RESPONSIBILITY TO PROTECT
Training Toolkit for Civil Society Actors and Multidimensional Peace Support Personnel in West Africa
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WACSI

The West Africa Civil Society Institute (WACSI) was created by the Open Society Initiative for West Africa (OSIWA) to reinforce the institutional and operational capacities of civil society in the region. WACSI also serves as a resource centre for training, research and documentation, experience sharing and political dialogue for CSOs in West Africa.

www.wacsi.org

ICRtoP

The International Coalition for the Responsibility to Protect (ICRtoP) brings together NGOs from all regions of the world to strengthen normative consensus for responsibility to protect (RtoP), further understanding of the norm, push for strengthened capacities to prevent and halt genocide, war crimes, ethnic cleansing and crimes against humanity and mobilize NGOs to push for action to save lives in RtoP country-specific situations.

www.responsibilitytoprotect.org


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OSIWA has continued to believe in and support our core vision of strengthening civil society capacity in the region and has proven this through its consistent support for WACSI. The production of this toolkit was only made possible because WACSI exists and runs effectively and efficiently.

Finally, WACSI acknowledges and pays special tribute to all its participants and partners, notably the German Agency for International Cooperation (GIZ) and the Kofi Annan International Peacekeeping Training Centre (KAIPTC) who supported and participated in the pilot testing of this toolkit. Their constructive criticism and contributions have all helped to create this excellent resource on the responsibility to protect. I believe this toolkit will add immense value to human rights, peace and conflict prevention efforts in West Africa.

Nana A. Afadzinu
Executive Director, WACSI
To be considered development-relevant, a policy intervention such as the Responsibility to Protect (RtoP or R2P) doctrine must be able to answer the following questions actionably: What is the policy all about? When is the intervention necessary? Why does it merit any attention? What changes are expected from the intervention? Who benefits from such changes at the end of it all? These questions cannot be answered leisurely and disjointedly but collectively. Yet if only one of these questions can be answered actionably, then the policy intervention is not worth the value of the paper on which it is printed. It is with this frame of mind that one approaches RtoP. But this is a difficult task. Though what the doctrine seeks to achieve is clear to all, how best to achieve this goal is a subject of intense global debate. For example, whereas the doctrine of RtoP provided the grounds for NATO’s recent intervention in Libya, there is no global consensus on the main beneficiary of that military operation. As the post-conflict scenario in that country unfolds, the picture should become clearer. However, the Libya crisis is not our main concern here; it is but a cursory attempt to throw some pebbles in the pool before jumping into it.

The plethora of literature on RtoP advance various answers to the questions raised earlier, but many of these are too mechanical. They call attention to two related issues. The first is that state sovereignty implies responsibility and the primary responsibility for the protection of its people lies within the state itself. The second is that the principle of non-intervention evident in the UN Charter yields to the international responsibility to protect where a government that is expected to protect its people shows lack of capacity or readiness to protect victims of gross human rights violation. In most cases, the policy makers and scholars disseminating this kind of message about RtoP engage in monologues of the deaf. By this is meant that they speak more to each other than to the real end-users of the doctrine. Who are these end-users? They are the millions of people around the world being oppressed by their governments or non-state armed groups. They include victims of genocide, war crimes, ethnic cleansing and crimes against humanity. These are the people for whom the RtoP doctrine was developed in 2005. How do we reach them with the message of RtoP? How do we reach those who should be providing them better protection as a sign of commitment to this global doctrine? These are probably the two salient questions that this toolkit, produced by WACSI, is trying to answer.

The main goal of the toolkit produced by WACSI on RtoP is to provide better education for policy makers and civil society organisations on the doctrine. This is very important. Policy makers are most likely to become more conscious of the roles they have to play in RtoP by being exposed to the training programmes for which this toolkit is intended. Where the government is not doing enough to protect, it can be assisted by civil society organisations. This toolkit is also meant to expose these organisations to issues relevant to RtoP. The training methods promoted by the
toolkit include brainstorming, mini-lectures and quizzes, open discussions, group work and case study exercises. All of these are very appropriate for adult learners. Going through its contents, one cannot but commend the resource persons engaged in the production of the document which promises to be an invaluable resource material for capacity building on RtoP in Africa.

I expect this toolkit to change the hearts of many difficult state officials in West Africa. Through it also, I expect that ordinary West African citizens will become more conscious of their states’ responsibility to protect them and to use this knowledge as a basis for asking questions that could lead to the expansion of democratic space in society. In addition to its main target stakeholders, I have no doubt that many peace studies programmes across the African continent would find the toolkit relevant for their practical sessions. I strongly commend WACSI for the work.

Professor Isaac Olawale Albert
University of Ibadan, Nigeria
Peace and Conflict Studies Programme
Institute of African Studies,

21 February 2013
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## Acronyms

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<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
</tr>
<tr>
<td>ASF</td>
<td>African Standby Force</td>
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<tr>
<td>AU</td>
<td>African Union</td>
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<tr>
<td>CSOs</td>
<td>Civil Society Organisations</td>
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<tr>
<td>CSSDCA</td>
<td>Conference on Security, Stability, Development and Co-operation in Africa</td>
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<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<tr>
<td>ECOMOG</td>
<td>ECOWAS Monitoring Group</td>
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<tr>
<td>ECOWARN</td>
<td>ECOWAS Warning and Response Network</td>
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<tr>
<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<tr>
<td>ECPF</td>
<td>ECOWAS Conflict Prevention Framework</td>
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<tr>
<td>HLP</td>
<td>High-level Panel</td>
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<td>HRW</td>
<td>Human Rights Watch</td>
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<tr>
<td>ICC</td>
<td>International Criminal Court</td>
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<tr>
<td>ICISS</td>
<td>International Commission on Intervention and State Sovereignty</td>
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<td>ICRtoP</td>
<td>International Coalition for the Responsibility to Protect</td>
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<tr>
<td>ICTR</td>
<td>International Criminal Tribunal for Rwanda</td>
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<tr>
<td>ICTY</td>
<td>International Criminal Tribunal for Yugoslavia</td>
</tr>
<tr>
<td>IDMC</td>
<td>International Displacement Monitoring Centre</td>
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<tr>
<td>IDPs</td>
<td>Internally Displaced Persons</td>
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<tr>
<td>IICK</td>
<td>Independent International Commission on Kosovo</td>
</tr>
<tr>
<td>JEM</td>
<td>Justice and Equality Movement</td>
</tr>
<tr>
<td>KAIPTC</td>
<td>Kofi Annan International Peacekeeping Training Centre</td>
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<tr>
<td>LRA</td>
<td>Lord's Resistance Army</td>
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<tr>
<td>MARWOPNET</td>
<td>Mano River Women's Peace Network</td>
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<tr>
<td>MONUC</td>
<td>United Nations Mission in the DRC</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>NAP</td>
<td>National Action Plan</td>
</tr>
<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organisation</td>
</tr>
<tr>
<td>NEPAD</td>
<td>New Partnership for Africa’s Development</td>
</tr>
<tr>
<td>NGOs</td>
<td>Non-governmental Organisations</td>
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<td>NPFL</td>
<td>National Patriotic Front of Liberia</td>
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<tr>
<td>NUPI</td>
<td>Norwegian Institute of International Affairs</td>
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<tr>
<td>OAS</td>
<td>Organisation of American States</td>
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<tr>
<td>OAU</td>
<td>Organisation of African Unity</td>
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<tr>
<td>OCHA</td>
<td>United Nations Office for the Coordination of Humanitarian Affairs</td>
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<tr>
<td>OSIWA</td>
<td>Open Society Initiative for West Africa</td>
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<td>PSC</td>
<td>Peace and Security Council</td>
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<td>RtoP</td>
<td>Responsibility to Protect</td>
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<tr>
<td>SADC</td>
<td>Southern African Development Community</td>
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<tr>
<td>SALW</td>
<td>Small Arms and Light Weapons</td>
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<tr>
<td>SPLM/A</td>
<td>Sudan People’s Liberation Movement/Army</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<tr>
<td>UNDPKO</td>
<td>United Nations Department of Peacekeeping Operations</td>
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<tr>
<td>UNPROFOR</td>
<td>United Nations Protection Force</td>
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<tr>
<td>UNSC</td>
<td>United Nations Security Council</td>
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<tr>
<td>UNSCR</td>
<td>UNSC Resolution</td>
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<tr>
<td>UNSG</td>
<td>United Nations Secretary-General</td>
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<tr>
<td>UN Women</td>
<td>United Nations Entity for Gender Equality and the Empowerment of Women</td>
</tr>
<tr>
<td>USIP</td>
<td>United States Institute of Peace</td>
</tr>
<tr>
<td>WACSI</td>
<td>West Africa Civil Society Institute</td>
</tr>
<tr>
<td>WIPNET</td>
<td>Women in Peacebuilding Network</td>
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This toolkit on the Responsibility to Protect (RtoP) was designed to introduce the concept to practitioners and policy makers in West Africa, as well as deepen their knowledge of its development and practice. It aims to achieve this through seven targeted training sessions to be delivered over three days using a combined methodology of brainstorming, mini-lectures and quizzes, open discussions, group work and case study exercises. In the final session, participants have the opportunity to make presentations on how the activities of their affiliate organisations can promote RtoP in West Africa. These presentations should provide an assessment of the interest and understanding conveyed by the training and serve as a basis to strengthen support for RtoP and consolidate efforts to promote it in West Africa.

**Table 1: Summary of Training Sessions**

<table>
<thead>
<tr>
<th>Training sessions</th>
<th>Training content</th>
<th>Training outcomes</th>
<th>Duration</th>
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</table>
| Session One       | Historical background of RtoP        | This session provides a brief history of the changed nature of threats to international peace and security, especially after the Cold War and reviews cases of mass atrocities in the 1990s and the international failure to protect populations. This session also:  
  ● Provides audiovisual representation of mass atrocities and the need to prevent and respond to them  
  ● Traces the historical development of the discourse on human rights  
  ● Introduces the concept of RtoP as an outcome of the discourse on human rights | 120 minutes |
| Session Two       | What is RtoP?                        | ● A clear understanding of the concept of RtoP  
  ● Knowledge of the content of the 2001 ICISS report  
  ● Awareness of what was endorsed at the 2005 UN World Summit | 120 minutes |
| Session Three  | Operationalisation of RtoP                                                                 | • Understanding the UN's perspective on how to move RtoP from theory to practice  
• Definition of the four mass atrocity crimes and violations covered within the RtoP framework  
• Understanding what prevention means for RtoP as the most important component of the norm | 120 minutes |
|---------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Session Four  | Whose Responsibility to Protect?                                                           | • Awareness of the variety of international actors implementing preventive or reactive efforts to protect populations from mass atrocities  
• Heightened appreciation of the importance of civil society actors and the role of women in the implementation of RtoP in West Africa | 90 minutes |
| Session Five  | African regional organisations and RtoP                                                   | • This session seeks to inform participants about the inclusion of RtoP principles in the African Union (AU).  
• Also, this training session provides an assessment of the capacity of the AU Peace and Security Architecture to protect populations from grave crimes.  
• Finally, efforts and challenges of African regional organisations (i.e. ECOWAS) are evaluated in relation to their capacity to implement RtoP. | 90 minutes |
| Session Six   | RtoP after five years: Opportunities and challenges                                        | • This session provides a report card on RtoP since it was endorsed by UN member states in 2005  
• Participants will be able to identify some of the progress and challenges in the development of RtoP.  
• It also uses four case studies--Kenya, Sudan, Côte d'Ivoire and Libya--to highlight the progress and challenges in implementing RtoP in Africa. | 120 minutes |
| Session Seven | Civil society and RtoP in West Africa                                                     | • This session is intended to spark a conversation among civil society groups on how to implement RtoP in West Africa.  
• Participants will share how the organisations they represent complement global efforts towards preventing mass atrocities. | 180 minutes |
Session 01
Historical Background of the Responsibility to Protect

TRAINING OBJECTIVES
- To understand the changes in the international environment that led to the development of the RtoP norm
- To illustrate, with examples, the challenges of past interventions for human protection purposes

TRAINING RESOURCES
Audio-visual, markers, flipcharts and projector (optional)

DURATION
- 45 minutes

METHODOLOGY
This session commences with an audio-visual documentary titled *The Ghost of Rwanda* which provides an insight into the 1994 genocide in Rwanda and the difficulties faced by the United Nations (UN) Peacekeeping Mission in responding to this crisis. The session also uses other facilitation methods such as mini-lectures and brainstorming involving questions and answers.

International Legal Framework for Mass Atrocity Prevention
Mass atrocity prevention has its roots in various international human rights laws, namely:

1. The 1945 Charter of the Nuremberg Tribunal (Nuremberg Charter) which led the recognition in international law of the concept of crimes against humanity
2. The 1945 United Nations Charter which reaffirmed the primacy of (the protection of) individual and group human rights
3. The International Bill of Human Rights comprising the 1948 Universal Declaration of Human Rights, its 1966 supplementary covenants on civil and political rights and on economic, social and cultural rights and the latter's two optional protocols¹
5. The 1949 Third and Fourth Geneva Conventions on the treatment of prisoners of war and of civilians under occupation with universal jurisdiction for state parties

¹ The bill came into force in 1976 after the covenants had been ratified by a sufficient number of states.
² It was endorsed by the UN General Assembly in December 1948 but entered into force in January 1951.
6. The 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) requires parties to outlaw hate speech and includes a complaints mechanism enforceable against all parties. These legislations are considered as foundations for the development of human rights norms. However, as the examples below demonstrate, they have proved insufficient in practice to prevent gross human rights violations by governments and non-state actors within and between states. The main reason for this is states’ rigid adherence to the principles of sovereignty and the inviolability of their territorial borders.

