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After the 1994 genocide in Rwanda, many heads of states and government resolved to never again allow a lack of political will to prevent the protection of civilians from genocide and mass atrocities. An [International Panel of Eminent Personalities](#), which investigated the genocide and surrounding event, condemned neighboring countries, the OAU, the United Nations and the international community at large for their failure to act. Since 1994, African regional organizations have thus sought to incorporate preventive and reactive measures to genocide and mass atrocities.

### I. The African Union

**Normative Advances** While the 2005 World Summit Outcome Document was a historic step, by 2000, African states had already enshrined principles echoing the Responsibility to Protect into law. The founding document of the AU, [the](#)

#### [Constitutive Act](#)

signed by Member States in 2000, represents the switch from the ‘non-interference’ approach of the Organization of African Unity (OAU) to the ‘non-indifference’ approach of the AU. The AU’s Constitutive Act defines the core objectives of the Union as the promotion of peace, security and stability and the promotion and protection of “human and peoples’ rights”. It also identifies the “respect for democratic principles, human rights, the rule of law and good governance”, the “respect for the sanctity of human life” and “condemnation and rejection of impunity” among the central values. Most importantly, in Article 4 (h) of the Constitutive Act, AU member states embraced the “right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity.”

Equally significant, in March 2005 at its 7<sup>th</sup>

Extra Ordinary Summit of the Heads of States and Government of the African Union, African governments endorsed the Responsibility to Protect in a report known as “

#### [Ezulwini Consensus](#)

”. The report recognizes the authority of the Security Council to authorize the use of force in situations of genocide, crimes against humanity, war crimes and ethnic cleansing and insists that in such cases regional organizations in areas of proximity to conflicts should be empowered to take action.

The AU Constitutive Act and the Ezulwini Consensus were important milestones that set the stage for support of Paragraphs, and display the inherent commitment of the AU to the protection of civilians. At the World Summit, African states, such as Rwanda, Tanzania and South Africa were crucial supporters of the Responsibility to Protect. Their support influenced other governments in the region to endorse paragraphs 138-139 in the World Summit Outcome Document. To see what African government have said on the Responsibility to Protect since 2005 [click here](#) .

These embraces, as well as the creation of the African Court of Justice and Human Rights (recently formed through the merger of the African Court of Justice and the African Court on Human and Peoples' Rights) and the African Commission on Human and Peoples' Rights, displays the commitment of the AU to make the protection of human rights a defining principle. The challenge now facing the AU is how these principles, powers and mechanisms can be harnessed to both prevent and halt atrocity crimes in Africa, against the background of the complex political and economic realities facing the continent.

### ***Entry Points:***

**AU's Peace and Security Architecture** The African Union, consistent with its Constitutive Act and through its 2002 Protocol on the Establishment of the Peace and Security Council, has taken concrete steps for the establishment of a comprehensive continental architecture for the maintenance of peace and security, as one of the prerequisites for development and integration on the continent. This continental peace and security architecture includes the Peace and Security Council, the Continental Early Warning System, the Panel of the Wise, a Peace Fund and the African Stand-by Force. The following section outlines some of the AU bodies which can take forward the prevention, reaction and rebuilding elements of R2P.

### **The Peace and Security Council (PSC)**

The Peace and Security Council was launched in May 2004 as a standing decision-making organ for the prevention, management and resolution of conflicts, supported by quiet diplomacy of the AU chairperson. The Peace and Security Council also includes a post-conflict reconstruction unit. The Protocol establishing the PSC does recall as one of its guiding principle "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, in accordance with Article 4(h) of the Constitutive Act".

### **Continental Early Warning System (CEWS)**

The Establishment of an AU Early Warning System aims at facilitating prompt response and action to prevent the outbreak and escalation of conflict, working in cooperation with the five Regional Communities' Early Warning System as building blocks for CEWS. The System includes an observation and monitoring centre known as "The Situation Room", which is located at the Conflict Management Directorate and is responsible for data collection and analysis and uses early warning indicators.

