

Africa: Uphold Continent's Contribution to Human Rights AllAfrica.com Mohamed Sahnoun,
Guest Columnist 21
July 2009

Mohamed Sahnoun was co-chair of the International Commission on Intervention and State Sovereignty, a body which developed the concept of the Responsibility to Protect. Among many international appointments, he has served as Algerian ambassador to the United States, France, Germany and Morocco and as Deputy Secretary-General of the OAU and of the League of Arab States. This week the United Nations General Assembly is to debate the responsibility of nations and the international community to protect people around the world from crimes such as genocide, ethnic cleansing and war crimes.

This relatively new principle in international relations is in many ways an African contribution to human rights, writes Mohamed Sahnoun, an Algerian diplomat who has served in top posts in the Organization of African Unity (OAU), the League of Arab States and the United Nations. But, he warns, there is a danger that some leaders could either call into question or try to limit the reach of their commitment to protect, jeopardizing one of the most significant human rights achievements of recent years.(...)

(...) It is my hope, and that of survivors, advocates and ordinary citizens all over Africa, that our leaders will use the debate to turn their magnificent pledge of four years ago into a means of effective action.

The responsibility to protect makes it clear that each state is under an obligation to protect its own people from these forms of crime and that they and the international community also have an obligation to help others to do so. They must in the first instance use peaceful measures to protect people, and only when a state is manifestly failing in its obligations, and peaceful means are no longer appropriate, can they use coercive measures to halt atrocities.

For Africans, the vow to which our leaders subscribed in 2005 was not new. Five years earlier they had already adopted the norm of non-indifference to mass atrocities in the African Union's Constitutive Act. The idea itself of "sovereignty as responsibility" was developed by the Sudanese scholar and diplomat, Francis Deng. And, unlike other regions, our legal systems have long acknowledged that in addition to individuals, groups and leaders having rights, they also have reciprocal duties. So the responsibility to protect is in many ways an African contribution to human rights.

Yet even though the concept has such indigenous roots for Africans, and many of our states champion the responsibility to protect, it remains poorly understood in some parts of the continent. Although I hope this week's debate will offer an opportunity to dispel some of the misconceptions about the principle, there is reason for concern that there are those, including

some from within Africa, who will use the debate as an opportunity either to call into question or to limit the reach of their commitment to protect. This would jeopardize one of the most significant human rights achievements of recent years.

What does the responsibility to protect mean in practice for Africa? From my own experience as the UN's Special Representative to Somalia, and the UN/OAU's Special Representative for the Great Lakes Region, I have seen some of the worst things that people are capable of doing to one another; but I have also, at times, seen regional organizations and the UN use both diplomacy and force to prevent the threat of mass atrocities.

When violence exploded in the aftermath of the disputed election in Kenya in December 2007, the country faced the real possibility of mass ethnic violence, with 1,500 murdered and 300,000 displaced. Former Secretary-General of the UN Kofi Annan helped mediate, along with diplomats from around the region and the world, a political settlement that prevented further bloodshed. Much remains to be done, but the prospect of imminent violence has significantly receded.

Kenya shows that the responsibility to protect is not, as some have asserted, an excuse for military intervention. That concern is understandable. But the responsibility to protect is fundamentally about acting preventively, rather than intervening after the atrocities have begun. And preventive action will often be peaceful and consensual, as it was in Kenya. The responsibility to protect will have become truly effective when states, as well as regional and global bodies, heed these early warnings and act before violence spirals into mass slaughter.

There will, however, be cases where coercive action is unavoidable, especially where either the state or its proxies are chiefly responsible for atrocities. Here, too, a range of measures is available to the international community, from the threat of sanctions or international criminal prosecution up to and including military intervention. Statesmen and scholars have come to agree, in retrospect, that such an intervention could have saved hundreds of thousands of lives in Rwanda.

The "responsibility to protect" norm seeks to ensure that such actions will be undertaken only in the face of the most heinous crimes, and only when peaceful means are no longer appropriate. Moreover, coercive measures, whether military or not, will not be carried out unilaterally, or by a "coalition of the willing," but rather will be authorized by the Security Council and thus express the will of the international community.

Still, as I know all too well from my work, even the clearest and strongest formulations of the responsibility to protect are not enough to guarantee action at moments of threat. The responsibility to protect, like other human rights norms, will be given life insofar as states

embrace its core principles and take it from word to deed.

The 2005 World Summit was a demonstration of remarkable unity among the world's governments. This week's General Assembly debate must serve not as a means to question past commitments. It must be a forum for Africans, and the world, to reaffirm existing commitments and advance our understanding of what the world can do to ensure that we never again abandon people in the face of unspeakable crimes.

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