

The **Responsibility to Protect (R2P or RtoP)** is an emerging [norm](#) that [sovereignty](#) is not a right, but that states must protect their populations from mass atrocity crimes—namely [genocide](#), [crimes against humanity](#), [war crimes](#) and [ethnic cleansing](#). The R2P has three foundation "pillars".

1. A state has a responsibility to protect its population from [genocide](#), war crimes, crimes against humanity, and ethnic cleansing.
2. The international community has a responsibility to assist the state to fulfill its primary responsibility.
3. If the state manifestly fails to protect its citizens from the four above mass atrocities and peaceful measures have failed, the international community has the responsibility to intervene through coercive measures such as economic sanctions. Military intervention is considered the last resort.

While R2P is a [norm](#) and not a law, it is firmly grounded in [international law](#), especially the laws relating to sovereignty, peace and security, human rights and armed conflict. R2P provides a framework for using tools that already exist, i.e. mediation, early warning mechanisms, economic sanctioning, and [chapter VII powers](#), to prevent mass atrocities. Civil society organizations, states, regional organizations, and international institutions all have a role to play in the R2P process. The authority to employ the last resort and intervene militarily rests solely with [United Nations Security Council](#).

Criticisms of the R2P include a "moral outrage and hysteria [that] often serve as a pretext for 'interventions by the civilised world' or 'the international community' and for 'humanitarian interventions', which often conceal the true strategic motives, and it thus becomes another name for proxy wars."

Background

The norm of the Responsibility to Protect (R2P or RtoP) was born out of the international community's failure to respond to tragedies such as the [Rwandan genocide](#) in 1994 and the massacre in [Srebrenica in 1995](#). [Kofi Annan](#), who was Assistant Secretary-General at the UN Department for Peacekeeping Operations during the Rwandan genocide, realized the international community's failure to respond. In 2000, and in his capacity as UN Secretary-General, Annan wrote the report 'We the Peoples' The role of the United Nations in the 21st Century, in which posed the following questions: "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica — to gross and systematic violations of human rights that offend every precept of our common humanity?"

ICISS

The [Canadian government](#) established the [International Commission on Intervention and State Sovereignty \(ICISS\)](#) in September 2000 to answer exactly this question. In February 2001, at the third round table meeting of the ICISS in London, [Gareth Evans](#), [Mohamed Sahnoun](#) and [Michael Ignatieff](#) suggested the phrase "responsibility to protect" as a way to avoid the "right to intervene" or "obligation to intervene" doctrines and yet keep a degree of duty to act to resolve humanitarian crises.

In 2001, ICISS released a report titled '[The Responsibility to Protect](#)'. In a radical reformulation of the meaning of state sovereignty, the report argued that sovereignty not only entailed rights, but also responsibilities, specifically a state's responsibility to protect its people from major violations of human rights. This idea rested on earlier work by Francis Deng and Roberta Cohen regarding Internally Displaced Persons. The ICISS report further asserted that where a state was "unable or unwilling" to protect its people, the responsibility should shift to the international community and "the principle of non-intervention yields to the international responsibility to protect." The ICISS argued that any form of military intervention should be guided by the following six criteria to be justified as an extraordinary measure of intervention:

1. Just cause – Is the threat a "serious and irreparable harm occurring to human beings"?
2. Right intention – Is the main intention of the military action to prevent human suffering or are there other motives?

3. Final resort – Has every other measure besides military intervention been taken into account? (This does not mean that every measure has to be applied and failed, but that there are reasonable grounds to believe that only military action would work in that situation)

4. Legitimate authority

5. Proportional means – Are the minimum necessary military means applied to secure human protection?

6. Reasonable prospect – Is it likely that military action will protect human life, and are the consequences of this action sure not to be worse than no action at all?

African roots

While many critics of the R2P's third pillar claim that R2P is a Western concept, it was the [African Union](#) (AU) that had first pioneered the concept that the international community has a responsibility to intervene in crisis situations if a state is failing to protect its population from mass atrocity crimes. The AU incorporated the right to intervene in a member state as enshrined in Article 4(h) of its Constitutive Act, which states "[t]he 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" The AU also adopted the [Ezulwini Consensus](#) in 2005, which welcomed R2P as a tool for the prevention of mass atrocities.

2005 World Summit Outcome Document

As the ICISS report was released in 2001, right around the time of the Second Gulf War, many thought that would be the end of this new norm. However, in 2005, at the World Summit, where the largest number of heads of state and government in the history of the UN convened, the Responsibility to Protect was unanimously adopted. While the outcome was close to the ideas of the ICISS report, there were some notable differences: the R2P would now only apply to mass atrocity crimes (genocide, war crimes, crimes against humanity and ethnic cleansing), rather than human rights violations; no mention was made of the criteria of intervention (see above); the UN Security Council was recognized with being the only body allowed to authorize intervention. The paragraphs also stress the importance of regional organizations and the role they can play through Chapter VIII of the UN Charter.

