

Committee: Security Council

Issue: The implementation of the responsibility to protect

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INTRODUCTION

The United Nations (UN) was established in 1945 to maintain international order and prevent conflicts between states. Even though the UN strives to create connections between states and promote international peace and security, it has not yet eliminated all conflicts and wars. It has been argued that this is happening due to parts of the UN Charter that strictly prohibit any intervention from the international community, to a member state without its consent. Throughout the years this question towards intervention has divided nations and even members of the Security Council itself.

In the 1990's the UN Security Council failed to authorize plans of action to face the ethnic cleansing in Kosovo, something that led NATO to initiate a bombardment. The events divided the international community between states that condemned the intervention as illegal and those who supported that the need to save lives was more important than the illegality of the action. That led back to the question, if the international community should intervene in similar situations. Should the international community explicitly abide every aspect of the international law and let atrocities such as the ones in Kosovo and Rwanda happen, or should it move to humanitarian intervention to ensure the prevention of such crimes? The question was addressed in 2000 by the, then Secretary General of the UN, Kofi-Annun, who recalled the failures of the SC to address the events in Kosovo and Rwanda, and called Member States to discuss and solve the issue. One year later the International Commission on Intervention and State Sovereignty (ICISS), presented a report named "The Responsibility to Protect" (R2P), which emphasized on the responsibility of states to protect its populations, and the responsibility of the international community to assist and/or intervene when the state itself fails to do so.

The term has been widely discussed since then, with the UN addressing it multiple times. From the start of the 21st century armed conflicts tended to more often become internal rather than intrastate of conflicts which the international community fails to face due to their internal nature. Human rights have been violated throughout numerous situations

and large-scale violence has been observed in cases such as in Cambodia, Rwanda, Bosnia, Kosovo, East Timor and Darfur, where the international community technically did not have the right to intervene and prevent the atrocities from happening. In other cases, intervention to interstate situations was used, but with political and economic motives involved, that led to breach of sovereignty of states, like the US-led invasion of Iraq to topple Saddam Hussein, which was advocated with humanitarian justifications. Under such an umbrella, states did not discuss the R2P in fear of legitimizing the invasion. This and NATO's Libya Intervention, which were both led by political motives, but advocated by humanitarian reasons, have led to doubting of the R2P and fear of it being misused and taken advantage of. The R2P is a principle that can be proven of vital importance for the lives of millions of people in upcoming years and in ongoing conflicts, and the matter of its implementation is necessary to be solved.

DEFINITION OF KEY TERMS

The four mass atrocity crimes

The four mass atrocity crimes are namely, genocide, war crimes, crimes against humanity and ethnic cleansing.

The Responsibility to Protect (R2P)

The Responsibility to Protect was created to ensure the protection of populations from the four mass atrocity crimes. It is an emerging international principle which sets forth that all states have the primary responsibility of protecting their populations from such crimes, and seeks to ensure that the international community never again fails to face them. The principle is also meant to prevent governments from using sovereignty as a shield to ignore or conduct mass atrocity crimes on their own populations.

R2P is divided in 3 pillars. Pillar one introduces the responsibility of the states to prevent the four mass atrocity crimes. Pillar two is about the obligation of the international community to encourage and assist individual states in case they are not meeting the responsibility mentioned in Pillar one.

Pillar Three: "If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN Charter."

Humanitarian Intervention

The term humanitarian intervention is used for the measures taken by outside parties in response to serious harm to basic human rights. Military intervention is used to secure the safety of the affected population and stop the harm.

International Coalition for the Responsibility to Protect (ICR2P)

The International Coalition for the Responsibility to Protect (ICR2P) is a network of civil organizations working together for the advancement of the R2P, by increasing awareness and strengthening facilities or relevant actors' capacity so as to be capable of preventing R2P crimes and assisting in their recovery. The Coalition has developed into a global movement which now includes NGO's from almost every region of the world and has members that work in sectors of conflict prevention, humanitarian service delivery, peacebuilding and disarmament. The Coalition shows the wider unofficial international acceptance of the R2P by populations and their common will to work together to eliminate R2P crimes.

