

Responsibility to Protect: Towards a Collective African Response to Genocide, War Crimes and Crimes against Humanity

“Only by working to make each other secure can we hope to achieve lasting security for ourselves. This responsibility includes our shared responsibility to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity. That was accepted by all nations at last year’s U.N. summit.” – Fmr. U.N. Secretary General Kofi Annan, 2006

The Responsibility to Protect (R2P) is an emerging international norm which sets forth that states have the primary responsibility to protect their populations from genocide, war crimes, crimes against humanity and ethnic cleansing, but that when the state fails to protect its populations, the responsibility falls to the international community. R2P means sovereignty with responsibility – the responsibility of nations to protect their populations. It expresses a commitment to a continuum of action, from prevention to reaction and rebuilding, with an emphasis on prevention.

The R2P-CS network encourages African Civil Society and the ACHPR to endorse R2P as the new framework for protection of civilians and prevention of conflict.

Important Precedents for R2P in Africa

The following regional and sub-regional initiatives address the need for collective responses to protect civilians in armed conflict through prevention as well as reaction - ideas that are affirmed in the R2P principles:

- § The African Union Constitutive Act puts the interest of people at the center of its goals. One of its main objectives is to "achieve greater unity and solidarity between the African Countries and the peoples of Africa." It also recognizes, in Article 4, 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." This charter is a significant contribution to the understanding of sovereignty as responsibility, as well as the limitations of sovereignty, particularly when populations are at great risk.
- § In West Africa, the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security establishes an early warning system for preventing conflicts and a system for collective political or military interventions, including where conflicts or other tensions could lead to serious humanitarian disasters.
- § The Southern African Development Community (SADC) authorized the Organ on Politics, Defense and Security Co-operation to seek to resolve conflicts including intrastate conflicts at the level of genocide, ethnic cleansing and gross violation of human rights. The Organ is mandated to apply measures from prevention to enforcement as a last resort.

Origins of the R2P Norm

A 2001 report by the International Commission on Intervention and State Sovereignty entitled *The Responsibility to Protect* recommended that governments adopt the R2P principles; in September 2005, key elements of the responsibility to protect were endorsed by the international community in the 2005 UN World Summit declaration.

Normative and legal foundations of R2P

Membership in the United Nations is the primary example of states voluntarily accepting obligations and restrictions on their conduct as members of the international community. R2P is also founded upon international legal obligations under human declarations, covenants and treaties, international humanitarian law and national laws. Particularly relevant are the Universal Declaration of Human Rights, the Geneva Conventions, the Genocide Convention, the Convention Against Torture, the International Covenant for Civil and Political Rights, the International Covenant on Economic and Social Rights, and the Rome Statute of the International Criminal Court.

R2P does not advocate for a right to ‘humanitarian’ or ‘politically-motivated’ interventions

R2P advocates for states to accept that sovereignty entails a responsibility to protect its populations, and for the international community to accept its responsibility to protect when the state is unable or unwilling to fulfill this obligation. The issue should be viewed from the perspective of the population in need of protection.

While R2P itself cannot prevent unilateral actions, R2P is meant to act as a safeguard against unilateral intervention by states seeking to advance their status as global or regional powers by requiring that any response to large-scale threats to populations take the form of a collective response. R2P requires that the right authority approve any intervention. The UN, by its nature as a representative international body, is the principal institution to confer legitimacy upon any use of force. The Security Council, charged with the maintenance of international peace and security, is the principal organ to take on this responsibility. The Secretary General, the High-level Panel, the ICISS report and other supporters of R2P proposed additional criteria to serve as a threshold for military intervention. The just cause criterion requires that interventions for human protection purposes only occur to halt or avert large-scale loss of life, or large-scale ethnic cleansing. Other proposed criteria are that any interventions take place with the right intention, as a last resort, using proportional means and carrying reasonable prospects of success.

Current status of R2P in the international community

Governments overwhelmingly supported R2P principles at the 2005 World Summit. In April 2006, the Security Council “reaffirm[ed]” the World Summit Outcome Document provisions “regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity” in Resolution 1674 on the protection of civilians in armed conflict. It referred to the provisions of the Summit Outcome Document where world leaders affirmed that the international community is prepared to take action through the Security Council in a timely and decisive manner on a case by case basis when states are manifestly failing to protect their populations. Resolution 1674 signifies that the Security Council has accepted this role for itself. Additionally, on 31 August 2006, the Security Council passed Resolution 1706 calling for the rapid deployment of UN peacekeepers in Darfur. The resolution is the first instance where the council invoked R2P to refer to a specific country situation, albeit obliquely.

“Never again should the international community’s response be left wanting. Let us resolve to take collective action in a timely and decisive manner. Let us also commit to put in place early warning mechanisms and ensure that preventive interventions are the rule rather than the exception.” - Rwandan President Paul Kagame, 2005

R2P-CS is a project of the World Federalist Movement – Institute for Global Policy that works with civil society partners to deepen the debate, promote international norms and monitor the responses of governments, the Security Council and other international bodies. For more information, please visit: www.responsibilitytoprotect.org or contact: info@responsibilitytoprotect.org