The European Union's Role in Promoting and Implementing the Responsibility to Protect in Africa: Turning Political Commitments into Effective Action

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Abstract

At the 2005 World Summit, an important normative shift occurred in the definition of sovereignty as the Responsibility to Protect (R2P) gained prominence. This paper investigates how the European Union (EU) has promoted the R2P principle at the EU and the international level and to what extent the EU has channelled its support for R2P into concrete action in Africa. The paper shows that while the EU has remained an active supporter of R2P at the international level, this enthusiasm has not been transmitted into its own policies or championed by any EU Member State. The EU has at its disposal a wide range of crisis management tools, yet is still far from applying them through coherent action, let alone under the R2P umbrella. Africa has great potential in developing its own peace and security framework, but this remains a long-term project. In this regard, EU support remains essential through political dialogue, sustainable financing and concrete projects to strengthen the African Peace and Security Architecture.

List of Abbreviations

ACP	African, Caribbean and Pacific group
AMIB	African Union Mission in Burundi
AMIS	African Union Mission in Sudan
AMISOM	African Union Mission in Somalia
APF	African Peace Facility
APSA	African Peace and Security Architecture
ASF	African Stand-by Force
AU	African Union
AU PSC	Peace and Security Council
CEWS	Continental Early Warning System
CFSP	Common Foreign and Security Policy
CPX	Command Post Exercise
EDF	European Development Fund
EEAS	European External Action Service
ESDP / CSDP	European / Common Security and Defense Policy
ESS	European Security Strategy
EU	European Union
EU PSC	Political and Security Committee
EUFOR Tchad/RCA	EU military operation in Chad and the Central African Republic
EUSR	European Union Special Representative
ICISS	International Commission on Intervention and State Sovereignty
JAES	Joint Africa-EU Strategy
MIVAC	Mécanisme interactif de Veille et d'Anticipation des Crises
NATO	North Atlantic Treaty Organisation
OAU	Organisation of African Unity
PF	Peace Fund
POC	Protection of Civilians in Armed Conflict
POW	Panel of the Wise
PSO	Peace Support Operation
R2P	Responsibility to Protect
REC / RM	Regional Economic Community / Regional Mechanism
SG/HR	Secretary-General/High Representative for the CFSP
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UNSG	United Nations Secretary-General

1.   Introduction

During his first visit to Rwanda after the 1994 genocide, former US President Bill Clinton spoke to genocide survivors, saying that "the international community, together with nations in Africa, must bear its share of responsibility for this tragedy" and continued how "[a]ll over the world there were people like me sitting in offices, day after day after day, who did not fully appreciate the depth and the speed with which you were being engulfed by this unimaginable terror".[1] No one but the victims, and the perpetrators, can fully comprehend the scale and the pace with which such unconceivable horrors were unleashed. This, however, should not have been an excuse for failing to react. The world said 'never again' after the Holocaust, after Bosnia, and after Rwanda. Those two words have lost their meaning since.

The share of responsibility that President Clinton spoke about was to appear as a glimpse of hope with the adoption of the World Summit Outcome Document in 2005, where Heads of State endorsed for the first time language stating not only that every state has the responsibility to protect its population, but that there is also a responsibility on the part of the international community to react, should any state fail to fulfil its obligation.[2] At the World Summit, an important normative shift occurred when sovereignty was redefined and the Responsibility to Protect gained its true prominence. The R2P principle essentially builds on sovereignty as responsibility, reaffirming the primary role of the State to protect its populations from gross human rights violations, yet calls on the international community to respond to such crimes when the State manifestly fails to protect its own populations.[3]

Without this formal acceptance of the Responsibility to Protect the indifference shown since by many governments towards the deteriorating humanitarian crisis in Zimbabwe and Darfur, post-election violence in Kenya, the Russian-Georgian conflict and the humanitarian crisis in Burma/Myanmar after Cyclone Nargis might have triggered less debate over the application of the R2P principle as such. As it turned out, these cases have raised questions over what constitutes R2P situations, highlighted the principle's limitations and lack of political leverage, but at the same time pointed to progress made in operationalising R2P. The concept thus continues to advance and to consolidate its principles following the 2005 World Summit, with the goal to turn the political commitment into effective action for the sole purpose of an *immediate* protection of people from mass atrocities.[4]

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[1] J. Bennet, "Clinton Declares U.S., with World, Failed Rwandans", *The New York Times*, 26 March 1998.
[2] United Nations, General Assembly Resolution, *2005 World Summit Outcome*, A/RES/60/1, New York, 24 October 2005, p. 30.
[3] *Ibid.*
[4] D. Steinberg, "Responsibility to Protect: Coming of Age?", *Global Responsibility to Protect*, vol. 1, no. 4, October 2009, pp. 432-441.

The Responsibility to Protect, as outlined by the International Commission on Intervention and State Sovereignty (ICISS) in 2001, is composed of three elements: (a) the responsibility to prevent, (b) the responsibility to react, and (c) the responsibility to rebuild.[5] While there are legal difficulties and disagreements over framing R2P as an emerging norm, the scope for such debate goes beyond this paper, and R2P will thus be referred to as either a concept or a principle with essentially political force. For the purpose of this paper the focus will be mainly on the responsibility to react, for two reasons. First, the utilisation of coercive measures, namely the use of force in responding to mass atrocities, is still perceived as the most controversial aspect of R2P. Second, the EU has the greatest potential to fully operationalise R2P, not only because of its standing as a 'normative power' and the prime model for conflict prevention across its own territory, but also because the EU already has a large set of practical instruments and policies to apply in the realm of prevention and rebuilding.[6] However, what the EU does not yet have is a clear set of guidelines for reacting, including through military intervention, to gross human rights violations.

Africa continues to be a continent of conflicts – marred with civil wars and intra-state violence – and therefore risk-prone for R2P situations. In its relations with the African continent in the field of peace and security, the EU has become increasingly active in supporting the African Peace and Security Architecture (APSA), providing sustainable funding and engaging in deeper political dialogue to strengthen the African Union's own performance regarding the Responsibility to Protect. This has been especially relevant due to Africa's move from the principle of non-intervention to non-indifference. The EU's approach is thus in line with the 2009 United Nations (UN) Secretary-General's report on the implementation of R2P.[7] In the report, the three-pillar strategy places first the primacy of the state's protection responsibilities, second the need for international assistance in capacity-building, and only third a timely and decisive response by the international community should the primary responsibility of the state fail.[8]

This paper addresses the following questions: first, how has the EU promoted the R2P principle at the EU and the international level? Second, to what extent has the EU channelled its support for R2P into concrete action in Africa?

This paper argues that the EU is one of the most fervent supporters of the Responsibility to Protect. However, while there have been some cases of R2P being integrated into EU official documentation, the apparent political support for it has not been translated into actions taken at the EU level, especially in terms of

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[5] International Commission on Intervention and State Sovereignty, *Responsibility to Protect*, Ottawa, International Development Research Centre, 2001, p. xi.
[6] G. Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*, Washington, D.C., Brookings Institution Press, 2008, pp. 183-184.
[7] United Nations, Report of the Secretary-General, *Implementing the Responsibility to Protect*, A/63/677, New York, 12 January 2009, pp. 15-22.
[8] N. Grono, "Darfur: The International Community's Failure to Protect", *African Affairs*, vol. 105, no. 421, October 2006, pp. 621-631.

mainstreaming R2P into the full range of relevant EU policies. The paper will also show that the EU has at its disposal all the instruments and enforcement mechanisms to make R2P a reality, but is still far from harmonising them into a single, coherent action capacity, or placing them under the R2P umbrella. Moreover, the APSA has great potential and has placed African states at the centre of resolving their own conflicts, but its realisation remains a long-term project. For this reason, the EU has proven to be a key partner in supporting the APSA development as well as in contributing to greater consolidation of existing structures at the continental and regional level.