BACKGROUND INFORMATION

The question of the implementation of the R2P has an already existent background, since it has been a widely discussed topic the past decades. The necessity of it together with the controversy surrounding can be examined through many crucial events of the last decades. The events in Rwanda, Kosovo, Bosnia, The Central African Republic, Darfur, Libya, Syria and many others demonstrate the need of the international community to fulfil its responsibility to protect.

Case Study of Kosovo

From the 5th of March 1998 until the 11th of June 1999, the forces of the Federal Republic of Yugoslavia were fighting the Kosovo Liberation Army (KLA), as a rebellion for the Kosovar Albanians. During that time, the Yugoslav forces killed many Albanian civilians that were not part of the KLA and on the other hand fighters of the KLA proceeded to attacks on Yugoslavian non-civilians and Serb-Friendly Albanians. Part of these attacks and aggressions were kidnappings, executions, massacres of civilians, concentration camps, organ theft and ethnic cleansing¹. Also, a considerable part of the KLA army was underage, which makes the situation fall under the category of the use of child soldiers.

¹ There is no definition of ethnic cleansing in international law.

On March 20, 1999, the Serbian Forces were accused of launching another wave of ethnic cleansing against Kosovar Albanians. This led to NATO wanting to respond to the act by seeking approval by the UNSC to intervene. It was not successful in receiving approval since China and Russia hinted that they would VETO any possible approval. NATO went on with the operation called "Operation Allied Force" and proceeded to bombing



Moments from the bombing of NATO in Kosovo.

Kosovo for several days, until it finally stopped at the 10th of June, once it had concluded an agreement with the Republic of Yugoslavia. The same day the UNSC passed a resolution which welcomed Yugoslavia's acceptance for a political solution and accepting to immediately ending violence by withdrawing any forces. NATO supported that the bombarding was a humanitarian intervention against the atrocity crime of ethnic cleansing against Kosovar Albanians.

The case of Kosovo and the NATO intervention deeply divided the international community, and raised many ethical dilemmas about the nature and justification of the intervention. Firstly, it was one of the cases, if not the one that stimulated Kofi-Annan to make reference to interventional issues in his Millennium Report, which later led to the R2P being created. Concerning the aftermath of the intervention, many argued that it was necessary to stop the crimes against fleeing Kosovar Albanians. On the other hand, though Human Rights Watch reported that as much as 528 civilians were killed during the operation, which is a considerably small amount when compared with the tens of thousands that were being killed or were fleeing due to the cleansing. The operation though was not approved by the UNSC, which is the basic prerequisite to military interventions in sovereign countries. The case was presented to the Security Council by Russia in a draft resolution, which was voted by Russia, China and Namibia but did not pass. Amnesty International also reported that NATO had targeted the Radio Television of Serbia Headquarters and other targets where the civilian casualties could not have been avoided.

The intervention can be used as a case study to examine the intervention of the R2P, even though it did not exist by that time. Kosovo was not protecting its populations from atrocity crimes and in fact its forces were part of atrocity crimes against parts of the population. NATO, acting as a response from the international community to the situation,

justified the bombardment as a humanitarian intervention even though it was neither approved by the UNSC nor had only positive results, since it led to further casualties. This showed to the international community that terms such as R2P and humanitarian intervention can be abused and misused, and their implementation should be carefully considered and regulated.

Case Study of Libya

The first Libyan Civil War that started in February 2011 was an armed revolution that escalated into conflicts between Muammar Gaddafi's forces and those seeking to oust his government. After comparatively small-scale conflicts in Zawiyah and protests in Benghazi the rebellion spread across the country leading to a large scale civil war. During the times, Qaddafi ordered numerous bombardments and completely disregarded NATO, even broadcasting messages about his aims of defeating it. He also had ordered his forces to "turn the blue sea red" with the blood of inhabitants and rebels. The situation led to atrocities and killings by both sides, and the amount of casualties caused by them heavily concerned the international community and the United Nations which had strived to solve the issue.

