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## **REVISITING THE RESPONSIBILITY TO PROTECT AS AN INTERNATIONAL NORM**

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### **ABSTRACT**

The purpose of the paper is to revisit the origin of the principle of responsibility to protect (R2P) focusing on few cases and reflecting on the troubled journey that it has made maneuvering its structural constraints posed by hegemonic powers and geopolitical manipulations, by employing historical methods in tracking its evolution. The inter-state aggression during the Cold War, largely gave way to war and violence within, after the end of it, rather than between, states. There were two opposing views at the United Nations (UN): those who supported right of humanitarian intervention and those who viewed such a doctrine as an infringement upon national sovereignty. In this regard, R2P remains a developing principle and, the absence of definitive state practice in this area means that states wanting to intervene to protect foreign populations from atrocities are left without clear legal justification for such action. In the absence of UN Security Council authorisation, use of force under the banner of R2P remains contentious. Lastly, the paper discusses the prospects

the principle will have in future as constraints and manipulations are still present.

**Keywords:** Responsibility to protect, intervention, sovereignty, peace, security.

## INTRODUCTION

The R2P was meant to act as a norm of international security and human rights to obligate states and the larger international community of states to protect the population from risks of genocide, war crimes, ethnic cleansing, and crimes against humanity. The notion has been reaffirmed and endorsed by several relevant UN documents and serves as a reminder to the states that sovereignty is not a privilege but a responsibility to care for and protect the population within the boundary of their territories. The sanctity of the R2P is subject to scrutiny because of multifaceted reasons. Armed interventions carried out in the name of ‘humanitarian’ compulsions like in Somalia, Rwanda and Kosovo witnessed interventions, though under various aegis before the dictum of the R2P found mention as a concept in many documents. Intervention in Libya started just two days after the passing of the UN resolution 1973 denouncing the scope of entry of foreign forces. The intervention was an attempt at regime change and was confirmed after the publication of a joint op-ed by US President Barack Obama, British Prime Minister David Cameron, and French President Nicolas Sarkozy that equated the intervention as a means to protect Libyan civilians and the end of Muammar Qaddafi’s rule (2011). Protection of civilians was emphasised but the intervention made no distinction between insurgents and civilians. The admission authenticated what was always known in common parlance. However, this was in contradiction to Secretary-General Ban Ki-Moon’s calling the United Nations Security Council (UNSC) resolution 1973 a “historic affirmation of the global community’s responsibility to protect people from their own government’s violence” (UN News, 2011).

Before the framework of R2P was crafted, an intervention was seen as ‘right’ on the part of powerful states and their allies (Getachaw, 2019, p. 226). The framework sought to project sovereignty as a responsibility rather than a privilege and a form of control. The idea of sovereignty as responsibility found its voice in the writings of Frances

Deng and his colleagues at the Brookings Institution where they spoke of the way the international community held few of the states in Africa responsible for the violence raging on in their countries. They had the responsibility to ensure “basic health services, food, shelter, physical security, and other essentials” (Deng et al., 1996, p. 32). The International Commission on Intervention and State Sovereignty (ICISS) reiterated this stance and suggested that sovereignty entails a responsibility of the state to care for its citizens, and keep them safe and protected. Internally, sovereignty is a commitment to the citizens and a pledge to the international community externally (ICISS, 2001). The report mentioned that “if a state is unable or unwilling to end [humanitarian] harm, or is itself the perpetrator, the responsibility to protect falls on the international community” (ICISS, 2001, p. 17). Deng’s ideas and the assertions of ICISS marked a shift in the way sovereignty was conceptualised in the international domain and made it perplexing too. In the decades following the Second World War, sovereignty was considered an inalienable right of state yet the world witnessed intervention by a state or groups of them with force in situations where proper authorisation from the UN was not obtained. A prominent example of this was NATO’s intervention including aerial strikes against Yugoslavia during the Kosovo War in 1999.

