

The Principle of the Responsibility to Protect; Reflections by Ambassador Motlatsi Ramafole, Lesotho's Permanent Representative to the United Nations.

In the 1990's, the world witnessed the bloody chronology in Somalia, Rwanda, Srebrenica and Kosovo, underscoring humanity's spectacular failure to act in the face of conscience - shocking crimes.

At the 2005 World Summit, the World Leaders demonstrated remarkable and unprecedented unity when endorsing a new Principle in the international arena, namely the "Responsibility to Protect". This Principle stipulates that states individually and collectively have an obligation to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The Principle expressly provides that the international community, acting through the United Nations Security Council can have a direct role in providing protection to vulnerable populations.

In the light of the conservative concept of "non-intervention in the internal affairs" of a sovereign state and the skepticism that the Principle is meant to justify unilateral action, can the political expression of the World Leaders receive full implementation?

The basic point of departure is the acknowledgment that each individual state has the responsibility to protect its populations from the listed crimes. And

that sovereignty goes "hand in glove" with the obligation to protect its citizens.

Although in some instances the principle of 'non-interference in the internal affairs of a sovereign state' still holds, the new concept of "non-indifference" has taken precedence. Reference can be made to Article 4(h) of the Constitutive Act of the African Union which asserts the Union's right to intervene in the event of a perpetration of war crimes, genocide and crimes against humanity. The Constitutive Act makes a clear distinction between the Member States which were not to interfere in the internal affairs of another and the Union. The latter would be occasioned by grave circumstances, and even then, be based on a collective decision of the Union. The same argument can be extended to the United Nations. The decision to apply coercive measures will be reached collectively by the United Nations Security Council.

It must be stated that, the responsibility to protect is not all about the use of force. The initial stage would consist of peaceful measures to protect populations and it is only when the state is manifestly failing in its obligation to protect its citizens or when the state itself is the culprit and peaceful means no

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longer appropriate that coercive measures could be employed, even then, these measures may not necessarily be military in nature. The range of preliminary measures that may be used include threat of sanctions, international criminal prosecution and military intervention, which may be the last resort. It must be emphasized that, these coercive measures, whether, military or not, will not be carried out unilaterally or by a "coalition of the willing" but will be authorized collectively by the Security Council.

Thus it is argued that the Principle of the Responsibility to Protect is in large measure, a symbol of multilateralism.

This Principle is fundamentally about acting preventively rather than reactively and living true to the famous words "never again". The political expression of the World Leaders will indeed enjoy full implementation.²

² This subject matter is currently before the General Assembly of the UN. This article does not purport to be a well-researched paper nor authority on the subject of Responsibility to Protect.



*The United Nations Headquarters in New York.
(Picture by Declan O'Kelly)*