G.E.O.



Origins and Evolution of R2P: The International Effort to End and Prevent Mass Atrocity Crimes.

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G.E.O. - Politics

The Politics Area of G.E.O. is a space dedicated to research and innovation in the fields of Italian, European, and international politics. Due to the interlinked nature of many issues in international politics, the research of the G.E.O. - Politics team covers a wide range of topics, from human rights and development, to international law and diplomacy; our main mission, however, is to gather and publish impartial information in order to generate a more correct public opinion on world affairs.

ABSTRACT

The Responsibility to Protect (R2P) is a doctrine that was adopted unanimously at the United Nations Summit in 2005, in order to ensure that the international community never fails again to prevent genocides, such as the ones in Rwanda and Srebrenica, and other form of human rights abuse. The relevance of this doctrine stems from the fact that it links the traditional concept of *sovereignty* with that of *responsibility*, requiring each state to meet an obligation to protect their own population from mass atrocities. Furthermore, under the R2P, the international community is called to intervene to support those states which are unable to fulfil this important obligation. Nevertheless, since its adoption, the Responsibility to Protect has been continuously characterized by a number of controversies, which find their roots in the practice of humanitarian intervention.

This paper aims at providing an accurate description of the principles that underpin the R2P, highlighting its merits and limits through the analysis of a few cases in which it was resorted to by the international community, in order to investigate whether the R2P is a practically effective doctrine and in what ways its implementation could be further extended.

1. The Relationship Between State Sovereignty and Human Rights Protection

In the international system, state sovereignty and human rights protection have traditionally been interpreted as contrasting principles, since it is generally believed that the implementation of the former weakens the latter and vice versa. As a matter of fact, the concept of sovereignty, which dates back to the Peace of Westphalia of 1648, has a twofold nature: internal and external. If internal sovereignty refers to the supreme authority exercised within borders, external sovereignty is mainly related to the principle that holds that states must not interfere in the internal affairs of other states[1]. However, over the years, the rights of sovereign states have started to be challenged in many ways; in particular, the promotion of international intervention to guarantee human rights protection challenged external state sovereignty by allowing, for example, the United Nations and other International Organizations to interfere in the internal affairs of a state, in some cases even resorting to military intervention. From a theoretical point of view, it is possible to identify two major schools of thought concerning the complicated relationship between sovereignty and human rights protection; the first school of thought argues that the international community must overcome the idea that sovereign states are the pillars of the international system, so that the protection of human rights can be freely implemented without obstacles. On the contrary, the second school advocates that the principle of non-intervention in the internal affairs of other states must take precedence and that not even the protection of human rights must be an exception.

The introduction of the Responsibility to Protect (R2P) in 2005 can be considered an concrete attempt to provide a solution for the uneasy relationship between sovereignty and human rights protection. In particular, the major innovation that was introduced with this doctrine was the connection between the traditional concept of state *sovereignty* with that of *responsibility*, favoring the use of international intervention.

This paper provides an accurate description of the principles that underpin the R2P, highlighting its praises and criticisms and analyzing a few cases in which it was resorted to by the international community, in order to investigate whether the R2P is a practically effective doctrine and in what ways its implementation could be extended to other fields.

[1] Stanford Encyclopedia of Philosophy, "A definition of sovereignty", 2020.

2. History of R2P Principle and Its Adoption

In the year 2000, Kofi Annan, then-Secretary General of the United Nations, highlighted the paradox regarding the relationship between two principles that apparently have stood face to face from the beginning of time, stating in the Millenium Report:

"If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of common humanity?"[2]

In this statement, Annan's main point was that when facing gross and systematic violations of human rights, like those that occurred in Rwanda and Srebrenica, how can the International Community intervene to protect people if the principle of State Sovereignty stands? How can 'sovereignty' be reconciled with the principle of humanitarian intervention? And if people are being killed and tortured, can we derogate from the principle of Sovereignty and accept humanitarian intervention and even the use of force?

These issues arose around the 1990s within a heated debate regarding humanitarian intervention and three main concepts: "just cause, right authority and the balance of Human Rights and Sovereignty"[3]. The direct consequence of this debate was the formulation of the principle of the Responsibility to Protect, nowadays better known with its acronym R2P.

