Responsibility to Protect in Africa: An analysis of the African Union’s Peace and Security architecture

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Abstract
In this paper we argue that, since its birth, the African Union (AU) has established a set of norms and principles that mirror the tenets of R2P as agreed to by the Outcome Document of the 2005 World Summit. These norms and principles coupled with the AU’s peace and security architecture make it proactive in conflict prevention and the management of crisis situations on the continent. Collaborative ventures between the African Union (at the continental level), the regional economic communities (RECs) at the (sub-regional level) and the UN (at the global level), we argue, are thus the best options for deepening R2P norms. We argue that the world is experiencing a unique moment of opportunity in the relations between the UN and (sub) regional organisations broadly and the AU specifically. However, the AU’s responses to current security challenges in Darfur in Sudan, Somalia and Zimbabwe, and especially the ICC’s application for the issuance of arrest warrant for President Al Bashir of Sudan, does not reflect a clear commitment to the responsibility to protect. The AU’s attempt to solve the continent’s problems will continue to be thwarted by its lack of political will and the weakening of its norms and principles by some Member States.

Keywords
African Union; UN Security Council; UN Charter; regional organizations; UN World Summit 2005; AU Constitutive Act; AU Peace and Security Council; Darfur; Commission of the African Union; Panel of the Wise; Continental Early Warning System; African Standby Force

Introduction

At the United Nations (UN) World Summit in September 2005, world leaders endorsed the principle that states and the international community jointly have the responsibility to protect the world’s population against four principal crimes: genocide, war crimes, crimes against humanity and ethnic cleansing. This principle is enshrined in the concept, Responsibility to Protect (R2P).¹

¹ The R2P as a concept emerged out of the report of the International Commission on Intervention and State Sovereignty (ICISS) in December 2001.
For states, paragraph 138 of the World Summit’s Outcome Document declares that ‘each individual state has the responsibility to protect its own population from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means…’ Paragraph 139 of the Outcome Document also states that ‘the international community, through the United Nations also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter of the United Nations, to help protect populations from war crimes, genocide, ethnic cleansing and crimes against humanity…’

Even before the World Summit in September 2005, the African Union (AU), through its Constitutive Act (2000) had made provisions that will allow the organisation to intervene in Member States to prevent crimes against humanity. Equally, in January 2005, Africa leaders adopted the responsibility to protect in the Ezulwini Consensus. The acceptance by African leaders of the R2P norm is in line with the AU’s new image since its transformation from the Organisation of Africa Unity (OAU). This new institution is demonstrating an encouraging proactiveness in terms of its preparedness to tackle the continent’s peace and security challenges and general contribution to the attainment of international peace and security. With a new peace and security architecture, the AU hopes to develop the capacity to prevent conflict even if it requires the intervention of the Union in what could be considered as the ‘internal affairs’ of Member States. To this end, Article 4(h) of the AU’s Constitutive Act endorses intervention in member states under ‘grave circumstances’. The AU’s recognition of the need for intervention to save humanity gives the organisation a theoretically progressive outlook.

Collaboration with other regional organisations and the UN is another approach through which the AU intends to achieve its security objectives. This is so because the AU’s most promising achievements are usually attained when it engages in collaborative ventures that have interesting perspectives and yield fruitful outcomes. While these are encouraging, one must, however, accept

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3 See Article 4(h) of the Constitutive Act of the African Union.