

Between Intervention and Responsibility: Institutionalising the Responsibility to Protect as An Active International Law Doctrine

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ABSTRACT

This research paper will explore the Responsibility to Protect (R2P) doctrine in detail by considering the case studies of Libya, Rwanda, and Gaza. First, this paper will begin by defining the legal construct of the R2P along its three pillars and chart out the historical reasons for moving beyond the language of “humanitarian intervention” towards an idiom of “responsibility”. Second, I will comment on the flaws of the current R2P mechanism and how the political disinclination towards avoiding these deficiencies have robbed the doctrine of any authoritative vigour. Finally, arguing for a future where we would rather have the R2P than discard it altogether, this paper ends by offering the outlines of a detailed standard operating procedure and accountability protocol to improve the interventionary value of this nascent tool of peace in international law.

Introduction

The responsibility to protect (R2P) is a fundamental part of international law scholarship and the praxis of international relations, which was ratified at the 2005 United Nations General Assembly. R2P encompasses three main pillars of equal standing: the responsibility of each State to protect its populations (pillar I); the responsibility of the international community to assist States in protecting their populations (pillar II); and the responsibility of the international community to protect when a State is manifestly failing to protect its populations (pillar III). These pillars act as a mechanism for state intervention to protect the sovereignty of other nations. While this mechanism has the potential to be vital in contributing to world peace, R2P has run into many challenges, rendering it powerless as a tool in the international setting. This piece of international law scholarship will outline the problems behind R2P and case studies of R2P failure, while providing a potential solution for future conflicts.

This paper will focus on two case studies from the past and one case study in the present. The Rwandan Genocide happened in 1994, where the majoritarian Hutu government who had been in power since 1962 started a genocide of the Tutsi ethnic minority (*College of Liberal Arts, 2024*). This genocide had been prompted by the 1990 Rwandan Civil War where the Tutsi Rwandan Patriotic Front led campaigns against the government. The Libyan Intervention of 2011 was brought upon after an uprising inspired by the Arab Spring was crushed by Gaddafi’s military forces with evidence of human rights abuses. (*Britannica 2024*) Finally, the Gaza Strip Conflict of the present day had started since 2006, and involved fighting between Israeli military and Palestinian residents and the Hamas group over this area of land. (*BBC News, 2024*)

It is also important to address the language of “humanitarian interventions” used in this paper. It is acknowledged that the language of “humanitarian intervention” is imperialistic with shaky legal ground and a potential erosion of the cardinal principle of state sovereignty. However the language of “intervention” is used to draw a parallel to what is happening on ground—that is, the operational praxis of R2P being armed intervention even though we have moved on to the language of “responsibility” to invoke a sense of shared duty from the international community. Ultimately the language of intervention reflects the social reality of what happens on the ground, which is a military

operation aimed at restoring sovereignty. As the author of this paper, I do understand that international law discourse has shifted from the language of “intervention” at the policy making level, but I want to focus on what happens on the ground as it is ultimately the social reality.

Section A: Flaws with R2P

It is alleged within international law scholarship that R2P is indeed a flawed doctrine. For example,