According to the UN, this principle is aimed at protecting people from the "worst forms of violence and persecution"[4]. In reality, there is a huge gap between theory and practice: in the past the principles of International Humanitarian Law and Human Rights Law were not sufficient to protect populations against gross and systematic violations of Human Rights such as genocide, war crimes, ethnic cleansing and crimes against humanity[5]. Under such legislative frameworks, Member States had obligations, but in practice they were not able to protect people and to prevent genocides.

[2] Kofi Annan, Millennium Report of the Secretary General of the United Nations, New York: United Nations Department of Public Information, 2000: 48.
[3] ibidem
[4] United Nations, Responsibility to Protect, United Nations Office on Genocide Prevention and on Responsibility to Protect.
[5] ibidem

After Annan's statement, the Canadian Government decided to set up the International Commission on Intervention and State Sovereignty (ICISS) to create a solution. In 2001 the ICISS issued a report entitled "The Responsibility to Protect"[6]. Thus, the R2P principle was born.

Relying on Francis Deng's interpretation of State Sovereignty as an overall responsibility, R2P recognised and affirmed that there are two types of responsibility: the primary one rests on the State that must protect its own population, while the International Community has a residual responsibility as well. The question was: how to identify the situations in which the International Community could intervene, while still derogating to the principle of State Sovereignty which is still at the core of International Politics and Law? After some discussion, the solution was found: the International Community can intervene in cases in which a state is *unable or unwilling* to take up its Responsibility to Protect its population or even when the State itself is the perpetrator of crimes against humanity[7].

Member States did not commit to this principle until 2005, because, as predictable, it was considered a huge interference in a State's sovereignty. At this point, no reference had been made to resorting to the use of force: the International Community during the 2005 high-level UN World Summit meeting only committed to using *diplomatic and humanitarian* means as well as "*other means*"[8] to protect people. Using this open formula without specifying the meaning of this last expression allowed them to ponder what actions to undertake and what means to use in each and every specific situation.

Nonetheless, there are still discussions regarding how R2P should be implemented in practice, mainly around the concepts of legitimacy of action[9]. In the end, however, all UN member states seem to agree on multilateral action undertaken through the UN. Being a multilateral organization and an established and official multilateral channel, which is expression of popular will, the United Nations offers guarantee of procedural legitimacy and consensus around the actions undertaken by it in virtue of *human solidarism*, thus transcending the concerns regarding the use of force, proportionality and accountability of international actions[10].

[6] ibidem
[7] ibidem
[8] United Nations, Responsibility to Protect, United Nations Office on Genocide Prevention and on Responsibility to Protect.
[9] Newman, E., The Responsibility to Protect, multilateralism and international legitimacy, Cambridge University Press, 2015: 125.
[10] ibidem

3. The Responsibility to Protect: a Definition

Thus, the Responsibility to Protect entered into force on the occasion of the 2005 UN World Summit meeting, when the international community incorporated its underpinning principles in the General Assembly Resolution 60/1 (A/RES/60/1). In paragraph 138, 139 and 140 of Resolution 60/1, Member States first of all reaffirmed the Responsibility to Protect their own populations from "genocide, war crimes, ethnic cleansing and crimes against humanity"[11]. Furthermore, they declared that when other national authorities manifestly fail to protect their populations from the afore-mentioned crimes and violations, the international community must be prepared to take collective action through the Security Council and in conformity with the Charter of the United Nations[12].

More in depth, in paragraphs 138 and 139, Resolution 60/1 holds that:

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...
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[13].

Under these provisions, the Responsibility to Protect rests upon three pillars[14]:

[11] United Nations, Office on Genocide Prevention and Responsibility to Protect.
[12] ibidem
[13] United Nations, "2005 World Summit Outcome" General Assembly Resolution 60/1 (A/RES/60/1), September 2005.
[14] United Nations General Assembly, "Implementing the Responsibility to Protect. Report of the Secretary-General", January 2009.

