

# RtoP at the United Nations

AN EDUCATIONAL TOOL BY THE INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT

## Key developments on the Responsibility to Protect at the United Nations from 2005-2014

1. Responsibility to Protect Agreed to at the 2005 World Summit
2. UN General Assembly and the Advancement of RtoP
3. Reaffirming Support for RtoP in the UN Security Council: Resolutions, Protection of Civilians, and the Veto
4. Joint Office of the Special Advisers to the Secretary-General on Prevention of Genocide & RtoP
5. RtoP and the UN Human Rights Council

### 1. Responsibility to Protect Agreed to at the 2005 World Summit

During a historic gathering of world leaders in New York for the High-level Plenary Meeting of the General Assembly (World Summit) in 2005, heads of state and government agreed to a Responsibility to Protect (RtoP) populations from genocide, war crimes, crimes against humanity and ethnic cleansing. This commitment is included in [paragraphs 138 and 139](#) of the 2005 World Summit Outcome Document (WSOD), and explains that the primary responsibility to protect populations from the four aforementioned crimes lies with each individual state, but that the international community also has a responsibility to assist states in reaching their capacity to do so. Should a state “manifestly fail” to uphold this commitment, the international community has a responsibility to protect those affected by the consequences of this failure. Importantly, the WSOD – including the paragraphs that define the Responsibility to Protect – was **unanimously adopted** by all UN member states at the 2005 World Summit.

### 2. UN General Assembly and the Advancement of RtoP

Beginning in 2009, Secretary-General Ban Ki-Moon has released an annual report exploring the full range of how to view the operationalization of the Responsibility to Protect. After the release of the report each year, the General Assembly then meets at an informal dialogue to discuss its findings and recommendations. The discussion surrounding RtoP at these debates have evolved significantly over the past six years. No longer do states argue whether a Responsibility to Protect exists, but mainly discuss how best to implement the norm. Importantly, there has been a steady increase in the amount of participation at the GA dialogue. Below is a summary of each of the Secretary-General’s reports and dialogues, along with a link to the full Secretary-General’s reports:

#### [2009: Implementing the Responsibility to Protect](#)

UN Secretary-General Ban Ki-moon’s report ‘[Implementing the Responsibility to Protect](#)’, was released on 12 January 2009. This Report, the first comprehensive UN document on RtoP, outlines measures and actors involved in operationalizing the norm. It also translates paragraphs 138 and 139 of the WSOD into a ‘three-pillar approach’ (see box at right.) The Secretary-General recommended that the General Assembly meet to consider, based on this report, how Member States would take the 2005 World Summit commitment forward. The first **General Assembly informal interactive debate** on RtoP started on 23 July 2009 and continued for two full days on 24 July and 28 July 2009. Overall, of the 92 Member States (and 2 observers) that spoke, most demonstrated strong interest in the norm. Noting that the concept of RtoP as endorsed in 2005 was not to be

#### THREE PILLAR FRAMEWORK OF THE RESPONSIBILITY TO PROTECT

United Nations (UN) Secretary-General Ban Ki-moon established the three-pillar framework of the Responsibility to Protect (RtoP, R2P), in his 2009 Report *Implementing the Responsibility to Protect*.

- **Pillar One:** The state bears the primary responsibility to protect their population from genocide, war crimes, crimes against humanity and ethnic cleansing.
- **Pillar Two:** The international community, i.e. the UN, regional organizations, governments and civil society, must assist states in fulfilling their protection obligations.
- **Pillar Three:** When a state manifestly fails to protect its population or is in fact the perpetrator of these crimes, the international community has a responsibility to take collective action in a timely and decisive manner to prevent or halt the commission of mass atrocities. Such action must be on a case-by-case basis using a broad range of political, economic, humanitarian, and should peaceful means prove inadequate, coercive

renegotiated, governments demonstrated that they were conscientiously considering the proposals in the Secretary-General's Report and raised important issues and recommendations for the General Assembly, Security Council, UN departments, regional bodies and governments. Many also recognized the important role of civil society in preventing and reacting to these most serious international violations. Concerns were raised regarding the implementation of RtoP, with cautioning against selective use of the norm. *View the Coalition's summaries of the [report](#) and [dialogue](#).*