The current status quo of international relations is well known to all international law scholars. Since the creation of the R2P doctrine, every intervention carried out has followed the outlined logos : “Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.” (*United Nations Office on Genocide Prevention and the responsibility to protect*, 2024) This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. , in accordance with the three aforementioned pillars of the doctrine. However, many IL and IR scholars argue that the mechanism of R2P is inherently flawed. (Illingworth, 2024) (Menon, 2013) (Hehir, 2024)(Chandler, 2009) This is because since the creation of the United Nations, there have been nations that possess veto power on the Security Council and are permanent members, the Permanent Five. (*The UN Security Council*, 2024) This is significant because only the Security Council has the requisite authority to decide whether a military intervention may occur, and requires a unanimous vote. Hence, the veto rights possessed by the Permanent Five members could be considered superior to universal humanitarian legal principles and principles of national sovereignty as they could veto any action without explanation, creating a two tier system of international relations (Ramina, 1970). This is directly contradictory to the values of R2P, which aims to encourage diplomatic equity and parity. In evaluation, an IL scholar could argue that R2P was doomed from the start to fail, and there are countless examples to support this view. However, it is important to examine the origins of the R2P doctrine in order to fully understand this. The R2P doctrine was adopted at the 2005 United Nations General Assembly (*UK Parliament*) and could be argued to a large extent to have originated from the international outcry over the 1994 Rwandan Genocide and 1995 Srebrenica Genocides. (*Council on Foreign Relations*, 2024) Within international law, there are two overarching concepts that govern this body of legislation, namely *jus cogens* and *erga omnes*. *Jus cogens* is an international law norm from which there cannot be any derogation (*United Nations*, 2019) and *erga omnes* is the concept that there are obligations owed towards everyone (*Oxford Public International Law*, 2024). We can clearly see that the R2P doctrine of protecting sovereignty is derived from the concept of *erga omnes*, as there is prerequisite duty of other countries to help protect sovereignty under the doctrine, but under the current status quo R2P cannot be said to be a *jus cogens* norm since there is clear derogation from the doctrine in infringements such as Ukraine and Yemen. Based on the current understanding of the international status quo, in this essay it will be argued that there are clear benefits towards changing R2P into a *jus cogen* norm, and alongside this I will provide a proposed mechanism to increase the insitutional acceptance of this doctrine via a standard operating procedure, thereby creating a long-standing tradition of R2P becoming a standard practice in the future, if at all..

Firstly, there is enough evidence from previous failures of the doctrine to show that implementing R2P as a *jus cogen* norm is needed. In Libya and the conflict against Gaddafi, Libya was the first time the Responsibility to Protect rhetoric served as an explicit justification for military intervention to protect civilians. (*Global Centre for the Responsibility to protect*, 2023) The UN claimed that it had “exhausted diplomatic and nonmilitary efforts when Qaddafi refused to negotiate and continued to fight even though he had claimed a cease-fire” (*Domínguez*, 2012). Most importantly, the UN stepped in by modifying objectives of the operation as despite claiming to be an impartial actor in the conflict, its actions such as allowing the rebel forces to smuggle weapons into the country (*BBC News*, 2011) and fly aircraft into the no-fly zone and coordinating its air strikes with their military operations (*United Nations*, 2011) clearly contributed to the resulting overthrow of Gaddafi. While proponents of this action may argue that Gaddafi had perpetrated numerous humanitarian abuses and that Libya was better off without him, it is unavoidable that the R2P doctrine does not advocate the overthrow of governments and only aims for a restoration of sovereignty.

Otherwise, the charges of imperialism will not just gain growing support but also might end up becoming true if the doctrine is misused by the P5 members of the UNSC. Hence, the only correct course of action would have been to stabilize the situation and return control to another legitimately elected government. Furthermore, Resolution 1973 that was used to justify the intervention stated that NATO forces were allowed to use any means necessary to support the enforcement of the resolution. (*United Nations, 2011*) This shows a very clear flaw in that the resolution was ambiguous and the mandate made it easy for NATO to overextend itself and assist in regime change, completely against the premise of R2P. In addition, many IL scholars put forward a strong case that the removal of Qaddafi from power could potentially open up Libya's market for oil and other investments (Randall, 2015)(Davidson, 2017) . Hence, this conflict could help serve ulterior motives. In particular, France, the US and the UK (under NATO) only started targeting Libyan forces after they had reached oil deals with the anti-Gaddafi National Transition Council.(Nuruzzaman, 2013) This issue in Libya clearly exhibits how R2P has been implemented but in an imperfect manner, and with that ambiguity comes a dangerous opportunity for influential world powers to further enrich themselves under the premise of an intervention.

