Special Issue for GR2P: Africa's Responsibility to Protect

Introduction

Jeremy Sarkin[a] **and Mark Paterson**[b]
[a] Chairperson-Rapporteur of the United Nations Working Group on Enforced or Involuntary Disappearances
jeremy.sarkin@ymail.com
[b] Communications consultant at the Centre for Conflict Resolution, Cape Town, South Africa
mpaterson@ccr.uct.ac.za

Abstract
The introduction sketches the recent development of the 'responsibility to protect' norm and emphasises its African roots, both in terms of its conceptualisation and implementation and with particular respect to two tragedies—the genocide in Rwanda in 1994 and the crisis in Darfur since 2003—that have lent urgency to the norm's formulation and widespread international adoption. The number and extent of R2P cases in Africa are outlined and the roles of the African Union and Africa's regional organisations in implementing the norm are briefly considered. The introduction acknowledges the importance of examining R2P through African perspectives. Referencing the justifications and primary principles for action upon which the norm is founded, the authors also assess the relative strengths of competing notions of sovereignty in Africa. The essay further considers how R2P has come to be seen as a mechanism that can bolster the capacity of weak states to fulfil their sovereign responsibilities to their own citizens, and how new international obligations imposed upon states, and particularly those adopted in Africa, have made significant inroads into the old concept of sovereignty as territorial integrity and freedom from external interventions.

Keywords
Africa, responsibility to protect, United Nations, Rwanda, genocide, Darfur, African Union, implementing R2P, sovereignty as territorial integrity, International Criminal Court, humanitarian interventions, African roots

This edition of *Global Responsibility to Protect (GR2P)* examines the notion of the 'responsibility to protect' (R2P) in Africa. It was commissioned and overseen by the Centre for Conflict Resolution (CCR) in Cape Town, South Africa—an activist think tank with a pan-African perspective that has worked for forty years to ensure that the principles captured within R2P gain practical significance in Africa. CCR has sought in its work to encourage the international community to take proper account of African perspectives and experiences when developing and implementing policies on this important issue. The Centre held two high-level meetings on R2P in 2007 in South Africa. In December, in collaboration with the International Peace Institute and the United Nations (UN) Office for the Prevention of Genocide, headed by the Special Adviser of the UN Secretary-General, Francis Deng, CCR convened a seminar titled 'Prevention of Genocide and Mass Atrocities and the Responsibility to Protect: Challenges for the UN and the International Community'. Earlier, in April 2007, CCR convened a policy advisory group on the theme 'Africa's Responsibility to Protect' which was also attended by senior African Union (AU), UN, and government officials, as well as leading academics and

civil society activists.[1] In aiding R2P interventions in Africa, the Centre has helped to facilitate the support of African mediators to the UN in times of crisis. CCR has further supported practical efforts to consolidate and improve African regional responses in cases of humanitarian intervention, and has sought to strengthen the continent's human rights architecture. While insisting on the advantages that regional actors can have in promoting understanding of, and solutions to, African crises, the Centre has argued that the UN should enhance its relationship with regional organisations and move from 'burden shedding' to 'burden sharing' in relation to R2P.[2]

The idea of R2P gained widespread international legitimacy when it was adopted by the United Nations, including fifty-three African governments, at the UN's September 2005 World Summit. The summit's outcome document noted that the UN must 'affirm that every sovereign government has a "responsibility to protect" its citizens and those within its jurisdiction from genocide, mass killing, and massive and sustained human rights violations'.[3] R2P's conceptual pillars and terms of application were previously defined in 2001 by the International Commission on Intervention and State Sovereignty (ICISS), which officially coined the term 'responsibility to protect' in its report of the same name.[4] The Co-Chair of the ICISS was Algerian diplomat, Mohamed Sahnoun, along with Australian former foreign minister, Gareth Evans. Impetus was given to R2P as a practical idea in 2009 with the publication of a report entitled *Implementing the Responsibility to Protect*, which was presented to the UN General Assembly by its Secretary-General Ban Ki-moon. The document, in its own words, 'responds to one of the cardinal challenges of our time, as posed in paragraphs 138 and 139 of the 2005 World Summit Outcome: operationalizing the responsibility to protect…'.[5] The Secretary-General proposed a broad strategy, with many practical examples, for bringing together countries and regional and international organisations to implement R2P.

