

Statement Presented to the African Commission on Human and Peoples' Rights on Strengthening the Responsibility to Protect (R2P) in Africa.

Your Excellency, Madam Chairperson,
Distinguish Commissioners of the ACHPR,
Colleagues and Comrades from NGOs,

On behalf of the World Federalist Movement – Institute for Global Policy and the Nigeria Coalition for the International Criminal Court (NCICC), I congratulate you and this distinguished assembly for hosting this historic 42nd Ordinary Session of the African Commission on Human and Peoples' Rights in this city of Brazzaville. Let me also join the speakers before me to congratulate you on your election as the Chairperson of this distinguish body and the successful swearing in of the newly elected Commissioners.

Your Excellency, I thank you for the opportunity and privilege given me to make this important statement before this assembly. Since the establishment of the Commission by our founding fathers, succeeding Commissioners have shown commitment to upholding justice for this great continent and the desire to promote and protect human and peoples' rights. We believe that strengthening the mechanism for the promotion of rights will help deepen the understanding and concept of human rights in Africa.

Your Excellency, Madam Chairperson, in September 2003, former Secretary-General Mr. Kofi Annan, disturbed by the failure of the international community to respond quickly and efficiently to mass crimes against humanity, challenged Member States of the United Nations to include protection from genocide as part of the UN reform agenda. He called on Member States to resolve the conflict between the principles of non-interference and state sovereignty and the responsibility of the international community to respond to threats and acts of massive human rights violations. The Secretary-General then formed the High-level Panel on Threats, Challenges and Change to report on how the UN should confront the greatest security threats of the 21st century. In December 2004, the High-level Panel released its report, *A More Secure World: Our Shared Responsibility*, which

called for an endorsement of the Responsibility to Protect concept.

In furtherance of this, in September 2005 at the United Nations Millennium World Summit, the vast majority of the member states of the UN adopted the Responsibility to Protect. World leaders agreed that the primary responsibility for the protection of populations lies with the state, and that sovereignty includes not just rights, but responsibilities. They agreed that when governments are unable or unwilling to protect their populations from the most heinous of crimes, genocide, war crimes, ethnic cleansing and crimes against humanity, that the international community has a responsibility to take action. The responsibility to take action falls within a continuum of measures, including diplomatic, humanitarian and other peaceful means, and collective military action under Chapter VII of the United Nations Charter, but only as a last resort.

While the Summit Outcome document was adopted in 2005, it is worthwhile to note that important precedents to this commitment can be found within the African Union's Constitutive Act. Article 4 states the "right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect to grave circumstances, namely war crimes, genocide and crimes against humanity."

Your Excellency, in this body's tradition of protecting the African Peoples' Rights, we strongly urge you to take steps in protecting victims from heinous acts of violence by endorsing the Responsibility to Protect in a resolution. As you will recall, the common African position on the proposed reform of the United Nations otherwise known as the 'Ezulwini Consensus' where the African Union in its 7th Extraordinary Session of March 2005 in Addis Ababa adopted the Responsibility to Protect. We encourage a similar endorsement from this body.

In concluding, whilst we understand that much must be done to strengthen Africa's capacity to protect her population from the fear from hunger and violence, a resolution endorsing the Responsibility to Protect is a necessary step in demonstrating commitment by Africa's leaders in promoting human security. This commitment will form the basis

for intervention by all interested stakeholders including governments and civil society in Africa and around the world, to hold other governments accountable for their actions. .

I thank you.

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Brazzaville, Republic of Congo.