

The Responsibility to Protect (RtoP) and Genocide Prevention in Africa

International Peace Institute

*Office of the Special Adviser on the Prevention of Genocide, United Nations
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Cover Photo: The Zam Zam camp for Internally Displaced Persons in the Darfur region of Sudan. July 2004. ©UN Photo/Eskinder Debebe

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Preface

From the start, the planning and convening of the expert roundtable on “The Responsibility to Protect and Genocide Prevention in Africa” was a collaborative enterprise. It took shape through a series of conversations among Abdul Mohammed, Board Chairman of the InterAfrica Group, Francis M. Deng, the United Nations Secretary-General’s Special Adviser on the Prevention of Genocide, and me. We shared an abiding concern: while the principles and tenets of the responsibility to protect (RtoP) had largely emerged from the values, experiences, and institutions of Africa, the concept was still understood differently, and sometimes only marginally, by various commentators and groups on the continent. With the strong support of African member states, two detailed paragraphs laying out the scope and content of RtoP were adopted unanimously by the 2005 World Summit. The world leaders pledged to prevent and to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, and their incitement. Following this historic declaration, however, remarkably little effort was made to disseminate and explain the document or to figure out how such admirable principles would actually be advanced, much less achieved, in practice.

In February 2008, just eight months before the roundtable, I had been appointed by United Nations Secretary-General Ban Ki-moon to be his Special Adviser, charged with clarifying RtoP conceptually, giving it an institutional expression, and rebuilding political support for it among the world body’s 192 member states, many of whose enthusiasm for the concept had ebbed noticeably since 2005. For me, therefore, the opportunity to revisit RtoP’s African roots could not have been more welcome or more timely. At the time of the roundtable, I was deeply engaged in drafting the Secretary-General’s report on “Implementing the Responsibility to Protect” (UN Doc. A/63/677 of January 12, 2009), so the insights gained there were doubly valuable. The enthusiasm for the exercise was shared fully by Francis M. Deng, my partner in advancing these dual agendas at the United Nations and himself a distinguished son and scholar of Africa. The candid and searching discussions in Addis yielded fresh insights on how we could best forward our closely related and mutually reinforcing mandates of genocide prevention and RtoP, respectively. We are both grateful to Abdul Mohammed for his energetic efforts to insure that the cast of participants was unusually diverse and knowledgeable.

We are indebted, as well, to the *rapporteurs*, Jenna Slotin, Castro Wesamba, and Teemt Kebede, who kept such careful account of the lively and free-flowing exchanges. This report is largely the product of the chief *rapporteur*, Jenna Slotin, a Senior Program Officer at IPI specializing in state fragility and peacebuilding. She was the lead drafter, as well, of IPI’s 2009 Blue Paper on “Conflict Prevention and the Responsibility to Protect.” As always, Marilyn Messer’s quiet competence and dedication insured the success of both the roundtable and this report.

As expected, the roundtable participants raised more questions than they—or we—could answer. But their probing inquiries about how RtoP would be applied in practice and their well-grounded concerns about the integrity, legitimacy, and future of the African state were well taken. They underlined, in fact, the wisdom of the Secretary-General’s RtoP policy, combining prevention with early and flexible response tailored to the specific needs of each situation. The commission of atrocity crimes, such as the four categories specified at the 2005 World Summit, is the ultimate and most grotesque admission of state failure, not an expression of strength or legitimacy. It needs to be recognized, as well, that sovereignty is not a barrier erected at the border but something that grows and is earned from within the state and society themselves. There is nothing foreign, in Africa or anywhere else, in the expectation that states should protect their people. That is, indeed, the core attribute and minimal condition of statehood. For the United Nations and the larger international community, the challenge is to craft, develop, and implement policies and practices that would assist the state in meeting these fundamental responsibilities, in the process bolstering its sovereignty and legitimacy. Recognizing that too often international engagement in Africa has had the opposite effect on the viability of the state may prove

to be the key to getting this relationship right in the future.

For reinforcing that lesson, as well as the need to pursue these matters locally, regionally, and globally simultaneously, we are most grateful to the roundtable participants. We believe that they, in turn, will find that their concerns and perspectives have been fully taken into account in the Secretary-General's strategy for implementing the responsibility to protect (UN Doc. A/63/677). The dialogue on how best to operationalize RtoP, moreover, continues in many places and on many levels. Over time, these exchanges will sharpen our understanding of how to prevent RtoP crimes and enhance the legitimacy and viability of the state at the same time. To this worthy end, the conversation in Addis made a significant and early contribution.

Dr. Edward C. Luck

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May 2009

Executive Summary

Within the United Nations, the concept of the responsibility to protect (RtoP) has regained considerable momentum after nearly two years of stasis following the 2005 World Summit. Outside the corridors of the world body, discussions about RtoP and its application to specific regional situations, as well as the mandate of the Special Adviser on the Prevention of Genocide, one of the crimes specified in the Summit's Outcome Document, are still at a nascent stage. In order to contribute to rectifying this imbalance, the International Peace Institute, the UN Office of the Special Adviser on the Prevention of Genocide, and the InterAfrica Group convened an expert roundtable on "The Responsibility to Protect and Genocide Prevention in Africa" in Addis Ababa, Ethiopia, on October 23 and 24, 2008.

The roundtable brought together the Special Adviser to the Secretary-General working on RtoP (SASG) and the Special Adviser on the Prevention of Genocide (SAPG) with high-level African policymakers, academics, and practitioners from government, regional and subregional organizations, the UN, and civil society to (1) foster an interactive dialogue; (2) elaborate the scope and meaning of RtoP in an African context; (3) consider UN work on the prevention of genocide; and (4) flesh out the parameters of the relationship between global and regional arrangements for operationalizing RtoP and genocide prevention. The discussion largely focused on the Horn of Africa and the multiple sources of instability there.

The discussions began by clarifying Secretary-General Ban Ki-moon's three-pillar approach to RtoP, based on the provisions of the Outcome Document: (1) responsibility lies first and foremost with the state to protect its own population from genocide, war crimes, ethnic cleansing, and crimes against humanity; (2) the international community has a responsibility to help states fulfill this responsibility; and (3) where states are manifestly failing to protect their population from these four crimes and violations, the international community should take collective action, in accordance with the UN Charter.

