The Right to Protect, not the Responsibility to Protect, in Africa

Abstract

Studies on the use of force have subsumed the right of intervention under Article 4(h) of the Constitutive Act of the African Union (AU) under the responsibility to protect (R2P). The approach reflects a commitment to the international security concept of global multilateralism. The puzzle is that the approach does not account for official AU policy objecting to R2P, as revealed in the Ezulwini Consensus, presentations by AU officials, and AU communiqués rejecting the UN Security Council-authorized use of force in Libya. This study embraces the international security concept of regional multilateralism and conceptualizes Article 4(h) as the *right to protect* concept: *the distinct Africa-engineered security model of using force to prevent genocide and atrocity crimes*. Official records show the right to protect conveys a unique African rationale: a *bold legal structure sustaining African primacy on the use of force for genocide and atrocity crimes prevention in the international system*.

Introduction

The UN General Assembly endorsed the responsibility to protect (R2P) concept in 2005. Initially developed by the Independent Commission on Intervention and State Sovereignty (ICISS) in 2001 and later incorporated into the 2004 report of the UN High-level Panel on Threats, Challenges and Change, the R2P concept shifts the responsibility to prevent genocide or mass atrocities, namely war crimes, crimes against humanity, and ethnic cleansing, from states to the international community when the former is unable or unwilling to do so. Underscoring R2P's unclear implications, UN Member States "stress the need for the General Assembly to [its] continue consideration" (United Nations 2005, para 139). The UN Secretaries-General has issued reports (especially United Nations 2009) setting the tone and parameters for further deliberation of R2P. Scholars (such as Evans 2009; Bellamy 2010; Thakur 2016) have contributed to advance the debate. Pertinent insights have emerged: R2P involves a range of tools – from diplomatic to brute force instruments – and, more importantly, gravitational pull towards the regions. As former UN Secretary-General Ban Ki-moon put it in a report to the General Assembly and the Security Council, "The responsibility to protect is a universal principle. Its implementation, however, should respect institutional and cultural differences from region to region. Each region will operationalize the principle at its own pace and in its own way" (United Nations 2011, para 8). Ban Ki-moon's claim of universality may be disputable, but the essential point is R2P's regional relevance.

Studies on R2P in Africa are diverse, so I grouped them into two broad categories to ease understanding: 1) the peace-development/governance dimension and 2) the peace-security dimension. First, the peace-development/governance dimension involves research that focuses on structural problems facing the region and the required institutional reforms to address such issues. Prominent scholars and policymakers include Adekeye Adebajo, Helen Scanlon, and Kofi Annan. In the edited volume *A Dialogue of the Deaf*, Adebajo and Scanlon (2006, 4-5)

explored global issues as they relate to Africa, specifically 'Africa's stake in the "responsibility to protect".' One principal conclusion was that 'In Africa, peace and development must go hand in hand if the "responsibility to protect" is to make a difference' (Scanlon 2006, 281). Kofi Annan highlighted the governance dimension in his memoir *Interventions* when discussing how an R2P perspective influenced the African Union (AU) mediation in Kenya. Reflecting on the "Half A Million Rwandan Ghosts," Annan argued for "A future of peace and stability through institutions for good governance" (Annan 2012, 184, 205). Lastly, in a Briefing Paper for the journal *African Conflict and Peacebuilding Review*, Ifediora (2016b) elaborated in greater detail on the governance dimension, outlining the nexus between the African Governance Architecture and R2P. For these scholars and policymakers, governance and development are dimensions of Africa's "own way" of considering the relevance of R2P in the region.

Second, studies on the peace-security dimension constitute the bulk of research on R2P in Africa where the focus has been on the African Peace and Security Architecture (APSA). Here, there are two broad research streams. The first stream involves research (such as Scanlon, Eziakonwa, and Myburgh 2007; Ifediora 2016a) that explores capacity building and the use of diplomatic tools like mediation, including the use of coercive mechanisms, such as the threat or use of sanctions and military instruments, to support mediation efforts. In particular, Scanlon, Eziakonwa, and Myburgh (2007, 8-9) note that 'The "responsibility to protect" … could be better applied in Africa through capacitating regional organizations' to perform what they described as 'stronger mediation,' what mediation scholars (Touval 1992; Kleiboer 2002) call "power mediation," which entails addressing 'the problems of lack of military capacity in a difficult intervention situation.' Likewise, Ifediora (2016b, 293) stresses that "a regional responsibility to protect" in Africa requires a surge in diplomacy through "greater mediation," which involves the idea of "preventive arbitration" to be undertaken by the AU Peace and

Security Council at the earliest stages of potentially violent conflicts that may slide into genocide or atrocity crimes. These studies point to Africa's "own way" of considering R2P.

The second stream in the peace-security dimension involves research (such as Murithi 2007; Atuobi and Aning 2009; Williams 2009; Sarkin 2010; Mwanasali 2010; Kuwali and Viljeon 2014; Aning and Edu-Afful 2016; Aning and Okyere 2016; Adigbuo 2019) that also highlight capacity-building for African-led peace missions and, crucially, speak more directly to the use of force pursuant the AU's right of intervention under Article 4(h), which is Africa's legal regime that deals precisely with the use of force for the prevention of genocide and atrocity crimes, namely war crimes and crimes against humanity. This second research stream casts Article 4(h) as an addendum to the R2P concept. For instance, Kuwali and Viljeon (2014, 2) stress that "R2P is here understood as a broader circle within which Art 4(h) is an element." Aning and Edu-Afful (2016) highlight "African agency in R2P," using the case of Libya as an example. Murithi (2007) argues that Article 4(h) enshrined R2P. The central logic driving this research stream is the idea of subsuming Article 4(h) under the R2P concept. The underlying theory is the compatibility between R2P and the AU's right of intervention. This assumption is based on a commitment to the international security concept of global multilateralism, which argues that regional organizations under Chapter VIII of the UN Charter like the AU must abide by UN values and principles and should make rules that are in line with those created by the UN (Thakur and Langenhove 2006). This theory of compatibility suggests that Africa is irrevocably bound to global multilateralism and R2P as if Africa's "own way" does not exist or matter. This conceptual tendency limits the imagination of Africa's "own way" of considering R2P and the use of force under Article 4(h).

