SADC countries in Lesotho and the Democratic Republic of Congo.

Although the political and juridical situation around “right authority” in Africa does need to be rationalized and the various levels of decision-making brought into a clearer relationship, this is not as great a cause for practical concern as might be imagined. A formidable consensus has emerged surrounding the right and responsibility of African actors to respond to crises on the continent – on their own authority and on their own terms. Procedures and working relationships are likely to be clarified and consolidated as the AU concludes a Common Defence and Security Policy and Memoranda of Understanding with the sub-

regional organizations, processes which are both underway. A body of experience will also soon develop on the modalities of consultation and cooperation between New York and Addis Ababa.

In the meantime, it may be the case that any potential intervention could be shopped around the various venues, authorization sought where it is most likely to be given, with reliance on the precedent of ex post facto authorization by other bodies if and where necessary. In this respect it seems entirely unlikely that, in the case that an intervention were authorized by a majority of Heads of State either at the sub-regional or continental levels, other levels more distant from the situation on the ground would presume to challenge it. Disapproval would much more likely be expressed through silence and the withholding of financial and logistical support. Here again it is clear that in the African context the practical questions around the capacity to enforce decisions are of greater immediate relevance to the implementation of the “responsibility to protect” than the normative questions around decision-making.

The Project Ploughshares, APFO, FEMNET, and AISA consultations found little to no unease among African stakeholders that the formalization of enforcement powers at the continental or sub-regional levels would undermine the role or authority of the UN Security Council. As is the case with the reinterpretation of the meaning of sovereignty, this concern simply does not trigger the same alarm bells in Africa that it does in other regions of the world. Given the composition of the permanent membership of the Security Council and its track record of dealing with serious peace and security problems in Africa, this is hardly surprising. At a moment in history when Africans are beginning to chart a course away from the old politicking and paralysis and towards a more genuinely independent capacity to respond to crises, there is little appetite to allow distant political sensitivities around Chechnya or Tibet to determine the rights and wrongs of enforcement action on the continent. And it doesn't seem likely that they will. The development of clearer modalities for close cooperation between all levels of authority and a willingness to continue to provide ex post facto authorizations when necessary should lead, in time, to a system that provides both for the primary international role of the Security Council, and the aggressive pursuit of ‘African solutions to African problems’. The more pressing danger seems to be not that the Security Council will resist some limited devolution of power to Africa, but rather that newfound authority will not be matched by newfound capacity.

If new continental mechanisms can indeed be developed without undermining the fundamental *role* of the UN, they must equally be developed without undermining the fundamental *responsibility* of the UN and the broader international community to help build the capacity to make those mechanisms work. In other words, ‘African solutions to African problems’ must not mean that the “responsibility to protect” is simply downloaded to Africa.

The capacity to protect

The development of law, norms, and political mechanisms to allow for collective intervention in conscience-shocking situations is of little more than academic value if it is not accompanied by a parallel increase in the practical means of carrying out such interventions. Indeed the capacity gap is the most significant challenge facing the implementation of the “responsibility to protect” in Africa. Along with the pre-eminent

importance of prevention, this concern was most consistently expressed by participants in the East, West, and Southern African consultations.

To fulfill its central role in the maintenance of peace and security on the continent, the AU in its Protocol Relating to the Establishment of the Peace and Security Council (art. 13) establishes an African Standby Force (ASF), which could be deployed in a variety of scenarios ranging from ceasefire monitoring to “humanitarian intervention.” The ASF would be activated upon a decision of the Peace and Security Council. Initial meetings of representatives of the African Chiefs of Defence Staff in May of 2003 established a draft framework outlining how such a force might be configured (Sahnoun 2004). Their proposal envisions a regionally based force consisting of five standby brigades, to which each country is required to pledge soldiers and logistical support. The force would operate according to a common doctrine, and work towards the standardization of equipment and the necessary degree of inter-operability. These objectives are broadly in line with the recommendations of the Brahimi report (UN 2000), which called for much greater coherence in international peace support operations, and in this regard favoured the creation of brigade-level formations.