2009 Secretary-General's report

On 12 January 2009, UN Secretary-General Ban Ki-moon issued a report entitled [Implementing the Responsibility to Protect](#). The report was the first comprehensive document from the UN Secretariat on the Responsibility to Protect, following Ban's stated commitment to turn the concept into policy. The Secretary General's report set the tone and the direction for the discussion on the subject at the UN. The report proposes three-pillar approach to the R2P:

- Pillar One stresses that states have the primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.
- Pillar Two addresses the international community's commitment to help states build capacity to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity—and help those under stress before crises and conflicts break out.
- Pillar Three focuses on the responsibility of international community to act in a timely and decisive way to prevent and halt genocide, ethnic cleansing, war crimes, and crimes against humanity when a state manifestly fails to protect its populations.

The significance of R2P

Anne-Marie Slaughter from Princeton University has called R2P "...the most important shift in our conception of sovereignty since the Treaty of Westphalia in 1648."

Louise Arbour, from the International Crisis Group, said that, "The responsibility to protect is the most important and imaginative doctrine to emerge on the international scene for decades."

Francis Deng, former UN Special Advisor on the Prevention of Genocide, stated that "R2P is one of the most powerful and promising innovations on the international scene."

The Security Council

The UN Security Council has reaffirmed its commitment to the R2P in several resolutions. The first such resolution came in April 2006, when the [United Nations Security Council](#) (UNSC) reaffirmed the provisions of paragraphs 138 and 139 in [Resolution 1674](#). This formalized their support for the R2P. In 2009, the Council again recognized states' primary responsibility to protect and reaffirmed paragraphs 138 and 139 in [resolution 1894](#).

Secretary-General reports

In January 2009, UN Secretary-General [Ban Ki-moon](#) released the first report on the R2P called [Implementing the Responsibility to Protect](#). His report led to a debate in the General Assembly in July 2009 and the first time since 2005 that the General Assembly had come together to discuss the responsibility to protect. Ninety-four member states spoke. Most supported the R2P principle although some important concerns were voiced. They discussed how to implement R2P in crisis situations around the world. The debate highlighted the need for regional organizations like the African Union to play a strong role in implementing R2P; the need for stronger early warning mechanisms in the United Nations; and the need to clarify the roles UN bodies would play in implementing R2P.

One outcome of the debate was the first resolution referencing R2P adopted by the [General Assembly](#). The Resolution (A/RES/63/308) showed that the international community had not forgotten about the concept of the responsibility to protect and it decided "to continue its consideration of the responsibility to protect".

In subsequent years, the Secretary-General would release a new report, followed by a debate in the General Assembly.

In 2010, the report was titled [Early Warning, Assessment and the Responsibility to Protect](#). The informal interactive dialogue was held on 9 August 2010 with 49 member states, two regional organizations and two civil society organizations speaking at the event. The discussion had a resoundingly positive tone, with virtually all of those that spoke stressing a need to prevent atrocities and agreeing that effective early warning is a necessary condition for effective prevention and early action. A small number of member states expressed objections— namely, Nicaragua, Iran, Pakistan, Sudan and Venezuela.

In 2011 the report analyzed [The Role of Regional and Subregional Arrangements in Implementing the Responsibility to Protect](#). At the debate on 12 July 2011, interventions were delivered by 43 member states, 3 regional organizations and 4 civil society representatives. The biggest challenge to R2P was considered to be cooperation with, and support between, the UN and regional bodies in times of crisis. Member states acknowledged the importance of resolving this challenge through the unique advantages regional organizations possess in preventing and reacting to mass atrocities.

In 2012 the focus was on [Responsibility to Protect: Timely and Decisive Response](#). The debate followed on 5 September 2012 saw interventions address the third pillar of the Responsibility to Protect and the diversity of non-coercive and coercive measures available for a collective response to mass atrocity crimes.

In 2013, the Secretary-General focused on [Responsibility to Protect: State responsibility and prevention](#). The debate following the report was held on 11 September 2013. Following presentations by a panel of UN,

member state and civil society experts, interventions were delivered by 68 member states, 1 regional organization and 2 civil society organizations.

How does the responsibility to protect differ from humanitarian intervention?