There had been a tendency to equate RtoP with humanitarian intervention, reflecting fears that RtoP could be used as a façade by the powerful to

meddle in the affairs of the weak. The roundtable highlighted the fact that RtoP is the product of consensus at one of the largest gatherings ever of heads of state and government. Moreover, Africa has been ahead of the curve by enshrining in its Constitutive Act the right of the African Union to intervene in cases of genocide, war crimes, and crimes against humanity (Article 4(h)). The discussions also noted that, by emphasizing state responsibility and highlighting the importance of prevention, capacity building, and early warning, RtoP is a more comprehensive and multifaceted mechanism for averting egregious crimes than humanitarian intervention. The roundtable concluded that

- **a multilateral rules-based framework that defines the parameters of collective action would help to discourage the unilateral abuse of RtoP.**

The many high-level experts convened for the roundtable provided considerable nuance to discussions about the conceptual implications of applying RtoP in Africa. They emphasized that any discussion of sovereignty as responsibility should be rooted in an understanding of state weakness and the role of the international community in eroding state capacity. In Africa, states are rarely responsible; globally, actors are rarely disinterested and benevolent. Participants argued that looking inward to the causes of violence and oppression is as important as looking outward to the mixed motives of international intervention. Such an analysis implies that

- **RtoP cannot be disconnected from the fundamental need for governance and judicial reform and that donors and international organizations should take significant steps to limit the domestic distortions created by international assistance.**

Operationally, the roundtable focused on the regional and subregional levels and their relationship to the UN. Although there was a clear preference for regional responses to RtoP situations, discussions noted that a purely regional response is not always politically appropriate and is rarely logistically feasible. Subregional and regional actors may not always be impartial with regard to events in neighboring countries. And, capacity shortfalls will continue to hamper regional and subregional mechanisms for the foreseeable future. Therefore,

- the UN and regional organizations should clarify and elaborate the parameters of their relationship in the areas of capacity building, early warning, prevention, and enforcement. The UN and other international actors, as well, should ramp up efforts to improve the AU's prevention and early-warning capacities.

Introduction

The responsibility to protect (RtoP) has regained considerable momentum after nearly two years of stasis following the 2005 World Summit. Policy discussions in New York have advanced significantly due to strong and focused support from Secretary-General Ban Ki-moon and the appointment in February 2008 of Professor Edward C. Luck as the Special Adviser to the Secretary-General (SASG) working on RtoP issues in close collaboration with Professor Francis M. Deng, the Special Adviser on the Prevention of Genocide (SAPG). These discussions have benefited from the active engagement of those member states, UN officials, and civil-society organizations that see RtoP as an important and timely issue that should be elaborated, defined, and operationalized through the UN.¹

Outside the corridors of the world body, discussions about how to institutionalize RtoP and about its concrete regional implications, as well as the related mandate of the SAPG, are still at a nascent stage despite all of the general interest in the normative aspects of the issue. Building on a first meeting held in Stellenbosch, South Africa,² this expert roundtable on “The Responsibility to Protect (RtoP) and Genocide Prevention in Africa” contributed to rectifying this imbalance by the following:

- 1) convening the SASG, SAPG, and high-level African policymakers, academics, and practi-

- tioners from government, regional and subregional organizations, the UN, and civil society to foster an interactive dialogue on RtoP and genocide prevention;
- 2) elaborating the scope and meaning of RtoP in an African context, particularly in the Horn of Africa, by highlighting areas of tension and debate;
- 3) considering UN work on the prevention of genocide; and
- 4) fleshing out the parameters of the relationship among global, regional, subregional, and national mechanisms in operationalizing RtoP and genocide prevention.

This report summarizes the central themes and issues from the meeting. Overall, participants supported the approach being pursued by Secretary-General Ban Ki-moon on RtoP and genocide prevention.³ However, the discussions added considerable nuance to the conceptual and practical implications of these two mandates, highlighting the complexities of the African context. The vast expertise assembled for the roundtable helped to contextualize RtoP and genocide prevention and raised critical concerns about the tensions that may arise when applying them on the continent.

Discussions at the roundtable can be grouped into three broad categories: (1) the scope of RtoP and genocide prevention, including how each is distinct from humanitarian intervention; (2) the conceptual implications of applying RtoP in Africa, given the complex internal and external dynamics exerting pressure on the African state; and (3) the operational implications for RtoP at global, regional, and subregional levels. This report addresses these three categories of issues in turn. The roundtable was held under the Chatham House rule (i.e., what was said can be relayed but the identity of the speaker cannot).

1 For one result of such discussions, see International Peace Institute, “Conflict Prevention and the Responsibility to Protect,” *IPI Blue Paper* No. 7, Task Forces on Strengthening Multilateral Security Capacity, New York, 2009.

2 See “Prevention of Genocide and Mass Atrocities and the Responsibility to Protect: Challenges for the UN and the International Community in the 21st Century,” Responsibility to Protect Occasional Paper Series, New York, International Peace Institute, June 2008.

3 Secretary-General Ban Ki-moon's general approach is articulated in an address given in Berlin on July 15, 2008: United Nations Secretary-General, *Secretary-General Defends, Clarifies Responsibility to Protect at Berlin Event on “Responsible Sovereignty: International Cooperation for a Changed World,”* UN Doc. SG/SM/11701, July 15, 2008. The text is included as Annex III to this report. This approach was presented to the roundtable by the Special Adviser to the Secretary-General working on RtoP. Since the roundtable, the Secretary-General's report on RtoP has been published and presented to the member states. See United Nations Secretary-General, *Implementing the Responsibility to Protect*, UN Doc. A/63/677, January 12, 2009.

Clarifying RtoP and the Mandates of the Special Adviser Working on RtoP and the Special Adviser on the Prevention of Genocide

In 2005, at one of the largest gatherings ever of heads of state and government, world leaders affirmed the “responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.” Paragraphs 138 and 139 of the Summit Outcome Document make clear that RtoP rests on three pillars: (1) the responsibility rests first and foremost with states themselves to protect populations on their territory from genocide, war crimes, ethnic cleansing, and crimes against humanity; (2) the international community should help states to fulfill this responsibility; and (3) where states are manifestly failing to protect their populations from these four crimes and violations, the international community should take collective action as appropriate and in accordance with the Charter, making appropriate use of peaceful and coercive means as required.⁴

Secretary-General Ban Ki-moon has expressed a strong commitment to build on the important foundation provided in the Outcome Document and to advance it by “turning words into deeds.” To this end, the mandate of the Special Adviser to the Secretary-General working on RtoP (SASG) has three main components: (1) to develop a UN-wide conceptual framework for RtoP rooted in the Outcome Document; (2) to make practical recommendations for strengthening the work of the UN and its partners on RtoP, including the development of an early-warning capability as endorsed in paragraph 138; and (3) to build political consensus among member states.

Notably, world leaders also expressed their support for the mandate of the Special Adviser of the Secretary-General on the Prevention of Genocide (SAPG) in paragraph 140 of the Outcome Document. This post was created in April 2004 on the tenth anniversary of the Rwandan

genocide. The Special Adviser’s main responsibilities are to collect information on massive and serious violations of human rights and international humanitarian law that, if not prevented, might lead to genocide; to act as a mechanism of early warning for the Secretary-General and the Security Council; to make recommendations to the Council (through the Secretary-General) on preventing or halting genocide; and, to liaise with the UN system on activities to prevent genocide and on enhancing its capacity to manage information related to genocide and other serious violations.⁵

Genocide prevention requires a wider approach that goes beyond the legal definition in the 1948 *Convention on the Prevention and Punishment of Genocide*. It is a heinous crime that evokes emotive reactions. When it does occur, both the perpetrators and those who would be called to stop it tend to be in denial, so the crime is nearly always proven after the fact. The discussions noted that identity-based conflict, which can escalate into genocide, is not due simply to the existence of differences, but to the implications of those differences expressed in gross disparities of power, wealth, access to services, employment, opportunities for development, and the full enjoyment of human rights and fundamental liberties. Ultimately, prevention is a function of the constructive management of diversity. Africa has many good examples where such lessons can be drawn, but at the same time the region cannot afford to be defensive in situations where a member state has failed in its responsibility to protect its population against genocidal atrocities.