The proposal submitted by the Chiefs envisions the development of the force in a series of phases. The first phase (to mid-2005) is to focus on the development of a collective monitoring capacity, including a modest roster of military observers, police units, and civilian experts. The second phase seeks to develop, between 2005 and 2010, the capacity to fully manage complex peace support operations, including all of their attendant military and civilian components. Tellingly, the Chiefs of Defence Staff recognize that, given the challenges related to a “hostile intervention” and the necessary degree of operational and command coherency, for the foreseeable future such operations are best conducted by a coalition under a “lead nation.” They see an independent ASF capacity to conduct such an operation as a “long term goal,” presumably beyond the conclusion of the second phase in 2010 (AU 2003, para 2.13). Another long-term goal is an advance force for such missions to be deployable within 14 days (AU 2003, para 2.9).

This recognition by the most relevant military experts of the exceptional complexities surrounding a hostile, ‘humanitarian intervention’ mission do add a sobering dose of reality to the optimistic proclamations of a ‘new era’ of collective African response to the worst atrocities on the continent. It should be borne in mind, however, that the difficulties surrounding the development of such a capacity do not make it any less relevant or necessary, and that the growth of African regional brigades and the political will to use them will provide important deterrent effects even in the absence of a full blown, independent capacity to intervene.

Elements of the plan submitted by the Chiefs of Defence Staff have already been taken up at the sub-regional level, where meetings of military experts have taken place to begin mapping out the composition and workings of the regional brigades. As mentioned earlier, some sub-regions have already taken steps towards the development of their common forces, or had taken these before the formal establishment of the ASF. In East Africa, early 2004 saw the formal creation of EASBRIG – the East African element of the Force to be based in Kenya. In West Africa ECOMOG has already been established as the common sub-regional

'intervention force', as has FOMAC in the region of the Economic Community of Central African States.

Although most of the military questions surrounding the creation, workings, and organization of the African Standby Force are beyond the scope of this paper and are well addressed elsewhere,¹⁷ it is clear that an overriding consideration surrounding the effectiveness of the ASF is the question of resources. Without the financial wherewithal to train and deploy the kind of robust multilateral force envisioned by the AU, the Union will have little success in enforcing its bold new mandates. To this end, the Protocol establishing the AU Peace and Security Council (Art. 21) also establishes a Peace Fund to finance the Union's activities in this area, to which Member States are expected to contribute regularly, and for which other African and international donations are solicited. The African Chiefs of Defence Staff have made a number of suggestions as to how the resources available to the Peace Fund could be maximized, including notably increasing solicitations from Member States and seeking a way to involve insurance corporations (AU 2003, para 2.33). Another often repeated suggestion is the imposition of a pan-continental entry tax on tourists.

Helpful as such mechanisms may be, the scale of the shortfall of current resources compared to the foreseen role of the ASF must be considered. The financial crisis experienced by the recently terminated AU mission in Burundi, and the Union's desperation to hand the operation over to a UN-mandated and -financed mission indicate the severe financial challenges ahead should the AU take on greater responsibility for the financial management of such operations.¹⁸ Since its inception in 2004 the African Union Mission in the Darfur region of Sudan has received significant funding from the international community but has nevertheless struggled in carrying out its mandated duties, due to inadequate resources and capacity. It should also be borne in mind that the significant new resources required by the Peace Fund and parallel sub-regional resource pools must be allotted not just to the maintenance of peace support operations in the field but also to equally pressing tasks related to *The Responsibility to Protect*. These include regional training programs for troops such as those being developed at the Kofi Annan International Peacekeeping Training Centre in Accra; early warning and early response networks; disarmament, demobilization, and reintegration programs; and regional action plans to combat the proliferation of small arms.

A limited amount of help to tackle these financial challenges does appear to be on the way from the international community, although these commitments fall far short of the ambitious plan laid out by the African Union.¹⁹ Sixty per cent of the UN's \$2.17 billion peacekeeping budget for the 2003/2004 financial year was dedicated to five UN missions in Africa (Kent & Mallan 2003). Elements of the ASF action plan submitted by the Chiefs of Staff were taken up in the June 2003 Joint Africa/G8 Plan to Enhance African Capabilities to Undertake Peace Support Operations. At its 2003 Summit in Evian, France, the G8 committed to support one standby brigade by 2010. At the 2004 summit in Georgia, the G8 committed to "[t]rain and, where appropriate, equip a total of approximately 75,000 troops worldwide by 2010, in line with commitments undertaken at Kananaskis and Evian." This effort will have a sustained focus on Africa and other nations that can contribute to peace support operations both in Africa and elsewhere.