The norm of R2P itself has derived much intellectual weight and practical authority from ideas of sovereignty that informed the birth of nation-states in seventeenth-century Europe and shaped the behaviour of many Western countries thereafter. However, since the end of the Cold War in 1990, it is Africa—through its actors and experiences—that has given the concept its most coherent and practical expression. The idea of 'sovereignty as responsibility', on which the 2001 ICISS report built, was originally formulated by Sudanese scholar-diplomat Francis Deng during his tenure as the UN Secretary-General's Special Representative on Internally Displaced

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[1] See Centre for Conflict Resolution (CCR) seminar reports: 'Africa's Responsibility to Protect', report of a seminar held in Cape Town, South Africa, 23–24 April 2007; and 'Preventing Genocide and the Responsibility to Protect', report of a seminar held in Stellenbosch, South Africa, 13–15 December 2007, http://www.ccr.org.za.

[2] See Adekeye Adebajo (ed.), *From Global Apartheid to Global Village: Africa and the United Nations* (Scottsville: University of KwaZulu-Natal Press, 2009); John Akokpari and Daniel Shea Zimber (eds.), *Africa's Human Rights Architecture* (Johannesburg: Jacana, 2008); John Akokpari, Angela Ndinga-Muvumba, and Tim Murithi (eds.), *The African Union and Its Institutions* (Johannesburg: Jacana, 2008); Adekeye Adebajo, Adebayo Adedeji, and Chris Landsberg (eds.), *South Africa in Africa: The Post-Apartheid Era* (Scottsville: University of KwaZulu-Natal Press, 2007); Adekeye Adebajo and Abdul Raufu Mustapha (eds.), *Gulliver's Troubles: Nigeria's Foreign Policy After the Cold War* (Scottsville: University of KwaZulu-Natal Press, June 2008); and Chandra Lekha Sriram and Suren Pillay (eds.), *Peace Versus Justice? The Dilemma of Transitional Justice in Africa* (Scottsville: University of KwaZulu-Natal Press, June 2009).

[3] United Nations, General Assembly, 'World Summit Outcome', A/RES/60/1, 16 September 2005.

[4] International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001).

[5] United Nations, *Implementing the Responsibility to Protect*, Report of the Secretary General, Summary, A/63/677, 12 January 2009.

Persons between 1992 and 2004 (see Deng in this volume).[6] Amplified in 1999 in a landmark speech by Ghanaian UN Secretary-General between 1997 and 2006, Kofi Annan,[7] the idea of a sovereign 'responsibility to protect' has since been widely used by the UN and African regional bodies and governments to redefine what it means to be a truly sovereign nation and how the international community should react to humanitarian disasters.

It was an African tragedy—the 1994 genocide in Rwanda, in which an estimated 800,000 people were killed[8]—that informed Annan's 1999 speech, which in turn led to the 2005 UN World Summit, at which the internationally agreed 'responsibility to protect' was formulated. The risk of genocide, it has been argued (see Mwanasali in this volume), also never left the thinking of the founders of the African Union—making the body, which was established in 2002, one of the few such organisations to have incorporated ideas around a 'responsibility to protect' into its constitution. Predating the consensus reached at the UN's 2005 World Summit by five years, Article 4(h) of the AU's Constitutive Act of 2000 granted African leaders the collective right to 'intervene in a Member State pursuant to a decision of the Assembly [of Heads of State and Government] in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity'.[9] Ban Ki-moon's 2009 report, *Implementing the Responsibility to Protect*, acknowledges that 'the evolution of thinking and practice in Africa [in relation to the idea of "sovereignty as responsibility"] has been especially impressive'.[10]