Pre-Cold War Mass Atrocities and the International Failure to Protect Civilians

The world has witnessed extreme cases of mass atrocities, caused mostly by the brutality of governments or non-state belligerent parties against vulnerable civilian populations. Below are some examples.

1. The 1965-66 Indonesian massacre in which up to 500,000 people were murdered by their own government
2. The killings of over 30,000 civilians in the brutal 1967-70 Biafra War between Nigerian government forces and secessionist Biafran rebels of Southeast Nigeria
3. Killings of up to 100,000 Hutus in Burundi in 1972
4. Crimes against humanity by the Khmer Rouge in Cambodia involving 1.7 million people (1975-9)
5. Argentina’s Dirty War with an estimated 30,000 deaths (1976-83)
7. Crimes against humanity in Zimbabwe’s Matabeleland with 10,000-30,000 killed (1982-1987)
8. 1988 poison gas attacks on a Kurdish town by Saddam Hussein’s Iraq Air Force with 5,000 deaths (cited in Evans 2008, 22)

Other massacres in Vietnam, Burma, China and elsewhere, despite being on a smaller scale, were “still large enough to shock the world’s conscience”. Most of these crimes were perpetrated with little international intervention to curb them or hold their perpetrators accountable. Three major cases are often cited as examples of the practice of humanitarian intervention before the 1990s, although their mandates were justified on the basis of self-defence of the intervening states as opposed to humanitarian concerns.

- The 1971 Indian invasion of East Pakistan which led to the creation of an independent state of Bangladesh
- The 1978 Vietnam invasion of Cambodia to stop the murderous Pol Pot-led Khmer Rouge regime
- The 1979 Tanzania intervention in Uganda to overthrow the brutal regime of Idi Amin

Yet, interventions in the period preceding the 1990s were highly contested, particularly when justified for reasons other than self-defence. Sovereignty, defined in terms of the core idea associated with the 1648 Treaty of Westphalia, was understood as strict adherence to the control of state territory and absolute refrain from external interference. Meanwhile, the
Cold War between two superpowers (the US and the Soviet Union) meant that states were more concerned with preserving regime security than human rights. The superpowers also forged alliances with brutal dictators in order to increase their respective dominance around the world. Lastly, UN membership expanded to include newly de-colonised states, mainly from Africa that were keen to uphold the traditional principles of state sovereignty and non-intervention in their domestic affairs.

The End of the Cold War and New Challenges to Global Peace and Security

In similar vein, former UN Secretary-General Boutros Boutros-Ghali published a seminal report in 1992 titled An Agenda for Peace. This report emphasised the UN’s role “to try through diplomacy to remove the sources of danger before violence results”. Preventive diplomacy, Boutros-Ghali argued, was the “most efficient and desirable tool” for achieving durable peace (cited in Evans 2009, 80). Despite these bright prospects for securing future peace, the first decade of the post-Cold War era (1990-2000) witnessed some of the worst cases of mass atrocities with little, ineffective or controversial forms of intervention.

HUMANITARIAN TRAGEDIES OF THE IMMEDIATE POST-COLD WAR ERA

The pattern of international responses to mass atrocities, especially in the first post-Cold War decade, caused considerable disappointment and controversy. Three main cases--Bosnia (1995), Rwanda (1994) and Kosovo (1999)--robustly capture the failure and ineffectiveness of these responses in this period.

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RWANDA, 1994: FAILURE OF THE INTERNATIONAL COMMUNITY TO HALT GENOCIDE

Rwanda’s 1994 genocide sparked deep international outrage. The main parties involved were the northern Hutus and southern Tutsis, the country’s two largest groups, divided more by political identities than ethnic differences (Mamdani 2001).

The perpetrators were led by radical elements among ruling Hutu elites who used the impuzamugambe and interahamwe ethnic militias to execute a systematically planned genocide against the Tutsis (Jones 2007; Marchak 2008; Mamdani 2001). Within 100 days, an estimated 800,000 deaths had occurred, despite the presence of a UN Assistance Mission in Rwanda (UNAMIR). There are claims that UNAMIR acted only as bystanders to the Rwandan genocide because it failed to interpret and implement its mandate more broadly (Jones 2007, 148), partly a factor of limited political will by the Security Council. The international community has continued to suffer criticisms for its failure to prevent and respond effectively to the genocide (Dallaire and Beardsley 2003). This unchecked violence also spilled into Rwanda’s neighbour DRC, where a UN report noted about 600 human rights violations between 1993 and 2003 that could constitute crimes against humanity or war crimes and identified that systematic attacks “could be characterised as crimes of genocide” (OHCHR 2010).

BOSNIA, 1995: INEFFECTIVE INTERNATIONAL RESPONSE TO PREVENT GENOCIDE

In 1995, Bosnia and Herzegovina (BiH) also witnessed mass atrocities as Bosnian Serbs planned and implemented mass killings of Bosnian Muslims. Despite the deployment of the UN Protection Force (UNPROFOR) in 1992 with a mandate that was reinforced as the situation worsened with more security operations, protection of aid workers and the creation ofsafe areas, the “largest mass murder in Europe since the Second World War” was able to take place (Evans 2008, 29). The UNPROFOR was unable to prevent the July 1995 genocide of more than 8,000 Bosnian Muslims in the town of Srebrenica committed by the Republika Srpska Army under the command of General Ratko Mladic, extradited to the International Criminal Court (ICC) in The Hague on 3 June 2011. The BiH conflict also led to the displacement of over 1 million people (UNHCR June 2010).

KOSOVO, 1999: CONTROVERSIAL INTERVENTION

In 1998, former President of the Federal Republic of Yugoslavia, Slobodan Milosevic, began a policy of violent repression and murder to end ethnic Albanian separatism (Evans 2008, 29). Initial international efforts to resolve the crisis, such as the 1998 ceasefire agreement negotiated by the late US diplomat Richard Holbrooke, failed to halt Serbian attacks. Chinese and Russian veto
power stalled agreement in the UN on response measures to prevent further atrocities. Following the 15 January 1999 massacre in Racak that left 45 Albanians dead, the North Atlantic Treaty Organization (NATO) launched a unilateral military intervention.

NATO’s aerial bombardment campaign, which lasted 78 days, caused further civilian displacement and deaths and was controversial as the mission did not receive a mandate from the UNSC in accordance with the UN Charter. The lack of UN authorisation has called into question the legality of the Kosovo intervention. NATO was criticized further for responding too rapidly with force, as well as for dropping bombs from heights of 15,000 feet so as to not put soldiers in harm’s way (Evans 2008, 29).

Despite the controversy surrounding NATO’s use of force in Kosovo, it can be argued that the intervention prevented the worst forms of mass atrocities. Although NATO’s mission received criticisms, a settlement was ultimately reached which resolved the crisis. The Kosovo case demonstrates that the political will of states to respond is a significant component of preventing large-scale mass atrocities.

**Conclusion**

This training session has given an overview of the evolution of humanitarian intervention. It underscored the evolution from a strict adherence to the traditional principle of state sovereignty, where interventions were unilateral and justified in terms of self-defence and national interests. The initial optimism of a post-Cold War peace dividend was rapidly eroded by the tragedies in Rwanda and Bosnia. The failures of states, regional organizations and the international community to protect populations and the necessity to ensure legality of an intervention, as in the case of Kosovo, demonstrated the need to achieve political consensus on how to prevent and respond to mass atrocities. This led to the development of the Responsibility to Protect (RtoP) framework, which will be covered in the next training session.

**Reflective questions**

1. What are the main security challenges of the post-Cold War era?

2. To what extent did the international community respond effectively to mass atrocities in the immediate post-Cold War period?

3. How can the notions of sovereignty and human rights be reconciled?
Session 02
What is the Responsibility to Protect?

TRAINING OBJECTIVES
- A clear understanding of the RtoP concept
- Knowledge of the content of the 2001 ICISS report
- Awareness of what was endorsed at the 2005 UN World Summit

TRAINING RESOURCES
- Markers, flipcharts and projector (optional)

DURATION
- 45 minutes

METHODOLOGY
- Group/open discussion
- Mini-lecture
- Oral quiz

MISCONCEPTIONS ABOUT THE RESPONSIBILITY TO PROTECT
Misconceptions about RtoP have often led to resistance toward it and obstructed its implementation. It is therefore important to debunk these commonly held misunderstandings before examining the historical constitution, meaning and components of the concept. The following forms of political violence should not be regarded as RtoP crimes except where they constitute war crimes, genocide, crimes against humanity and/or ethnic cleansing. They include:

1. Police brutality during civil strife
2. Communal clashes
3. Ethnic violence (except deliberately and carefully carried out by the state and its agents)
4. Electoral violence (unless it has ethnic and religious dimensions that the state cannot control)
5. Cult clashes
6. Political violence
7. Militancy
8. Insurgency
9. Nationalistic movements

Despite the knowledge that not all forms of political violence fall under the purview of RtoP, there are at least three major misconceptions associated with the usage, conception and practice of RtoP.
a. RtoP IS NOT PROTECTION OF CIVILIANS

RtoP and the Protection of civilians (PoC) share the normative goal of protecting civilians. However, this does not make them analogous. PoC has a deeper history rooted in international humanitarian law (IHL). It refers to ‘measures that are taken to protect the safety of civilians during times of war which are rooted in obligations under IHL, refugee law and human rights law [GCR2P 2012, 1]. Accordingly, it includes a range of activities, such as the protection of women and children during armed conflict. There are other protection mandates that have been accorded to the International Committee of the Red Cross (ICRC) and other non-governmental and governmental humanitarian organisations. Though it can be argued that various activities subsumed under the PoC are closely related to RtoP, there are two important distinctions. First, PoC extends beyond responses to genocide, ethnic cleansing, crimes against humanity and war crimes – often referred to as RtoP crimes (discussed extensively in session three below) – to cover all forms of gross human rights violations that may occur during armed conflicts. Second, PoC is restricted to conflict situations, whether armed or unarmed. In contrast, RtoP can be evoked in non-conflict situations as long as there is a threat or actual occurrence of RtoP crimes.

b. RtoP IS NOT THE SAME THING AS HUMANITARIAN INTERVENTION THROUGH THE USE OF FORCE

RtoP is commonly conflated with humanitarian intervention through the use of force. This perception has grown in Africa, especially since the 2011 NATO-led intervention in Libya. Contrary to this misconception, RtoP offers a range of coercive and non-coercive measures that can be adopted to prevent or react to imminent, emerging or real mass atrocities. In fact, RtoP proponents consider the use of non-coercive measures as the preferable and least common or most acceptable denominator in the implementation of RtoP.

c. RtoP IS NOT ABOUT ALL ASPECTS OF HUMAN SECURITY

RtoP is sometimes defined to include the broad pursuit of the human security agenda. The latter was first enunciated in the 1994 UNDP report as a reconceptualisation of security in terms of guaranteeing freedom from fear and freedom from want for all individuals. Within this context, RtoP could be subsumed as part of the movement towards freedom from fear. Other aspects of human security, such as protection from natural disasters, have also been connected to RtoP. This is not a proper interpretation of the concept. While RtoP is an aspect of achieving, enhancing and sustaining human security, it does not suggest protecting everyone from everything.

Birth of Responsibility to Protect: From the 2001 ICISS Report to the 2005 UN World Summit Outcome

This section covers the development of RtoP. It first presents the outcomes of the International Commission on Intervention and State Sovereignty (ICISS) process, which coined the term responsibility to protect in its 2001 report. The second part of this section highlights the developments leading to the 2005 World Summit, which marked the historic
endorsement of RtoP by all UN member states in the General Assembly in paragraphs 138-139 of the Summit’s Outcome Document. In his 2000 Millennium Report, then UN Secretary-General Kofi Annan challenged UN member states to rethink the notion of sovereignty. He queried: “If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica to gross and systematic violations of human rights that offend every precept of our common humanity?”

This question revealed starkly the practical failures of interventions in Srebrenica and Rwanda. It also demonstrated the conceptual challenge of reconciling the notions of human rights and intervention that are tied in an antithetical relationship, especially within the context of the traditional discourse on humanitarian intervention. Canada was among the leading states that responded to Annan’s question by forming the International Commission on Intervention and State Sovereignty (ICISS).

**THE INTERNATIONAL COMMISSION ON INTERVENTION AND STATE SOVEREIGNTY**

The International Commission on Intervention and State Sovereignty (ICISS) was inaugurated in April 2000 by the Canadian government under the leadership of Lloyd Axworthy, then Canadian Foreign Minister. The commission addressed the question of when state sovereignty—a fundamental principle of international law—must yield to protection against the most egregious violations of humanitarian and international law, including genocide, ethnic cleansing and crimes against humanity. To ensure global representation, the 12 ICISS members were selected from developed and developing countries under the leadership of Gareth Evans (diplomat and former foreign minister of Australia) and Mohamed Sahnoun (Algerian diplomat and UN Africa Adviser). Within one year, ICISS members met five times and hosted roundtables and national consultations across five continents. In 2001, ICISS published its report, Responsibility to Protect, as a framework for preventing, responding and rebuilding after potential or actual mass atrocities. According to the ICISS report, RtoP rests on two main principles:

- State sovereignty implies responsibility not just rights, and the primary responsibility for protection of its people lies with the state itself.
- Where a population is suffering serious harm, as a result of international 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 (ICISS 2001, xi).