### **Panel of the Wise**

The African Union inaugurated a panel of distinguished citizens on 18 December 2007 to promote efforts to prevent conflict on a continent that has seen more than its share of wars. The Commission of the African Union established the panel of five eminent persons each serving a three-year term to represent the continent's five regions on conflict prevention issues.

The Panel is to influence present and future African leaders to acquire a new culture of mediation and its members will be devoted to the prevention of conflict, supposedly free of political pressure.

### **The African Standby Force (ASF)**

The African Standby Force is an international, continental peacekeeping force including civilian and police components for deployment in times of crisis in Africa. The force will be based on five regional brigades to be established by each of the sub-regional organizations (ECOWAS, SADC, IGAD, ECCAS and UMA). Some progress has already been made both at the continental and sub-regional level to operationalize the ASF, and the international community is providing continued support where required and requested.

In addition, the following bodies of the AU offer additional entry points for R2P:

#### **AU Assembly**

: The Assembly gives directives to the Executive Council, the PSC and the Commission on the management of conflicts, wars, emergency situations and the restoration of peace. The Assembly decides on intervention in a Member State with respect to war crimes, genocide and crimes against humanity.

**AU Commission:** The Commission is the Secretariat of the Union. Relevant departments within the Commission include the Department for Peace and Security and the Department for Political Affairs, which promotes good governance, rule of law and human rights.

#### **AU Peace and Security Directorate:**

The Commission's Peace and Security Directorate engages in mediation and resolution of conflicts, assists in post-conflict reconstruction and prepares Standard Operation Procedures for AU deployments.

#### **AU Peace and Security Committee**

: The Peace and Security Committee of the Economic, Social and Cultural Council (ECOSOCC) was established as a key operational mechanism of ECOSOC to formulate opinions and provide inputs into the policies and programmes of the African Union regarding conflict anticipation, prevention, management and resolution, use of child soldiers, illicit proliferation of small arms and light weapons, as well as post-conflict reconstruction and peace building, among other issues.

### **The African Commission on Human and Peoples' Rights (ACHPR)**

The Commission is officially charged with three major functions: the protection of human and

peoples' rights, the promotion of human and peoples' rights and the interpretation of the African Charter on Human and Peoples' rights. In November 2007, the African Commission on Human and Peoples Rights at its 42nd Ordinary Session in Congo Brazzaville passed a Resolution on “[Strengthening the Responsibility to Protect in Africa](#)”

The Commission is tasked with promoting and protecting human rights in Africa and the resolution refers to the AU's Constitutive Act, the Ezulwini Consensus, the ICISS report and the World Summit Outcome Document. This resolution complements the work that the NGO Forum on the ACHPR had been doing the previous year, resulting in the passage of an [NGO resolution](#) endorsing R2P in May 2007.

### **The African Court of Human and Peoples' Rights**

: The African Court of Human and Peoples' Rights, which complements the mandate of the African Commission on Human and Peoples' Rights, has the jurisdiction to make final and binding decisions on human rights violations carried out by AU Member States. The Court issued its first

[ruling](#)

against a state on 31 May 2011 in a landmark decision which declared that “massive human rights violations” had been carried out in Libya by the Gaddafi regime and called for the government to appear before the court to discuss what measures would be implemented in accordance with the court's order.

## **II. Additional Regional Instruments**

### Southern African Development Community (SADC)

The SADC Treaty contains several provisions relevant to R2P: Article 5 provides that the promotion and defense of peace and security is a core objective of the Community; Article 4 requires that Member States act in accordance with the principles of human rights, democracy and the rule of law; and, with particular resonance for R2P, Article 21 urges the Community to cooperate beyond their collective borders in the areas of politics, diplomacy, international relations and peace and security. SADC has a Protocol on Politics, Defense and Security Cooperation, which allows the Community's Organ on Politics, Defense and Security to intervene in situations of intra/inter state conflicts. SADC also has early-warning capacity through its Regional Early Warning System (REWS) and intervention capacity through the SADC Standby Brigade, although a lack of resources and political will has been preventing these mechanisms from proper implementation. SADC's legal architecture also includes a Tribunal, with jurisdiction over controversies involving the interpretation or application of the SADC Treaty, Protocols and other Community instruments and actions of Community institutions. It applies Community law as reflected in the Treaty, Protocols and other community instruments but also has a mandate to develop its own jurisprudence by drawing on general principles of international law and the laws of Member States.

