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**Author:** Professor T. Mandrup (SIGLA)

**Series Editor:** Professor F. Vreÿ (SIGLA)

**Atrocity prevention – lip service or real commitment?**

**Background**

The debate on atrocity prevention is driven by a small elite of the United Nations (UN) in New York, while the voices from Africa have been relatively absent. This is a conundrum since the [Responsibility to Protect \(R2P\)](#) is focused on the individual's right to life and to preventing atrocity crimes. Why then is this debate driven by an international elite, while the African continent in recent years has been most affected by atrocity crimes? [Atrocity crimes](#) are committed by both state security institutions and armed non-state actors (ANSA) and wherever it occurs, its human impact makes it a priority crime deserving an appropriate response. It is essential to acknowledge that the issue of atrocity crimes is too important to be left to the fifteen members of the often politically deadlocked United Nations Security Council (UNSC).

There is an urgent need to move atrocity prevention away from the UNSC to the General Assembly (GA). At a recent seminar organised by the Royal Danish Embassy in South Africa and SIGLA @ Stellenbosch in Pretoria, speakers convincingly argued that moving the debate away from the highly politicised environment in the UNSC, will make for better results as debates, away from New York, tend to become more focused on practical implementation. This would help to bring the issue back on the international agenda. The Human Rights Council (HRC) in Geneva potentially plays a critical role in this, and the HRC needs to be more proactive on these issues and, for instance, react on the atrocity data received from UN Peace Missions.

**Overview of the R2P and atrocity prevention**

Since the adoption of the R2P principle in 2005, the question of how to make atrocity prevention effective has become a frequent reference point at the UN. UN Secretaries-General have prioritized this issue since 2009 in annual reports on R2P and the UN General Assembly has annual exchanges on atrocity prevention. Furthermore, both the UNSC and the UN's HRC have frequently referred to R2P in resolutions whilst R2P discussions are increasingly being moved away from New York and taking place at the HRC. Another development in recent years is to move away from speaking about R2P, to the meaning of R2P and the implication of the concept and its related norms.

## R2P PILLARS

Pillar One: Every state has the Responsibility to Protect its populations from four mass atrocity crimes: genocide, war crimes, crimes against humanity and ethnic cleansing.

Pillar Two: The wider international community has the responsibility to encourage and assist individual states in meeting that responsibility.

Pillar Three: If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN Charter.

However, while [pillars](#) 1 and 2 are directly integrated into most mediations and UNSC mandates, pillar 3 is the one area that is most often used to reject the R2P principles. While Pillar 3 holds the possibility of military intervention without host government consent, collective actions do not necessarily mean military action. A range of other types of [non-military intervention-tools](#) are available and often used. An often seen problem is that matters related to the R2P debate are framed to avoid the risk of intervention. This has become more acute since 2010 as the number of armed conflicts and the number of battle deaths has, according to [PRIO](#), been on the increase.

Furthermore, the number of civilian casualties (both directly and indirectly) caused by conflict has increased as well. In Africa, the [continued conflicts](#) highlight the urgency of finding practical tools to address the negative impact that conflict has on human security and human lives in general. The growth in religious radicalism, armed non-state actors, and identity based "glocal" actors with their hybrid-styled actions and consequences has further increased the risks and costs for local communities and civilians who are the victims in these conflicts. Atrocities, including war crimes and ethnic cleansing, form

part of contemporary conflicts, which call for international responses and tools to deal with these crimes effectively.

The [UN Sustainable Development Goal \(SDG\)](#) No 16 focuses on creating peace, building strong institutions that can protect the citizens of a state as well as securing justice and fighting impunity for crimes committed. There is consequently an urgent need to strengthen the international atrocity prevention tools and their implementation and ensure that both governments and non-state actors are held accountable for their actions. In achieving accountability, all countries have the responsibility to help strengthen institutions and promote justice for victims of atrocity crimes.

### The Role of South Africa

South Africa played a central role in establishing institutions to assist in promoting the atrocity prevention agenda, which in 2005 led the UN General Assembly to unanimously pass the political commitment for member states to adhere to the R2P principle. The [2005 World Summit Document](#), stipulates the normative change and principles that the international community is ready and even responsible of taking *[“collective action”](#)* in the event that *[“peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity...”](#)*

The political problem has so far been that atrocity prevention and R2P is being undermined by a small group of states, who argue that the R2P tenets undermine the basic principle of sovereignty and right to non-interference. For South Africa, one of the challenges is that China, India and Russia as key BRICS members, do not support pillar 3 while too many governments around the world use non-interference as a cover for conducting atrocities. How then will the Ramaphosa administration for example strike a balance between human right norms and the BRICS partnership?

One argument often used by the states in opposition to the R2P is that it is a “Western concept”, overlooking the fact that Francis Deng, a South Sudanese diplomat came up with the concept of sovereignty as a responsibility that shifted the principle from an idea to a widely accepted concept.

Falsely, the link between military intervention and R2P has been highlighted by the R2P critics, while the focus in R2P is and always has been on prevention. The Libya intervention was damaging to the atrocity prevention norm, but that does not mean that the principle is wrong. R2P does not allow for regime change, and lessons from Libya should be used to debate and develop the concept, not reject it. The Brazilian attempt to change the concept to "[Responsibility while Protecting](#)" from 2011 is an excellent example of attempts made to develop the concept. The [group of friends of R2P](#) currently has thirteen African states participating. South Africa used to be very active on the issue of atrocity prevention and R2P, but has been reserved and even absent in the debate in recent years.

Due to its history and continental and international role and position, South Africa has a unique position in Africa and internationally, and should and could play a constructive role in promoting the R2P. There is space for South Africa in the group of friends of R2P, and it should be more active in this forum, with other progressive African partners.

The South African government has been busy reshaping the South African foreign policy after the collapse of a coherent foreign policy under the Zuma administration. The question that remains is whether the current administration has the will to play a constructive role in promoting and implementing effective international atrocity prevention. This is closely related to the African Union's (AU) ambition of "[Silencing the Guns by 2020](#)", that shows that the AU member states share the fundamental normative principles expressed in the pillars of R2P. South Africa, as the 2020 Chair of the AU and as a non-permanent member of the UNSC, has a chance to inform policy on these issues but must be well prepared in doing so. The question that remains is what role will South Africa choose to play on the continent and on international fora and if South Africa again wants to use its declared constitutional principles to guide its international role and strategy and demonstrate its real commitment to atrocity prevention?

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Prof Thomas Mandrup is Extraordinary Professor, Stellenbosch University and working in the landward governance programme of SIGLA.  
Email: [Thomasm@sun.ac.za](mailto:Thomasm@sun.ac.za)