### [General Assembly Resolution 308 on the Responsibility to Protect](#)

The first General Assembly Resolution on the Responsibility to Protect was adopted on 14 September 2009. The Resolution ([A/RES/63/308](#)) was introduced on 14 September 2009 by the delegation of Guatemala, and was co-sponsored by 67 Member States. The General Assembly Resolution took note of both the Secretary-General's Report and the debate, and decided to continue the Assembly's consideration of RtoP.



### [2010: Early Warning, Assessment, and the RtoP](#)

On 14 June 2010, Secretary-General Ban Ki-moon released his second report on RtoP, entitled '[Early Warning, Assessment and the Responsibility to Protect](#)'. This Report identified the capacities and gaps of early warning mechanisms, and noted the insufficient level of information and analysis sharing as well as the fact that existing mechanisms do not always conduct early warning through an "RtoP lens," but rather focus more specifically on the prevention of armed conflict. The publication of the Report was followed by a General Assembly [informal, interactive dialogue](#) on 9 August 2010.

Participants included 42 Member States, 2 representatives from regional organizations, and 2 civil society representatives. Constructive questions and concerns were raised on how the UN system can best gather and analyze information, develop policy options and translate them into early engagement. Multiple sources of information should be sought, including those from UN funds, programs and agencies, as well as field missions. Many Member States also supported information coming from civil society as a valuable component of the discussion. The majority of States reaffirmed their support for the emerging RtoP norm, welcomed the Secretary General's Report, and called for continued discussion on the RtoP in the General Assembly. *View the Coalition's summaries of the [report](#) and [dialogue](#).*<sup>i</sup>

### [2011: Role of Regional and Sub-Regional Arrangements on Implementing the RtoP](#)

Secretary-General Ban Ki-moon released a [Report](#) on 7 July 2011 entitled, '[The Role of Regional and Sub-Regional Arrangements on Implementing the Responsibility to Protect](#).' This third Report on RtoP emphasizes that the Security Council and regional and sub-regional organizations lend legitimacy to each other, frames the role of such arrangements using the norm's three pillar approach, and offers ideas for areas of collaboration. The third General Assembly informal, interactive dialogue was held on 12 July 2011 to discuss the role that regional and sub-regional organizations play in protecting populations from mass atrocities. Statements were delivered by 43 Member States, 3 regional organizations and 4 civil society representatives. Member States recognized the unique advantage of regional organizations in preventing and reacting to mass atrocities and mentioned the need for more collaboration among these actors including on best practices and lessons learned, peer review, early warning information and analysis, and coordination on sanctions or punitive measures. A number of concerns were raised regarding NATO's use of force to implement Resolution 1973 in Libya. However, though events in Libya and Côte D'Ivoire could have led to registered disapproval for RtoP and a push for renegotiation of the norm, most Member States used the platform to instead voice support for RtoP and provide constructive suggestions for its continued implementation. *View the Coalition's summaries of the [report](#) and [dialogue](#).*

### [2012: Responsibility to Protect—Timely and Decisive Response](#)

Secretary-General Ban Ki-moon released his fourth Report, '[Responsibility to protect – timely and decisive response](#),' on 20 August 2012. The Report discussed the "[third pillar](#)" of RtoP, articulating the broad range of non-coercive and coercive tools available and reiterating the role of actors at the international, regional, national and local levels in RtoP's implementation. The Report also emphasized the importance of preventing RtoP crimes, and the noted that there is never a question of whether or not RtoP applies to a situation. The question, rather, is how to best implement the

norm. Finally, the Secretary-General discussed the interactive relationship between the three pillars of RtoP. The publication of the Report was followed by the [fourth General Assembly informal, interactive dialogue](#) on 5 September 2012, which was attended by 56 Member States, one regional organization and two civil society organizations – all of which gave interventions ranging from the connection between prevention and response, tools available under Chapters VI, VII and VIII of the United Nations Charter, lessons learned, and the way forward. Member States also reaffirmed the non-sequential and mutually supportive nature of the three pillars of RtoP, as well as its narrowly defined scope. Some concerns with the norm’s implementation, such as case selectivity and the Brazilian initiative, “responsibility while protecting” (RWP) were also raised. *View the Coalition's summaries of the [report](#) and [dialogue](#).*