Both principles have historical roots in the idea of Sovereignty as Responsibility elaborated in the 1990s by Francis Deng and his colleagues at the Brookings Institute. This new approach emphasised that sovereignty bestows obligations to protect the human rights of populations and if states fail in this responsibility, they cannot use sovereign privilege to deny international protection to populations [Deng 1996]. The ICISS report presented three elements or responsibilities of states, namely:

- The responsibility to prevent: to address both the root causes and direct causes
of internal conflict and other man-made crises that put populations at risk.

- **The responsibility to react:** to respond to situations of compelling human need with appropriate measures, which may include economic, humanitarian and diplomatic measures, and when necessary, military intervention.

- **The responsibility to rebuild:** to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert (ICISS 2001, xi).

Relating to the use of force, the ICISS report proposed the adoption of criteria relating to when to resort to force under Chapter VII of the UN Charter, namely Just cause threshold, precautionary principles, right authority, operational principles and the use of veto.

- **The just cause threshold:** This suggests that military intervention should be considered if the situation presents actual or imminent large-scale loss of life.

- **Precautionary principles:** First, military intervention must be made with the right intention; that is, the primary goal must be to halt human suffering. Second, coercive measures should always be the last resort justified only after all non-military measures have been exhausted. Third, proportional means must be used according to the situation. That is, the scale, intensity and duration of a military intervention must be the minimum necessary to secure or protect populations from mass atrocities. Fourth, there must be reasonable prospects of success in preventing or halting the pattern of mass atrocities that justified a military intervention.

- **Right authority:** The most legitimate body that can authorise military intervention for human protection is the United Nations Security Council (UNSC). If the Council fails to react, the UN General Assembly can convene an emergency session under the Uniting for Peace procedure as contained in UN General Assembly (UNGA) Resolution 355. Second, regional and sub-regional organisations can act under Chapter VIII provision of the UN Charter. Such situations will still require subsequent support from the UNSC to be considered legal military interventions.

- **Operational principles:** During military interventions, the intervening states or coalition must be guided by a “unified approach” which means that there must be clear objectives, well coordinated communication and chain of command; proportional rules of engagement and maximum possible coordination with humanitarian organisations (ICISS 2001, xii-xiii).

- **The use of veto:** The Commission recommended that the UNSC permanent members should refrain from using the veto in circumstances of gross violations of human rights. The ICISS further warned that if the UNSC “fails to discharge its responsibility to protect…concerned states may not rule out other means to meet the gravity and urgency of that situation” (ICISS 2001, viii).

These criteria were not endorsed during the 2005 World Summit, mainly because key states, notably the US, Russia and China did not want
to be bound by a pre-commitment for military intervention (Bellamy 2005). Yet, the ICISS report made some significant contributions to the global policy debate on the need to find consensus on how and when the international community should act to protect populations. Gareth Evans (2008) emphasised four main contributions of the ICISS report:

- It reinvented a new way of thinking about humanitarian intervention. That is, there was a shift from the debate about the right to intervene associated with humanitarian intervention to the responsibility to protect people at risk of conflict related atrocities. It shifted the focus from the right of the state to the rights of individuals.

- It reinforced the notion of “sovereignty as responsibility” as opposed to sovereignty conceived as absolute control over borders and populations.

- RtoP should be understood in terms of the responsibilities to prevent, react and rebuild.

- Finally, the use of force should be a last resort, guided by a set of criteria.

The ICISS report was an independent initiative from the UN and its reception was initially overshadowed by the 11 September 2001 terrorist attacks and subsequent military interventions in Afghanistan (2001) and Iraq (2003). The US-led unilateral approach triggered initial scepticism of the international community about RtoP, which some feared could be used powerful states as a Trojan horse by against weaker states (Bellamy 2005b). Despite this concern, the need to address humanitarian catastrophes on the scale of DRC or Darfur remained and key states from different regions supported the findings of the ICISS report as a framework for human protection, separate from agendas and interventions relating to terrorism, nuclear weapons and other interests. The next sub-section addresses how the principles of RtoP were integrated into the UN reform agenda.

The 2005 UN World Summit

In September 2005, world leaders endorsed RtoP at the UN World Summit. Specifically, paragraphs 138 and 139 of the UN World Summit Outcome Document declared that,

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 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 manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity…. 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…. 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. … 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. … 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. …

This historic endorsement was preceded by two UN documents which led to the promotion of RtoP within the UN reform agenda. The first is the 2004 sixteen-member High-level Panel (HLP) Report on Threats, Challenges and Change commissioned by former UN Secretary-General Kofi Annan. The panel’s report, A More Secure World: Our Shared Responsibility (which included 101 recommendations on strengthening the international security framework), was an endorsement of an international responsibility to protect populations from grave threats (HLP 2004, 66). The second report is Kofi Annan’s In Larger Freedom: Towards Development, Security and Human Rights for All, which was a preparatory document for deliberations by states during the September 2005 World Summit. Specifically, the report underscored the importance of moving “towards embracing and acting on the responsibility to protect potential or actual victims of mass atrocities” (Annan 2004, 35). It urged the international community to move from legislations to the implementation of concrete measures to prevent mass atrocities.

There were intense negotiations and deliberations on RtoP in the months immediately preceding the UN Summit. These negotiations were intended to allay the concerns of states over the potential misuse of RtoP principles. Powerful states like the US, Russia and China were also initially opposed to RtoP for varying reasons. For instance, John Bolton, former US Ambassador to the UN argued that the UNSC should not be legally bound and “must have the freedom to decide the most appropriate course of action on a case by case basis”. China and Russia emphasised the importance of non-intervention in the domestic affairs of states. Despite these initial oppositions, RtoP was successfully negotiated and endorsed in the 2005 UN Summit Outcome Document. It is important to note that RtoP received considerable support from some developing countries. The African Union (AU) in particular, endorsed RtoP in its Common Paper—the Ezulwini Consensus—adopted by African states at the AU Executive Council’s seventh extraordinary session in Addis Ababa from 7-8 March 2005. This is discussed in greater detail in session five.

**Conclusion**

This training session achieved two main goals. First, it explained the emergence of RtoP from the 2001 ICISS report, which was a novel contribution coining the term RtoP. Also, the report provided a continuum of ways to prevent, react and rebuild in societies confronted with potential or actual conflict-related atrocities. Second, it detailed how the session RtoP was endorsed by UN member states. The UN version of RtoP is contained in paragraphs 138 and 139 of its 2005 UN Summit Outcome Document.
Reflective questions

1. When was RtoP first enunciated?
2. Are the ICISS report and the UN 2005 Summit Outcome Document similar?
3. What evidence exists to demonstrate that RtoP is a global norm?
Session 03
Operationalisation of Responsibility to Protect

TRAINING OBJECTIVES
- To understand the UN’s perspective on how to move RtoP from theory to practice
- To explain the different types of mass atrocities covered within the RtoP framework
- To highlight the importance of prevention in the practice of RtoP

TRAINING RESOURCES
- Markers, flipcharts and projector (optional)

DURATION
- 60 minutes

METHODOLOGY
- Brainstorming, questions and mini-lecture

Group activity
- Ask participants to cite examples of past and present case studies of mass atrocities in Africa, examples include – Darfur, Rwanda, Liberia, Eastern Congo, Northern Uganda, Nigeria (Jos), Côte d’Ivoire, South Sudan.
- Ask participants to share their understanding of these case studies and the various labels that can be given to these forms of violence - for example: genocide, ethnic cleansing, war crimes, crimes against humanity.
- Is prevention better than response? Explain your answer.

Mini-lecture: Moving RtoP from Theory to Practice: A UN Perspective
Since RtoP was endorsed in 2005, the UN has provided a clear path on how to translate the norm from theory to practice. The UN interpretation of RtoP is based on a narrow but deep approach, also known as the four crimes and three pillars approach. This means that RtoP aims to address only four mass atrocity crimes—genocide, war crimes, ethnic cleansing and crimes against humanity—and rests on the three broad pillars established in the 2009 report of the UN Secretary-General:
• The primary and continuing legal **obligation of the state** to protect its population (citizens or otherwise) against genocide, war crimes, ethnic cleansing and crimes against humanity

• The commitment of the **international community to assist states** to fulfil their obligations of protecting their population

• The international community should **respond in a timely and decisive manner**, in accordance with the UN Charter, to help protect populations from the four listed crimes and violations if a state is unable or unwilling to do so. The response could involve any of the whole range of tools—pacific measures under Chapter VI of the UN Charter or coercive ones as a last resort under Chapter VII, in collaboration with regional and sub-regional arrangements under Chapter VIII (Ban Ki-moon 2009).

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**International Law and RtoP Crimes**

**Genocide**

Genocide is firmly codified within existing international law. The 1948 UN Convention on the Prevention and Punishment of the crime of Genocide provides a clear definition of Genocide. Article 2 of that Convention states that Genocide is **“any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:”**

a. Killing members of the group

b. Causing serious bodily or mental harm to members of the group

c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

d. Imposing measures intended to prevent births within the group

e. Forcibly transferring children from the group to another group”.

**War crimes**

Article 8 of the Rome Statute of the International Criminal Court defines war crimes as **“grave breaches of the Geneva Convention of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention”:**

a. Wilful killing

b. Torture or inhuman treatment, including biological experiments

c. Wilfully causing great suffering, or serious injury to body or health

d. Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly

e. This pattern of mass atrocities is usually widespread, systematic and directed at civilian populations”.

**Crimes Against Humanity**

Article 7 of the Rome Statute of the International Criminal Court defines crimes against humanity as **“any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”:**

a. Murder

b. Extermination

c. Enslavement
d. Deportation or forcible transfer of a population”.

**Ethnic cleansing**

Ethnic cleansing is not explicitly codified in international law. However, the UN suggests that it could fall within genocide, crimes against humanity and/or war crimes. Due to this relationship, some analysts have proposed that ethnic cleansing be regarded as a matter of international customary law (Luck 2008, 4).

Prevention of RtoP Crimes

The prevention of mass atrocities is considered the most important component of the UN strategy for implementing RtoP as described in the three pillars cited above. States have the primary responsibility to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. According to the 2009 UN Secretary-General’s report on the implementation of RtoP, prevention “begins at home and the protection of populations is the defining attribute of sovereignty and statehood in the twenty-first century” (UNSG 2009, 10). It also entails building institutions, capacities and practices that are able to deal effectively with potential conflict that is likely to escalate into mass atrocities. As the preventive toolbox below indicates, states should develop their political, economic, security and constitutional/legal systems in ways that can effectively prevent or address potential or actual conflicts. Yet, the UN recognises that “more research and analysis are needed into why one society plunges into mass violence while its neighbours remain relatively stable and why it is so difficult to stem systematic and widespread sexual violence in some places” (UNSG 2009, 10-11). RtoP advocates are divided on when exactly prevention starts in the RtoP framework and on whether it should tackle structural prevention of armed conflict or focus only on the direct prevention of RtoP crimes. This dilemma has been referred to as the “dilemma of comprehensiveness” (Bellamy 2009, 98). This training session covers both structural and direct preventive measures in order to capture extensively the importance of prevention to the implementation of RtoP.

A notable example of this relationship is the 1999 ethnic cleansing in Kosovo which could also be regarded as war crimes and crimes against humanity. Also, the 1994 Rwandan genocide could arguably be called ethnic cleansing because of the deliberate targeting of a particular ethnic group, the Tutsis. There are ongoing debates on the relationship between ethnic cleansing and customary international law (Luck, 2008).

*Source: Evans (2008, 243-251).*
<table>
<thead>
<tr>
<th>STRUCTURAL PREVENTION</th>
<th>DIRECT PREVENTION</th>
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<tr>
<td>Economic measures</td>
<td>Early warning</td>
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<tr>
<td>• Reducing deprivation and poverty</td>
<td>• Establishing a UN early warning and assessment capacity</td>
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<td>• Reducing inequalities, especially horizontal</td>
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<td>• Promoting economic growth</td>
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<td>• Supporting structural reform</td>
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<td>• Providing technical assistance</td>
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<td>• Improving the terms of trade and trade openness</td>
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<td>• Supporting community development and local ownership</td>
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<td>Governance measures</td>
<td>Diplomatic measures</td>
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<tr>
<td>• Building institutional capacity and ensuring delivery of social services</td>
<td>• Fact-finding</td>
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<td>• Strengthening and supporting democracy.</td>
<td>• Forming groups of friends among UN membership</td>
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<td>• Supporting the diffusion or sharing of power</td>
<td>• Deploying eminent persons/envoys</td>
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<td>• Strengthening the independence of judiciaries</td>
<td>• Exercising the good offices of the Secretary General</td>
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<td>• Eradicating corruption</td>
<td>• Pursuing arbitration (includes the International Court of Justice)</td>
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<td>• Strengthening local conflict resolution capacity</td>
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<td>Security measures</td>
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<td>• Strengthening rule of law</td>
<td>• Banning travel</td>
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<td>• Ending/preventing impunity</td>
<td>• Embargoing trade and arms.</td>
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<td>• Reforming the security sector</td>
<td>• Freezing assets</td>
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<td>• Encouraging disarmament and effective arms control/management with particular reference to small arms</td>
<td>• Imposing diplomatic sanctions</td>
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<tr>
<td>Human rights measures</td>
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<td>• Protecting fundamental human rights and building national capacity, with specific protection of minority, women's and children's rights</td>
<td>• Promoting economic or trade incentives</td>
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<tr>
<td>• Supporting the work of the International Criminal Court</td>
<td>• Offering political inducements</td>
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<tr>
<td>Military measures</td>
<td>Legal measures</td>
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<tr>
<td>• Mobilising preventive deployments</td>
<td>• Referring the matter to the International Criminal Court</td>
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<td>• Developing and/or threatening rapid deployment capability</td>
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<tr>
<td>• Jamming and other means of preventing incitement</td>
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Social measures

- Intergroup confidence building
- Interfaith dialogue
- Strengthening and supporting civil society
- Establishing freedom of the press
- Preventing and punishing incitement and hate speech
- Educating on diversity and tolerance

Source: Bellamy (2011b, 5).