The first pillar declares the primary responsibility of states to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity and from their incitement; it underlines that this responsibility lies first and foremost with the State as it derives from state sovereignty. As a matter of fact, the relevance and the innovation of the R2P stems from the fact that it provides a new definition of state's sovereignty, understanding it not as a mere exercise of power, but as a responsibility towards the population.

The second pillar is related to the commitment of the international community to assist other states in their protection responsibilities. Under paragraph 139, it is stated that this responsibility must be carried out "under stress before crisis and conflicts break out"[15], emphasizing that prevention shall be resorted to as the primary means to deal with atrocities and crimes.

The third pillar is the responsibility of the international community to take timely and collective action in accordance with the UN Charter to prevent and stop genocide, war crimes, ethnic cleansing and crimes against humanity when a state is failing to protect its own population.
According to the Report of the Secretary General of 2012, the three pillars of the R2P are not sequential, but of equal strength and they "shall be implemented in a manner fully consistent with the purposes, principles and provisions of the UN Charter"[16].

The UN Charter is thus the legal basis that provides the international community with the necessary tools in order to carry out their Responsibility to Protect. In particular, Chapter VI of the Charter provides for a range of non-coercive measures aimed at reaching peaceful settlement of disputes, including for example negotiation, mediation, enquiry, conciliation and judicial settlement. Under Chapter VII, only when peaceful and non-coercive measures fail, the Security Council may authorize the international community to resort to coercive measures not involving the use of armed force, which include, for instance, sanctions and embargoes. Finally, under Article 42 of the Charter, military intervention may be used as a measure of last resort, when all other non-coercive measures provided by Chapter VII have failed and when it is authorized by the Security Council[17].

[15] United Nations General Assembly, "Responsibility to Protect: timely and decisive response. Report of the Secretary-General", July 2012.
[16] ibidem
[17] United Nations, UN Charter.

It is therefore important to underline the differences between the Responsibility to Protect and humanitarian intervention. As a matter of fact, the R2P is a principle that has stemmed *from the* debate on humanitarian intervention; in particular, it has been conceived as a means to solve the uneasy relationship between state sovereignty and human rights protection. For this reason, its meaning is often misinterpreted as a synonym of humanitarian intervention. On the contrary, there are important differences between the two approaches. First of all, even if there still does not exist a formal legal definition, humanitarian intervention usually refers to the practice of using military force against another state with the aim of preventing or ending human rights violations[18]. On the other hand, the R2P, being primarily a preventive principle, as already explained, allows for the use of force only as a measure of last resort. Second of all, the R2P only applies for crimes and violations expressly stated in the provisions of Resolution 60/1, while humanitarian interventions have been used and justified on multiple and different occasions.[19]. Finally, even if both approaches are based on a new concept of sovereignty, which accepts the existence of exceptions to the principle of non-interference in other state's internal affairs, the R2P, rather than being focused on the right of states to intervene, is based on a responsibility towards people at risk. In other words, the R2P moves away from state-centered motivations to the interests of victims[20].

4. Praises and Criticisms

Despite a general agreement on the foundations of the Responsibility to Protect, there are differences of opinion regarding its application within the legal doctrine and the international community. The adoption of measures aimed at protecting the population of third States can, in fact, result in variably invasive actions, such as mediation, sanctions, and use of force. Although the UN Secretary General has progressively extended the powers of third States in this area, the authorization of measures pursuant to Chapter VII is the responsibility of the Security Council and must represent the last resort. The activation of the third pillar has repeatedly made it possible to contain the effects of the systematic violence perpetrated against a people, both by helping states to restore order and protect their citizens, and by preventing the spread of dangerous crises in the direction of Neighboring states, avoiding serious repercussions and instability at the regional and international levels.

[18] Marko Marjanovic, "Is Humanitarian War the Exception?", *Mises Daily Articles*, April 2011.
[19] Australian Red Cross, "International Humanitarian Law and the Responsibility to Protect: A handbook".
[20] University of Birmingham, "International Legal Frameworks for Humanitarian Action: Topic Guide", 2013.