#### [2013: Responsibility to Protect: State Responsibility and Prevention](#)

On August 2013, Secretary General Ban Ki-moon released his fifth Report entitled [Responsibility to Protect: State Responsibility and Prevention](#). The Report focuses on the primary responsibility of all member states to protect populations within their borders from RtoP crimes and violations, and identifies risk factors that can lead to the occurrence of such crimes. In addition to providing more than 30 country examples of state-level prevention initiatives, the Report also highlights several policies, such as holding free and fair elections, and establishing national RtoP focal points, that States can implement in an effort to prevent the occurrence of RtoP crimes within their territory. The Report concludes by calling on member states to increase cooperation with civil society and other member states and regional organizations to formulate strategies for prevention and to dedicate the requisite resources to this effort. The corresponding dialogue on RtoP was held on September 11, 2013. Sixty-eight governments and one regional arrangement, along with two civil society organizations- the [Global Centre for the Responsibility to Protect](#) and the [International Coalition for the Responsibility to Protect](#) (ICRtoP)- also gave interventions. The 2013 dialogue included the highest number of participating governments since the first debate on RtoP in 2009, with eight states participating for the first time. Member States welcomed the Report and the emphasis on prevention in protecting against RtoP crimes. Certain states also asked for participants to consider placing RtoP on the formal agenda of the GA. *View the Coalition's summary of the [report](#) and [dialogue](#).*

#### [2014: Responsibility to Protect: International Assistance](#)

On August 2014, UN Secretary-General Ban Ki-moon released his sixth Report entitled “[Fulfilling our collective responsibility: international assistance and the Responsibility to Protect](#)” (A/68/947). The Report focuses on Pillar II: the collective responsibility of the international community to assist states in upholding their RtoP. The Report identifies different forms of assistance including encouragement, capacity building, and assisting states to protect their populations. The Report further highlights various partnerships that could enhance the implementation of RtoP. The corresponding dialogue, focusing on collective responsibility and international assistance, was held on 8 September 2014. Sixty-seven Member States delivered statements on behalf of eighty-three governments. In addition, one regional organization, along with four civil society organizations, including the [International Coalition for the Responsibility to Protect](#) (ICRtoP), as well as three ICRtoP members also gave interventions. During the dialogue, Member States reaffirmed that prevention is at the core of RtoP. Furthermore, several interventions focused on the relationship between women, peace and security and Pillar II as well as the importance of the Arms Trade Treaty for the prevention of mass atrocities. Fourteen states also called on Permanent Members of Security Council to limit their use of the veto in mass atrocities. A high number of statements also encouraged the General Assembly to consider including RtoP on its formal agenda. *View the Coalition's summary of the [report](#) and [dialogue](#).*

#### [Informal discussion of Brazil’s concept note on “Responsibility While Protecting” \(RWP\)](#)

During an [informal meeting](#) organized by the Permanent Mission of Brazil on 21 February 2012, Member States and civil society discussed a concept note, [Responsibility while protecting: elements for the development and promotion of a concept](#), which was originally [presented](#) to the Security Council on 9 November 2011 during the [twelfth open debate](#) on the protection of civilians by the Permanent Representative of Brazil to the UN. The “responsibility while protecting,” or RWP, sought to address concerns regarding the implementation of military measures under the RtoP framework, emphasizing that prevention is the “best policy” and that the use of force in particular must be monitored and assessed. During the meeting, participants welcomed the concept as providing an opportunity for constructive discussion on the implementation of the norm. However, recurring concerns were raised, including the risk that monitoring and limiting

the use of force could establish barriers to action in responding to the threat of mass atrocities; and the note's proposal to chronologically sequence the norm's three pillar framework.

