

Oxfam's Contribution on *Peace and Security Cluster*¹

Contribution to African Civil Society Organisations' Consultation on AU/EU Joint Strategy for Africa's Development, Organised by the AUC in Accra, Ghana, 26-28 March 2007.

By Oxfam

As far as peace and security are concerned, Oxfam believes that the ongoing consultation on a joint strategy for a partnership between EU and Africa should focus on the ways of resolving the current conflicts and humanitarian crisis, and establishing a strong and realistic framework to ensure a sustainable peace in the continent.

We strongly believe that the principle of the **Responsibility to Protect** should govern discussions on peace and security between both entities bearing in mind the **Responsibility to Protect** include prevention, reaction and rebuilding, with an emphasis on the prevention.

The EU and the AU must agree that they will effectively engage in their responsibility to protect' (R2P) populations threatened by genocide, war crimes, ethnic cleansing, and crimes against humanity – the commitment made by EU and AU Member States at the UN World Summit in 2005. This will require taking measures to help prevent conflict and the gravest violations of humanitarian and human rights law, as well as taking immediate steps where these violations occur, and helping to rebuild societies in the aftermath of violent conflict.

In particular, the EU and the AU should:

- Agree on establishing mechanisms to monitor violations of humanitarian law, signs of state failure, and emerging conflict, in order to take timely action.
- Prioritise support for the successful negotiation of a robust international Arms Trade Treaty – with the high-level diplomacy required; tighten the regulation of arms transfers from the EU to Africa by making the EU Code of Conduct legally binding; and help control the transfer of arms through practical measures in regions where existing embargoes are consistently broken, or an extensive number of arms makes the control of their circulation difficult.
- Be prepared to use civil and military mechanisms for preventive crisis response, or swift action in conflict to uphold the **responsibility to protect**.

1. Background

The EU has much to offer in terms of protecting civilians in complex emergencies around the world and especially in Africa.

The EU has increasingly affirmed its status as a *positive* force on the international stage; its rhetoric and action has given a prominence to human rights, the protection of civilians, and conflict prevention. But the EU has more to do in order to prevent it having a *negative* impact on conflicts around the world. The EU has had a Code of Conduct governing its members' arms transfers since 1998, but some irresponsible exports still continue. The EU's controls have failed to keep up with the increasingly globalised nature of the arms industry, in which EU-based companies license production of their weapons in other countries, or supply components that are assembled in countries with weaker export controls. *In 2005, for example, Jane's Defence Weekly reported that the Italian/UK Company, AugustaWestland, had assisted in the development of China's new attack helicopter, the Z-10. China had previously exported military*

¹ Please note that this paper is not an official position paper of Oxfam on the issue but an informal contribution of its AU Liaison Office to the African CSO's consultation on the AU EU joint strategy.

*helicopters to a number of countries, including Sudan*².

In Africa, EU Member States, and in particular the European Commission, have pledged significant support to the African Union Mission in Sudan (AMIS). But the support has been too little to allow AMIS to succeed in its mission to stabilise Darfur. The EU should engage more on this, and help for a stronger action to end the conflict.

The EU's most successful military action outside Europe was the *Artemis* mission in the Democratic Republic of Congo (DRC) in 2003. *Artemis* stabilised the violence at the time, and protected camps for internally displaced people in the town of Bunia. Since 2003, significant numbers of EU military police, troops, experts in security-sector reform, and election observers have been deployed in the DRC. Like *Artemis*, the latest military mission in the DRC, EUFOR RD Congo (designed to deter violence in Kinshasa during the 2006 election period), had as a key objective the protection of civilians under imminent threat of physical violence.

The EU's continuing engagement in the DRC is arguably its most comprehensive response to violent conflict outside Europe. Most of the EU's specific actions, such as the security sector advisory programme, EUSEC, or the chain of payment programme for the Congolese army, remain small scale and need to be revisited.

The EU's engagement has been widely acknowledged as a useful contribution to prevent further conflict. But, in such a vast country, it has also lacked the necessary resources to move beyond small projects and some concerns persist as to the sustainability of the EU's military interventions.

2. Positions and suggestions

Oxfam welcomes the EU's engagement in the protection of civilians, but it is crucially important that the EU promotes protection more coherently and consistently in countries threatened by or already experiencing violent conflict.

The Responsibility to protect (R2P) or similar principles have been incorporated into African regional and sub regional instruments more than in any other region, including in the African Union constitutive act, the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, the SADC Protocol on Politics, Defense and Security Co-operation

Oxfam believes that the EU and the AU should maximize their current impact by focusing their efforts under the framework of R2P. This would make the protection of populations from crimes against humanity, war crimes, and genocide the overarching aim of preventive and reactive measures in third countries liable to the worst effects of violent conflicts.

Such an approach will include devoting existing resources to supporting third countries in their obligation to fulfill R2P, and, as a last resort, using these resources for coercive measures under authorization of the UN Security Council, which serve the top-line objective of protecting civilians.³

² *Jane's Defence Weekly*, 'How may Europe strengthen China's military?', 15 January 2005, http://www.strategycentre.net/research/pubID.61/pb_detail.asp

³ In order to mitigate the risk of misusing the responsibility to protect to justify aggressive military action, any use of force must meet the five principles Kofi Annan proposed as a threshold for military action and be conducted under UN authority.