The SASG and SAPG have been working closely to clarify and operationalize their respective mandates.

DRAWING A DISTINCTION BETWEEN RtoP AND HUMANITARIAN INTERVENTION

Given that regional-level discussions on RtoP have been less intense than in New York, the roundtable sought to elaborate and clarify the scope and focus of the concept. Several participants articulated a

⁴ United Nations, *2005 World Summit Outcome*, UN Doc. A/RES/60/1, October 24, 2005, paras. 138 and 139. See Annex I for the full text of paragraphs 138, 139, and 140.

⁵ United Nations Security Council, *Letter Dated July 12, 2004, from the UN Secretary-General to the President of the Security Council—Annex: Outline of the Mandate for the Special Adviser on the Prevention of Genocide*, UN Doc. S/2004/567, July 13, 2004.

concern raised by many skeptics of RtoP—that it is a façade that could be used by the powerful to meddle in the affairs of the weak. Equating RtoP with humanitarian intervention, some felt that this would reinforce North-South power imbalances because of the double-standard with which RtoP is likely to be applied. This is exacerbated by the unrepresentative and unaccountable nature of the Security Council, with its five permanent, veto-wielding members. As such, several participants argued that RtoP is too vague. The lack of clarity leaves the concept open to instrumentalization by actors wishing to cloak self-interested actions behind a veil of legitimacy.

In response to these concerns, discussions highlighted that the perception of an actual or potential North-South divide over RtoP is misplaced. In fact, Africa has been ahead of the curve compared to other regions. In 2000—five years before the World Summit—the African Union (AU) enshrined in its Constitutive Act (Article 4 (h)) “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.”⁶ For the AU, this right is encapsulated in the principle of “nonindifference” to human tragedies on the continent. Moreover, it was due to the tireless efforts of several African leaders that the RtoP paragraphs were ultimately included in the Outcome Document.⁷ Looking ahead, several participants noted that it would be useful to further elaborate and define Article 4(h) of the Constitutive Act.

In addition, policy discussions at UN headquarters in New York have demonstrated that countries from the North and the South express similar levels of caution and concern. No country wishes to establish automaticity that would require intervention.⁸ Thus, member states from around the world have strongly emphasized the preventive and capacity-building aspects of RtoP. The one case in which the UN has applied the RtoP concept, in Kenya in early 2008 following the disputed elections, illustrated this emphasis on prevention.

The SASG also noted that Secretary-General Ban Ki-moon’s three-pillar approach to RtoP, as articulated in the Outcome Document, is rooted in the notion of sovereignty as responsibility pioneered in 1996 by Francis M. Deng (the current Special Adviser on the Prevention of Genocide) and his colleagues at the Brookings Institution. Sovereignty as responsibility is underpinned by the recognition that, as the superpowers withdrew from Africa in the post-Cold War era, African governments would have to take responsibility for their actions and be held accountable domestically and internationally. They wrote that “by effectively discharging its responsibility for good governance, a state can legitimately claim protection for its national sovereignty.”⁹ Seen in this way, the state’s responsibility to its population—pillar one of the three-pillar structure of RtoP—is fundamental.

While the Outcome Document recognizes that coercive action under Chapter VII of the Charter may be taken when states are manifestly failing to protect their populations, RtoP offers a range of other preventive, supportive, and noncoercive measures. By contrast, humanitarian intervention offers a restrictive binary choice: stand by and do nothing, or intervene militarily. Discussions noted that in addition to emphasizing the central role of state responsibility, RtoP calls attention to the many preventive activities that can be undertaken by the UN and other external actors to reinforce or help build the state’s capacity to protect its population. It highlights the need to establish an effective early-warning capability within the UN in order to compile and analyze information about potential crimes and violations. It also calls attention to the many diplomatic, humanitarian, and other peaceful means that can be brought to bear in situations at risk of mass atrocities, as well as the important role of regional and subregional organizations in crafting an appropriate response.

In other words, RtoP is a more universal and comprehensive concept than humanitarian intervention; it emphasizes state responsibility and balances it against international responsibility. However, the roundtable acknowledged that, given

6 African Union, “Constitutive Act,” 2002, available at www.africa-union.org/root/au/AboutAu/Constitutive_Act_en.htm.

7 Notable among these is H.E. Mr. Jean Ping, current Chairperson of the African Union Commission and former President of the UN General Assembly (2005). See Annex II for his keynote address delivered during the roundtable.

8 Edward C. Luck, “Sovereignty, Choice, and the Responsibility to Protect,” *Global Responsibility to Protect* 1 (2009): 10–21.

9 Francis M. Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild, and I. William Zartman, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, DC: Brookings Institution, 1996), p. 1.

political realities and global power imbalances, it is unrealistic to expect RtoP to be applied uniformly. There will always be a danger that the concept will be instrumentalized in ways that were not intended. Nevertheless, adopting the principle and defining it clearly provide a foothold towards developing a rules-based framework that could help guard against this possibility.

Applying an RtoP Lens: Tension Between Internal and External Dynamics

The roundtable highlighted that comprehending the potential of RtoP in Africa requires a nuanced understanding of the nature of the African state and the role of the international community in its evolution. As a concept that balances domestic and international responsibility, participants argued that RtoP should be informed by the history and circumstances that influence how such responsibility can be exercised in Africa.

CHALLENGES POSED BY THE NATURE OF THE STATE IN AFRICA

Several speakers noted that discussions about sovereignty and responsibility cannot be divorced from a differentiated understanding of the nature of the state in Africa. In many countries on the continent, the state has never extended its authority across the entire territory nor has it delivered services consistently and equitably to its entire population.¹⁰ Whether it is because they are unable or unwilling, the notion of sovereignty as responsibility has not been actualized in most African states.

As one speaker noted, the legitimacy of African states varies in strength and breadth. Discussing RtoP in this context presents a paradox—sovereignty is characterized as state responsibility but most states in Africa do not have a responsible sovereign. And yet, participants agreed that an effective and legitimate state—one that practices good governance and upholds the rule of law—is crucial to protect populations from mass violence. In this sense, the state is at the core of both the predicament and the solution in Africa.

Several participants noted that pillars one and two of the Secretary-General's conception of RtoP assume that states want to be helped. While this may be true in some circumstances, it is certainly not always the case. In Sierra Leone the government accepted support from an external peacekeeping force because it did not have the capacity to protect the population from RUF (Revolutionary United Front) atrocities.¹¹ However, in many other cases the government has been either unwilling to protect, or actively persecuting, its population. The roundtable emphasized that these are much more challenging circumstances where, depending on the interests and political prerogatives of the key players, RtoP may be difficult to apply.