Not only does the R2P concept have 'African roots'—as the UN Secretary-General's American special adviser on the subject, Edward Luck, noted in 2009[11]—but R2P has also been implemented more fully in Africa than almost anywhere else. UN peacekeeping missions which are generally mandated by the UN Security Council to protect citizens have been widely deployed in Africa in the post–Cold War era. The continent hosted seven of the UN's sixteen peacekeeping missions in May 2010. About 70 percent of all UN peacekeepers were deployed in Africa in the same period. Since the end of the Cold War, about half of UN peacekeeping missions have taken place in Africa. Most recently, the crisis in Sudan's volatile Darfur region, where an estimated 300,000 people have died since 2003,[12] has prompted international

[6] Francis Deng, 'Frontiers of Sovereignty', *Leiden Journal of International Law* 8/2: 249–86 (1995). See also Sadikiel Kimaro, Terrence Lyons, Donald Rothchild, and William Zartman, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, D.C.: Brookings Institution, 1996).

[7] Kofi Annan, 'Balance State Sovereignty with Individual Sovereignty!' speech at the UN General Assembly, 20 September 1999. See also Kofi Annan, 'Two Concepts of Sovereignty', *The Economist,* 18 September 1999, pp. 49–50.

[8] See, for example, Henry Anyidoho, *Guns over Kigali* (Accra: Woeli, 1999); Turid Laegreid, 'UN Peacekeeping in Rwanda' in Howard Adelman and Astri Suhrke (eds.), *The Path of a Genocide: The Rwanda Crisis, from Uganda to Zaire* (New Brunswick, NJ: Transaction, 1999), pp. 231–51; Linda Melvern, *A People Betrayed: The Role of the West in Rwanda's Genocide* (London: Zed, 2000); Gérard Prunier, *The Rwandan Crisis: History of a Genocide* (New York: Columbia University Press, 1995); Astri Suhrke, 'UN Peacekeeping in Rwanda' in Gunnar Sørbo and Peter Vale (eds.), *Out of Conflict: From War to Peace in Africa* (Uppsala: Nordiska Afrikainstitutet, 1997), pp. 97–113.

[9] African Union, 'Protocol on Amendments to the Constitutive Act of the African Union of 2000', Article 4(h), http://www.africa-union.org/.

[10] United Nations, *Implementing the Responsibility to Protect,* p. 6.

[11] Edward Luck, 'Sovereignty, Choice, and the Responsibility to Protect', *Global Responsibility to Protect* 1/1: (2009), p. 15.

[12] United Nations, *Official Records of the Security Council,* statement by Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator, John Holmes, to the 5,872nd meeting of the UN Security Council, 22 April 2008, at http://daccess-dds-ny.un.org/doc/UNDOC/PRO/N08/313/07/PDF/N0831307.pdf?OpenElement,

reaffirmation of the R2P principles agreed at the UN's 2005 World Summit. The UN Secretary-General's 2009 report, *Implementing the Responsibility to Protect*, makes specific reference in its opening paragraph to the relevant UN resolution 1706 (2006) on the crisis in Darfur.[13]

The African Union and the continent's key regional organisations—the Southern African Development Community (SADC), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), the Economic Community of Central African States (ECCAS), and the Arab Maghreb Union (AMU)—have also taken increasingly leading roles in implementing R2P. In 2004, the AU established its fifteen-member Peace and Security Council (PSC), which considers R2P issues and cases. In addition, between 2004 and 2007, the AU sent 7,000 peacekeepers to Darfur. In concert with the UN, the AU has operated a hybrid mission in Darfur (UNAMID) since 2007, with an authorised strength of 26,000 peacekeepers. At the regional level, African governments—through the Ezulwini Consensus of March 2005—recognised that Africa's regional organisations should be able to intervene in conflict situations with approval from the powerful fifteen-member UN Security Council. In fact, African leaders went further in the Ezulwini Consensus, taking the position that, in situations requiring urgent action, such UN approval could be granted 'after the fact'.[14] African regional organisations have crafted collective security measures to protect civilian populations from gross violations of human rights such as genocide and 'ethnic cleansing'. The measures include mandates to prevent human rights violations and, as a last resort, to enforce R2P. At the sub-regional level, both Nigeria and South Africa—regional hegemons in West and Southern Africa respectively—have also, at times, practised the 'responsibility to protect' in their foreign policies, albeit through multilateral bodies (see Adebajo and Landsberg respectively in this volume).

