



FACTSHEET

Responsibility to Protect

It cannot be right, when the international community is faced with genocide or massive human rights abuses, for the United Nations to stand by and let them unfold to the end, with disastrous consequences for many thousands of innocent people.

- UN Secretary-General Kofi Annan, *In larger freedom*, para. 134

To ensure that the United Nations does respond to grave humanitarian crises, the UN Secretary-General recommends that governments embrace the responsibility to protect (R2P), an emerging norm proposed by the High Level Panel and the International Commission on Intervention and State Sovereignty (ICISS).¹ He recommends that the responsibility to protect be the basis for collective action to rescue populations in grave danger when their governments are unable or unwilling to act.

This is a responsibility, first and foremost, for each individual State whose “primary *raison d’être* and duty is to protect its population.” However, if states are “unable or unwilling to protect their citizens, then the responsibility shifts to the international community to use diplomatic humanitarian and other methods to help protect the human rights and well-being of civilian populations. When such methods appear insufficient, the Security Council may out of necessity decide to take action under the Charter of the United Nations, including enforcement action, if so required.” Any action by the Security Council should adhere to the principles that are recommended to govern use of force, set out above.

The UN Charter affirms a principle of non-interference in the domestic affairs of a sovereign state but also states as one of its purposes “achieving international cooperation...in promoting and encouraging respect for human rights”. The responsibility to protect is a normative statement intended to reconcile what duties the international community has in the face of grave human rights abuses within a sovereign state. According to these principles, state sovereignty must be upheld, but sovereignty should be defined to include the state’s responsibility to protect its population. When a state is unable or unwilling to protect a population in danger of genocide or other large scale atrocities, the international community has an interest in responding to the needs of the population.

There are vocal opponents to these initiatives, particularly within the Non-Aligned Movement and the G-77, who believe that they codify a system of coercion and intervention providing a tool of powerful governments to judge weaker states. Critics have said that these concepts conflict with principles in the UN Charter relating to the use of force, sovereignty, territorial integrity and non interference in the internal affairs of states.

Statements in support of R2P emphasize that these concepts are intended to ensure that the international community is not a bystander to genocide, crimes against humanity and large scale human rights abuses.

¹ *The Responsibility to Protect: the Report of the International Commission on Intervention and State Sovereignty* (2001).

In response to the impact on the norm of non-interference, they note that state sovereignty implies not only rights but duties, and that responsibility to protect addresses circumstances when the state is unable or unwilling to fulfill its duties and that force be used only as a last resort. Supporters of the R2P concept include the African Group and the European Union.

The Secretary-General's proposals regarding R2P differ in one important aspect from the 2001 ICISS report. The ICISS members addressed the issue of what authority could be considered legitimate if the Security Council fails to take enforcement action to fulfill its responsibility to protect. In those instances, the ICISS report considered alternatives such as a Uniting for Peace procedure by the General Assembly or action by a regional group who would seek Security Council authorization *ex post facto*. By contrast, the Secretary-General only seeks endorsement of a responsibility to protect exercisable by the Security Council.

When should the UN intervene for human protection purposes?

All three reports emphasize use of force as a last resort. As the HLP report states: "the primary focus should be on assisting the cessation of violence through mediation and other tools and the protection of people through such measures as the dispatch of humanitarian, human rights and police missions. Force, if it needs to be used, should be deployed as a last resort." (HLP report, para. 201)

However, if prevention fails to avert a humanitarian crisis, "the Security Council may out of necessity decide to take action under the Charter of the United Nations, including enforcement action, if so required" (*In larger freedom*, para. 135). World leaders are therefore being asked to adopt principles setting forth when such interventions would be legitimate. Such principles could serve as indicators for when the Security Council *should* intervene, as well as determine when "responsibility to protect" justifications are disguising other motives. The Secretary-General, the High Level Panel and the International Commission on Intervention and State Sovereignty have called for the adoption of criteria that must be satisfied in order for the Council to authorize the use of force.²

These are:

- The seriousness of the threat;
- The proper purpose of the proposed military action;
- Whether means short of the use of force might reasonably succeed in stopping the threat;
- Whether the military option is proportional to the threat at hand;
- Whether there is a reasonable chance of success. (*In larger freedom*, para. 126).

Many governments fear that these criteria will be used to legitimize military actions intended to advance neo-imperialist ambitions rather than human protection. Supporters have argued that, to the contrary, they would be a standard by which action or inaction could be assessed, thus improving accountability and deterring unilateral and illegitimate preemptive wars.

² The ICISS report recommends principles for intervention in cases of actual or apprehended genocide or ethnic cleansing. By contrast, the High Level Panel and the Secretary-General recommend the application of these principles for all uses of force, not only those conducted for human protection purposes.