International actors have often inadvertently or deliberately shored up predatory and authoritarian states because they failed to grasp the complexities of state weakness in Africa or because supporting such states served their interests. Some participants expressed concern that the state-centric approach of RtoP risks further reinforcing this trend. In line with this view, some argued that RtoP accords less importance to the will of the people and to their role in holding the state accountable. In response, others highlighted that, while RtoP emphasizes state responsibility in the first instance, it aims to limit states' abuse of power by preventing and/or responding to the most egregious acts they could commit. Moreover, preventive and capacity-building efforts under pillar two would strive to shore up civil society and democratic institutions within the state. Participants agreed that promoting good governance and judicial reform is closely connected to RtoP and that any response to actual or potential mass crimes should be connected to pressure and support for institutional and political reform.

SUPPORT AND INTERVENTION: TWO SIDES OF THE SAME COIN?

Discussions emphasized that the international community is not necessarily a benevolent actor and has often deliberately or inadvertently exacerbated state weakness in Africa. International engagement has always been interventionist, it was said. After decades of attempted development and

10 For further discussion of this phenomenon, see Jeffrey Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control* (Princeton, NJ: Princeton University Press, 2000).

11 See Funmi Olonisakin, *Peacekeeping in Sierra Leone: The Story of UNAMSIL* (Boulder, CO: Lynne Rienner, 2008).

nearly twenty years of multidimensional peacekeeping and peacebuilding, some contended that the evidence suggests that international intervention has often undermined the capacity of the state. It has displaced state structures for service delivery and, in doing so, made the state accountable to its donors at the expense of accountability to its citizens. It has also imposed economic policies that restricted the state's ability to govern effectively and has treated people as helpless victims of circumstances beyond their control. A major challenge posed by the preventive and capacity-building efforts suggested by RtoP—many of which are already being implemented by the numerous UN agencies, donors, and international NGOs active in Africa—is that they could continue to erode state capacity in much the same way that development efforts have done before them. The net result would be a weaker state rather than a more responsible one.

In light of these challenges, some speakers suggested that international disengagement might be a better course. It would allow local people to find solutions that enable them to define or redefine their relationship to the state without the distortions created by international intervention. Several other participants argued that in a globalized world, this is simply not an option. Everyone is affected by global dynamics and most want to participate in the global marketplace.

The case of Somaliland provides a telling example. According to one participant, from the mid 1990s Somaliland experienced little international engagement. The people of Somaliland were able to make peace by agreeing to a common definition of the problem and seeking solutions through local elders with little material support from external actors. In the last few years, absent international recognition, the people of Somaliland have realized that limited access to international investment and support is severely constraining their ability to achieve their development objectives. They are virtually voiceless on the international stage. As a result, they have accepted international support for elections and have, at the same time, sacrificed some of their local methods of conflict resolution. Predictably, international

assistance has created perverse incentives for political leaders in which the benefits of short-term personal gain outweigh the objectives of the community. Nevertheless, there is a strong popular aspiration for international recognition and engagement in Somaliland, and people want an effective and responsible state to represent them internationally.

There is evidence that the UN and other international actors are increasingly aware of the distortions they create in the domestic environment. Stemming from a general recognition of the need to “do no harm,” the UN's various entities have begun to engage in a self-critical analysis of how to better calibrate their support to local realities, engage more openly with local nonstate actors, and ensure that the state is supported where possible.¹² As one participant noted, one of the greatest challenges is that the UN lacks the basic frameworks it needs to engage in complex, fragile environments. As an intergovernmental body, its primary interlocutor is the government. This poses serious tensions for agencies on the ground in situations at risk of mass atrocities where the government may be culpable. Another challenge is that past interventions have tended to be overly technocratic, and have, at times, replicated the very structures that fomented conflict in the first place.

The roundtable concluded that the circumstances in Africa today are the product of external and internal pressures. Therefore, neither a purely internal nor a purely external solution would be sufficient. Several participants suggested that international support could focus on “soft” interventions by creating the space for local ideas, knowledge, and efforts to drive a response to situations of concern. Several recent examples, including a national dialogue in Sudan and ongoing discussions on a peace agreement in Somalia, were cited as cases where the international community has allowed national actors to set the agenda and drive the process while providing support in the background.

In Africa, where, as noted above, state responsibility varies in strength and scope and global actors are rarely disinterested and benevolent, interactions between the state and international actors are

12 For further discussion of the “Do No Harm” principle, see Mary B. Anderson, *Do No Harm: How Aid Can Support Peace—or War* (Boulder, CO: Lynne Rienner, 1999); and Alex J. Bellamy, *A Responsibility to Protect: The Global Effort to End Mass Atrocities* (Cambridge, UK: Polity, 2009).

extremely complex. In many cases there will be no obvious “right” way to proceed. Participants argued that looking inward to the causes of violence and oppression is as important as looking outward to the mixed motives of international intervention. The consensus that emerged at the 2005 World Summit on RtoP represents an important step and reflects a shift in the center of gravity of multilateral relations from *sovereignty without question* to *sovereignty as responsibility*.

Operational Response in Africa: Challenges of Multilevel Engagement

The Outcome Document clearly articulates a role for regional and subregional organizations to assist states in fulfilling their protection responsibilities. Given that the roundtable brought together a number of high-level African experts and practitioners, the discussions benefited from a range of perspectives on the role of the AU and regional economic communities (RECs) as well as their relationship to the UN in operationalizing RtoP.

REGIONAL AND SUBREGIONAL EFFORTS

As discussed above, the AU is significantly more engaged in issues of peace and security than was its predecessor, the Organization of African Unity (OAU). Although it does not employ the language of responsibility to protect, its Constitutive Act establishes the right of the Union to intervene in cases of mass atrocities. The AU is also working diligently to develop a peace-and-security architecture, including the Peace and Security Council, the Panel of the Wise, and an African Stand-by Force, as well as early-warning and other preventive capacities.

The RECs are somewhat uneven in their development of relevant capacities. The Economic Community of West African States (ECOWAS) is way ahead of the others, having deployed forces in Liberia and Sierra Leone early on as well as having developed an early-warning system and conflict-prevention mechanisms. The Southern African Development Community (SADC) and the Intergovernmental Authority on Development (IGAD) have been engaged in these issues to some extent, with varying results. The other RECs are much less developed in this respect, but all have

adopted a mandate to address peace and security.

Participants agreed that a regional or subregional approach should be the primary and most appropriate response mechanism in Africa. Because of their proximity, the AU and the RECs are more likely to have a better understanding of the situation than external actors and more likely to have legitimacy. They may also have the benefit of speed. They can often take a decision and deploy a response much faster than the UN, because their members have a direct interest in regional stability. However, they also face serious political and capacity shortfalls.

While subregional and regional organizations may have more legitimacy and are often the most appropriate interveners, they can also be problematic. In many cases, neighboring countries are involved in perpetuating ongoing conflicts. In such cases, it may be difficult for a REC to act as an impartial broker. Several participants noted that the role of regional hegemon in the RECs could be both a blessing and a curse. The AU may be able to counterbalance these challenges in some circumstances. However, participants also noted that the AU is often no more benevolent than other international actors and has tended to intervene inconsistently across the continent. As one participant asked, why did the AU intervene in the Comoros and not in the Democratic Republic of the Congo?