We must also consider how the absence of R2P intervention in itself could be considered a failure for the doctrine. In Syria, the reasoning for the withholding of R2P intervention is not entirely clear among IL scholars (Glanville, 2014) , but it is widely agreed that it is clear that strategic concerns such as economic stakes in the region played an enormously important part in shaping the Libyan and Syrian Security Council debates. This is an immense failure on the part of R2P and damaging to the perception of R2P as President Assad's actions such as gassing civilians (Holleis, 2023) clearly endanger the sovereignty of Syria and Syrian citizens, yet no action was taken. As a result of these failures, it is imperative that the R2P doctrine should be reformed in a way that countries are empowered to act and act in accordance with the pillars of R2P, which are that each individual state has to protect its populations using appropriate and necessary means, that the state has a responsibility to protect the citizens of a state and that the responsibility of the international community to protect when a State is manifestly failing to protect its populations.

This section has outlined the current state of R2P and showcased problems and oversights that the current R2P mechanism has. The next section will outline the need for R2P despite its flaws and showcase how R2P in recent years has seen more success through implicit mentions.

Section B: Why do we need R2P?

When considering the potential benefits of the R2P doctrine as a *jus cogens* norm, it is first important to note that the world is in a better state with R2P than without it. Like Hobbes's (1651) state of nature , our international community would devolve into a similar state, where countries would attack other countries for their own interests. Hence, R2P's function as a recuperative measure is limiting, as it cannot stop wars and cannot stop countries from external aggression, rather it can only help civilian population when conflict has occurred as a last ditch effort when diplomacy has failed. However, it is also important to note that while R2P is an international law regarding statehood, if we intend for R2P to have a tangible benefit on the lives of international citizens R2P as a system must have the full support of local communities and other large stakeholders such as NGOs, local communities and also intergovernmental organizations.. Put succinctly by Oxfam, "alliances between governments and NGOs, to be effective, will have to be genuinely global and the R2P doctrine should encompass all offenses on a global scale in order to be effective" (*Oxfam, 2024*). In terms of tangible benefits, the ambivalence of the R2P doctrine could be considered a strength if used astutely, allowing for flexibility within interventions. However, the case brought by South Africa in the ICJ (*Application of the convention on the prevention and punishment of the crime of genocide in the Gaza Strip (International Court of Justice, 2024)*) that there is a genocide happening in Gaza, with the returned ruling that there indeed is a *prima facie* potential for genocide is overall indicative that countries do indeed have a responsibility to intervene, which they try to fulfil through a variety of institutional and legal mechanisms not limited to the idiom and framework of the R2P. This viewpoint is further strengthened by the assertion that R2P being a modern and contemporary doctrine can be found in places where it isn't explicitly mentioned, although such a circulatory and subtextual use of the principle

is weakened by the feeble actions of world leaders such as the abstention of direct intervention in Gaza, which is more suggestive of a need to change the doctrine. In its current form, R2P is a currently reactionary doctrine (*United Nations, 2008*) but a case can be made that in order to maximize its effectiveness, ultimately it must go beyond its reactionary function into a preventative cast.

In this essay, all proposed changes will be based on the failures of R2P within past examples like Rwanda and Somalia and my novel take on the framing of R2P within the current unique global context. The Gaza conflict poses a unique opportunity for intervention, as this is the first time in history where R2P could have been at our disposal in a complete form where only a potential for genocide has been identified by the ICJ, whereas in Rwanda the genocide was already happening and intervention arrived too late (*Kuperman, 2001*) and the Somali conflict was an internal civil war with ethnic cleansing, (Kenard, 2018) where an intervention of a larger scale would have exacerbated an already volatile situation. Gaza as a case study is important to showcase the suspension of R2P action despite the clear and obvious need for interventionary action. For example, president of the USA Joe Biden, despite helping Israel's Iron Dome system and supplying missiles (Liptak, 2024), also acknowledged that there is a "humanitarian crisis" (Williams, 2024). From this, we can see that clearly the actions of world leaders are contradictory in essence to the R2P doctrine. However, this geopolitical conflict is heavily complicated by the disputed sovereignty of Palestine with Israel, which would regarding further produce confusion which pillar of R2P is being broken. For example, 42,000 Palestinians have been killed since the start of the conflict, with 38,000 being civilians prior to the 24th of April 2024 (*ReliefWeb, 2024*). On the one hand, this could be seen as a clear violation of Pillar 2 of R2P (the responsibility of the international community to assist States in protecting their populations) and that the international community should help Palestine. On the other hand, this could be seen as a violation of Pillar 1 (the responsibility of states to protect its populations) if you believe that Palestine is part of Israel. This is significant as any future form of R2P must be capable of distinguishing which pillar of R2P is being violated, especially as the contesting of sovereignty becomes an ever increasing problem. Hence, the situation in Gaza currently necessitates that the doctrine of R2P should not act in isolation, that there shouldn't be a need to rule that there is a genocide occurring as by the time that happens irreparable damage will have been caused.