The notion of R2P has been around since the UN General Assembly unanimously adopted R2P at the World Summit in 2005. The written principles first originated in a report of the ICISS in 2001 and were subsequently adopted in the World Summit Outcome Document (A/RES/60/1) in paragraphs 138, 139, and 140 (Johnson, 2015, p. 45). The notion of R2P stands on three pillars of responsibility. Pillar one, stipulates that every state must strive to protect its civilians from threats of genocide, war crimes, ethnic cleansing, and crimes against humanity. Pillar two states that the international community has to assist individual state to meet its responsibility. Pillar three suggests that if the individual state fails in its responsibility to protect its civilians from the threats mentioned in pillar one; the international community can take collective action, following the UN charter, to ensure that the state fulfils its responsibility towards its population. The UN Secretary-General released a report in 2009 urging the implementation of the principle of R2P. The General Assembly has held debates on R2P since then and has passed a consensus resolution to this effect as well (A/RES/63/308). The UNSC and the Human Rights Council have invoked the R2P in several of their resolutions. The principle of R2P has found support from most countries of the

world. The notion of R2P promises to implement and honour its commitments. However, there have been significant problems in realising its commitments. The crimes that R2P sought to prevent have gone on uninterruptedly in many corners of the world. Threats of genocide, war crimes, ethnic cleansing, and crimes against humanity are still present.

The community of states have affirmed their legal commitment and obligations to abide by the lofty ideals of the principles enshrined in R2P. However, the ideas of R2P have far-reaching implications. Pillar two of the notion of R2P prods the states of the international community to help the individual state to discharge its duty to responsibly protect its population if it falters in preventing crimes, atrocities, and protecting the population initially. The international community is not supposed to just react but to actively help the individual state. This pillar is often neglected and can be used extensively to prevent escalation of conflicts if followed during times of dispute. The third pillar makes it imperative for the international community to act decisively to enforce peace, security, and stability in a conflict-ridden zone which the individual state has been unable to do and protect the population from the listed crimes. Paragraphs 138 and 139 of the World Outcome Document makes it amply clear the responsibilities of the international community. The response of the international community could involve a range of measures as elaborated in the form of Chapter VI, Chapter VII, and Chapter VIII of the UN Charter. Chapter VI of the UN charter lists specific measures. Collective action could be taken under Chapter VII if the specific measures prove to be inadequate to resolve the conflict. The collective action involves the use of force. Chapter VIII stresses the need to collaborate with regional organisations.

## **CONCEPTUAL FRAMEWORK: BACKGROUND TO R2P**

Interventions in neighbouring countries to stall an evolving crisis and stem refugee flow have been going on for a long time. The intentions and timing of the interventions by the countries can be debated nonetheless they have happened. The interventions have been military in nature to halt 'civil war-like' situations, to aid refugees, to reverse refugee flow combined with a show of military might have contributed to the literature on R2P (Dowty & Loescher, 1996; Posen, 1996; Teitelbaum, 1984). Interventions for strategic interests have

been too many in history such as the US intervention in Vietnam or the Soviet intervention in Afghanistan. Interventions to protect the population of a country have occurred and provide background to the development of the principle of R2P under the aegis of the UN. The following section gives an overview of such interventions that have contributed to the evolution of the literature on R2P.