Several speakers reminded participants that the AU and the RECs are not a panacea for conflict resolution on the African continent. They have serious capacity shortfalls in terms of staff, organization, planning, logistics, equipment, and communications. The development of an AU Stand-by Force will be a major advancement, and the UN-AU ten-year capacity-building program will hopefully make serious headway against these deficits. The AU Panel of the Wise, established to support mediation efforts on the continent, is also a major achievement, but its Secretariat is extremely thin at this stage and requires much more support to realize its full potential. Early-warning and preventive capacities have been developed in ECOWAS and are at a nascent stage in IGAD. But these have not been replicated across the continent nor has the AU had sufficient resources to dedicate much attention to the prevention side of the equation. At present and in the short term, regional and subregional organizations in Africa simply

cannot respond on their own.

RELATIONSHIP BETWEEN REGIONAL ORGANIZATIONS AND THE UN

The roundtable noted that sound policy does not entail a choice between global and regional engagement. Rather, some combination of the two is likely to be the best way forward in most cases for the foreseeable future. The AU and the RECs will most likely continue to mount integrated or sequential mediation and peacekeeping responses together with the UN.¹³ This is due not only to regional and subregional capacity shortfalls, but to the fact that UN involvement signals global commitment to protection and conflict resolution, thereby conferring an additional layer of legitimacy. Such a layered response has happened to good effect in Liberia, Sierra Leone, Burundi, and Kenya, among others.

To date, all regional peacekeeping forces have been deployed with some financial, logistical, or planning assistance from the UN and other international actors. Moreover, almost all regional deployments have occurred in sequence or together with a UN operation. There is a sense that even a functional AU Stand-by Force would typically be deployed with the expectation that it could be followed by a larger UN force with longer staying power and greater multidimensionality to implement many of the peacebuilding activities that would follow a period of stabilization.¹⁴ Therefore, continuing to invest in a cooperative relationship between regional and subregional organizations and the UN is essential.

While a fluid and mutually reinforcing relationship seems reasonable, it does raise certain challenges. Under Chapter VIII of the UN Charter, there is a preference for pacific settlement by regional arrangements before bringing local disputes to the Security Council (Article 52(2)). The one significant caveat is that enforcement action is not to be taken by regional arrangements without the Security Council's authorization (Article 53(1)). Nevertheless, as one speaker noted, the AU does not want to be constrained by a slow

decision-making process in the Security Council. If speed is one of their greatest assets, the AU and the RECs should be able to act based on their own rules and procedures. This is an area for further discussion and exploration between the Security Council and the AU Peace and Security Council and comparable bodies in the subregions. The agreement to hold joint annual meetings of the UN Security Council and the AU Peace and Security Council is an important first step, but more discussion will be required to clarify the parameters of the global-regional relationship.

The UN-AU ten-year capacity-building program has been an important feature of this evolving relationship. However, many of the advances made in the UN's relationship with the AU have developed through ad hoc responses to operational needs. As a consequence, they have tended not to be institutionalized or linked to the long-term capacity needs of the institution as a whole. For example, a UN assistance cell was established in Addis Ababa to work with AU counterparts on planning and managing UNAMID, the UN-AU peace operation in Darfur. However, this cell does not have the mandate or the resources to support the long-term institutional development of the AU.¹⁵

In addition, the ten-year capacity-building program and the sporadic ad hoc advances have focused disproportionately on peacekeeping in response to immediate operational needs. Much less attention has been given to early warning, mediation, and peacebuilding. Participants noted that prevention, capacity building, and early warning for RtoP situations are important and underserved areas for UN-regional cooperation and support.

With respect to early warning in particular, discussions emphasized that, as the UN's early-warning capability develops, attention should be given to how regional capacities can be leveraged. UN analysts cannot expect to have a comprehensive understanding of every situation. But, by supporting the development of robust early-

13 "Sequential operations" occur when the regional or subregional force deploys first, under regional or subregional command, and later shifts to a UN-authorized mission under UN command. Under such circumstances, most of the troops remain the same but they are "re-hatted" under the new force. See Center on International Cooperation, *Annual Review of Global Peace Operations* (Boulder, CO: Lynne Rienner, 2008).

14 Katherine N. Andrews and Victoria K. Holt, "United Nations-African Union Coordination on Peace and Security in Africa," Issue Brief, Washington, DC, Henry L. Stimson Center, August 2007.

15 Ibid.

warning capabilities at the subregional level, connecting these to continental early warning—an effort that has barely begun—and building strong links to the UN’s early-warning capability, it should be possible to get in-depth and nuanced information and analysis in relation to the threat of, or potential for, RtoP crimes and violations.

Overall, the roundtable participants expressed a clear preference for regional and subregional engagement in preventing and responding to RtoP crimes and violations. However, in light of practical and political realities, it became clear that some combination of regional and global engagement would be constructive in most cases. Therefore, an ongoing commitment to exploring the parameters of the UN-regional relationship and to supporting the development of regional prevention and response capacities is needed.

Conclusion

Roundtable participants felt that Secretary-General Ban Ki-moon’s approach to RtoP and genocide prevention is broadly acceptable and desirable. However, some voiced concerns about its possible misapplication. The collection of knowledge and expertise convened for this roundtable helped to contextualize RtoP by highlighting the many conceptual and practical challenges for operationalizing it in Africa. While some speakers associated humanitarian intervention with neocolonial interventions in Africa, it was stressed that, in contrast to humanitarian intervention, RtoP has its roots in a broad-based consensus that many African leaders are responsible for fostering and encouraging. Discussions also noted that, by emphasizing state responsibility and by highlighting the importance of prevention, capacity building, and early warning, RtoP is a more comprehensive and multifaceted mechanism for averting egregious crimes.

The roundtable made an important contribution by emphasizing the nature of the state in Africa and the often destructive role of the international community in its development. Any application of RtoP in Africa should be informed by an understanding of state weakness and the distortions that the international community can create in the domestic environment. As noted above, the state is at the core both of the predicament and of the solution, as would be expected of an approach that

emphasizes sovereignty as responsibility.

By enshrining the concept of nonindifference to mass crimes in the AU’s Constitutive Act, Africa has already exercised important leadership in these matters. In terms of operational response mechanisms, the roundtable stated a clear preference for a regional approach. However, given capacity shortfalls and political concerns, it was clear that future responses would need to rely on a combination of global and regional efforts.

In light of these considerations, roundtable discussions pointed to several general recommendations:

- It is essential to work toward a multilateral rules-based framework that defines the parameters of collective action to prevent or respond to RtoP crimes and violations. This will help to prevent the unilateral instrumentalization of the concept.
- Given the challenges posed by state weakness in Africa, RtoP and genocide prevention cannot be disconnected from the fundamental need for governance and judicial reform. Several participants even suggested adopting a “responsibility to reform.”
- Building on ongoing efforts, donors and international organizations ought to take significant steps to limit the distortions created by international assistance.
- Much more work needs to be done to clarify and elaborate the parameters of the relationship between the UN and regional organizations in the areas of capacity building, early warning, prevention, and enforcement.
- The UN and other international actors should continue to support peacekeeping efforts by the AU and regional economic commissions, well as ramping up efforts to improve their prevention and early-warning capacities.