The second chapter considers how the EU has integrated the Responsibility to Protect into its own policies, explores EU support for the concept in UN forums, and presents the challenges involved in operationalising the EU's responsibility to react. The Africa-EU partnership will be the topic of the third chapter, where more recent developments on peace and security issues in Africa will be assessed – with special focus on the African Peace and Security Architecture – and concrete measures by the EU in support of capacity-building will be analyzed.

2.   Incorporating the Responsibility to Protect into EU policies

The European Security Strategy (ESS) adopted in 2003 was the first official document to outline the main threats to the EU and to position the Union within the global stage by underlining the need for taking a "share in the responsibility for global security and in building a better world".[9] Yet any reference to the Responsibility to Protect was missing as it seems EU officials had reservations over explicitly mentioning the principle and an unclear understanding of what it entailed. There was also a sense that R2P was too constraining, and more importantly, that it was first and foremost the UN that had the obligation to act.[10] Nevertheless, progress was secured with the December 2008 Report on the Implementation of the ESS, which embedded R2P by clearly stating that "[s]overeign governments must take responsibility for the consequences of their actions and hold a shared responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity".[11]

2.1   An EU Responsibility to Protect agenda: what is that?

The Responsibility to Protect was already included in two other official documents before the ESS report. The European Consensus on Development, adopted in 2006, not only highlights the EU's support for R2P in Article 37, but also underlines its intention to contribute towards a "strengthened role for the regional and sub-regional organisations in the process of enhancing international peace and

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[9] Council of the European Union, *European Security Strategy: A Secure Europe in a Better World*, Brussels, 12 December 2003, p. 1.
[10] Interview with Elise Ford, Head of Office, Oxfam International, Brussels, 20 April 2010.
[11] Council of the European Union, *Report on the Implementation of the European Security Strategy: Providing Security in a Changing World*, S407/08, Brussels, 11 December 2008, p. 2.

security".[12] Moreover, the 2007 European Consensus on Humanitarian Aid recalls in Article 17 the commitments – regarding state responsibilities and at the international level – made at the World Summit.[13] The European Commission has placed emphasis on the responsibility to prevent where it believes the EU has the greatest potential to operationalise R2P – albeit not calling it R2P – through existing tools, ranging from "structural long-term preventive instruments – such as development co-operation, trade, arms control [...] as well as political dialogue – to the diplomatic and humanitarian instruments for short-term prevention".[14] However, in 2007, Gareth Evans pointed out that while the European Commission may have acknowledged the development of the principle, it emphasises that the decision to act lies on the UN Member States. According to Evans, the "Commission does not seem to see itself as having any particular responsibility to take the R2P concept forward".[15]

The European Parliament has been the most vocal amongst EU institutions on applying the Responsibility to Protect, adopting six resolutions in total on the situation in Darfur since the 2005 Summit. The first time the European Parliament made reference to R2P was in April 2006 when it urged the UNSC to "address the violence in Darfur, which is tantamount to genocide, and to act on its responsibility to protect civilians".[16] Subsequent references were made in the same year, but also in 2007 and 2008 relating to the deployment of a peacekeeping force in Darfur, claiming that Sudan had failed its responsibility to protect and criticising its lack of cooperation with the International Criminal Court. The last resolution was adopted in March 2009 as a response to Sudan's expulsion of Non-Governmental Organisations from Darfur.[17]

However, while the Parliament's active engagement is welcomed, Elise Ford argues that due to a lack of understanding of the R2P concept, the European Parliament sometimes misapplies such reference and consequently runs the risk of undermining it.[18] This was the case when the European Parliament referred to R2P in its resolutions on China's role in Africa and on the situation in Burma/Myanmar.[19] In addition, the Parliament is also not always united as was shown by the opposition of some European Parliament parties to the insertion of the R2P reference in a resolution on the ESS implementation.[20]

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[12] European Union, *The European Consensus on Development*, 2006/C 46/01, Brussels, 24 February 2006, p. 7.
[13] Council of the European Union, *The European Consensus on Humanitarian Aid*, 2008/C 25/01, Brussels, 30 January 2008, p. 2.
[14] M. Vincent & J. Wouters, "The Responsibility to Protect: Where Does the EU Stand?", *Madariaga – College of Europe Foundation & Leuven Centre for Global Governance Studies Policy Brief*, Brussels, July 2008, p. 6.
[15] G. Evans, "The Unfinished Responsibility to Protect Agenda: Europe's Role", *EPC/IPPR/Oxfam Policy Dialogue*, 5 July 2007.
[16] European Parliament, *European Parliament Resolution on Darfur*, P6_TA(2006)0142, Strasbourg, 6 April 2006.
[17] *International Coalition on the Responsibility to Protect*, "Crisis in Darfur", 2010.
[18] Interview with Elise Ford, *op.cit.*
[19] Vincent & Wouters, *op.cit.*, p. 5.
[20] *Ibid.*

While generally supportive of the Responsibility to Protect, EU Member States have yet to incorporate this concept into their national legislation. France has codified R2P in the White Paper on Defence and National Security and the White Paper of the Ministry of Foreign and European Affairs, both adopted in 2008. The United Kingdom has confirmed its support for R2P in the 2008 National Security Strategy of the United Kingdom. Norway is the only other European country to have done the same in the Norwegian White Paper No. 15.[21] Considering the active support for R2P by EU Member States at the international level, this lack of follow-up at the national level is disappointing. Two potential factors affecting progress within individual states should be considered. First, Member States may be applying R2P principles, but without actually calling it R2P. The concept has not been at the heart of the debate within the EU which reduces any pressure on Member States to integrate R2P individually.[22] Second, the key to wider acceptance would be a better understanding of 'R2P situations', where a balance needs to be struck between perceptions that military action is the sole option and the value of addressing wider-ranging issues. [23] Therefore, apart from France, which insists on its own interpretation of R2P, there is no single EU champion that would push the concept within EU circles.[24]

2.2   *R2P versus human security*

There has been significant debate on whether the EU has been pursuing a human security agenda and how that affects the EU's own perception of applying R2P in its policies. Human security, as defined by the so-called Barcelona Report led by Mary Kaldor, is the "individual freedom from basic insecurities" ranging from "genocide, wide-spread or systematic torture [and] inhuman and degrading treatment" to "[m]assive violations of the right to food, health and housing".[25] Louise Arbour, the former UN High Commissioner for Human Rights, believes that R2P opens a new era in pursuing human security. However, she wonders whether its application is too narrow, giving priority to civil and political rights over economic, social and cultural rights, which encompass issues such as the food crisis, global epidemics and climate change.[26] However, the principal authority on R2P, Gareth Evans, argues strongly that R2P is not "about conflict more generally [...] or human security more generally: it's not about solving all the world's problems, just one small sub-set of them" and that it is ultimately about the way we react "when we are confronted with the horror of another Cambodia, another Rwanda, another Bosnia".[27]

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[21] *International Coalition on the Responsibility to Protect,* "Responsibility to Protect and Europe", 2010.

[22] Interview with Elise Ford, *op.cit.*

[23] Evans, "The Unfinished Responsibility to Protect Agenda: Europe's Role", *op.cit.*

[24] Interview with Damien Helly, Research Fellow, EU Institute for Security Studies, phone interview, 22 March 2010.

[25] "A Human Security Doctrine for Europe: The Barcelona Report of the Study Group on Europe's Security Capabilities", 15 September 2004, p. 9.

[26] L. Arbour, *Integrating Security, Development and Human Rights*, San Diego, Joan B. Kroc Institute for Peace & Justice, 2008, pp. 49-52.

[27] G. Evans, President Emeritus, International Crisis Group, "Implementing the Responsibility to Protect", statement, United Nations General Assembly Interactive Dialogue on the Responsibility to Protect, New York, 23 July 2009, p. 1.

