

THE RESPONSIBILITY TO PROTECT: BACKGROUND NOTE

By Vina Nadjibulla

The Responsibility to Protect represents a shift in the traditional understanding of state sovereignty to reflect 21st century realities of human rights and collective security. The concept has two basic principles:

1. State sovereignty confers not just rights, but also responsibility. The primary responsibility of each individual state is to protect its people.
2. Where a civilian population is suffering serious harm—specifically genocide, ethnic cleansing, or crimes against humanity—and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention in the internal affairs of a state yields to the international responsibility to protect, upheld collectively by the United Nations.

The concept of a Responsibility to Protect (nicknamed R2P) is consistent with the Universal Declaration of Human Rights and international human rights law. It implies that the rights of human beings to life, dignity and freedom are ultimately more important than the rights of fragile, failing, tyrannical, or indifferent states.

The principles also fit into the UN's concept of collective security. Humanitarian crises have the potential to threaten the security and stability of all states if they become sources of illegal arms flows, mass violence, refugees, terrorism, or transnational organized crime.

The Responsibility to Protect (R2P) embraces three specific responsibilities:

- The **responsibility to prevent**: to address both the root causes and direct causes of internal conflict and other man-made crises.
- The **responsibility to react**: to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and as a *last resort* military intervention.
- The **responsibility to rebuild**: to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert.

Prevention is the single most important dimension of the Responsibility to Protect. If a state cannot or will not protect civilian populations, then the international community has a responsibility to respond using diplomatic, humanitarian, and other peaceful means, including sanctions, under Chapters VI and VII of the UN Charter. The responsibility to prevent also includes efforts to provide early warning of imminent threats, and action to prevent incitement.

If those measures are inadequate, the international community has a responsibility to take collective action quickly and decisively. Such action should be authorized by the Security

Council under Chapter VII of the Charter and have the cooperation of the relevant regional organization.

The Responsibility to Protect was first introduced in the 2001 report of the International Commission on Intervention and State Sovereignty as a response to the UN's failure to respond quickly and effectively to mass atrocities in the Balkans and Rwanda in the 1990s. The Commission, which consulted widely across all regions, concluded that when faced with a humanitarian emergency such as genocide, ethnic cleansing, or large-scale human rights violations, the international community must act in order to uphold human rights and collective security. That duty is not based on a right to intervene, but a responsibility to protect.

Support for R2P has been building since the release of the ICISS report, with more and more states and civil society organizations embracing its principles. Now, for the first time there is a chance for its endorsement by the United Nations General Assembly at the summit of world leaders in September 2005.

In the context of UN reform and preparations for the High-level Summit, R2P was embraced by the Secretary-General in his report *In Larger Freedom*. And in the draft outcome document being prepared for consideration by world leaders in September, it is also promoted, as an emerging norm for international relations.

Governments from a range of regions and cultures have expressed staunch support for R2P in their deliberations on the draft outcome document. R2P advocates include: Argentina, Australia, Azerbaijan, Canada, Chile, Colombia, Iceland, Jamaica, Japan, Kenya, Mexico, New Zealand, Norway, Peru, Rwanda, Senegal, Singapore, South Korea, Sri Lanka, Tanzania, and the 25 members of the European Union. The 53-member African Union's March 2005 Ezulwini Consensus endorsed R2P, and the July Sirte Declaration on UN reform reaffirmed it.

Supporters say that it is essential to establish R2P as a set of guiding principles for the Security Council. They say it is the only way to de-politicize Security Council debates on humanitarian crises, ensure a timely international response, deter would-be perpetrators, maximize the prospects for prevention and reaction, and save lives.

However, a number of other governments such as Algeria, China, Cuba, Egypt, Indonesia, Iran, Malaysia, Pakistan, Russia, Venezuela, and Vietnam, either strongly oppose R2P or call for further discussion in the General Assembly. The US government has endorsed certain elements of R2P but does not support the entire continuum of responsibilities from prevention to rebuilding under the current articulation of principles.

Much of the opposition to R2P is based on the principle of non-interference in the internal affairs of sovereign states, which was enshrined in the UN Charter in 1945. There is also concern on how R2P will be applied in practice. Given the undemocratic nature of the Security Council, some governments fear that R2P will be another tool in the hands of the five permanent members to promote their narrow national interests. Supporters

counter that R2P has exactly the opposite aim: to encourage Council members to set aside those interests in cases of mass atrocity.

Many of the governments supporting R2P are simultaneously urging the permanent members of the SC to agree not to use their veto power to obstruct the passage of resolutions authorizing action in situations of genocide or grave humanitarian crises. Some UN experts point out that if the Security Council fails to respond in such cases alternative options may include:

- Consideration of the matter by the General Assembly in Emergency Special Session under the "Uniting for Peace" procedure; and
- Action within the area of jurisdiction by regional or sub-regional organizations under Chapter VIII of the Charter, subject to their seeking subsequent authorization from the Security Council.

There is a growing interest and debate around R2P among civil society organizations around the world. Civil society organizations have been at the forefront of defining the human security agenda by supporting conflict prevention efforts, advocating for the full and equal participation of women in decision-making on peace and security issues, and stressing the need for greater protection of civilians in armed conflicts. Many civil society organizations (World Federalist Movement, Oxfam, US National Council of Churches, and Global Action to Prevent War) have embraced R2P as a key element of the human security agenda and a necessary norm in light of the current humanitarian crisis in Sudan and the genocides in Rwanda and former Yugoslavia.

Women's rights groups have been slow to develop positions on R2P. Some have expressed concern about lack of gender analysis in the ICISS report and in the current articulations of R2P. Pacifist women's groups are reluctant to advocate for a norm that includes provisions—however regulated—for the use of force. Some groups are further concerned about breaking solidarity with developing countries and being seen as siding with the world's powerful governments. This argument is losing ground as more and more countries in the African and Latin American regions are embracing R2P.

For women's groups it is critical to ensure that if the concept is embraced at the Millennium Summit, its implementation should take into account the provisions of Security Council Resolution 1325 on women, peace and security.

For more information on Responsibility to Protect visit:
Responsibility to Protect-Engaging Civil Society
A project of World Federalist Movement-Institute for Global Policy
www.wfm.org/protect

For more information on women, peace and security visit:
NGO Working Group on Women Peace and Security, www.peacewomen.org