[Read more on the 'responsibility while protecting' discussion.](#)

### **3. Reaffirming Support for RtoP in the UN Security Council: Resolutions, Protection of Civilians, and the Veto**

As indicated in paragraphs 138 and 139 of the 2005 WSOD, the responsibility to protect individuals from genocide, war crimes, crimes against humanity, and ethnic cleansing lies with actors at all levels of society. It follows that one of the key players involved in upholding RtoP is the UN Security Council, both in terms of responding to early warning signs and taking preventive measures, as well as in identifying escalating violence and conflicts that require a concerted response from outside actors. In addition, paragraphs 138 and 139 emphasize that the international community – including the Security Council – must use “appropriate diplomatic, humanitarian and other peaceful means under **Chapter VI and VIII** of the UN Charter” when carrying out its RtoP, thus ensuring that decisions made under this pretext align with accepted interpretations of international law. Given that the Security Council is granted “**primary responsibility**” for maintaining international peace and security under the UN Charter, this body's engagement with efforts to prevent or resolve disputes through an RtoP lens is critical in the overall effectiveness of the norm. This has been reflected in Security Council resolutions, the expanding debate on the protection of civilians (POC), and the use of the veto amongst the 5 permanent members.

#### [Security Council Resolutions and RtoP](#)

One of the most visible ways in which the Security Council can endorse and further promote the norm of RtoP is by including RtoP language in relevant resolutions on conflict situations. Indeed, since 2006, **25 resolutions** and **6 presidential statements** have made references to RtoP. Significantly, 21 of these resolutions have come since February 2011, which indicates an increasing trend towards the assimilation of RtoP into the wider conflict prevention and resolution discourses, along with a greater willingness on the part of the Security Council to incorporate RtoP principles into its framework of operation.

On 16 April 2014, the Security Council adopted Resolution 2150 on the Prevention and Fight against Genocide. The landmark resolution recalled the important role of the Secretary General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect and their functions of acting as an early warning mechanism to prevent genocide, war crimes, crimes against humanity, and ethnic cleansing. Significantly, the resolution also included the first-ever operative paragraph on RtoP, when it called upon States to “recommit to prevent and fight against genocide, and other serious crimes under international law, reaffirms paragraphs 138 and 139 of the 2005 World



Summit Outcome Document (A/60/L. 1) on the responsibility to protect populations from genocide, war crimes, ethnic cleansing, and other crimes against humanity.” On 21 August 2014, the UN Security Council adopted another resolution (**S/RES/2171(2014)**) on conflict prevention, which also included operative paragraphs on RtoP reaffirming that states have a responsibility to protect civilians from genocide, war crimes, ethnic cleansing and crimes against humanity and recalling the important role of the Special Advisers on the Prevention of Genocide and RtoP.

*For a full list of UN Security Council resolutions referencing RtoP from 2006-2014, along with the relevant excerpts, please click [here](#). For a list of UN Security Council Presidential Statements referencing RtoP, click [here](#).*

#### [Open Debates on the Protection of Civilians](#)

On 28 April 2006, the UN Security Council unanimously adopted **Resolution 1674** on the Protection of Civilians in Armed Conflict (POC), which emphasizes concern for noncombatants affected by violence and unrest. Importantly, Resolution 1674 contains the first official Security Council reference to the Responsibility to Protect by reaffirming the provisions of RtoP as they were initially outlined in paragraphs 138 and 139 of the 2005 WSOD. This Protection of Civilians resolution also notes the Council's readiness to address gross violations of human rights, such as genocide and

crimes against humanity, which it notably confirms may constitute threats to international peace and security.

On 28 June 2006, the Security Council held its first open debate on the protection of civilians in armed conflict. Each year thereafter, the Council has held semi-annual **open debates** to take stock of developments in the area of POC and to assess progress in the implementation of the commitments made under Resolution 1674. Governments were overwhelmingly positive in affirming their support for RtoP during the first open debate, as well as in subsequent debates.

