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AN APPRAISAL OF THE UNITED NATIONS' CONCEPT OF RESPONSIBILITY TO PROTECT

NOSAKHARE UGBO, PhD
Combat Communications Department, Nigerian Army School of Signals, Lagos State, Nigeria
Corresponding Author: nosaugbo@gmail.com
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Abstract

This study appraised the United Nations (UN) concept of Responsibility to Protect (R2P) to determine its efficacy as a resolution mechanism for the prevention of war crimes with atrocity consequences. The outcome of the application of R2P through the adoption of United Nations Security Council (UNSC) Resolution 1973 in Libya, was evaluated. Drawing on the unfavourable outcome of R2P, the study reviewed proposals for the prevention of war crimes and the protection of humanity, particularly the concept of responsibility while protecting, and proffered a way forward for the world to avert disastrous outcomes in preventing atrocity crimes. Findings showed that R2P helped promote the imperialist agenda of [redacted] the United States (US) and its allies to the detriment of Libyans and the world at large. This study recommends that red lines need to be defined and avoided in future implementation of interventions in disastrous circumstances.

Keywords: Responsibility to Protect, Security Council, Sovereignty, United Nations, War Crimes

Introduction

One of the aftermaths of the Second World War (WWII) was the creation and emergence of the United Nations Organisation (UN) in 1945 with a charter outlining its organs and responsibilities. Chapter 1 of the Charter of the United Nations states that the main purpose of establishing the UN is to

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maintain international peace and security (United Nations, 1945). Other purposes and principles of the UN, including those of its main organs, are geared towards the maintenance of international peace and security as enumerated in its Charter. A key organ in the maintenance of global peace and security is the UN Security Council (UNSC), which has substantially put forward resolutions to confront the conflicts/wars that have occurred since the formation of the UN (United Nations, 1945).

The UNSC resolutions have been somewhat effective in addressing most of the crises that occurred until the world was confronted with the complications, volatilities, uncertainties, and complexities that were associated with the 1990s conflicts/crises of the Balkans and those of Rwanda (Harsch & Headley, 2015). These conflicts exposed some of the weaknesses inherent in the UN conflict resolution mechanisms, as the world witnessed unprecedented catastrophic destruction of lives and property and grave atrocities committed by the warring parties. The outcomes of the conflicts revealed the faultiness and weaknesses of the extant provisions for conflict resolution, as the international community failed to prevent grave atrocities and unprecedented catastrophes witnessed during the wars. Again, the NATO military intervention in Kosovo was characterised by several violations of the laws of armed conflict or the International Humanitarian Law (IHL) and the proper use of force, leading to violations of basic human rights and dignity (Anderson, 2000; Newman & Visoka, 2024). These shortcomings led to serious debates on how the international community should react to gross and systematic violations of human rights (Evans, 2002; Newman & Visoka, 2024).

Kofi Annan, then Secretary General of the UN, in the annual report to the UN General Assembly in September 1999, challenged Member States, while reflecting upon the prospects for human security and intervention in the next century, to "find common ground in upholding the principles of the Charter, and acting in defence of common humanity". He noted that the "outcomes of the conflicts in Rwanda and Srebrenica were a gross and systematic violation of human rights that offended every principle of our common humanity". The UN conflict resolution mechanisms, at the time, were incapable of effectively responding to war crimes such as genocide, mass killings, ethnic cleansing, /and other forms of gross and systematic maltreatment of civilians, despite the provisions of its Charter (Millwood, 1996; Jasutis, Mikova, Prescott, & Schabas, 2023).

The challenge of Kofi Annan agitated human rights campaigners and other security experts to explore existing international security apparatus and crisis response/resolution mechanisms to draw up ways and means of responding and preventing grave war crimes and atrocities. After exhaustive debates and analysis of several proposals, world leaders adopted the report of the Canadian International Commission on Intervention and State Sovereignty (ICISS), which advocated the Concept of Responsibility to Protect (R2P) at the 2005 UN World Summit. The R2P Concept drew inspiration from Francis Deng's idea that State sovereignty as a responsibility is a matter of States acting positively to attend to the welfare of their population as well as the need for States to assist each other (UN Office of Genocide Prevention and R2P).