In particular:

- (i) **The EU and the AU should ensure that there are an efficient monitoring mechanisms and early warning systems to identify and record violations of humanitarian law/signs of state failure as well as human rights violations, in order to be able to address tensions at the right time, and in the right manner.**
- (ii) **The EU should take a strong stance to help control international arms transfers to prevent the escalation of future conflicts.**
- Ensure that discussions for an International Arms Trade Treaty fully reflect existing standards of international human rights and humanitarian law;
 - Regulate transfers originating from the EU by making the Code of Conduct a **legally binding document**;
 - Streamline Council/Commission activities on the control of small arms in post-conflict scenarios, favoring those mechanisms which provide for reliable longer-term resources over those which make funding subject to individual decisions on every component of activity.⁴
- (iii) **The EU and the AU should agree on using all measures to help, or put pressure on states, to fulfill their responsibility to protect.**
- If monitoring mechanisms or other information sources show that there is a risk of atrocities such as genocide, war crimes, or crimes against humanity taking place in any country.
 - The EU should use financial and in-kind support to sustain efforts for the protection of civilians and support institution-building measures in fragile states, in particular in the area of security-sector reform.

3. Our Comments and answers to ECDPM questions

How best can the EU contribute to reducing conflict in Africa: by providing support to AU or sub-regional peacekeeping operations and building up African capacity to prevent and manage conflict? Or through the UN and in support of UN missions? Or by other means?

- Capacity building is a 15 year programme - the lesson from Darfur is lives were lost because of a capacity building experiment in the worst humanitarian crisis of the time; so capacity building cannot be the focus.
- The pre-eminent way in which the EU should contribute to reduce conflict in Africa should be to support the AU and other African institutions. But it shouldn't be either/or with support to UN missions. As in Darfur, both AU and UN missions may be vital.

How do you feel about EU financial support to the AU peacekeeping operation in Darfur (Sudan)? Should the EU provide such support to the AU more often? Should it provide other forms of support? And if so, which type of support?

Such EU support is encouraged. It has been essential given the reality of the rest of the donor community not being generous or tying too many conditions to their aid (eg US only giving in kind). However, although there have been legitimate concerns about accountability of the AU, the EU reporting requirements have been impossible to meet and caused delays in paying salaries on the ground which has contributed to poor performance of AMIS.

⁴ United Nations Disarmament Research, 'Pilot Project: European Action on Small Arms and Light Weapons and Explosive Remnants of War, an executive summary', <http://www.unidir.org/pdf/UNIDIR%20executive%20summary%20European%20Action%20on%20SALW%20and%20ERW.pdf>, last visited 25 July 2006.

Specifically on the use of the Africa Peace Facility as a funding source:

Oxfam believes the Africa Peace Facility has proved to be an extremely important mechanism to help ensure protection of civilians in African contexts where capacity is insufficient. There are nevertheless shortcomings which we believe should be addressed over the long term:

Funding issues- the APF has consistently faced funding shortages, though through it the EC has proved a generous donor. We believe further funds should be sought including from the EDF for situations where lack of security is impeding development opportunities. But also an additional or alternative budget line should be sought.

The idea of a Trust Fund to be funded through voluntary contributions, as proposed by Germany, seems a good idea given the difficulties using enough EDF money for the APF, though in itself we believe the use of development money for security is justified. Furthermore, disbursement of funds should be released rapidly in response to need and not subject to political pressures and therefore the long negotiation processes through minimized.

Finally, the reporting processes have been arduous for the AU in Darfur resulting for example in delayed payment of personnel in Darfur -despite legitimate concerns about accountability, ways of reducing reporting requirements should be sought.

Capacity building - the EC should increase its offer of European support to the recipient regarding the management of funds. While African ownership is important, we have seen in the Darfur case that more expertise is required to manage funds and account for them in Addis/Sudan. Providing more expertise along with funds may not only avoid delays in payments but encourage member states to agree more easily and with greater confidence to disbursement of funds and provide timely information flow and influencing opportunities.

How do you see EU Member States military operations/interventions in Africa? Do you see them as linked in any way to a comprehensive European policy towards Africa?

Bilateral initiatives are OK (eg French in Ivory Coast) but good to be endorsed by EU and over time to break down historical dependencies. In the shorter term, we cannot expect everything to go through the EU or a bottleneck ensues.

What is in your perspective the value-added of the EU in engaging in peace and security work in Africa?

EU is a more neutral player than the US and UK (especially in north Africa after the damage done in Iraq and double standards associated with Israel UNSC resolutions) so, the EU has a key role to play. Some of the behind the scenes works on facilitating political processes have been key. But it needs to back this up publicly more often than it does. In some areas the EU has been noticeably quiet when it could lend support and encouragement to African processes like the Juba talks on Uganda - this does not equate to interference.

Simply, the EU's added value is that it's more sympathetic to Africa's needs than anywhere else in the North. EU policy may not be perfect, but it's better than the US (which is so self-interested), Japan (uninterested) etc. So the AU-EU partnership does make sense

What are the main causes of instability and conflict in Africa? How best could the EU and the AU and African sub-regional organizations tackle such root causes?

Governance and poverty issues are most commonly root causes of conflict while others exacerbate these causes eg: natural resources, arms flow. The EU has engaged usefully on all these aspects and needs to find a balance between pan Africa level and country specific situations eg: its work on security sector reform in the DRC has been a great example of kneading the way.

Should conflicts in Africa be dealt with by African forces or rather an international/UN force? Why? What are the advantages and disadvantages of having African forces dealing with conflicts in Africa?

African forces just like any other regional force can play an interim role. They should not substitute for the overall responsibility for peace and security, the UN. To avoid the AU getting into a rut and the UN abdicating its responsibility, the AU needs to be proactive and clear about its exit strategy early on and balance its engagement on one conflict with others. The handover of AMIB in Burundi to the UN was a good model. The experience of depending on the AU for Darfur has led to a failure of the international community in its responsibility to protect because there was no exit strategy and thus - along with other factors - the intervention became politicized.

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