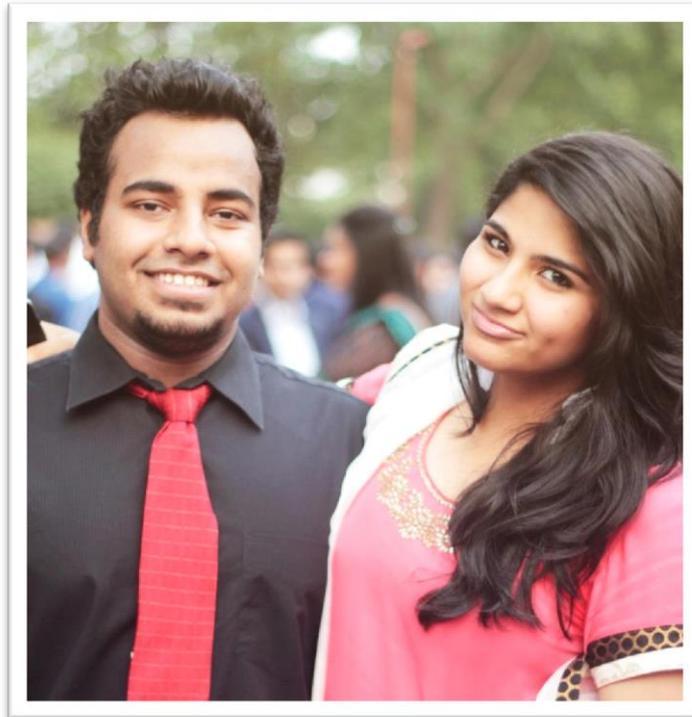


United Nations Security Council



Message from the Executive Board



Honourable Delegates,

I cordially welcome you to Amity Noida Model United Nations 2013. I am the President of the Security Council this year. Apart for International Relations, which I want to further in college as well, I am interested in reading, writing and culinary arts. I am currently in grade XII studying Humanities and have been MUN-ing since class X which fuelled my interest in the same. This is my ninth MUN and I still have very fond memories of my first ANMUN. This conference, is therefore, very close to my heart and expect nothing less than excellence.

Bon courage!

Venika Menon

Hello Delegates.

I am Chaitanya Gopal and I will be your Vice President at ANMUN 13. I am an aspiring Aerospace Engineer and would be attending the University of Southampton this fall to pursue the same. Even though I am still a rookie, this also being my first MUN on this side of the table, I hope and am determined to bring all my experience to the committee and I also expect the same from you. For all the First timers -- it's not Rocket Science.

Research well, dive deep into your foreign policies and get that aggression on because "This Is Security Council"!

Best Wishes

Chaitanya Krishna Gopal

Responsibility to Protect

“

Because you can't intervene everywhere, you don't conclude you can't intervene anywhere.

”

-Zbigniew Brzezinski, Former US National Security Advisor

Introduction

Responsibility to Protect, commonly referred to as R2P or RtoP, is a concept put forward by the international community to protect civilians from mass atrocities, namely genocide, war crimes, crimes against humanity, and ethnic cleansing, when the state fails to do so by the means of an intervention. It was established by the United Nations in 2005 by the General Assembly.



Under the R2P doctrine, following are the norms:

1. A state has a responsibility to protect its population from mass atrocities;
2. The international community has a responsibility to assist the state to fulfil its primary responsibility;
3. If the state fails to protect its citizens from the mass atrocities and all peaceful measures have failed, the international community has the responsibility to intervene through coercive measures such as economic sanctions. Military intervention is considered the last resort.

Background

After World War II, the UN resolution 260 of 9 December 1948 adopted the convention on the *Prevention and Punishment of the Crime of Genocide* as a direct response to the horrors of the Holocaust. Shortly after the end of the Second World War, countries found themselves involved in an ideological war between the two remaining super powers, the United States of America and the Union of Soviet

Socialist Republics. This phase was referred to as the Cold War. Though the two super powers never confronted each other directly, many of their allies went to war to expand the areas of influence for their respective allies. There were direct confrontations in Korea (1950-53), Berlin (1958-62), Congo (early 1960s), etc. but the need for a concept like R2P was not needed just yet. These were hot wars between countries and not massacres of one particular community by another community.