This section has presented how R2P as a doctrine despite some failures has still proved to be useful, and shown how the unique conflict of Gaza poses an opportunity for the full utilization of the R2P doctrine, either explicitly if the realism of politics allows or implicitly. The next section will propose a revised standard operating procedure that aims to maximize the effectiveness of the doctrine while still acknowledging limitations that realpolitik imposes.

Section C: Standard Operating Procedure

We must also consider how to trigger the R2P mechanism. The current situation in Gaza shows the necessitation of a ceasefire mechanism (United Nations, 2022) built into the R2P mechanism as a baseline to prevent further killing, emphasizing that R2P is a preventative measure. This is because to fully investigate whether genocide is happening, advanced procedures must be undertaken which are time consuming, hence R2P as a provisional measure to stop further damage is needed. The provisional nature of R2P (Roff, 2015) also paves the way for implementation of further humanitarian measures that could be mandated, such as the evacuation of civilians. Although these changes would derive massive benefit to the R2P mechanism, ultimately R2P needs to become an enforcement mechanism (Broeke & Simón, 2024), as the absence of action in the wake of judgements made by the ICJ would further diminish the already limited credibility of international courts of law. While it is beneficial that countries like South Africa are taking responsibility and raising the alarm in light of conflicts like Gaza, the most fundamental part of the R2P doctrine which is intervention is not happening, severely limiting any value that the doctrine can provide.

The successful implementation of R2P as a doctrine hinges on a standard operating procedure that can be applied to any situation. My standard operating procedure will consist of a trigger mechanism, clarification of appropriate and necessary means, inclusion of a general assembly vote, periodic review, identification of barriers to success and a stringent exit procedure. A standard operating procedure should consider first a criterion for when intervention

is necessary. I believe that an intervention should not merely hinge on whether a genocide is currently taking place because if in the end it indeed turns out to be a case of genocide or ethnic cleansing, irreparable damage to sovereignty and life could already be caused. Hence an intervention should be possible as soon as the potential for genocide in the region is identified. Furthermore, this intervention must first consider its immediate social impact on local communities and impact on the stability of the state as a whole as this would affect its capability to maintain sovereignty. Only then should the intervention be deemed fit to continue.

The current R2P doctrine states that any intervention should utilize “appropriate and necessary means”. We can already see that from previous examples like Libya, there is no sufficient mechanism to determine what constitutes “appropriate and necessary”, leading to disproportionate responses. Hence, I believe that the R2P doctrine can draw inspiration from treaties like the Geneva Convention that have been adopted as general practice. For example, the 1925 Geneva Protocol bans the use of bioweapons in any conflict (*United Nations Office for Disarmament Affairs*,). As a result, because such guidelines outlined by the Geneva Protocol are already a common practice, it would be logical to continue the practice within the R2P doctrine for military interventions, using equipment which is not already prohibited. Furthermore, the Geneva Convention also establishes a common practice on how combatants should behave during conflict, and this should be reflected within “appropriate” means of conflict. However, “appropriate” means may not necessarily be proportionate to the situation at hand, as was observed in Libya. Ultimately, “proportionality” should imply a nexus with the goals stated in the GA or UNSC resolution sanctioning the intervention to prevent an overstepping of what the intervention sets out to achieve. As a result, to ensure that the intervention is proportionate to what is being tackled it is important to consider the on-the-ground situation in real time, such as how many citizens are within the combat zone, who is being targeted and what equipment is available for the intervention. This is because “proportionality” is a fundamental factor to consider in the intervention approach in order to keep it limited to fulfilling its goals only but is ultimately dependent on how the local situation unfolds. Another alternative view of proportionality is posited by the Law Project in War, where it is argued that the damage to civilians should not outweigh the military advantage sought or gained to evaluate proportionality (*Law Project in War*, 2024).