### *East Pakistan (Formation of Bangladesh)*

However, long before the concept of intervention for humanitarian reasons found universal recognition in the R2P as propounded by ICISS and the UN General Assembly, India had intervened in the East Pakistan crisis and justified it on the grounds of humanitarian intentions (Choedon, 2017, p. 433). The crisis in East Pakistan and the subsequent liberation could be traced back to the partition of India along religious lines, between the Hindu-majority India and Muslim-majority Pakistan based on the Radcliff line. The absurdity of the situation was pronounced in the fact that Pakistan was created of West Pakistan and East Pakistan with India in the middle. This geographical anomaly was compounded by fissures caused by linguistic disparity. Added to that as Murshid stated (2011), “East Pakistan was more populous than West Pakistan but political power rested with the western elite in post-independent Pakistan, who refused to hear or address the grievances of the East” (p. 54). Protests were raging in East Pakistan along with the brutal repression of dissenters by the Pakistani army and the flight of terrified people from East Pakistan into India. By the end of July 1971, 3,500,000 refugees had come to India from East Pakistan; more so after it was declared by the then President of Pakistan, Yahya Khan that Sheikh Mujibur Rahman, who was held in a jail in Pakistan, would be tried for treason and punished by death (Kumar, 1975, p. 493). India fought Pakistan on both its eastern and western front. According to Gottlieb (1972), the crisis saw unprecedented action from the UN Secretary-General U. Thant initiating a “United Nations East Pakistan Relief Operation (UNEPRO) without any supporting resolution from any United Nations organ” (p. 362).

### *Somalia*

Since the late 1980s, Somalia was experiencing a civil war under the leadership of a powerful warlord, Mohammed Farah Aideed (Kent, 2004, p. 851). Chaos continued after the fall of the government led by

Siad Barrer. UN peacekeeping forces faced stiff resistance from the warlord's army and lost troops as well. The impact of the conflict was severe on the people. Thousands of people lost their lives between 1990 and the end of 1992. Many were on the brink of starvation and scores of them fled their homes. Humanitarian supplies were also disrupted because of the fighting. To protect personnel involved in humanitarian operations, the UN established the United Nations Operation in Somalia (UNOSOM I) in 1991. The United States of America asked the UN for a mandate to send troops and it was assented to by the UN Security Council under Chapter VII to that effect which explicitly enabled the United States (US) to intervene militarily and the multinational task force came to be known as Unified Task Force or UNITAF (Wheeler, 2010, p. 183). However, several US soldiers lost their lives in the intense fighting that continued in Mogadishu and a US helicopter was shot down. UNOSOM I and UNITAF were followed by the UN Task Force in December 1992, which was in turn replaced by UNOSOM II, which operated in Somalia from March 1993 until March 1995 (Eklow & Krampe, 2019, p. 7). However, the situation did not improve and went from bad to worse. The UN operations failed to restore peace in Somalia and subsequently ceased their operations in 1995.

### *Bosnia-Herzegovina and Kosovo*

After the fall of the Republic of Yugoslavia, the Balkan region descended into mayhem and bloodshed fuelled by political crisis and economic hardships. The scenario was plagued by militant nationalism and suspicion between different ethnic groups residing in the region. Scores of people were killed, their houses torched, livelihood snatched away, and countless women were sexually tortured during the fighting. Bosnian Serb troops launched attacks on ethnic groups in 1992, resulting in the fleeing of huge numbers of people into areas which resisted the attacks, namely six specified areas. Srebrenica was one of them that later witnessed genocide (DiCaprio, 2009). The number of displaced people grew every day. These events prompted the UN to declare the areas as 'safe areas' (Orchard, 2014). However, retaliatory attacks on the Serbian forces began only in 1998, whereas the appalling accounts of the ethnic cleansing in the form of mass murder and systematic sexual violence were reported throughout the early 1990s (Cox, 1998). The United Nations Protection Force (UNPROFOR) was unable to prevent the

capture of the town by the Bosnian Serb army. Srebrenica was one of the six areas declared 'safe' by the UN forces and the first one to be declared so (UN Security Council Resolution 819). However, the UN failed to demilitarise the areas designated as 'safe'. The UN Security Council Resolution 824 extended the status to Sarajevo, Zepa, Gorazde, Tuzla, and Bihac (UN Security Council Resolution 824). The failure of the UN to act decisively to stop the atrocities was noteworthy and marked a realisation of the limited nature of its mandate in times of crisis. The intervention was needed but the principle of sovereignty was a point of defence for many countries who argued against intervention of any kind unless Yugoslavia called for help (Gharekhan, 2006). However, the absence of intervention and hesitancy on the part of the Western powers were compensated by NATO's involvement, limited initially but intensified in 1995 with its aggressive air campaign from 30 August to 12 September 1995, which resulted in the Dayton Agreement in December 1995 (Choedon, 2017, p. 436).