The SASG, stressing the aspirational quality of RtoP, noted that there will always be a tension between what is really needed and what can be agreed upon by member states. Nevertheless, this roundtable provided a rich reservoir of views on the particularities of RtoP and genocide prevention in Africa, which will serve as valuable input to their continuing evolution. Both the SASG and the SAPG noted that this roundtable was part of an ongoing conversation and expressed their hope that such fruitful exchanges would continue in the future.

Annex I: 2005 World Summit Outcome Document— Text of Paragraphs 138, 139, and 140

Responsibility to Protect Populations from Genocide, War Crimes, Ethnic Cleansing and Crimes Against Humanity¹⁶

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 organizations 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.
140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.

¹⁶ United Nations, *2005 World Summit Outcome*, UN Doc. A/RES/60/1, October 24, 2005.

Annex II: Keynote Address by Chairperson of the African Union Commission, October 23, 2008

Keynote Address: The Responsibility to Protect in Africa

Jean Ping, Chairperson, African Union Commission

The Chairperson,
Your Excellencies and Distinguished Representatives of Intergovernmental Organizations,
Dr. Francis M. Deng,
President Rød-Larsen,
Chairperson Abdul Mohammed,
Distinguished Guests,
Ladies and Gentlemen,

I feel highly honored and privileged by this opportunity accorded me to deliver a keynote address at this roundtable on “The Responsibility to Protect and Genocide Prevention in Africa,” which is co-sponsored by the United Nations, International Peace Institute, and the InterAfrica Group.

I am particularly delighted to note that this meeting brings together leading policymakers and specialists in law, politics, and peacekeeping to address the responsibility to protect (RtoP). I am also happy to note that this meeting has a close relationship with the “Ten-Year Capacity-Building Programme: Towards a Broader Understanding of the AU-UN Cooperation,” which you organized not so long ago.

At the outset, I would like to acknowledge and express appreciation of the African Union's beneficial and continuing partnership with the aforementioned institutions hosting this event.

As we meet here to reflect on the challenges of the concept of responsibility to protect, we should recall the gallant efforts of personalities and legal minds who helped shape the debate and moved it forward by drawing attention to the inescapable link between sovereignty and responsibility. One of these fine minds is none other than Dr. Francis M. Deng, who is here with us today.

As many of you may know, the responsibility to protect has occupied center stage in international law and relations. In 2005, the United Nations adopted the “Outcome Document” specifically obliging member states to accept the concept of responsibility to protect. I was privileged to be involved in the process leading to the adoption of the document as the then President of the UN General Assembly.

As you are no doubt aware, even before the adoption of the Outcome Document on the responsibility to protect, African states had already committed themselves to protect human rights and promote good governance in the continent, even at the expense of using force, as entrenched in Article 4(h) of the Constitutive Act of the African Union. To remind you, that article states that the African Union shall have

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.

It should nevertheless be pointed out that the approach at the level of the continent provided safeguards, in that intervention could only be authorized by the Assembly of the Union or the Peace and Security Council and, secondly, only in grave circumstances, such as genocide, war crimes, and crimes against humanity.

Of course, it should not surprise many of you that the African Union adopted such a provision. The Rwandan genocide touched the innermost recesses of the international community and particularly traumatized the continent. For the first time in treaty law, an organization took the unflinching position to promote peace, security, and stability on the continent through peaceful resolution of conflicts among member states, but also gave the right to the Union to intervene in any of its member states under certain defined conditions. Thankfully, the principle of nonindifference is now well accepted in our peace and security discourse.

Excellencies,
Ladies and Gentlemen,

There is no doubt that the provision in Article 4(h) of the Constitutive Act was informed not only by the shame generated by the Rwandan genocide, but also by the realization that one cannot be indifferent to a fire engulfing a neighbor's house because it could very well end up razing one's own house as well. The finding by the International Panel of Eminent Personalities to Investigate the Genocide in Rwanda (IPEP) that the UN, OAU, and their member states, and the international community failed the people of Rwanda still reminds us of the atrocious cost of doing nothing. With the adoption of Article 4(h), the principle of nonindifference was fully enshrined in Africa's peace and security discourse.

Excellencies,
Ladies and Gentlemen,

Turning back to the process leading to the final adoption of the concept of responsibility to protect, I recall that most countries of the South at the level of the nonaligned movement were strongly opposed to the proposal of the Secretary-General. It would be true to say that they were frightened by the proposal, and with what happened in Iraq at the back of their minds, they saw it as an instrument that could be used by the powerful countries against the weaker ones. Some talked of their fear of abuse and double standards. In particular, the Permanent Representative of an African country made acerbic comments on the report of the Secretary-General by suggesting that it was difficult to distinguish responsibility to protect from humanitarian intervention. Further, he expressed the view that it had not been the object of international negotiations and had no legal basis in the Charter or in international law. Indeed, it was generally believed that the proposal would never sail through and would be defeated or postponed.

Faced with these difficulties, what I did, as President of the General Assembly, was request comments and observations from the member states, which were then taken on board in the final version of the Declaration. However, the opposition still remained. The main areas of concern were the role of the UN Security Council, the notion of human security, the Human Rights Council, and disarmament. I held meetings with the African Group, the G77, and the nonaligned group. With regard to the African Group, I explained to them that this principle was already entrenched in Article 4(h) of the Constitutive Act and that for this reason they should be at the forefront in supporting the proposal. I also told the nonaligned group that we, in Africa, were facing genocide and could not wait indefinitely. I then decided to set up a core group or negotiating committee of thirty-two that was regionally balanced, but everyone wanted to be a member of it. Finally, after having discussed the issue with the Ambassador of Pakistan, who was one of the ambassadors most opposed to the concept, an amendment proposed by him enabled us to reach an agreement. His proposal was to link the responsibility to protect populations to specific crimes, namely, genocide, war crimes, ethnic cleansing, and crimes against humanity. This is what was finally adopted in the Outcome Document during the plenary meeting of the General Assembly in September 2005.

I believe many people would agree with Kofi Annan, then Secretary-General of the UN, when he reminded the international community that sovereignty is "a concept that inheres not in the state, but the people and must therefore be exercised in the interest of the people not their representatives." In other words, it is not an absolute

concept, nor does it exist as a completely independent right. Rather, it comes with responsibilities which include the protection of good governance and citizens' rights.

However, the concerns that were expressed by many states during the consideration of the Declaration are still valid and cannot be ignored. In short, the concern of states was and still is about the possibility of abuse of the principle of responsibility to protect. The sense of ownership that AU member states have in their own institutions is not replicated in respect of UN member states vis-à-vis the UN Security Council because of the right of veto and the role of the P5.