In the 26th of February the UN, referencing the responsibility of Libya to protect its citizens, released a resolution freezing all assets of Qaddafi and demanded that member states sabotaged his supplies in every way possible. Qaddafi's case was also brought to the International Criminal Court. At that point violence between the two sides was reaching its peak, and the African Union and Arab League were urging Qaddafi to stop the killings and resolve the issue peacefully. Instead Qaddafi's forces approached Benghazi and broadcasted through the Libyan television a message about his army going to Benghazi to "cleanse the city" "without showing any mercy or pity". The statement and the extensive violence showcased throughout these days

led to the Security Council to pass resolution 1973, with no negative votes, which authorized all Member States that had notified the SG to act nationally or through organizations and take all necessary measures to protect civilians in Benghazi. The publishing of the resolution was



NATO's operations in Libya in March 2011.

followed by a NATO-led intervention to stop Qaddafi's forces, who was prepared to crush protestors like "cockroaches".

The moment is really important for the history of diplomacy and for the UN since the resolution actually used the R2P to authorize member states to intervene to an inter-state conflict to protect civilians. Even though Russia and China knew that by not vetoing the resolution there would be a NATO-led authorized intervention, the need to act and the importance of the situation were realized and respected. The case of Libya showcases a theoretically successful implementation of the R2P where thousands of lives were saved by a large-scale cleansing because of international intervention. On the other side, there were views that NATO was acting as rebels' air force and not as a shield for the people, but in final analysis the operation saved numerous lives.

Case Study of Syria

5 years have passed since the beginning of the Syrian Civil War between the Arab Spring Protests and the government forces of Bashar al-Assad. Organizations such as the Islamic State of Iraq and Levant (ISIL), the Free Syrian Army and the Syrian Democratic Forces have been involved in the fight with the Syrian government and each other. Throughout the conflict there has been extensive use of Incendiary Weapons, Cluster Bomb and Chemicals that have been also targeted to civilians. These techniques and the unrest have led to more than 250 thousand casualties and over 5 million Refugees fleeing the country. There have been numerous reports of all kinds of war crimes and crimes against humanity such as torture, execution of thousands of people, indiscriminate attacks against civilians, ethnic cleansing and repeated use of chemical weapons and starvation as a mean of war. The government forces have used heavy artillery to terrorize anyone presumed to be supporting the regime's opponents and have thus killed many civilians in the areas of Aleppo, Damascus, and Daraa etc. In Aleppo, even hospitals are being bombarded with one reported on the 11th of September 2013 to killing 15 people including doctors and paramedics. The unrest has also helped ISIL take over many regions and grow in size, terrorizing even bigger portions of the world population as time passes.

The situation in Syria is one of the main examples of the UNSC failing to fulfill its duty of maintaining international peace and security and uphold its Responsibility to Protect the Syrian people. Even though there have been numerous debates on the issue and many draft resolutions created, the ones that have passed have failed to face the issue with drastic measures. At the 4th of October 2011, the UNSC created a draft resolution condemning the actions of the regime and demanding the cease of force against civilians by the Syrian Authorities, but the resolution was vetoed by China and Russia. The same thing happened when the UNSC tried to pass a resolution supporting Arab League's Peace Plan for Syria, and thus it failed to be implemented. Even though the Security Council has failed to protect the populations in Syria the international community has taken stance on the issue with the Arab League, the European Union, Turkey and many other



A Tomahawk missile launched by USS Portal in the Mediterranean Sea.

states isolating the regime and condemning its actions. In April 2017, due to use of chemical weapons presumably by the regime to civil populations, the US attacked the regime with missiles to respond to the crime against civil populations. The action of the US forces divided the international community, with Russia being the main big power condemning it, due to its interference with the sovereignty of Syria and characterizing it an act of aggression. Even though the specific event may have been perceived as a response to atrocities carried out by the Syrian forces, the bombing of the US has partially continued and in June 2017 more than 400 Civilian deaths were reported due to US-led bombings in Syria against the regime.

