



BACKGROUND NOTE

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 Kosovo, 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.

In practice

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 resolution 1970, 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 resolution 1973, 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. Rebel forces took over the capital city of Tripoli in August, and the death of Qadhafi in October 2011 sealed the fate of the old regime.

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 resolution 1975 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, 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 after days of fighting with UNOCI and the French military.

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."

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. Violent ethnic clashes between the Lou Nuer and Murle people of South Sudan's Jonglei state escalated in December 2011.

Syria (2012)

The Security Council, however, has not always found room for agreement in response to responsibility to protect situations. In the case of Syria, on 4 February 2012 the Security Council voted on a draft resolution backing an Arab League plan to resolve the crisis in the country, where UN officials estimated that security forces had killed well over 7,500 people since the popular uprising began in March 2011. The draft resolution called on the Syrian Government to cease violence against civilians and withdraw its armed forces. Thirteen of the Council's 15 members voted in favour of the text, but China and Russia exercised their vetoes and therefore blocked the adoption of the resolution.

Subsequently, both the General Assembly and the Human Rights Council strongly condemned the continued "widespread and systematic" human rights violations by the Syrian authorities 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 Special Advisers on Genocide Prevention and on the Responsibility to Protect called for the consideration of the full range of regional and global tools under the United Nations Charter – some of which do not require Security Council authorization – to address the situation.

Reports of the Secretary-General

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.

The strategy stressed the value of prevention and, when it fails, of an early and flexible response tailored to the specific circumstances of each case. The report underlines that no pillar is more important than the other, and there is no necessarily sequencing among them.

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 improvements to 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)

A 2011 report by the Secretary-General emphasized the need for effective global-regional collaboration to help implement the responsibility to protect. The report identified gaps and proposed ways for the UN to strengthen its cooperation and draw on information and analysis from regional and sub-regional arrangements to identify signs of danger and undertake or support timely and effective preventative action at the sub-regional, regional, or global level. While emphasizing that the principle is universal and each region "must move forward," the report acknowledges that "each region will operationalize the principle at its own pace and in its own way."

The Secretary-General's Special Advisers

In 2004, the UN Secretary-General appointed the first **Special Adviser on the Prevention of Genocide**, Juan Méndez, followed by Francis Deng in 2007. The Special Adviser is responsible for collecting information on massive and serious violations of human rights and international humanitarian law; acting as a mechanism of early warning to the Secretary-General, and through him to the Security Council; making recommendations to the Security Council, through the Secretary-General, on actions to prevent or halt genocide; and liaising with the United Nations system on activities for the prevention of genocide.

In 2008, the Secretary-General appointed Edward Luck as his **Special Adviser on the Responsibility to Protect**. He 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.

In his 2010 report (see above), the Secretary-General expressed his intention to "institutionalize the collaboration between the two Special Advisers" through the establishment of a joint office on Genocide Prevention and on the Responsibility to Protect. The joint office is tasked to preserve and enhance existing arrangements, including for capacity building and for the gathering and analysis of information from the field, while adding value on its own in terms of new arrangements for advocacy, cross-sectoral assessment, common policy, and cumulative learning on how to anticipate, prevent and respond to crises relating to the responsibility to protect.

For more information, please see:

Responsibility to Protect: www.un.org/en/preventgenocide/adviser/responsibility

Outreach Programme on the Rwanda Genocide and the United Nations: www.un.org/preventgenocide/rwanda