The Responsibility to Protect

Who is responsible for protecting people from gross violations of human rights?

Emergence of the concept

Debating the right to "humanitarian intervention" (1990s)

Following the tragedies in Rwanda and the Balkans in the 1990s, the international community began to seriously debate how to react effectively when citizens' human rights are grossly and systematically violated. The question at the heart of the matter was whether States have unconditional sovereignty over their affairs or whether the international community has the right to intervene in a country for humanitarian purposes.

In his Millennium Report of 2000, then Secretary-General Kofi Annan, recalling the failures of the Security Council to act in a decisive manner in Rwanda and the former Yugoslavia, put forward a challenge to Member States: "If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?"

From humanitarian intervention to the responsibility to protect (2001)

The expression "responsibility to protect" was first presented in the report of the International Commission on Intervention and State Sovereignty (ICISS), set up by the Canadian Government in December 2001. The Commission had been formed in response to Kofi Annan's question of when the international community must intervene for humanitarian purposes. Its report, "The Responsibility to Protect," found that sovereignty not only gave a State the right to "control" its affairs, it also conferred on the State primary "responsibility" for protecting the people within its borders. It proposed that when a State fails to protect its people – either through lack of ability or a lack of willingness – the responsibility shifts to the broader international community.

Report of the High-level Panel on Threats, Challenges and Change (2004)

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 – often called "R2P" – 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." The panel proposed basic criteria that would legitimize the authorization of the use of force by the UN Security Council, including the seriousness of the threat, the fact that it must be a last resort, and the proportionality of the response.

Report of the Secretary-General: In larger freedom (2005)

In his report "In larger freedom," Secretary-General Kofi Annan "strongly agreed" with the approach outlined by the High-level Panel and suggested that a list of proposed criteria – including seriousness of the threat, proportionality and chance of success - be applied for the authorization of the use of force in general.

United Nations World Summit (2005)

In September 2005, at the United Nations World Summit, all Member States formally accepted the responsibility of each State to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. At the Summit, world leaders also agreed that when any State fails to meet that responsibility, all States (the "international community") are responsible for helping to protect people threatened with such crimes. Should peaceful means – including diplomatic, humanitarian and others - be inadequate and national authorities "manifestly fail" to protect their populations, the international community should act collectively in a "timely and decisive manner" – through the UN Security Council and in accordance with the UN Charter – on a case-by-case basis and in cooperation with regional organizations as appropriate.

<u>In practice</u>

The first time the Security Council made official reference to the responsibility to protect was in April 2006, in resolution 1674 on the protection of civilians in armed conflict. The Security Council referred to that resolution in August 2006, when passing resolution 1706 authorizing the deployment of UN peacekeeping troops to Darfur, Sudan. Recently, the responsibility to protect featured prominently in a number of **resolutions adopted by the Security Council**:

Libya (2011)

Following widespread and systematic attacks against the civilian population by the regime in the Libyan Arab Jamahiriya (short: Libya), the UN Security Council, on 26 February 2011, unanimously adopted <u>resolution 1970</u>, making explicit reference to the responsibility to protect. Deploring what it called "the gross and systematic violation of human rights" in strife-torn Libya, the Security Council demanded an end to the violence, "recalling the Libyan authorities' responsibility to protect its population," and imposed a series of international sanctions. The Council also decided to refer the situation to the International Criminal Court.

In <u>resolution 1973,</u> adopted on 17 March 2011, the Security Council demanded an immediate ceasefire in Libya, including an end to ongoing attacks against civilians, which it said might constitute "crimes against humanity." The Council authorized Member States to take "all necessary measures" to protect civilians under threat of attack in the country, while excluding a foreign occupation force of any form on any part of Libyan territory. A few days later, acting on the resolution, NATO planes started striking at Qadhafi's forces.

Côte d'Ivoire (2011)

In response to the escalating, post-election violence against the population of Côte d'Ivoire in late 2010 and early 2011, the UN Security Council, on 30 March 2011, unanimously adopted <u>resolution 1975</u> condemning the gross human rights violations committed by supporters of both ex-President Laurent Gbagbo and President Ouattara. The resolution cited "the primary responsibility of each State to protect civilians," called for the immediate transfer of power to President Ouattara, the victor in the elections, and reaffirmed that the UN Operation in Côte d'Ivoire (UNOCI) could use "all necessary means to protect life and property." In an effort to protect the people of Côte d'Ivoire from further atrocities, UNOCI on 4 April 2011 began a military operation, and President Gbagbo's hold on power ended on 11 April when he was arrested by President Ouattara's forces. In November 2011, President Gbagbo was transferred to the International Criminal Court to face

charges of crimes against humanity as an "indirect co-perpetrator" of murder, rape, persecution and other inhumane acts. On 26 July 2012, the Council adopted resolution 2062 renewing the mandate of UNOCI until 31 July 2013.