There were gruesome reports of ethnic cleansing coming from Kosovo in 1995 as well. Forced displacements of Kosovar Albanians occurred (Mandelbaum, 1999, p. 3). The Serbian army continued their offensive campaigns against ethnic Albanians and the Kosovo Liberation Army (KLA) which contributed to the climate of fear and intimidation. An apparent ceasefire was broken and violence resumed. Refugees fled into neighbouring territories, "recounting stories of summary executions and forced expulsions by Serbian forces" (Paris, 2002, p. 424). NATO started bombarding Serbian targets and establishments for eleven weeks consecutively, which forced the Serbian army to withdraw from the province. NATO's intervention in Kosovo was not authorised by the UN Security Council and opened the possibility that would "gradually lead to the crystallization of a general rule of international law authorising armed countermeasures for the exclusive purpose of putting an end to large-scale atrocities... [which could amount to an exception in international law] similar to that laid down in Article 51 of the Charter (self-defence)" (Cassese, 1999, pp. 29–30).

When the Balkan region went up in flames in the aftermath of the breakup of Yugoslavia, R2P had already become an established norm in international politics, with several mechanisms supporting the concept. However, the idea of R2P was intertwined with the

idea of intervention as well. In the case of Bosnia, the conflict and the resultant loss of lives were allowed to continue for a long time. Mass murders, torture, and rape took place with the sole intention of obliterating Bosnian Muslims.

### *Rwanda*

The international community failed to respond promptly to the horrific crimes of genocide that were being committed in Rwanda in 1994. However, these genocides and the international response to them must be read together with what happened in Somalia a few years before. The US also lost its forces which it considered as humiliating. It can be said that this led to the narrowing of the scope of involvement of the US in the humanitarian crises that followed in the years to come. The Rwandan Genocide began in 1994, within a few months of the conclusion of the Somalian peacekeeping mission. The disengagement of the US and other western powers from the catastrophes in Rwanda can very much be attributed to the earlier atrocities in Somalia. No government showed willingness in stopping the planned genocide of the Tutsis and moderate Hutus in Rwanda. In the aftermath of the genocide in Rwanda and former Yugoslavia, aid poured in from major powers. Several neighbouring countries of Rwanda volunteered to help refugees entering their homeland. Humanitarian assistance trickled in. However, the post-conflict assistance cannot be used as justification for inaction on the part of the international community which could have prevented the genocides from taking place in the first place. Moreover, the policy of containment, a relic of the Cold War era, was discernible in the way assistance was offered otherwise the massive flow of refugees would have spilled over to neighbouring countries which eventually occurred anyway. The displacement of people and the settlement in refugee camps in the aftermath of these crises presented the international community with another set of challenges in the following years. These were crises where international interventions were needed urgently as it was evident that domestic leadership was floundering in its responsibility to protect civilians. The political climate was not conducive in coming up with solutions to the myriad complex issues that gave rise to violence. Humanitarian assistance was not the solution to such crises and defeated the principle of R2P. However, timely intervention could have proved to be beneficial.

## **The Conundrum Called R2P**

R2P has seen stupendous support from several governments and disquiet, too. The principle needed a large amount of translation for it to be seen as deeds and not mere words. There are areas in the concept and the subsequent World Summit Document could be taken as a reiteration of earlier relevant documents agreeing on the same arguments. The first pillar of the principle is based on several treaties and customary international laws that require states to prevent war crimes, genocide and punish violators. The group of crimes specified by the R2P is substantiated by a body of case law from the international courts and tribunals. This has contributed to the elaboration of their content and nature.