The success of some interventions and the difficulties encountered in others have highlighted both the merits and the limits of the institution of Responsibility to Protect. According to the progressive interpretation of legal doctrine, the Responsibility to Protect constitutes one of the greatest innovations to have affected international law in recent decades, claiming that it has contributed to a general change in the approach towards serious violations of human rights perpetrated or tolerated by states against their citizens. Proof of this claim would be the references to the Responsibility to Protect in many statements by world leaders and in over eighty Security Council resolutions. According to this progressive interpretation, the Responsibility to Protect constitutes an evolution of the concept of state sovereignty: no longer absolute, as in the Westphalian model, but subordinate to compliance with certain obligations imposed by law and by the international community, such as the protection of one's citizens. This interpretation furthermore increases the importance of human rights in the international order, placing the protection of the individual above the supreme power of states. Consequently, the moral and ideological charge of political choices is greatly increased by these initiatives. There has even been talk of the existence of a 'collective international responsibility' on the part of the consensus of nations towards the peoples of the world. This highly evolving legal interpretation would confer on each State not only the right but the responsibility and the duty to intervene to protect an oppressed or harassed people[21].

This approach is contested by the part of international law that deems any unauthorized military intervention illegitimate, harmful to state sovereignty, and having no legal basis. This derives from a conservative interpretation which considers the institution of Responsibility to Protect not yet sufficiently consolidated. Added to this is the lack of coherence on the part of the international community, which does not always intervene to protect victims of violence. States are sometimes reluctant to engage in humanitarian interventions, both for diplomatic and strategic reasons, as well as for practical impossibility or lack of political will; often, due to related economic, material, and reputational costs, the humanitarian objective alone is not sufficient to justify the launch of an international mission before institutions and the public opinion. In such cases, it is necessary to support a particular interest of the state that convinces politicians and citizens to support the intervention which, however, leads to configuring the operation as a *realpolitik* maneuver rather than as sincere help, thus discrediting the institution of Responsibility to Protect. In addition, the voting system within the United Nations Security Council gives the five permanent members the

[21] Charter of the United Nations and Statute of the International Court of Justice.

right of veto, allowing China, France, the United Kingdom, Russia and the United States to take a decisive role in the approval of resolutions on the Responsibility to Protect, being able to block any decision, even if supported by all the other members[22].

Finally, and perhaps most importantly, with the aim of preventing abuses and crimes against humanity, it is very difficult to quantify the benefits of a military intervention. While the number of lives saved by an operation based on Responsibility to Protect could only be estimated, it is rather easy to calculate the costs and assess the damage, making it difficult for governments to earn unanimous consent. In conclusion, the difficulties inherent in calculating the benefits of humanitarian interventions contributes to multiplying criticism and hostility towards the institution of Responsibility to Protect, which is often defined as expensive, ineffective and politically inconvenient[23].

5. Examples of Implementation and Non-Implementation

a. Cases of Implementation

There are many cases in which the institution of the Responsibility to Protect has given rise to variably incisive interventions by the United Nations. One example is provided by the mediation that took place in Kenya in 2008. Following the disputed elections of 27 December 2007 and the proclamation of Mwai Kibaki as President, the country saw ferocious violence against the supporters of the two major political parties. In just two months, the wave of violence caused the deaths of a thousand people and the displacement of over half a million citizens. After the UN Secretary General Ban Ki-moon expressed his concern about the situation, the matter was referred to the Security Council. Thanks to a rapid and coordinated reaction from the international community, on January 10, 2008, a mediation led by former Secretary General Kofi Annan began. On February 28 of the same year, a power-sharing agreement was finally signed, confirming the proclamation of Mwai Kibaki as President , appointing opposing candidate Raila Odinga as Prime Minister, and setting up three commissions to investigate the clashes. Due to its success, the Kenyan case is now an exemplary operational model of the third pillar of Responsibility to Protect[24].

[22] Charter of the United Nations and Statute of the International Court of Justice.

[23] Paris R., "Is it possible to meet the 'Responsibility to Protect'?", *The Washington Post*, December 9 2014.

[24] Human Rights Watch, "Ballots to Bullets - Organized Political Violence and Kenya's Crisis of Governance", March 16 2008.