The international community, which includes a broad range of external actors (discussed in detail in session four) is able to assist states to prevent RtoP crimes through varied measures (see table 2 above). This training session explores four major examples of preventive measures as enunciated by Bellamy. They are:

- Early warning
- Preventive diplomacy
- Ending impunity
- Preventive deployment

EFFECTIVE EARLY WARNING

All too often, sufficient information sharing about imminent mass atrocities has not led to effective measures to prevent them. The 1994 Rwandan genocide, the Bosnian war and the ongoing Darfur crisis are examples of cases where early warning information was provided but ineffective or minimal measures were taken to prevent mass atrocities. Effective early warning mechanisms must have three components, namely access to information, analysis capabilities and a communication channel to decision-makers capable of authorising effective measures (James Sutterline, cited in Bellamy 2009, 106). This flow of effective early warning systems is depicted in figure 1 below.

Numerous governmental (national, regional and international) and non-governmental institutions possess or have access to information on potential violence and are working actively to prevent it. For instance, the UN Secretary-General’s report on RtoP suggested that relevant line departments, programmes and inter-agency networks could incorporate considerations and perspectives on RtoP into their ongoing activities and reporting procedures to the extent that their mandate permits (UNSG 2009, 32). This approach, according to UN experts on RtoP, ensures system-wide coherence. In West Africa, the early warning and early response system of the 15-member Economic Community of West

Figure 1: Flow of effective early warning systems

Access to information

Analysis to capabilities

Communication channel to decision-makers capable of authorising effective measures.

Source: Bellamy (2009).
African States (ECOWAS) reflects a partnership between the inter-governmental body and a civil society network with an emphasis on human security (UNSG 2009, 17). This civil society network, notably the International Coalition of the Responsibility to Protect (ICRtoP), is discussed further in session four.

PREVENTIVE DIPLOMACY

According to former UN Secretary-General Boutros Boutros-Ghali, preventive diplomacy “refers to an action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflict and to limit the spread of the latter when they occur” (Boutros-Ghali 1992). This pattern of prevention could be performed by the UN Secretary-General or delegated senior UN staff or agencies and/or regional or sub-regional organisations. Measures such as informal/formal dialogues and confidential negotiations could be adopted to avert potential or actual mass atrocities. The international mediation as a response to the post-election violence in Kenya (2007-8) is a clear example of how preventive diplomacy can help prevent and halt mass atrocities. The Kenyan example is discussed extensively in session five.

ENDING IMPUNITY

The international criminal system has been regarded a possible intervention path for preventing mass atrocities. There have been temporary international courts that were set up to prevent and punish alleged perpetrators of mass atrocities. Such ad hoc tribunals include the International Criminal Tribunals for Rwanda [ICTR] and Yugoslavia [ICTY]. The Rome Statute on the establishment of a permanent international criminal court (ICC) came into force in 2002. The ICC is able to indict and prosecute individuals that commit mass atrocities. Since its establishment, the court has indicted current Sudanese President Omar al-Bashir and convicted former Liberian President Charles Taylor. Rebel leaders like Stephen Kony of the Ugandan Lord’s Resistance Army (LRA) have also been indicted. The significance of the ICC is not limited to its ability to prosecute perpetrators of mass atrocities but also its ability to act as a deterrent to future gross violations of human rights. This is because of the real rather than imagined possibility of prosecution even when the government of a state is unable or unwilling to pursue justice for victims of mass atrocities.

PREVENTIVE DEPLOYMENT

At the request of a government or with its consent, peacekeepers (both civilian and military personnel) can be called upon to reduce suffering and limit or control violence. Such preventive deployment may help facilitate humanitarian assistance and help maintain security. Some examples include UN preventive deployment in Macedonia (1992-9), the British-led peace support operation in Sierra Leone (2000), the UN Mission in the DRC (MONUC, 1999-2008) and the UN operation in Burundi (UNOB 2004-6).

Conclusion

This training session has revealed the UN’s interpretation of RtoP. It underscored the narrow but deep approach in the UN’s operationalisation of RtoP. This means that the scope of RtoP is limited to four main crimes, namely genocide, war crimes, ethnic cleansing and crimes against humanity. It also suggested that RtoP is based on the recognition of three pillars. They are: the primary responsibility of the state to protect its population; international assistance to the state, and timely and decisive action. Within the
framework of implementing RtoP, prevention is regarded as the most important component. This session highlighted four important ways of promoting preventive RtoP. They are: early warning, preventive diplomacy, ending impunity and preventive deployment. The next training session exposes participants to the different actors that are in a position to implement RtoP.

Reflective questions

1. What is prevention of mass atrocities and how is it different from conflict prevention?
2. What are the different ways of implementing prevention of mass atrocities?
3. Who should implement prevention of mass atrocities? (Focus on session four).
Session 04
Whose Responsibility to Protect?

TRAINING OBJECTIVES
● To provide a broad understanding on various levels of inter-governmental organisations that can implement RtoP
● To highlight the importance of women in the RtoP framework

TRAINING RESOURCES
● Markers, flipcharts and projector (optional)

DURATION
● 60 minutes

METHODOLOGY
● Brainstorming, questions and mini-lectures

Implementing RtoP: The Actors
Who are the main actors responsible for delivering or implementing RtoP? In other words, who may or should intervene, using any of a range of peaceful, economic, humanitarian and coercive tools, to prevent and respond to the threat of mass atrocities? The RtoP framework features a broad range of relevant international and regional actors that are able to prevent and respond to mass atrocities. While the state remains the primary actor for delivering RtoP, there is a range of actors that are significant, especially in the delivery of pillars two and three. This section provides a broad overview of regional and international actors that may or should implement RtoP. The list is not exhaustive.

a. INTERNATIONAL GOVERNMENTAL ACTORS
● The United Nations
● North Atlantic Treaty Organisation
● International Criminal Court
● International Financial Institutions

b. REGIONAL AND SUB-REGIONAL GOVERNMENTAL ACTORS
● European Union (EU)
● African Union (AU)
● Organisation of American States (OAS)
● Association of Southeast Asian Nations (ASEAN)
Economic Community of West African States (ECOWAS)
ECOWAS Monitoring Group (ECOMOG)
Southern African Development Community (SADC)
The Arab League

C. CIVIL SOCIETY ORGANISATIONS

There are numerous Civil Society Organisations (CSOs) that can effectively implement RtoP. This is discussed extensively in training session seven. At this point, it is important to note briefly the establishment of the International Coalition for the Responsibility to Protect (ICRtoP) in January 2009. The ICRtoP brings together NGOs from all parts of the world to understand and strengthen capacities to deliver RtoP in specific cases of potential or actual genocide, war crimes, crimes against humanity and ethnic cleansing. From just eight members at its onset, the ICRtoP has grown to 30 members and is still growing. It has been a springboard for global education, advocacy and training on RtoP. Below are some African member organisations:

- Centre for Media Studies and Peacebuilding (Monrovia, Liberia)
- Coalition of Justice and Accountability (Freetown, Sierra Leone)
- Droits Humains Sans Frontières (Kinshasa, DRC)
- East Africa Law Society (Arusha, Tanzania)
- Human Rights Network Uganda (Kampala, Uganda)
- Kofi Annan International Peacekeeping Training Centre (Accra, Ghana)
- Pan African Lawyers Union (Addis Ababa, Ethiopia)
- Réseau de Développement et de Communication de la Femme Africaine (Bamako, Mali)
- West African Civil Society Forum (Abuja, Nigeria)
- West Africa Civil Society Institute (Accra, Ghana)

Women and RtoP

Women have played important roles in peace processes in Sierra Leone, Liberia and other countries, prompting a role for them as RtoP actors. However, they face the dual challenges of the threat of sexual violence and exclusion from formal architectures of peace and security. Women are especially vulnerable to crimes such as rape and other forms of sexual violence and they account for the majority of civilian deaths resulting from conflict (UNIFEM 2010). It is also estimated that 70-80 per cent of the global internally displaced persons (IDPs) population are women (IDMC 2010). Women are targeted by state and non-state actors and used as pawns to inflict injury on or to terrorise their opponents. The widespread rape and sexual assault of women and girls in Sierra Leone, Liberia and the Democratic Republic of Congo (DRC) show how sexual violence is used as a weapon of war. Despite an official end to the war in 2003, conflict in DRC continues and it is estimated that tens of thousands of women have been systematically raped by combatants (Oxfam 2010).

The effects of conflict do not end once a nation reaches a peace agreement as women frequently do not receive the medical or psychological support necessary to cope with trauma and, in some cases, the continued perpetration of sexual and gender based violence (SGBV). Moreover, rather than perceive women as merely victims of or even perpetrators of mass atrocities,
there is increasing international recognition of the importance of women in preventing and responding effectively to mass atrocities. Various international and regional organisations have taken important steps to promote the recognition and integration of women in the area of peace and security.

**Promoting Women’s Roles in Peace and Security**

**INTERNATIONAL EFFORTS**

The UN Security Council passed four resolutions on women, peace and security between 2000 and 2009. Secretary-Generals Kofi Annan and Ban Ki-moon created the positions of Special Rapporteur on Violence Against Women (2003) and Special Representative on Sexual Violence in Conflict (2010) with the goal of intensifying efforts to end sexual violence against women and children, especially in conflict areas (UNSG 2010). Also in 2010, the UN created UN Women, a merger of four previously distinct UN bodies dedicated to gender equity and the empowerment of women: Division for the Advancement of Women (DAW), International Research and Training Institute for the Advancement of Women (INSTRAW), Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI) and UN Development Fund for Women (UNIFEM). Other UN initiatives include Ban Ki-moon’s UNITE to End Violence Against Women campaign.

**REGIONAL EFFORTS**

Regional measures have also been taken to promote the protection of women as well as to develop a gendered approach to conflict prevention and resolution. The African Union (AU) declared 2010-20 the African Women’s Decade with the overarching theme of gender equality and women’s empowerment (AU 2010). The African Women’s Decade focuses on ten areas of concern, including peace and security and violence against women, with the goal of providing a gendered perspective to these issues and empowering women on the continent. To enhance the protection of women’s rights, the AU seeks to promote international and regional commitments on peace and security, including UNSC Resolutions 1325 and 1820, as well as to strengthen responses to violence within the AU Peace and Security Architecture (APSA) and its constituent organs, such as the AU Peace and Security Department, the Peace and Security Council and the Panel of the Wise. The AU is also working to meet the goal of promoting a stronger role for women within conflict resolution and peace processes (AU 2010a). The election of Dr. Nkosazana Dlamini-Zuma as the Chairperson of the AU Commission marked a watershed in the representation of women at the highest level of leadership, especially within African institutions.

The Association of Southeast Asian Nations (ASEAN) issued the Declaration on the Advancement of Women in ASEAN in 1988 and the Declaration on the Elimination of Violence Against Women in the ASEAN Region in 2008 as measures to identify the need to protect women’s rights and incorporate women’s groups to strengthen regional action.

The Inter-American Commission on Human Rights, an entity under the Organisation of American States (OAS), established the Rapporteurship on the Rights of Women in 1994 with the goal of ensuring that member
states protect women’s human rights. The Rapporteur has placed special emphasis on the need to combat violence against women, calling on states to fulfill their obligations to protect women’s rights and security as outlined in the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women [OAS 1994]. The OAS further strengthened its commitment to guaranteeing the rights of women and integrating their leadership role through its Plan of Action established at the Third Summit of 2001. The Plan of Action calls on member states to fully incorporate women’s human rights in all institutions, to facilitate the development of gender perspectives in all bodies and agencies, and to develop policies and practices to combat violence against women [OAS 2001].

More than 24 African states have established national action plans for the implementation of UNSCR 1325 which aims to increase women’s representation and participation in governance, peace processes, peacemaking and security institutions. Although there are still gaps in the full realisation of this goal, there have been significant steps forward.

INDIVIDUAL AND CIVIL SOCIETY EFFORTS

Women-led initiatives within civil society have played significant roles in promoting peace and security. Some NGOs such as the Women in Peacebuilding Network [WIPNET], Women in Peace and Security Network-Africa [WIPSEN-Africa] and the Mano River Women’s Peace Network [MARWOPNET] have led initiatives towards the promotion of women's roles in peace and security in West Africa. WIPNET is active in Nigeria, Liberia, Côte d’Ivoire, Sierra Leone, Benin, Senegal, The Gambia, Guinea Bissau and Ghana. During the Liberian civil wars, it mobilised women to advocate for peace and security in Liberia and took part in the peace process through its Women of Liberia Mass Action for Peace Campaign. WIPNET members engaged directly with rebels in disarmament camps to convince them to “lay down their arms, speeding up the disarmament process” [USIP 2007]. WIPNET was also involved in the 2005 elections and was instrumental in advocating for the inclusion of women in the electoral process [USIP 2007]. MARWOPNET also engaged Liberia’s peace process through its delegation to the peace talks and remains a vital player in the country’s reconstruction. MARWOPNET has focused on empowering women in post-conflict Liberia mainly through its collaboration with the Association of Female Lawyers of Liberia [AFELL] to secure and provide legal support to victims of rape.