The impunity of the states and the state actors was an issue in the legal understanding of war crimes, genocide, and crimes against humanity. The Nuremberg Tribunal highlighted this concern (Earl, 2013). The Rome Statute of the International Criminal Court (ICC) reflected this in its provisions. The Statute, like R2P, emphasises four crimes, namely, genocide, crimes against humanity, war crimes and crime of aggression<sup>1</sup>. The ICC can prosecute these four crimes in situations where states are unwilling to act. Accountability and responsibility of states are the two most important facts that highlight the operation of both R2P and ICC acting under the Rome Statute (Power, 2009). These two along with the other international mechanisms underscore the fact that based on ethnicity, status, or belief no specific groups of people should be persecuted. The UN Convention on the Prevention and Punishment of the Crime of Genocide enacted in 1948 expressed the commitment that the international community of sovereign states has towards the protection of people and the prevention of crimes against them<sup>2</sup>. R2P does not bring with it any newer forms of legal

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<sup>1</sup> Article 5 of the Statute states, 'The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:

(a) The crime of genocide; (b) Crimes against humanity; (c) War crimes; (d) The crime of aggression. <https://www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf>

<sup>2</sup> Article I of the UN Convention on the Prevention and Punishment of the Crime of Genocide states that 'The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law

obligations than what is already stated in a range of obligations that are existent under international criminal law, refugee law, international humanitarian, and human rights law. However, the normative framework of the R2P is strengthened by these networks of legal formulations.

A critical evaluation of R2P necessitates a glance at the way the UN has conducted itself during times of conflict. The UN has sought to restore peace and stability wherever it has been disrupted. The UN was established based on respecting the rights of sovereign nations (Article 2 of the UN Charter) which invariably entails non-interference in the matters of that state to an extent. It was also recognised and understood that if there are instances of violation of human rights and aggression in one state, the international community would have to intervene in the state to restore peace and order. Chapter VI of the UN Charter asks the Security Council to call upon ‘parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security’ and to resolve their differences through ‘negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.’ If these efforts do not resolve the crisis, then Chapter VII of the Charter authorises the Security Council to take action to ‘maintain or restore international peace and security,’ like ‘complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.’ The same chapter also specifies that if such efforts fail then the Security Council is empowered to ‘take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.’ Apart from the charters, many of the UN Security Council resolutions have also spoken and endorsed the provisions contained in

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which they undertake to prevent and to punish. Article III states, ‘The following acts shall be punishable:

(a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide. Article IV states that, ‘Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals. <https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf>

the Outcome Document. Resolution 1674 taken in 2006 (S/RES/1674) 'reaffirms' the commitment to the UN Charter, by calling upon parties to a conflict to cease attacks on civilians, ensure safe passage of return to refugees and internally displaced persons (IDP). The Resolution emphasises the responsibility of states to adhere to the obligations to protect their population. UN Security Council Resolution 1706 adopted in the wake of the ongoing crisis in Sudan, mandated the deployment of peacekeeping force in Sudan, monitoring of ceasefires and the movements of armed persons, facilitating demobilisation and reintegration process, and investigating violation of agreements. Although the resolution, significantly invoked the resolution on 'responsibility to protect', which would have resulted in the adoption of a decision supporting the presence of peacekeeping forces in Sudan, it failed to materialise as Sudan did not consent to it. Nevertheless, peacekeeping operations comprise an important part of the overall responsibility of the UN.

