Research Report

Leiden Model United Nations 2017

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Forum: *Security Council*

Issue: *Evaluating 12 years of Responsibility to Protect*

Position: *Deputy President*

Introduction

The Responsibility to Protect (R2P) was endorsed by all Member States of the United Nations on the 2005 World Summit. It was created in order to prevent genocide, war crimes, ethnic cleansing and crimes against humanities. The R2P provides a framework to employ measures in order to prevent these crimes and to protect the civilians in countries where these crimes are happening. The authority to employ the use of force lies solely with the United Nations Security Council (UNSC) and this is seen as a measure of last resort.

The R2P has 3 pillars on which it is build. The first pillar is based on the principle that sovereignty means that a country has the responsibility to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing. The second pillar says that the international community has the responsibility to encourage and assist states in order to meet their responsibility. According to the last pillar, if a state fails to protect its citizens, the international community should take appropriate and collective action. They should do so in a timely and decisive manner and in accordance with the UN charter.

The responsibility to protect also has additional elements. One of these elements is the responsibility to prevent, this includes the development of early warning systems and addressing the root causes of conflicts. The second element is the responsibility to react, this means that if a mass atrocity is happening in a country the international community has the responsibility to do something about this. The last one is the responsibility to rebuild, this means that after the intervention, the international community has the responsibility to rebuild the country and the damage that they did and that they should prevent the reoccurrence of mass violence.

Now, twelve years later, the R2P has been mentioned and provoked in several resolutions and has gotten both praise and criticism. By evaluating this programme it should be determined whether this programme should remain active, possibly with some improvements, or should be cancelled.

Definition of Key Terms

Sovereignty
Sovereignty is seen as having supreme political authority. This means that in countries governments are the ultimate overseer in the decision-making process and in maintaining order without any interference from outside bodies. The idea of sovereignty is based on the principle of non-interference on the domestic affair of another country and that each state is equal in international law. Sovereignty is also central to international law.

Mass atrocity crimes
This refers to the three legal defined international crimes, namely genocide, war crimes and crimes against humanity. Genocide is defined as an intentional act to destroy a national, ethnic, racial or religious group. War crimes refer to acts that seriously violate the law of war. Examples of these crimes are intentionally killing civilians, torturing people, taking hostages, rape, the use of child soldiers and strategic bombing of civilian populations. Crimes against humanity are intentional acts committed as part of an attack directed against a civilian or a part of a civilian population.

Humanitarian intervention
An intervention of a state in another state of which is said that its objective is to end the violation of human rights, this intervention can be a military intervention or a non-military intervention, such as humanitarian aid or international sanctions. There is however not a standard a legal definition of humanitarian intervention. The definition that is used is mostly influenced by the field of study. There is a consensus about some of the essential characteristics, namely that humanitarian intervention involves the threat and the use of military forces, that it is an intervention that interferes with the internal affairs of a state which has not committed an act of aggression against another state and that the intervention is a response to situation that do not pose direct threats to the strategic interests of the state carrying out the intervention, but that the intervention is motivated by humanitarian objectives.

General Overview

History
Establishment of the Responsibility to protect
The idea of the R2P was born in the 1990s, when the international community failed to react to the Rwandan genocide in 1994 and the Srebrenica massacre in 1995. Kofi Annan, who currently was the assistant Secretary General (SG) at the United Nations department of peacekeeping realised the failure to respond. He became SG in 1997 and following the Kosovo intervention in 1999 Annan said that the traditional notions of sovereignty should be redefined. In 2000 Annan wrote 'We the peoples' in which he asked the question '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?'

In order to answer this question, Canada established the International Commission on Intervention and State Sovereignty (ICISS) in 2000. In February 2001 the phrase 'Responsibility to Protect' was suggested and in December 2001 the ICISS released the report 'Responsibility to Protect'. In this report it was stated that the sovereignty does not only include rights but also responsibilities. This was based on the idea of Francis Deng, a politician from South Sudan. It also said that if a state was unable to protect their citizens that the responsibility should shift to the international community. It also set criteria for when a military intervention is justified. This criteria include, that there has to be a just cause, which means that serious harm to human beings is occurring or is likely to occur in the near future, the intention should be right, so only to prevent human suffering, it must be a last resort, the means should be proportional, the chance of success should be reasonably high and the military action should be authorised by the Security Council.

The timing of this report was rather bad, as it was in the months after the terrorist attack on the 9th of September in New York. This meant that the international focus had switched to preventing terrorist attacks and there was less attention for humanitarian disasters. The invasion in Iraq, that was done under the pretence of a humanitarian mission, raised concerns that the R2P would be used in the wrong way. However, as humanitarian disasters continued to occur, such as in Darfur, this gave a signal that the international community should do more to prevent these events from happening. The Responsibility to protect was unanimously adopted on the 2005 World summit. The final document was a bit different than the document released in 2001. The R2P now only applied to mass atrocity crimes, not to all humanitarian crises, the criteria of intervention weren't mentioned, the UNSC was made the only body that could authorise a military intervention and the importance of regional organisations was stressed.

Secretary General reports

In 2009 United Nations Secretary General Ban Ki-moon released the report 'implementing the responsibility to protect'. This report set the tone and the direction for the discussion. It also outlined how to turn the concept of the R2P into policy by implementing the three-pillar approach. It also gave particular attention to early warning. The report resulted in a debate in the General Assembly (GA). The outcome of this debate was the GA mentioning the R2P in a resolution, meaning that the GA continued the consideration of the project.