Economic Community Of West African States (ECOWAS) ECOWAS has structures, protocols and instruments to address issues of peace and security in the region, including the ECOWAS Commission, the Community Parliament and Court of Justice.

### **The ECOWAS Commission**

consists of a number of Commissions focused on issues of peace and security and the protection of civilians. For instance, the Commission for Political Affairs, Peace and Security consists of the Early Warning and Observation Centre, and the unit on Peacekeeping and Security.

### **ECOWAS Conflict Prevention Framework (ECPF)**

In January 2008, ECOWAS Heads of States and Governments adopted the ECOWAS Conflict Prevention Framework (ECPF). This progressive framework seeks to:

- Mainstream conflict prevention into ECOWAS's policies and programmes;
- Strengthen capacity within ECOWAS to pursue concrete and integrated conflict prevention and peacebuilding initiatives through ECOWAS institutions including the Council of the Wise and Special Mediators;
- Strengthen awareness, capacity and anticipation within member states and civil society as principal constituencies and actors in conflict prevention and peacebuilding.

The ECPF clearly mentions that ECOWAS has been imbued with necessary “supranational” powers to act on behalf of and in conjunction with member states, the AU and the UN to protect human security in three distinct ways, namely:

- *The Responsibility to Prevent:*  
Which involves actions taken to address the direct and root causes of intra and interstate conflicts that put populations at risk;

- *The Responsibility to React*  
: Which are actions taken in response to grave and compelling humanitarian disasters;

- *The Responsibility to Rebuild*  
: Which are actions taken to ensure recovery, reconstruction, rehabilitation and reconstruction in the aftermath of violent conflicts, humanitarian and natural disasters.

## Conflict Early Warning and Response Mechanism (ECOWARN)

One of the key areas covered within the ECPF is Conflict Early Warning and Response, which will be implemented through the ECOWAS Conflict Early Warning and Response mechanism (ECOWARN). A distinctive relationship exists between civil society groups and ECOWAS, most specifically in coordinating responses to emerging situations between ECOWAS and civil society. The West African Network for Peacebuilding (WANEP), for instance, had an important role as an implementing partner of ECOWARN.

### The East African Community (EAC)

The EAC, in its Treaty, upholds the “recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights”. The EAC presented in April 2008 its second draft Protocol on Peace and Security, in which the Partner States re-affirm their faith in the purposes and principles of, among others, the Constitutive Act of the African Union. Also, in Article 5, the Protocol specifically mentions that Partner States shall establish an EAC Early Warning System in order to facilitate the anticipation and early responses to prevent, contain and manage conflict and crisis situations. Moreover, the 2006-2010 Development Strategy provided the development of strategies and programs aimed at the promotion and protection of human rights in East Africa.

### The International Conference of the Great Lakes (ICGLR)

The International Conference of the Great Lakes Region (ICGLR), through its [Pact on Security, Stability and Development in the Great Lakes Region](#), deals with aspects of R2P's three stages of responsibilities (prevent, react, rebuild) in at least five of its ten Protocols, including its Protocol on Non-Aggression and Mutual Defence, which explicitly acknowledges Member States' responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and in its Protocol on the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity.

## III. Civil Society Reports and Events

Civil society and non-governmental organizations have a very important role to play in the implementation of RtoP. Below please find reports and statements by civil society, and information on forums, roundtables, and conferences held on RtoP, prevention, and operationalizing civilian components in regional bodies. • **Oxfam International** released a **comprehensive manual on the structure and organs of the AU** and AU Commission on 31 July 2012 entitled “[The African Union Compendium](#)”

” The report discusses the decision making processes, the organization of meetings and summits, civil society space within the AU and the role played by various civil society actors.