The puzzle of the theory of compatibility is that official AU policy on the use of force and R2P, as reflected in the Ezulwini Consensus on UN Reform (African Union 2005), public presentations on R2P by senior AU officials (especially Ping 2009), and AU decisions and

communiqués (African Union 2011a,b) rejecting the UN Security Council's attempt to implement R2P in Libya, underline Africa's objection to R2P. Take one quick example, during the civil war in Libya in 2011, the UN Security Council adopted resolution 1973 authorizing "all necessary means," which includes the use of force, to prevent genocide and atrocity crimes with references to R2P. The AU Peace and Security Council adopted a communiqué in response noting Africa's "rejection of any foreign military intervention" and instead mandated mediation by the "AU ad-hoc High-Level Committee" (African Union 2011a, 6, 8). Also, the AU Assembly, comprising the Heads of State and Government of the Member States, demanded an "immediate pause to NATO-led air campaign" (African Union 2011b, 5). In essence, the theory of compatibility between the right of intervention and R2P with the commitment to the international security concept of global multilateralism in the study of R2P in Africa does not account for official AU policy opposing R2P, and neither does the theory advance Africa's "own way" regarding the use of force on the continent.

This study explores this puzzling contradiction between official AU policy and the compatibility theory of R2P in Africa. The exploration is guided by the following questions: What explains the AU's opposition to R2P, as reflected in the Ezulwini Consensus, public presentations by senior AU officials, and AU decisions and communiqués rejecting the UN Security Council-authorized use of force in Libya? What are the implications for future cooperation between the AU Assembly/Peace and Security Council and the Security Council regarding the use of force for the prevention of genocide and atrocity crimes? What is Africa's "own way" of considering R2P in the context of the use of force?

To answer these questions, this study embraces the international security concept of regional multilateralism (especially Hettne and Söderbaum 2006; see also Ikenberry 2015) that stresses originality and distinct logic driving the rules and doctrines created by regional organizations. It advances a conceptual understanding of the AU's right of intervention by

conceptualizing Article 4(h) as the *right to protect* concept: *The distinct, original, preeminent Africa-engineered security model of the use of force for the prevention of genocide and atrocity crimes in the international system.* This conceptual advancement follows an exploration of the histories, rationales, and processes that led to the emergence of the concepts of the right to protect and R2P. Data are based on primary source materials, particularly AU policy instruments, such as the report of the International Panel on the 1994 Genocide in Rwanda; the Common African Position on the Proposed Reform of the UN (or the Ezulwini Consensus), adopted by the Executive Council of the AU in 2005 and subsequently endorsed by the Assembly also in 2005. The Ezulwini Consensus is the official AU policy on the use of force and R2P, which was Africa's response to the proposed UN reform, as outlined in the report of the UN High-Level Panel on Threats, Challenges and Change, which incorporated salient aspects of the ICISS report on R2P. Other primary sources of data include decisions, communiqués, and statements of the AU Peace and Security Council, and works of former senior AU officials such as the Chairperson of the AU Commission, the Legal Adviser to the AU, and the Commissioner for Peace and Security. In addition, data include pertinent UN policy documents, like reports of the Secretary-General, and resolutions and press releases/statements of the Security Council and the General Assembly.

This study finds that the compatibility theory of R2P in Africa is partially demonstrable. First, the concepts of the right to protect and R2P do indeed share a similar history of the reconciliation of state sovereignty with individual sovereignty, or more specifically, state sovereignty with military intervention for the protection of human rights. Second, the right to protect and R2P also share parallel objectives, involving the prevention of genocide, war crimes, and crimes against humanity, but unlike R2P, the right to protect does not cover ethnic cleansing. The compatibility theory is unprovable where it matters most. Despite these compatibilities, the right to protect conveys unique African rationales, which fall into two broad

dimensions: 1) African leaders intended to create an unquestionable legal structure for authorizing the use of force for the prevention of genocide and atrocity crimes and succeeded; 2) African leaders intended to establish primacy of the AU over decision-making on peace and security issues, especially in relation to the right authority for mandating the use of force for the prevention of genocide and atrocity crimes and succeeded. Now, the AU's policy is that Article 4(h) is the exclusive legal basis for mandating the use of force for the prevention of genocide and atrocity crimes in the international system and that the Assembly is the right authority. These findings explain why the AU opposes R2P and will likely reject any use of force outside Article 4(h), as the case of Libya shows.

The significance is that the right to protect and R2P are conceptually divergent security concepts. Neither concept can subsume the other because each offers an alternative path to the prevention of genocide and atrocity crimes in the international system and contributes exceptionally to the whole international security architecture. So, the existing conceptual approach of global multilateralism that seeks to incorporate the right to protect into R2P overlooked the conceptual implication of Article 4(h) and even obscured Africa's most outstanding contribution to the pluralist, diverse international security architecture, regarding the prevention of genocide and atrocity crimes. The practical and policy implications are that a) cooperation between the AU Assembly/Peace and Security Council and the UN Security Council on the use of force in the context of R2P is less likely, and b) cooperation between the Assembly/Peace and Security Council and the UN Security Council on the right to protect is more likely and should be explored, especially because the right to protect is a bolder concept than R2P. In short, there is presently no Africa's "own way" of considering R2P in the context of the use of force. The right to protect is Africa's way, and interested external partners should consider their stake and role in the implementation.

This article has two main sections. The first section reviews both the regional and global multilateralism leading to the reconciliation of state sovereignty with individual sovereignty. It highlights the shared history but different rationales that inspired the adoption of the right to protect and R2P concepts. The second section evaluates AU policy on R2P and shows that the AU opposes R2P as a legal basis for mandating the use of force for the prevention of genocide and atrocity crimes.

The Reconciliation of State Sovereignty with Individual Sovereignty

This section traces the shared history and objectives of the right to protect and R2P by reviewing the processes initiated by the Organization of African Unity (OAU) – now the AU – and the UN to reconcile state sovereignty with military intervention for human rights protection or as Annan (1991) put it, "individual sovereignty." The evaluation shows that while both processes succeeded in the reconciliation and produced the right to protect and R2P, the rationale for adopting each concept differs markedly. To frame the differences in the rationales, I employ the international security concepts of regional and global multilateralism. Accordingly, the review runs in two parts: The first part focuses on regional multilateralism and the right to protect. The second part centres on global multilateralism and R2P.

Regional Multilateralism and the Right to Protect

This subsection evaluates the OAU-led reconciliation of state sovereignty with individual sovereignty. It shows that African leaders had two main objectives underpinning the rationales for adopting Article 4(h): To create an unquestionable legal structure for the use of force and establish the Assembly as the right authority for mandating the use of force. I hold that the OAU-led regional multilateralism resulted in the definitive reconciliation of state

sovereignty with individual sovereignty: Article 4(h), the right to protect, as conceptualized in this study.