The European Union has also provided significant new funding for the Peace and Security activities of the AU, establishing the African Peace Facility in April 2004 with an initial contribution of €250 million. The facility is designed to support African-led, -operated, and -staffed peacekeeping initiatives in Africa. In addition, the Facility will also contribute to the strengthening of the capacity of the Africa Union and its sub-regional organizations to effectively design, plan, and implement peace operations on the continent. Significantly, €12 million have already been made available to fund the AU observer mission in Darfur (EU 2004).

Other countries like Canada, Britain, France, the United States, Sweden, and Germany provide significant bilateral aid both to the continental and sub-regional peace funds and also to specific initiatives aimed at training peacekeepers and building a professional command capacity for the effective direction of operations.²⁰ Efforts to integrate these programs into a more coherent whole, to boost their combined commitment of resources, and to ensure that improved capacity is translated into an increased commitment to deploy troops have all encountered difficulty. These areas are, however, crucial if the continent is to develop a peace-support capability to match its bold new mandates and mechanisms. They deserve much more serious and coordinated attention from the donor community.

The 2004 Report of the UN's High-Level Panel addressed the importance of providing significant and sustained external funding to Africa's emerging security architecture. Referring specifically to African regional and sub-regional organizations, the Panel recommended that donor countries commit to a 10-year process of sustained capacity support for these institutions, in line with the AU's strategic framework.

FROM WORDS TO ACTION: PRACTICAL CHALLENGES FOR IMPLEMENTING THE RESPONSIBILITY TO PROTECT

This paper has sought to review both the central normative and operational questions surrounding the implementation of the Responsibility to Protect in East, West, and Southern Africa. It should be clear from the preceding analysis that both the African Union and many of the sub-regional organizations on the continent have taken fundamental steps towards overcoming the difficult issues around sovereignty that have hampered collective responses to humanitarian crises in the past. The basic normative and juridical shifts have been made, and these are largely consistent with the principles and recommendations of *The Responsibility to Protect*. The groundwork has been laid for the continent to move from a culture of paralysis to a culture of protection. It is a step that, in our consultations with East, West, and Southern African governments, academics, and civil society representatives, was met with widespread yet cautious support.

If, however, it is clear that there is exciting new potential for improving the African response to the gravest peace and security challenges on the continent, it is equally clear that a number of challenges need to be overcome for this potential to be fully realized. While the essential first steps towards establishing a much more appropriate collective policy framework have been taken, the greater challenges of translating words into action still lie ahead.

The first of these challenges relates to the political task of refining the new policy framework, ‘filling in the gaps’ related to decision-making around intervention. The ‘precautionary principles’ of the ICISS received widespread support in our consultations, and participants were anxious that they be adapted to the current African reality and incorporated into decision-making structures and processes at the various levels. As noted in the above discussion, there are a number of ways that the AU and sub-regional mechanisms might approach this. At the level of the AU, there could be a resolution on the Responsibility to Protect at the Pan-African Parliament. The AU Panel of the Wise might also be asked to consider the application of the ICISS principles to decision-making by the Assembly of Heads of State on any proposed intervention. On particular legal questions such as that surrounding the meaning of ‘legitimate authority’, the African Court of Justice might be asked to offer an opinion in order to clarify the scope of the AU’s right to intervene.

While our consultations did encounter a good deal of debate around the policy framework for intervention and the details of the decision-making processes, of paramount concern to most was the overwhelming gap between political/judicial structures to channel action, and the will and capacity to act. The debilitating distance between words and action attracted the greatest concern and discussion by a majority of participants. Africans attuned to the political workings of the continent have far too much experience in seeing bold commitments left completely unimplemented to embrace the declaration of yet another ‘new beginning’ without asking the difficult questions about how, in practice, it is to be brought about. The following are, in summary form, the recommendations that came forward most forcefully and most often on how to make the monumental leap from rhetoric to reality.