The foregoing achievements highlight the importance of women in realising the aspirations of the RtoP framework. This growing recognition of women as peace activists is a culmination of the historical struggles of women in ensuring that they are represented, especially in formal
peace processes, as active peace makers. In 2011, such leadership received global recognition when three women were awarded the Nobel Peace Prize, including Liberian Leymah Gbowee. Yet there are some challenges that should be addressed in order to mainstream gender in the implementation of RtoP.

**Mainstreaming Gender in the Delivery of RtoP: Achievements, Challenges and Recommendations**

The RtoP framework can help protect women from mass atrocity crimes and integrate their perspectives into processes for prevention and halting RtoP crimes. In particular, women have a central role to play in the preventive aspects of the RtoP framework. This is evident in the plethora of roles that women’s organisations play in promoting peace, especially at the community level. Such roles include cooperative agriculture schemes, peer-to-peer micro-finance facilities and trade. Although some work has been done to mainstream gender in RtoP delivery, there have been some missed opportunities in creating a gendered perspective of RtoP.

The ICISS report downplayed the importance and role of women in the realisation of RtoP, thus essentially reinforcing the perception of women solely as victims of mass atrocities rather than key actors for preventing and responding to RtoP crimes. The UN Secretary-General’s report, *Implementing the Responsibility to Protect* (2009), worked to overcome this gap by identifying the need to protect women’s rights under the RtoP framework. Ban Ki-moon’s report reiterates that sexual violence against women can specifically constitute war crimes, genocide and crimes against humanity and calls on member states to implement preventive measures. The report was an important step as it revived discussions on the role of sexual violence in conflict. However, it overlooks other forms of violence that are used to target women such as forced pregnancy and forced slavery and fails to acknowledge women’s roles as providers of protection in peace operations and as actors in peace negotiations and peacebuilding. Besides, in most of the discourse on the roles of women in peace and security, there has been very little effort to strengthen the relationship between relevant UN resolutions such as 1325 (2000) and the practice of RtoP.

According to civil society consultations conducted by the ICRtoP in 2010, other challenges to engendering the RtoP framework include:

1. As stated earlier, the focus on women as victims can undermine their role in protection, peace and resolution.
2. The resources available to international, regional and national bodies to provide protection for women are limited or unavailable.
3. Women continue to be a minority in formal peace processes, including in mediation.

There are currently no gender specific indicators within early warning systems.

Widespread and systematic violence against women continues to occur and the information and resources necessary to understand why are unavailable.

Although the Rome Statute identifies rape as a war crime, other forms of violence against women, such as sexual slavery, remain unrecognised.

To enhance the development of a gender approach to RtoP and to overcome the challenges that presently exist, the following
recommendations should be taken into consideration:

1. The UN and state actors need to increase their recognition of the synergy between RtoP and women, peace, and security agendas.

2. Measures must be taken in the area of capacity building specifically to increase the participation of women in political life and as mediators in peace processes, as well as to include the views of women in peace and security initiatives.

3. More resources should be made available, such as sexual violence training for military and police forces, safe spaces for women and girls and increased medical and psychological support for victims.

4. Gender sensitive indicators need to be established to broaden the collective knowledge on how violence against women contributes to wider instability and insecurity.

5. Early actions must be taken through diplomatic and other non-violent means when states fail to protect women.

6. Action-oriented research needs to be conducted to investigate why measures taken to combat violence against women continue to be unsuccessful, as evidenced by the current conflict in the DRC.

7. Capacity building must be done to increase women’s leadership and participation in peace and security.

8. Gender sensitive indicators should be established within RtoP analysis.

9. Early action should be taken to protect women through non-violent approaches in cases of atrocities.

10. Women’s experiences and roles must be located in the context of mass atrocities.

11. It is important to address gender issues within the context of sexual and gender based violence.

Reflective questions

1. Which actors should implement RtoP?

2. What role can women play in the implementation of RtoP?

3. What are the gaps and challenges in the role of women in the implementation of RtoP?
Session 05
African Regional and Sub-regional Organisations and RtoP

TRAINING OBJECTIVES
- To provide a succinct understanding of the historical development of the AU and its connection with the RtoP framework
- To highlight AU member states’ position on RtoP
- To analyse the AU's institutional preparedness to effectively implement RtoP in Africa
- Provide recommendations on how to enhance AU's capacity to deliver RtoP
- Finally, to underscore sub-regional efforts (specifically, ECOWAS) in promoting RtoP

TRAINING RESOURCES
- Markers, flipcharts and projector (optional)

DURATION
- 60 minutes

METHODOLOGY
- Brainstorming, questions and mini-lecture

Antecedents of RtoP in Africa

Historically, African states have adhered to the principle of sovereignty and non-intervention in the domestic affairs of respective states. This changed following the transition in 2002 from the Organisation of African Unity (OAU) to the African Union (AU). This signalled a transition from the norm of non-intervention to non-indifference—a more interventionist framework. This is specifically demonstrated by the introduction of Article 4(h) of the AU Constitutive Act, which affirms “the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances.

Secretary-General addresses African Union Summit in Ethiopia, January 2010. UN photo by Eskinder Debebe.
namely war crimes, genocide and crimes against humanity…” (AU 2002).

This introduction of the right to intervene in the AU Constitutive Act is a major departure from the attitude of African governments to conflict-related atrocities. That is why some UN supporters of RtoP have sometimes connected the historical roots of RtoP to the AU (Ban Ki-moon 2008; Luck 2008). The evolution of the AU’s framework is however rooted in deeper historical trajectories. The Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) was one of the main civil society initiatives that contributed to the emergence of this purported shift from non-intervention to non-indifference.

CONFERENCE ON SECURITY, STABILITY, DEVELOPMENT AND CO-OPERATION IN AFRICA (CSSDCA)

The CSSDCA was initiated after former Nigerian President Olusegun Obasanjo established the Africa Leadership Forum (ALF) in 1988. It was partly an outcome of his efforts through the ALF to persuade other eminent African leaders to find “African solutions for African problems” (ALF 1990). The CSSDCA was established in May 1991 to find solutions to crises faced by some African states such as human rights violations, economic underdevelopment, instability and poor governance. It sought to solve these problems internally rather than accept the imposition of external solutions. The CSSDCA eventually led to the publication of the Kampala Document in 2000 which set out specific proposals for the redefinition of sovereignty. For instance, it redefined security based on an individual-centred approach as opposed to exclusively preserving territorial integrity (Deng and Zartman 2002). The CSSDCA proposal was endorsed at the 35th Session of the OAU Assembly of Heads of State and Government in July 2000 (AU 2000).

African governments have promoted numerous other initiatives to deepen the political and economic integration of African states. They include the Lagos Action Plan (1980) and the New Partnership for African Development (NEPAD) established in 2001. While these initiatives were not solely based on the redefinition of sovereignty, they paved the way for the enshrinement of Article 4(h) of the AU Constitutive Act. Importantly, this is why the history of RtoP is partly traced to the OAU’s evolution into the AU.

African Governments and RtoP (The Ezulwini Consensus)

It is important to note that African governments deliberated upon and subsequently endorsed RtoP prior to the 2005 World Summit. Indeed, they adopted a Common Paper known as the Ezulwini Consensus at the AU Executive Council Seventh Extraordinary session in Addis Ababa. This paper was adopted in response to the UN Report of the High-level Panel (HLP) on Threats, Challenges and Change which provided recommendations on how to reform the UN to reflect the changed international environment. Importantly, the HLP report endorsed RtoP as an emerging norm. AU member states also adopted these recommendations and laid out their perspective on RtoP as follows:

Authorization for the use of force by the Security Council should be in line with the conditions and criteria proposed by the Panel, but this condition should not undermine the responsibility of the international community to protect. Since the General Assembly and the Security
Council are often far from the scenes of conflicts and may not be in a position to undertake effectively a proper appreciation of the nature and development of conflict situations, it is imperative that Regional Organisations, in areas of proximity to conflicts, are empowered to take actions in this regard. The African Union agrees with the Panel that the intervention of Regional Organisations should be with the approval of the Security Council; although in certain situations, such approval could be granted “after the fact” in circumstances requiring urgent action. In such cases, the UN should assume responsibility for financing such operations. It is important to reiterate the obligation of states to protect their citizens, but this should not be used as a pretext to undermine the sovereignty, independence and territorial integrity of states (AU Executive Council 2005, 6).

The endorsement of RtoP by AU member states is a clear step towards implementing the norm. However, it would be more effective and meaningful if the AU had the capacity to deliver RtoP. The capacity or institutional preparedness of the AU to effectively implement RtoP will be considered subsequently.

Assessing the AU’s Capacity to Deliver RtoP: Strengths and Challenges

The AU’s capacity to deliver RtoP can be measured against its security architecture. The decision-making organs on key security issues in Africa include the Assembly of Heads of State and Government (AHSG), the AU Commission and the Peace and Security Council (PSC). The PSC is supported by the Panel of the Wise, a Special Fund and a proposed Continental Early Warning system and a proposed African Standby Force (AU 2003). The PSC is regarded as the main security institution charged with the responsibility of preventing and responding to perceived or actual threats to peace and security in Africa. The PSC replaced the relatively weak OAU Central Organ of the Mechanism for Conflict Prevention, Management and Resolution. The PSC is a 15-member council, 10 of which are voted every two years while other 5 members are voted on a three-year basis. The PSC mirrors the UN Security Council in its deliberation of matters that are perceived as threats to peace and security. Unlike the UNSC, the PSC has no permanent members and all members have equal voting rights. Aning and Atuobi (2009) provide a summary of the functions of the PSC:

1. Promotion of peace, security and stability in Africa
2. Early warning and preventive diplomacy
3. Peacemaking, including the use of good offices, mediation, conciliation and enquiry
4. Peace support operations and intervention, pursuant to article 4(h) and (j) of the Constitutive Act
5. Peacebuilding and post-conflict reconstruction
6. Humanitarian action and disaster management
7. Any other function as may be decided by the Assembly

In order to implement these functions, Aning and Atuobi further noted that the PSC could exercise the following powers in collaboration with the Chairperson of the AU Commission:

1. Authorise the mounting and deployment of
peace support missions (7c)

2. Lay down general guidelines for the conduct of such missions (7d)

3. Recommend to the Assembly intervention on behalf of the union in a Member State (7e)

4. Approve modalities for such intervention (7f)

5. Institute sanctions whenever there is an unconstitutional change of government (7g)

6. Promote and develop a strong “partnership for peace and security” between the AU and UN and its agencies, as well as other relevant organisations (7k) (Aning and Atuobi 2009, 95-6)

These functions and powers of the PSC represent the potential strengths of the AU to robustly implement RtoP within Africa. Regrettably, certain weaknesses have continued to undermine the capacity of the AU to fully implement RtoP in Africa. Three main weaknesses can be identified:

- The lack of political will of African governments to fulfill RtoP has been one of the most profound limitations. The AU is often a plagued by the contending interests of states.

- Another problem is limited financial resources of the AU to implement some of the proposed institutional changes which will enable this organisation fully realize its capacity to deliver RtoP. The AU budget is largely dependent on external donor contributions. However, these contributions are either limited, delayed or poorly disbursed (Bello 2010).

- Further, most African states do not have the equipment or logistical and technical resources to develop the desired military capacity to respond to actual conflict-related atrocities. This has led to some setbacks in the establishment of a permanent African Standby Force (ASF), necessitating ad hoc peace operations, such as the UN-AU Hybrid Mission in Darfur (UNAMID), the AU Mission in Burundi (AMIB) and the AU Mission in Somalia (AMISOM).

One of the principal ways to overcome these challenges is to explore the role of regional organisations in fulfilling RtoP; their strengths and capacities can be harnessed to complement the role of the AU. The final section looks at the capacity of ECOWAS to implement RtoP.

Regional Organisations and the Implementation of RtoP: ECOWAS in Perspective

ECOWAS has been proactive in the establishment of principles related to RtoP and directly intervened to prevent and respond to conflicts within West Africa. For example, the ECOWAS Monitoring Group (ECOMOG) interventions and other diplomatic initiatives helped to address violence and protect populations in Sierra Leone, Liberia and more recently, Côte d’Ivoire.

In January 2008, West African Heads of State and Government adopted a Conflict Prevention Framework (ECPF) to ensure peace, security, stability and development in the region. This framework is quite unprecedented because it emphasises that ECOWAS has the power to act to protect human security in three distinct ways: the Responsibility to Prevent, the Responsibility to React and the Responsibility to Rebuild—echoing the 2005 ICISS report. The framework also stipulates the role of civil society in safeguarding peace, security and the protection
civil society to serve as partners in ensuring effective implementation and monitoring of the ECPF at the regional, national and community levels (see session eight).