Importantly, on 11 November 2009, during the eighth open debate on the POC, the Security Council reaffirmed its commitment to prevent the victimization of civilians in armed conflict and end ongoing violence against civilians around the world in **Resolution 1894**. This Resolution, the second passed by the Council under this agenda, recognizes that States have the primary responsibility to protect their population, and reaffirms the fundamental provisions of RtoP. More than twenty Member States mentioned RtoP in their **statements**, recognizing that sovereignty includes responsibilities of the state to protect populations from mass atrocities, and that it is the responsibility of the international community to assist national governments in fulfilling their protection obligations.

These States' endorsement of the first informal debate on RtoP illustrates the linkages between concerns generated in discussions on POC, and those arising from situations in which RtoP is applicable. For example, both RtoP and POC aim to protect the individual and center on universally-accepted principles of international, humanitarian, human rights, and refugee law. Yet, whereas POC is relevant in situations of armed conflict, RtoP only pertains to genocide, war crimes, crimes against humanity, and ethnic cleansing, which may occur both in and outside of armed conflict.<sup>ii</sup>

#### Security Council, the Veto, and RtoP Situations

As stipulated under the UN Charter, votes on non-procedural matters within the Organization require a consensus by all five permanent members of the Security Council. Given this de facto veto power, much discussion has evolved on whether or not the permanent members have any responsibility to refrain from using their veto in mass atrocity situations.

In May 2013, a group of states formed the Accountability, Coherence and Transparency (ACT) Initiative, which seeks to **re-envision** the Security Council in such a way that not only does the Council itself function more effectively, but the non-Council member states have an increasing influence on matters of peace and security. The ACT Initiative has established **multiple committees** to address the various working methods of the Council, including a committee focused on promoting a veto restraint in mass atrocity situations.

During the 2013 GA informal dialogue on RtoP, the issue of the veto was again raised, this time in specific reference to the ongoing crisis in Syria, which at the time was approaching the beginning of its fourth year of conflict. Nine member states called for a "voluntary restraint" of the veto in RtoP situations like Syria. Days later, on 4 October 2013, French Foreign Minister Laurent Fabius pushed the conversation a step farther by **offering his ideas** on a new voting procedure in an op-ed for the New York Times. Here, Fabius suggested a "code of conduct" centered on the notion that whenever and wherever human rights abuses on the ground amounted to mass atrocities, the five permanent members of the Security Council should voluntarily agree to not invoke their veto power. Not only does this proposal indicate an increasing link between human rights violations and international responses to conflict, but it also demonstrates the further intertwining of RtoP concerns in the wider scope of the Council's responsibilities at large.

#### **4. Joint Office of the Special Advisers to the Secretary-General on the Prevention of Genocide and RtoP**



##### Special Adviser on the Prevention of Genocide

In July 2004, the UN Secretary-General appointed Juan Mendez as the first Special Adviser for the Prevention of Genocide (SAPG), which would be supported by the High Commissioner for Human Rights but report directly to the Security Council. The **mandate** for the Office of the SAPG, based on Security Council **Resolution**

1366 adopted on 30 August 2001, is to collect existing information, particularly from within the UN system; act as an early warning mechanism; and make recommendations to the Security Council through the Secretary-General. On 29 May 2007, Secretary-General Ban Ki-moon appointed Francis Deng as the second SAPG. Dr. Deng, who was designated Under-Secretary-General status in December 2007 (Juan Mendez served at the Assistant-Secretary-General level), served in the position for five years, refining an **analysis framework** to better understand factors and indicators of genocide. He also engaged with governments to emphasize the importance of managing identity and diversity to prevent conflict. On 17 July 2012, the Secretary-General appointed Adama Dieng of Senegal (above), then Registrar of the International Criminal Tribunal for Rwanda, as the third SAPG.<sup>iii</sup> *Read more about the Special Adviser on the Prevention of Genocide.*