- **Match the renewed commitment to prevention with appropriate political attention and resources.** It has become almost de rigeur in political circles to underscore the primacy of prevention in approaches to peace and security. Both the ICISS and the AU leave no doubt that they consider conflict prevention to be the greatest challenge in the effort to protect vulnerable communities. Participants in our consultations consistently underscored the belief that, once a crisis reaches the point where intervention can be contemplated, those efforts have already failed. And yet, resources and political attention dedicated to the fundamental tasks associated with conflict prevention – the promotion of political and economic justice, good governance, effective research and early warning, preventive diplomacy – continue to strike many stakeholders as secondary to those dedicated to reaction. If the AU is indeed to usher in a new culture of prevention and accountability, this imbalance needs to be fundamentally redressed. In the context of the continent’s new peace and security architecture, that means making the necessary long-term investments in research, analysis, and early warning; and coupling these with the political will to take swift and robust action to head off crises as they develop and to address the root causes of insecurity.
- **Build bridges between the development, security, and humanitarian communities.** The African continent’s bold new venture into a system of collective response to crises creates a series of formidable challenges that cross traditional

institutional, disciplinary, and even ideological lines. These communities may not always agree on fundamental questions regarding when and how force ought to be applied in the interests of human protection – or may take no position on this question at all – but all do have an interest that, once undertaken, such operations are carried out in the most restrained and effective manner possible. A military operation aimed at human protection requires the input of those most familiar with the ‘root causes’ of grievance, the expertise of those who provide direct relief to the suffering, and the experience of those whose task is the judicious application of force in a complex, hostile environment. The success of such operations requires that all interested parties cooperate in ways not taken in the past. Fortunately, a wealth of experience in overcoming these gaps and working together, not only in operations themselves but also in planning and training, has developed – particularly in ECOWAS – and needs to be built upon and disseminated. The AU is in the key position to foster this inter-disciplinary process. It must focus on providing fora for exchange and supporting the institutionalization of permanent dialogue, notably through encouraging broad participation in training programs and fostering robust dialogue and exchange between the sub-regions and also between African and international experts.

- **Address the question of inter-institutional coherence.** Participants in our consultations often expressed confusion and some concern over the seemingly overlapping mandates of the UN, the AU, and the sub-regional mechanisms in responding to crises. Particularly on the question of ‘right authority’ for the authorization of interventions, there was a predominant sense that juridical and political roles need to be made clearer. However, this concern about specific roles and working relationships occurs in the context of overwhelming support for the key principle that Africa has the authority and indeed the responsibility to respond to African problems on its own terms. Accordingly, a widely accepted guiding principle for the rationalization of the institutional structure was that collective responses to vulnerable communities – up to and including intervention – were best formulated at as close a level to the situation on the ground as possible. In the African context, this means that there is a clear role for sub-regional organizations in assessing situations and formulating responses, with the UN and AU levels providing much needed political and logistical support.

The role of NEPAD – the New Partnership for African Development – in the new peace and security architecture was also unclear to many and widely seen to be in need of clarification.

- **Focus on developing the ability to act independently of the donor community.** Given the hard financial realities facing the AU and the sub-regional organizations, a recurrent concern centres on the role of the donor community in influencing decision-making on the continent. If ‘African solutions to African problems’ are indeed to be developed, long-term strategies for overcoming donor dependence need to be put in place. The AU and sub-regional organizations have all proposed creative ways of maximizing the African resources available to collective peace and security efforts. These ideas need to be further investigated and aggressively acted upon. In

practical terms, there is no getting around the fact that the UN and bilateral contributions will be a necessary element of the continent's peace and security architecture for the foreseeable future. These resources, however, need to be channelled as much as possible into the development of an African capacity to independently assess, decide, and take action in the face of humanitarian crises.

- **Focus on the development of an indigenous African research and strategic analysis capacity.** The availability of timely, professional research and analysis is a key element to ensuring that decision-making on crisis response is in line with the ICISS principles of Just Cause, Last Resort, and Reasonable Prospects. To realize the AU vision of an effective continental peace and security architecture, significant resources need to be channelled into the development of independent African capacities to quickly assess developing situation and present clear policy options to decision-makers. Significant harnessing and coordinating the expertise at the sub-regional level is necessary to avoid duplication and ensure that experienced voices are heard and heeded.
- **Develop clearer mechanisms for incorporating civil society into decision-making.** One important finding of the consultative process in East, West, and Southern Africa was that many civil society organizations – particularly NGOs working in the fields of development, human rights, peace, and security – had a poor understanding both of inter-governmental organizations and of the opportunities for civil society organizations (CSOs) to access them. Important progress in addressing this problem has been made at the African Union, as reflected in Article 20 of the Peace and Security Protocol. However, there is a distinct feeling in many CSOs that access to intergovernmental organizations remains the purview of a few elite organizations with access to foreign funding and connections. Raising awareness and ensuring broad and active participation remain formidable tasks that are absolutely fundamental to the accomplishment by the AU of the bold objectives that it has set for itself. The best way to ensure that African leaders live up to their responsibilities is for African citizens groups to play an active, informed role in pushing for action and holding leaders to account when it is not forthcoming.
- **Prioritize the role of women.** The disproportionate burdens borne by women in armed conflict, the fundamental role of women in traditional African mechanisms of conflict resolution, and the urgent need for women to be much better represented in positions of authority are widely recognized as foundational truths that must be acknowledged in Africa's new peace and security architecture. Yet women are consistently underrepresented in fora where grand decisions around peace and security are made. Redoubling efforts on this front is an indispensable prerequisite to ensuring not only that interventions are carried out in the right way, at the right time, and for the right reasons, but that, ultimately, they will no longer need to be carried out at all.

