

Responsibility to Protect and its Relationship with Human Rights

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Abstract

This research focuses on the central theme of the Responsibility to Protect (R2P); a newly coined international security and human rights principle that addresses the two layers of protection of human rights, i.e. national protection and in case of its failure, the international protection. R2P proclaims that interests or an ideology should not be the paramount concern, instead, common humanity is the standard and it advocates for an obligation not to remain indifferent towards sufferings of other human beings. For the same reason, R2P is concerned with large scale of loss of life, ethnic cleansing and violations of human rights.

Since R2P is applicable in case of genocide, crimes against humanity, war crimes and ethnic cleansing, it has been employed by the United Nations in response to crises in, inter alia, Darfur, Cote d'Ivoire, Kenya and Libya. In all these situations, the international community or the United Nations had to intervene once the national protection had failed in protecting the people or when the State itself was perpetrating atrocities. The response to these crises was either diplomatic and peaceful or violent and coercive as will be elaborated in the proceeding sections of this work.

Key Words: *Responsibility to Protect, R2P, Human rights, serious harm, Four Crimes, International Commission on Intervention and State Sovereignty (ICISS 2001)*

1. Introduction

Since human rights emerged as a norm of international affairs in post World

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War 2 era, interference in domestic matters of a sovereign State has been seen as controversial issue in international relations. The issue stems from the incongruity between the principle of non interference of sovereign States and the necessity to protect human rights across the borders.

Responsibility to Protect (R2P or R to P) is a norm that Justifies intervention in a State by the international community, preferably through the United Nations (UN), for the prevention of genocide, war crimes, crimes against humanity, ethnic cleansing, and grave violations of human rights provided in that country where the violations are perpetrated unwilling or unable to stop them or the State itself is the perpetrator. In such situation, the international community has a collective responsibility to take whatever action is needed to prevent the violations. This interference, under the pretext of R2P is vital to human security in all its dimensions.

Conflicts which took place in recant past such as genocide in Cambodia (1975-1979), Rwanda (April 1994), Bosnia and the former Yugoslavia (1995), and crimes against humanity taken place in Kosovo (1990), East Timor (1999) and Darfur (early 2003 and late 2004) all signify that the international community failed in preventing genocide, war crimes, crimes against humanity, ethnic cleansing and large scale of human rights violation.

These incidents instigated the international community to move the debate towards the notion of R2P in which protection of the community and the citizens at large will not only be a State's responsibility but also of the international community as a whole.

1.1 Emergence of the Principle of “Responsibility to Protect”

Responsibility to protect is a new international protection and human rights norm that addresses the international community's failure to prevent and stop genocides, war crimes, ethnic cleansing and other gross forms of human rights violations. It is important to explain that R2P relies on some fundamental conditions, the first of these conditions is that a State is duty bound to shield its cit-

izens from mass atrocities and human rights violations. secondly, in performing its obligations, the international community should guide States as what should be committed or omitted and when; and, thirdly, in case the State having primary responsibility to protect is unable or unwilling to perform its obligations or the State itself is the perpetrator, it become duty of the international community to take action in and protect citizens from serious harm.

R2P's vital concern is not internal interest or ideology, but common sense humanity and the obligation as human beings not to just passably stand by and watching our fellow human beings suffer unbearable and unspeakable hardships. These are the reason that why R2P is all concerning, that is why it is so significant that it must be successfully implemented.

R2P mainly guarantees the safety of citizens that leave away from the security of States, particularly in light of instances of violence by governments that threaten the life and integrity of their people.

1.2 Legal Status of the Responsibility to Protect

The General Secretary of United Nations Kofi Annan in his Millennium report, 2000 to the General Assembly reviewing the disappointment of the security council to act in a conclusive manner in Rwanda and Kosovo, put forward a challenge to members States: "If humanitarian intervention is, indeed an unacceptable assault on sovereignty, how should we respond to Rwanda and to Srebrenica, to gross and systemic violation of human rights and that offend every precept of our common humanity?"

In a feedback to Kofi Annan's challenge, the Government of Canada supported the ICISS, the Commission charged with the mission of explicatory the scope and aims of the R2P. The Commission characterized the R2P as rising principle of customary international law. In 2004 Panel Report suggested the approval of the R2P as an 'up-coming norm' exercisable 'in the circumstances: large scale killing, ethnic cleansing or serious violations of international humanitarian law and human rights which sovereign Governments have proved

powerless, unwilling, unable to prevent and protect or itself the perpetrate.

The UN General Assembly (UNGA) adopted the World Summit Document 2005. The acceptance of paragraphs 138 and 139 signifies a commitment on the part of the UN General Assembly to the fundamental principle of the R2P; nevertheless, this was restricted in scope to the four specified crimes but the World Summit Outcome Document is silent as to the legal status of the R2P.

As referred to earlier, this notion stem from a fundamental concept: the International community must assume the responsibility to protect human beings irrespective of their citizenship or nationality when a government is unable or unwilling to protect them.