After 2009 the SG released a report about the R2P every year which was always followed by a debate in the GA. In 2010 and the following years it also led to an informal dialogue, in 2010 this was between 49 Member States, 2 regional organisations and 2 civil society organisations. In the following years more regional organisations and civil society organisations attended these meetings. In 2011 the importance of regional societies was also stressed in the report of the SG. These debates in the GA did not cause for much changes, but one was held every year.

Responsibility to Protect in practice
The first case in which the Responsibility to Protect was cited was the case of Kenya. In December 2007 there was a lot of ethnic violence because of a disputed presidential election. There were killings of the people who were aligned with the two major parties in Kenya. The international intervention happened almost immediately. In January 2008 there was an appeal to the Security Council to react to the situation in name of the Responsibility to Protect. Mediation in Kenya led to the signing a power-sharing agreement. The handling of this situation was praised by the human rights watch because of its rapid and coordinated approach.

Libya was the first case where the SC authorised military intervention while citing the R2P. The SC demanded an immediate cease-fire, including the attacks on civilians which could be seen as crimes against humanity. They said that Member States could use all means necessary to protect the civilians in Libya. A few days later NATO carried out airstrikes, this led to many concerns about the fast regime-change after these airstrikes and concerns about civilian casualties. The mission in Libya was not very effective as the situation in Libya is still not resolved.

The Responsibility to Protect has also been cited in resolutions concerning countries other than Kenya and Libya. These countries are Ivory Coast, the Central African Republic, Syria, Burundi and Yemen.

Criticism
Of course there has also been criticism around the R2P. One of the main concerns is still that it infringes the national sovereignty of countries, although advocates of the R2P say that only if a country let's mass atrocities happen, other countries will invade this country without permission. There was also a lot of criticism on the mission in Libya. India's UN Ambassador said that 'the only aspect of the resolution of interest to them was use of all necessary means to bomb the hell out of Libya'. Other said that this intervention was used as a way to change the Libyan regime and believe that the problems in Libya are best solved by Libyans themselves. Also Russia and China believed that the R2P had been abused for regime change, mostly by the US. This was for them a reason to veto the SC resolutions in 2011 that wanted to invoke the R2P in order to justify military interventions in Syria.

The political scientist Roland Paris argues that the R2P has structural problems that are inherent to the R2P. These are the mixed-motives problem, because states mostly do not engage in humanitarian intervention unless this is partly for self-defence. An example of this is Palestine, because there has never been any backer of the R2P who has pushed for an intervention in Gaza to protect them from Israeli missiles, or Egypt, where there is a brutal US-backed dictatorship. Another structural problem according to Roland Paris is the counterfactual problem, because if the R2P is successful there won't be easy evidence for it. It is hard to prove that otherwise a mass atrocity would have happened. The third problem he states is the conspicuous harm problem, because while the benefits will be mostly invisible, the destruction and the costs will be visible. Lastly he argues that there is an inconsistency problem, because due to the aforementioned reasons there will be a believe that R2P is more likely to cause harm than good. This would result in states failing to act in situations where mass atrocities loom due to the unpopularity of the R2P.

Major Parties Involved

United Nations
The United Nations is the main organisation involved, as the Responsibility to Protect is established by the United Nations and the idea comes from one of the former Secretaries-General. The United Nations is the body which uses and promotes the R2P. The main bodies within the United Nations which are involved in the R2P are the Security Council and the Human Rights Council.

United Nations Security Council (UNSC)
The United Nations Security Council is the only body that is able to provoke the Responsibility to Protect. They have mentioned the R2P in quite a number of resolutions and have also used it to have an intervention in for example Libya and Kenya. There is however even in the UNSC resistance against the R2P, this mostly leads to many abstentions or vetoes about the resolutions.

Global Centre for the Responsibility to Protect
The Global Centre for the Responsibility to protect was established in February 2008. Their objective is to promote universal acceptance of the R2P and to promote its effective operational implementation to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The Global Centre for the Responsibility to protect is used as a resource and a forum for governments, international institutions and non-governmental organisations which are working to protect civilians from mass atrocities.

Libya
Libya is one of the countries where the R2P was used. However, there was a lot of criticism about the mission in Libya as mentioned before. Although the government violence against civilians was stopped, the situation in Libya was far from helped as there came a lot of chaos.

Kenya
Kenya is the first country where the R2P was used. It was an intervention without military forces, which was very successful due to a rapid and coordinated approach. Since the intervention there has been almost no political violence in Kenya.

African Union
The African Union was very much in favour of the concept that the international community has the responsibility to intervene in states if that state is failing to protect its citizens from mass atrocities. In 2000 they adopted the right to intervene in a member state. This is written in Article 4(h) of their Constitutive Act. This article says that it is 'the 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.' In 2005 the AU adopted the 'Ezulwini Consensus' which embraced the R2P and recognised the authority of the UNSC to decide on the use of force in situations of mass atrocities.

Relevant resolutions

SC Res. 1706 (2006)	on Darfur
SC Res. 1970 (2011)	on Libya
SC Res. 1973 (2011)	on Libya
SC Res. 1975 (2011)	on Côte d'Ivoire
SC Res. 1996 (2011)	on Sudan and South Sudan
SC Res. 2014 (2011)	on Yemen
SC Res. 2040 (2012)	on Libya
SC Res. 2085 (2012)	on Mali
SC Res. 2100 (2013)	on Mali
SC Res. 2121 (2013)	on Sudan and South Sudan

Appendix/Appendices

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