Given R2P's African roots and context, it is perhaps appropriate that this edition of *GR2P* examines the norm through African eyes. It is a constant refrain of African governments and civil society organisations that they are uniquely placed to lead and advise on the kind and extent of R2P interventions and subsequent peacebuilding initiatives on the continent—but often find themselves ignored. This special issue seeks to help to redress an imbalance in academic debates on the issue of R2P, debates that are often skewed in favour of non-African voices and dominated by Western viewpoints, despite the obvious importance of the issue to Africa and the fact that many R2P cases are in Africa. The contributors to this edition of *GR2P* are citizens of Sudan, South Africa, Nigeria, the Democratic Republic of the Congo (DRC), and Zimbabwe.

The historical context for the introduction of R2P into Africa is undoubtedly a troubled one. The history of colonialism and the Cold War, which often eroded the sovereignty of African states, has left many African leaders suspicious of interference in their domestic affairs by external actors. Notwithstanding these fears, African governments have agreed in both principle and practice to a multilateral approach to implementing R2P at the regional and continental levels. To some extent, the 'responsibility to protect'—with its three commitments to 'prevent', 'react', and 'rebuild'—attempts to square the circle. It also envisages external interventions, as the rubric of the 2001 ICISS report on R2P makes clear. The three primary principles are:

- the *responsibility to prevent*—to tackle the causes of conflict and other human-created crises;

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accessed 22 April 2010. Holmes said: 'A study in 2006 suggested that 200,000 had lost their lives from the combined effects of the conflict. That figure must be much higher now, perhaps half as much again.'

[13] United Nations, *Implementing the Responsibility to Protect,* p. 4.

[14] Musifiky Mwansali, 'Africa's Responsibility to Protect', in Adekeye Adebajo and Helen Scanlon (eds.), *A Dialogue of the Deaf: Essays on Africa and the United Nations* (Johannesburg: Jacana, 2006), p. 100.

- the *responsibility to react*—to take appropriate action under compelling circumstances, including coercive steps such as sanctions or even military intervention as a last resort where there are reasonable prospects of success, taking due regard of the issue of proportionality; and
- the *responsibility to rebuild*—to provide post-intervention assistance in dealing with the causes of conflicts, and to assist in reconstruction, reconciliation, and other rebuilding efforts.[15]

However, despite its prescriptions for intervention, the ICISS report argued that 'the debate about intervention for human protection purposes should focus not on "the right to intervene" but on "the responsibility to protect"'.[16] The report further noted that 'sovereign states have a responsibility to protect their own citizens from avoidable catastrophe—from mass murder and rape, from starvation—but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states'.[17] Another formulation of R2P, as it appears in the report, contends that '[w]here a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect'.[18]

The ICISS further maintained that any form of military intervention initiated under the banner of the R2P doctrine must fulfil six criteria in order to be justified as an extraordinary measure of intervention.[19] Such actions must:

- be for a just cause (genocide, crimes against humanity, and others);
- have the right intentions (meaning no subversive agendas);
- be used as a last resort;
- be authorised by and executed by a legitimate authority;
- adhere in action to the principle of proportionality; and
- have a reasonable prospect of success.

Clearly, the ICISS subscribed to a nuanced and comprehensive notion of intervention and the 'responsibility to protect'. The commission's report stated that '[m]ilitary intervention for human protection purposes must be regarded as an exceptional and extraordinary measure'.[20] The measure should be sanctioned in the last resort only to halt or avert 'large-scale loss of life, actual or apprehended with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or large-scale "ethnic cleansing", actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape'.[21]

R2P stands on the shoulders of a series of *jus cogens* norms—compelling legal principles accepted by, and binding upon, the whole international community—that have been developed over the past 200 years to protect victims of a range of crimes. The Genocide Convention of

[15] See ICISS, *The Responsibility to Protect,* foreword, p. xi.
[16] Ibid., para. 2.29.
[17] Ibid., foreword, p. viii.
[18] Ibid., foreword, p. xi.
[19] Ibid., foreword, p. xii.
[20] Ibid., para. 4.18.
[21] Ibid, para. 4.19.

