

The Responsibility to Protect: Information about the Principle and Steps for Implementation

This document provides general information about the Responsibility to Protect, a principle which has emerged in the last ten years for the prevention of genocide and other mass atrocities. This document is divided into five sections which provide information about:

1. What is the Responsibility to Protect? Basic information.
2. Background to the Responsibility to Protect
3. The international community's commitment to the Responsibility to Protect: The 2005 United Nations' World Summit.
4. Implementing the Responsibility to Protect.
5. Frequently asked questions about the Responsibility to Protect.

1. What is the Responsibility to Protect? Basic Information.

The Responsibility to Protect is a principle in international relations which aims to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. This principle says that each state has the responsibility to protect its people from these four crimes. It also says that it is the international community's responsibility to help states to fulfill this task. If, for whatever reason, an individual state is unable or unwilling to protect its people, then it is the international community's responsibility to intervene in order to save people from genocide and other mass atrocities. This principle was unanimously supported by the international community at the 2005 UN World Summit. At the Summit, the countries of the world promised to uphold the Responsibility to Protect principle in order that the world would never again witness the tragedy of genocide.

There are three pillars for implementing the Responsibility to Protect. Each pillar is important and all three are designed to work together in order to prevent mass atrocities. These three pillars are:

1. The responsibility of the state to protect its own population from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement.
2. The commitment of the international community to assist states in meeting these obligations.
3. The responsibility of the member states within the United Nations to respond collectively in a timely and decisive manner when a state fails to provide such protection.

2. Background to the Responsibility to Protect.

The twentieth century was the 'century of genocide'. Tens of millions of people were murdered, tortured, starved, and worked to death all over the world, crimes which are known as genocide, war crimes, crimes against humanity and ethnic cleansing. During the First World War, the genocide of the Armenians claimed the lives of over one million people. During the Second World War, the Nazi regime murdered eleven million people, including six million Jews as well as millions of prisoners-of-war and gypsies. In Cambodia, almost two million people died under Pol Pot's Khmer Rouge regime. In many other countries too, there have been widespread killings of civilians, such as in Guatemala and Bangladesh.

At the end of the Second World War, the international community said, 'never again'. When the United Nations began in 1945, they said that the international community would never again allow the crimes of genocide and other mass atrocities to be committed. These promises, however, have not been fulfilled. In the 1990s, the world was again shocked by the genocides in Bosnia and Rwanda. Once again, over one million men, women and children were killed and the international community failed to prevent genocide.

One of the reasons for this failure was the fact that the countries which make up the United Nations were divided over whether or not to intervene and stop the killings. At its basis, this debate had two sides: on the one hand, there were those who saw the need for the international community to intervene if genocide or other mass atrocities were happening ('humanitarian intervention') and, on the other hand, those who upheld the traditional idea of 'state sovereignty'. This traditional, 'Westphalian' idea of state sovereignty refers to the rights of a state to political independence and non-interference from other states.

The Responsibility to Protect (or 'RtoP' as it is often abbreviated) was created as the result of these failures by the international community to stop the genocides in Bosnia and Rwanda. The Responsibility to Protect is a principle which seeks to ensure that the international community never again fails to act when genocide and other mass atrocities occur. The idea for the Responsibility to Protect developed originally from the work of Francis Deng – a former Sudanese diplomat who became the UN Special Representative on Internally Displaced Persons (IDPs) during the 1990s – as well as other experts in the field. Deng and others argued that the idea of 'state sovereignty' should be based not on the right of each state to do what it wishes without international interference, but rather, a state's sovereignty should be based on its protection of the people living within the state. Put simply, state sovereignty should be built upon the concept of 'sovereignty as responsibility'.

Deng's idea of 'sovereignty as responsibility' was later used to create the principle of the Responsibility to Protect by the International Commission on Intervention and State Sovereignty (ICISS). This commission was set up in order to find a solution to the debate between those who supported humanitarian intervention and those who supported a traditional understanding of state sovereignty. Essentially, the Commission built upon the work of Deng to argue that states do not only benefit from the rights and privileges of sovereignty, they must also accept their responsibility to protect the people living within their borders.