The recent report by the UNSG on human security provides the best clarification on how the two concepts relate to one another when it states that the "use of force is not envisaged in the application of the human security concept".[28] Within the EU, many officials have argued that the human security concept has been *de facto* accepted in the fields of development cooperation, humanitarian aid and crisis management. Still, John Kotsopoulos defends an EU human security agenda as a way to strengthen its moral standing at the global stage by serving "the pragmatic purpose of enhancing the EU's soft power".[29] This brings to the table the question of the ultimate purpose of the EU's Common Foreign and Security Policy (CFSP) and the ambiguity over the EU's 'grand strategy' between *being good* – where its mere existence based on certain values[30] contributes to stability and security – and *doing good* through interventions. Looking at the range of Common Security and Defence Policy (CSDP) missions, Bailes argues that "the pattern of missions has been driven by self-centred motives [...] as much as by the calculus of humanitarian impact".[31] What is clear, however, is the fact that by choosing low-risk operations with little force involved, the EU undermines – if not ignores – "some of the literal and metaphorical cries for help that ought to mean most for a European sense of values".[32]

2.3   *Promotion at the international level: the EU-UN partnership*

At the international level, the United Nations have been the primary forum for EU support for the Responsibility to Protect. Before the World Summit took place in September 2005, the June meeting of the European Council backed the R2P concept and underlined that it should be implemented by the UN Security Council.[33] Soon after the Summit, the General Affairs and External Relations Council welcomed in its conclusions the endorsement of R2P and marked it as "an important tool of the international community for addressing the worst atrocities".[34] This has also been reflected in the EU priorities for each forthcoming session of the United Nations General Assembly (UNGA), including for the 64th UNGA where paragraph 8 states the EU's commitment to the R2P concept as well as that "the EU is determined to make the concept operational".[35] Moreover, within the first two years after the adoption of

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[28] United Nations, Report of the Secretary-General, *Human Security*, A/64/701, New York, 8 March 2010, pp. 6-7.
[29] J. Kotsopoulos, "A Human Security Agenda for the EU: Would it Make a Difference?", *Studia Diplomatica*, vol. 60, no. 1, 2007, pp. 213, 226.
[30] These values include the respect for human dignity, freedom, democracy, equality, the respect for human rights and the rule of law. European Union, "Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union of 13 December 2007", *Official Journal of the European Union*, C115, 9 May 2008, art. 2.
[31] A.J.K. Bailes, "The EU and a 'better world': what role for the European Security and Defence Policy?", *International Affairs*, vol. 84, no. 1, January 2008, pp. 119-123.
[32] *Ibid.*, p. 120.
[33] Council of the European Union, *European Council Presidency Conclusions*, 10255/1/05 REV 1, Brussels, 15 July 2005.
[34] Council of the European Union, *General Affairs and External Relations Council Presidency Conclusions*, 2687th meeting, 13737/1/05 REV 1, Brussels, 7 November 2005.
[35] Council of the European Union, *EU Priorities for the 64th United Nations General Assembly*, 10809/09, Brussels, 9 June 2009.

the Outcome Document, over 50 references to R2P were made by EU Member States in either the UN Security Council or the General Assembly.[36]

In operationalising the concept, the EU has forged a strong relationship with the UN, namely through several declarations that have institutionalised this natural partnership. The key initiatives were the 2004 and 2007 Joint Statements on UN-EU Cooperation in Crisis Management, striving for closer coordination and establishing at the working level joint consultative mechanisms, as well as the 2004 document on EU-UN cooperation in Military Crisis Management Operations.[37] The latter focuses especially on rapid response operations, outlining the 'bridging model' and the 'stand-by model' as two options for how the EU could militarily support the UN.[38]

Paragraph 139 of the Outcome Document clearly underlines the primacy of the UNSC when deciding on collective action in accordance with the UN Charter, especially Chapter VII.[39] However, including R2P into the deliberations of the Council has proven to be an extremely difficult and sensitive task. The first instance was in fact the semi-annual debate on the Protection of Civilians in Armed Conflict (POC), leading to UNSC Resolution 1674 (2006), where the Council made its first official R2P reference by reaffirming the adoption of Paragraphs 138 and 139 at the World Summit (see Annex I). The adoption of this resolution has therefore further codified the R2P principle within the UN system.[40] This can be in large part attributed to the extensive advocacy of several EU Member States with France applauding "the perseverance of the United Kingdom in presenting and bringing this project to fruition".[41] Built on the same normative framework and legal obligations of protecting individuals, POC debates have enjoyed EU support as a way to keep the R2P on the Security Council agenda.[42]

2.4   *Operationalising the EU's responsibility to react*

The added value of the European Union in operationalising its responsibility to react is the wide range of instruments and actions at its disposal. According to Glume and Martens, this includes CSDP civilian and military missions, the use of economic,

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[36] *Responsibility to Protect Engaging Civil Society,* "Excerpts of Government Statements on the Responsibility to Protect, Europe, 2005-2007", *op.cit.*

[37] C. Major, "EU-UN cooperation in military crisis management: the experience of EUFOR RD Congo in 2006", *EU Institute for Security Studies: Occasional Paper,* no. 72, Paris, September 2008, pp. 10-12.

[38] The 'bridging model' would give the UN the time to redeploy or mount a new mission, while the 'stand-by model' would provide an EU reserve force, including for extraction purposes. *Ibid.*

[39] United Nations, General Assembly Resolution, *2005 World Summit Outcome*, A/RES/60/1, New York, 24 October 2005, p. 30.

[40] *International Coalition on the Responsibility to Protect*, "Protection of Civilians: Security Council Open Debates Reference RtoP", 2010.

[41] United Nations, Security Council, *Protection of Civilians in Armed Conflict*, 5476th meeting, S/PV.5476, New York, 28 June 2006, p. 20.

[42] "The Relationship between the Responsibility to Protect and the Protection of Civilians in Armed Conflict", *Global Centre for the Responsibility to Protect*, January 2009.

financial and targeted sanctions, arms embargoes, and the appointment of special representatives.[43]

The use of sanctions by the EU is regarded as "part of peace-making initiatives in conflict and attempts to protect civilians from government repression" and signals "EU punishment for or approval of certain policies".[44] The EU Council's Basic Principles on the Use of Restrictive Measures underlines its commitment to use "sanctions as part of an integrated, comprehensive policy approach which [...] could even involve, as a last resort, the use of coercive measures in accordance with the UN Charter".[45] However, Mepham and Ramsbotham outline two crucial elements for consideration: first is the need for redesigning sanctions that cause more harm to the general population than to the perpetrators into more discriminating, 'smart' sanctions; and second is the question of timing. As an example, they argue that "sanctions would have been no use to civilians following the outbreak of mass killing in Rwanda in 1994".[46]

While the role of relevant EU Special Representatives (EUSRs) will be further elaborated in the subsequent chapter, it is necessary to emphasise that their geographical spread and in-depth knowledge of situations on the ground, complemented by the work of personal representatives and advisers on numerous thematic issues, makes them an extremely useful tool for early warning action and mediation when crises erupt.[47]

Since the launch of the CSDP, the EU has already completed 14 operations and had in place 14 active missions at the time of writing, four of which are in Africa (EU NAVFOR Somalia, EUTM Somalia, EUPOL RD Congo and EUSEC RD Congo). Ranging from police training and monitoring missions to Rule of Law and military operations, the EU has shown the ability to take on a wide-range of crisis management tasks.[48] However, there is a difference between EU CSDP missions providing peacekeeping support – as with EUFOR RD Congo or the EU Support to AMIS II mission in Darfur[49] – and the direct deployment of a military force in cases of an imminent or ongoing gross human rights violation. Holt and Berkman make this distinction by underlining that "a military intervention designed to protect civilians from mass killing is fundamentally different from a peace operation mandated to protect civilians from

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[43] G. Glume & Q. Martens, "La Responsabilité de protéger: où en est l'Union européenne?", *Les Cahiers du RMES*, vol. 6, no. 1, 2009, p. 116.