1948 established a duty to 'prevent and punish'[22] in order to protect those who might be victims of genocide. This duty makes it obligatory for states to punish those guilty of carrying out genocidal acts—a deliberate effect of which should be to protect people against genocide by deterring would-be mass murderers.[23] Article 8 of the convention recognises the need for preventive measures to be taken against genocide and calls on the UN to take appropriate action under its Charter of 1945. The prohibition of genocide, war crimes, and crimes against humanity has become a *jus cogens* norm within customary international law. Accordingly, R2P can and should be invoked to prevent the commission of such crimes. However, the sovereign right of states also qualifies as a *jus cogens* norm, and some analysts have argued that a balance needs to be struck between the two.

While the debate continues about the form that such a balance may take, a consensus has emerged in international law since the end of the Cold War by 1990 that national sovereignty cedes moral ground to the rights and needs of groups and individuals within the country, particularly where gross violations of human rights are perpetrated. After the ICISS report was published in 2001, the international community seemed to offer wide support for the development of R2P, with the deep historical origins of the concept lending additional weight to its validity as a norm. It was thought that the 'responsibility to protect', as a norm, would play a crucial role in halting massive human rights violations, including genocide, especially in the wake of the terrible war crimes that occurred in Rwanda and the Balkans in the 1990s. In retrospect, the conflicts in those countries heralded the advent of international justice and a greater promise to deal more speedily with impunity. However, the heady optimism for the widespread adoption of R2P that was encouraged by the 2001 ICISS report subsequently dissipated to a great extent.

In particular, the International Criminal Court (ICC) that came into being in 2002 has been criticised for its exclusive focus on Africa. All of the cases that the Court had opened by June 2010 concerned African countries—Kenya, Uganda, the Democratic Republic of the Congo, the Central African Republic, and Sudan. In July 2008, Sudan's president, Omar al-Bashir, became the first sitting head of state to be indicted by the Court. This move was seen by some as a selective attack on African leaders and their interests, since similar steps were not taking place in other places where alleged war crimes were being perpetrated, such as Iraq, Afghanistan, Sri Lanka, and the Gaza Strip. The indictment also raised questions for some, since Sudan is not a member of the ICC as it had not signed and ratified the Rome Statute that established the ICC. The backlash against the ICC, and against the principle of R2P in general, has been exacerbated by the increasing use of universal jurisdiction by some Western countries, with a number of national governments in the global South perceiving the use of the R2P norm as inimical to their interests. Those who regard the norm's implementation as problematic have argued that R2P conflicts with the principle of sovereignty that places the domestic affairs of a state within the purview of its government, regardless even of egregious misconduct by that government towards its own citizens. However, although such a principle of sovereignty has long prevailed in international relations, it has not been sacrosanct for a long time. Interference in the domestic affairs of one state by another (or others) has been a major feature of the international system for many centuries. Historically, the nineteenth century saw the international community intervene in cases of piracy, the slave trade, and violations of the rights of 'minority' groups.

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[22] UN Genocide Convention, Article 1.
[23] Ibid.

Indeed, it can be argued that R2P actually promotes sovereignty in that it regards powerful states as being the best-placed to protect their own citizens—although this is not to say that powerful states are accorded the right to intervene as they see fit. Also in this respect, it is worth noting that R2P interventions may be guided by the principle—outlined by UN Secretary-General Ban Ki-moon in a July 2008 speech—that stronger states should seek to bolster the capacity of weak governments to shoulder their own responsibilities to protect their own citizens.[24] This is reaffirmed in the 2009 UN Secretary-General's report, *Implementing the Responsibility to Protect*:

> 'the responsibility to protect is an ally of sovereignty, not an adversary. It grows from the positive and affirmative notion of sovereignty as responsibility, rather than from the narrower idea of humanitarian intervention. By helping States to meet their core protection responsibilities, the responsibility to protect seeks to strengthen sovereignty, not weaken it. It seeks to help States succeed, not just to react when they fail…'[25]

In general, intervention is cast as a responsibility or duty that must be exercised when the need arises—a view that has been adopted by the African Charter on Human and Peoples Rights of 1981, which emphasises the 'duties' required by its human rights framework. The R2P norm also finds expression in the Charter's emphasis on the rights of groups or peoples, as well as in international humanitarian law. Furthermore, the African Commission and Court on Human and Peoples' Rights represent potential continental bodies to facilitate implementation of R2P.

Although 'sovereignty' as an international legal principle remains static, the character of national sovereignty changes in practice as a state's international obligations change. International interactions—the ratification of treaties, participation in international organisations, and so forth—limit the extent of a state's sovereign independence. Over time, many governments have willingly and unwillingly surrendered a degree of sovereignty. Even the United States, which has forcefully advocated its unfettered sovereignty in order to safeguard its national interests, has foregone some sovereign independence by joining international organisations and by ratifying international and regional instruments.

It has been argued that 'in the case of many African states, without effective control over the entirety of their territories and with their legitimacy challenged among significant elements of their populations, sovereignty is more legal fiction than practical reality'.[26] The level of sovereign independence enjoyed by African states has also been diminished by their membership in the AU, with its Constitutive Act of 2000 reflecting R2P principles.

The R2P norm's sway is further bolstered by the UN Human Rights Council, which was created in December 2005 and now conducts universal periodic review for *all* UN member states[27]—not just those that have ratified treaties containing specific human rights instruments.

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[24] Speech by UN Secretary-General Ban Ki-moon, Berlin, SG/SM/11701, 15 July 2008.

[25] United Nations, *Implementing the Responsibility to Protect,* p. 8.

[26] Greg Puley, 'The Responsibility to Protect: East, West, and Southern African Perspectives on Preventing and Responding to Humanitarian Crises', paper prepared on behalf of Africa Peace Forum, African Women's Development and Communication Network, Africa Institute of South Africa, and Project Ploughshares, September 2005, http://www.international.gc.ca/glynberry/assets/pdfs/library/project_ploughshares_working_paper-eng.pdf, accessed 13 May 2010.

[27] It shall 'undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive

The review scrutinises the 'domestic affairs' of states, blunting the old concept of sovereign independence: governments cannot avoid review by claiming that matters in their countries are not open to scrutiny. No longer are only serious international crimes to be made open to review. All human rights matters are subject to oversight during dialogues conducted as part of the universal periodic review.

In 2009 further support for the norm was offered with the publication of the UN Secretary-General's report *Implementing the Responsibility to Protect*. This document suggests that the 'responsibility to protect' rests on three pillars: the protection responsibilities of individual states; international assistance and capacity-building; and timely and decisive response. In addition, it stresses the importance of an adequate early warning capability for the UN. The focus of the report is on how individual states and regional and international governmental and non-governmental organisations can work together in a timely fashion to support the 'responsibility to protect' principle. Policies and practices that have worked (and have failed) – with a preponderance of African examples – are cited; and the issue of capacity-building in the arena of conflict resolution is addressed in some detail.[28] Particular emphasis is laid on the graduated nature of responses and authorisations for them when the 'responsibility to protect' principle has been breached: 'The more robust the response, the higher the standard for authorization.'[29] In conclusion, the report declares its intent to 'shorten the road from promise to practice' in relation to R2P.[30] The document attempts to offer some solid ground to those who have remained optimistic about R2P's widespread adoption: a framework that 'will permit robust realisation of aspirations relating to the responsibility to protect, so that enthusiasts need not seek to escape the confines of the agreed rules and principles'.[31] Practically, the report declares that R2P needs to be 'integrated and mainstreamed' into the UN's work, and proposes establishing a joint office between the Special Adviser to the Secretary-General, Edward Luck, and the Special Adviser on the Prevention of Genocide, Francis Deng, to oversee the operationalisation of R2P within the UN.[32] This office was being set up in mid-2010.

