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Emerging principle of the resposibility to protect :|bthe Darfur conflict

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Abstract

The search for the best mechanism for the protection of civilians especially when they are caught up in violent conflict has been an international discourse for decades now. Article 2(7) of the United Nations (UN) Charter prohibits the intervention of the UN or other member states in other states' domestic affairs. States have used this principle of non-intervention to wade off attempts by other member states to intervene when the civilian population is at risk. Much as the principle of non-intervention exists, it can be argued that it is more honoured in the breach. States and regional actors have intervened in situations where there have been flagrant and widespread killings of civilians. Often times, these interventions have been justified as being premised on the humanitarian intervention principle.

The UN in its 60th Summit in 2005 adopted the principle of responsibility to protect. The principle recognises that it is the primary responsibility of the state to protect its people. It argues however, that where the state is unable or unwilling to protect the civilians, the responsibility shifts to the international community to protect the civilians.

This thesis analyses the concept and its application to the Darfur conflict. It looks at the challenges envisaged in its application. The central argument of the thesis is that the government of Sudan is unable and unwilling to protect the civilians caught up in the conflict and hence, the international community should assume the responsibility shirked

by the Khartoum government. The thesis however, recognises that since the norm is a new one, it might take a while before being actualised.