[44] J. Kreutz, "Hard Measures by a Soft Power? Sanctions Policy of the European Union", *Bonn International Centre for Conversion*, Bonn, 2005, p. 42.

[45] Council of the European Union, *Basic Principles on the Use of Restrictive Measures (Sanctions)*, 10198/1/04 REV 1, Brussels, 7 June 2004, p. 2.

[46] D. Mepham & A. Ramsbotham, "Safeguarding Civilians: Delivering on the Responsibility to Protect in Africa", *Institute for Public Policy Research*, London, 2007, p. 20.

[47] "Dialogue on the Responsibility to Protect: European Perspectives", Responsibility to Protect Engaging Civil Society, 25 June 2008.

[48] "Chart of EU Missions", *International Security Information Service, Europe*, November-December 2010.

[49] W. Assanvo & C.E.B. Pout, "The European Union: African Peace and Security Environment's Champion?", *Fondation pour la Recherche Stratégique*, Paris, November 2007, pp. 19-20, 22.

much lesser risks".[50] In short, the immediate protection requires what has been described as 'coercive protection missions', when the demand arises for "a rapid and forceful 'fire brigade' response".[51] This brings up difficult questions of whether the EU is focusing more on dealing with broader issues within the human security realm, and whether a specific 'R2P doctrine' is required to provide clear guidelines for EU military action if or when R2P is invoked.

The EU military operation in Chad and the Central African Republic (EUFOR Tchad/RCA) was the closest the EU got to the Responsibility to Protect,[52] and one of the main objectives outlined in its mandate was the protection of civilians. The mission demonstrated that "once again the EU could successfully project several thousand troops away from Europe without NATO, to carry out Petersberg tasks, including combat if need be, in coordination with the United Nations".[53] Nevertheless, while the mission may have included R2P principles, its *raison d'être* was discussed before the mission and it took six months for an agreement and for deployment to start.[54] Alyson Bailes points out correctly that "the EU has *not* yet contemplated a mission of the most strongly humanitarian sort that recognizes an international 'responsibility to protect'".[55]

In order to provide added value in "the continuum of prevention-reaction-rebuilding", Damien Helly argues that the EU should "adopt an R2P doctrine defining guidelines for action and reaction".[56] Building on already existing documents, such as the ESS and the Göteborg Programme on conflict prevention, the EU could also incorporate elements from the ICISS report – including the precautionary principles – and determine the scope of the reaction agenda, the types of abuses that would need such a response, and clear up what the protection of civilians means.[57] Holt and Berkman point out that the EU could instead use the military doctrine of the lead nation in CSDP operations. The UK doctrine, for example, has the potential to do so as it reflects the closest language of R2P, but stops short in considering Peace Support Operations (PSOs) solely for the protection of civilians.[58] Helly believes that the EU should have a political debate on finding a common approach and clarifying under which conditions it would be prepared to use force. The Lisbon Treaty offers a

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[50] V.K. Holt & T.C. Berkman, *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations*, Washington, D.C., Henry L. Stimson Center, 2006, p. 3.

[51] Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All, op.cit.,* p. 214.

[52] Interview with an official, Permanent Representation of France to the EU, Brussels, 25 March 2010.

[53] G. Grevi, D. Helly & D. Keohane (eds.), *European Security and Defence Policy: The First 10 Years (1999-2009)*, Paris, EU Institute for Security Studies, 2009, p. 348.

[54] Interview with Elise Ford, *op.cit.*

[55] Bailes, *op.cit.*, p. 124.

[56] D. Helly, "Africa, the EU and R2P: Towards Pragmatic International Subsidiarity?", *Journal for International Relations and Global Trends*, issue 1, January 2009, p. 55.

[57] *Ibid.*

[58] Holt & Berkman, *op.cit.*, pp. 114-119, 130.

good opportunity to hold such a debate and set clearer priorities, especially within the formation of the European External Action Service (EEAS).[59]

However, EU Member States remain divided as there seem to be those who oppose peace enforcement missions, those that believe a clear mandate is more important to consider than the risks, and those placing urgency and justice before legality.[60] It is very difficult to operationalise the EU's responsibility to react as setting guidelines for intervention also means a show of commitment to deploy troops, and Member States are reluctant to pre-engage themselves in such a way. Instead, priority is given in agreed policies to supporting UN and African capabilities,[61] which could also explain the lack of pressure to include R2P at the EU level.

The EU Battle Groups are at the moment "the primary operational tool for EU military interventions [...] capable of robust peace enforcement on a limited scale" and are "designed to be compatible with UN Chapter VII mandates".[62] Operational since January 2007, the EU maintains at any given time two concurrent 1,500-strong Battle Groups for rapid response on a rotational basis of six months, and are deployable within ten days and can be sustained up to four months.[63] As long as Africa lacks enough autonomous capabilities for intervention – either on its own or in support of UN operations – the EU must maintain the Battle Group option for direct deployment in Africa or elsewhere. This could be essential in cases where it is hard to find sufficiently neutral African states, or where the African Union would be reluctant or unable to act.[64]

In the meantime, the EU could develop specific guidelines to operationalise civilian protection mandates.[65] The EULEX Kosovo mission is so far the only mission where the Joint Action incorporates preventive elements – especially important for theatres of operation that are risk-prone to mass atrocities – and includes explicit mention of R2P by referring to UNSCR 1674 (2006).[66] However, Helly warns against a systematic incorporation of the R2P concept into CSDP mandates: the EU should aim instead for well-targeted and tailored mandates depending on the situation. Political aspirations need to be balanced with actual capabilities for the protection of civilians in order to avoid situations where EU forces would prove unable to fulfil their mandate.[67] Building on best practice, Ford argues that civilian protection mandates would give the possibility to outline action at the EU level and include R2P elements into EU rules

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[59] Interview with Damien Helly, *op.cit.*
[60] Bailes, *op.cit.*, p. 124.
[61] Interview with Ambassador Koen Vervaeke, EU Special Representative to the African Union, Brussels, 24 April 2010.
[62] Mepham & Ramsbotham, *op.cit.*, pp. 57-58.
[63] "Development of European Military Capabilities", *Council of the European Union*, February 2010.
[64] Interview with Ambassador Koen Vervaeke, *op.cit.*
[65] "The Responsibility to Protect and the European Union", *Oxfam International*, March 2008.
[66] R. Wright & J. Auvinen, "What Ambitions for EU Civilian Crisis Management?", in de Vasconcelos, Álvaro (eds.), *What Ambitions for European Defence in 2020?*, Paris, EU Institute for Security Studies, 2009, 2nd edn., p. 125.
[67] Interview with Damien Helly, *op.cit.*

of engagement. The mandate of EUFOR Tchad/RCA included a number of well-thought out *ad hoc* guidelines, including a clear prioritisation of its objectives and strict policy of neutrality. While this was not passed onto the existing UN mission, EU Member States currently holding UNSC seats are working on improving such guidelines at the UN level.[68]

The EU is clear on promoting and strengthening the development of capabilities and structures on the African continent through a joint partnership – the topic of the next chapter. Even though strong EU support is welcomed by African states, one must also wonder whether this strategy is intended, in part, to delegate some of the EU's responsibility to react to the African Union.