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**The Global Centre for the Responsibility to Protect (GCR2P)**  
in cooperation with the  
**Economic Community of West African States (ECOWAS)**  
co-hosted a  
[Regional Policy Forum on R2P in West Africa](#)  
on 11 and 12 June 2012. In attendance were ECOWAS ambassadors and senior government officials, the ECOWAS Commission, Regional Economic Communities (RECs), UN officials, West African civil society representatives and leading African experts on conflict prevention. Participants discussed  
**strategies to strengthen early warning, encourage political will, and develop mechanisms for atrocity prevention.**  
ECOWAS reaffirmed its commitment to RtoP, calling upon its members to appoint national Focal Points for atrocity prevention.

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**Human Rights Network-Uganda**  
(  
**HURINET**  
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**Human Rights Watch**  
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**HRW**  
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**Coalition for Justice and Accountability**  
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**COJA**  
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**International Commission of Jurists-Kenya**  
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**ICJ-K**  
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) joined over thirty civil society organizations to issue a  
[letter to Foreign Ministers of African States Parties to the International Criminal Court](#)  
calling on African state parties to the Rome Statute to reaffirm their support for the International Criminal Court (ICC) and its goal to end impunity for grave crimes. The letter was released on 26 January 2012 and provided areas for African States to consider taking action and making progress including  
**increased dialogue between the ICC and the African Union, creating an ICC liaison office in Addis Ababa, and upholding their obligations under the ICC statute.**

•  
**International Refugee Rights Initiative**  
(

## IRRI

) launched a discussion paper series, “

[\*\*Just Justice? Civil Society, International Justice and the Search for Accountability in Africa\*\*](#)

,”

in January 2012 to reflect

### **local perspectives on international justice**

as it is being experienced in Africa. The series aims to deepen the debate around a series of key questions and controversies facing the realization of international justice, anchored in reflections from the ground, including local, national, regional and continental civil society. The target audience includes civil society, policymakers, practitioners and donors across the globe working on issues related to international criminal justice.

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## **Human Rights Watch**

issued a report on 27 June 2011, “

[\*\*AU: Support Justice for Gravest Crimes\*\*](#)

,” reiterating a call by civil society organizations from more than 25 African countries for the African Union to show

### **support for the International Criminal Court**

at the 2011 AU summit meeting. The 25 organizations issued a report, “

[\*\*Observations and Recommendations on the ICC\*\*](#)

,” to put forth their support and concern and it was endorsed by 125 African organizations and international groups with a presence in Africa.

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Civil society groups, including ICRtoP members,

## **Coalition for Justice and Accountability**

and

## **Human Rights Network Uganda (HURINET)**

, released a letter on 18 June 2011 to the AU entitled, “

[\*\*Observations and Recommendations on the International Criminal Court and the African Union in advance of the 17th African Union Summit\*\*](#)

,” ahead of the AU Summit on the role of the International Criminal Court scheduled for 30 June – 1 July. The letter shows support for the Court and

### **calls for the AU to take a greater stand in promoting justice and accountability**

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• **The Stanley Foundation** convened a conference on 11 May 2011 which focused on the theme,

[\*\*The Role of Regional and Sub-Regional Arrangements in Strengthening the Responsibility to Protect\*\*](#)

. The conference report published on 25 May 2011 included a paper by Kwesi Aning and



Samuel Atuobi entitled

[\*\*Application of and Responses to the Responsibility to Protect norm at the Regional and Sub-Regional Levels in Africa: Lessons for Implementation\*\*](#)

, which argues that recent actions by the African Union and Economic Community of West African States indicate the

**urgent need for regional and sub-regional actors to lead in the implementation of RtoP.**

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**The Brookings Institute**

published a paper written by Mwangi S. Kimenyi on 31 March 2011 entitled

[\*\*Libya and Ivory Coast Crises Point to Needed Reform of the African Union.\*\*](#)

The document points out that, while the

**AU has been effective in forging regional integration**

, the body has

**failed**

in other critical areas such as

**the promotion of peace and security and the protection of human rights**

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•

**The Institute for Security Studies**

released a daily briefing on 11 March 2011, entitled

[\*\*AU at the Crossroads – Will the AU finally resolve the Ivorian political standoff?\*\*](#)

which focused on the meeting of the AU Peace and Security Council from 9-10 March on the crisis in Cote d'Ivoire. The briefing discussed the

**implications of the Council's resolutions on the crisis and assessed the possible scenarios for the future**

of the country.