The missions, international conventions, protocols, and resolutions have established the standards and norms of humanitarian laws. These methods of resolution of conflicts and protection of individuals have given rise to a clash between the legitimacy of national sovereignty and the defence of human rights. On the one hand, the UN seeks to zealously respect the integrity of sovereign nations since its inception. On the other hand, the network of conventions, resolutions and international bodies has stretched the boundaries of sovereignty. They continuously strive to broaden the scope of action to protect the rights of individuals. The notion of the authority of sovereign states is not meant to be challenged. However, there is an inherent tension between the need to create respect for national sovereignty and the protection of people. The inherent tension always comes to the fore whenever there are instances of civil war, crimes of any government against its people, or a humanitarian crisis of any nature. The resolutions concerning the R2P, while wanting to overcome this dilemma, entrusts the Security Council with the ultimate responsibility to enforce order and stability in disturbed areas. The primary responsibility to protect rests with each state. But if it fails to ensure it, the collective action to enforce peace is to be taken through the Security Council. The Security Council will decide whether a situation demands intervention by the international community. The decision to intervene also, again, rests with the five permanent members of the UN Security Council having the power of veto. Here also it is discernible that the principle of R2P resting on a

humanitarian basis is relegated to the background by giving primacy to the principle of national sovereignty.

The principle of R2P cannot survive on its own and needs to be backed by the states including the permanent members of the Security Council to be able to function properly. The principle, to be practised, needs support from the states. In current times, there have been a few distinct cases where the principle of R2P has seen mixed reactions.

### *Libya*

Anti-government demonstrations had started in Libya following the Arab Spring which quickly spread to other countries in the region. The pro-government forces launched counterattacks on demonstrators with ammunition, helicopters, and warplanes killing many civilians who were not part of the demonstrators. The intervention in Libya was authorised by the UN. Libyan intervention saw a broad coalition consisting of NATO, Arab League, Organisation of Islamic Cooperation, and the Gulf Cooperation Council demanding effective use and application of the doctrine of the R2P (Paris, 2014). The Security Council adopted Resolution 1970 (S/RES/1970) reiterating Libya's responsibility to protect its citizens. Thereafter it adopted Resolution 1973 (S/RES/1973). The intervention in Libya saw the coercive aspect of the R2P to shield civilians against violence and threat of violence mandated by Resolution 1973 (Valentino, 2011). NATO attacks on the pro-regime forces intensified rapidly so much so that the aim of the operation was questioned. The NATO offensive was intended to protect civilians in areas where pro-regime forces had laid siege and to prevent the same forces from advancing into territories, especially Benghazi which was considered the centre of the demonstrations against the government. The onslaught from NATO proved to be equally destructive if not more. More civilians were caught in the crossfire and instead of being protected and saved, they were getting killed. The intervention was supposed to protect civilians and prevent atrocities which soon turned into a mission exceeding the original mandate (Hehir, 2013). The aggression of the NATO forces soon turned into an effort to overthrow the government of Libya and an attempt at a change of regime, something which was not part of the adopted Resolution. Taking sides in an intervention is not desirable and betrays the aim of the R2P. It was widely reported that arms were being provided by France, Egypt, and Qatar to the rebels in Libya.

In an active conflict zone, such actions by outside forces result in conflagration and more loss of lives, and violation of human rights. NATO, in a video released, showed that on finding a tugboat stocked with arms and explosives belonging to rebel groups, it was allowed to sail. The boat was transferring arms from Benghazi to Misrata. The NATO vessel was stationed in the Mediterranean to enforce the arms embargo but did exactly the opposite (Zenko, 2016). An appeal for negotiations may have seemed far-fetched but not impossible could have been made to the parties of the conflict.

### *Syria*

In contrast to the Libyan operation, the international response to the war in Syria lacked enthusiasm. The Syrian conflict started the same way as the Libyan crisis. The government led by President Bashar Hafez al-Assad started attacking peaceful protestors which quickly escalated. Civilians were indiscriminately detained, abducted, attacked, and killed. The Organisation for Prohibition of Chemical Weapons documented the illegal use of chemical weapons, including chlorine and sarin (Global Centre for the Responsibility to Protect, 2021). The Security Council too suffered a deadlock when it came to deciding a course of action with Russia and China voicing their reservations. However, there were strategic calculations present too. Russia considers Syria to be an ally and could have supplied it with weapons. Being an ally of Syria, Russia has blocked UNSC resolutions critical of Syria. Syria is not a signatory to the Rome Statute and subsequently cannot be tried in the ICC for the crimes committed against the people by the government. Russia is also not a party to the Statute as is the case with the US and China (Orr & Hamburger, 2019, p. 78). Thus, casting doubt on the intention to prevent atrocities in conflict-ridden countries by the foremost powers of the world.