The efforts of the US to intervene in Syria, can be seen as a response from the international community to the ongoing crimes against humanity by the regime to civilians, thus helping the international community fulfill its responsibility to protect. The issue is that more complex political and economic motives are hidden behind the interventions and that is obvious by the fact that the US have supported the revolution and supplied rebels with non-

armed supplies from the beginning of the civil war. It is for such reasons that the operations have divided the international community with many states being in favor of the bombings of April but many others opposing it. Nevertheless, its intervention has helped tackle the issue and also simultaneously face ISIL's rise but with the cost of more civilians' lives. All the interventions were not ordered by the UNSC and there has been no collective effort for intervention to fulfill the international responsibility to protect Syrians. This is a case where the implementation of the R2P could be needed to respond to the ongoing R2P crimes that Syria is failing to control. Probably a collective effort regulated and initiated by the UNSC could mean better controlled operations that aim entirely in fulfilling the responsibility to protect the Syrian populations.



Countries supporting and opposing the US bombings as a response to the Chemical attacks in Syria.

Difference between humanitarian intervention and the R2P

The responsibility to protect can be also perceived as an improved version of the term humanitarian intervention. On the one hand, humanitarian intervention describes the military intervention for the prevention of crimes that violate basic human rights, whereas on the other hand does not call for intervention directly. As explained, the first two pillars are about the responsibility of the state to protect its population and about the international responsibility to assist the state fulfill it, in case it is unable to do so. A basic element of the R2P is that it tries to bridge the need to protect human rights with the prohibition of breach of sovereignty of each state. The term of humanitarian intervention and the way it has been used does not take under consideration the sovereignty of the state but has the sole aim of protecting the harmed population.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

United States of America (USA)

The United States of America (USA) have openly discussed their commitment to the Responsibility to Protect (R2P). They have stated that they are a strong supporter of the principle and are committed to work together with the Human Rights Council to focus on pillar

two of R2P in order to prevent atrocities from happening. USA itself has many times abstractly reacted to atrocities in many situations. The US Army carried out the Operation Iraqi Freedom, but is also the leading power in the NATO. Operation Allied Force in Kosovo and the NATO intervention in Libya to save the population of Benghazi were both led by US Forces. Even though political and economic motives are involved in many of these operations the US has ultimately tried to fulfill its responsibility to protect, and openly supports it.

Russian Federation

Together with every state in 2005, Russia endorsed the recognition of the R2P in the World Summit. Even though the Russian government is against the aspects of the R2P that have to do with intervention due to breach of sovereignty of states involved, it has said that it is willing to violate the concept of sovereignty to support citizens. Throughout the SC history with R2P, Russia has not blocked any SC resolutions that have to do with the first two pillars of the R2P. The ideology behind Pilar three is different. In 2011 Russia abstained from UNSCR 1973 which authorized collective action against the threats of Qaddafi. Except from this abstention Russia has vetoed various resolutions with respect to the ongoing war in Syria, which aimed in the use of force and intervention. On the other hand, it has abstained and not vetoed resolutions which have to do with the aid provision or in regards to chemical weapons. Overall Russia has been accused of treating the R2P diplomatically and based on its political motives.

People’s Republic of China (PRC)

China has always been strongly in favor of sovereignty as a responsibility and not just a right of states. According to such a stance China advocates Pillars one and two of the R2P, that have to do with aid provision, capacity building and has openly supported their use in many situations such as in DR Congo and Burundi (2006), Darfur (2006), Libya, South Sudan and Yemen (2011) to name some. Overall China has shown that it permits the use of R2P and even forces only in cases where the R2P does not result in significant political reforms of the target state political state. Together with Russia, it has also vetoed a resolution in the issue of Syria which was calling for sanctions in Syria.