After the cold war ended with the fall of the Soviet Union, the world community realised that it had to meet the challenges of the new power balance of unipolarity with the existence of only one super power, the USA. While other countries struggled to adjust to this new world order and hoped for peace in the coming years, the massacres in *Cambodia*, the *Rwandan Genocide* and the slaughters in the forests of *Srebrenica* were all a trail of mass violence targeted against one single isolated group of the respective populations within the borders of countries. The governments of these countries could not prevent these mass killings and other countries simply did not know the appropriate plan of action. Along with the growing danger over different vulnerable groups of the world, the international community was also hit by total helplessness and panic to put an end to such events.

In 1998, the former Secretary General of the United Nations, Kofi Anan, aptly posed



the question: *“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 affect every precept of our common humanity?”* The question was not a simple one to answer as it involved, what some believed, the breaching of sovereignty of a country and raised complex questions on what form the intervention must take, when should a country intervene, etc.

Formation of the Responsibility to Protect

Post the Genocide in Rwanda, its disastrous aftermath and the complete failure of the international community to react efficiently or even effectively to the crisis at hand, the Canadian Government set up the *International Commission on Intervention and State Sovereignty (ICISS)* along with other countries of the UN in 2000. Members from Australia, Germany, Switzerland, South Africa, India, United

States etc. aimed to not only answer some of the afore mentioned questions but also direct attention towards the need of people affected by humanitarian disasters. In December 2001, the ICISS released its report, *The Responsibility to Protect* and the term was coined. According to this report, the international community had not only the responsibility to prevent mass killings inside the borders of other countries but also needed to make efforts to rebuild a sense of security and justice for the victim population and find the root cause of the atrocity.



In 2005, member states of the UN included Responsibility to Protect in the Outcome Document of the World Summit. This meant that they agreed to Paragraphs 138 to 140 which gave final language to the scope of RtoP. In April 2006, the United Nations Security Council reaffirmed the provisions of paragraphs 138 and 139 in resolution (S/RES/1674), formalizing their support.

Legal Framework and UN debates

In 2009, a report called *Implementing the Responsibility to Protect* was released by Secretary General Ban Ki-moon. This led to a debate in the General Assembly where most supported the principles of R2P, but some also raised concerns over implementation of RtoP. His report gave a three-pillar strategy outlining for advancing the agenda mandated by the Heads of States and Government at the World Summit in 2005. These three pillars were:

- The protection responsibilities of the State
- International assistance and capacity-building
- Timely and decisive response

And according to the report, the concept of Responsibility to Protect “stresses the value of prevention and, when it fails, of early and flexible response tailored to the specific circumstances of each case. There is no set sequence to be followed from one pillar to another, nor is it assumed that one is more important than another. Like any other edifice, the structure of the responsibility to protect relies on the equal size, strength and viability of each of its supporting pillars. The report also provides examples of policies and practices that are contributing, or could contribute, to the advancement of goals relating to the responsibility to protect under each of the pillars.”

Supporters of Responsibility to Protect

The prophets of the R2P believe that it is a good tool that can be used for preventing violations of human rights and responding promptly to human rights emergencies. They also state, that with the right to intervene



and protect the victimized citizens, international community can now bring aid to wherever necessary and also use military action as last resort. Though they agree that R2P shelve not many provisions for long term reestablishments and that it is not a preventive but a measure of retaliation, they also claim that there is no other alternative.

Critics of the Responsibility to Protect

The opponents of R2P disclaim it as being utterly inefficient and violence oriented. With powers such as economic sanctions and other coercive measures, the R2P also provides with a provision of military intervention. They believe that this has contributed to illegitimate use of force. Large powers are not afraid to intervene, while poor countries fear invasions, which is clearly an unfair take on what must be peacekeeping measures. They also state the failure of Peacekeeping missions in Rwanda and Srebrenica might have even worsened the situation back then. They like to take a more idealistic stand when they say that non-violence should rule in international affairs as an alternative to Responsibility to Protect.



CASE STUDIES:

Criticality of Responsibility to Protect: Syria

After more than two years of internal conflict in Syria, at least 93,000 people have now been killed. The UN reported that at the end of May there were over 1.6 million Syrian refugees registered in neighbouring countries, with over 5.1 million people internally displaced and 6.8 million estimated to be in need of humanitarian

assistance. The situation which began with the peaceful protests against arrest and ruthless torture 20 youths expressing ideas of “Peace” and “Freedom” through art, has now reached an appalling cliff-hanger.