The concept of regional multilateralism encapsulates the idea that regional organizations, including in the context of Chapter VIII of the UN Charter, like the AU, create original rules, concepts, or norms for international security governance (Hettne and Söderbaum 2006; Acharya 2013; Ikenberry 2015). Particularly, as Hettne and Söderbaum (2006, 299-30) pointed out, regional and global approaches to international security governance may follow "competing logics," and regional rules may become more acceptable to the extent that such principles replace their global counterparts, thus:

> States and global organizations are being progressively locked into a larger regional and interregional framework in which "regions" are becoming the most relevant actors in the global security architecture. The ultimate outcome may be a "regional multilateralism" built around regional bodies such as ECOWAS [Economic Community of West African States], SADC [Southern African Development Cooperation], and the EU [European Union], as opposed to an "orthodox multilateralism" centered on the UN … *Regional multilateralism expresses the ambition of groups of states to control the global environment by pooling their sovereignties according to a post-Westphalian logic*, rather than relying on … the undemocratic plurilateralism ("false multilateralism") of the UN Security Council (emphasis added).

Regional multilateralism can lead to a credible alternative or complementary system of international security governance. Drawing on this insight, this study contextualizes the OAU-inspired regional multilateralism that cultivated the right to protect as established in Article

4(h). It shows the unique African rationales and aspirations that resulted in the right to protect security concept.

The OAU regional multilateralism was stimulated by the failure of the international community to prevent genocide in Rwanda in 1994. With the perception that the US-led North Atlantic Treaty Organization (NATO) intervened in Kosovo but not in Rwanda, African leaders initiated OAU reforms to create stronger structures and robust principles that would support the new Organization to intervene more effectively and prevent future genocides or atrocity crimes. For these purposes, African leaders were primarily motivated to ensure a stronger response in cases of genocide and atrocity crimes and the legality of military intervention in such situations (Kioki 2003). The reform process started with an OAU-authorized inquiry into the genocide in Rwanda.

In June 1998, the OAU Secretary-General, Salim Ahmed Salim, established the International Panel of Eminent Personalities (IPEP) to investigate the genocide in Rwanda and the surrounding events (OAU 1998; United Nations 1998). The mandate included:

> … to establish the facts about how such a grievous crime was conceived, planned and executed, investigate and determine culpability for the failure to enforce the Genocide Convention in Rwanda … and to recommend measures aimed at … preventing any possible recurrence of such a crime (IPEP 2001, 232).

In July 2000, IPEP released the report *Preventable Genocide*, noting that "problems of inadequate capacity" were a significant reason the OAU failed to intervene more efficiently. Therefore, IPEP recommended that:

> Since Africa recognizes its own primary responsibility to protect the lives of its citizens, we call on … the OAU to establish *appropriate*

> *structures* to enable it to respond effectively to enforce the peace in conflict situations (IPEP 2001, 224, 229), (emphasis added).

Although IPEP did not directly address the question of reconciling state sovereignty with individual sovereignty, the leaders of regional powers, namely South Africa, Nigeria, and Libya, submitted proposals on the question of human rights and military intervention during the Sirte summit on OAU reforms that began in September 1999. As Tieku's (2004) report on the negotiations noted, African leaders were driven by the notion of human security, the idea that the new Organization must centre activities around meeting the needs of the African people. South African President Thabo Mbeki proposed the "African Renaissance" concept, which argued for popular rule through a continental body inspired by the people's desires, like what is now known as "The Africa We Want" agenda (African Union 2013). Equally, former Nigerian President Olusegun Obasanjo submitted a similar proposal stressing human security and development as the fundamental basis for peace, security, stability, and development. These ideas formed the bedrock of the revised Conference on Security, Stability, Development, and Cooperation in Africa (OAU 2000). The point is that the idea of individual sovereignty was central to the OAU reform.

Pertinently, in his insightful analysis of the Sirte Summit, the former Legal Adviser to the AU Ben Kioki reported that the President of Libya Muammar al-Gaddafi presented the crucial proposal culminating in Article 4(h). Kioki (2003, 811-2) reported that "the necessity for the provision on intervention [Article 4(h)] was premised on the original proposal by Libya." He explained that Libya's proposal was "not about propping up unpopular regimes but [for obviating the] need for agreements with non-African states" on questions of military intervention. So, there are two central rationales for adopting Article 4(h): First, the logic of protecting individual sovereignty, which Kuwali (2010, 41) described as "a radical departure from … the principle of State sovereignty and non-intervention, the very cornerstones of the

erstwhile OAU." Second, the logic of excluding non-African actors like the UN Security Council in decision-making on the use of force. Thus, African regional powers planned to establish the AU Assembly as the right authority for the purpose of mandating the use of force for the prevention of genocide and atrocity crimes.

Kioki (2003, 815, 821) clarified the logic of excluding external actors in decision-making on the use of force: "When setting up the African Union, the heads of State thus intended to endow their continental organization with the necessary powers to intervene if ever the spectre of another Rwandan genocide loomed on the horizon," and so questions about "whether the [AU] could possibly have an inherent right to intervene other than through the Security Council were dismissed out of hand." So, African leaders discussed relations between the Security Council and the Assembly concerning the right to protect and decided that the former's dominant role in authorizing the use of force was immaterial. In other words, the Assembly's rejection of the use of force mandate in Libya and claim of primacy in decision-making was baked into Article 4(h), which provides for:

> The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.

In sum, the right to protect concept encapsulates unique African rationales: 1) African leaders' acceptance of their failure to prevent the genocide in Rwanda and the commitment to averting future occurrences; 2) African leaders' desire to create "appropriate structures." In its broader sense, the term "structure" includes tangible and intangible elements. So, Article 4(h) is a legal structure, the indisputable legal foundation for the use of force for the prevention of genocide and atrocity crime; 3) African leaders' ambition to establish the Assembly as the authority in relation to mandating the use of force.

Above all, the right to protect is quintessential of a successful regional multilateralism, the definitive product of OAU regional multilateralism. As Said Djinnit, then Chief of Staff to the OAU Secretary-General Salim Ahmed Salim and former AU Commissioner for Peace and Security, has noted, Article 4(h) emerged as a part of the "compromise institutional arrangement" adopted at the Sirte summit (Djinnit 2021). African leaders never envisioned subsuming the AU's right to protect under a non-existent UN concept – i.e., the R2P – that appeared later in 2001 and was endorsed much later by the UN General Assembly in 2005.

Global Multilateralism and R2P

This subsection reviews the UN-led global multilateralism to reconcile state sovereignty with individual sovereignty. The initiative succeeded and resulted in the R2P concept, based on the following three main rationales: 1) that the language of a "right to intervene" was unfashionable; 2) that the right authority is the Security Council; 3) that Chapter VII of the UN Charter is the legal basis for mandating the use of force, including for the prevention of genocide and atrocity crimes.