Another United Nations protection intervention took place in the Ivory Coast. Between October and November 2010, Ouattara, the leader of the opposition, won the first Ivorian presidential elections in ten years. However, the results of the Independent Electoral Commission were contested by the Constitutional Council, close to incumbent President Gbagbo, causing violent clashes between opposing political factions across the country. On March 30, 2011, with Resolution 1975, the Security Council condemned the post-electoral violence and warned the Ivorian authorities that, in the event of escalation, more incisive measures would be taken. Nevertheless, both the supporters of President-elect Alassane Ouattara and those of outgoing President Laurent Gbagbo continued to commit crimes against the local population without encountering any resistance. Thus, after a fruitless appeal for a transfer of power to the new President, on April 4, 2011, the forces of the United Nations Operation in Ivory Coast (UNOCI) intervened militarily. Following his arrest, Gbagbo was referred to the International Criminal Court for crimes against humanity, while Ouattara took over the Presidency of the Ivory Coast.

The first *military* intervention authorized by the United Nations in compliance with the institution of Responsibility to Protect was in Libya. On February 26, 2011, the Security Council had unanimously adopted resolution 1970, condemning the serious violations of human rights perpetrated by the Libyan authorities against their citizens, while imposing a series of economic sanctions and referring the case to the International Criminal Court[25]. On March 17 of the following year, with resolution 1973, the Security Council imposed an immediate ceasefire and requested, for the first time, a military intervention by third states in order to replace the Libyan authorities and protect the local population[26]. Despite the legitimacy of the original objectives, however, the mishandled operation resulted in an occupation of the Libyan national territory. In the following days, NATO air forces launched a series of attacks that quickly led to the ousting of Colonel Muʿammar Gaddafi and the creation of a transitional government. The intervention aroused much controversy from some states, which claimed that NATO units had exceeded their competences, favoring war support for the rebels and actively contributing to the overthrow of the Gaddafi regime[27]. Due to the outbreak of the Libyan civil war and the withdrawal of most foreign contingents, operations with Responsibility to Protect in the region were generally considered to be unsuccessful, regardless of political aspects.

[25] Resolution 1970 of the Security Council of the United Nations Organization, February 26 2011.
[26] Resolution 1973 of the Security Council of the United Nations Organization, March 17 2011.
[27] Thakur R., "Libya and the Responsibility to Protect: Between Opportunistic Humanitarianism and Value-Free Pragmatism", *Security Challenges Vol. 7 No. 4*, Summer 2011:14-17.

Another military intervention in the name of the Responsibility to Protect took place in the Central African Republic in 2013. In December 2012, the Muslim coalition *Séléka*, led by Michel Djotodia, had started a revolt against President Francois Bozizé, sparking a wave of violence between the Muslim and Christian communities of the country. Despite the signing of a transition agreement between the warring parties in Libreville, Séléka's forces resumed hostilities and captured the capital Bangui where, on April 13, 2013, Djotodia was appointed interim President by a National Transitional Council. However, the change of regime only exacerbated the clash between the factions, multiplying the episodes of violence and causing the number of displaced citizens to rise to almost half a million. Thus, on December 5, 2013, the Security Council approved resolution 2127, imposing economic sanctions and giving the African Union and the French military forces present in the area the mandate to intervene to protect the local population[28]. The units were deployed to the field after about two weeks with the full support of French President François Hollande. On February 7, 2014, the International Criminal Court also launched a preliminary investigation into human rights violations committed in the Central African Republic[29].

b. Cases of Non-Implementation

In other cases, the Security Council did not decide to authorize a military intervention or failed to do so due to resistance from some members, especially those with the right of veto. One of the most debated cases is that of the civil war in Syria. In fact, during the conflict, according to a report by a Commission of Inquiry of the United Nations Human Rights Council, the forces loyal to President Bashar al-Assad were committing crimes against humanity against Syrian citizens. Therefore, on several occasions between 2011 and 2013, the United States asked the Security Council to authorize a military operation aimed at protecting the population. However, the motion always met with opposition from Russia and China, whose representatives vetoed, declaring the use of external intervention in the name of the Responsibility to Protect to be abusive. Furthermore, the governments of Moscow and Beijing accused the United States of wanting to use the intervention to favor regime change in Syria, as had already happened months before in Libya[30].