1.3 Foundation of the Responsibility to Protect

The foundation of R2P is to provide an exemplary standard for the international community that the concept of sovereignty increase obligations on the sovereign to protect its population from serious harm. The United Nation Security Council (UNSC) has the responsibility according to Article 24 of the UN Charter (UNSC) to maintain international peace and security. States have particular legal responsibilities to protect their citizens from serious harm and gross violation of human rights, under human protection declarations and human rights, treaties; and humanitarian and national laws.

In every single document, individual States and international community are under obligation to protect their population from grave harm and in circumstances where the citizens are prone to serious harm then the State has the responsibility to react to such condition.

1.4 Essentials of the Responsibility to Protect

R2P is comprised of three interrelated set responsibilities, responsibility to prevent, react and rebuild. The responsibility to prevent is to address the root causes of internal conflict and other reasons putting the population at risk. State

is under an obligation to protect its population from serious harm. Responsibility to prevent denotes responsibility, which runs from the State down to institutions. The primary responsibility of the States to shield their citizens from grave harm and when State fails then the burden shifts to communities at the second phase and to the institutions in the third phase.

When the State's responsibility to prevent fails, and it is unable to prevent serious harm, then the responsibility to react comes into play in which the international community takes coercive (political, economic, or legal) measures and it in extreme situations, can opt for military intervention. The international Commission on Intervention and State Sovereignty (ICISS), 2001, set criteria for military intervention, of just cause, right authority, right intention, and military intervention as a last resort, but of proportional means and reasonable prospect.

The R2P does not signify only the responsibility just to prevent and react; it further signifies the responsibility to rebuild. The responsibility to rebuild means that after military intervention, states and the international community have the responsibility to rebuild the consequences of atrocities. This may mean providing help with recovery, reconstruction, durable peace and also seeking to address the causes of the conflict. When the State fails in preventing serious harm from taking place, some damage must have been already done, it is therefore now responsibility of the State to undo the damage it has caused by its inability to prevent.

Prior to further evaluating the principle, it is proper to address the following documents dealing with R2P.

2. The Report of the Commission on Intervention and State Sovereignty, 2001

The ICISS in 2001 put forward the most comprehensive account of the concept. The Commission necessarily developed the notion of R2P to determine the legal and policy problems of humanitarian intervention. It focused on the

relationship between sovereignty and intervention. It highlighted that the notion of R2P endeavors to dissolve the tension between intervention and State sovereignty with the purpose that sovereignty refers to a duty of the State to protect its population from violation of their human rights and to protect them from harm.

The ICISS Report tried to bridge the gap between intervention and sovereignty by introducing a complementary notion of responsibility, in which both the international community and State share the responsibility. The ICISS acknowledged that the primary responsibility to protect lies directly with the State where a conflict or human rights violation affects the citizens. Nonetheless, when such State is incapable or unwilling to protect its citizens or is itself the perpetrator, the responsibility come forward, accept the responsibility and take action.

The ICISS Report asserted that State authorities are responsible for the safety, life and welfare of their citizens, and that they are responsible to citizens. The Commissions also stressed that States should remain, at the same time, responsible to the international community represented by the UN.

The Report divides R2P into three sub-responsibilities that is Responsibility to Prevent, React and Rebuild. According to the Report, the 'Responsibility to Prevent' is the most significant measurement of the responsibility to protect and has inclusive priority. The 'Responsibility to Rebuild' includes responsibilities that occur in the aftermath of a conflict, mainly after a military intervention is carried-out. It endeavors to support the sustainable development of a constant and protected society. The 'Responsibility to React' comprises the normative foundation of the responsibility to protect. It applies when massive human rights abuses take place in a State but it is unable or unwilling to protect its citizens. In this situation, coercive measures including economic, or military, diplomatic sanctions such as arms prohibitions or financial restrictions are required.

It is obvious from the discussion above that R2P aims at protecting the lives

of the citizens in a two-fold manner. The State is under an obligation to protect its citizens from gross violation of human rights and against crimes such as genocide, war crimes, ethnic cleansing and crimes against humanity. However, when the State is unwilling or incapable of protecting its people, R2P asserts that the international community is under an obligation to interfere and protect the population from serious harm.

2.1 Sovereignty as a Responsibility

Sovereignty has been considered for long as the essential structural example of international law. The recognition of State sovereignty in Article 2(1) of the United Nations Charter as a basic standard of the UN is merely one of several instances to support this point of view. It means that State enjoys sovereignty and no one is entitled to interfere and/or intervene in its internal affairs. Nevertheless, the increasing value of the human rights protection elevates the dilemma of settling the tension between the protection of human rights and sovereignty of States.

The UDHR, 1948 requires that States protect individual and their social rights; the Geneva Conventions and various treaties and covenants prohibiting torture, trafficking in persons, or nuclear proliferation similarly restrict the right of States to behave as they wish. At the same time, there has been a shift in the understanding of sovereignty, urged both by a growing sensitivity to human rights and by a reaction to atrocities perpetrated upon citizens by their own leaders or respective States. Sovereignty is increasingly defined, not as a license to control those within one's boundaries, but rather as a set of responsibilities towards population.