Kofi Annan has been quoted as having seen the postelection violence in Kenya in January-February 2008 through the lens of the principle of responsibility to protect. Certainly the African Union intervened in the Kenyan situation through President John Kufuor and subsequently through Kofi Annan out of fear that things could get "hopelessly wrong." But a number of questions could be posed for your consideration at this roundtable as to what constitutes a responsibility to protect situation and whether the Kenyan experience was such a case:

- What constitutes a responsibility to protect situation?
- If there is a demonstration by students, for example, at the University of Ibadan and the police reaction results in some deaths, would this be considered as a situation that will trigger the principle of responsibility to protect?
- Did the Kenyan situation fall within the classic case of a government that CANNOT protect its population, or is UNABLE to do so, or is PARTICIPATING in the situation?
- Did the Kenyan situation fall within any of the four crimes stated in the Outcome Document?
- Why did the Kenyan government deploy only the police and not the military in trying to deal with the evolving situation?
- What needs to be done to overcome the fears of states that this principle could be the object of double standards?
- Why has the world community not reacted concerning Somalia, a country that has been without state authority for almost eighteen years now?

These questions point out some of the gray areas that remain to be clarified, in particular where we should draw the line and when the principle should be applied.

Looking at the agenda before you, I am sure that these questions and many others will occupy your minds and will merit your professional consideration.

Excellencies,
Ladies and Gentlemen,

Let me end by saying that, as this concept has become a universal principle, it is imperative for us in Africa to think global and act local, that is, to analyze and truly understand the global challenges and find our own answers to them.

The AU political and socioeconomic integration agenda is a long-term investment and we have only started with the first steps on the long and winding road to achieve peace, progress, and prosperity on our continent. In doing so, we will continue to remind ourselves of our responsibilities and duties to our people and to future generations. After all, the struggle for self-determination and self-governance was grounded in the notion that we would be kinder and more caring of each other, as we were better suited to understanding each other's needs

and aspirations. The fact that this has largely not been the case in the post-independence period is unfortunate. But I believe that tomorrow will be better than yesterday. Our people expect no less. And they have a right not to expect less.

I thank you for your kind attention.

Annex III: Speech of the UN Secretary-General, Berlin, July 15, 2008

Responsible Sovereignty: International Cooperation for a Changed World

Ban Ki-moon, UN Secretary-General

It is an honor to be with you. I commend the organizers—Managing Global Insecurity and the Bertelsmann Foundation—for convening this forum on responsible sovereignty, one of the defining challenges of the twenty-first century.

How fitting it is that we address these matters in Berlin, where the twentieth century learned such hard lessons about the dangers of unbridled and irresponsible sovereignty. Today, Germany stands as a model of the responsible sovereign, at home and abroad. Indeed, the leading role that a united Germany now plays in the United Nations speaks to the curative properties of the principles of human rights, tolerance, and the rule of law, for which the world body proudly stands.

This evening, I would like to address one of the more powerful but less understood ideas of our times—the responsibility to protect, or RtoP for short. Now that the concept has received the ultimate United Nations accolade, a distinctive acronym, we need a common understanding of what RtoP is and, just as importantly, of what it is not.

RtoP is not a new code for humanitarian intervention. Rather, it is built on a more positive and affirmative concept of sovereignty as responsibility—a concept developed by my Special Adviser for the Prevention of Genocide, Francis M. Deng, and his colleagues at the Brookings Institution more than a decade ago. RtoP should be also distinguished from its conceptual cousin, human security. The latter, which is broader, posits that policy should take into account the security of people, not just of states, across the whole range of possible threats.

The concept of responsibility to protect is more firmly anchored in current international law than the two related concepts. It was adopted by the 2005 World Summit—the largest gathering of heads of state and government the world has seen—and was subsequently endorsed by both the General Assembly and Security Council. It rests on three pillars.

First, governments unanimously affirmed the primary and continuing legal obligations of states to protect their populations—whether citizens or not—from genocide, war crimes, ethnic cleansing, and crimes against humanity, and from their incitement. They declared—and this is the bedrock of RtoP—that “we accept that responsibility and will act in accordance with it.”

The second, more innovative pillar speaks to the United Nations’ institutional strengths and comparative advantages. The summit underscored the commitment of the international community to assist states in meeting these obligations. Our goal is to help states succeed, not just to react once they have failed to meet their prevention and protection obligations. It would be neither sound morality, nor wise policy, to limit the world’s options to watching the slaughter of innocents or to send in the marines. The magnitude of these four crimes and violations demands early, preventive steps—and these steps should require neither unanimity in the Security Council, nor pictures of unfolding atrocities that shock the conscience of the world.

The third pillar is much discussed, but generally understood too narrowly. It is member states’ acceptance of

their responsibility to respond in a timely and decisive manner, in accordance with the United Nations Charter, to help protect populations from the four listed crimes and violations. The response could involve any of the whole range of UN tools, whether pacific measures under Chapter VI of the Charter, coercive ones under Chapter VII, and/or collaboration with regional and subregional arrangements under Chapter VIII. The key lies in an early and flexible response, tailored to the specific needs of each situation.

Our conception of RtoP, then, is narrow but deep. Its scope is narrow, focused solely on the four crimes and violations agreed by the world leaders in 2005. Extending the principle to cover other calamities, such as HIV/AIDS, climate change, or response to natural disasters, would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility.

At the same time, our response should be deep, utilizing the whole prevention and protection tool kit available to the United Nations system, to its regional, subregional, and civil-society partners and, not least, to the member states themselves. As the Summit urged, we need to enhance UN early-warning mechanisms, integrating the system's multiple channels of information and assessment. We need to strengthen the capacities of states to resist taking the path to genocide, war crimes, ethnic cleansing, and crimes against humanity.

In this context, capacity building could cover a range of areas—from development, good governance, and human rights, to gender equality, the rule of law, and security sector reform. Our goal is not to add a new layer of bureaucracy, or to re-label existing United Nations programs; it is to incorporate the responsibility to protect as a perspective into ongoing efforts.

This actually happened for the first time earlier this year following the elections in Kenya. The combined efforts of the African Union, influential member states, the United Nations and my esteemed predecessor, Kofi Annan, were instrumental in curbing the postelection violence.

As the 2005 Summit recognized, there are times when persuasion and peaceful measures fall short. Allow me to quote in part from the Summit Outcome document: when “national authorities are manifestly failing to protect their populations” from the four crimes and violations, governments “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 and subregional organizations as appropriate.”

Caveats aside, this declaration could have profound implications. If member states can indeed summon the will to act collectively in some cases like this, then others may be deterred from inciting or committing such atrocities. Likewise, if United Nations rules, procedures and practices are developed in line with this bold declaration, then there is less likelihood of RtoP principles being used to justify extra-legal interventions for other purposes.

In other words, the responsibility to protect does not alter the legal obligation of member states to refrain from the use of force except in conformity with the Charter. Rather, it reinforces this obligation. By bolstering United Nations prevention, protection, response, and rebuilding mechanisms, RtoP seeks to enhance the rule of law and expand multilateral options.