3.   The EU and Africa: building a strategic partnership

Africa entered the new millennium revitalised with the establishment in 2002 of the African Union – replacing the Organisation of African Unity (OAU) – which built directly on the ideas of pan-Africanism through regional integration. Initiated by South Africa's President Thabo Mbeki and the Libyan leader Muammar Gaddafi, the AU was to become "the frame for a new African regionalism" resting on the "recognition of the need to redefine the parameters of political, socio-economic and security developments on the African continent".[69]

Already in the 1960s, a united Africa was promoted as the only viable option to address the wide range of problems facing the continent. While the origins of pan-Africanism lie outside the scope of this paper, it is necessary to acknowledge its importance both as an instrument and an ideology during the decolonisation process. The idea was at the time spearheaded by Ghana's President Kwame Nkrumah and his contributions became instrumental in the creation of the OAU, symbolising pan-African unity.[70] However, divisions between African leaders over the role of the organisation rendered it ineffective since the day of its inception, and the principle of non-intervention provided a *carte blanche* for the members in dealing with their internal matters.[71]

3.1   African solutions to African problems: the birth of the African Union

Considering that for the duration of the OAU's existence roughly 30 conflicts claiming around ten million lives can be recorded – in large part due to the fault of the organisation's own incapacity and unwillingness to respond – the Constitutive Act of

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[68] Interview with Elise Ford, *op.cit.*
[69] L. Kühnhardt, "African Regional Integration and the Role of the European Union", in V. Bello & B. Gebrewold (eds.), *A Global Security Triangle: European, African and Asian Interaction*, London, Routledge, 2010, p. 77.
[70] D.J. Francis, *Uniting Africa: Building Regional Peace and Security Systems*, Aldershot, Ashgate, 2006, pp. 11-21.
[71] T. Murithi, *The African Union: Pan-Africanism, Peacebuilding and Development*, Aldershot, Ashgate, 2005, pp. 26-30.

the AU signifies a crucial shift by African states in the conceptualisation of sovereignty. Member States have expressed respect for territorial integrity only when sovereignty is exercised responsibly and designated the AU "as the ultimate guarantor and protector of the rights and well-being of the African people".[72] The endorsement by the AU of the Responsibility to Protect principle took place both at the continental as well as the international level. At the first level is the wording of Article 4 of the Constitutive Act, specifically paragraph (h) which gives the AU "the right [...] 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".[73] Clearly, Article 4(h) endorsed R2P even before the ICISS report was released a year later. Along with other documents such as the *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, the AU has spelled out a set of principles, resting on the ideas of R2P.[74]

At the international level, the AU's Executive Council met in March 2005, ahead of the World Summit, to form a common position on UN reform – known as the Ezulwini consensus – and contributed significantly to ending the notion of R2P as a purely Western ideal by signalling direct support from the developing countries.[75] However, while the consensus backed the High-Level Panel on Threats, Challenges and Change criteria, it also underlined the importance of preventing the abuse of R2P to undermine states' sovereignty as well as the need for compliance with Article 51 of the UN Charter and Article 4 of the Constitutive Act. This is directly linked with the AU's wish to maintain its own primary responsibility by insisting that when deciding on intervention, regional deliberations should take precedence over international ones.[76] Thus, due to the proximity and nature of conflicts, it is the AU that bears the responsibility for intervening in "the 'Try Africa First' approach to peace, security and conflict management".[77]

3.2   Making the African Peace and Security Architecture a reality

The African Peace and Security Architecture is considered a major breakthrough in efforts to build-up the AU's capacity to effectively respond to peace and security issues, encompassing a set of norms, structures and procedures at the continental and sub-regional level.[78]

The APSA is comprised of five main components (see Annex II), notably the Peace and Security Council (AU PSC) as a 15-member political decision-making body, the

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[72] Murithi, *op.cit.*, pp. 82, 100.
[73] "The Constitutive Act of the African Union", *African Union*, 11 July 2000.
[74] K. Aning & S. Atuobi, "Responsibility to Protect in Africa: An analysis of the African Union's Peace and Security Architecture", *Global Responsibility to Protect*, vol. 1, no. 1, February 2009, pp. 92-94.
[75] A.J. Bellamy, *Responsibility to Protect*, Cambridge, Polity Press, 2009, pp. 77-81.
[76] *Ibid.*
[77] Francis, *op.cit.*, pp. 113-116.
[78] N. Pirozzi, "EU Support to African Security Architecture: Funding and Training Components", *EU Institute for Security Studies: Occasional Paper,* no. 76, Paris, February 2009, p. 11.

African Stand-by Force (ASF), a mediating and advisory body named the Panel of the Wise (POW), the Continental Early Warning System (CEWS) and the Peace Fund.[79] The ASF undoubtedly stands out as the most prominent and ambitious dimension of the APSA and builds on earlier ideas of a continental rapid reaction force as part of the establishment of the OAU Mechanism for Conflict Prevention, Management and Resolution in 1993. However, the key change was to incorporate the regional mechanisms as 'building-blocks' and provide for a strong connection – through harmonisation and cooperation – between the AU[80] on the one hand, and three Regional Economic Communities (RECs) and two Regional Mechanism (RMs) on the other hand.[81]

The AU PSC was perceived as a necessary step toward creating an operational structure in implementing AU decisions in the conflict prevention, resolution and reconstruction realm. It is for this reason that its mandate includes the anticipation and prevention of conflicts, the authorisation of PSOs, the implementation of peace-building and post-conflict reconstruction, as well as the development of a common defence policy and coordination of efforts at the continental level. The AU PSC is therefore placed at the heart of the APSA, and is directly supported by the AU Commission as well as the remaining four components mentioned above.

The ASF is a clear demonstration that as the legal and political debate over the Responsibility to Protect continues, progress can still be made on the capability to protect. For the AU, the ASF will provide not only "the option to act in cases when there is international consensus to do so" but would also place pressure on states and groups involved "to desist from atrocities and allow [...] humanitarian intervention or else face forcible action".[82] The ASF reflects determination to address the major difficulties encountered during the deployment of AU missions since 2003 – including the AU Missions in Burundi and Sudan, AMIB and AMIS, respectively – as well as their high financial and logistical dependence on non-African states. This is still evident in the ongoing AU Mission in Somalia (AMISOM).[83] The end-goal is to have in place five regional multidisciplinary brigades of roughly 4,000 soldiers, up to 500 military observers as well as civilian and police components. The aim, therefore, is to

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[79] A. Vines & R. Middleton, "Options for the EU to Support the African Peace and Security Architecture", *European Parliament: Policy Department External Policies*, Brussels, February 2008, pp. 8-9.

[80] K. Powel, "The African Union's Emerging Peace and Security Regime: Opportunities and Challenge for Delivering on *The Responsibility to Protect*", *The North-South Institute,* Working Paper, Ottawa, May 2005, pp. 14-16.

[81] The five regions are as follows: the Economic Community of Central African States (ECCAS) in Central Africa; the Southern African Development Community (SADC) in the South, the Economic Community of West African States (ECOWAS) in the West; the Eastern Africa Standby Brigade (EASBRIG) in the East; and the North Africa Regional Capability (NARC) in the North. K. Vervaeke, "EU-AU Cooperation in Military Crisis Management and Capacity-Building: A View from Practice", *Studia Diplomatica*, vol. 62, no. 3, 2009, p. 76.

[82] D.C. Gombert, "For a Capability to Protect: Mass Killing, the African Union and NATO", *Survival*, vol. 48, no. 1, 2006, p. 9.