Kofi Annan, the former Secretary General and Francis Deng, the Special Adviser on the Prevention of Genocide and the former representative of the Secretary-General on internally displaced persons, developed the notion of "sovereignty as responsibility," which meant that the State has duty towards its citizens to protect them from serious harm, he and others argued, is the respon-

sibility to protect population from the terrible forms of abuse.

In simple words, public protection comes first. The reason; people elect their representatives and regard them to be sovereign of a State and in exchange the sovereign undertakes upon him to protect the citizens from serious harm and to protect their human rights. The Secretary-General's High-level Panel Report on Threats, Challenges and Change, "A more secure world: our shared responsibility" 2004 for the first time endorsed the concept of sovereignty as a responsibility to protect people from serious harm.

2.2. The High Level Panel Report on Threats, Challenges and Changes, 2004

R2P obtained a new spin in the High Level Panel Report as it straightly linked it to institutional restructuring of the UN. Just like the Commission Report, the Panel Report underlines the State responsibility for wellbeing of their citizens and the international community's responsibility to protect population from massive human rights violations. The panel validates capability of the UNSC to act under Chapter VII of the UNSC as and when massive human rights abuses take place. It and recommends the permanent members to abstain from exercising the veto power in situation of genocide and grave violations of human rights.

The High-Level Panel approves R2P as "the emerging norm that there is a collective international responsibility to protect" and this responsibility is to be exercised through UNSC. The Panel Report supports the theoretical alter in the perceptive of sovereignty as responsibility and highlights that the States and the international community share the responsibility for the security of people.

2.3 The World Summit Outcome Document, 2005

Various suggestions of R2P came up during the discussions on drafting of Outcome Document of 2005 World Summit. For instance, the scope of R2P under ICISS Report extended to "large scale loss of life," whereas the Outcome

Document restricted the same to four specified crimes: genocide, war crimes, crimes against humanity and ethnic cleansing. Additionally, the Outcome Document remains silent on the legal status of this principle. The member States openly recognized that every State has the responsibility to protect its citizens from the four specified crimes and assured to operate in accordance with notion.

The UN World Summit in September 2005 approved the principle of R2P to the following effect:

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.

This responsibility is based on existing obligations under international law. The States also agreed on establishing an early warning mechanism to ensure prevention and reaction to cases of human rights violations. The protection of population against four specified crimes was recognized as responsibility of State and all member States accepted their responsibility to take action in a timely and efficient manner against these four crimes. In order to assist the States in meeting this obligation, the international community committed to support them.

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 are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

If the State fails in fulfilling their obligations, the international community is under obligation to implement R2P and take timely and decisive collective

action through the UNSC in a peaceful manner in accordance with the UNSC. The international community can also resort to action under chapter VII of the UNSC in case peaceful efforts fail.

Paragraph 143 of Outcome Document states that:

We stress the right of people to live in freedom and dignity, free from poverty and despair. We recognize that all individuals, in particular the vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential. To this end, we commit ourselves to discussing and defining the notion of human security in the General Assembly.

Since the three pillars of the R2P, namely, Responsibility to Prevent, React and Rebuild and human security are related directly to each other; the concept of human security puts citizens and their needs at the core of analysis and action to accomplish R2P. The concept of human security is, however, wider than the notion of the R2P as it includes action in case of hunger, diseases, discrimination, aggression, natural disasters and poverty. Therefore, it appears that R2P does not apply to grave threats to human security, whether from climate change or disease, or harmful or even disastrous State policies, such as the suspension of civil liberties and mass corruption. The argument could be that other human rights instruments, legal frameworks and institutions are better suited to address these pressing issues, thus the principle of R2P is not required to interfere in these situations.

The preceding discussion also indicates that the central theme of R2P is not intervention but protection since the principle operates from victims' perspective. For instance, in cases where a person is being murdered or about to be murdered; women being or about to be raped; children dying or about to die of starvation; States need to interfere but if they will not for whatever reasons, the international community will step in and guarantee that rights of the people mentioned above are protected.

2.4 Report of the Secretary-General in Large Freedom, 2005

The apprehensions inherent in the notion of R2P are reflected in the Report of Secretary General in Large freedom. The Secretary General did not simply approve the view that collective responsibility to protect is a rising norm, he also asserted that R2P should be embraced and, when essential, performed.

Although the Panel Report 2004 curtailed the scope of R2P, the Secretary General returns to the wider scope of this principle as enshrined in the Commission Report. He interpreted the principle of R2P in perspective through the doctrine of rule of law and human dignity. Moreover, he stated that the international community should hold R2P as a foundation for collective action against the four specified crimes mentioned in the World Summit Document 2005.

He also emphasized that in order to develop R2P; some important steps must be taken to build up collaboration with the international Criminal Court (ICC) and other international or mixed war crimes tribunals and International Court of Justice (ICJ).

2.5 Report of the Secretary-General on implementing the Responsibility to Protect, 2009

In order to ensure that the principle of R2P is not misused and exploited by States; the Secretary General Report 2009 emphasizes that the UN should form clear policies, principles, methods, tools and practices for implementation of the principle in its true spirit.