The reply of Bashar Assad’s regime to those initial “peace and dignity” protests was murder, mayhem and mass atrocity, turning their own men on their backs as vulnerable and armed rebels. With each side in Syria committed to an outright military victory, the conflict threatens to imperil the lives of countless more civilians. The government has

demonstrated its willingness to utilize Syria's dwindling financial and military resources to retain power at all costs. Even despite the government's strategic victory at Qusayr, its forces remain locked in a military stalemate with rebels inside Syria's major cities.

But the global community is still at a cataclysmic crossroads, even though R2P in Syria was invoked at a very preliminary stage. The question is – Why?

One of the faults which the situation has highlighted off of the R2P plan of action is that the implementation would inevitably be extremely selective. If one or more of the P5 nations – the Russian Federation here in particular – believes in protecting the violating government, the entire strike would come to a complete standstill and the UNSC operation vetoed in its favour. Interventionist powers will then face the unpalatable choice of doing nothing or (as the United States did in Kosovo with NATO) pursuing a surrogate form of multilateral legitimacy for coercive action, which nine out of ten times ends up on the uglier face.

Another failure in applying the R2P occurs when the offences against the citizens makes them turn to arms themselves, leading to a full-fledged civil war. In such a scenario, neither party can be defended, taken in confidence, nor can be quintessentially neutralized.

Problem is suffered directly by the third-party as straightforward aftermath of the intervention itself. The strategic, economic and human resources spent and exhausted in vain as a consequence of a full blown military mediation cannot be predicted generically at all. The costs, budgetary overstretch and loss of life in most cases, if not less, could be colossal. And to weight that against “success” in the given situation, as tried by the USA for the Syrian crisis, is yet to be substantially defined and presently very cloudy. This cost-benefit analysis must also include an

honest assessment of the expenses associated with "the responsibility to rebuild" the post-intervention society, which was clearly neglected in the Iraq situation.

All these factors led to a bitter failure on the part of the International community in implementing R2P and potentially worsening the crisis along the way.

A Step Forward: Libya

In February 2011, political protests demanding an end to the despotic rule of Libyan leader Muammar Gaddafi's 41-year reign began. Soon, Libyan civilians found themselves to be the target of mass atrocities at the hands of government controlled armed forces. As the protest spread from the capitol of Tripoli to the soon-to-become rebel strong hold of Benghazi, the Libyan leader expressed clear intent to continue committing massive human rights violations.



On 22 February, he gave a speech in which language was eerily similar to the language used by leaders during the Rwandan Massacre and stated that he would rather die a martyr than step down. Gaddafi called on his supporters to attack the protesting "cockroaches" and "cleanse Libya house by house" until protestors surrendered.

The international community was certain that Gaddafi would massacre as many people as he wished to till his authority reigned supreme again and wanted to prevent such an atrocity under any circumstance. Many civil society groups called for the Libyan government to uphold its Responsibility to Protect and for urgent, collective action in response to the crisis. Calls for action in response to the crisis by the League of Arab States on 22 February, the Organization of the Islamic Conference (OIC) on 22 February, and the African Union (AU) on 23 February were crucial for the international community to move forward with stronger measures to protect civilians but the understanding as to what this "action" was to be was different for each bloc.

Individual states including the United Kingdom, United States, Switzerland, Australia, and Canada, also reacted quickly to the humanitarian crisis, freezing financial assets and imposing travel bans and sanctions. France and the United Kingdom in particular advocated early on for the recognition of the organized rebel movement in Libya and led calls for a no-fly zone, providing it was supported regionally and

legally. Leaders from 35 governments and NGOs also met in London on 29 March to discuss the deteriorating situation in Libya.

Many UN bodies quickly became seized of the crisis and condemned the violent attacks against civilians by Gaddafi's forces. On 22 February, the Special Advisers on the Prevention of Genocide and the Responsibility to Protect issued a press release on the situation in Libya in which they reminded the Libyan government of its responsibility to protect its population and called for an immediate end to the violence. Three days later, the Human Rights Council (HRC) adopted Resolution S-15/2 which called for the Libyan government to uphold its responsibility to protect and cease all human rights violations; for an international commission of inquiry to be established; and for the General Assembly suspend Libya from the Council. In response, the General Assembly unanimously suspended Libya's membership to the Council on 1 March.

