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Electoral Conflict and the Responsibility to Protect (R2P)

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Abstract

This article on Elections and Responsibility to protect (R2P) examines the causes of widespread use of political violence by political actors to advance their interests or achieve specific political goals in relation to electoral contexts. Electoral violence create humanitarian crisis, increase the risk of armed conflict or civil war and raise therefore the necessity of international humanitarian intervention (Responsibility to Protect). Although the Responsibility to Protect (R2P) was unanimously adopted at the UN World Summit (1999), it is currently paralyzed in practice. Current crisis in Burundi and South Sudan, where Civilians are paying a high price are good occasions if the international community wants to revive the R2P as a tool to protect civilians. Conscient of the growing awareness of people's political rights and the politician's greed of power; two opposing factors that lead to conflict, the United Nations and Africa Union may have to demonstrate more willingness to address the gap between its decisions, the rhetoric of compliance, and the reality of responses on the ground.

Introduction

Electoral violence is considered a subcategory of political violence that is primarily distinguished by its timing and motive. It is a coercive and deliberate strategy used by political actors (incumbents as well as opposition parties) to advance their

interests or achieve specific political goals in relation to an electoral contest (The Nordic Afrika Institute Policy Note 2012/3). While the frequency of elections and advancement of democracy across the continent has generated some optimism, this development has been closely accompanied by a more worrying trend of election-related violence that poses a threat to peace and security. Electoral violence creates humanitarian crises, increases the risk of armed conflict or civil war and, therefore, raises the necessity of international humanitarian intervention.

The need for intervention by the international community when death and suffering are inflicted on large numbers of people, and when the state in charge is unable or unwilling to stop it have been discussed at international and regional forums. In the 2005 World Summit, heads of state and government defined the importance and necessity of the Responsibility to Protect (R2P) framework. This idea gained scholarly and humanitarian support within the framework of international solidarity and collective security.

The availability and exchange of information ensures that no individual or country in the world today exists in isolation. Peoples and cultures are increasingly getting hybridized. The global population is influenced by the same tides of political, social, and technological change. Pollution, organized crime, and proliferation of deadly weapons show little regard for the niceties of borders and are problems without passports. As such, they are humanity's common enemy due to global interconnectedness and interdependence. However, globalization has brought more choices and new opportunities for prosperity and has made people more familiar with global diversity. Despite the advantages of globalization as well as its risks, millions of people in Africa continue to face deadly conflicts in which civilians are the primary targets of poverty and injustice. Human rights abuses, torture, and extra-judicial killings have been the norm but people's awareness of their rights is increasingly assured by technological progress. Thus, a shared vision of a better world where people should not suffer for expressing their opinion on how they would want to be governed is gaining ground around the world.

In 1999, Kofi Annan argued that, "...when we read the UN Charter, we are more than ever conscious that its aim is to protect individual human beings, not to protect those who abuse them." The Responsibility to Protect (R2P) was unanimously adopted at the UN World Summit, the largest meeting of heads of state and government ever assembled. R2P was never conceived as a panacea for all the world's problems but was focused solely on preventing genocide, war crimes, ethnic cleansing and crimes against humanity. According to Gareth Evans, who played a central role in R2P's development, "...the whole point of the R2P doctrine, in the minds of those of us who conceived it, is above all, to change the way that the world's policymakers, and those who influence them, thought and acted in

response to emerging, imminent and actually occurring mass atrocity crimes.” R2P’s purpose is “to create a new norm of international behavior which states would feel ashamed to violate, compelled to observe, or at least embarrassed to ignore”. However, despite the common acceptance that all states have a responsibility to protect their populations from genocide, war crimes and ethnic cleansing, many people in Africa are experiencing atrocities systematically perpetrated by state as well as non-state armed groups.

The Principle of the Responsibility to Protect

R2P is an emerging international security and human rights norm which seeks to enhance the state’s ability to protect civilians from four mass atrocity crimes: genocide, crimes against humanity, ethnic cleansing and war crimes. The central idea or principle of R2P is that sovereignty, the defining feature of a state, entails responsibilities as well as physical and political jurisdiction. The state may have the right to manage affairs within its borders, but it also has the fundamental responsibility of protecting populations within those borders from these four crimes. At the 2005 UN World Summit, world leaders unanimously endorsed R2P, acknowledging that state sovereignty entails a responsibility to protect populations from mass atrocity crimes. However, in the context of state failure to protect its people, R2P is conventionally understood to have three aspects, or “pillars”, each at a different level of responsibility:

- Pillar I emphasises the state’s obligations to protect all populations within its own borders;
- Pillar II outlines the international community’s role in helping states to fulfil this obligation;
- Pillar III identifies the international community’s responsibility to use appropriate diplomatic, humanitarian, peaceful or coercive means to protect civilian populations where a state manifestly fails to uphold its obligations.