Finally, let me clear up two more misconceptions and then say a word about how we are proceeding in the effort to turn promise into practice, words into deeds. Some contend that RtoP is a Western or Northern invention, being imposed on the global South. Nothing could be further from the truth. It was the first two African Secretaries-General of the United Nations—Boutros Boutros-Ghali and Kofi Annan—who first explored evolving notions of sovereignty and humanitarian intervention. And the African Union has been explicit: in the year 2000, five years before the Summit declaration, the African Union asserted “the right of the

Union to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide, and crimes against humanity.”

Equally incorrect is the assumption that the responsibility to protect is in contradiction to sovereignty. Properly understood, RtoP is an ally of sovereignty, not an adversary. Strong states protect their people, while weak ones are either unwilling or unable to do so. Protection was one of the core purposes of the formation of states and the Westphalian system. By helping states meet one of their core responsibilities, RtoP seeks to strengthen sovereignty, not weaken it.

Friends, the task is considerable. As a first step, I have asked my Special Adviser, Edward C. Luck, to work on the conceptual, institutional, and political dimensions of RtoP. He is consulting widely, including at productive meetings here in Berlin and recently in Brussels, as well as in the developing world. He and Francis Deng are my two professors. They will share an office on genocide prevention and RtoP, helping the United Nations to speak and act as one.

Late this year, I will report to the General Assembly on our proposed approach to RtoP and the challenges posed by the Summit Outcome document. I will do so in full confidence that member states are united in their support of the goals and purposes of the responsibility to protect.

My personal commitment is deep and enduring. I voiced it even when I was yet only a candidate for this office, and I have kept voicing it since. Let me be clear: just as I am aware of the controversy and doubts the concept of RtoP have created, so do I know the public expectations and enthusiasm it has generated.

Today, the responsibility to protect is a concept, not yet a policy; an aspiration, not yet a reality. Curbing mass atrocities will be neither easy nor quick. There is no certain blueprint for getting the job done. We are all novices in this field.

But I do know that the United Nations was built on ideas, ideals, and aspirations, not on quick fixes, sure things or cynical calculations. This has both inspired and, occasionally, frustrated “we the peoples” of the world. But the world’s people have, nevertheless, kept their faith in the institution, because it never tires of trying to accomplish the impossible. So be it with RtoP, which speaks to the things that are most noble and most enduring in the human condition. We will not always succeed in this cardinal enterprise, and we are taking but the first steps in a long journey. But our first responsibility is to try. I invite you to join me in this common endeavor, and I will welcome your suggestions and your criticisms along the way.

Annex IV: Roundtable Agenda

The Responsibility to Protect (RtoP) and the Prevention of Genocide in Africa
Expert Roundtable

October 23-24, 2008

United Nations Economic Commission for Africa
Addis Ababa, Ethiopia

Jointly hosted by
International Peace Institute
UN Office of the Special Adviser on the Prevention of Genocide
InterAfrica Group

Thursday, October 23, 2008

- | | |
|---------------|---|
| 09:00 – 09:30 | <p>Welcome and Opening Remarks by Host
Mr. Abdulkadir Mohammed, <i>Board Chairman, InterAfrica Group</i></p> <p>Response
Dr. Francis M. Deng, <i>Special Adviser to the UN Secretary-General for the Prevention of Genocide</i>
Dr. Edward C. Luck, <i>Special Adviser to the UN Secretary-General; Senior Vice President and Director of Studies, International Peace Institute</i></p> |
| 09:30-11:00 | <p>Session 1: The Responsibility to Protect (RtoP) at the United Nations: The Secretary-General's Three Pillars</p> <p>Dr. Francis M. Deng
Dr. Edward C. Luck</p> |
| 11:00-11:15 | Coffee Break |
| 11:15-12:45 | <p>Session 2: A Critical Review: African Perspectives</p> <p>Dr. Musifiky Mwanasali, <i>Senior Political Affairs Officer, United Nations Mission in Sudan</i>
Dr. Mahmood Mamdani, <i>Herbert Lehman Professor of Government and Professor of Anthropology, Columbia University</i>
Dr. Abdelwahab El-Affendi, <i>Senior Research Fellow, Centre for the Study of Democracy, University of Westminster</i></p> |
| 12:45-14:00 | <p>Lunch and Keynote Address</p> <p>Ambassador Jean Ping, <i>Chairperson, African Union Commission</i></p> |

14:00-15:30	Session 3: Prevention, Capacity Building, and Rebuilding in Africa Dr. Adam Branch, <i>Assistant Professor of Political Science, San Diego State University</i> Dr. Margaret Vogt, <i>Deputy Director, Africa I Division, UN Department of Political Affairs</i>
15:30-15:45	Coffee Break
15:45-17:15	Session 4: Emerging Principles and Practice in Peace Operations in Africa: Global, Regional, and Subregional Perspectives H.E. Mr. Ramtane Lamamra, <i>Commissioner for Peace and Security, African Union</i> Dr. Alex de Waal, <i>Program Director, HIV/AIDS and Social Transformation and on Humanitarian Action, Social Science Research Council; Fellow, Harvard Humanitarian Initiative</i>
19:00-21:00	Reception

Friday, October 24, 2008

09:00-10:30	Session 5: Protection of Vulnerable Groups Including Women and Children in RtoP Situations Mr. Abdulkadir Mohammed Dr. Margaret Vogt
10:30-10:45	Coffee Break
10:45-12:15	Session 6: RtoP in the Horn of Africa: Actual and Potential Collaboration Between the UN and Regional and Subregional Partners Mr. Paulos Tesfagiorgis, <i>Senior Adviser for Constitution-Building Processes, International IDEA</i> Hon. Ahmed Abdisalam Adam, <i>Deputy Prime Minister of Somalia</i> H.E. Mr. Peter Robleh, <i>Chief, African Trade Policy Centre, United Nations Economic Commission for Africa</i>
12:15-14:00	Lunch Guest Speaker: Imam Sadiq Al-Mahdi, <i>former Prime Minister of Sudan</i>
14:00-15:30	Session 7: Concluding Discussion and Next Steps Mr. Abdulkadir Mohammed Dr. Francis M. Deng Dr. Edward C. Luck

Annex V: Roundtable Participants List

Co-Chairs

Francis M. Deng

Special Adviser to the UN Secretary-General
for the Prevention of Genocide

Edward C. Luck

Special Adviser to the UN Secretary-General
Senior Vice President and Director of Studies
International Peace Institute

Abdulkadir Mohammed

Board Chairman
InterAfrica Group

Participants

Ahmed Abu Sin

Partners in Development, Sudan

Ahmed Abdisalam Adam

Deputy Prime Minister
Transitional Government of Somalia

Ahmed Hussain Aden

London School of Economics

Ahmed Adam Hussein

Spokesperson
Justice and Equality Movement, United Kingdom

Ismail Ali Ismail

Former Senior Public Administration Officer
UN Economic Commission for Africa

Eltigani Ateem

Senior Regional Adviser
UN Economic Commission for Africa

Shirbu Awgichew

United Nations Development Programme

Lidetu Ayalew

Chairman
United Ethiopia Democratic Party-Medhin

Hebret Berhe

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