This paper, therefore, seeks to assess the R2P Concept to determine its appropriateness in preventing the recurrence of grave atrocities and other war crimes as witnessed in the Balkan and Rwanda wars. In achieving its set objectives, the paper will explore the dynamics involved in implementing the UN Concept of R2P and compare it with the Concept of Humanitarian Intervention. Then, the effect of R2P on national sovereignty will be discussed. Thereafter, the impact of the Concept in countries where it has been applied will be examined to assess its effectiveness or otherwise, before proposing the way forward in addressing issues that the Concept of R2P was designed to tackle.

IMPLEMENTING RESPONSIBILITY TO PROTECT

The outcome of the 2005 UN World Summit laid the parameters for the implementation of the R2P as contained in Paragraphs 138 and 139 of the Summit Report. The Heads of State and Government unanimously affirmed at the Summit that "each State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (UN World Summit Report, 2005). They also agreed that the international community should assist States in exercising that responsibility and in building their protection capacities. This is in line with the idea proposed by Francis Deng about State sovereignty. When a State was "manifestly failing" to protect its population from the 4 specified crimes and violations, the international community was to be prepared to take collective action in a "timely and decisive manner" through the UNSC and

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by the Charter of the UN (World Summit Report, 2005). These actions summarised the 3 pillars on which the R2P was conceptualised by the Canadian ICISS.

Following the endorsement of R2P by Heads of State and Government, then UN Secretary-General, Ban Ki-Moon, in his report to the General Assembly on 12 January 2009 stressed the need to develop strategies, standards, processes, tools, and practices to discourage States or groups of States from misusing the R2P Concept for inappropriate purposes. This was in response to genuine fears and criticisms expressed by eminent personalities and groups on the dangers inherent in implementing the Concept of R2P, just as was observed with humanitarian interventions. However, supporters of the concept felt that R2P differs from humanitarian intervention because it involves much more than military intervention.

DIFFERENCES BETWEEN R2P AND HUMANITARIAN INTERVENTION

The R2P differs from humanitarian intervention in 4 important ways. First, humanitarian intervention, as conceptualised and carried out by NATO in Kosovo, is a military action to intervene in stopping activities or actions that violate human rights, whereas R2P is designed to be a preventive measure that stresses State responsibilities (Evans, Thakur, & Pape, 2013). Military intervention may only be carried out as a last resort, when all other, non-coercive measures have failed and when it is authorized by the UNSC (Chapter VII of the UN Charter). Indeed, humanitarian intervention is a legal form of action that supports military action to prevent or end human rights violations without the consent of the State within whose territory the force is applied (Haider, 2013). Aside from military intervention, R2P deals with actions geared towards prevention and rebuilding (ICISS Report 2005). Secondly, R2P is rooted in international law, especially the law relating to sovereignty, peace and security, human rights, and armed conflict, whereas humanitarian intervention regularly violated Article 2.4 of the UN Charter, which outlines the territorial integrity of every sovereign state (Hehir, 2009). Proponents of R2P note that a military intervention must either be authorized by the state in question or by the UNSC under the UN Charter.

History shows that humanitarian interventions have been justified through the prevention of human rights abuses, however, R2P focuses on genocide, crimes against humanity, war crimes, and ethnic cleansing. While humanitarian

intervention assumes a "right to intervene", R2P is based on a "responsibility to protect" (Gulati & Ivan, 2013; Human Rights Watch, 2024). Hence, proponents of both humanitarian intervention and R2P agree on the fact that sovereignty is not absolute. However, the R2P Concept shifts away from state-centred motivations to the interests of victims by focusing not on the right of states to intervene but on a responsibility to protect populations at risk (ICISS Report, 2005; Prakash, 2020). In addition, it introduces a new way of looking at the essence of sovereignty, moving away from issues of "control" and emphasising "responsibility" to the citizens (Newman & Visoka, 2024).

THE QUESTION OF NATIONAL SOVEREIGNTY

The question of national security, as propagated by proponents of the traditional security model, is believed to be one of the main concerns in implementing R2P. The paradigm shift from the traditional security concept may be dangerous and is a major source of worry for critics of R2P. However, the former UN Secretary General Ban Ki-moon rebutted this concern, stressing that as a first pillar of R2P, the State has the responsibility to protect its population from mass atrocities (UN News, 2009). The international community will only intervene in a State without its consent when the State is either allowing mass atrocities to occur or is committing them, in which case the State is no longer upholding its responsibilities as a sovereign. Based on the internationally agreed concept of governance and human rights, the government is responsible to the citizens for the protection of civil liberties and security (Jolly & Ray, 2006; Okon, 2020).