PROMOTING SUPRANATIONALITY AND HUMAN SECURITY

It is important here to highlight important factors that make ECOWAS a key partner in the protection of civilians from imminent or actual atrocities. They include:

- Promoting supranationality and human security
- Promoting democracy and good governance
- Early-warning mechanism
- Combating the proliferation of small arms and light weapons
- Military capacity (ECOMOG)

ECOWAS has traditionally been a state centric institution with member states bearing primary responsibility for peace and security. However, the new vision (Vision 2020) that aims to make it more people-focused—a goal echoed by the ECPF—emphasizes that only a supranational ECOWAS can work for the effective protection of human security in the region. According to the ECPF, “tension between sovereignty and supranationality and between regime security and human security shall be progressively resolved in favour of supranationality and human security respectively”. This positive development in ECOWAS’ mandate would enable it to respond collectively as a bloc to prevent, react and rebuild with little resistance by member states under the guise of sovereignty. Some manifestations of supranationality by ECOWAS for the protection of human security include:

- The creation of a Community Court of Justice that can support national courts. Complementary to this court is the established African Court on Human and Peoples Rights (ACHPR). The latter issued provisional measures in March 2011 on the Libyan crisis urging the Libyan government to “refrain from any action that would result in loss of life and violation of physical integrity of persons” (ACHPR 2011, 7).
- The suspension of Guinea’s membership, its exclusion from all ECOWAS activities and the condemnation of the junta following the September 2009 massacre that saw the death of over 150 civilians in Guinea Conakry
- The condemnation of the Niger government and the appointment of a mediator to seek a way forward following President Tandja’s unconstitutional change of presidential term limits to enable him run for a third term in 2010
- ECOWAS-led mediation efforts in Mali and the possibility of a joint Africa-led International Mission in Northern Mali (ongoing since 2012)

EARLY WARNING AND RESPONSE

ECOWAS has continued to promote early warning and early response in West Africa, as a crucial body taking part in monitoring, anticipating and mitigating the escalation of conflicts in the region. The ECPF provides a strategic framework through the ECOWAS Early Warning and Response (ECOWARN) programme for linking the ECOWAS Department of Early Warning to other departments of the commission as well as with the zonal bureaux for effective data gathering and processing. When the ECPF is fully operational, it will be capable of strengthening partnerships
and collaborations between ECOWAS and other governmental and non-governmental organisations in the realisation of RtoP. ECOWAS has recently undertaken some preventive interventions which demonstrate its potency as an effective partner in the implementation of RtoP. Some of these interventions include:

- The peaceful resolution of the standoff between the governments of The Gambia and Senegal in 2006
- The establishment of a memorandum of understanding among political parties in The Gambia in time for the presidential elections in 2006
- The mitigation of the January 2007 crisis in Guinea Conakry that resulted in the death of civilians
- The intervention in the 2010 crisis in Niger that saw President Tandja fall from power
- ECOWAS’ role in the 2010-2011 post-election crisis in Côte d’Ivoire which led to the successful, albeit forceful, transfer of presidential power from Laurent Gbagbo to Alassane Ouattara

DEEPENING DEMOCRACY AND GOOD GOVERNANCE

To address the root causes of conflicts in West Africa and to avert the humanitarian hardships that might arise from undemocratic rule and bad governance, ECOWAS adopted the Protocol on Democracy and Good Governance in 2001, Supplementary to the Protocol relating to the 1999 ECOWAS Mechanism for Conflict Prevention, Peacekeeping and Security. The Supplementary Protocol provides guidelines for governance in a bid to prevent bad governance from degenerating into conflict. Its basic principles, which are similar to those of RtoP, have informed ECOWAS’ interventions in member states to advance the cause of democracy and protect civilians from massive human rights violations. For instance, article 45 of the protocol mandates ECOWAS to impose sanctions on any member state where there is an abrupt obstruction of democracy or massive violation of human rights. ECOWAS has evoked this provision while urging member states to respect their commitments to protect civilian populations.

COMBATING THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS (SALW)

Small Arms and Light Weapons (SALW) proliferation is a destabilising factor for countries in West Africa. To curb this threat, ECOWAS adopted the Moratorium on Small Arms in 1998 as a framework document to combat the illegal circulation and misuse of small arms in the region. It evolved into a Convention on Small Arms and Light Weapons, their ammunition and other related materials, adopted on 14 June 2006. Since 1998, CSOs such as the West African Network on Small Arms (WANSA) have increased their efforts to build strong networks to support ECOWAS in controlling the flow and misuse of SALW in the region. Such preventive initiatives have helped reduce the availability of arms that are readily used during conflicts to effect grave violations on civilians.

MILITARY CAPACITY (ECOMOG)

The Economic Community of West African States Monitoring Group (ECOMOG) was set up to deal with the security problem that followed the collapse of the formal state structure in Liberia in 1990. President Doe, who had become unpopular at home and was on the verge of military defeat by an insurgent, called on ECOWAS to assist him
to restore normality in his country. The request split the ECOWAS zone into two. The Anglophone countries, led by Nigeria, were prepared to assist, while the Francophone countries were opposed to military intervention. On 7 August 1990, the Anglophone countries under the auspices of the ECOWAS Standing Mediation Committee (which they dominated) met in Banjul, The Gambia and took a decision to send a military force to intervene in the conflict in Liberia.

ECOMOG troops landed in Liberia on 24 August 1990. Troops were contributed by Nigeria, Ghana, Guinea, Sierra Leone and The Gambia. The force was placed under the command of a Ghanaian general, while the bulk of the land and naval forces and the entire air force was contributed by Nigeria. The force was given the mandate to restore law and order in Liberia, to create an environment that would allow humanitarian operations and to secure a peaceful atmosphere that would facilitate cease-fire negotiations. Senegal contributed troops as a result of Nigeria’s persuasion but later withdrew its contingent after five casualties and constant harassment, including being taken hostage by combatants.

Generally, ECOMOG intervention missions have involved combat action against insurgents or factions which resist the authority of the ruling government. Such missions were designed to secure a cease-fire, create a conducive atmosphere for negotiations and the protection of non-combatants. Even though the principle of intervention is that the prior consent of the conflicting parties is needed before the intervention force can enter, in most cases pre-intervention situations have not warranted securing the agreement of all the parties in the conflict. ECOMOG has been criticised for its inability to secure the co-operation of all armed groupings before deployment. However, it is worth noting that in both Liberia and Sierra Leone, these armed groupings had become indifferent to the suffering of the civilian population.

In Sierra Leone, the illegal regime initially rebuffed efforts at a negotiated solution. In Liberia, the NPFL was opposed to any form of agreement that would halt its military action, because it believed it was on the verge of military victory. Meanwhile, the situation was slipping out of control. The country had descended into anarchy. The options were intervention or to allow the population of Monrovia either to be massacred or to die from starvation and disease. In both Sierra Leone and Liberia, the ECOMOG has been acknowledged for its effective intervention missions that helped in curbing the toll of hardship and violations on the civilian population (Khobe 2000).

**Figure 2: Organisational structure of the ECOWAS Standby Force**

![Organisational structure of the ECOWAS Standby Force](source)

Conclusion

Africa has made significant progress in developing the institutions necessary to effectively implement RtoP within the continent. Yet, there are still enormous challenges with establishing the capacity for the robust delivery of RtoP. In this training session, we identified how the enshrinement of Article 4(h) in the AU Constitutive Act is an important milestone in fulfilling RtoP. However, problems such as financial constraints, limited political will combined with insufficient logistical and technical resources have continued to undermine a more effective protection of populations. The potential for collaborations between the AU and sub-regional organisations is thus a significant partnership for implementing RtoP in Africa. This training session explored the benefits of harnessing the strengths of ECOWAS in areas such as early warning and response, democracy and governance, combating the proliferation of SALW and military capacity. Such collaborations will significantly reduce the difficulties relating to the implementation of RtoP. There have also been attempts to implement RtoP in potential and low-intensity conflicts and actual mass atrocities in some African states. The overall assessment of the promotion and practice of RtoP in Africa is mixed, as we shall explain in the next training session.

Reflective questions

1. Is RtoP partly historically rooted in the AU? If so, why?
2. What role(s) can regional organisations, especially ECOWAS, play in the implementation of RtoP?
3. Are there possible challenges in the ECOWAS implementation of RtoP? If so, how can they be overcome?
Session 06
RtoP after Seven Years: Opportunities and Challenges

TRAINING OBJECTIVES
- To provide a deepened understanding of the main areas of controversy, contestations and opportunities of RtoP since 2005
- To demonstrate the success and failures of the implementation of RtoP since 2005

TRAINING RESOURCES
- Markers, flipcharts and projector (optional)

DURATION
- 60 minutes

METHODOLOGY
- Brainstorming, questions and mini-lecture

Introduction
Since 2005, there has been sustained momentum in terms of promoting the meaning, development and implementation of RtoP. At the same time, there have been dissenting voices against the emerging norm. In this training session, we seek to provide a thorough appraisal of the progress and constraints around the development of RtoP since 2005. There is also a need to assess attempts made to respond to potential and actual cases of mass atrocities. At the end of this training session, participants will be able to provide evidence that there has been substantial progress in the promotion of the practice of RtoP. Yet, there are still considerable disagreements and disappointments on the implementation of RtoP. This training session is divided into three main sections. The first provides an overview and assessment of the progress and challenges of the development of RtoP since 2005. The second section uses the examples of Kenya, Sudan (Darfur and South Sudan), Côte d’Ivoire and Libya to explain the successes and challenges of the implementation of RtoP. The final section contains the conclusion which summarises the preceding sections and further provides a list of questions that training participants can reflect upon.

Global Consensus on RtoP?
Achievements and Challenges
Following the endorsement of RtoP at the 2005
World Summit there has been some progress made in the implementation of its underlying principles. At the most basic level, it seems the RtoP language has been adopted as a symbolic representation of a global interest in preventing and responding to mass atrocities. In the analysis below, we provide explanations of four main achievements that have occurred since the UN endorsement of RtoP. These factors are:

- RtoP’s inclusion in UNSC Resolutions 1674 (2006) and 1894 (2009) on the Protection of Civilians
- The UN Secretary-General’s leadership in promoting RtoP
- Strong continuous academic research on RtoP
- Civil society activism and advocacy

Passage of UNSC Resolutions 1674 and 1894

The passage of UNSC Resolution (UNSCR) 1674 on 28 April 2006 was a significant achievement for the promotion of RtoP. This is because it signalled the first explicit endorsement of RtoP by UNSC members. Amongst other provisions, the resolution reaffirmed,

…the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity (UNSC 2006).

This resolution was an important milestone because it identified specific measures for realising RtoP. Also, countries such as China and Russia that initially opposed RtoP eventually allowed for the passage of UNSCR 1674. In other words, the latter symbolised the quantum of global support for RtoP. For example, Jan Egeland, former UN Under-Secretary-General for Humanitarian Affairs praised UNSCR 1674 as an evidence of “significant signs of progress” for RtoP (Refugee Rights News 2006). Leslie Kojo Christian, Ghana’s Permanent Representative to the UN suggested that UNSCR 1674 “demonstrates the Council’s determination” to take appropriate measures against gross violations like “genocide, war crimes, ethnic cleansing, as well as sexual exploitation and abuse” (ICRtoP 2008). UNSCR 1674 therefore represents the core RtoP task of protecting civilians in situations of potential and actual conflict-induced mass atrocities. Similarly, in November 2009, the UNSC unanimously adopted Resolution 1894 which re-affirmed, among others,

The relevant provision of the 2005 World Summit Outcome Document regarding the protection of civilians in armed conflict, including paragraphs 138 and 139 thereof regarding the responsibility to protect population from genocide, war crimes, ethnic cleansing and crimes against humanity (UNSC, 2009).

The UN Secretary-General’s Leadership in Promoting RtoP

Despite the criticisms against UN Secretary General Ban Ki-moon by some RtoP advocates for his weak charisma and leadership, just like his predecessor he has led significant initiatives for the promotion and implementation of RtoP. In February 2008, Ban Ki-moon confirmed the appointment of Edward Luck as the UN Special Adviser on matters relating to RtoP as contained in paragraphs 138 and 139 of the 2005 Summit Outcome Document. Luck works closely with Francis Deng, the UN Special Adviser on the Prevention of Genocide in the consensus
building and development of RtoP. Also, in December 2010 and at the request of Ban Ki-moon, the UN General Assembly approved funding for additional staffing capacity for the Office of the Special Adviser on the Prevention of Genocide. Since Luck’s appointment, he has taken concrete steps towards the development and operationalisation of RtoP. In January 2009 for instance, Ban Ki-moon released a UN report on the implementation of RtoP. This report was the outcome of Luck’s intense consultations with various advocacy NGOs, UN departments and academic research centres. The UN Secretary-General’s report on the implementation of RtoP contains four programmatic areas namely: capacity building; early warning and assessment; timely and decisive response, and collaboration with regional and sub-regional organisations [UNSG 2009]. In addition, Ban Ki-moon has demonstrated a deep desire to improve the UN record on civilian protection. In February 2011, he gave a Cyril Foster lecture on Human Protection and the 21st Century United Nations at Oxford University [Ban Ki-moon 2011] that reinforced his commitment to promote RtoP. It also demonstrated the strong collaboration that exists with the UN’s determination to work closely with academic institutions for the promotion of RtoP agendas.

Civil Society Activism and Advocacy

There has also been the persistence of strong advocacy by civil society groups on RtoP since its inception following the launch of the ICISS report. In January 2009, the International Coalition for RtoP [ICRtoP] was established, composed of NGOs from both Western and non-western societies. It aims to “bring together NGOs from all regions of the world to strengthen normative consensus for RtoP, further the understanding of the norm, push for strengthened capacities to prevent and halt genocide, war crimes, ethnic cleansing and crimes against humanity and mobilise NGOs to push for action to save lives in RtoP country-specific situations” [ICRtoP 2009]. The West Africa Civil Society Institute (WACSI) is a member of the ICRtoP and has demonstrated its commitment to educate, publicise, propagate and promote the RtoP norm across the region through periodic training targeted at CSOs and other advocates. All these initiatives are evidence that RtoP is a significant norm with real potential for preventing and ending conflict-related “mass atrocities once and for all” [Evans 2008].