In addition to this issue, any form of R2P intervention must consider the potential barriers to success within the region. (Inouye 2022) One example of a failed R2P intervention would be Rwanda, where the Rwandan Armed Forces and Rwandan Patriotic Front were in conflict (*The Rwandan Patriotic Front, March 1999*). Rwanda is the best known example of a complete operational mishandling by the United Nations in response to a genocide. For example, consider the episode of the genocide fax where a secret fax detailing genocide plans for the Tutsi and asking for help was received by the Department of Peacekeeping Operations (Gourevitch, 1998) but was ignored and deemed fake, with even the Under Secretary-General Kofi Annan and the Assistant of the Secretary-General, Iqbal Riza, casting doubt about the credibility of the fax’s information. In the end, they considered it “a cause of concern but full of inconsistencies”. (Barbisotti, 2023) This shows a clear weakness of the current R2P mechanism that stems from bureaucracy rationality hindering genuine claims of genocide from being heard, and thus decreasing the effectiveness of peacekeeping missions. Rwanda also shows the necessity for a clear entry and exit plan, as despite a request for 4,500 troops, the Security Council could cover the costs for only 2,560 soldiers (Barbisotti, 2023). Furthermore, the mission was installed under Chapter VI of the Charter, and, for instance, it did not allow the use of force during the operations. While some may argue that this is an administrative error, I believe that this shows a historical situation that can teach the contemporary advocates of the R2P what its potential systemic failures can look like. and Therefore, in learning from the past, the nature of R2P operations should be addressed separately within a new R2P mechanism. Lastly, it is important to consider the case of Somalia. During this intervention, the United Nations attempted to set up the Federal Government of Somalia (Tikkanen), however this led to widespread violence and unrest as the government did not have democratic legitimacy at the time. This is significant as it indicates that the purpose and role of any future R2P operation should be limited to the main objectives of said operation, which is to restore sovereignty and nothing more. Hence, the decision to intervene must involve a general assembly vote, but also a professional assessment of the situation on the ground, achieving this through periodic review and the production of in-depth reports for appraisal.

One of the main flaws of the current R2P system is that *prima facie* cases where genocide could potentially be happening are not acted upon quickly enough to have any real impact on the outcome of events. Although it is recognized that legal proceedings take time to conduct fairly and to a high standard, there might be a need for immediate action to stop any further violence. Legal claims are usually *ex post facto*, but if R2P faces the same fate of being invoked after the fact, its entire purpose would be defeated upon the ruins of uncountable lives and countries. Hence, a general assembly vote to approve interventionary action would help to circumvent this issue while still allowing sufficient space for a legal claim to be submitted. In accordance with the extant due process norms in the UN (*United Nations*, 2024), a general assembly vote would include all members of the general assembly, with all members being able to bring a motion by virtue of fairness. This solution would help circumvent bureaucracy to allow intervention in *prima facie* cases, while still allowing for democracy to prevail within the UN system. An important caveat is that by agreeing to a general assembly vote, the Permanent Five members implicitly give up their veto powers which they ordinarily would not be inclined to do. While this realistically poses a challenge to both the pragmatic implementation of the R2P and the arguments made in this paper, the purpose of a research endeavour such as this is to precisely imagine a world where the political complacency of inaction will have been overcome. This is not to feign blindness to the practicalities of international politics. On the other hand, by performing a thought experiment—if you will—of this sort, I try to adumbrate the significant benefits of a robust R2P mechanism, and then project these upsides backwards to lay bare the pressing need for a new general practice where all members in the general assembly can participate in the vote to make this the most viable solution to assist in *prima facie* cases without running into the logjam of P5 vetoes. The potential for implicit implementation of R2P can be further explored through the actions of other members of the UN such as bringing *prima facie* cases of genocide before the International Court of Justice (*International Court of Justice*, 2024) or through other organs like UN Human Rights Watch (*United Nations*, 2022).