In the years that followed, many people and organisations from all over the world supported the idea of the Responsibility to Protect. For example, there were commitments made by regional organisations to protect the people within their states. The African Union's Charter of 2002, for example, made provisions for interventions into a member state where war crimes, genocide or

crimes against humanity were occurring. In addition, in 2007, the African Commission on Human and Peoples' Rights adopted a resolution on strengthening the Responsibility to Protect in Africa.

In 2005, the United Nations held the World Summit which brought together leaders from around the globe. One of the most important achievements of the World Summit was the unanimous agreement amongst world leaders that all states have a responsibility to protect their people from genocide, war crimes, crimes against humanity and ethnic cleansing. They also agreed that they were prepared to take collective action when a state was failing to protect its population from these four crimes.

In the years since the 2005 World Summit agreement on the Responsibility to Protect, much progress has been made. The current Secretary-General of the United Nations, Ban Ki-moon, has clarified the Responsibility to Protect further by outlining three 'pillars' for implementing this principle. These three pillars are:

1. The responsibility of the state to protect its own population from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement.
2. The commitment of the international community to assist states in meeting these obligations.
3. The responsibility of the member states within the United Nations to respond collectively in a timely and decisive manner when a state fails to provide such protection.

All three pillars are of equal strength and importance. The most important dimension of the Responsibility to Protect principle, however, is the prevention of genocide and other mass atrocities. It is the hope of the international community that through cooperation on the Responsibility to Protect, the world will never again witness genocide, war crimes, crimes against humanity or ethnic cleansing.

The Beginnings of the Responsibility to Protect

In 1999, after witnessing the genocides in Rwanda and Bosnia, the former Secretary-General of the United Nations, Kofi Annan, called upon the international community to find a way to resolve the division between those who supported 'humanitarian intervention' and those who upheld a traditional understanding of state sovereignty. He called for a new way to overcome the question of when it is appropriate for states to take coercive – and in particular, military – action, against another state for the purpose of protecting people from genocide or other mass atrocities.

The Canadian government responded to this challenge and set up the International Commission on Intervention and State Sovereignty (ICISS) in 2000. It was this Commission, led by various international experts such as Gareth Evans and Mohammed Sahnoun, which developed the Responsibility to Protect principle based upon Francis Deng's earlier work on the concept of 'sovereignty as responsibility'. In its 2001 report, the Commission argued that all states have a primary responsibility to protect their citizens from genocide, war crimes, crimes against humanity and ethnic cleansing. They also argued that the international community has a responsibility to help states to protect its citizens from these four crimes. If a state failed to protect its citizens from genocide or other mass atrocities, then the international community should assume the

responsibility to protect these people. To protect these people, the international community should use a wide range of diplomatic, economic and legal measures including, as a last resort in the most extreme situations, the use of force (military action).

The ICISS report marked a change in how the international community should respond to humanitarian crises. The Responsibility to Protect meant that while it remained first and foremost the responsibility of individual governments to protect populations, this responsibility shifts to the international community when the state is unable or unwilling to protect its people. This new way of looking at the relationship between state sovereignty and the protection of human populations from wide-spread atrocities meant that the Commission had to examine these concepts, each of which are outlined here briefly:

State Sovereignty and Non-Intervention

'State sovereignty' is a concept which essentially means the legal identity of a state in international law. This idea is a product of the 'Westphalian' concept of state sovereignty which developed in modern Europe over the last few hundred years. This is a concept which provides order and stability in international relations because sovereign states, under the Westphalian system, are considered equal, regardless of comparative size or wealth. This principle of sovereign equality of all states is one of the founding principles in the UN Charter (the treaty that established the United Nations in 1945). A sovereign state has total jurisdiction or control within its territorial borders. Under this system of state sovereignty, other states are not supposed to intervene in the internal affairs of another state.

Whilst the United Nations is built upon this understanding of state sovereignty, it is also an organisation which is dedicated to the maintenance of international peace and security. Since the end of the twentieth century, the nature of modern conflicts has changed; whereas until the mid-twentieth century, most were inter-state conflicts, today they are mostly internal. Moreover, the proportion of civilians killed in conflicts has increased from about one in ten at the start of the twentieth century, to around nine in ten by 2000. This change in the nature of modern conflict has brought about a challenge from the UN: how to reconcile the original principle of state sovereignty with the very important responsibility to maintain peace and security? And, most importantly, how can the UN protect people from genocide and other mass atrocities?