Despite the aforementioned achievements on RtoP, there have also been some setbacks and challenges in sustaining momentum, building upon and most importantly practising RtoP. Most of these difficulties predate the 2005 UN
endorsement of RtoP and are still prevalent in the discourse on the norm. The following are some of the difficulties encountered in the promotion and practice of RtoP:

- The imperialist charge against RtoP
- Improper usage of the meaning and function of RtoP
- Limited political will and selectivity of the UNSC
- Resistance to RtoP by other UN bodies

**RtoP as an Imperialist Concept**

Critics of humanitarian intervention have consistently argued that powerful states could use it as a tool to dominate weak states – an argument upheld by RtoP critics. One of the most vocal critics of RtoP is Noam Chomsky (2008) who described it as a new form of humanitarian imperialism. Similarly, Mahmood Mamdani describes the RtoP as a modern colonialist tool that confers legitimacy on powerful states to exercise the “right to punish” (2009, 271). His argument is specifically linked to the powers of the International Criminal Court and its connection with RtoP. Further, Mark Duffield (2007) has suggested that a distinctive feature of RtoP is that it offers a bio-separation of the insured from the uninsured peoples of the world. The former refers to citizens of industrialised societies while the latter refers to peoples of developing countries. These criticisms against RtoP are not new in the discourse on intervention in International Relations.

**Improper Usage of the Meaning and Function of RtoP**

Following the May 2008 outbreak of Cyclone Nargis in Burma and the reluctance of the Burmese government to allow foreign aid workers into that country, France’s Foreign Minister Bernard Kouchner invoked RtoP as the basis for the international obligation for the delivery of humanitarian aid even without the consent of the Burmese government. This was heavily criticised because he extended the application of RtoP to natural disasters and reinforced its conceptual linkage with forcible military intervention [Cohen 2008]. A more disturbing trend is how RtoP language has been misused to justify military intervention. In August 2008, Russia carried out a military operation in Georgia. This military intervention was partly justified by evoking RtoP language. In an interview with the BBC, Sergey Lavrov, Russia’s Foreign Minister expressed that Russia acted out of the necessity of exercising its responsibility to protect. Lavrov (2008) stated:

> ...there is a responsibility to protect – the term which is widely used in the UN when people see some trouble in Africa or in any remote part of other regions. But this is not Africa to us, this is next door. This is the area, where Russian citizens live. So the Constitution of the Russian Federation, the laws of the Russian Federation make it absolutely unavoidable to us to exercise the responsibility to protect.

Interpreting RtoP too broadly (to include natural disasters) or too narrowly (as military intervention) misrepresents the meaning and functions of the concept. As stated in training session two, RtoP is specifically meant to prevent and respond to the four crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. It is also based on three main pillars (Ask participants to remind themselves of the three pillars as discussed in training session three).
UNSC Members: Political Will and Selectivity

All too often, the international community has failed to effectively respond to crimes that shock humanity. One of the primary reasons for this failure is the lack of consensus on how to respond to potential or actual mass atrocities especially by the permanent UNSC members (France, UK, Russia, China and the US). The politics within the UNSC, often polarised between pro-intervention states like the UK and France and anti-intervention states like China and Russia, has impacted on how the UNSC members have embraced and implemented RtoP. For instance, even though the passage of UNSCR 1674 was a significant step for promoting RtoP, there were considerable contestations, negotiations and compromises around earlier drafts of that resolution. China and Russia especially remained very sceptical about 1674. In the end, although that resolution was successfully passed, it was watered down considerably in order to accommodate the concerns expressed by China, Russia and even the US [Bellamy 2009; 133-139]. One year after the passage of UNSCR 1674, reluctant state supporters for RtoP, like China, receded in their support. China suggested that “there are still differing understandings and interpretations of this concept among Member States. The Security Council should therefore refrain from invoking the responsibility to protect...” [quoted in Bellamy 2009, 138]. Indeed, such statements reinforce the UNSC’s attempt to weaken, delay and perhaps undermine RtoP [Okeke 2010]. In contrast, the recent crisis in Libya resulted in a swift and decisive response of the international community, notably through the passage of UNSCR 1973 imposing a no-fly zone in Libya. This initiative was led by France, the UK and the US. There are other cases like the crises in Sri Lanka, Burma, Kyrgyzstan or Gaza that have continued to lack such decisive response by the UNSC. These examples demonstrate the charge of selectivity against the UNSC on its response pattern to potential and actual mass atrocities.

Resistance by Other UN Bodies

Surprisingly, some other UN bodies have expressed some level of resistance against RtoP. It is not unusual for staffs across UN departments such as UNDPKO and OCHA to express some level of opposition when attempts are made to link their activities with RtoP. This is because of the impression that RtoP is a state-led agenda driven primarily by UN member states. Also, there are concerns that RtoP will draw limited resources away from various UN departments and programmes without contributing any additional value [Bellamy 2010, 148]. Even where there is a meaningful contribution of RtoP to UN peace and security agendas, there is also a possibility of resistance from other UN member states. For example, despite the important contributions made by the 2007 UN Human Rights Council’s High-level Panel on Darfur, some UN member states questioned the legitimacy of the report, prevented deliberations of its findings [Bellamy 2010, 146] and prematurely dissolved the panel. This pattern of resistance has significantly prevented the robust application of RtoP.

RtoP in Action: Sudan, Kenya, Côte d’Ivoire and Libya

RtoP has been evoked in several potential and actual crises around the world. The cases of Kenya, Sudan (Darfur and South Sudan) and more recently, Côte d’Ivoire and Libya, are significant in the debate and practice on the RtoP. Importantly, these cases demonstrate the progress and disappointments encountered in the effective
delivery of the RtoP. The international response to the post-election violence in Kenya is often regarded as a success story and an example of the implementation of non-military measures in the RtoP framework. On the other hand, the unfolding tragedy of the Darfur crisis and the ineffective international response has been cited by some as evidence of the gap between rhetoric and practice of RtoP. The recent cases of Côte d’Ivoire and Libya also demonstrate the potential challenges of implementing RtoP. These cases are explained subsequently.

SUDAN (DARFUR AND SOUTH SUDAN)

In 2003, violence erupted in Darfur, the westernmost part of Sudan. Rebel movements notably the Justice and Equality Movement (JEM) and the Sudan Liberation Movement (SLM) attacked government military garrisons in the towns of Golu (February) and Tine (March) killing over 200 soldiers in both attacks. According to rebel sources, these attacks were to demand an end to the historical neglect, imbalance and unequal distribution of political and economic resources by the national government. The Government of Sudan (GoS) responded to these attacks with disproportionate force, impunity and without discrimination [HRW 2004; Flint and De Waal 2008]. It used airpower, the army and allied militia groups notably the “Janjaweed” to execute the war in Darfur. This pattern of conflict is not new to Darfur and to the Sudan in general. Within Darfur, there have been numerous conflicts caused and perpetuated by deliberate government policies. For example, the so-called Arab-Fur conflict (1987) was exacerbated by the GoS because of its support to the Baggara tribe. The long-running civil war in Southern Sudan between the GoS and the SPLM/A (1983-2005) is also a worthy example of the historical pattern of conflict between the GoS and Sudan’s regions.

The 2003 escalation of violence in Darfur however gained considerable international attention within a short period. This was perhaps because of the scale and intensity of the violence over that period. Actual estimates of war-related deaths and displaced civilians in Darfur remain contested [Coebergh 2005; Hagan et al. 2005; Reuters 2005; Reeves 2006; UK House of Commons 2005; US State Department 2005]. A recent study however estimates about 300,000 deaths and almost 2.5 million displaced persons in Darfur between 2003 and 2008 [Degomme and Guha-Sapir, 2010]. The timing of the eruption of violence in Darfur also coincided with the tenth anniversary of the 1994 Rwandan Genocide. Most international attention and advocacy tended to draw parallels between the Rwandan genocide and the pattern of violence in Darfur. Significantly, there were calls by some advocacy groups; the Save Darfur Coalition noticeably sought to put pressure on the international community to respond more forcefully in Darfur. Yet, the Darfur case has been repudiated as a test case for RtoP. This is because policy makers, primarily Edward Luck, have insisted that it would be unfair to label the Darfur crisis as a test case for RtoP because the crisis commenced before RtoP was endorsed by the international community. The case of South Sudan provides a more appropriate illustration on how RtoP has been implemented to prevent mass atrocities.

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8 The 2004 Human Rights Watch report on Darfur was one of the earliest and most detailed analyses of mass killings, executions and other forms of violence against civilians by the government of Sudan and its allied Janjaweed militia.
The 21-year civil war between the Sudan People's Liberation Movement (SPLM) and the Government of Sudan ended formally upon the signing of the 2005 Comprehensive Peace Agreement (CPA). A main provision of the CPA was the conduct of a referendum for the independence of South Sudan five years after the agreement. On 9 January, a referendum overwhelmingly voted in favour of the independence of South Sudan, which was to come into force on 9 July 2011. At the same time, there are still some unresolved security issues, especially the indefinite postponement of a referendum in Abyei over a lack of consensus on voter eligibility.

Some of the steps that have been taken to support South Sudan and Darfur and prevent the further escalation of violence in both regions include:

- Civil society organisations have continued to raise concerns over the unresolved security concerns in South Sudan and Darfur.
- UNMIS (UN Mission in Sudan) and UNAMID (UN/AU Mission in Darfur) have attempted to protect civilians on the ground, but there are still visible operational challenges to their mandate especially in regards to limited operational capacity.
- The UNSC has continued to support peace talks for Darfur and has pledged to provide assistance in South Sudan.
- Luis Moreno-Ocampo, the former ICC Prosecutor continued to put pressure on the government of Khartoum and formally issued arrest warrants against individuals including President Omar Bashir because of allegations of mass atrocities in Darfur.

KENYA: A VICTORY FOR THE IMPLEMENTATION OF RtoP

In December 2007, violence broke out across Kenya following the disputed outcome of the country's presidential elections. There were disputes over the election results which re-elected Mwai Kibaki as president. Supporters of Raila Odinga, the main opposition presidential candidate resorted to violent protests against the Kibaki-led government. Within weeks, over 1,500 deaths were recorded and about 300,000 persons became displaced (Bellamy, 2010). The AU responded to the post-election violence in a relatively timely and decisive manner. First, it coordinated diplomatic efforts of eminent persons led by Kofi Annan, the former UN Secretary-General Ban Ki-moon. These diplomatic efforts were also strongly supported by the UN Secretary-General. The panel of eminent persons successfully brokered a power-sharing agreement between Kibaki and Odinga. Without such a timely response, there was a possibility of the escalation of large-scale mass atrocities. Many RtoP advocates have after the fact praised the international response to the post-election violence in Kenya as a successful example of the implementation of RtoP. For example, Kofi Annan stated that he,
Saw the crisis in the RtoP prism with a Kenyan government unable to contain the situation or protect its people. I knew that if the international community did not intervene, things would go hopelessly wrong. The problem is when we say “intervention”, people think military, when in fact that’s a last resort. Kenya is a successful example of RtoP at work (cited in Cohen, 2008).

It is impossible to judge whether the international community, specifically the UNSC, could have authorised more coercive measures to prevent large-scale mass atrocities if diplomacy had failed. However, the diplomatic efforts in Kenya demonstrate the value of exercising preventive RtoP in a timely and decisive manner and the crucial role of regional organisations.

Côte d’Ivoire is a West African state bordering Liberia, Guinea, Mali, Burkina Faso, Ghana and the Gulf of Guinea. It is often regarded as a post-conflict state because of the civil war that erupted in 2002 and reignited briefly in 2011. The main driver of this war was the exclusion of Alassane Ouattara from the 2000 presidential elections by then incumbent President Laurent Gbagbo’s government. Ouattara, the main opposition presidential candidate, was perceived as representing the largely poor muslim population of northern Côte d’Ivoire. Following the war, the UN established the UN Operation
in Côte d'Ivoire (UNOCI). After repeated breaches of successive peace agreements (notably the Linas-Marcoussis and Accra III accords), the 2007 Ouagadougou Peace Agreement was signed which notably called for presidential elections in 2008. The electoral process was delayed until 31 October 2010 when the presidential ballot finally held between Gbagbo, incumbent President at the time and Ouattara. The latter was declared winner but Gbagbo refused to accept this electoral mandate. Violence erupted between supporters of both men, leading to a severe humanitarian crisis. It is estimated that over 1000 deaths and more than 500,000 IDPs resulted after more than five months of violence. On 11 April 2011, Ouattara was installed as the newly elected president by forces loyal to him with the support of UNOCI and the French military following the arrest of Laurent Gbagbo.

The use of force to oust Gbagbo is just one of the broad range of measures adopted by different international actors that reflect the implementation of RtoP in Côte d'Ivoire. The responses of three main actors, the UN, AU/ECOWAS and civil society, are reviewed below. The collective role of these actors continues to be significant in advancing the implementation of RtoP in Côte d'Ivoire.