The Report highlights that R2P has acknowledged the consent of all world leaders and governments under paragraph 138 and 139 of the World Summit Outcome Document. Heads of States and governments agreed that every State has the Responsibility to protect its citizens from the four specified crimes. However, For R2P to operate in an appropriate manner, the Report recommends a three-pillar approach.

The responsibility of State to protect its citizens from mass atrocities and to offer protection to their human rights is the first pillar. The Second pillar is the commitment of the international community, comprising States, regional organizations, civil society, and the private sector, to support the States in fulfilling their obligations under the first pillar. The third pillar consists of the timely and decisive response through the international community should a State not live up to its responsibility to protect. The Report emphasizes once again that members of the international community should resort to peaceful measures and, as a last resort, coercive action in conformity with the UNSC.

2.6 The Report of the Secretary General on “Responsibility To Protect: Timely and Decisive Response” 2012

The Report of the Secretary General on R2P: Timely and Decisive Response notes the three-pillar framework detailed above and reminds all that these three pillars are of equal importance and not sequential. It asserts that without all three the principle of R2P would not be complete.

For the R2P to work in its true spirit, the Report highlights the method for collective response in a timely and efficient manner. It advocates peaceful efforts as the first step and if they fail, then resorts to coercive means of dispute settlement.

3. “R2P” and Human Rights

R2P is the obligation of every State to protect its population against serious violations of human rights as mentioned in the ICISS; the world Summit Document 2005, and other documents. The failure of States to govern effectively and fairly is a major reason of the emergence of R2P emergence. When the State is unable or unwilling to protect its population or the State itself is the perpetrator, R2P shall come to the rescue of the common people. Over and again, this failure leads to divided society, poverty, and in a small number of cases, the types of mass atrocities that R2P is planned to prevent.

The discussion above elaborates that the principle of R2P's focus is on the protection of human rights. It even disregards the concept of sovereignty of States and declares that in case of the four serious violations of human rights, the international community will interfere in case it realizes that the State is unable or unwilling to protect the population or that it is a complacent in the violations. In addition, in case peaceful efforts to protect human rights of the population fails, the international community will be entitled to resort to coercive means of dispute settlement which include use of force under Chapter VII of the UNSC.

Since the Outcome Document of the World Summit incorporated R2P, the principle's effect is evident in international deliberations and proceedings. The first two pillars of R2P have inherent preventive functions and are best reflected not in the crises that draw publicity but in the silent development that does not. Hence, it is a misleading notion to suggest that R2P applies only in certain high profile cases; the doctrine is relevant in every country at all times.

It is noteworthy that the UNSC or other bodies have hardly ever officially invoked R2P in a situation when the principle should come to the rescue. For instance, R2P was not mentioned clearly during the war in Libya, specifically in Benghazi, to prevent large-scale loss of life. However, the principles have animated the international response to threatened or actual atrocities in a range of current circumstances, and tools are being developed to progress the preventive capabilities of regional and global group of actors.

One may observe that the emergence of R2P in the human rights discourse has strengthened the international capacity and the will to take action decisively in a number of cases. Coalitions of compatible partners, supported with UN authority, worked efficiently to prevent atrocities not only in Libya but also in Kenya, Côte d'Ivoire and South Sudan. The atrocities that took place therein should not obscure the reality that matters could have been much worse and that numerous lives were saved due to interference on the pretext of R2P even if the principle was not clearly mentioned. The fact is that focused international

monitoring, preventive diplomacy, and military action prevented catastrophic results.

4. Case Studies

In the following situations, States happen to be so weak and the security challenges are imminent so much that the civilian population resides in a State of permanent threat. The national protection has failed since the governments are either unable or unwilling to perform their responsibility to protect the citizens; hence, the second fold of R2P, i.e. international protection, is attracted.

4.1 Situation in Kenya

In 2007, following closely contested presidential elections, Kenya suffered an outburst of ethnic aggression and bloodshed in which 1,200 citizens were murdered and more than 600,000 were internally displaced. UN Secretary General Kofi Annan with assistance from the African Union conducted mediation on urgent basis and prevented a considerable humanitarian crisis. with support from the UNSC and Kenyan civil society, the Secretary General negotiated a deal between the two political but violent parties, which afterward shaped a coalition government that stopped down, at least for the time being, the ethnic fears and tensions which had fueled the aggression.

4.2 Situation in Côte D’Ivoire

The disputed Presidential elections of December 2010 in Côte d’Ivoire led to violence among forces faithful to Alassane Ouattara, the candidate from the opposition party and the declared winner in these elections, and supporters of the sitting President Laurnert Gbgbo who refused to give up power. Within four months of violence, hundreds of inhabitants were killed and 45,000 were displaced. Regional and world leaders and heads of States clearly invoked the notion of R2P in reaction to reports of civilian killings.

4.3 Situation in Darfur

The Sudanese government and government-backed militias destroyed hundreds of villages, killed and raped thousands of their residents, and displaced more than 1.5 million people in early 2003 and late 2004. By December 2004, due to government's direct or indirect military campaign, more than 70,000 people had died, hundreds of thousands were at threat of death from famine and disease, and security conditions all over the countryside were still worsening.