The international security concept of global multilateralism refers to processes at the global level through which a common understanding of threats to peace and security could emerge (Ruggie 1992; Barnett 1995; Kirchner and Sperling 2007). Applied to the UN system, the concept implies the dominance of UN institutions and rules, so that regional organizations, like the AU, would act as the agents of the UN and implement global principles. As Thakur and Langenhove (2006, 235, 237) explained, "the promise is that regional organizations become a primary locus for effective action to realize the ideals of [global] multilateralism," because "regional governance cannot substitute for the UN, particularly in promoting security and development in the world." By "the ideals of multilateralism," the authors mean norms, rules, and concepts developed through UN institutions, including understandings of state

sovereignty and individual sovereignty, as well as interpretations of concepts such as intervention and R2P.

The UN-led global multilateralism to reconcile state sovereignty with individual sovereignty began much earlier in 1991 with the report of then Secretary-General Javier Pérez de Cuéllar and was later galvanized in 1999 by Kofi Annan's initiative. The central question was under what circumstances should the international community, through the Security Council, intervene in the internal affairs of a sovereign state for the purpose of protecting human rights? As Pérez de Cuéllar outlined in his report to the General Assembly:

> The case for not impinging on the sovereignty … of states is by itself indubitably strong. But it would only be weakened if it were to carry implication that sovereignty … includes the right of mass slaughter … of civilian populations in the name of controlling civil strife or insurrection … It is possible that in the ongoing debate among legal experts and political theoreticians, new concepts may emerge and gain broad acceptance (United Nations 1991, 5).

De Cuéllar's prediction was prescient as the R2P concept emerged 10 years later in 2001, gaining wider acceptance through the UN General Assembly resolution in 2005.

The rejection of NATO's intervention in Kosovo in 1999 by China, Russia, and India, among others (United Nations 1999e) inspired a lively dialogue on resolving the tension between individual sovereignty and state sovereignty. In his address to the 54th session of the General Assembly, Kofi Annan framed the questions as problems of common understanding of when military intervention was necessary, thus: What is that common interest? Who shall define it? Who will defend it? Under whose authority? And with what means of intervention? (United Nations 1999c). These questions suggested that state sovereignty was just one hurdle to the use of force mandate for the prevention of genocide and atrocity crimes; other hurdles

included the issues of the right authority and the legal basis for authorizing the use of force. These issues informed the debate in the Security Council and the General Assembly (United Nations 1999a, b, d).

As it turned out, the Canadian contribution by sponsoring the ICISS in 2000 was the most remarkable outcome of the UN-led global multilateralism. The ICISS mandate involved finding "new ways of reconciling the seemingly irreconcilable notions of intervention and state sovereignty" and developing "a global political consensus on how to move from polemics – and often paralysis – towards action within the international system, particularly through the United Nations" (ICISS 2001, 8, 81). About a year later, the Commission issued *The Responsibility to Protect* report, noting that there were concerns among expert participants during consultations about the language of a "right to intervene" becoming an obstacle to resolving substantive issues, especially the questions about the right authority and the legal foundation for the use of force. The Commissioners indicated that the 'continuing fears about a "right to intervene" being formally acknowledged' was the rationale for adopting the 'responsibility to protect' expression. They explained that the term 'the "responsibility to protect" is more of a linking concept that bridges the divide between intervention and sovereignty; the language of the "right or duty to intervene" is intrinsically more confrontational,' and that 'a "right to intervene" by one state on the territory of another state is outdated and unhelpful' (ICISS 2001, 11, 17).[1] The Commissioners also stressed that there was no adequate alternative to the Security Council as the right authority and that Chapter VII is

[1] To be clear, the Commissioners' rationales for adopting the expression "the responsibility to protect" is different from the logic of the language of Article 4(h), which provided for "The right of the Union to intervene in a Member State." It shows that African leaders embraced "the confrontational," bolder expression of a "right to intervene" in the international system, based on IPEP's recommendation that the OAU establish adequate structures. The point is to highlight that the UN-led global multilateralism and the reasoning toward the emergence of R2P was fundamentally different from the OAU-led regional multilateralism and the thinking toward the realization of the right to protect concept. To African leaders, the language was helpful, hence its formalization by inclusion in the AU's most important legal document: The Constitutive Act.

the legal foundation for the use of force; the only qualification was that regional agencies under Chapter VIII may act on behalf of the Council (ICISS 2001, 47-55).

The General Assembly endorsed R2P at the 2005 World Summit, convened to discuss proposals for transforming the world body into a more effective organization. In the Summit's Outcome Document (United Nations 2005, Part IV) the General Assembly placed R2P under the broad theme of "Human Rights and the Rule of Law" instead of the "Peace and Collective Security" theme under which the debate on reconciling state sovereignty with individual sovereignty had been conducted both in the Security Council and in the General Assembly. One explanation is that the R2P framing did not fully resolve the Member States' (including the AU) security concerns about the right authority and the legal basis for the use of force, as the ICISS Commissioners anticipated. As the relevant paragraph of the General Assembly resolution adopting R2P put it:

> We stress the need for the General Assembly to *continue consideration* of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law (United Nations 2005, 139), (emphasis added).

In addition, in his aptly titled article "A Glass at Least Half-full" published immediately after the General Assembly endorsed R2P, Kofi Annan noted that R2P was "generally accepted at last" (Annan 2005). Specific issues, like the right authority and legal basis for the use of force, were unresolved, hence the need for the mechanism for further consideration of R2P. All this explains why R2P is still under consideration by the General Assembly through the annual debate. Since 2009, the Office of the Secretary-General has issued yearly reports framing the debate and progress of the consideration of R2P.

In sum, this section has shown that regional and global multilateralism succeeded in reconciling state sovereignty with individual sovereignty and produced two distinct security concepts: The right to protect and R2P. Both concepts share similar histories and goals. However, the right to protect and R2P follow different rationales. The distinction in terminology explains better the rationale for adopting both concepts, as shown in Table I.

Table I. Distinctions in Terminology as Explanation of Rationales

The Right to Protect	**The Responsibility to Protect**
The rationale was to create "appropriate structures" in order to respond more "effectively to enforce the peace in conflict situations," which influenced the OAU's acceptance of the language of "the right to intervene."	The rationale was to expunge the language of a "right to intervene" in the international system because the ICISS Commissioners and later the UN adjudged the expression as "confrontational," "unhelpful," and "outdated."

Neither concept could replace nor subsume the other because each offers an alternative approach to the prevention of genocide and atrocity crimes and represents the diverse international security architecture of genocide and atrocity crime prevention. The two concepts contribute to a whole human protection security structure in the international system. Thus, if the world system is defined as *the globe*, the right to protect and R2P operate independently and alternatively, as Diagram I illustrates.