TIMELINE OF EVENTS

Date	Description of Event
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07/04/1994- 15/06/1994	The genocide against Tutsi in Rwanda takes place during that dates with around 1 million deaths.
11/07/1995- 13/07/1995	The Genocide in the Republic of Bosnia and Herzegovina is carried out towards Bosniak civilians and prisoners of war.
24/03/1999- 10/06/1999	Operation Allied Force in Kosovo is carried out by the NATO.
06/09/2000- 08/09/2000	Millennium Summit of the UN where Kofi-Annan introduces his millennium report which expresses concern about the lack of intervention in Rwanda and the situation in Kosovo.
12/2001	ICISS introduces its report named "The Responsibility to Protect".
20/03/2003- 01/05/2003	Operation Iraqi Freedom is carried out by the US Forces, with combined troops from many states which signalized the start of the Iraqi War.
30/07/2004	The Security Council imposes arms embargo on all non-governmental entities in Darfur with the resolution UNSCR 1556.
26/02/2011	Resolution UNSCR 1970 passes, freezing all assets of Qaddafi.
17/03/2011	Referencing R2P UNSC in resolution (UNSCR 1973) imposes coercive military measures against Libya, a sovereign state that was murdering its own people.
19/03/2011	NATO intervention in Libya takes place in order to presumably protect people in Benghazi.
02/12	China and Russia veto a second draft resolution calling for sanctions aimed at halting the atrocities in Syria.
07/04/2017	US launch missile strike against Syria in response to the Chemical attacks targeted at civilians by the Syrian Forces.
08/2017	More than 400 civilian casualties were reported due to US missile strikes in Syria.

UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS

During the gathering of world leaders in New York in 2005 (World Summit), heads of governments agreed to the Responsibility to Protect. This decision has been reported in the 2005 World Summit Outcome Document in paragraphs 138-139. The R2P was unanimously adopted by all member states. After adopting it, in 2009 Ban Ki-Moon, the then Secretary General, released an annual report on how to implement and operationalize the R2P, named "Implementing the Responsibility to Protect". Since then there have been numerous discussions and debates on the issue by the General Assembly with many documents being released concerning the R2P.

Except from the GA the UNSC is a body of intense significance to the R2P, due to the fact that it is the only body with the legal capacity to authorize and set up military interventions and projects. As examined in the case studies previously, the UNSC has at cases tried to fulfill the R2P and initiated interventions (like in Libya) and in others it has failed to do so, either due to time inefficiencies or due to various VETOs.

Overall, the UN has adopted the responsibility to protect and as the R2P states, all states that will intervene under the spectrum of the third pillar, are obliged to do so under the UN Charter.

Some resolutions of the UNSC that include the responsibility to protect are listed below:

- Resolution 2348 (DRC) S/RES/2348
- Resolution 2340 (Sudan and South Sudan) S/RES/2340
- Resolution 2339 (Central African Republic) S/RES/2339
- Resolution 2332 (Syria) S/RES/2332
- Resolution 2301 (Central African Republic) S/RES/2301
- Resolution 2296 (Sudan - Darfur) S/RES/2296
- Resolution 2295 (Mali) S/RES/2295
- Resolution 2290 (South Sudan) S/RES/2290
- Resolution 2288 (Liberia) S/RES/2288
- Resolution 2286 (Protect of Civilians) S/RES/2286
- Resolution 2277 (DRC) S/RES/2277
- Resolution 2262 (Central African Republic) S/RES/2262
- Resolution 2258 (Syria) S/RES/2258
- Resolution 2254 (Syria) S/RES/2254
- Resolution 2252 (South Sudan) S/RES/2252
- Resolution 2250 (Maintenance of international peace and security) S/RES/2250
- Resolution 2241 (South Sudan) S/RES/2241
- Resolution 2228 (Sudan - Darfur) S/RES/2228
- Resolution 2185 (Role of Policing in UN Peacekeeping) S/RES/2185
- Resolution 2171 (Maintenance of international peace and security - Conflict prevention) S/RES/2171
- Resolution 2170 (Syria and Iraq) S/RES/2170
- Resolution 2165 (Syria) S/RES/2165
- Resolution 2155 (South Sudan) S/RES/2155
- Resolution 2150 (Prevention of Genocide) S/RES/2150
- Resolution 2149 (Central African Republic) S/RES/2149
- Resolution 2139 (Syria) S/RES/2139
- Resolution 2117 (Small Arms and Light Weapons) S/RES/2117
- Resolution 2109 (South Sudan) S/RES/2109
- Resolution 2040 (Libya) S/RES/2040
- Resolution 2016 (Libya) S/RES/2016