NOTES

¹ For the purposes of this paper and for the series of consultations and conferences upon which it is based 'East Africa' is taken to mean the states of IGAD (Sudan, Eritrea, Ethiopia, Djibouti, Somalia, Kenya, and Uganda) plus the states of the East African Community (Tanzania, Uganda, and Kenya). 'West Africa' is taken to mean the states of the Economic Community of West African States (Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, Gambia, Ghana, Guinée, Guinée-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo). 'Southern Africa' is taken to mean the member states of the Southern African Development Community (Angola, Botswana, the Democratic Republic of the Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe).

² See, for example, the results of the Fund for Peace's 'Regional Responses to Internal War' project at <http://www.fundforpeace.org/programs/rriw/rriw.php>, and the results of a civil society workshop on the Responsibility to Protect held in Kigali in February of 2004: http://www.ligi.ubc.ca/kigali_conceptpaper.pdf.

³ Statistic taken from presentation of Mr. Peter Marwa, IGAD official, at the conference *The Responsibility to Protect: East African Perspectives*, Nairobi, March 2004. This figure of 30 ongoing violent conflicts in East Africa alone includes not only major armed conflicts, but also skirmishes that do not necessarily result in many deaths. According to one of the criteria used by Project Ploughshares, to be classified as an armed conflict, over 1,000 deaths must be attributable to the crisis since its inception.

⁴ An estimated 200,000 of the world's 350,000 child combatants are African. Statistic is taken from the presentation of Ambassador M. Sahnoun (2004).

⁵ For a brief summary of the history of military interventions for human protection purposes in East, West and Southern Africa, see Annex II.

⁶ For a tragic account of the frustrations involved in such circumstances, see Lt. Gen. Roméo Dallaire's 2004 account of the United Nations Mission for Rwanda, *Shake Hands With the Devil* (Toronto: McClelland & Stewart).

⁷ Over the course of the following year, the Commission held a series of 11 regional roundtables in Ottawa, Geneva, London, Maputo, Washington DC, Santiago, Cairo, Paris, New Delhi, Beijing, and St. Petersburg. Roundtables were attended by a variety of national and regional officials, representatives of civil society, NGOs, academic institutions, and think-tanks. Drawing on the results of these consultations, the findings of the report were unanimously agreed upon by the 12 Commissioners.

⁸ Although only the issue of reaction is discussed presently, in line with the ICISS Report, the Panel's Report also speaks to the prevention and rebuilding obligations that accompany (and arguably take priority over) the international community's protection responsibilities.

⁹ See Abass & Baderin (2002, p. 12), as well as the wealth of information and analysis on this topic produced by the Institute for Strategic Studies, <http://www.iss.co.za>.

¹⁰ AHG/Dec. 2 (XXXVI), quoted in Abass & Baderin (2002).

¹¹ Comment attributed to Mr. Wafula Okumu, Political Analyst, African Union at the March 2001 Conference *The Responsibility to Protect: East African Perspectives*.

¹² To date, the Peace and Security Council has authorized two missions: the African Mission in Burundi (AMIB), which ended in May 2004 with the deployment of a UN peace support operation; and, the ongoing African Mission in Sudan (AMIS). For a detailed examination of these missions, with a particular focus on their efforts at protecting vulnerable populations see Powell (2005).

¹³ Translation from the original French by the author.

¹⁴ For a useful analysis of this framework see Kent & Malan (2003).

¹⁵ Abass and Baderin (2002) point out that the OAU had previously finessed this question by conferring on the UNSC the ‘primary’ responsibility for the maintenance of peace and security in Africa, while affirming that “the OAU, in close cooperation with the UN and Regional Economic Communities, remains the *premier* organization for the maintenance of peace and security in Africa.”