[28] Resolution 2127 of the Security Council of the United Nations Organization, December 5 2013.

[29] Human Rights Watch, "I Can Still Smell the Dead - The Forgotten Human Rights Crisis in the Central African Republic", September 18 2013.

[30] Mohamed S., "Syria, the United Nations, and the Responsibility to Protect", *Proceedings of the Annual Meeting (American Society of International Law), Vol. 106 Confronting Complexity*, 2012: 223-225.

A further example is that of Burundi where, in 2015, President Pierre Nkurnziza incited the population to attack the rebel militias of the Forces Républicaines, causing numerous deaths and indiscriminate reprisals against the population. The Security Council confined itself to entrusting the monitoring of the situation to an international police force, an operation blocked by Nkurnziza, who denied entry visas to United Nations agents[31]. Serious violations of human rights, carried out or favored by national authorities, are still underway in Burundi, but never followed by any significant action by the United Nations or the Security Council.

Today, in civil war-torn Yemen, the internationally recognized government has shown that it is unable to fulfill its Responsibility to Protect the population from abuse and violence. Therefore, it would need a great deal of help from the international community and foreign contingents to flank the regular forces in managing nearly two and a half million refugees. Similarly, the Rohingya population in northern Burma has been the victim of systematic genocide for decades by the Rangun armed forces, responsible for systematic and unjustified attacks against the population. The massacres, for which the Burmese authorities were responsible, has caused hundreds of thousands of victims and the exodus of over half a million refugees to Bangladesh[32].

6. The Role of the EU in Implementing Responsibility to Protect

a. EU Policy in R2P

European Union policy on the Responsibility to Protect has gradually grown more multilateral and consensual over the course of the new millenium; in 2013, eight years after the United Nations' articulation of the concept of R2P, the European Parliament launched an initiative to consolidate a 'European consensus' around the issue. Subsequently, in 2016, the EU introduced an 'R2P Focal Point', a government official tasked with supervising and implementing the Responsibility to Protect, making it the first regional organization to do so. More recently, in 2019, the European External Action Service created an *Atrocity Prevention Toolkit* to assist in coordinating multilateral humanitarian interventions[33].

[31] Freedom House, "Despite 'Responsibility to Protect,' the International Community Is Failing Burundi", December 15 2015.

[32] The Lancet, "Our Responsibility to Protect the Rohingya", Volume 390, December 23 2017: 2740.

[33] Newman, E., and Stefan, C., "The European Union and the Responsibility to Protect", *JCMS Blog,* May 13, 2020.

In regards to rhetoric defending the decision to implement Responsibility to Protect, two main themes arise when analyzing EU Policy documents: first, the protection of democracy and human rights, and secondly, the promotion of intra-governmental cooperation[34]. The EU has traditionally relied upon its reputation as the global bastion of "pluralistic democracy, the respect for Human Rights, fundamental freedoms and the rule of law, political and legal cooperation, social cohesion, and cultural interchange"[35] in order to implement humanitarian interventions abroad; one of the strongest examples of rhetoric claiming the EU's place as a leader in humanitarian intervention is the statement by the European External Action Service High Representative/Vice President Federica Mogherini that,

"The EU and its Members States are the world leader in humanitarian assistance. Promoting principled humanitarian aid and respect for International Humanitarian Law remains at the core of our international engagement"[36].

The Stockholm International Peace Research Institute would seem to affirm this statement, as the number of EU multilateral peace operations in 2020 (17) was second only in the world to the number of UN multilateral peace operations (26)[37]. The EU therefore demonstrates the legal foundations for a humanitarian action plan and, in regards to policy and rhetoric, a strong commitment to implementing Responsibility to Protect, both independently and in conjunction with other nations and regional organizations[38].

b. Criticisms of EU Engagement in R2P

In spite of such policy, which lauds the merits of democracy and promises to protect human rights around the world, the European Union has seemingly demonstrated a mixed record in implementing Responsibility to Protect and has been accused of ambivalence in the face of human rights violations[39]. For example, the EU has been critiqued for 'inaction' in response to one-sided