Since the endorsement of R2P in 2005, the application of the concept has received mixed responses from member states. Most states accept the fundamental idea behind the norm, but have operational concerns about its possible misuse, and are especially uncertain when the question of military intervention comes into play, a component of the third pillar. The aftermath of the intervention in Libya has reinforced much of the uncertainty around R2P’s parameters, and contributed to the division within the UN Security Council on the continuing crisis in Syria.

Causes of Violence in Africa

Adeleye Oyeniyi (2011) argues that conflict usually occurs primarily as a result of a clash of interests in the relationship between parties, groups or states because they are pursuing opposing or incompatible goals. Multiparty democracy appears to have

revived ethnic royalties which have been associated with ethnic violence. Muigai (1995) and Ndegwa (1997:599) affirm that multiparty democracy has been a prelude to ethnic competition and has led to protracted transitions or outright conflict in Kenya. Three important causes of conflict in Africa have been identified as:

- **Conflict Governance:** State dictatorships trying to shore up ethnic autocracies are under attack by increasingly militant opposition groups encouraged by both external and internal pro-democracy and human rights organizations;
- **Conflict of Economic Development:** The economic sovereignty of African states, never strong before, is being almost terminally undermined by pressures to join regional trading blocs and the growth of cross-border trading networks. This conflict also includes the crisis of production and distribution of resources and the competition arising therefrom; and
- **Conflict arising from militarization of the Society:** Arising from abundance of weaponry and trained soldiers and untrained volunteers available to any would-be warlord with resources and determination.

The first two causes could be considered important as militarization of the society is a direct consequence of the two issues. The conflict of governance arises from the democratization process. Although considered as the solution to Africa's problems, democracy has become a major source of conflict in Africa. Given the nature of political power in much of the continent, where power remains linked to ethnic agendas and resource control, several African countries have been confronted with extreme tensions created by elections. The good news is that although this process has been slow and painful, it has been shown that democracy is far better than dictatorship. Multiparty systems are increasingly the norm, two-thirds of African countries now have term limits for the presidency, and at least 14 leaders have stepped down from power as a result (The Economist, 2008). However, political violence in some African countries especially before, during and after elections has considerably increased and millions of innocent people have been killed or forced to flee their countries.

Election and Political Violence in Africa

Elections in Africa constitute a major driver of political violence. Though violence has been a long-standing feature of the democratization process in Africa, its recent manifestations before, during and after elections have assumed an unprecedented magnitude in addition to their changing form and character. According to the Armed Conflict Location and Data Event Project (ACLED), the number of conflict events and actors responsible has risen dramatically since 2006 in Africa, with the

largest increase coming from political militias and government forces opposing them. The situation is complicated by the absence/paucity of democrats who really have a democratic mindset, and can play the game of politics according to established standards and rules. This leads to de-institutionalisation of the people in the democratisation process (Omotola, 2009).

The problem of access to power is often determined by ethnic identity with politicians paying the ethnic card to mobilise votes. Much of the political violence is directed (or tacitly allowed) by ruling regimes and their allies, to opposition political parties, and loosely organized groups of ordinary individuals not only at times of electoral competition but also in puzzlingly 'routine' everyday violence. Political observers have questioned and theorized how and why leaders instrumentally use force, and how civilians respond: by exhibiting greater allegiance or increasing hostility towards their leaders. The rise in the number of events has corresponded with a dramatic rise in fatalities with widespread human rights abuses and violations and the question of protection of the people. While the majority of these may be attributed to political militias, a significant rise in fatalities is attributed to ethnic militias and government forces. Nearly 40,000 people were killed by various perpetrators in 2014, a more than 500% rise since 2006. It is therefore clear that the people cannot be protected by their governments in such situations. The issue then is who has to protect the people when some governments are unwilling or are actually the source of insecurity and human rights abuses (European Institute for Gender Equality, 2014).

