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SPOTLIGHT ON R2P

AP R2P Forging Australian-African Institutional Linkages

The Asia Pacific Centre for the Responsibility to Protect (AP R2P) hosted a graduate student, from the University of Pretoria (UP) in South Africa to support research on R2P as part of a deepening partnership between the two institutions.

Ms Faith Mabera is a Kenyan national, currently pursuing an MA in International Relations at UP. She is also the program assistant in the Master of Diplomatic Studies program offered in the Department of Political Sciences. Faith is an integral part of the UP team that delivers AusAID-sponsored diplomacy training courses for African diplomats in partnership with the University of Queensland (UQ), seeing to the smooth running of events and giving assistance to the cohorts of African diplomats and the team from UQ.

In the course of interaction with the team from UQ, Faith's supervisor, Dr. Yolanda Spies brought it to the attention of AP R2P partners that Faith was undertaking research on R2P and would be keen on getting involved with the AP R2P. It was then that the quest for an academic visit to the Centre began; and in May 2013 it was announced that the AP R2P would be sponsoring a three-week sojourn in June 2013. Additionally, UP, through its Postgraduate Study Abroad Grant Program, would assist in covering the travel expenses as well as the expenses of Faith's stay during the final week of June 2013.

Whilst at UQ, Faith has been able to conduct a range of interviews with the Centre's research staff and well as academics in the School of Political Science and International Studies. Drawing on the Centre's partnership with researchers at Griffith University, she was also able to visit on multiple occasions to meet with experts there to discuss her research. Furthermore, during her residency, Faith has been an active participant in the daily life of Centre, presenting her own research as well as attending and contributing to the seminars and roundtables presented by visiting scholars and practitioners from institutions across Australia and beyond. She also attended an event hosted by the Australian Institute of International Affairs (AIIA) with the theme 'Australia and Africa- opportunities for the future', which featured a presentation

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by Amb Ann Harrap, former Australian High Commissioner to South Africa (also an Honorary Adjunct Professor at UQ). In her presentation, Ann Harrap drew on the growing significance of Africa as part of Australia's foreign policy engagements, as well as the prospects in Australia's bilateral relationship with South Africa, which is the former's largest African trading partner.

Faith's research captures the growing centrality of R2P within the African peace and security narrative in recent years, and its historical links to Africa. Indeed, Edward Luck, the former Special Adviser to the UN Secretary General on R2P remarked that 'the concept emerged quite literally form the soil and soul of Africa.' [I]

Faith's MA dissertation entitled - 'The African Union and the Responsibility to Protect: Lessons learnt from the 2011 United Nations Security Council intervention in Libya seeks to address a number of issues pertinent to R2P and its status on the African political topography. First, norm localization theory as posited by Amitav Acharya[II], will be instrumental in investigating the evolution and status of R2P within the AU's peace and security framework. Article 4(h) of the AU's Constitutive Act of 2000 sets out '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'. There are several similarities between Article 4(h) and R2P as endorsed in 2005 but there are also contentious differences concerning both substance and interpretation. For instance, the AU conceptualizes intervention as a right. The implication of a right to intervention for humanitarian reasons is that it becomes increasingly difficult to secure the commitment of states on an issue at their discretion without the obligation to fulfill. The AU adopted Article 4(h) during the negotiating process in its transition from the defunct Organization of African Unity (OAU) in a bid to concretize its shift from a policy based on 'non-interference' to one of 'non-indifference' in the face of mass atrocities in member states. Contrary to this credo, in the case of the 2011 Libyan crisis, the AU failed to invoke Article 4 (h) begging a re-examination of its commitment to R2P. Part of the thesis argument is that the norm of non-interference continues to feature high on the AU's norm hierarchy thus hindering consistent implementation of R2P as part of the AU's security culture. An extension of this argument is that an array of political, institutional and material challenges continues to impede the AU's efforts in marrying policy with practice.

Second, in tracing the congruence between Article 4(h) and R2P as manifested in the formation of the African Peace and Security Architecture (APSA), the AU's own conceptualization and interpretation of R2P falls under analysis. For example, at the regional level, ambiguity around the relationship between R2P and Protection of Civilians (PoC) continue to hamper progressive institutionalization of R2P. Furthermore, the delayed realization of a functioning African Standby Force calls into question the AU's capacity to implement R2P. In sum, the study seeks to establish whether operationalization of R2P is

within reach of the AU's normative commitments or whether R2P remains aspirational for the AU.

During the visit to the AP R2P, Faith's impetus was to explore the different viewpoints on evolution, institutionalization and implementation of R2P. The insights obtained on the finer details of her research project will go a long way in sharpening the depth and strength of her arguments, in addition to enhancing her own regional perspectives. Furthermore, several crucial issues have been brought to the surface as far as her research is concerned. First, it has become clear that further analysis of the rationale behind the AU's Article 4(h) is required, in addition to tracing the evolution and negotiation process around its adoption. Second, the utility of the norm localization approach in analyzing Article 4(h) will also be examined in view of solidifying the premises of my arguments. Subsequent up-to-date analysis of the strengths and weaknesses of norm localization theory will be imperative. Third, the issue of African R2P norm entrepreneurs will be investigated with a view to identifying existing norm entrepreneurs as well as pointing to would-be norm entrepreneurs for the future. Finally, there is room for research on R2P in both African and cross-regional contexts, such as an up-to-date regional comparison on the traction of R2P across various regional organizations vis-à-vis the AU.

The exchange serves to strengthen and deepen the on-going partnership between UQ and UP. It is a good example of how the work that the Centre does on behalf of AusAID is leading to mutually beneficial research collaboration as well as the creation of opportunities to advance study and build the capacity of students and early career researchers. This promises to support future collaborative activities between the two institutions and Australian engagement in Africa more generally.

Further Reading:

Charles T. Hunt, `The role of the African Standby Force in implementing Article 4(h)`, Africa and the *Responsibility to Protect: Article 4(h) of the African Union Constitutive Act*, eds. Dan Kuwali and Frans Viljoen (Oxford: Routledge, 2013).
Noel M. Morada, `Ensuring responsibility while implementing Article 4(h)`, *Africa and the Responsibility to Protect: Article 4(h) of the African Union Constitutive Act*, eds. Dan Kuwali and Frans Viljoen (Oxford: Routledge, 2013).

References

i Luck makes the reference to Francis Deng's work on sovereignty as responsibility, see Luck, E.C. 2009. `Sovereignty, Choice, and the Responsibility to Protect', *Global Responsibility to Protect,* 1 (1) pp.10-21.

ii For a detailed analysis of norm localization, See Acharya, A. 2004. 'How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism'. *International Organization* 58 (2) pp. 239–275.

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