4.4 Situation in Libya

The doctrine of R2P was invoked in case of Libyan Crisis of 2011. Gaddafi, the longtime dictatorship, condemned the anti-government protestors as foreign private army the number of protestors killed during the crisis raised from the hundreds to more than a thousand in no time. As the Gaddafi forces gained strength and territory, consequently the opposition weakened to the extent that it appeared that the opposition will be defeated. It was at that point that Gaddafi threatened the disaffected population there with extinction. The prospect that some thousands of "cockroaches" may be killed was no longer far but forthcoming.

In response, The UNSC voted on 17th March 2011 to sanction a "no fly zone" and all essential procedures to protect the public. The USA and the North Atlantic Treaty Organization (NATO) intervened with airstrikes in the following days.

The principle of R2P was applied for the protection of citizens from large-scale loss of life and grave violation of their human rights in the situations mentioned above. Although the situation in every country was different but the violations and effects of the situation was almost the same, meaning, loss of innocent civilian lives and serious violation of human rights were obvious, hence, the principle was invoked.

5. Conclusion

The principle of Responsibility to protect is an emerging norm. It provides

that it is State's responsibility to protection its population from atrocities, violation of human rights and serious harm. However, in case the State fails in offering protection, then international community is under an obligation to come forward and offer international protection to the people.

R2P has three important elements; Responsibility to Prevent, React" and Re-build and the Commission has justified resort to military intervention in two broad situations. Firstly, large-scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate State action, or State neglect or inability to act, or a failed State situation; and secondly; large scale "ethnic cleansing," actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.

The World Summit Outcome Document 2005 in paragraph 138 states that each individual State has the responsibility to protect its citizen from the four specified crimes, i.e. genocide, war crimes, crimes against humanity and ethnic cleansing, and the international community has accepted their responsibility of taking action when required. Paragraph 138 also states that international community through the UN will support and assist States in performing their responsibility. Paragraph 139 of the Document affirms R2P and the use of appropriate measures by the international community. The High-Level Panel of UN approves R2P as an emerging norm which should be implemented through the UNSC.

The principle has proved vital in stopping human rights violation on numerous occasions including Libya, Darfur, South Sudan, Kenya and Coat D'Ivoire to name just a few. Had the international community not interfered, the perpetrators would have annihilated thousands more of innocent human beings.

Notes and References:

¹. Bostan Zaynep, *An Evaluation of the Doctrine of Responsibility to Protect*, available online at <http://www.academia.edu/2118490/An_evaluation_of_the_dctrine_of_Responsibility_to_Protect> (last accessed: 5th August 2018).

². Adam Jones, *Genocide: A Comprehensive Introduction*, (2nd Edn. 2008), 10. Genocide consists of two different words. ‘Geno’ is a Greek word that means tribe or race while ‘Cide’ is a Latin word, which signifies killing. By “genocide”, we mean the intentional destruction, in whole or part, of a race or an ethnic group. Article II of the *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948 Asserts that: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

³. The word “war crimes” refers to grave violations of international humanitarian law committed against inhabitants or enemy combatants during an international or domestic armed conflict, for which the perpetrators may possibly be held criminally responsible on an individual basis. The Geneva Conventions 1949 and their Additional Protocols I and II of 1977, and The Hague Conventions of 1899 and 1907 deal with some of these crimes. Their main current codification can be found in Article 8 of the Rome Statute for the International Criminal Court 1998 (ICC).

⁴. *Crimes against humanity*” denotes killings, extinction, enslavement, banishment, incarceration, torture, sexual violence, persecution or any other cruel act or omission that is committed against any civilian population or any particular group and that, at the time and in the place of its commission, comprises a crime against humanity according to customary international law or conventional international law or through virtue of its being criminal according to the general principles of law recognized by the community of states, whether or not it comprises a infringement of the law in force at the time and in the place of its commission. See, *Crimes Against Humanity and War Crimes Act* (S.C. 2000, c. 24).

⁵. The term ethnic cleansing is defined as “the elimination of an unwanted group from society, as through genocide or forced migration.” This definition is essentially broader than that of genocide unaccompanied, and by this includes mass killing and forced elimination in extreme bigger number and scope. See, Karyn Becker, *Genocide and Ethnic Cleansing*.

6. Vijay Mehta, *The UN Doctrine on the Responsibility to Protect*. Available online at <<http://unitingforpeace.com/resources/speeches/The%20UN%20Doctrine.pdf>> (last accessed: August 4, 2018).

7. *The Responsibility to Protect (R2P): Moving the Campaign Forward*. Available online at <<http://www.responsibilitytoprotect.org/index.php>> (last accessed: August 4, 2018).

8. The term mass atrocity has no recognized and lawful definition, however in the largest part of usages the notion combines other legal concepts, in particular genocide, crimes against humanity, war crimes, and ethnic cleansing (Evans 2008, 11; Sewell et al. 2010, annex A). See, Scott Straus, Identifying Genocide and connected types of mass Atrocity, (Working Paper October 7, 2011). See also, the term mass atrocity is appropriately used simply when the reason of death is intentional criminal means. The Darfur conflict, the Rwanda genocide, and the Holocaust are all mass atrocities. Under the umbrella “atrocity”, three definite crimes fall genocide, crime against humanity, and war crimes. For further information visit <<http://endimpunity.com/2012/01/26/defined-mass-atrocity/>> (last accessed: August 4, 2018).