Against the background of the continuing debate on the principles and practices that constitute sovereignty, the six essays in this volume all broadly take a positive view of R2P in Africa. Notwithstanding serious problems of implementation and principled objections to the spread of the norm on such grounds as national independence, the essays consider proper international, regional, and national acceptance and operationalisation of the norm to be beneficial.

The first essay is by Sudanese scholar-diplomat and UN Special Representative for the Prevention of Genocide, Francis Deng, who first formulated the term 'sovereignty as responsibility'. He examines the origins and evolution of the concept—as well as that of 'responsibility to protect'—through history. He also considers the role and duty of states and how ideas of sovereignty have evolved since the modern nation-state was conceived by the European Treaty of Westphalia of 1648. Deng then examines the responsibility of states towards their citizens and what this ought to mean, and traces the development of the R2P norm in Africa as it has related to conflict prevention, management, and resolution since the end of the Cold

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dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs'. United Nations, General Assembly, Resolution 60/251, Article 5(e).

[28] United Nations, *Implementing the Responsibility to Protect,* pp. 20-21.

[29] Ibid., p. 22.

[30] Ibid., p. 28.

[31] Ibid., p. 28.

[32] Ibid., p. 33.

War. He further focuses on the responsibilities of national democratic governments in Africa and beyond. Recent developments that have widened the scope and helped the acceptance and application of the concept of 'sovereignty as responsibility' are also discussed. Deng concludes by examining the challenging issues of accountability and enforcement of R2P.

South African jurist, Jeremy Sarkin, investigates the connection between humanitarian intervention and R2P within an historical, legal, and conceptual context. He contradicts the widely held view that Africa lacks the capacity to intervene in areas of conflict and human rights violations. On the contrary, he argues that the continent possesses the will and instruments to protect human rights. The suspension of the government of Mauritania from the African Union in 2005 following a military coup in that country, and the condemnation of the coup in Togo in the same year, showed the AU's determination to protect human rights, although critics have also argued that the AU's stance could constitute reflexive protection by leaders of each other's regimes. While the UN Security Council retains the primary responsibility for promoting global peace, the R2P doctrine remains contested even within the UN. The ECOWAS interventions in Liberia and Sierra Leone in the 1990s were initially undertaken without UN approval, but were later sanctioned by the world body. These interventions undermined the idea of state sovereignty as independence from external interventions, which had previously constrained humanitarian missions in Africa. However, Sarkin argues that the R2P principle was boosted by the establishment of the International Criminal Court in 2002 to prosecute persons suspected of committing war crimes, crimes against humanity or genocide. In addition, the intervention clause in the AU's Constitutive Act of 2000 supports the R2P principle while prohibiting unilateral interventions. Notwithstanding these developments, Sarkin notes that the AU and Africa's regional bodies still have a long way to go in translating the R2P doctrine into practice.

Congolese scholar-diplomat, Musifiky Mwanasali, considers the R2P principle as expressed by the AU's Constitutive Act of 2000, the UN World Summit's outcome document of 2005, and recent civilian protection mandates issued for peacekeeping operations by the UN Security Council. His essay examines how these three international mechanisms have sought to establish and operationalise the norm, and the increasing importance attached to it as a sovereign responsibility. Mwanasali argues that the AU should make greater efforts to ensure that R2P implementation takes place in line with the UN Charter in order to secure the legitimacy of regional interventions in Africa. Reflecting on the experience of the AU Mission in Sudan (AMIS) between 2004 and 2007, Mwanasali emphasises the importance of clear mandates and sufficient capacity to the success of R2P interventions. He analyses the issue of the use of force by peacekeepers—the feasibility and potential extent of such enforcement—and emphasises the importance of postconflict peacebuilding in the R2P continuum. Mwanasali further argues for better coordination between the UN Security Council and its Economic and Social Council (ECOSOC) to ensure that adequate resources are channelled into peacebuilding efforts in Africa. He notes that such resources would be better directed if responsibility for their deployment were—in accordance with the R2P principle of strengthening responsible states—vested in national governments and local community actors who have specialist knowledge, rather than in remote international diplomatic and financial institutions.