Sovereignty as Responsibility

To overcome this dilemma, the ICISS used the earlier work by Deng on 'sovereignty as responsibility' to put forward the idea of the Responsibility to Protect. This was an important change in international relations for many reasons. First, 'sovereignty as responsibility' means that state authorities are responsible for the protecting the safety and lives of citizens and promoting their welfare. Second, it means that the national political authorities are responsible both to their own citizens as well as to the international community through the UN. And third, 'sovereignty as responsibility' means that state agents are responsible for their actions.

A New Era: The Responsibility to Prevent, to React and to Rebuild

The Responsibility to Protect therefore became a way of uniting the two concepts of state sovereignty and protecting people in humanitarian crises. The ICISS report showed how these two

concepts could be united and furthermore argued that the Responsibility to Protect principle should include three sets of responsibilities:

1. The responsibility to prevent genocide and other mass atrocities. It is the responsibility of both individual states and the international community to deal with the causes of conflict, such as poverty, the distribution of resources, and economic, political or social repression.
2. The responsibility to react or to respond to situations where genocide, war crimes, ethnic cleansing or crimes against humanity have already begun or are likely to occur.
3. The responsibility to rebuild after genocide and other mass atrocities. It is the individual state's and international community's responsibility to give assistance to societies who have suffered mass atrocities to recover, to rebuild and to reconcile after the conflict.

The hope is that by making the Responsibility to Protect these three sets of responsibilities, the international community will be prepared respond to all stages of genocide and other mass atrocities. That is, it is hoped that the international community will be ready to prevent, react to and rebuild after these gross abuses of human rights.

3.The International Community's Commitment to the Responsibility to Protect: The 2005 United Nations' World Summit

After the ICISS report was released at the end of 2001, support for the Responsibility to Protect began to grow gradually. This was a difficult period in the history of international relations because of the terrorist attacks on 11 September 2001 and the subsequent invasion of Iraq and Afghanistan. Over the next few years, however, the principle was discussed and more people supported it. There were many important developments in support for the Responsibility to Protect during this period, both amongst governments and civil society groups. For example, the Canadian government helped to organize workshops and discussions on the Responsibility to Protect with many non-government and civil society groups, which led many of these organisations to support the principle. Another large step forward was that the then Secretary-General of the UN, Kofi Annan, was an advocate of the Responsibility to Protect. In his own report about reforming the UN in early 2005, *In Larger Freedom*, Annan emphasized the need to uphold and implement the principle.

All of these supporters, together with many more people who worked to gain backing for the Responsibility to Protect, helped to bring about an agreement amongst the international community to protect people from genocide and other mass atrocities. This agreement was made at the World Summit. The Summit was held in September 2005, when world leaders gathered in New York to celebrate the sixtieth anniversary of the UN and to debate Annan's proposed reforms. By the end of the Summit, the international community had agreed on the Responsibility to Protect principle, which was then outlined in paragraphs 138, 139 and 140 of the Summit's 'Outcome Document':

Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity:

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 of the United Nations, 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 are manifestly failing 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.

140. We fully support the mission of the Special Advisor of the Secretary-General on the Prevention of Genocide.

This was the international community's commitment to the Responsibility to Protect. In essence, the world community said that: (a) states should protect their people from genocide, war crimes, crimes against humanity and ethnic cleansing; (b) that the international community should help all states to fulfill this responsibility; and that (c) if a state failed to protect its people, then it became the international community's responsibility to protect. To protect people, the international community would work through the UN and use a wide range of peaceful measures to help a state fulfill its responsibility to protect. If these peaceful measures failed, then military action (under Chapter VII of the UN Charter which governs the UN's ability to use military force) would be taken.

4. Implementing the Responsibility to Protect

The former Secretary-General, Kofi Annan, was a strong supporter of the Responsibility to Protect, His successor, Ban Ki-moon, who took over as Secretary-General in January 2007, is also a strong advocate of the principle and has said that the task now is to turn the Responsibility to Protect 'from words into deeds.' To accomplish this, Ban Ki-moon released a report in January 2009, entitled *Implementing the Responsibility to Protect*. This report was the first comprehensive UN document on the principle and in it, the Secretary-General outlines his plans for putting the Responsibility to Protect into practice.