¹⁶ Although Article 52 of the UN Charter provides a role for regional organizations in maintaining international peace and security, the following Article provides that “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council.”

¹⁷ See, for example, Kent & Malan (2003) and Burton, Powell, Tiekou & Akuffo (2004).

¹⁸ See, for example, the AU Peace and Security Council Communiqué VII, 3 May 2004.

¹⁹ For a review of commitments pledged to the AU, see Powell (forthcoming).

²⁰ For a review of these, see Burton, Powell, Tiekou & Akuffo (2004).

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ANNEX I: R2P SYNOPSIS

THE RESPONSIBILITY TO PROTECT: CORE PRINCIPLES

(1) BASIC PRINCIPLES

- A. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
- B. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.

(2) FOUNDATIONS

The foundations of the responsibility to protect, as a guiding principle for the international community of states, lie in:

- A. obligations inherent in the concept of sovereignty;
- B. the responsibility of the Security Council, under Article 24 of the UN Charter, for the maintenance of international peace and security;
- C. specific legal obligations under human rights and human protection declarations, covenants and treaties, international humanitarian law and national law;
- D. the developing practice of states, regional organizations and the Security Council itself.

(3) ELEMENTS

The responsibility to protect embraces three specific responsibilities:

- A. **The responsibility to prevent:** to address both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk.
- B. **The responsibility to react:** to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention.
- C. **The responsibility to rebuild:** to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert.

(4) PRIORITIES

- A. **Prevention is the single most important dimension of the responsibility to protect:** prevention options should always be exhausted before intervention is contemplated, and more commitment and resources must be devoted to it.

- B. The exercise of the responsibility to both prevent and react should always involve less intrusive and coercive measures being considered before more coercive and intrusive ones are applied.

THE RESPONSIBILITY TO PROTECT: PRINCIPLES FOR MILITARY INTERVENTION

(1) THE JUST CAUSE THRESHOLD

Military intervention for human protection purposes is an exceptional and extraordinary measure. To be warranted, there must be serious and irreparable harm occurring to human beings, or imminently likely to occur, of the following kind:

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

(2) THE PRECAUTIONARY PRINCIPLES

- A. **Right intention:** The primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering. Right intention is better assured with multilateral operations, clearly supported by regional opinion and the victims concerned.
- B. **Last resort:** Military 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.
- C. **Proportional means:** The scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective.
- D. **Reasonable prospects:** There must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction.

(3) RIGHT AUTHORITY

- A. There is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes. The task is not to find alternatives to the Security Council as a source of authority, but to make the Security Council work better than it has.
- B. Security Council authorization should in all cases be sought prior to any military intervention action being carried out. Those calling for an intervention should formally request such authorization, or have the Council raise the matter on its own initiative, or have the Secretary-General raise it under Article 99 of the UN Charter.
- C. The Security Council should deal promptly with any request for authority to intervene where there are allegations of large scale loss of human life or ethnic

- cleansing. It should in this context seek adequate verification of facts or conditions on the ground that might support a military intervention.
- D. The Permanent Five members of the Security Council should agree not to apply their veto power, in matters where their vital state interests are not involved, to obstruct the passage of resolutions authorizing military intervention for human protection purposes for which there is otherwise majority support.
 - E. If the Security Council rejects a proposal or fails to deal with it in a reasonable time, alternative options are:
 - I. consideration of the matter by the General Assembly in Emergency Special Session under the "Uniting for Peace" procedure; and
 - II. action within area of jurisdiction by regional or sub-regional organizations under Chapter VIII of the Charter, subject to their seeking subsequent authorization from the Security Council.
 - F. The Security Council should take into account in all its deliberations that, if it fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of that situation – and that the stature and credibility of the United Nations may suffer thereby.

(4) OPERATIONAL PRINCIPLES

- A. Clear objectives; clear and unambiguous mandate at all times; and resources to match.
- B. Common military approach among involved partners; unity of command; clear and unequivocal communications and chain of command.
- C. Acceptance of limitations, incrementalism and gradualism in the application of force, the objective being protection of a population, not defeat of a state.
- D. Rules of engagement which fit the operational concept; are precise; reflect the principle of proportionality; and involve total adherence to international humanitarian law.
- E. Acceptance that force protection cannot become the principal objective.
- F. Maximum possible coordination with humanitarian organizations.