9. Parliament Hearing at the United Nation New York, 20-21 November, available online at <http://www.ipu.org/splz-e/unga08/s4.pdf>,> (last accessed: August 4, 2018).

10. *Ibid.*, 4.

11. Thematic Debate of the General Assembly on the Responsibility to Protect, Join Statement of the Delegation of Denmark and the Costa Rica, Statement by Ambassador Jorge Urbine, Permanent representative of Costa Rica to the United Nations (23rd July 2009).

12. “The Responsibility to Protect” Who is Responsible for Protecting People from Gross Violations of Human Rights? Available online at < <https://www.un.org/en/preventgenocide/rwanda/pdf/bgresponsibility.pdf>> (last accessed on September 1st , 2018). See also Fifty-fourth session Agenda item 49 (b) The Millennium Assembly of the United Nations We the peoples: the role of the United Nations in the twenty-first century Report of the Secretary-General, Addressing the dilemma of intervention P35

13. *Ibid.*

14. ICISS Report. See also, *The Responsibility to Protect in the Case of Hu-*

manitarian Crises: an Emerging Norm of International Law? Available online at <<http://www.google.com.pk/url?sa=t&rct=j&q=para%20139%20of%20the%20world%20summit%20outcome%20document%20summary&source=web&cd=5&cad=rja&ved=0CEAQFjAE&url=http%3A%2F%2Fwww.ibanet.org%2FDocument%2FDefault.aspx%3FDocumentUId%3Ded223eba-4b7b-41de-9b50-816d41b-460b8&ei=rLCQUenCPKKP7Ab9moCoDA&usg=AFQjCNH8z7t3QgOmQIGUN-9HEzQ2WDQk3nA&bvm=bv.46340616,d.bGE>> (last assessed: August 5, 2018).

^{15.} UNGA *A more Secure World: our Shared Responsibility* – Report of the High-level Panel on Threats, Challenges and Change (2 December 2004) 59th Session (2004) UN Doc A/59/565 available at <www.un.org/secureworld> See; Appendix A.

^{16.} Appendix C, *World Summit Outcome Document 2005*.

^{17.} For details see, *The Responsibility to Protect Core Principles*. Available online at <<https://globalcampus.eiuc.org/bitstream/handle/20.500.11825/96/Deliverable-10.2.pdf?sequence=1&isAllowed=y>> (last accessed: August 4, 2018).

^{18.} The term serious harm means and includes, harm which is caused by means of certain kinds of serious violations of internationally protected human rights, as set out in the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the African Charter on Human and Peoples' Rights (African Charter). Serious harm takes place either when the *central part* of a right has been desecrated or when a number of *non-core* infringements have the increasing effect that directs to serious harm. The Akayesu Judgment gave some examples of the harm that was intended; bodily or mental torture, inhumane or degrading treatment, persecution, rape and additional types of sexual violence. The trial chamber in the Akayesu case also predetermined that harm did not need to be lasting or irremediable. Van Den Herik L. J., *the Contribution of the Rwanda Tribunal to the Development of International Law* (The Netherlands: Nijhoff, 2005), 140. See also the Bagilishema case judgment. It was predetermined that the standard of serious harm needed other than a “minor injury of mental or physical faculties”. *Ibid*.

^{19.} Article 24 of the UNC

^{20.} *The Responsibility to Protect Core Principles*, available online at <<https://globalcampus.eiuc.org/bitstream/handle/20.500.11825/96/Deliverable10.2.pdf?sequence=1&isAllowed=y>> (last accessed: August 4, 2018).

²¹. In correlation to the notion of R2P, rebuilding and capacity building ‘denotes intensification the capability of persons, institutions and the public to prevent or reduce the intimidation of the four specified crimes and breaches and to act in response when such atrocities do take place and to rebuild afterwards’. Significant procedures comprise by means of the Peace building Commission, development bodies and bilateral arrangements to support good governance and successful public administration. This would involve more rapidly cooperation among headquarters and field missions, and connecting UN agencies and different partners. See, Asia Pacific Center for the Responsibility to Protect: *Japan and the Republic of Korea On The Responsibility to Protect* (10 October 2008), 4.

²². The term ‘root cause prevention’ has numerous aspects. It possibly indicates addressing political requirements and insufficiencies. This might engage democratic institution and capacity building; legitimate authority sharing; power discontinuous and redistribution preparations; confidence building procedures between different societies or groups’ support for squeezing freedom, the rule of law; the endorsement of civil society and other types of the same initiatives that generally fit contained by the human security structure. There is a rising and extensive recognition that armed conflicts cannot be understood without suggestion to such root causes as poverty, political suppression, and rough distribution of resources. “Each step taken on the way to declining poverty and attaining sophisticated economic growth is a step toward conflict prevention.” For further information, see, Evan Gareth, Sahnoun Mohamed, *The Responsibility to Protect* (Canada: International Development Research Center 2001), 22-23.