In the report, Ban Ki-Moon divides the Responsibility to Protect into three 'pillars'. These pillars are:

1. The protection responsibilities of the State

2. International assistance and capacity-building
3. Timely and decisive response to humanitarian crises

The three pillars are of equal strength and there is no set sequence as to which pillar should be used to ensure an early and flexible response to an incident of genocide, war crimes, crimes against humanity or ethnic cleansing. The emphasis of the three pillars is on prevention of these crimes before they become wide-spread atrocities.

Pillar One: The Protection Responsibilities of the State

Pillar One stresses that States have the primary responsibility to protect their populations from genocide, war crimes, crimes against humanity and ethnic cleansing. In the report, the Secretary-General made recommendations about how states could uphold this responsibility, including:

- Ensure that there are effective mechanisms for handling domestic disputes.
- Protect the rights of women, youth and minorities within the state.
- Implement relevant international law treaties on human rights, international humanitarian law and refugee law, as well as the Rome Statute of the International Criminal Court.
- Engage in a process of self-reflection to understand how Responsibility to Protect principles can be integrated into the state.
- Work to improve conditions which help to uphold their responsibilities to protect, such as with the police, military, judiciary and legislators, to improve the rule of law and the protections of human rights.
- Work with civil society and international organisations to facilitate the development of the Responsibility to Protect.

Pillar Two: International Assistance and Capacity-Building

Pillar Two addresses the commitment of the international community to provide assistance to states in building their capacity to protect their populations from genocide, war crimes, crimes against humanity and ethnic cleansing. Pillar Two also emphasizes that it is the international community's responsibility to help states 'under stress before crises and conflicts break out', once again highlighting that prevention is the best way to stop atrocities. Among his many proposals, the Secretary-General made the following recommendations for States:

- Support UN and sub-regional organisations which have mechanisms for dialogue, education and training on human rights and humanitarian standards.
- Promote region-to-region learning about the Responsibility to Protect, including education about which strategies and practices work best to prevent genocide and other mass atrocities.
- Encourage countries to give money towards programs which will improve conditions for the Responsibility to Protect, such as military reform and the improvement of the rule of law.
- Create regional 'rapid-response' civilian and military teams to help states in which there is growing conflict.

Pillar Three: Timely and Decisive Response

Pillar Three focuses on the responsibility of the international community to take timely and decisive action to prevent and stop genocide, ethnic cleansing, war crimes and crimes against humanity when a state is failing to protect its population. Ban Ki-moon proposed a number of steps for implementing Pillar Three, to be undertaken by the UN and/or by regional or sub-regional organisations. These proposals included:

- The Security Council and the General Assembly of the UN can appoint fact-finding missions to investigate and report on alleged violations of international law. The Human Rights Council may also send a fact-finding mission as well as appoint a special representative or 'rapporteur' to advise on the situation.
- These missions could provide an early warning of humanitarian crises and negotiate with leaders of states where a crisis is occurring.
- Regional and global cooperation to ensure increased and more effective collaboration between the UN and regional and sub-regional organisations, including matters to do with capacity-sharing and early-warning capabilities.
- Consideration by the UN of developing a UN 'rapid-response' military capacity to confront imminent or actual atrocities.

In addition to these three pillars, the Secretary-General's report also emphasized the need to improve early-warning capacities. Early warning of impending conflicts, the Secretary-General argued, would be crucial for the Responsibility to Protect principle because the aim is to prevent mass atrocities before they begin.

5.Frequently Asked Questions about the Responsibility to Protect

Why do we need the Responsibility to Protect?

The international community has failed again and again to protect people from genocide and other mass atrocities such as crimes against humanity. The Responsibility to Protect is a principle which has emerged so that individual states, and the international community, should do everything in their power to prevent future atrocities. Many international institutions, particularly the United Nations, were established to prevent conflicts between states. But by the end of the Cold War, most conflicts occurred within states, such as in Somalia, Bosnia and Burma.