[34] Kreutz, J., "Human Rights, Geostrategy, and EU Foreign Policy, 1998-2008", *International Organization*, Vol. 69, no. 1, 2015: 204.
[35] "Declaration of the May 2005 Warsaw Summit", Council of Europe, May 17, 2005.
[36] "Statement by High Representative/Vice-President Federica Mogherini and Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides on the World Humanitarian Day 2019", European Union External Action Service, August 19, 2019.
[37] Smit, T., "SIPRI Map of Multilateral Peace Operations, 2020", SIPRI, June 2020.
[38] Kreutz, J., "Human Rights, Geostrategy, and EU Foreign Policy, 1998-2008", *International Organization*, Vol. 69, no. 1, 2015: 205.
[39] Newman, E., and Stefan, C., "The European Union and the Responsibility to Protect", *JCMS Blog,* May 13, 2020.

displays of government-perpetrated violence in Rwanda (2009), Nigeria (2011), or in Yemen (2011). Furthermore, the EU's propensity to intervene in crises varies from region to region; in particular, the EU is most likely to engage in R2P (controlling for levels of violence) in non-EU Europe, followed by Sub-Saharan Africa, the Middle East, Asia, and lastly, in the Americas. Such an uneven geographical distribution of humanitarian interventions has led to accusations of prioritizing safety only where risk most threatens the EU's physical borders[40].

Furthermore, according to an evaluation by the EU Task Force on Prevention of Mass Atrocities, as of 2013 the prevention of mass atrocities was

"rarely mentioned in core EU documents and by EU actors despite the EU's commitments to protect and promote human rights and its purported support for the Responsibility to Protect (R2P),... neither integrated into the EU foreign policy-making, nor embedded in conflict prevention tools or human rights policies; and... hindered by problems of coordination within the EU as well as of cooperation with local and international partners[41]."

Such an assessment leads the EU Task Force on the Prevention of Mass Atrocities to conclude that a lack of consensus--deriving from the fact that, according to the Treaty of Lisbon, individual states may choose to intervene either individually or in conjunction with the European Union--leads to interventions on the basis of political interests, rather than on the basis of humanitarian principles; thus, the role of *realpolitik* in the EU's decision to engage in (or avoid) R2P is potentially a real humanitarian issue, especially exacerbated by changing global norms and the rise of populism in Europe[42].

c. Gaps and strengths in European Implementation of R2P

Despite the criticism that there is a discrepancy between the EU's rhetoric and its concrete action, over the course of the twenty-first century there has, in fact, been a general upward trend in the EU's number of interventions abroad (for example, expanding from from one military intervention in 2000, to a total of eighteen military interventions as of 2021)[43].

[40] Kreutz, J: 214.
[41] De Franco, C., "First Things First: Prioritize Mass Atrocity Prevention", Peace Lab, July 18, 2019. (This assessment was unchanged as of 2019).
[42] Kurtz, G., and Rotmann, P., "The Evolution of Norms of Protection: Major Powers Debate the Responsibility to Protect", *Global Society*, Vol. 30, 2016: 3-20.
[43] "EU in the World", European External Action Service.

Furthermore, upon deeper analysis, there is a positive correlation between the *scale* of human rights violations abroad and the propensity of the EU to act; the main discrepancy, however, seems to lie in the EU's tendency to respond to only the most highly visible injustices (i.e., government killings and political imprisonment) and to not intervene in cases of less visible injustices (i.e., torture and forced disappearances). Such a tendency is, presumably, due to the fact that the costliness of humanitarian interventions, both of economic and military nature, must be justifiable in the public eye[44].

Additionally, in regards to the EU's propensity to intervene in certain geographical areas (in non-EU Europe and in Sub-Saharan Africa), the findings are contrary to expectations, in that the EU is found to be most likely to intervene in non-democratic, economically *powerful* countries, as well as in countries more integrated into the international liberal market. Such a finding may be explained by the fact that the EU has generally preferred economic interventions over military or peacekeeping interventions; it furthermore demonstrates that the EU, viewing an economic approach to R2P as being more legitimate than a military approach, is most likely to intervene in non-EU European states for the simple fact that those states are some of the most economically powerful (and most integrated into the liberal market) countries in the world[45]. Furthermore, the preference for an economic approach is also most in line with the guidelines of Resolution 60/1, which states that a a non-military approach is to be taken before military action may be taken[46].