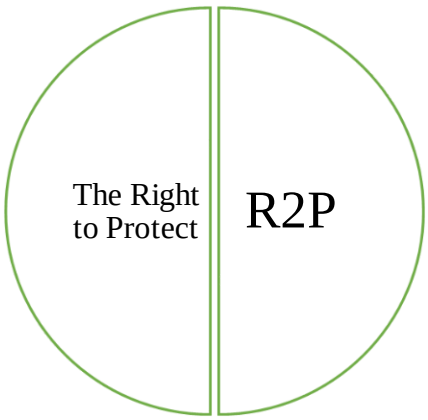

Diagram I. Alternative International Security Concepts

The right to protect exists side-by-side with R2P. Ideally, as well as theoretically, both concepts should complement each other. However, the reality is that the right to protect underpins unique African rationales in which the AU Assembly asserts primacy over the use of force. In practice, therefore, one of the two concepts must enjoy priority over the other in any given specific intervention. In Libya, one might argue that R2P prevailed over the Assembly's rejection of the UN Security Council-mandated use of force. The closest we have come to witnessing the right to protect in practice was in Burundi in 2016 (see the next section for more discussion). It is important to note that the Assembly is not contesting the primary responsibility of the Security UN Council regarding the maintenance of international peace and security; rather, the AU Assembly claims priority of African concepts, as well as rules and institutions regarding the use of force for the prevention of genocide and atrocity crimes.

Distinctions Matter: The AU Objections to R2P

With the knowledge that the right to protect and R2P followed different logical trajectories, this section analyzes AU policy on R2P and explains why the AU opposes R2P. It draws on original AU documents and clarifications provided by senior AU officials. The objections revolve around the issues of right authority and legality of the use of force, as well as the perceptions that R2P is conceptually infinite and lacks adequate checks and balances, and that the veto mechanism in the UN Security Council undermines consensus decision-making. These factors conjure the view that R2P is likely to be misused by international actors, like NATO's intervention in Libya which ultimately morphed into a regime change.

Notably, there are distinctions between the official positions of some individual African states and the official AU objections to R2P, the AU being the premier, independent regional organization in Africa. Engagements by individual African states in the context of the UN

General Assembly's commitment to "continue consideration" of R2P to better understand the implications in Africa have not always turned out positive outcomes; sometimes the outcomes have been negative, especially since the intervention in Libya. Early proponents of R2P in Africa, like South Africa, have become skeptics (see Beresford 2015; Smith 2016). The point is that even though African states joined the UN General Assembly resolution on R2P, the AU disapproved of R2P. The AU policy has been that the right to protect is the exclusive legal foundation for authorizing the use of force. Overall, the objections underline the contrasting rationales for adopting the right to protect and R2P and highlight the importance of exploring the role of the UN Security Council under the right to protect concept.

Important clarifications are in order to help contextualize the following analysis. The official AU policy on R2P is outlined in the Common African Position on the Proposed Reform of the UN, otherwise known as the Ezulwini Consensus. The Executive Council of the AU adopted the Ezulwini Consensus in 2005 (African Union 2005a). The Assembly later adopted the Ezulwini Consensus in 2005 (African Union 2005b) and has consistently reaffirmed its currency and validity. The most recent reaffirmation was in February 2022 (African Union 2022, 76). The AU adopted the Ezulwini Consensus before the UN World Summit where the General Assembly endorsed R2P. Essentially, the Ezulwini Consensus specifically addressed the 2004 report of the UN High-level Panel on Threats, Challenges and Change (hereafter the "UN High-level Panel") on UN reforms, which had incorporated pertinent sections of the ICISS report on R2P. In other words, the AU policy responded to the High-level Panel's report that integrated the ICISS report. The UN General Assembly endorsed the High-level Panel's report in the World Summit Outcome document. Given that the Ezulwini Consensus remains the AU policy on R2P, it also refers to R2P as adopted by the UN General Assembly (Ping 2009). The High-level Panel report discussed R2P in the context of collective security and the use of force under Article 51 of the UN Charter. It also explored military authorizations by the

Security Council under Chapter VII and questions of legality and legitimacy (United Nations 2004, 183-209). These are the relevant issues to which the Ezulwini Consensus explicitly responded.

The purpose of the Ezulwini Consensus is to inspire change in the UN, because as African leaders noted: "Africa is now in a position to influence the proposed UN reforms" (African Union 2005a, 9). Pertinently, unlike the World Summit Outcome document where the General Assembly placed R2P within the broad theme of "Human Rights and the Rule of Law," the High-level Panel and the AU explored R2P under the theme of "Collective Security and the Use of Force." In particular, the AU considered R2P vis-à-vis state sovereignty and the criteria for the use of force as proposed by the UN High-level Panel and stressed that "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 of states." In other words, concerning R2P in Africa, the AU does not recognize the legality of the use of force authorizations independent of the right to protect concept. As the AU put it:

> With regard to the use of force, it is important to comply scrupulously with the provisions of Article 51 of the UN Charter, which authorise the use of force only in cases of legitimate self-defence. In addition, the Constitutive Act of the African Union, in its Article 4 (h), authorises intervention in grave circumstances such as genocide, war crimes and crimes against humanity. Consequently, any recourse to force outside the framework of Article 51 of the UN Charter and Article 4 (h) of the AU Constitutive Act, should be prohibited (African Union 2005a, 6).

The policy here is that Article 4(h) is the absolute legal provision upon which deliberations and decisions relating to the use of force for the prevention of genocide and atrocity crimes must

be anchored. One could interpret this policy as an invitation to the UN Security Council to consider its role under the right to protect concept. Otherwise, the AU considers the use of force under any other concept, such as R2P, as illegal and illegitimate. This explains why the AU rejected the UN Security Council's use of force mandate in Libya.

Equally pertinent, the Ezulwini Consensus also raised the question of defining "collective danger," what Kofi Annan described as "collective interest," in the context of Chapter VII of the UN Charter and the issue of right authority. The question was whether the UN Security Council, invested with the power to determine what constitutes a threat to peace, represents Africa. The AU objects that when defining "collective danger" that could result in the use of force mandates, such as in cases of genocide or atrocity crimes, like in Libya, Africa must be adequately empowered to contribute favorably to such deliberations:

> Africa's goal is to be fully represented in all the decision- making organs of the UN, particularly in the Security Council, which is the principal decision-making organ of the UN in matters relating to international peace and security (African Union 2005a, 9).

By full representation in the UN Security Council, the AU means two permanent seats and the accompanying right of veto (African Union 2005a, 9). In all, the AU's objections to R2P have been about the right authority and legality of the use of force, which also explains why the Assembly rejected the use of force mandate in Libya.