#### *Special Adviser on the Responsibility to Protect*

At the end of August 2007, Secretary-General Ban Ki-moon sent a letter to the Security Council President proposing the creation of the position of Special Adviser on the Responsibility to Protect. The Assistant Secretary-General position, **acknowledged** on 11 December 2007 by the Security Council, was filled on 21 February 2008, when the Spokesperson for Secretary-General **announced** that Dr. Edward Luck had been appointed as Special Adviser to focus on the Responsibility to Protect. Dr. Luck's primary role was focused on the conceptual development of and consensus building around RtoP, and to assist the General Assembly in its ongoing consideration of the norm. Dr. Luck worked out of the Office of the SAPG, and served until July 2012.

On 12 July 2013, Secretary-General Ban Ki-moon **announced** the appointment of Dr. Jennifer Welsh as the new Special Adviser on the Responsibility to Protect. Dr. Welsh has emphasized that the focus of her tenure as Special Adviser will center on mainstreaming the RtoP norm while simultaneously turning an emphasis towards Pillar II – that is, the international community's responsibility to assist states in growing capacity to better protect its citizens from the four crimes enumerated under RtoP. *Read more on the Special Adviser on the Responsibility to Protect.*

### **5. RtoP and the UN Human Rights Council**

In March 2011, on behalf of 55 Member States, the Australian Permanent Mission to the United Nations in Geneva delivered a **joint statement** on RtoP that reminded of the Human Rights Council's role in supporting long-term measures to help states exercise their responsibility to protect. The following year, during the **General Debate in the Council on Technical Assistance and Capacity Building**, the Australian Permanent Mission delivered a **statement** on behalf of the governments of Australia, Hungary, Nigeria, Thailand and Uruguay, expressing these states' goal to explore the role of the Council in operationalizing the first two pillars of the RtoP norm and presenting a proposal for a high-level **side-event** in the margins of the 20th session of the Council. Along with RtoP experts, Member State representatives, and civil society organizations, the UN High Commissioner for Human Rights Navi Pillay also provided a **statement** via video.

Since the issuing of the aforementioned 2011 joint statement, Ms. Pillay has emphasized the place of RtoP in the Human Rights Council by linking the concept with contemporary crises involving her office. For instance, at the 23rd Session of the HRC, Ms. Pillay recalled Member States' commitment to RtoP in the context of country situations, including the crises in **Libya** and **Syria**.

Notably, in March 2013, in conjunction with the 65th anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide in March 2013, the Council passed Resolution **A/HRC/22** commemorating the 65<sup>th</sup> anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide. Furthermore, at the 24th Session in September 2013, several States held a side-event on RtoP and State prevention-building capacity.

In March 2014, RtoP was further embraced by the Human Rights Council at its 25th regular session. Particularly noteworthy was the involvement of Special Adviser Dieng, who took the opportunity to **emphasize** the importance of recognizing early warning signs and responding sooner to crises, so as to prevent the escalation of conflict into serious widespread human rights abuses like those outlined within the scope of RtoP. *See more information regarding outcomes and statements from the meeting.*

# ICRtoP

INTERNATIONAL COALITION FOR **THE RESPONSIBILITY TO PROTECT**

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The International Coalition for the Responsibility to Protect convenes and collaborates with civil society, Member States, and regional and sub-regional organizations to continue close scrutiny of the consistent implementation of the third pillar and develop effective methods to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

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<sup>i</sup> Above photo: Secretary General Addresses Assembly Dialogue on Responsibility to Protect (Credit: UN Photo/Evan Schneider)

<sup>ii</sup> Above photo: Security Council Adopts Discusses Lessons from Rwanda Genocide, Adopts Resolution: (Credit: UN Photo/Devra Berkowitz)

<sup>iii</sup> Above photo: Adama Dieng, Special Adviser of the Secretary-General on the Prevention of Genocide, moderates the General Assembly's dialogue on "Responsibility to Protect: State responsibility and prevention": 11 September 2013 (Credit: UN Photo/Paolo Filgueiras)