These two contrasting examples of interventions cast aspersions on the viability of the doctrine of R2P as is thought to be practised (Lynch, 2011; Buckley, 2012).

### *Yemen*

The conflict in Yemen began in 2011 and escalated into a multi-state quagmire. President Ali Abdullah Saleh's rule was replaced by Vice-President Abu-Rabbu Mansour Hadi which also fell and resulted in

the latter's flight to Saudi Arabia in 2015. The fighting started between the Houthi rebels, the Saudi-led coalition of Arab countries, and forces loyal to the former President Saleh. Armed hostilities, bombing raids, and naval blockade in the Gulf of Aden led to food shortage, difficulty in importing essential goods, and a lack of critical medical supplies leading to a humanitarian disaster in Yemen (Wisotzki, 2018). Arms were being supplied to the Houthi rebels by Iran. Saudi-led coalitions received arms and military equipment from the Western states. The European Parliament called on all members of the European Union to halt weapons export to Saudi Arabia. The US government announced an end to its support for Saudi Arabia's offensive operations in Yemen on 4 February 2021 but has not halted arms transfer to the UAE (Global Centre for the Responsibility to Protect, 2021). The UN Security Council has imposed sanctions, established an arms embargo on the Houthis, endorsed the Stockholm Agreement, and renewed the mandate to support the Hodeidah Agreement which called for a ceasefire and freedom of movement and goods amongst other conditions. However, the vigour of the international community in their intervention in Libya by espousing R2P is missing with regard to the resolution of the conflict in Yemen. Thus, the role and intention of the UNSC can also be questioned as to the need for the fund and multilateral support is needed to provide help to the people in this war-torn country. The countries party to the conflict have never been urged by the UN to halt the sale of weapons violating the Arms Trade Treaty and making the International Humanitarian laws more precarious.

### *Myanmar*

The people of Myanmar have faced a multifarious crisis. Myanmar has imprisoned political dissenters, destabilised democratic governance, and perpetrated atrocities against Rohingyas who are the ethnic minorities. R2P has suffered pitfalls in Myanmar with absolute disregard for its principles and many of the provisions of the UN charter. Rohingya minorities have been persecuted for a long time by the Myanmar state. In 2017, the Myanmar military (known as *Tatmadaw*) committed atrocities against the Rohingya population resulting in killings, displacement, and forcing more than 700,000 Rohingya to flee the country (Mennecke & Stensrud, 2021, p. 112). Propensity of lawlessness and reluctance to follow democratic norms culminated in overthrowing the elected government by the *Tatmadaw* in early 2021. The members of the UNSC have been divided over

Myanmar with Russia and China vetoing resolutions critical of the Myanmar government and stalling any initiative in discussing the situation in the Rakhine state and the statelessness of the Rohingyas.

### **Future of R2P**

The notion of the R2P is still evolving. The practices associated with the concept are emerging. The notion of R2P faces many challenges and is riddled with contradictions. The notion of R2P has been operationalised in such a way that it has not been institutionalised as a tool for capacity building, protection, and prevention of crimes. The notion puts utmost responsibility upon the states to take every decision and action responsibly so that they can build and nurture the lives of their population. However, the R2P has mostly been used as a pretext for coercive action.