²³. As the one for root cause prevention, the direct prevention “toolbox” has parallel sections: political or diplomatic, economic, lawful and armed, though different tools, reflecting the shorter time obtainable in which to create a differentiation. These tools in every situation may obtain the structure of straightforward support, positive incentives or in additional complicated situations, the harmful type of threatened penalties. *Ibid.*, 24.

²⁴. *Ibid.*, xi.

²⁵. *Ibid.*, 19.

²⁶. Report ‘Fostering Human Rights Among European (External and Internal) Policies’ (FRAME) *The Responsibility, Work Package No. 10 – Deliverable No. 2*. See

also to Protect Core Principles.

^{27.} The term right intention denotes that intervention foremost purpose has to be to stop or prevent human suffering. In the least use of military force that mean from the initiating, for instance, for the change of boundaries an improvement of a specific combatant group's declare to self-determination, cannot be justified. Because the downfall of governments is not, a lawful aim, while disabling government's ability to hurt its own citizens may be important to releasing the authorization of safety and what is important to attain that disabling will differ from situation to situation. Military intervention all the time takes place on a combined or multilateral rather than single state basis. An additional is to provide the impression of being to whether, and to what degree, the intervention is in fact supported by the citizens for whose benefit the intervention is planned. See; *The Responsibility to Protect Core Principles.*

^{28.} The Commission justified military intervention for the protection of human beings in two broad situations, which are: Large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or large scale "ethnic cleansing," actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape. For details see, Evan Gareth, Sahnoun Mohamed, *The Responsibility to Protect* (Canada: International Development Research Center 2001), 32.

^{29.} The term "proportional means" denotes designed military intervention scale, duration and intensity should be the minimum essential to protect the humanitarian objective in problem. The means have to be in proportion with the ends, and in line with the scale of the original provocation. *Ibid.*

^{30.} The term "military action" can basically be acceptable if it stands a balanced possibility of achievement, that is, halting or preventing the atrocities or suffering that caused the intervention in the initial place. Military intervention is not vindicated if real protection cannot be attained, or if the consequences of embarking upon the intervention are possible to be worse than if there is no action at all. For further details: See; *Ibid.*

^{31.} Evan Gareth, Sahnoun Mohamed, *The Responsibility to Protect* (Canada: International Development Research Center 2001) 39.

^{32.} Basic Principles and Core Elements. Available online at <<http://r2pcoalition>.

[org/content/view/73/>](#) (last accessed: 15th January 2014).

33. Stahn Carsten, "Responsibility to Protect: Political or Emerging Legal Norm?" *The American Journal of International Law*, 101: 1 (2007), 102.

34. Payandeh Mehrdad, "With Great Power Comes Great Responsibility? The Concept of the Responsibility To Protect Within the Process of International Law making", *The Yale journal of international law*, 35:1(2010), 473.

35. Stahn Carsten, "Responsibility to protect: political or emerging legal norm?" *The American Journal of International Law*, 101: 1 (2007), 99-120.

36. *Ibid.*

37. Levitt L. Jeremy, *the Responsibility to Protect: A Bearer without a Dam?* 25 MICH.J. INT'L L. 153, 157 (2003) (Book review).

38. Payandeh Mehrdad, "With Great Power Comes Great Responsibility? , 10. The responsibility to prevent consists of procedures intended at circumventing massive human rights violations in the first place. It highlights the significance of early warning methods and root cause conflict prevention, as well as diplomatic, economic, and military mechanisms to confine a conflict before it rises. For further information see, ICISS Report, 1-43.

39. ICISS 2001, xii.

40. The principle of R2P takes military action as a last resort. It is just acceptable and tolerable in situations of large scale loss of human life or ethnic cleansing and at the time when four conditions for military action are met. These conditions are: (a) the right intention is the essential for military intervention; (b) military intervention must be used as the last resort; (c) proportional means should be used; and the last one is (d) there have to be a sensible possibility of ending the suffering. ICISS Report, 29.

41. *Ibid.*

42. Payandeh Mehrdad, "With Great Power Comes Great Responsibility? 469.

43. Article 2(1) of the United Nations.

44. Payandeh Mehrdad, With Great Power Comes Great Responsibility? 469.

45. The Universal Declaration of Human Rights 1948.

^{46.} Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), CAT/C/28/Add 5, 9th February 2000.

^{47.} The term ‘ Trafficking in persons’ in the UN Protocol to prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime means: The recruitment, transportation, transfer, harboring, or receipt of persons, by means of threat or use of force or other form of coercion, of abduction or fraud, of deception, of the abuse of power of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over other persons, for the purpose of exploitation shall include, at a minimum, the exploitation of the prostitution of other or other form of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

^{48.} For details see, Francis Deng, *Idealism and Realism Negotiating Sovereignty in Divided Nations*, (Sweden: Dag Hammarskjöld Foundation, 2010), 13.

^{49.} Hélène Gandois, *Sovereignty as Responsibility: Theory and Practice in Africa* (London: University of Oxford, 2008), 6.