Nigerian scholar Adekeye Adebajo, after tracing the roots of R2P in African political thought—through individuals such as Kenya's Ali Mazrui, Ghana's Kwame Nkrumah, Tanzania's Salim Ahmed Salim, South Africa's Nelson Mandela and Thabo Mbeki, and Egypt's Boutros Boutros-Ghali—considers the bid by West Africa's regional hegemon, Nigeria, to play a leadership role on the continent. He examines the concept of *Pax Nigeriana* within the context of

R2P, and argues that the regional West African giant has exhibited a 'missionary zeal' in assuming the role of a benevolent 'older brother' responsible for protecting younger siblings—whether these are Nigeria's immediate neighbours, fellow Africans, or black people in the African Diaspora. Adebajo argues that without Nigeria's military support and economic and political clout, the ECOWAS Ceasefire Monitoring Group (ECOMOG)—which intervened in civil wars in Liberia and Sierra Leone in the 1990s—would simply not have existed. Despite simmering regional resentment of Nigerian 'paternalism' and the lack of a clearly agreed UN or pan-African mandate, the West African giant's interventions, under the auspices of ECOMOG, effectively and successfully operationalised R2P in the region and eventually won continental and international support. Adebajo reflects on the extent to which Nigeria's recent foreign adventures have often been launched in the face of strong domestic opposition—and, indeed, have often been accompanied by repressive measures at home by military regimes that have often failed to apply R2P domestically. He considers Nigeria's need to create consensus domestically and regionally, as well as a stable democratic system, if it wishes to build on its peacekeeping successes in Liberia and Sierra Leone and properly pursue a continued leadership role in relation to R2P.

South African scholar Chris Landsberg examines the role adopted by the South African governments of Nelson Mandela, Thabo Mbeki, and Jacob Zuma to promote R2P between 1994 and 2010. He argues that, in response to the sociopolitical oppression and devastation wrought by apartheid between 1948 and 1990—which was declared a 'crime against humanity' by the UN—South African governments since 1994 have played a key and activist role in developing new norms in international affairs. Landsberg describes the South African posture on R2P as one of engagement and 'quiet diplomacy'. On the world stage, he notes that South Africa has pushed for international multilateral institutions to become the major repository of this norm. In Africa, the country was instrumental in negotiating the continent's shift of position on the R2P norm from one of 'non-intervention' to one of 'non-indifference'. In practice, South Africa has sought to implement R2P through political processes and negotiations rather than through sanctions and the use of force—an engagist stance that the country adopted during its controversial two years on the UN Security Council (2007–2008) in relation to Zimbabwe, Sudan, Iran and Myanmar, and contrary to the tougher approach recommended by powerful Western members of the Security Council. Landsberg further reflects on criticisms that South Africa appears to be obsessed with 'exporting' its own 'government of national unity' model to the rest of the continent. He also notes the capacity constraints with which South Africa continues to struggle as it seeks to operationalise its position on R2P.

Finally, Zimbabwean scholar-activist, Webster Zambara, argues that one of the greatest shifts in the international humanitarian order heralded by the end of the Cold War in 1990 has been the concept of holding state sovereignty accountable to an international human rights standard. He argues that while the concept of R2P has generally focused on humanitarian intervention at a macro level, the period since the 1990s has also witnessed an increase of micro-level institutions, in the form of National Human Rights Institutions (NHRIs) that can advance R2P. Zambara further notes that NHRIs can bolster R2P and foster peace in countries in which they operate. He contrasts the general popularity of R2P as an international standard, with the great suspicion with which it is regarded by a number of governments—particularly in Africa, where sovereignty is guarded with passion as a result of the anticolonial struggles that gave birth to national independence on the continent. Zambara argues that NHRIs—when properly institutionalised and functioning optimally—can play an important role in protecting the rights of

vulnerable groups, and have the potential to help countries attain international human rights norms and standards without unduly threatening their sovereign independence.