In conclusion, therefore, the European Union does have a solid policy foundation for becoming a world leader in implementing Responsibility to Protect, but in order to fully align its actions with international humanitarian principles, the EU should also begin to act in 'less visible' cases of human rights violations, as well as begin to equally implement solutions in countries with less economic power and openness to the international market.

Conclusion: Future Prospects for the Responsibility to Protect

[44] Kreutz: 201.
[45] Kreutz: 204.
[46] United Nations, "2005 World Summit Outcome" General Assembly Resolution 60/1 (A/RES/60/1), September 2005.

This paper has analyzed the principle of Responsibility to Protect, unanimously adopted by the United Nations to ensure that the international community never fails again to deal with the mass atrocity crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. In particular, the paper focused on how the Responsibility to Protect has evolved over the years and on the merits and limits of the principle and of its application. In order to provide a closer look at how the principle works, the paper also described different cases in which it was implemented, focusing on Kenya, the Ivory Coast, Libya and the Central African Republic. Moreover, the cases of Burundi and Syria were illustrated to point out that on different occasions an intervention on the grounds of the R2P failed as a result of a veto from one of the permanent members of the Security Council or the lack of the Security Council's authorization to resort to military intervention. Finally, the paper provided an insight on the role of the European Union in the implementation of the R2P.

To conclude, given the increasing number of issues that affect the global community as a whole, it is interesting to consider whether the scope of application of R2P principle could be extended to other fields. Indeed, currently, under the 2005 World Summit Outcome, the R2P only applies to the four crimes stated under Paragraph 138 and 139: genocide, war crimes, ethnic cleansing and crimes against humanity. Actually, a few years before, a wider scope of application of the R2P was articulated by the International Commission on Intervention and State Sovereignty in its report of 2001. As a matter of fact, this report authorized the international community to resort to this principle in situations of

"overwhelming natural or environmental catastrophes, where the state concerned is either unwilling or unable to cope, or call for assistance, and significant loss of life is occurring or threatened"[47].

Generally speaking, it may be argued that any global issue which concerns the international community as a whole and which a state is not able to solve unilaterally could invoke a Responsibility to Protect. Examples of such global issues include climate change, natural catastrophes and the spread of diseases.

Considering the present times, the Responsibility to Protect could be invoked to deal with global health crises; as a matter of fact, given the highly globalized and urbanized world in which we live

[47] Report of the International Commission on Intervention and State Sovereignty, "Responsibility to Protect", December 2001.

today, the emergence and spread of new diseases is an issue that is likely to affect the international community as a whole. As far as the pandemic of Covid-19 is concerned, not only did many countries prove to be incapable of granting health security to their own populations, but the spread of the virus also exposed vulnerable groups to a higher risk of being victims of conflicts, violations and atrocities. A revision of the R2P framework could thus be relevant in order to allow the international community to organize collective intervention, for instance providing medical supplies and equipment or monitoring new conflict's outbreaks[48].

Nevertheless, so far it seems that the international community has failed to consider the possibility of extending the scope of application of the R2P. For instance, in his 2009 Report on the Responsibility to Protect, the UN Secretary General argued that

"to try to extend it to cover other calamities, such as HIV/AIDS, climate change or the response to natural disasters, would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility."[49]

Furthermore, even if in 2020, in the occasion of the 15th anniversary of the R2P, the international community confirmed its determination to deepen its collective commitment and enhance efforts to uphold the principle, no references were made to a possible extension of its application[50]. It is thus still uncertain whether in the future Member States will be willing to strengthen the scope of application of the Responsibility to Protect.

[48] Muema Wambua, "Covid-19, Human Security Crisis and the Responsibility to Protect", *Kujenga Amani*, September 2020.
[49] United Nations General Assembly, "Implementing the Responsibility to Protect. Report of the Secretary-General", January 2009.
[50] United Nations Office on Genocide Prevention and the Responsibility to Protect, "Fifteen Years of the Responsibility to Protect", 2020.

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