[83] Pirozzi, *op.cit.*, p. 15.

strengthen and assemble capabilities from the five corresponding regions and to keep suitable forces on stand-by in their respective countries.[84]

It is important to underline that the majority of Africa's sub-regional organisations have already created certain capacities and mechanisms as they have been in place longer than the AU. Therefore, it is crucial that institutional capacity-building is focused at the continental level, and direct support is given to the five brigades reaching operational capability.[85]

Progress on the ASF, however, has not met its targets and more importantly, has been uneven between the different regions. It is widely accepted that the role of the RECs/RMs is essential to an effective peace and security architecture, yet the AU-designated five regions simply do not equate with the existing sub-regional organisations.[86] There is therefore a need for a rationalisation of the regions, as promoted by the AU Commission, but has so far proven to be a difficult task, with each grouping claiming its *raison d'être*. The Memorandum of Understanding between the AU and the RECs/RMs provides for a degree of harmonisation and prevents duplication, but much depends on individual AU Member States.[87]

The ASF regions should be the starting point for regional integration, with the need for the political and economic groupings to mould around them.[88] However, not only is there limited REC/RM representation at the AU, but sub-regional organisations are much more focused on dealing with development and governance issues than their counterparts in Addis Ababa who are concerned more with peace and security issues at the continental level. This problem is coupled with a general decline of political will since the AU's establishment as well as, at the national level, the continuing capacity gap to contribute to PSOs.[89]

3.3   The EU's role in strengthening Africa's Responsibility to Protect

On the EU side, several developments have led to a renewed interest in engaging Africa in peace and security matters, including the creation of the AU and the emergence of its principle of non-indifference, the proposal for a continental approach to peace and security through the APSA, and the AU's clear demonstration of readiness to take over responsibility in peacekeeping operations.[90] The *EU Strategy for Africa* adopted by the European Council in late 2005 was designed to frame the EU's cooperation with the African continent as a whole, explicitly stating

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[84] Powel, *op.cit.*, pp. 13-14.
[85] B. Franke, "EU-AU Cooperation in Capacity-Building", *Studia Diplomatica*, vol. 62, no. 3, 2009, p. 71.
[86] Pirozzi, *op.cit.*, p. 16.
[87] Interview with Mohamed Mustoofa, Attaché, AU Representation in Brussels, Brussels, 20 April 2010.
[88] Interview with Ambassador Koen Vervaeke, *op.cit.*
[89] M. Issaka & E.D. Mushemeza, "Operationalising the African Standby Force", *International Peace Institute*, January 2010, pp. 2-4.
[90] *Ibid.*, p. 8.

that "Europe has a strong interest in a peaceful, prosperous and democratic Africa".[91] The strategy not only acknowledged the interconnectedness between peace and security and development, but also identified "African partnership as a *sine qua non* for a constructive relationship".[92] While criticised for not including African partners, the strategy introduced a more political, rather than just developmental, focus on relations with Africa.[93]

In 2000, the first EU-Africa Summit took place in Cairo, representing a new momentum for the special relationship between the two continents.[94] Even though seven years passed before a second EU-Africa Summit took place in Lisbon, the current partnership rests firmly on the Joint Africa-EU Strategy (JAES),[95] which was adopted in 2007 and formulated a joint approach based on African ownership and principles of partnership. The Partnership on Peace and Security was determined as one of four distinct objectives within this strategic framework. For that particular objective, the JAES Action Plan sets out three priority areas, namely (a) enhanced dialogue on peace and security challenges, (b) the full operationalisation of APSA, and (c) sustainable funding for Africa's PSOs.[96]

Enhanced dialogue is taking place at several levels, where especially the Commission-to-Commission meetings are considered to be a major achievement, and is perceived as the way forward to a better understanding of Africa's challenges and also towards aligned positions in international fora.[97] Close consultation with the African partners has become standard practice before the EU makes decisions in Brussels. There are of course disagreements over certain issues, but the AU is learning to formulate strong and unified positions that sometimes make it harder for the EU – as a partner – to disagree.[98] Africa-EU Summits are now held every three years – with the most recent summit taking place in November 2010 – and meetings are multiplying at the ministerial, parliamentarian and expert levels. Also important are the joint meetings between the EU Political and Security Committee (PSC) and the AU PSC, which have been occurring since November 2008.

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[91] Council of the European Union, *The EU and Africa: Towards a Strategic Partnership*, 15961/05, Brussels, 19 December 2005.
[92] T. Tardy, "The European Union in Africa: A Strategic Partner in Peace Operations", *Geneva Centre for Security Policy & International Peace Academy*, Geneva, July 2006, p. 4.
[93] Interview with Ambassador Koen Vervaeke, *op.cit.*
[94] N. Alecu de Flers & E. Regelsberger, "The EU and Inter-regional Cooperation", in C. Hill & M. Smith, *International Relations and the European Union*, Oxford, Oxford University Press, 2005, pp. 324, 329-330.
[95] The JAES is based on four common areas for cooperation; peace and security; governance and human rights; trade and regional integration; and key development issues. Vervaeke, *op.cit.*, p. 76.
[96] *Ibid.*, pp. 75-76.
[97] "Together We Stand, Together, We Fall", *European Centre for Development Policy Management Summary Report*, 24 February 2010.
[98] Interview with Ambassador Koen Vervaeke, *op.cit.*

Another important development was the appointment in 2007 of Koen Vervaeke as the EU Special Representative to the AU – double-hatted as the Head of EU Delegation based in Addis Ababa.[99] However, according to EUSR Vervaeke, R2P is not as such on the agenda when discussing peace and security matters with the African Union. Instead, *ad hoc* implementation of the AU's non-indifference principle is undertaken and supported. Closer cooperation on R2P-related issues should be established, and the Lisbon Treaty does provide opportunities to optimise the EU's instruments and policies by forging greater coherence.[100] At present there is an unclear division of labour between EUSR Vervaeke and General Pierre-Michel Joana, who was appointed in 2008 as Special Adviser for African Peacekeeping Capabilities. The latter is tasked with coordinating all activities with African partners relating to the peace and security architecture within the Council of the EU as well as the European Commission.[101]

The establishment of the African Peace Facility (APF) in 2004 represents the most direct EU support for Africa's capacity-building, and is according to EUSR Vervaeke providing "for the first time a reliable, predictable and sustainable funding source for [AU-led] operations".[102] The APF is guided by the JAES Action Plan for resource allocation, where the bulk of the finances, € 600 million, go towards PSOs such as AMIS and AMISOM, but also AU missions in the Central African Republic and the Comoros. Capacity-building – that is the operationalisation of APSA and strengthening of political dialogue – receives € 100 million, while € 15 million has been allocated for Early Response Mechanisms.[103] The APF has been seen as very controversial in the development community as part of an overall trend to the militarisation of aid,[104] but EUSR Vervaeke argues that the APF – in linking security with development – has made some of the best use of development resources in supporting the 'software' of the APSA. When resources are combined from all the relevant financial instruments, the AU will receive an impressive one billion Euros to develop its peace and security architecture.[105]

Three factors, however, complicate the effective functioning of this tool. First, the APF is currently funded by the 10th European Development Fund (EDF), which places considerable limitations on the use of resources, specifically the prohibition of covering military and arms expenses such as military training and equipment. Second, separate funding instruments are utilised by individual Member States.[106]

[99] Pirozzi, *op.cit.*, pp. 19-21.
[100] Interview with Ambassador Koen Vervaeke, *op.cit.*
[101] Council of the European Union, *Javier Solana, EU High Representative for the CFSP, appoints General Pierre-Michel Joana as Special Advisor for African Peacekeeping Capabilities*, S091/08, Brussels, 29 February 2008.
[102] Vervaeke, *op.cit.*, p. 78.
[103] European Commission, "African Peace Facility", 23 March 2010.
[104] Interview with Elise Ford, *op.cit.*
[105] Interview with Ambassador Koen Vervaeke, *op.cit.*
[106] For example, the United Kingdom's African Conflict Prevention Pool (ACPP) with a budget of around € 70 million, and the Italian African Peace Facility (IAPF) amounting to € 40 million. Pirozzi, *op.cit.*, pp. 23-29, 36.

Last, there is an overlap between the APF and various geographically applicable financial mechanisms, including the Development Cooperation Instrument, the European Neighbourhood and Partnership Instrument and the Instrument for Stability.