Another former UN Secretary-General Kofi Annan, endorsed the doctrine of R2P, stating that there is a collective international responsibility "exercisable by the UNSC authorizing military intervention as a last resort, in the event of genocide and other large scale killings, ethnic cleansing, and serious violations of humanitarian law which sovereign governments have proved powerless or unwilling to prevent." (United Nations, 2012). No matter how much the proponents of R2P argue, opponents are concerned that the agenda to formulate a mechanism to trigger the implementation of the concept could be likened to the sale of national sovereignty (Bellamy, 2022). Others argue that R2P is a predominantly Western norm, indicative of a broader neo-imperialistic agenda on the part of certain Western states (Relief Web, 2010; Lea-Henry, 2018).

APPLICATION OF THE R2P CONCEPT

The first test case where the R2P was applied was during the Libyan Crisis in 2011 through the UNSC Resolution 1973 of 17 March 2011. The resolution reaffirmed "that the parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians." (United Nations, 2011). The attack on civilians was adjudged to constitute 'crimes against humanity', thus, to allegedly protect civilians, a no-fly zone over Libya's airspace was imposed, and sanctions on the Gaddafi regime and its supporters were tightened. This resolution was passed, with 10 votes in favour, 0 against, and 5 abstentions. Two of the 5 abstentions were China and Russia, who are both permanent members of the UNSC (United Nations, 2011). The subsequent military action led by NATO resulted in mixed reactions.

Critics of the intervention believed that the problems in Libya would have been best resolved amongst Libyans (Martin, 2011). Specifically, UNSC President at the time, Li Baodong (China), speaking in his national capacity, said that the continuing deterioration of the situation in Libya was of great concern to China, stressing that the UN Charter must be respected, and the current crisis must be ended through peaceful means. The requests of the Arab League and the African Union ensured China and Russia did not veto the passage of the resolution (United Nations, 2011). India's UN Ambassador Hardeep Singh Puri expressed similar sentiments that "the Libyan case has already given R2P a bad name" and alleged that civilians had been supplied with arms and that the no-fly zone had been implemented only selectively (Lopez, 2015). It was noted that the interveners rejected ceasefire offers, struck fleeing personnel who posed no immediate risk to civilians, and attacked locations that had no obvious military significance with the ultimate aim of ousting the Gaddafi regime (The Economist, 2011; Lopez, 2015; Lea-Henry, 2018). The immediate consequence of the selective implementation of UNSC Resolution 1973 in Libya was the veto by Russia and China to a similar resolution proposed in the case of Syria.

While the Libyan case is the only documented instance of the application of the R2P concept, proponents think that the crisis that erupted in the aftermath of the Kenyan Election in 2007 - 2008 was also resolved via R2P (Kanyinga & Long, 2012; Global Centre for the Responsibility to Protect, 2010). The conflict led to at least 1,300 deaths and an estimated 300,000 displacements (Kanyinga & Long, 2012).

Following the resolution of the crisis that resulted from the Kenyan 2007 Elections in 41 days, some commentators dubbed the feat a classic example of R2P because it appears to mirror the type of timely and decisive action advanced within the R2P framework. It also illustrates how the concept of R2P can be executed successfully without military force. However, despite the positive appraisal of the Kenya case within R2P circles, the R2P lessons that should be drawn from it are less clear. The crises in the Middle East, the Russia-Ukraine War, and other crises in sub-Saharan Africa have largely defiled the mechanisms of R2P. It needs to be stated that R2P was not mentioned explicitly by any of the key players in the mediation for the resolution of the 2007 Kenyan crisis or other crises such as those in Syria and Libya. The resolution of the 2010-2011 Ivorian Crisis, the 2012 Malian Crisis, and that of the Central African Republic (CAR) have also been credited to the application of the R2P concept. These crises witnessed the active participation of regional organisations (ECOWAS, ECCAS, and AU) and France. While proponents of R2P readily eulogise its adoption to the resolutions of these conflicts, critics opined that the crises did not warrant invoking R2P. Moreover, R2P was not also, explicitly cited as the driving concept in any of the documents officially released in negotiations for their resolutions. It is generally acknowledged that these crises resulted in serious humanitarian problems within the regions, and the involvement of the country's colonial master, France, is viewed by some scholars as an attempt to re-colonise Africa. Indeed, recent developments in Francophone countries of Africa seem to suggest a disdain for France by most citizens of these countries. Thus, some critics of the adoption of R2P believe that there is a hidden Western imperialist agenda aimed at furthering the US and its allies' interests in the 'new world order' after the end of the Cold War.