The former Chairperson of the AU Commission, Jean Ping, has clarified AU's objections to R2P. Jean Ping's clarification is contained in a keynote address he delivered in his official capacity to the expert roundtable on the "Responsibility to Protect and Genocide Prevention in Africa," jointly organized by the International Peace Institute, InterAfrica Group, and the UN Office of the Special Adviser on the Prevention of Genocide in October 2008. His

address explored the questions of the right authority and legality of the use of force, highlighting the issue of checks and balances relating to the veto power, the need for a mechanism for cultivating consensus in the UN Security Council, and the possibility that international actors could misuse R2P because the scope is too broad.

Jean Ping's observations contrasted regional multilateralism which produced the right to protect concept with global multilateralism which created the R2P concept to underscore the checks and balances African leaders placed on the Assembly's authority under Article 4(h), thus:

> It should nevertheless be pointed out that the approach at the level of the continent provided safeguards, in that intervention could only be authorized by the Assembly of the Union or the Peace and Security Council and, secondly, only in grave circumstances, such as genocide, war crimes, and crimes against humanity (Ping 2009, 11).

This clarification highlights two forms of checks and balances under the right to protect concept, namely, the consensus mechanism and 2) the finite scope of the right to protect concept. In essence, Ping's argument was that R2P does not have such safeguards, leaving it open to misuse.

On consensus as a safeguard mechanism against the misuse of the right to protect, Ping noted that "The sense of ownership that AU member states have in their own institutions is not replicated in respect of UN member states vis-à-vis UN Security Council because of the right of veto and the role of the P5 [the five permanent members of the Security Council]." The relevant AU institutions for authorizing the use of force is the Assembly or the Peace and Security Council when meeting at the Heads of State or Government level. The safeguard mechanism in the AU system is that the Assembly's decision on the use of force must be

reached by consensus, or by a two-thirds majority of the 15-member Peace and Security Council or the 55 Heads of State and Government (for insider accounts on these checks and balances, see Kioki 2003). Crucially, there is no veto rule in the AU system. From this perspective, the AU operates a truly democratic system. So, the AU's objection to R2P in this context has been precisely about transforming the decision-making mechanism – the veto device – to promote consensus in the UN Security Council. The AU policy is that the veto power should be abolished; but, if veto power must be retained, then Africa should be accorded the full privileges and responsibilities (African Union 2005a, 9). The AU policy coincides with calls for a joint surrender of the right to veto when the UN Security Council considers the question of collective danger and the use of force to prevent genocide and atrocity crimes. For example, former President of France François Hollande argued that:

> The UN has a responsibility to take action … That's why I am proposing that a code of good conduct be defined by the permanent members of the Security Council, and that in the event of a mass crime they can decide to collectively renounce their veto powers (Hollande 2013).

The idea is that decisions on authorizing the use of force should be by consensus, which also means two-thirds or a simple majority of the fifteen-member UN Security Council. This would bring the required votes for Chapter VII resolutions in line with the AU voting method, thereby ensuring Africa's full participation in the UN Security Council's decision-making. Put differently, the AU policy is that the veto device is unhelpful in promoting consensus on the use of force mandate.

On the finite scope of the right to protect as a safeguard mechanism, the issue has been about determining what constitutes "an R2P situation." Jean Ping referred to the AU-led international mediation of Kenya's post-election violence in 2008 and posed this question:

"Did the Kenyan situation fall within the classic case of a government that cannot protect its population, or is unable to do so, or is participating in the situation?" (Ping 2009, 11-3). He reasoned that if the case of Kenya amounted to "an R2P event," as most scholars, advocates, and policymakers, including Annan (2012, 184-201), have argued, then there would be no limit to violent situations or human rights abuses that could be labeled as "an R2P event" that would then necessitate the use of force. The significance of Ping's observation is that the bar for an "R2P event" that would warrant military intervention was too low compared to the right to protect.

The R2P concept permits pre-emptive military intervention, like NATO's action in Libya. More so, NATO's intervention was consistent with the ICISS report which stipulated that "the just cause threshold" involved "large scale loss of life, actual or apprehended" (ICISS 2001, xxi). Likewise, the report of the UN High-level Panel specified the condition of "seriousness of threat" as opposed to the "actual threat" (United Nations 2004, 207). In short, R2P permits a wider scope for interpretation, a point the AU Assembly's observation regarding the UN Security Council's readings of resolutions 1970 and 1973 stressed:

> The Assembly expressed deep concern at the dangerous precedence being set by one-sided interpretations of these resolutions, in an attempt to provide a legal authority for military and other actions on the ground that are clearly outside the scope of these resolutions (African Union 2011b, 7).

In contrast, the right to protect concept requires that the situation must satisfy the condition of "grave circumstances," which means that genocide, war crimes, or crimes against humanity must occur before the Assembly can consider authorizing the use of force. The case of Burundi is a good example (for a first-hand account of the AU decision-making on this case, see Dersso 2016). In 2016, the Assembly rejected the recommendation of the Peace and Security Council

to authorize the African Prevention and Protection Mission (African Union 2015). The Peace and Security Council had based the recommendation on the report of the African Commission on Human and People's Rights that found gross and systematic violations of human rights by the government of Burundi. Instead of mandating the use of force, the Assembly decided in favor of regional diplomacy and authorized a High-level delegation of Heads of State and Government to mediate the crisis (African Union 2016, 13).

In sum, the AU's objections to R2P as contained in the Ezulwini Consensus means disapproval. As Ping (2009, 13) clarified, "the concerns that were expressed by many states during the consideration of the [World Summit] Declaration are still valid and cannot be ignored." As it turned out, and quite ironically, NATO's use of force in Libya validated AU objections to R2P and helped sharpen the distinctions between the right to protect and R2P, as summarized in Table II (for another helpful discussion of the differences between Article 4(h) and R2P, see Kuwali 2011, 7).

Table II. Distinctions between the Right to Protect and the Responsibility to Protect

The Right to Protect	The Responsibility to Protect
The Assembly is the right authority	The Security Council is the right authority
Based on a legal commitment	Based on a diplomatic commitment
Disallows pre-emptive use of force	Allows pre-emptive use of force
Limited to genocide, war crimes, and crimes against humanity	Includes genocide, war crimes, crimes against humanity, and ethnic cleansing
Bold (confrontational language, bounded scope with robust safeguard mechanisms)	Flexible (non-confrontational language, boundless scope with weak safeguard mechanisms)

Finally, by tying AU's objections to R2P to the proposed UN Security Council reforms, which would either eliminate the veto mechanism or grant two permanent seats and the right of veto to Africa, the Assembly has signaled strong disapproval of the R2P concept. The implication is that cooperation between the AU Assembly and the UN Security Council on the use of force for the prevention of genocide and atrocity crimes is less likely. However, considering that the Assembly is not averse to the use of force, but only insists on robust safeguards, cooperation with the Security Council is more likely under the right to protect concept.