Another essential EU contribution towards the self-sustainability of the ASF is through its training programme – the AMANI AFRICA – which constitutes the Europeanisation of a ten-year French initiative in West Africa. Financed by the APF, its goal is to provide strategic-level training, both military and civilian, to help build an operational ASF.[107] Building on the successful French EURO RECAMP training cycle, this CSDP instrument aims to harmonise continental and sub-regional decision-making processes with the AU and ASF procedures and doctrines.[108] EUSR Vervaeke has doubts whether the ASF concept might run up against the same problems the EU is faced with when discussing the use of the Battle Groups. Still, testing the ASF capabilities to respond to a crisis through the Command Post Exercise (CPX) will take stock of the level of implementation and shed light on how the ASF would be mobilised and under what kind of political leadership.[109] Worth mentioning is also a separate, yet complementary, joint venture run since 2009 between the UK, France, the AU and the EU to combine early warning systems under the *Mécanisme interactif de Veille et d'Anticipation des Crises* (MIVAC) aiming, *inter alia*, to fully equip the AU's situation room.[110]

Much more work is needed in the coming years to fully operationalise the APSA, and more importantly to strengthen links between the AU and the RECs/RMs. At the continental level, Benedikt Franke argues that "the AU's lack of institutional capacity remains the most serious impediment to the effective operationalization of continent-wide projects", while at the regional level, the "lack of inter-operable military equipment" and "an overemphasis on the provision of peacekeeping training" continue to hamper real progress towards the ASF brigades.[111]

EUSR Vervaeke points to the fact that with the APSA, the AU has been placed at the heart of peace and security matters and has consequently been forced to discuss these issues together with the RECs/RMs. The EU is providing financial support to strengthen liaison offices of the sub-regional organisations in Addis Ababa and AU representations to the RECs/RMs.[112] Yet a complication arises with the fact that the EU also deals with the RECs separately – as in the case of the Economic Partnership Agreements – and without consulting the AU Commission first.[113] What is more, in the continental-regional nexus, the added value of the AU must be made clear to the RECs/RMs, and a legal framework regulating their relations via the ASF and a

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[107] *Ibid.*
[108] "EURO RECAMP – AMANI AFRICA (2008-2010)", *Council of the European Union*, July 2009.
[109] Interview with Ambassador Koen Vervaeke, *op.cit.*
[110] Grevi, Helly & Keohane, *op.cit.*, pp. 151-152.
[111] Franke, *op.cit.*, pp. 70-72.
[112] Interview with Ambassador Koen Vervaeke, *op.cit.*
[113] Interview with Mohamed Mustoofa, *op.cit.*

differentiated approach to developing the five regional brigades may offer the best hope for progress on this.

As far as the EU is concerned, the development problems in its own CFSP / CSDP and uneven interests among EU Member States prevent a uniform and coherent approach to Africa.[114] This is further complicated by the persistence of national priorities – namely those of the UK and France – in Africa as well as the long-standing role of the European Commission within the African, Caribbean and Pacific group (ACP) framework. Peace and security issues urgently need to be properly addressed, but some raise concerns that this will "undermine other areas of cooperation such as development, governance, trade and health".[115] While the EU is considered as the most important partner, there has been critique expressed from the African side that the EU is too focused solely on peace and security issues.[116] The Africa-EU strategic partnership must also be considered within the wider picture where a myriad of actors – including the UN, the North Atlantic Treaty Organisation (NATO), the Arab League and the G8 – have engaged with and contributed to the development of the APSA.[117]

The UN plays a central role in Africa, which only emphasises the need for close cooperation with the EU and the AU. Their interdependence and pursuit of comparative advantages – if approached correctly – can have a crucial impact on Africa's peace and security.[118] The UN will maintain its prime responsibility for peacekeeping on the African continent – especially so long as the APSA remains far from fully operational – and it is therefore important to strengthen the UN-AU-EU relationship. A further example is the cooperation between the EU and the US, with the latter supporting, *inter alia*, AMISOM by providing military hardware, including ammunition, to its troops.

Ultimately, conflicts will need African solutions, but while the EU cannot impose such solutions, the continuing development of the APSA should not come at the cost of the EU's disengagement from the continent.[119] The African Union does have the potential to transform the idea of 'Try Africa First' into standard practice. The conceptual change made by African states in taking up their own responsibilities is being matched with an institutional framework and enforcement mechanisms, but this will take time.

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[114] Grevi, Helly & Keohane, *op.cit.*, pp. 153-154.
[115] Tardy, *op.cit.*, p. 5.
[116] Interview with Mohamed Mustoofa, *op.cit.*
[117] Grevi, Helly & Keohane, *op.cit.*, p. 154.
[118] Tardy, *op.cit.*, pp. 12-13.
[119] Interview with Ambassador Koen Vervaeke, *op.cit.*

4.   Conclusion

Adopting the Responsibility to Protect at the 2005 World Summit marked a milestone in the re-conceptualisation of sovereignty and has had significant implications for the conduct of world affairs ever since. While there may have been concerns over a potential setback to the R2P principle before the UNGA plenary debate in 2009, UN Member States have clearly shown continuing support for R2P and its applicability to cases of genocide, war crimes, ethnic cleansing and crimes against humanity. The UNSG's three-pillar strategy, which builds directly on Paragraphs 138 and 139 of the Outcome Document, has also been recognised as the right way forward in operationalising R2P. As the primary responsibility for protection lies with the state itself, the crucial role of the international community's assistance to help develop the right national capabilities needs to be maintained.

This paper has shown that the EU has remained an active promoter of R2P at the international stage since the World Summit, but has failed to reflect this political support in the development of its own policies. Each individual EU Member State endorsed and accepted the R2P principle in 2005, yet only a few have incorporated the concept into national documents. Such a record is discouraging to say the least. Over-enthusiastic initiatives taken by the European Parliament, which are not met with concrete results on the ground, and the cautious approach by the European Commission, are still far from ensuring a consistent inclusion of R2P into EU policies. Moreover, the *de facto* acceptance of the human security doctrine should also not serve as an alternative to R2P.

With the JAES – notably the Partnership on Peace and Security – the EU has successfully established a framework through which it can channel its support for R2P into effective action on the African continent. The EU's role in the development of African capabilities on peace and security matters is increasingly changing from paternalism to that of partnership. The signing of the JAES and the appointment of the EUSR to the AU sent a strong political message of ensured EU support as Africa takes on its responsibility to tackle ongoing conflicts. As political dialogue is becoming institutionalised, both sides should find an appropriate forum to include discussions on R2P, which could further strengthen the legitimacy of the R2P principle in the South. The complementary utilisation of the RECs/RMs' structures is crucial in creating strong preventive and enforcement AU mechanisms. Thereby, the EU is contributing greatly towards better harmonising existing structures between the continental and the regional level.

The creation of the APF marks an important sustainable financial contribution to AU-led PSOs and to strengthening the APSA components. The EDF funding restrictions could be overcome by optimising funding through EU Member States' individual programmes, especially in financing APSA's 'hardware' designated to boost ASF capacities. The Lisbon Treaty provides an opportunity to streamline resource allocation, but Member States must avoid duplication by setting similar allocation

targets as the APF. EU funding for the AU PSC and the POW, as well as technical support to the CEWS through the MIVAC initiative are also important contributions towards operationalising Africa's R2P.