This section has outlined a revised standard operating procedure that explains the “appropriate and necessary means” for an intervention, the goals of the intervention and barriers to success for interventions. Furthermore, the mechanism also addresses *prima facie* cases of genocide. The next section will discuss how to enhance accountability within the R2P doctrine to adhere to the goals of the intervention, but also how to avoid a long drawn out conflict through a stringent exit procedure.

Section D: Enhancing Accountability

It is important to be able to assess the progress of the intervention. Through utilizing existing procedure like periodic review when applied to human rights (*Universal Periodic Review*, 2024), which currently allows for member states to report actions it has done to improve human rights and allows other member states to make recommendations, an R2P mission can build systems of self-assessment into its operational roster while not attracting a considerable new or added cost. Applying a similar model to interventions would allow member states taking part in the intervention to report on what they have done to ensure the intervention has remained within its goals and also enhance transparency and scrutiny by empowering other countries to make recommendations as ombudsmen of sorts. By deploying the already existing framework within the United Nations, the UPR Working Group has the experience to conduct periodic review efficiently. It will be recommended that in the first month of the intervention periodic review should occur once every week as this is when the situation is most volatile, however this can be gradually adjusted to be once per month as the operation progresses. Furthermore, the efficacy of periodic review could be enhanced if intervention forces include advisors and observers such as human rights workers, NGO staff, academics with knowledge of the area, etc as this would allow the collection of reliable data. Moreover, the inclusion of a diverse range of experts and stakeholders can set up a peer review system based on the edicts of public reasoning and civil society scrutiny, which is to say in-depth recommendations can be conveyed quickly to the intervention forces to ensure the intervention remains in line with its goals. It is important to note that periodic review takes large amounts of resources and time to conduct properly and could diverge from the intervention effort. Ultimately, if multiple periodic reviews have spotted violations of human rights or deviations from the goals of the intervention, and if the situation is continually getting

worse in the region, then these reports should form the grounds to authoritatively halt the intervention. This all hinges on the proviso that both the situation and the modus operandi of the intervening force are unlikely to improve or have no prospect of improving, both of which can be evaluated by the periodic review itself.

Finally, the most important part of a R2P intervention is the exit procedure. The exit procedure is set into motion once the situation and the modus operandi of the intervening force are unlikely to improve or have no prospect of improving (*United Nations, 2024*). Hence the foremost priority is limiting further damage and avoiding a prolonged, drawn-out conflict. The exit procedure will take place over a month in a managed retreat and will involve thorough documentation throughout the process in order to establish a general practice. Although the retreat itself will be handled by personnel on the ground, an instantaneous retreat will be recommended if the intervening force is failing in terms of military strategy or military equipment as no reinforcements will be sent. It is also important to consider the scope of amendment towards the original goals, however ultimately this power should lie with the general assembly as the power should be retained by this organ of the UN for continuity purposes. Furthermore, we must also consider if an intervening force should remain if the violence has stopped and a local government has been able to form despite the country not being rebuilt. This revised doctrine would entail that in such cases, the force need not remain due to the restoration of sovereignty and the absence of violence, as it is not the job of interventions to build a state. In addition, an exit procedure must not only be applied to failed intervention but successful interventions as well. Even when the goals of an intervention have been fully met, in some fringe cases a continued military presence may actually be beneficial to help maintain sovereignty. However I anticipate that such cases will be minimal and, for instance, that the Taliban's assertion of authority after the American departure from Afghanistan (*Congressional Research Service, 2021*) is more representative of any status quo post bellum. That there will eventually be a force strong enough to protect the sovereignty of a nation.