ASSESSMENT OF R2P IMPLEMENTATION AND ITS AFTERMATH IN LIBYA

An appraisal of the implementation of R2P as exemplified in Libya under the instrumentality of UNSC Resolution 1973 will give a vivid picture of its usefulness or otherwise. UNSC Resolution 1973 was proposed by France, Lebanon and UK to address what the sponsors called "grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties as well as the gross and systematic violation of human rights, including arbitrary detentions, enforced disappearances, torture, and summary executions". The Resolution was also

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designed to enforce an earlier Resolution in 1970 on Libya. Thus, on approval, the US and its allies (Belgium, Canada, Denmark, France, Italy, Norway, Qatar, Spain, and the UK) effectively imposed the no-fly zone over Libya. In addition, the US and UK naval forces fired over 110 Tomahawk cruise missiles on the first day (Dietrich, 2013).

The air operations spearheaded by the French Air Force, British Royal Air Force, and Royal Canadian Air Force undertook sorties across Libya with strikes against Libyan Army tanks, vehicles, and bases. The coalition forces also formed alliances with rebels opposing the constitutionally established government to facilitate its overthrow (Saba & Akbarzadeh, 2017). Coalition forces provided the rebels with aid to enable them to conduct effective ground operations against the government forces while they conducted the air and sea operations (Dietrich, 2013). The rebels were also aided in forming military logistics and intelligence (Dietrich, 2013). On 31 October 2011, when the US-led Libyan operations ended, 26,500 sorties were flown and Muammar Gaddafi was killed (Dietrich, 2013; Saba & Akbarzadeh, 2017).

A new government, viewed as a puppet of the US and its allies, had taken control of the country. The implementation of Resolution 1973 was flawed from the start with allegations that the US-led forces had violated its provisions (Saba & Akbarzadeh, 2017). For instance, in May 2011, Western troops were captured on camera in Libya, despite Resolution 1973 specifically forbidding "a foreign occupation force of any form on any part of Libyan territory" (Larison, 2012). The sheer quantum of bombings and devastations caused grave human and material destruction/distortion, surpassing those that necessitated its adoption in the first instance. The actions of the US-led forces allegedly resulted in the death of more civilians than the actions of the Libyan forces and rebels. In one instance, on 9 August 2011, NATO struck the premises of Libyan State TV, Al-Jamahiriya, killing 3 journalists and wounding others. Same day in Majer, over 85 civilians were said to have been killed by NATO airstrikes (Dietrich, 2013).

It is over a decade since the US-led coalition ended its operations in Libya, according to UNSC Resolution 1973. However, Libya today could be described as a failed state. In a 2014 report, Amnesty International accused the world of "turning a blind eye" to potential war crimes and crimes against humanity in Libya (Spencer, 2014). Libya has been in a protracted civil war, with genocide, violent

retaliations, and plundering occurring daily, and the chaos is deepening. Now the victorious militias supported by the Western allies have turned on each other, with the country broadly divided between Islamist-aligned and secular factions. Armed groups have summarily executed detainees in their custody and have continued to commit heinous crimes targeted at defenceless and unarmed civilians, based on their origins or perceived political allegiance (Lederer, 2024; Saba & Akbarzadeh, 2017). Even the US has had her share of chaos in Libya as its ambassador; Ambassador J. Christopher Stevens was killed by some of the militias on 12 September 2012 (Shiau, 2022). There are numerous terrorist groups controlling several parts of Libya, including elements of ISIL, al-Qaeda, and many others, each flying their flags in buildings and public places in the towns they control (Lederer, 2024). In February 2025, Rosemary DiCarlo, the UN Under-Secretary-General for Political and Peacebuilding Affairs, informed the Security Council that the dream of a civil, democratic, and prosperous Libya remains unfulfilled 14 years after the revolution that led to the overthrow of the Gaddafi regime (UN News, 2025).