- Resolution 2014 (Yemen) S/RES/2014
- Resolution 1996 (South Sudan) S/RES/1996
- Resolution 1975 (Cote d'Ivoire) S/RES/1975
- Resolution 1894 (POC) S/RES/1894

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Even though the issue of the implementation of R2P has been widely discussed, it is a really ethical based issue and practical solutions are hard to be found. The Security Council is deemed as the best fitting organ to implement the R2P when needed, and so it has been stated numerous times that it should be the one doing so. Thus, more collective and efficient ways of implementing will be found. The most practical previous attempt to solve the issue, is a SC vote reformation that has been suggested many times. A group of states formed the Accountability, Coherence and Transparency (ACT) Initiative, which wishes to re-envision the Security Council in a way that it functions more effectively, by simultaneously granting more power to the non-Council member states. The ACT Initiative has established a committee specifically focused on promoting a veto restraint when the issue discussed has to do with mass atrocity crimes. Such a restraint would pose p5 countries such as Russia and the USA to be unable to veto a resolution on issues of mass atrocity crimes, where the international intervention organized by the UNSC would be crucial.

This was also discussed in 2013 during an informal dialogue about the R2P in the GA. With reference to Syria, nine member states called for a “voluntary restraint” of the veto power in situations like the one in Syria. On the 4th of October 2013, Laurent Fabius, the then French Foreign Minister, offered ideas on a new voting procedure. He proposed a code of conduct, whereby the P5 countries would have to voluntarily agree not to use the veto power in cases of mass atrocity crimes. All previous attempts have been focusing on the veto power of the Security Council since it is presumed that it is the one to authorize interventions in R2P situations.

POSSIBLE SOLUTIONS

The implementation of the R2P is a really complex issue since it involves contrasts with parts of the UN Charter, military interventions and most importantly atrocity crimes. The previous attempts to solve the issue are not many due to its complexity and all the political motives involved.

To tackle the issue efficiently and really find the best way of treating the implementation of R2P, it would have to be agreed who will carry out interventions when needed. An international document of signatories agreeing that the UNSC is the only responsible organ for authorizing military interventions in R2P situations, would make it more difficult for states and organizations to act abstractly in such situations. For that kind of agreement to work, and to ensure that the SC will face every situation efficiently, one has to know that there will be no barricades for it to do so. As has been tried to be done previously, a voting reformation that would withdraw the Veto power from P5 countries in R2P situations, would ensure that the UNSC would act in every R2P situation even if one of the P5 countries does not agree. Therefore, P5 countries should be urged to follow the notion of “responsibility not to veto”. Such a notion means that P5 countries can either withdraw their veto power during situations of mass atrocity crimes, or that they agree not to use it.

Another big barricade for the UNSC to authorize interventions in R2P situations, is that such actions may breach the sovereignty of the member states involved in the issue. Therefore, with reference to the R2P, member states could unilaterally agree that the UNSC, should and must intervene in situations of mass atrocity crimes in their regions. The agreement could have some prerequisites in order to ensure that if there is a coup d'état or tipping of the current regime the Security Council will still have the right to intervene in R2P cases without breaching the sovereignty of the state. For example, if the agreement has been signed by 2 or more different governments of the state, then it could be archived and the UNSC would have the authorization to intervene in R2P cases.

Even if the Security Council is the decided organ of response, how is the third pillar of the R2P going to be put in practice on time and decisively? What means should the SC use to respond to R2P situations? The other pillars should be addressed as well. For example, with what means and in what ways should all member states practice the second pillar? Who will coordinate their supplies and how will they know exactly how to act when needed? Except from collective response to such situations, one has to consider that regional and sub regional organizations also carry the responsibility to protect. What is their role in putting R2P in practice?

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