^{50.} Stahn Carsten, “Responsibility to Protect: Political or Emerging Legal Norm?” *The American Journal of International Law*, 101:1 (2007), 105.

^{51.} Report of the High Level Panel on Threats, Challenges and Change: *A more Secure World: Our Shared Responsibility*, 29, 36, 202-203, U.N. Doc.A/59/565 (Doc.2, 2004).

^{52.} *Ibid.*

^{53.} *Ibid.*, 203.

^{54.} Payandeh Mehrdad, “With Great Power Comes Great Responsibility?” 475.

^{55.} Stahn Carsten, “Responsibility to protect: political or emerging legal norm?” 108.

^{56.} World Summit Outcome Document 2005, G.A. Res. 60/1, U.N. Doc. (A/60/L.1) 15 September 2005.

^{57.} *Ibid.*, 138.

^{58.} *Ibid.*

^{59.} World Outcome Document stresses the need for the General Assembly to carry on deliberation of the R2P to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity and to implements the nation of R2P in its true sense, keeping in mind the standards of the UNC and international law. It also have it in mind to give ourselves, as essential and suitable, to helping States build capability to protect their people from the four specified crimes and supporting those which are in stress before disasters and conflicts break out. For further information: See; *Ibid.*; Paragraph 139 of the same Document.

^{60.} Paragraph 143, World Summit Outcome Document, G.A. Res. 60/1, U.N. Doc. (A/60/L.1) 15 September 2005.

^{61.} *Parliamentary Hearing at the United Nations New York, 20-21 November 2008.* Available online at <<http://www.ipu.org/splz-e/unga08/s4.pdf>> (last accessed: September 2nd, 2018).

^{62.} *The Responsibility to Protect: Consolidating the Norm.* Available online at <<http://responsibilitytoprotect.org/favoritaevans.pdf>> (last accessed: August 5, 2018).

^{63.} *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (International Development Research Centre, Ottawa, 2001) and *The Responsibility to Protect, Research, Bibliography, Background: Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001).

^{64.} Stahn Carsten, "Responsibility to Protect: Political or Emerging Legal Norm?" 107.

^{65.} The Secretary-General, *Report of the Secretary-General, In Larger Freedom: Toward Development, Security and Human Rights for All*, U.N. Doc. A/59/2005 (Mar. 21, 2005).

^{66.} Stahn Carsten, "Responsibility to Protect: Political or Emerging Legal Norm?" 107.

^{67.} The Secretary-General, *Report of the Secretary-General, Implementing the Responsibility to Protect*, U.N. Doc. A/63/677 (Jan. 12, 2009). The Secretary-General, *Report of the Secretary-General* (12th January 2009).

^{68.} *Ibid.*

^{69.} *Ibid.*

^{70.} The Secretary-General, *Report of the Secretary-General* (12th January 2009).

^{71.} *Ibid.*

^{72.} *Ibid*

^{73.} R2P does not change, in fact, it strengthens, the legal duty of the States to avoid the use of force, but if needed, they might use it in accordance with the UNC. The R2P calls for timely and decisive responses to the four crimes in situations where national government authorities are clearly failing in the responsibility to protect their people. Such reactions should be reliable with the UNC Chapters VI (Pacific Settlement of Disputes), VII (Action with Respect to Threats to the Peace), and VIII (Regional Arrangements) of the UNC. measures under discussion to make stronger the UN's ability in this area engross improving the Secretary General's good offices purposes, clarifying the function of the secretariat in supporting specific action through the Security Council and carrying issues to the Council's concentration, improving the transparency of the Council's discussions, protecting the suitable resources for peace processes and developing suitable principle for the protection of civilians. For further information, see, Edward C. Luck, '*The United Nations and the Responsibility to Protect*' (NP: Stanley Foundation Policy Analysis Brief, 2008), 7.

^{74.} *Ibid.*, 2.

^{75.} Albright K. Madeleine and Williamson S. Richard, *The United Nations and R2P: From Words to Actions* (Washington: United States Institute of Peace, 2013), 9.

^{76.} ICISS Report, 2001.

^{77.} *Ibid.*, 13.

^{78.} *Ibid.*

⁷⁹. For details, The Crisis in Kenya, available at, <<http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-kenya#1>,> (last accessed: August 5, 2018).

⁸⁰. The Crisis in Côte d’Ivoire, available online at <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-ivory-coast#post_conflict> (last accessed: August 5, 2018).

⁸¹. Clough Michael, Darfur: Whose Responsibility to Protect? Available online at <http://www.moncamer.ch/DRDC2/images/DRDC/StudiesAndResearch/Darfur_Whose_Responsibility_to_Protect.pdf> (last accessed: August 5, 2018).

⁸². Madeleine K. Albright and Richard S. Williamson, *The United States and R2P*.

⁸³. Spencer Zifcak, “The Responsibility to Protect After Libya and Syria”, *Melbourne Journal of International Law* 13 (2005).

⁸⁴. Madeleine K. Albright and Richard S. Williamson, *The United Nations And R2P*, 16.