• Dismas Nkunda, co-chair of the Darfur Consortium, co-director of IRRI and ICRtoP Steering Committee member addressed a

[\*\*letter\*\*](#)

on 20 July 2010 on behalf of a coalition of African advocates to the AU Peace and Security Council. The letter reveals numerous

**logistical inconsistencies preventing UNAMID from effectively implementing its mandate**

as well as a worrying deteriorating situation in Darfur and

**calls on the AU to “ensure that UNAMID is given the tools and political support required to effectively implement its protection mandate”.**

• A coalition of over 50 civil society organizations released a

[\*\*communiqué\*\*](#)

following the Review Conference of the Rome Statute held in Kampala from 31 May to 11 June

2010 that included within its recommendations a **call for states to support the Responsibility to Protect norm as a means of aiding efforts in which the ICC can promote peace building and conflict prevention**

• **ICRtoP**

sent a

[letter](#)

to heads of state and foreign ministers in advance of the Review Conference of the Rome Statute held from 31 May-11 June 2010. The letter, which

**identified the link between the International Criminal Court (ICC) and RtoP**

**requested governments to express support for RtoP**

in their statements given before the Conference and called on the Assembly of State Parties and the ICC to

**deepen the link between the Court and the Responsibility to Protect**

• **Global Action to Prevent War**

(GAPW), in partnership with the

**Martin Luther King Jr. Memorial Foundation**

(LUKMEF) in Limbe, Cameroon and

**ICRtoP**

sponsored

[two workshops](#)

in March 2010 for military, government and civil society leaders in Cameroon and neighboring countries on

**prospects for improving civilian protection and human security within the Central African region.**

• **The**

**Brookings Institute**

hosted a conversation on

[“The Role of Africa’s Regional Organizations in Conflict Prevention and Resolution”](#)

on 23 November 2010. Mwangi Kimenyi, the Director of Africa Growth Initiative, Permanent Representative of Uganda to the UN, Ruhakana Rugunda, and John Hoover, the Director of the Office of Regional and Security Affairs with the US Department of State spoke on the **role of African organizations and the position of the Us in the management of conflicts**

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**The EastWest Institute**

, in partnership with the  
**African Development Bank**

, convened a  
[regional meeting](#)

from 23-24 November 2009 in Tunis on  
**preventive action in Africa**

. The Institute released a briefing paper,  
[Preventing Violent Conflict in Africa](#)

, which discusses the meeting's recommendations to strengthen African capacity.

• **ICRtoP** colleague Voke Ighorodje presented a [statement](#) on RtoP before the 46<sup>th</sup> ordinary session of the African Commission on Human and Peoples' Rights on 11 November 2009 which

**called on the ACHPR to adopt a resolution demonstrating the commitment of African governments to the implementation of RtoP in Africa**

• **The African Center for Democracy and Human Rights Studies**

(ACDHRS), in collaboration with the  
**African Commission on Human and Peoples' Rights**  
(ACHPR), hosted an

[NGO forum](#)  
on 7-9 November 2009 in advance of the 46<sup>th</sup>

Ordinary Session of the African Commission on the Human and Peoples' Rights and the 20<sup>th</sup>

African Human Rights Book Fair. The NGO forum adopted a resolution on

[Strengthening the Responsibility to Protect](#)  
in Africa which

**urged AU Member States to make the prevention of mass atrocities a priority**

, and called for the  
**enhancement of regional early warning mechanisms.**

• **The Kofi Annan International Peacekeeping Training Centre**

released a policy brief on 28 October 2009 entitled  
[Toward the Operationalisation of the Civilian Component of the ECOWAS Standby Force](#)

• **The African Centre for the Constructive Resolution of Disputes**

released a report entitled,  
[Towards Enhancing the Capacity of the African Union in Mediation](#)

,

in October 2009. The report is **based on a seminar organised by the African Union Commission** on 15 and 16 October 2009. The seminar and report are **part of the ongoing collaboration** among a range of actors **to strengthen the mediation capacity of the AU.**

• **The International Refugee Rights Initiative**

and 12 other African NGOs sent a

[letter](#)

to UN Member States on 13 July 2009 to

**advocate for the Responsibility to Protect**

during the 63

rd

session of the UN General Assembly.