South Sudan (2011)

On 8 July 2011, the Security Council, in resolution 1996, established a UN peacekeeping mission in South Sudan (UNMISS), to – among other things – advise and assist the government in fulfilling its responsibility to protect civilians. South Sudan officially became an independent country on 9 July 2011, the climax of a process made possible by a 2005 peace deal that ended a long civil war. In December 2013, fighting between pro- and anti-Government forces began, causing the displacement of approximately 706,000 people, 77,000 of whom sought refuge at UNMISS bases. In February 2014, the Security Council reiterated its steadfast support for UNMISS and its vital mission on behalf of the international community to protect civilians in South Sudan, including foreign nationals, as well as conduct human rights monitoring and investigations, and facilitate assistance to populations in need.

Yemen (2011)

On 21 October 2011, resolution 2014 condemned human rights violations by the Yemeni authorities and encouraged an inclusive Yemeni-led political process of transition of power, including the holding of early Presidential elections. This resolution explicitly recalled the Yemeni Government's "primary responsibility to protect its population."

Syria (2012)

Secretary-General Ban Ki-moon has stressed the urgent need for a political solution to end the crisis in Syria, which over the past three years has claimed more than 100,000 lives and led to a dire humanitarian crisis. He has called on the region and the international community, in particular the Security Council, to find unity and lend full support to the efforts of the Joint Special Representative of the United Nations and the League of Arab States, Lakhdar Brahimi, to help the Syrian people reach a political solution to the conflict

Both the General Assembly and the Human Rights Council have strongly condemned the continued "widespread and systematic" human rights violations in Syria and demanded that the government immediately cease all violence and protect its people. The High Commissioner for Human Rights recommended referring the situation in Syria to the International Criminal Court and urged the Security Council to assume its responsibility to protect the population of Syria.

"The Government of Syria is manifestly failing to protect its populations," the Secretary-General's Special Adviser on the Prevention of Genocide, Adama Dieng, said in a statement in December 2012. "The international community must act on the commitment made by all Heads of State and Government at the 2005 World Summit to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, including their incitement," said Mr. Dieng.

Central African Republic (2013)

The conflict in the Central African Republic (CAR) erupted when Séléka rebels launched attacks in December 2012, and has taken on increasingly sectarian overtones as mainly Christian militias have taken up arms. On 10 October 2013, in resolution 2121, the Security Council emphasized "the primary responsibility of the Central African authorities to protect the population, as well as to ensure the security and unity in its territory", and stressed "their obligation to ensure respect for international humanitarian law, human rights law and refugee law." In March 2014, the UN Secretary-General outlined his proposal for the establishment of a nearly 12,000-strong UN peacekeeping operation in the CAR.

<u>**Reports of the Secretary-General**</u>

Implementing the responsibility to protect (2009)

Based on the outcome document of the 2005 World Summit, a 2009 report by the Secretary-General outlined a strategy around three pillars of the responsibility to protect:

1. The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement;
2. The international community has a responsibility to encourage and assist States in fulfilling this responsibility;
3. The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the UN Charter.

Early warning, assessment and the responsibility to protect (2010)

The Secretary-General's report on early warning, assessment and the responsibility to protect identified gaps and proposed ways to improve the UN's ability to use early warnings more effectively, including information from field operations, and improve early, flexible and balanced responses where there is risk of genocide, crimes against humanity, war crimes or ethnic cleansing.

The role of regional and sub-regional arrangements (2011)

This report by the Secretary-General emphasized the need for global-regional collaboration to help implement the responsibility to protect. While emphasizing that the responsibility to protect is universal and each region "must move forward," the report acknowledged that "each region will operationalize the principle at its own pace and in its own way."

The responsibility to protect: timely and decisive response (2012)

The Secretary-General's fourth report on the responsibility to protect, presented in September 2012, examined the idea of a "timely and decisive response" when a State failed to protect its people, including the range of tools and partners available, and the close connection between prevention and response.

State Responsibility and Prevention (2013)

The Secretary-General's fifth report on the responsibility to protect, published in August 2013, focuses on prevention. The report aims to provide analysis and strategies that can help States to fulfil their responsibilities to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing.

The Secretary-General's Special Adviser

In 2008, the Secretary-General appointed Edward Luck as his Special Adviser on the Responsibility to Protect. Mr. Luck was succeeded, in June 2013, by Ms. Jennifer Welsh. The Special Adviser is responsible for the further development and refinement of the concept as well as for the continuation of the political dialogue with Member States and other stakeholders on further steps toward implementation..

For more information, see : **www.un.org/en/preventgenocide/adviser/responsibility**
Outreach Programme on the Rwanda Genocide and the United Nations: **www.un.org/preventgenocide/rwanda**

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