The Responsibility to Protect was adopted by the UN General Assembly in 2005 in which the international community promised to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing. They agreed that every state has the responsibility to protect its own people and that the international community has an obligation to assist states to fulfill this responsibility. Finally, they agreed that, if a state failed to protect its people, then it was the task of the international community, through the UN, to intervene.

Who has the Responsibility to Protect?

The responsibility belongs to each state as well as to the international community through the UN. At its basis, the Responsibility to Protect means that every state has the obligation to protect its own people from mass atrocities (genocide, war crimes, crimes against humanity and ethnic

cleansing). However, the responsibility to protect also belongs to all member states of the UN, who have an obligation to help individual states and to intervene, if necessary, to protect people from mass atrocities.

Is 'the Responsibility to Protect' simply a new term for 'humanitarian intervention'?

No. 'Humanitarian intervention' is about the 'right' of states to act coercively against other states to stop atrocities. The Responsibility to Protect is about the responsibility of all states to protect their own people and the responsibility that the international community has to help states to achieve this. If a state fails to protect its people, a broad range of measures (economic, diplomatic and political) are used to help this state and, in only the most extreme cases, will military intervention be used to stop genocide and other mass atrocities (see section 3 and 4 of this document).

How does the Responsibility to Protect affect the idea of state sovereignty?

States have for a long time accepted limits on what they are allowed to do, whether towards their own citizens or others. For example, the UN Universal Declaration of Human Rights says that states must protect individual and social rights. The Geneva Conventions and many other treaties which prohibit torture, trafficking in persons, or nuclear proliferation also restrict the rights of states to behave however they wish. At the same time, there has been a shift in the understanding of state sovereignty. This shift has come about because of greater support for human rights and as a reaction to atrocities perpetrated against citizens by their own governments. The meaning of state sovereignty has therefore shifted away from being the right of states to do whatever they want within their own borders, to a set of obligations towards citizens. This new concept is Francis Deng's 'sovereignty as responsibility' (see section 1 of this document). The responsibility to protect people from genocide and other atrocious forms of abuse is the state's most important responsibility. To put it simply: people come first.

What is the Responsibility to Protect aiming to stop?

At the 2005 UN World Summit, world leaders agreed that the Responsibility to Protect covers four kinds of gross human rights abuse: genocide, war crimes, crimes against humanity and ethnic cleansing. As such, it does not include other threats to human security such as climate change, AIDS or natural disasters. The Responsibility to Protect is not meant to address all major threats to humans, only the worst acts of violence against them.

What are these four crimes?

Genocide is defined by the UN as actions taken 'with intent to destroy, in whole or in part, a national, ethnic, racial or religious group'. These actions include: killing members of the group, causing serious harm to members of the group, and removing children from the group. *War Crimes* includes acts committed during war or conflict such as torture, hostage-taking, mistreating prisoners-of-war, targeting civilians during battle, rape, sexual slavery, and starvation. *Crimes against Humanity* includes extermination, enslavement, deportation, torture, rape, and acts 'intentionally causing great suffering, or serious injury to body or to mental or physical health'. Such acts are frequently committed during conflicts but they can also be committed by regimes trying to repress people. The term *ethnic cleansing* means the forced removal or displacement of populations, by physical expulsion or by intimidation through killing, acts of terror, rape, etc. For more

information about these crimes, see the Rome Statute of the International Criminal Court, which explains in more detail the crimes of genocide, war crimes and crimes against humanity (<http://www.un.org/law/icc/index.html> and <http://untreaty.un.org/cod/icc/statute/romefra.htm>).

How can the Responsibility to Protect be turned from words into deeds?

All over the world, people are working to support the Responsibility to Protect. The United Nations is committed to implementing the principle in order to prevent genocide, war crimes, crimes against humanity and ethnic cleansing from happening again. To date, there are a number of civil society and academic organisations working in different parts of the world to implement the RtoP. These include:

- The Asia-Pacific Centre for the Responsibility to Protect, based at the University of Queensland, Brisbane, Australia (www.r2pasiapacific.org)
- The International Coalition for the Responsibility to Protect (ICRtoP), based in New York, USA (www.responsibilitytoprotect.org)
- The Global Centre for the Responsibility to Protect, also based in New York (<http://globalr2p.org>)

For more information, please contact the *Asia-Pacific Centre for the Responsibility to Protect*

www.r2pasiapacific.org