The effects of the Libyan interventions have also been blamed on the crises in other parts of Africa. For instance, the New York Times noted that the Tuareg insurgency in northern Mali was fuelled by the remnants of Gaddafi's arsenal. Transnational arms trafficking has increased in Africa after the Libyan operations. Gaddafi's weapons and other arms supplied to rebels by the US and her allies during the Libyan intervention have been traced to Boko Haram Terrorists and herdsmen in Nigeria, rebels in CAR and South Sudan, and other criminal groups across Africa (Saba & Akbarzadeh, 2017). Terrorist groups in Algeria, Egypt, Chad, and other parts of Africa have also been linked to Libya. Libya is also believed to have become a training ground for several defiant groups across the world due to the collapsed government structures. Thus, the outcome of the R2P intervention in Libya has created many more problems for the world.

The level of violations perpetuated by the US-led coalition in Libya was cited by Russia and China to veto a proposal for a similar resolution on Syria. President Putin of Russia stated that UNSC Resolution 1973 was defective and flawed because with it, everything was possible, and it resembled medieval calls for crusades (Timeslive, 2011). Some critics of the US-led intervention in Libya have argued that the real motivation for the action was resources, not humanitarian

assistance as alleged. This assertion is based on the huge oil resource in Libya, which the US and its allies wanted to control. Former Chinese President Hu Jintao summed up the outcome of UNSC Resolution 1973 and indeed the invocation of the R2P concept aptly when he said, "Dialogue and other peaceful means are the ultimate solutions to problems….If military action brings disaster to civilians and causes a humanitarian crisis, then it runs counter to the purpose of the UN resolution. (Xinhua, 2011). With the catastrophic outcome of the Libyan intervention, it would be safe to conclude that the concept of R2P, though novel, its practice, if allowed unchecked, would promote a dangerous scenario that could lead to imperialism by major powers.

THE WAY FORWARD

In November 2011, the Brazilian delegation to the UN presented a concept note proposing Responsibility While Protecting (RWP) to the UNSC (Avezov, 2013). The Brazilians argued that the Libya mission demonstrated a need for clarity over R2P, which, as many observers noted, had gone far beyond its mandate and was more about ousting the Gaddafi regime than protecting civilians (Saba & Akbarzadeh, 2017). RWP involves establishing basic criteria to ensure that interventions by force always do the smallest damage possible and provides a framework that aims to strike a balance between protecting threatened populations and reducing the negative implications of military intervention (Avezov, 2013). The RWP concept, which is been debated, could be studied thoroughly to critically analyse its merits and demerits before adoption if necessary. Notwithstanding the outcome of the RWP appraisal, it is imperative to state that the further implementation of the concept of R2P in its present state would be injurious to world peace and security. This assertion stems from the outcome of the implementation of UNSC Resolution 1973. Hence, it is of utmost importance that the further application of R2P in its present state be discontinued pending the formulation of appropriate remedial measures to the observed lapses of the concept.

A possible way of addressing the lapses of R2P is to determine red lines that must not be crossed by the force while protecting vulnerable populations from grave atrocities during wars/conflicts. These red lines must be clearly defined from the onset and included in the R2P mandate. All parties to the conflict, including the forces deployed based on R2P, must understand these red lines. Just as peace

support operations of the UN, the R2P force must maintain neutrality, fairness, and firmness in carrying out its mandate. Compliance with the mandate must be strictly and meticulously monitored and breaches punished appropriately. Crossing any of the red lines would result in the automatic cancellation of the R2P mandate. While it would continue to be mandatory for mankind to protect the vulnerable, strident measures for implementation and monitoring need to be imposed for the adopted conflict resolution mechanism to guarantee global peace and security.

CONCLUSION AND RECOMMENDATION

The adoption of the concept of R2P by the UN at the 2005 World Summit was according to its main purpose of promoting world peace and security. The concept designed to avert, in the fastest possible time, war crimes, genocide, crimes against humanity, and ethnic cleansing was put to the test during the Libyan War in 2011 with the adoption of UNSC Resolution 1973. The outcome showed that it helped promote the imperialist agenda of the US and its allies to the detriment of Libyans and the world at large. It is therefore imperative that much more research be undertaken on the concept before it is applied as a conflict resolution mechanism. This is necessary in achieving the commitments and intentions of the founding fathers of the UN as enshrined in its Charter which includes "to save succeeding generations from the scourge of war…to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small…" The disastrous outcome of Resolution 1973 on Libya notwithstanding, there is a need for the UN and indeed mankind to continue to explore ways to avoid atrocity crimes and protect mankind. Therefore, this study recommends that red lines need to be defined and avoided in future implementation of interventions in disastrous circumstances, while also exploring other alternatives.

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