ANNEX II: HISTORICAL CONTEXT: INTERVENTION FOR HUMAN PROTECTION IN AFRICA

The following provides a brief overview of interventions in Africa aimed primarily at the protection of civilian populations. It focuses on instances where intervention was carried out without the consent of the host government. As such it excludes a number of missions with important implications for the Responsibility to Protect, notably French, SADC, and ECOWAS actions in Lesotho, the Democratic Republic of Congo, and Côte d'Ivoire, and the activities of the African Mission in Burundi. This chart is meant for summary reference purposes only, and does not reflect the immense complexity of these situations.

Pre-1990 Interventions

Country (Date)	Intervening Nation(s)	Justification	Challenges
Congo (1960)	Belgium	The protection of Belgian nationals threatened by growing violence and unrest	Condemned by many Africans as an attempt by Belgium to destabilize Congo and establish neo-colonial dominance
Congo, Stanleyville (1964)	Belgium, US	Rescue mission to save foreign hostages held and/or threatened by rebels – approximately 2,000 people evacuated	Many African nations held that intervention represented an attempt to support a neo-colonialist regime; OAU maintained that Belgian/US action resulted in an increased number of deaths
Shaba Province, Zaire (1978)	Belgium, France	Belgium justified the intervention as a humanitarian mission to rescue its nationals and other foreigners; France stated an intention to both protect its nationals and support the Zairean Government against rebel advances	OAU members expressed discomfort with military assistance from non-African nations
Uganda (1979)	Tanzania	Response to Ugandan trans-border aggression	Little international discussion or challenge
Central Africa (1979)	France	France initially attempted to justify the intervention as one invited by the new government; in reality France overthrew Bokassa – partially due to his widespread human rights abuses – and installed the new government	No official reaction from the UN or OAU; few nations condemned the intervention

Post-1990 Interventions

Country (Date)	Operation Name(s)	Authorization	Achievements	Challenges
Liberia (1990-Present)	a) ECOMIL b) UNMIL	a) No initial UN Security Council authorization; subsequent Chapter VIII authorization b) UN Chapter VII	a) Precedent for humanitarian intervention by an African sub-regional organization; brokered a ceasefire and an agreement to establish an interim government b) Support of transitional government; too early to determine general success	Ambiguous legal basis for initial intervention caused controversy; came to be regarded as a party to the conflict, undermining attempts to negotiate a cease-fire; slow deployment; ongoing capacity problems
Somalia 1992 - 1993	UNITAF later UNOSOM II	UN Chapter VII	Significantly alleviated the impact of the 1993 famine; provided humanitarian assistance to much of the population	Significant casualties; insufficient rebuilding, Somalia remained a failed state; costs of the military intervention greatly exceeded those of the humanitarian effort; left a distaste for 'humanitarian' missions among Western powers
Rwanda (1994-1997)	Operation Turquoise later UNAMIR II	UN Chapter VII	Slowed RPF advancement – RPF later called a unilateral ceasefire Stemmed a potential exodus of refugees to Zaire	Enabled former government forces to escape; preserved remnants of the Hutu leadership; questions regarding French motivation; initial Chapter VI mission failed to prevent and respond to genocide
Sierra Leone (1997-present)	a) ECOMOG b) UNAMSIL	a) No initial Security Council authorization; subsequent Chapter VIII authorization b) UN Chapter VII	a) Successful rapid establishment of ECOMOG authority throughout country; President Kabbah restored to power b) Ongoing political will to achieve lasting peace - demonstrated by repeated extensions of UNAMSIL mandate; improved security environment	a) Rebel atrocities continued; ECOMOG's inability to repel rebel advances on Freetown resulted in widespread civilian deaths b) Slow deployment; problems with training and equipment of forces

Project Ploughshares



Project Ploughshares was established in 1976 as an agency of the Canadian Council of Churches to implement the churches' imperative to seek and pursue peace. Our mandate is to work with churches and related organizations, as well as governments and non-governmental organizations, in Canada and internationally, to identify, develop, and advance approaches that build peace and prevent war, and promote the peaceful resolution of political conflict. Project Ploughshares is affiliated with the Institute of Peace and Conflict Studies, Conrad Grebel University College, University of Waterloo.

*.... and they shall beat their swords into ploughshares and spears
into pruning hooks; nation shall not lift up sword against nation;
neither shall they learn war any more. (Isaiah 2:4)*

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