The Responsibility to Protect differs from humanitarian intervention in four important ways:

First, humanitarian intervention is only military intervention. R2P, on the other hand, is first and foremost a preventative measure, that stresses state responsibilities. Military intervention may only be carried out as a last resort, when all other, non-coercive measures have failed and when it is authorized by the Security Council. R2P is to extend the intervention beyond a purely military intervention and to encompass a whole continuum of obligations:

1. **The responsibility to prevent:** addressing root causes of internal conflict. The ICISS considered this to be the most important obligation.
2. **The responsibility to react:** responding to situations of compelling human need with appropriate measures that could include sanctions, prosecutions or military intervention.
3. **The responsibility to rebuild:** providing full assistance with recovery, reconstruction and reconciliation.

The second point is related to the first and: R2P is firmly rooted in international law, especially the law relating to sovereignty, peace and security, human rights and armed conflict. Humanitarian intervention, on the other hand, regularly violated Article 2.4 of the UN Charter, which outlines the territorial integrity of every sovereign state. R2P avoids this through the fact that a military intervention must either be authorized by the state in question or by the UN Security Council ([Chapter VII](#) of the UN Charter gives the Security Council the authority to do this

Third, while humanitarian interventions have in the past been justified through the prevention of human rights abuses, the R2P focuses only on the four mass atrocity crimes: genocide, crimes against humanity, war crimes and ethnic cleansing. The first three crimes are clearly defined in international law and codified in the [Rome Statute](#) that established the International Criminal Court. Ethnic cleansing is not a crime defined under international law, but has been defined by the UN as “a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas”.

Finally, while humanitarian intervention assumes a ‘right to intervene’, the R2P is based on a ‘responsibility to protect’. Humanitarian intervention and the Responsibility to Protect (R2P) both agree on the fact that sovereignty is not absolute. However, the R2P doctrine shifts away from state-centered motivations to the interests of victims by focusing not on the right of states to intervene but on a responsibility to protect populations at risk. In addition, it introduces a new way of looking at the essence of sovereignty, moving away from issues of 'control' and emphasising 'responsibility' to one's own citizens and the wider international community.

Criticism

R2P and national sovereignty

One of the main concerns surrounding R2P is that it infringes upon national sovereignty. This concern is rebutted by the Secretary General Ban Ki-moon in the report *Implementing the Responsibility to Protect*. According to the first pillar of R2P, the state has the responsibility to protect its populations from mass atrocities and ethnic cleansing, and according to the second pillar the international community has the responsibility to help states fulfill their responsibility. Advocates of R2P claim that the only occasions where the international community will intervene in a state without its consent is when the state is either allowing mass atrocities to occur, or is committing them, in which case the state is no longer upholding its responsibilities as a sovereign. In this sense, R2P can be understood as reinforcing sovereignty. In 2004, the High-level Panel on Threats, Challenges and Change, set up by Secretary-General Kofi Annan, endorsed the

emerging norm of a responsibility to protect stating that there is a collective international responsibility,"exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing, and serious violations of humanitarian law which sovereign governments have proved powerless or unwilling to prevent."

Syria, 2011: Russian and Chinese repudiation of abuse of R2P

Several attempts were made by the U.S. government in the course of 2011 to 2013 to pass Security Council resolutions invoking R2P to justify military intervention in the Syrian civil war. These were vetoed by Russia and China. The Russian and Chinese governments both issued statements to the effect that in their opinion R2P had been abused by the U.S. as a pretext for 'regime change', more particularly in the case of Libya, and that as far as they were concerned they would be extremely suspicious of any future Security Council resolutions invoking R2P, based on past experience:

The situation in Syria cannot be considered in the council apart from the Libyan experience. The international community is alarmed that the NATO interpretation of the Libya resolution is a model for future actions of NATO in implementing responsibility to protect ... (and) could happen in Syria... We are alarmed that compliance with Security Council resolutions in Libya had been considered a model for future actions by the North Atlantic Treaty Organization (NATO). It was important to see how that model had been implemented. The demand for a ceasefire had turned into a civil war, the humanitarian, social and military consequences of which had spilled beyond Libya. The arms embargo had turned into a naval blockade on west Libya. Such models should be excluded from global practice. (Vitaly Churkin, Russian UN Ambassador)

"I hope that the Government would follow through on reform and a process of dialogue. The Council should encourage those objectives while respecting Syria's sovereignty's and territorial integrity. Any action it took should contribute to peace and stability and comply with the United Nations Charter principles of non-interference in internal affairs. His country's position on those principles had remained consistent and firm." (Li Baodong, Chinese UN Ambassador)

Use of military intervention

The question of military intervention under the third pillar of R2P remains controversial. Several states have argued that R2P should not allow the international community to intervene militarily on states, because to do so is an infringement upon sovereignty. Others argue that this a necessary facet of R2P, and is necessary as a last resort to stop mass atrocities. A related argument surrounds the question as to whether more specific criteria should be developed to determine when the Security Council should authorize military intervention.