Furthermore, the near completion of the AMANI AFRICA cycle highlights that a fully operational ASF remains a long-term project, where the EU needs to maintain its status as key partner. Therefore, EU engagement through CFSP/CSDP instruments in Africa is essential for continuing its support on the ground. The EU has at its disposal a wide variety of civil-military operational tools that can provide direct support to AU and UN peacekeeping efforts, ranging from prevention, as was done with EUFOR RD Congo, to rebuilding as is the case with the ongoing EUSEC and EUPOL RD Congo missions. However, the majority of CSDP missions – symbolic small force operations with low risks entailed – have fallen short of the concrete action needed to support effective conflict resolution in Africa. The work of EUSRs and the use of targeted sanctions are mutually supporting measures and could prove essential components in the EU's operationalisation of R2P, under Chapters VI and VIII of the UN Charter. The EEAS has the potential to combine all the crisis management instruments under a single body and further research should be conducted on how to best integrate R2P principles into the new service.

The EU should adopt a set of clear benchmarks to respond to R2P situations – when the host state fails to do so – and should outline the type of coercive protection missions it is prepared to undertake, mandated by the UNSC under Chapter VII of the UN Charter. An official strategy outlining EU action in cases of gross human rights violations, and when the state's primary responsibility has failed, would reaffirm the EU's commitment to values that it so vigorously defends, and would enable Europe to take the lead in transforming political rhetoric on R2P into guidelines for concrete action. Enshrining R2P at the EU level would strengthen the Union's moral standing in talks with African partners and provide greater leverage for including R2P within the APSA components, in effect operationalising Article 4(h) of the Constitutive Act of the AU.

The focus of this paper has been predominantly on the responsibility to react, and until the APSA is fully operational and ready to respond to mass atrocities, the EU must maintain the option of using Battle Groups as the optimal tool to ensure an *immediate* protection of civilians. While the *jus ad bellum* ('law on war') decision regarding action on R2P will remain the most controversial and rests primarily on the UNSC, the EU could focus on contributing to the *jus in bello* ('law in war') by operationalising civilian protection mandates. Lessons learnt from EUFOR Tchad/RCA and EULEX Kosovo could be a starting point for tailored mandates matching the capabilities delivered. When determining the rules of engagement, national doctrines could provide the foundation, but balanced moral burden-sharing would be ensured only through an EU R2P doctrine.

As a final point, this paper has argued that while continuing EU support for R2P at the international level is welcomed and much needed, it has undermined any sense of

urgency on incorporating the R2P principle into EU policies. Furthermore, while EU support for African capacity-building is on the right track – and the JAES implementation will only strengthen Africa-EU relations – this should not mean that the EU is delegating some of its R2P to the African continent.

Africa has the potential to become a prime test-case of whether the EU will be willing to combine all three R2P elements under a single framework. The EU will be confronted with more R2P situations, where discussions of how to react cannot easily be fobbed off onto the UN or the AU to deal with. With an R2P strategy, the EU can emerge as a proactive international partner, and one that is better prepared to fulfil its Responsibility to Protect when the world is faced with another Rwanda. The Responsibility to Protect can restore the true meaning of 'never again'.

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ANNEX I

2005 World Summit Outcome Document
United Nations General Assembly, New York, 15 September 2005 (extract)

Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity
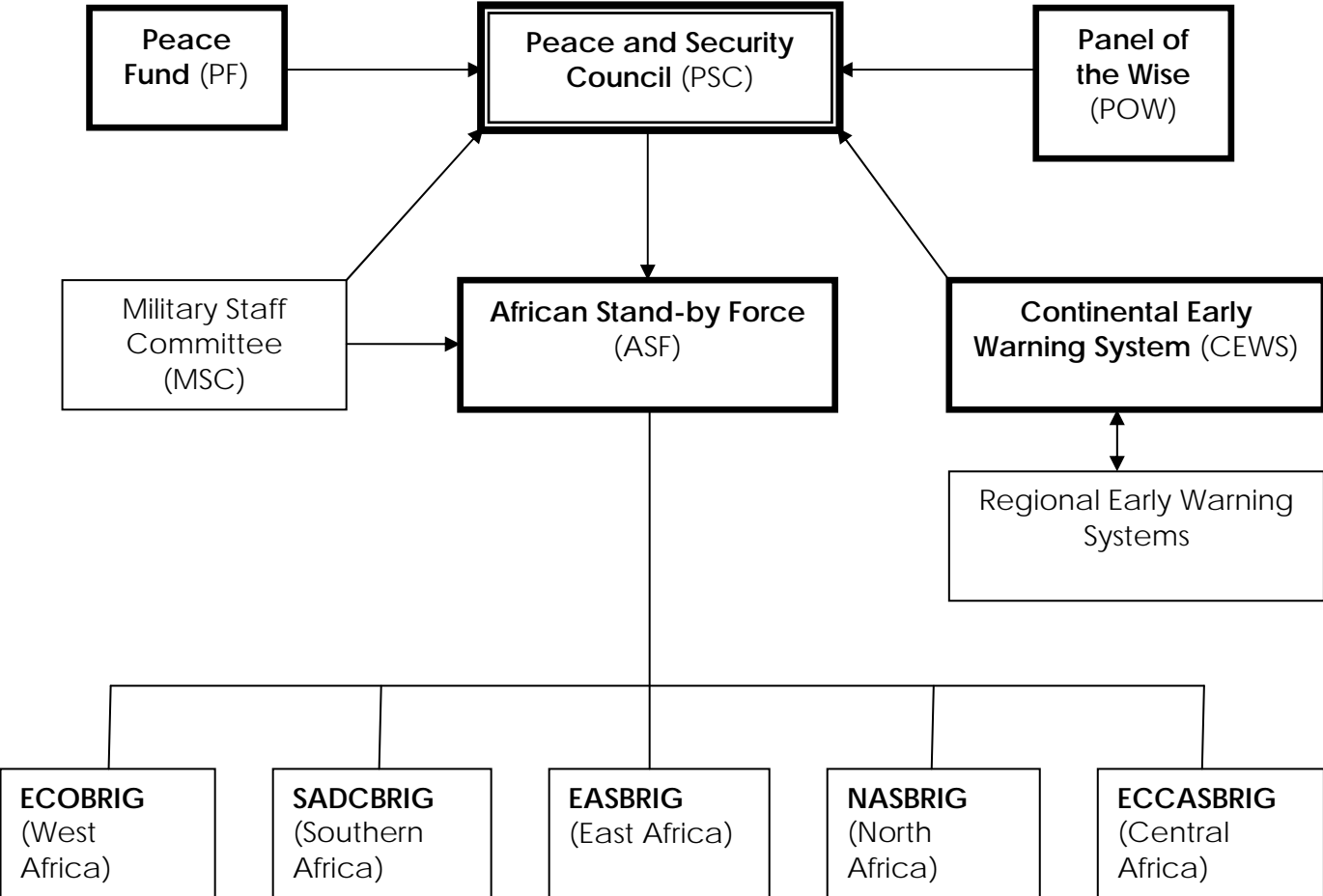
138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. 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, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organisations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

Source: United Nations, General Assembly Resolution, *2005 World Summit Outcome*, A/RES/60/1, New York, 24 October 2005, p. 30.

ANNEX II

African Peace and Security Architecture

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│  Peace       │ ──────▶ ║ Peace and Security║ ◀────── │  Panel of    │
│  Fund (PF)   │         ║  Council (PSC)    ║         │  the Wise    │
└──────────────┘         └══════════════════┘         │  (POW)       │
                                                        └──────────────┘
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| Peace Fund (PF) | → | Peace and Security Council (PSC) | ← | Panel of the Wise (POW) |

| Military Staff Committee (MSC) | → | African Stand-by Force (ASF) | | Continental Early Warning System (CEWS) |

Regional Early Warning Systems

| ECOBRIG (West Africa) | SADCBRIG (Southern Africa) | EASBRIG (East Africa) | NASBRIG (North Africa) | ECCASBRIG (Central Africa) |

Source: A. Vines & R. Middleton, "Options for the EU to Support the African Peace and Security Architecture", *European Parliament: Policy Department External Policies*, Brussels, February 2008, p. 9.

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