Conclusion

This study has advanced a conceptual explanation of the puzzling inconsistency of the theory of compatibility between Article 4(h) and R2P and official AU policy objecting to R2P, as reflected in the Ezulwini Consensus, public presentations of senior AU officials, and decisions and communiqués of the AU rejecting the UN Security Council-authorized use of force in Libya. It conceptualized the AU's right of intervention under Article 4(h) as the right to protect concept: The preeminent Africa-engineered security concept of genocide and atrocity prevention in the international system. The right to protect concept provides an alternative analytical tool for studying and understanding the distinctions in the Assembly's and the Security Council's approaches to the prevention of genocide and atrocity crimes. It enables a better appreciation of the changing international security landscape where diverse actors contribute to the emerging security architecture: The pluralist international security structure. The right to protect concept underpins Africa's exceptional legal regime on the prevention of genocide and atrocity crimes.

The AU possesses a bold concept of human rights protection, unlike any other actor in the international system. The right to protect expresses unique African rationales. The AU policy on R2P, especially as outlined in the Ezulwini Consensus – that is, Article 4(h) is the

only legal and legitimate basis for the use of force for the prevention of genocide and atrocity crimes – suggests that the right to protect concept anticipates the role of non-African actors, including the Security Council, in the implementation. So, future studies should explore empirical questions, such as, under what circumstances would global actors, such as the Security Council, enforce the right to protect? To put it differently, under what conditions would the Assembly authorize international actors to enforce the right to protect?

References

Acharya, Amitav. 2013. "Post-Hegemonic Multilateralism." In *International Organization and Global Governance*, edited by Thomas G. Weiss and Rorden Wilkinson, 218–30. London: Routledge.

Adebajo, Adekeye, and Helen Scanlon, eds. 2006. *A Dialogue of the Deaf: Essays on Africa and the United Nations*. Auckland Park: Fanele, for The Centre for Conflict Resolution.

Adigbuo, Ebere R. 2019. "The African Union, R2P and the Challenges of Capability." *Journal of African Union Studies* 8 (1): 115–33.

African Union. 2005a. Executive Council Decision, Ext/EX.CL/2 (VII), 7-8 March.

———. 2005b. Assembly Declaration on the Reform of the United Nations, Assembly/AU/Decl. 2 (V), 4-5 July.

———. 2008. Assembly Decision, Assembly/AU/Dec.187 (X), 31 January – 2 February.

———. 2010. Assembly Decision, Assembly/AU/10/Dec.292 (XV), 25-27 July.

———. 2011a. Peace and Security Council Communiqué, PSC/PR/COMM.2(CCLXV), 10 March.

———. 2011b. Assembly Decision, Ext/Assembly/AU/DEC/(01.2011), 25 May.

———. 2013. Agenda 2063: The Africa We Want. https://au.int/en/agenda2063/overview.

———. 2014. Assembly Decision, Assembly/AU/Dec.493 (XXII), 30-31 January.

———. 2015. Peace and Security Council Communiqué, PSC/PR/COMM. (DLXV), 17 December.

———. 2016. Assembly Communiqué, PSC/AHG/COMM.3 (DLXXI) 29 January.

———. 2022. Assembly Decision, Assembly/AU/Dec. 819(XXXV), 5-6 February.

Aning, Kwesi, and Fiifi Edu-Afful. 2016. "African Agency in R2P: Interventions by African Union and ECOWAS in Mali, Cote D'Ivoire, and Libya." *International Studies Review* 18 (1): 120–33.

Aning, Kwesi, and Frank Okyere. 2016. "The African Union." In *The Oxford Handbook of the Responsibility to Protect*, edited by Alex J. Bellamy and Timothy Dunne, 356–72. Oxford: Oxford University Press.

Annan, Kofi A. 1991. "Two Concepts of Sovereignty." *The Economist* 352 (8137): 97–98.

———. 2005. "A Glass at Least Half-Full." *The Wall Street Journal*, September 19. https://www.wsj.com/articles/SB112708454142944392.

———. 2012. *Interventions: A Life in War and Peace*. New York: Penguin Books.

Atuobi, Samuel, and Kwesi Aning. 2009. "Responsibility to Protect in Africa: An Analysis of

the African Union's Peace and Security Architecture." *Global Responsibility to Protect* 1 (1): 90–113.

Barnett, Michael N. 1995. "The United Nations and Global Security: The Norm Is Mightier than the Sword." *Ethics & International Affairs* 9 (1): 37–54.

Bellamy, Alex J. 2010. *Responsibility to Protect: The Global Effort to End Mass Atrocities*. Cambridge: Polity.

Beresford, Alexander. 2015. "A Responsibility to Protect Africa from the West? South Africa and the NATO Intervention in Libya." *International Politics* 52 (3): 288–304.

Cilliers, Jakkie, and Kathryn Sturman. 2002. "The Right Intervention: Enforcement Challenges for the African Union." *African Security Review* 11 (3): 28–39.

Dersso, Solomon. 2016. "To Intervene or Not to Intervene? An inside view of the AU's Decision-Making on Article 4 (H) and Burundi." World Peace Foundation. https://sites.tufts.edu/wpf/files/2017/05/AU-Decision-Making-on-Burundi_Dersso.pdf

Djinnit, Said. 2021. "The Case for Updating the African Union Policy on Unconstitutional Changes of Government." ACCORD. https://www.accord.org.za/publication/case-for-updating-au-policy-unconstitutional-changes-government/.

Evans, Gareth J. 2009. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*. Washington, D.C.: Brookings Institution.

Hettne, Björn, and Fredrik Söderbaum. 2006. "The UN and Regional Organizations in Global Security: Competing or Complementary Logics?" *Global Governance* 12 (3): 227–32.

Hollande, François. 2013. "Opening of the 68th Session of the United Nations General Assembly - Statement by Mr. François Hollande, President of the Republic." France ONU. https://onu.delegfrance.org/24-September-2013-Opening-of-the.

ICISS: International Commission on Intervention and State Sovereignty. 2001. *The Responsibility to Protect*. Ottawa: International Development Research Centre.

Ifediora, Obinna Franklin. 2016a. "A Regional Responsibility to Protect? Towards 'Enhancing Regional Action' in Africa." *Global Responsibility to Protect* 8 (2-3): 270–93. https://doi.org/10.1163/1875984x-00803010.