The Security Council responded to concern from the Arab League, African Union, Organization of the Islamic Conference, and Human Rights Council, and adopted Resolution 1970 (unanimously) on 26 February. Resolution 1970 affirmed Libya's 'responsibility to protect' and marked the first time the Council had referred



to the RtoP framework since a 2006 Resolution on the situation in Darfur. Resolution 1970 imposed an arms embargo and travel ban on the Gaddafi family and key members of government, froze the assets of the Gaddafi family, and referred the situation to the International Criminal Court for investigation into reports of crimes against humanity.

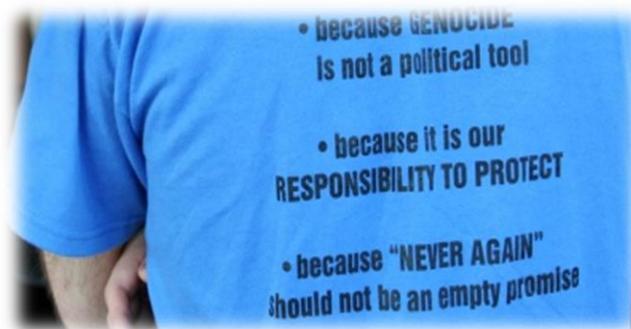
When the non-military measures authorized in the above resolution failed to deter Gaddafi from attacking the rebel civilians in Benghazi and halt the mass violence on protesters, the Council adopted, on 17 March, Resolution 1973. Five countries, including two of the permanent Veto yielding countries abstained from the vote while the other ten all voted in favour. The Resolution sanctioned a no-fly zone to protect Libyan civilians, and authorized Member States, in cooperation with the Security Council, to take "all necessary measures (...) to protect civilians and civilian populated areas under threat." Ban Ki-moon issued a statement immediately after the meeting highlighting the historic decision achieved by the Council and how Resolution 1973 "affirms, clearly and unequivocally, the international community's

determination to fulfil its responsibility to protect civilians from violence perpetrated upon them by their own government”.

On 20th October 2011, Gaddafi was shot dead by the rebels during his attempt to flee. With the end of the conflict, most troops were taken out of Libya and the mass killings came to an end.

Questions to be kept in mind

- Does R2P infringe upon national sovereignty?
- What are the criteria for military intervention for the purpose of protection of civilians?
- Is the concept of R2P being taken advantage of for carrying out the external agendas of certain Governments?
- Role of 'human security' in R2P.
- What if the invading country/countries further breach the Human Rights of the citizens?
- How can the roles of UN Special Advisor on Responsibility to Protect and UN Special Advisor on Prevention of Genocide be made more effective keeping in mind R2P?



Useful links

Office of Prevention of Genocide:

<http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>

Report of the Secretary-General:

http://www.un.org/ga/search/view_doc.asp?symbol=A/63/677

World summit outcome document (paragraph 138, 139, 140):

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>

R2P ICISS report:

<http://responsibilitytoprotect.org/ICISS%20Report.pdf>

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Security Council Resolution [S/RES/1674 (2006)]:

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/331/99/PDF/N0633199.pdf?OpenElement>

General Assembly's Plenary Debate on R2P:

<http://responsibilitytoprotect.org/ICRtoPGAdebate.pdf>

Delegates weigh legal merits of responsibility to protect concept as General Assembly concludes debate:

<http://www.un.org/News/Press/docs/2009/ga10850.doc.htm>

Berkley Law's document of RtoP:

http://www.law.berkeley.edu/files/HRC/Publications_R2P_10-2007.pdf

ResponsibilitytoProtect.org's 2010 document as an assessment of R2P five years on:

<http://responsibilitytoprotect.org/Bellamy.pdf>

Inter-Parliamentary Union's report on RtoP:

<http://www.ipu.org/splz-e/unga08/s1.pdf>

Citations:

<http://www.jpost.com/Opinion/Op-Ed-Contributors/Syria-and-the-Responsibility-to-Protect-318018>

<http://www.globalr2p.org/regions/syria>

http://en.wikipedia.org/wiki/Responsibility_to_protect