

The Netherlands and the Responsibility to Protect: The Responsibility to Protect People from Mass Atrocities

Advisory Council on International Affairs of the Netherlands

In recent years, the Netherlands has been a strong advocate of R2P. It played an active role in the negotiations in 2005 and has sought to pioneer the further development and implementation of the concept ever since. Moreover, the Netherlands recently took over from Canada the chairmanship of the informal, New York-based group of friends of the Responsibility to Protect.

Against this background, the Advisory Council on International Affairs (AIV) decided that it would be a good idea to issue an advisory report on R2P. Almost five years after its acceptance, it is important to examine the conceptual and operational issues connected to R2P and consider what role it should play in Dutch foreign policy. An advisory report on this issue can also be viewed in the light of the advisory report on humanitarian intervention issued by the AIV and the Advisory Committee on Issues of Public International Law (CAVV) in 2000.

Partly on the basis of consultations with the relevant policy departments at the Ministry of Foreign Affairs, the AIV has formulated the main question of this advisory report as follows:

.. What can be done in the coming years to develop R2P and put it into practice and how can the Netherlands contribute to this?

As part of this question, the AIV has formulated the following subquestions:

.. How can the substance and scope of R2P be clarified?

.. In the international political situation as it is today, what realistic opportunities exist to make R2P more operational? Does the UN Secretary-General's report of January 2009 provide a good starting point in this regard?

.. In the international political situation as it is today, how can the Netherlands help to develop R2P and put it into practice in the immediate future?

The first, introductory chapter describes the context in which agreement was reached on R2P in 2005 and briefly considers subsequent developments. Chapter II analyses various conceptual and normative questions relating to the concept, such as whether it consists of new or existing elements; whether it is a concept, a principle or a norm; how it relates to humanitarian intervention; how it relates to sovereignty; and how to determine its scope. Chapter III discusses practical aspects of R2P, such as strengthening the relevant UN instruments, promoting regional cooperation, non-military forms of pressure, forms of military action and the availability of civilian and military capacity. Chapter IV examines how the Netherlands can help to develop R2P and put it into practice. Finally, chapter V presents a summary and the main conclusions of the report, which also give the AIV's answers to the questions mentioned above.

This advisory report was prepared by a joint committee of the AIV, consisting of Professor T.C. van Boven (chair), Professor K.C.J.M. Arts, D.J. Barth, T. Etty, Professor C. Flinterman, Professor W.J.M. van Genugten, R. Herrmann, F. Kuitenbrouwer, Professor N.J. Schrijver, Ms H.M. Verrijn Stuart and, as an additional external expert, Professor P.A. Nollkaemper. The committee met eight times between September 2009 and May 2010. The executive secretary was Ms A.M.C. Wester, assisted by Ms M. Sprakel, Ms B.A. Kuiper-Slendebroek, Ms S.R. Airoldi and Ms L.M. van Paaschen.

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