Need for More R2P in Africa

Africa has witnessed the world's most brutal conflicts and civil wars. Currently, policy makers, civil society and the international community all concede that past atrocities such as in Rwanda must serve as a lesson for preventing recurrence in the future. However, implementing the doctrine of R2P has been difficult. An important challenge to R2P is that African states, irrespective of their political configuration, wealth or stability adhere to the principle of sovereignty. One of AU's core objectives is to defend the sovereignty, territorial integrity and independence of its member states. In an attempt to redress the weakness of the OAU, the new AU gives the Union the right to intervene in a member state pursuant to decision of the assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity. However the AU appears to have wisely used the phrase "right to intervene" and not "responsibility to protect". These challenges are clearly visible as the AU, and international community have been unable to fully enforce the R2P doctrine in the ongoing crisis in Darfur, South Sudan and Burundi.

These challenges have led to questions of the viability of the doctrine. What is happening in a number of African countries demonstrates the international community's failure to act effectively. The R2P has been effectively paralyzed in practice as evident in the crises in Burundi and South Sudan where civilians are paying a high price which would have been ideal opportunities for the international community to revive the R2P as a tool to protect civilians. More than 400 people have died in Burundi's political violence since April and more than 200,000 people have fled the country and are living in precarious conditions in refugee camps. In South Sudan, fighting between the government and rebels has produced one of the world's largest humanitarian emergencies with 2.3 million people forced to flee their homes: about 650,000 of these across borders as refugees and 1.65 million displaced inside the country. Despite the presence of a UN peace mission (UNMISS), these conflicts are marked by violations of international humanitarian law and grave human rights abuses.

Weaknesses of R2P in Africa

Humanitarian intentions in the name of R2P have been dominated by the question of whether and in what circumstances these interventions were legitimate or acceptable to the international community. The 2011 intervention in Libya sparked a different policy debate on how protection should actually be conducted. A Brazilian proposal on "Responsibility while Protecting" (RwP) articulated the need for responsible means of protection, particularly when military force is used in the name of collective security and humanitarianism. The proposal raised important normative issues and contributed in changing the terms of the humanitarian intervention debate. Yet, while RwP was extensively debated, it was never sufficiently developed to materialize into specific proposals that could address the problems of collective security and human protection in practice. As debates about the practical implementation of R2P gain renewed strength, the ideas articulated in the Brazilian proposal provide a useful starting point for advancing reform.

There is now universal acceptance of the concept that all states have a responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. There is no UN member-state today who would boldly proclaim that the massacres perpetrated behind sovereign borders were solely the responsibility of the relevant government. Similarly, no government has challenged the argument that the international community has an obligation to assist a state if it is struggling to protect its people. In addition, no government would profess that when faced with atrocities perpetrated by a state or non-state armed group, the international community should not protect the vulnerable and punish the perpetrators.

In Africa, the growing concern that the traditional state-centric view of security with its notion of sovereignty provided an impenetrable shield for abusive governments. The manipulation and modification of constitutions is a common problem in Africa. Constitutional changes have often resulted in the death and displacement of hundreds of people. Acting tough toward any government that inflicts damages on its people in the search for power should set an example to demonstrate AU/UN commitment to protecting the civilian population. Lack of AU action may have discouraged the United Nations and international community from taking strong measures as well. The case of Burundi raises the question of whether the AU or UN can effectively protect civilians in the process of democratic change in Africa.

Conclusion

Despite instituting preventive measures in Africa, there are risk factors that may lead to internal conflict during the democratisation process. The growing awareness of people's political rights and politicians' greed for power are two likely opposing factors that lead to conflict. Violent conflicts have occurred in Kenya, Burundi, Uganda and Democratic Republic of Congo before, during and after elections. These conflicts have demonstrated the need for protection of civilians amidst mass human rights violations. However, neither the African Union nor the United Nations has proved their capacity to implement the R2P principle despite their legal basis on the responsibility to protect. There is a need for more willingness from the AU and UN to address the gap between its decisions, rhetoric of compliance, and the reality of responses on the ground. It is time for the AU and UN to evaluate critically the implementation of R2P in Africa as some countries are more likely to fall in deep ethnic and political conflicts in the course of the democratization process.

References

- Adeleye Oyeniya (2011), *Conflict and Violence in Africa: Causes, Sources and Types* Omar Garcia-Ponce and Benjamin Pasquale (2013), *How Political Violence Shapes Trust in the State*.
- Straus, Scott and Charlie Taylor. 2011. "Democratization and Electoral Violence in Sub-Saharan Africa, 1990-2007". Paper presented at the Annual Meeting of the American Political Science Association.
- Tarling Nichoolasand Gomez Edmund (2008), *The State, Development and Identity in Multi-ethnic Societies: Ethnicity, Equality and the Nation*. New York: Madison.
- Wagner, D. (2015), *Africa's Rising Political Violence*. Washington DC: Walden University Press.

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