

Primer on the Responsibility to Protect

The Responsibility to Protect (or R2P) is a political commitment to prevent and halt the commission of mass atrocity crimes. It seeks to narrow the gap between United Nations member states' pre-existing obligations under International Humanitarian and Human Rights Law and the reality faced by populations at risk of genocide, war crimes, ethnic cleansing and crimes against humanity.

BACKGROUND

Following the atrocities committed in the 1990s in the Balkans and Rwanda, which the international community failed to prevent or adequately respond to, a serious debate emerged on how to react to gross and systematic violations of human rights.

In 2001, the International Commission on Intervention and State Sovereignty, set up by the Canadian Government, issued a report entitled "*The Responsibility to Protect*." The concept of the Responsibility to Protect affirmed the notion that state sovereignty was not just protection from outside interference – but rather also entailed a government's responsibility for their population's welfare. Consequently, the responsibility for the protection of its people from the four mass atrocity crimes rests first and foremost with the state itself. However, a "residual responsibility" also lies with the broader community of states when a particular state is clearly either "unwilling or unable to fulfill its responsibility to protect or is itself the actual perpetrator of crimes or atrocities."

ADOPTION OF THE PRINCIPLE

At the 2005 UN World Summit, heads of state and government committed to the principle of the responsibility to protect. Paragraphs 138 and 139 of the World Summit Outcome Document affirmed the responsibility of states to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity. States also accepted a collective responsibility to assist one another to uphold this commitment and declared their preparedness to take timely and decisive action, in accordance with the UN Charter and in cooperation with relevant regional organizations, when national authorities manifestly fail to protect their populations.

PARAGRAPHS ON THE RESPONSIBILITY TO PROTECT

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

THE RESPONSIBILITY TO PROTECT SINCE 2005

The UN Security Council has invoked R2P in more than 65 resolutions. The UN Human Rights Council has also invoked R2P in 30 resolutions. These resolutions have addressed the situations in such countries as Central African Republic, Côte d'Ivoire, Libya, Mali, Democratic Republic of the Congo, Somalia, South Sudan and Syria – as well as thematic issues such as the Protection of Civilians, Prevention of Genocide, Small Arms and Light Weapons, Threats to International Peace and Security Caused by Terrorist Acts, and the Protection of Healthcare in Conflict.

Since 2009 the UN Secretary-General has published an annual report on the Responsibility to Protect. In the first report, entitled *Implementing the Responsibility to Protect*, the Secretary-General introduced a three pillar strategy for R2P's implementation. The three pillars have since served as a framework for discussing the different facets of prevention and response in mass atrocity situations and have been frequently invoked by member states when addressing R2P.

Pillar One:

Every state has the Responsibility to Protect its populations from four mass atrocity crimes: genocide, war crimes, crimes against humanity and ethnic cleansing.

Pillar Two:

The wider international community has the responsibility to encourage and assist individual states in meeting that responsibility.

Pillar Three:

If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN Charter.