**United Nations**

- Francis Deng, Special Adviser to the UN Secretary-General on the prevention of genocide and Edward Luck, Special Adviser to the Secretary-General on RtoP issued two joint statements on human rights violations in Côte d'Ivoire.9
- The UNSC took various steps such as the renewal of UNOCI's mandate as contained in UNSC Resolution 1962 and the passage of UNSC Resolutions 1962 (2010) and 1975 (2011) which, among other things, mandated targeted sanctions against Gbagbo and his allies and the use of “all necessary means” by UNOCI to protect civilians. The EU and US subsequently lodged financial sanctions against Laurent Gbagbo and his wife Simone Gbagbo.
- UN Secretary-General Ban Ki-moon issued a statement on 4 April 2011 expressing concerns on the deteriorating security situation in Côte d'Ivoire.

The International Criminal Court through the Office of the Prosecutor (OTP) issued a statement on 6 April 2011 indicating that the OTP had begun preliminary investigations into accusations of crimes of mass atrocities in Côte d’Ivoire.

AU and ECOWAS

- On 5 December 2010, Thabo Mbeki former South African President and Kenyan Prime Minister Raila Odinga held talks with Laurent Gbagbo and Alassane Ouattara.
- On 28 January 2011, The AU Peace and Security Council established a High-level Panel to find solutions to the crisis in Côte d’Ivoire. This panel released a Communiqué on 4 March 2011 underscoring the need to halt violence.
- Former Nigerian President Olusegun Obasanjo was appointed by ECOWAS as an envoy to Côte d’Ivoire. ECOWAS endorsed a strong UNOCI contingent and sanctions against Gbagbo.

Civil Society

Civil society groups roundly condemned the human rights violations in Côte d’Ivoire. Organisations like Amnesty International, Human Rights Watch, International Crisis Group and the International Federation of Human Rights used different media outlets to repudiate the abuses committed by both parties to the violence. Some of these statements and publications denouncing the violence are listed below:

- Various local and international civil society organisations have continued to monitor the situation in Côte d’Ivoire, especially following President Ouattara’s declaration on the establishment of a Truth and Reconciliation Commission.

THE LIBYAN CRISIS AND RtoP

At the time of preparing this training toolkit (June 2011), pro-Ghaddafi forces and militias were still waging violence against civilian populations and NATO military bombing was ongoing. Exact numbers of deaths, refugees and IDPs are uncertain because of the fluid nature of the crisis. However, the UNHCR reports that over 320,000 civilians fled to neighbouring countries.

The crisis in Libya began on 14 February 2011 when unarmed protesters took to the streets to demand an end to the 41-year dictatorship of Muammar Ghaddafi. In response, Ghaddafi and his inner circle (notably his sons) deployed the national army and contracted mercenaries neighbouring countries to suppress the popular
protests. He also threatened to cleanse Benghazi of civilians resisting his authority. He stated that his forces would “show no mercy and no pity on them” (www.reuters.com). These protesters quickly resolved to defend themselves by taking up arms against pro-Ghaddafi forces. Also, an interim opposition government was formed on 26 February 2011, led by Mustafa Abdul Jalil, a former Justice Minister under Ghaddafi regime but who broke ties with it because of its disproportionate use of force against the Libyan people. This opposition government has so far received international recognition from states such as France and Qatar and further support from organisations like the EU. The following steps have been taken thus far by the international community to prevent large scale atrocities by the Ghaddafi regime against its population.

United Nations

- The Human Rights Council suspended Libya’s membership and further expressed concerns about enforced and involuntary disappearances of hundreds of civilians in Libya.
- The UNSC member states passed two landmark resolutions on Libya. Resolution 1970 (2011) reiterated “the responsibility of the Libyan authorities to protect the Libyan population” (UN 2011). It also referred the Libyan crisis to the International Criminal Court (ICC) for investigation. ICC Prosecutor Luis Moreno-Ocampo began preliminary investigations and presented his initial findings to the UNSC between 2 and 5 May 2011. Resolution 1973 (2011) significantly imposed a no-fly zone and the use of all necessary means to protect civilians. It received the votes of three African states (Gabon, Nigeria and South Africa) that are currently serving as non-permanent members of the UNSC. The no-fly zone was effectively enforced by France, Britain and the US with support of Qatar on 19 March 2011. This mandate has now been transferred to the North Atlantic Treaty Organisation (NATO).

The African Union and the Arab League

- The AU established a High-level Panel to facilitate dialogue between the parties to the conflict in Libya. These Panel members met with Libyan government officials on 25 March 2011. The outcome of the dialogue was a roadmap for a political solution to the crisis in Libya. The Ghaddafi regime rhetorically agreed to the planned roadmap to peace and agreed to hold talks with opposition members.
On 31 March 2011, the African Court on Human and Peoples’ Rights declared that there have been gross violations of human rights perpetrated by the Ghaddafi regime.

The Arab League was instrumental in calling for the imposition of a UN sanctioned no-fly zone in Libya. This call was contained in the outcome of the extraordinary session led by members of the Arab League on 12 March 2011.

Civil Society

There has been an enduring and persuasive response from civil society organisations, media commentators and expert analysts on the crisis in Libya. This has significantly sustained international attention on the Libyan crisis. Organisations like Human Rights Watch, ICRtoP, International Crisis Group and several more have used various outlets to inform and lead advocacy against the atrocities in Libya. Examples of some articles on the crisis in Libya include the following:


Further, a plethora of op-eds and articles by some expert RtoP analysts have discussed the Libyan crisis through the lens of RtoP (For example, Evans 2011; Dunne 2011; Thakur 2011; Bellamy 2011a; Luck 2011; Adebajo 2011). These forms of debate have contributed to the education, discourse and activism on what are appropriate tactics to be implemented in the RtoP framework.

Conclusion

This training session provided an assessment of RtoP since its 2005 UN endorsement. It is clear that RtoP has received global support. This is evident especially in the sustained civil society and UN advocacy and leadership in the development and practice of the norm. At the same time, there are still some problems associated with RtoP, particularly in relation to the politics within the UNSC on how to translate the norm from theory to effective practice without selectivity. Limited political will has significantly impacted on the practice of RtoP. The patterns of international response to the crises in Sudan, Kenya, Côte d’Ivoire and Libya are significant indicators that RtoP serves as an important framework for preventing and ending mass atrocities. There is, however, still a need for sustained engagement and consistency of application with RtoP.

Reflective questions

1. How can UN member states overcome the possibility of a lack of political will in the implementation of RtoP in a specific case?
2. Is RtoP working in Africa?
3. What is the future of RtoP?
Session 07
Civil Society and the Promotion of RtoP in West Africa

TRAINING OBJECTIVES
- To elaborate upon the nexus between activities of civil society organisations and the implementation of RtoP
- To identify specific roles of civil society organisations in achieving RtoP

TRAINING RESOURCES
- Markers, flipcharts and projector (optional)

DURATION
- 125 minutes

METHODOLOGY
- Oral presentations, questions and mini-lecture

GROUP WORK (ORAL PRESENTATIONS)
Participants should be requested to do oral presentations of the activities of the organisations they represent. Importantly, participants should identify how the activities of their various organisations could contribute to the protection of population from mass atrocities. This oral presentation is also an opportunity for trainers to evaluate how well participants have grasped the various elements of RtoP discussed in previous training sessions.

Importance of Civil Society in Promoting RtoP in West Africa
Civil society organisations have been described as one of the most important actors in the promotion and practice of RtoP. Aning and Atuobi (2009) underscore the importance of partnership between regional and sub-regional civil society organisations and the UN in the promotion and practice of RtoP. Such collaboration is not limited to West Africa but rather applies to the global promotion of RtoP. Makumbe (1998, 305) defines civil society, which also includes some academia and media, as “an aggregate of institutions whose members are engaged primarily in a complex of non-state activities—economic and cultural production,
voluntary associations, and household life—and who in this way preserve and transform their identity by exercising all sorts of pressures or controls upon state institutions”.

Civil society has assumed significant responsibilities for the protection of civilians through human rights monitoring, providing humanitarian assistance and peacebuilding for many decades. Since the introduction of RtoP in 2001 and its unanimous acceptance by the world government at the 2005 World Summit, civil society groups across the globe have endorsed the norm as an important element for the enhancement of these efforts. CSOs have supported advocacy efforts to raise levels of awareness and acceptance of RtoP.

In recent times, however, what is required is for civil society to intensify its awareness raising on this historic commitment. CSOs need to develop strategies targeted to inform their governments, regional organisations and other inter- and non-governmental organisations about the endorsement of RtoP at the 2005 World Summit. There are some specific roles that CSOs in general can play in the implementation of RtoP. They include the following:

1. **Opening understanding**: CSOs are important actors in providing education to governments, media and academics on the meaning, development and practice of RtoP. This will help clarify some misrepresentations of the RtoP framework.

2. **Monitoring and documentation**: Most CSOs have taken the lead on monitoring and documenting mass atrocities where and when they occur. The activities of organisations like Amnesty International, Human Rights Watch, International Crisis Group, Oxfam and several others are notable examples.

3. **Research and policy development**: There is always a need to further knowledge through research and policy development. Think-tanks like the Global Centre on the RtoP and the Journal of the Responsibility to Protect are illustrative of efforts that are being made to deepen RtoP research and policy agendas.

4. **Mediation, negotiation and dispute resolution**: CSOs often lead mediation activities and are better able to negotiate and resolve disputes, especially at the community or local level. Numerous women’s organisations, for example, have provided support to local communities on how to diffuse potential or actual disputes.

5. **Advocacy**: This is one of the most important roles of CSOs. It includes calling for action, holding government accountable, lobbying government to embrace and endorse human rights legislations and calling for the establishment of focal points on RtoP within States.

6. **Training**: CSOs also provide training to various groups on civilian protection and physical protection both during conflict and peace times.

7. **Building support**: CSOs can broaden the constituency of support for RtoP in various ways, including through media interviews, new or social media such as Facebook, Twitter and other platforms, dialogues among CSOs and the development and implementation of projects and programmes within organisations.
**How Can Civil Society Groups in West Africa Contribute to RtoP?**

Civil society organisations can contribute to RtoP in the following ways:

1. **Build a regional civil society network on RtoP** with the overall goals to consult, mobilise and join forces with other civil society groups and networks worldwide to further promote RtoP within the international community.

2. The regional network should create a functional RtoP secretariat to coordinate and harmonise members’ activities in order to operationalise the RtoP doctrine effectively and efficiently across West Africa.

3. The network should conduct regular consultations on RtoP to educate, inform and analyse how RtoP applies to conflicts in the region and the world at large.

4. Publicly endorse RtoP principles by making statements supporting them in public communications, conferences and workshops.

5. Identify and build networks of NGOs, community-based organisations (CBOs), faith-based organisations (FBOs), academics, and other relevant groups in the region with an interest in incorporating and projecting the RtoP doctrine in and through their work.

6. Raise awareness at the community, national and regional levels by reaching out to respective representatives of women, youth and faith groups that governments committed to the RtoP principles at the 2005 World Summit. Civil society stands to generate much more widespread understanding and support for RtoP in order for it to become a global household term. Engaging in a massive campaign with the slogan “Never again!” will keep the RtoP norm on the global security agenda as a matter of operational practice, rather than just a norm.

7. Organise workshops, seminars, public lectures, training programs and publications targeted at augmenting the existing knowledge on RtoP in the region, as well as build the skills of other CSOs, especially at community levels, to enable them identify when a crisis is reaching a RtoP threshold and empower them to mobilise around such situations.

8. Engage in constant advocacy by lobbying and briefing national and ECOWAS parliamentarians and parliamentary committees around specific resolutions or initiatives e.g., since ECOWAS has urged for a relationship with civil society, notably through the Conflict Prevention Framework (ECPF), groups should create a symbiotic relationship with ECOWAS to access and lobby key representatives.

9. CSOs should tactically base advocacy on existing traditional norms, regional conventions and protocols to highlight that RtoP is not a new concept (i.e. Article 4 of the African Union Constitutive Act and the Resolution on RtoP at the African Commission on Human and Peoples’ Rights).

10. Call on governments to domesticate RtoP by emphasising the cultural values of African collective responsibility that are inherent to the norm.

11. Systematically link their advocacy strategies with early warning and early
response activities in order to emphasize the importance of prevention at the heart of RtoP.

12. Channel advocacy through various media including the Internet, offering forums for discussion on information sharing and social networking websites such as Twitter and Facebook.

13. Consider building media capacity to project RtoP issues and work with media to sensitise the general public to join movements and initiatives calling on their governments to fulfill their RtoP engagements.

Conclusion
This training session underscored the roles of CSOs in the implementation of RtoP, especially in West Africa. It identified the existence of continued partnership between CSOs and relevant regional and sub-regional governmental organisations in Africa. It also provided a catalogue of ways in which CSOs can help implement RtoP, again with a focus on West Africa. The most significant part of this training session is to listen to the views of participants on how to advance RtoP in West Africa through the activities of different CSOs. Despite being a powerful driving force for the concept in West Africa, CSOs still face some extant challenges, especially in the areas of funding, technical capability and limited resources for advocacy work on RtoP. It is therefore important that they continue to forge strong collaborations with international partners in order to advance the goals of RtoP in Africa and West Africa in particular.

Reflective questions
1. What does RtoP mean to CSOs in West Africa?
2. What are the strengths of CSOs in the implementation of RtoP in general and West Africa in particular?
3. What challenges do CSOs face in the promotion and development of RtoP in West Africa?
4. Are there lessons that can be drawn from the activities of CSOs in the promotion of RtoP?
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References