• **The**

**AMANI Forum**

, held in Nairobi from 16-17 June 2009,

**included a panel on RtoP**

and issued a

[communiqué](#)

at the end of the event that

**reaffirmed the collective responsibility of states**

to protect people from gross human rights violations, and

**identified the vital role of parliamentarians**

to popularize RtoP and hold governments accountable.

• **ICRtoP**

presented a

[statement](#)

to the African Commission on Human and Peoples' Rights (ACHPR) on 11 May 2009 which urged the ACHPR to

**create a special mechanism**

**to help translate the resolution**

, “Strengthening the Responsibility to Protect in Africa”,

**into action and increase the decision making capacity**

of the commission.

• **The**

**African Women's Development and Communication Network**

(FEMNET) in cooperation with the

**Peoples' Movement for Human Rights Education**

(PDHRE/PDEDH) and

**ICRtoP**

organized a

[press conference](#)

focusing on RtoP in Bamako, Mali on 15 April 2009. The objective of the Mali press conference was to

**inform the media and civil society about RtoP**

and to

**press decision-makers and public opinion**

in Mali to

**support the implementation of the norm**

based on Secretary-General Ban Ki moon's January 2009 report entitled

[\*Implementing the Responsibility to Protect\*](#)

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• In April 2009 the

**Nordic Africa Institute**

released a paper written by Dan Kuwali entitled

[\*The African Union and the Challenges of Implementing the Responsibility to Protect\*](#)

which is part of a larger paper on

**challenges within the AU facing RtoP**

and possible

**opening points through the Constitutive Act**

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• **ICRtoP**

participated in the third annual

[East Africa civil society forum](#)

on 20-21 March 2009, which was called to support efforts of strengthening the participation of civil society in the regional integration process. A

[communiqué](#)

was issued at the end of the conference which

**noted the “clear necessity to integrate the Responsibility to Protect”**

,

**urged governments to promote adherence**

to the norm and

**recognize the role of civil society**

in the implementation of its principles, and undertook to

**fully support the East African chapter of the ICRtoP**

.

• On 4 March 2009 the

**African Centre for the Constructive Resolution of Disputes**

, with the

**Ministry of Foreign Affairs of Finland**

held a seminar in Addis Ababa, Ethiopia focusing on

**[Mediating Peace in Africa: Securing Conflict Prevention.](#)**

The seminar brought policymakers, mediation experts and civil society actors together to

**assist the African Union to strengthen its mediation and conflict prevention mechanisms** within the African peace and security architecture.

• **ICRtoP**

, then the *Responsibility to Protect – Engaging Civil Society Project*, organized a series of **consultative roundtables**

with NGOs worldwide, to 1) **increase understanding of R2P**

and how it applies to conflicts in the region, 2) **explore how to strengthen regional and international mechanisms**

to support R2P, and 3) **forge partnerships with NGOs**

who are interested in joining in a core group in building an NGO network. Roundtables were

held in Africa in

**[Kampala, Uganda](#)**

: 17-18 April 2008;

**[Gauteng, South Africa](#)**

: 29-30 April 2008; and

**[Accra, Ghana](#)**

:

30-31 July 2008. See the outcomes of all global roundtables in our January 2009 publication

**[Civil Society Perspectives and Recommendations for Action](#)**

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• **The Africa Program at the Woodrow Wilson International Centre for Scholars**

, together with the

**Partnership to Cut Hunger and Poverty in Africa**

, held a

**policy forum**

on 10 April 2008

**assessing the contributions of African organizations in the areas of economic integration and conflict management**

. Although the speakers' opinions varied, they agreed that the smaller nations of the continent will only reach their full potential through the strengthening of regional organizations. A paper,

**[African Regional and Sub-Regional Organizations: Assessing their Contributions to Economic Integration and Conflict Management](#)**

was published after the forum, detailing the discussions held on the subject.

#### IV. Crises in Africa

To view more on crises in Africa where RtoP has been invoked or referred to, please see our [Crises page](#)