The concept of R2P posits that states should attempt to take care of the concerns of individuals. The state's protection responsibilities should encompass a wider spectrum of security of individuals and not only from threats of violence. The R2P as envisioned remains restricted to a narrow list of atrocities. But if the list is not kept narrowed, there is a danger of interference in domestic affairs and scope for infringing on the territorial integrity and sovereignty of weaker states. R2P puts little weight on the need for intervention as paragraph 139 of the Outcome Document stipulates that coercive enforcement measures can be undertaken as part of Chapter VII of the UN charter when other measures prove ineffective. However, the efficacy of the principle of R2P will always be questioned if it is not applied in cases where humanitarian abuses are being reported and is only applied to cases where the interventionist powers feel it is convenient to them. The UN have wide-ranging tools to advance and safeguard human rights and humanitarian norms. They range from conflict management, conflict prevention, and protection of civilians in armed conflict to peacekeeping and peacebuilding. However, they have not proved effective on many occasions as many of the crimes listed in the R2P have been committed with impunity.

Emphasis on capacity building can advance the cause substantially as it would mean states working in synergy with agencies, programs, and departments on cross-sectoral issues involving human rights promotion, gender equality, rule of law, and promotion. Undertaking

such activities help build and rebuild institutional capacities in fragile states too. Conflict prevention also needs to be addressed if R2P as a principle is to be effective. The Inter-Agency Standing Committee (IASC) coordinates initiatives for humanitarian assistance involving both UN and non-UN agencies bringing into focus places which may need assistance in the future. The IASC compiles a report on places where humanitarian assistance is required. The IASC Sub-Working Group on Preparedness and Contingency Planning is entrusted with compiling this report. Nevertheless, all these mechanisms depend on the coordination of the agencies involved, the flow of information, and timely monitoring and merit attention to the improved communication between the General Assembly, the Economic and Social Council, the Human Rights Council, and the Peacebuilding Commission. R2P's efficacy and success are also related to the fact that a timely response is needed from both the international community and the particular state. Financial, material, and military resources are not available adequately to support a state in need of help. The response from the international community to crisis falls somewhere between peacekeeping and armed engagements; thus, giving rise to a protracted conflict (Holt & Berkman, 2006).

The pillars of the R2P are interconnected. Responsibility of sovereign states toward their population translates into transparent governance, efficient bureaucracy, and ensuring socio-economic justice for everyone including the disadvantaged communities and groups. Vulnerable states need support from the international community in the form of assistance, financial support, dissemination of knowledge leading to strong governments, and just human rights regimes. Some states have systemic problems leading to the breeding and sustenance of structural violence giving rise to risks of mass violence, atrocity, ethnic conflicts, and civil war. Unjust socio-economic disparities and inequality broaden the gap between communities and groups in societies exacerbating risks of violence and atrocities. Rather than assisting in the promotion of human rights in problem nations, the international community can foster socio-economic equity and non-violence in leading local human rights issues.

There is opposition to the assumption that the world community must choose between supporting military action and maintaining a harsh regime. This opposition stems from a particular historical interpretation. The false choice is seen to be a result of imperialism's

geopolitics, which has deep origins in colonialism. The origins of violence in post-colonial governments can be traced to the colonial state's establishment, which positioned the economy, bureaucracy, police, and army to serve the state rather than the people. The colonial state's structures were never completely dissolved in the post-colonial era. Where post-colonial regimes are democracies; however, social and human rights groups can avoid grave human rights breaches. This is not conceivable in circumstances when the post-colonial state has morphed into an authoritarian one. Hegemonic powers with geopolitical ambitions have frequently backed these totalitarian states. When such regimes become a liability, however, the same powers manage post-colonial politics by relying on people's real complaints to reject the current rule. The result is frequently more state brutality against its citizens.

The urge to maintain the status quo has slowed the progress of the R2P. The principle will have to be backed by a robust system of human rights and humanitarian norms to become institutionalised. Emphasis needs to be given to the first two pillars of the R2P doctrine i.e., state responsibility and assisting a state to meet its protection responsibilities which give importance to factors such as capacity-building and prevention. The notion of responsibility to protect needs to be made a sustainable practice by states by not considering sovereignty as a privilege but rather as a duty towards its population.

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