———. 2016b. "The Responsibility to Protect and the African Governance Architecture: Explaining the Nexus." *African Conflict and Peacebuilding Review* 6 (2): 94. https://doi.org/10.2979/africonfpeacrevi.6.2.05.

Ikenberry, G. John. 2015. "The Future of Multilateralism: Governing the World in a Post-Hegemonic Era." *Japanese Journal of Political Science* 16 (3): 399–413.

IPEP (International Panel of Eminent Personalities). 2001. "Report on the 1994 Genocide in

Rwanda and Surrounding Events." *International Legal Materials* 40 (1): 141–235.

Kioko, Ben. 2003. "The Right of Intervention under the African Union's Constitutive Act: From Non-Interference to Non-Intervention." *International Review of the Red Cross* 85 (852): 807–26.

Kirchner, Emil J., and James Sperling, eds. 2007. *Global Security Governance: Competing Perceptions of Security in the 21st Century*. London: Routledge.

Kuwali, Dan. 2010. "The End of Humanitarian Intervention: Evaluation of the African Union's Right of Intervention." *African Journal on Conflict Resolution* 9 (1). https://doi.org/10.4314/ajcr.v9i1.52165.

———. 2011. *The Responsibility to Protect: Implementation of Article 4(H) Intervention*. Leiden; Boston: Martinus Nijhoff.

Kuwali, Dan, and Frans Viljoen, eds. 2014. *Africa and the Responsibility to Protect: Article 4(H) of the African Union Constitutive Act*. London: Routledge.

Murithi, Tim. 2007. "The Responsibility to Protect, as Enshrined in Article 4 of the Constitutive Act of the African Union." *African Security Review* 16 (3): 14–24.

Mwanasali, Musifiky. 2010. "The African Union, the United Nations, and the Responsibility to Protect: Towards an African Intervention Doctrine." *Global Responsibility to Protect* 2 (4): 388–413.

OAU (Organization of African Unity). 1998. Council of Ministers Decision, CM/DEC.409 (LXVIII), CM/2063 (LXVIII), 4-7 June.

———. 2000. Assembly Declaration on Conference on Security, Stability, Development and Cooperation in Africa, AHG/Decl.4 (XXXVI), 10 July.

Ping, Jean. 2009. "The Responsibility to Protect in Africa." In *The Responsibility to Protect and Genocide Prevention in Africa*, edited by Jenna Slotin, Castro Wesamba, and Teemt Bekele, 11–14. Washington, D.C.: International Peace Institute.

Ruggie, John Gerard. 1992. "Multilateralism: The Anatomy of an Institution." *International Organization* 46 (3): 561–98.

Sarkin, Jeremy. 2010. "The Responsibility to Protect and Humanitarian Intervention in Africa." *Global Responsibility to Protect* 2 (4): 371–87.

———. 2016. "Is the African Union's Position on Non-Indifference Making a Difference? The Implementation of the Responsibility to Protect (R2P) in Africa in Theory and Practice." *Journal of African Union Studies* 5 (1): 5–37.

Scanlon, Helen. 2006. "Conclusion." In *A Dialogue of the Deaf: Essays on Africa and the United Nations*, edited by Adekeye Adebajo and Helen Scanlon, 275–232. Auckland

Park: Fanele.

Scanlon, Helen, Elizabeth Myburgh, and Ahunna Eziakonwa. 2007. "Africa's Responsibility to Protect." Centre for Conflict Resolution, University of Cape Town. https://www.africaportal.org/publications/africas-responsibility-protect/.

Smith, Karen. 2016. "South Africa and the Responsibility to Protect: From Champion to Sceptic." *International Relations* 30 (3): 391–405.

Thakur, Ramesh Chandra. 2016. *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect*. Cambridge; New York: Cambridge University Press.

Thakur, Ramesh, and Luk Van Langenhove. 2006. "Enhancing Global Governance through Regional Integration." *Global Governance* 12 (3): 233–40.

Tieku, Thomas Kwasi. 2004. "Explaining the Clash and Accommodation of Interests of Major Actors in the Creation of the African Union." *African Affairs* 103 (411): 249–67.

Touval, Saadia. 1992. "The Superpowers as Mediators." In *Mediation in International Relations: Multiple Approaches to Conflict Management*, edited by Jacob Bercovitch and Jefferey Rubin, 232–48. London: Palgrave Macmillan.

United Nations. 1991. Report of the Secretary-General on the Work of the Organization, General Assembly, Supplement No.1, A/46/1, 13 September.

———. 1998. Letter Dated 3 June 1998 from the Permanent Representative of Zimbabwe to the United Nations Addressed to the President of the Security Council, Annex, Security Council, S/1998/461, 3 June.

———. 1999a. 12th Plenary Meeting, General Assembly, A/54/PV.12, 24 September.

———. 1999b. "Importance of State Sovereignty, Need to Address Human Rights Violations, Council Reform, Discussed in Assembly," Press Release, GA/9633, 8 October. https://www.un.org/press/en/1999/19991008.ga9633.doc.html.

———. 1999c. "Secretary-General Presents His Annual Report to General Assembly," Press Release, SG/SM/7136, GA/9596, 20 September. https://www.un.org/press/en/1999/19990920.sgsm7136.html.

———. 1999d. "Security Council Debate Said to Help in Creating 'Ethos of Conflict Prevention,' Support for Intervention," Press Release, SC/6761, 30 November. https://www.un.org/press/en/1999/19991130.sc6761.doc.html.

———. 1999e. "Security Council Rejects Demand for Cessation of Use of Force against Federal Republic of Yugoslavia," Press Release, SC/6659, 26 March. https://www.un.org/press/en/1999/19990326.sc6659.html.

———. 2004. "A More Secure World: Our Shared Responsibility," Report of the High-Level Panel on Threats, Challenges and Change, Annex, General Assembly, A/59/565, 2 December.

———. 2005. World Summit Outcome, General Assembly Resolution, A/RES/60/1, 24 October.

———. 2009. "Implementing the Responsibility to Protect," Report of the Secretary-General, General Assembly, A/63/677, 12 January.

———. 2011. "The Role of Regional and Subregional Arrangements in Implementing the Responsibility to Protect," Report of the Secretary-General, General Assembly; Security Council, A/65/877–S/2011/393, June 28.

———. 2021. "Advancing Atrocity Prevention: Work of the Office on Genocide Prevention and the Responsibility to Protect," Report of the Secretary-General, General Assembly and Security Council, A/75/863–S/2021/424, 3 May.

Williams, Paul. 2009. "The 'Responsibility to Protect', Norm Localisation, and African International Society." *Global Responsibility to Protect* 1 (3): 392–416.