This section has discussed how periodic review can ensure an intervention adheres to its goals through the introduction of on-the-ground advisors and increased frequency of review. In addition, this section has also introduced the benefits of a stringent exit procedure, namely avoiding a long drawn-out conflict but still leaving the possibility of continued military presence depending on if the situation is appropriate. The next section will provide concluding remarks on the R2P doctrine as a whole.

Section E: Concluding Remarks

In conclusion, R2P as a doctrine has much potential for change and development, but even in its current state has a unique opportunity to showcase its full form in the Gaza conflict. To summarize, this paper has showcased problems and oversights that the current R2P mechanism has such as the Rwandan genocide and failed Libyan intervention. This paper has also presented how R2P as a doctrine despite some failures has still proved to be useful, and shown how the unique conflict of Gaza poses an opportunity for the full utilization of the R2P doctrine. This paper has also shown a revised standard operating procedure with an increased focus on accountability and exit procedure to avoid long drawn-out conflicts. Ultimately, this paper does have some limitations. For example, realpolitik may influence whether countries are receptive to a general assembly voting system, as the P5 would ultimately recognize that such a system would lead to a decrease in their influence. Furthermore, on the intervention level a local population may not want an intervention, or may have cultural values that do not favor interventions. In these cases, I further propose that invested parties be able to present evidence during a general assembly vote and during periodic review, so their views and contributions may be considered throughout the process.

As an addendum, this paper has also led me to consider avenues of future research, such as which human rights law would be most urgently applied to an R2P intervention, or have previous R2P interventions attempted to implement an SOP. But once we accept the core intuition of this paper, which is the need for a stronger and more robust R2P mechanism, we will not only be left with more incisive theoretical points of entry into these questions for further research but perhaps also realise the urgency to pay more attention to this nascent—and, unfortunately, currently dormant—doctrine.

Acknowledgments

I would like to thank my advisor for the valuable insight provided to me on this topic.

References

- Rwanda* (no date) *College of Liberal Arts*. Available at: [https://cla.umn.edu/chgs/holocaust-genocide-education/resource-guides/rwanda#:~:text=When%20Rwanda%20gained%20independence%20in,context%20of%20a%20civil%20war.\(Accessed:01August2024\).](https://cla.umn.edu/chgs/holocaust-genocide-education/resource-guides/rwanda#:~:text=When%20Rwanda%20gained%20independence%20in,context%20of%20a%20civil%20war.(Accessed:01August2024).)
- Libya Revolt of 2011* (2024) *Encyclopædia Britannica*. Available at: <https://www.britannica.com/event/Libya-Revolt-of-2011> (Accessed: 01 August 2024).
- Israel gaza war: History of the conflict explained* (2024) *BBC News*. Available at: <https://www.bbc.com/news/newsbeat-44124396> (Accessed: 01 August 2024).
- United Nations Office on Genocide Prevention and the responsibility to protect* (no date) *United Nations*. Available at: [https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml#:~:text=2005%20World%20Summit%20Outcome%20Document,-Paragraphs%20on%20the&text=Each%20individual%20State%20has%20the,through%20appropriate%20and%20necessary%20means.\(Accessed:28July2024\).](https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml#:~:text=2005%20World%20Summit%20Outcome%20Document,-Paragraphs%20on%20the&text=Each%20individual%20State%20has%20the,through%20appropriate%20and%20necessary%20means.(Accessed:28July2024).)
- Illingworth, R.* (no date) *Taylor & Francis Online: Peer-reviewed journals*. Available at: <https://www.tandfonline.com/doi/full/10.1080/21515581.2024.2319667> (Accessed: 06 August 2024).
- Menon, R.* (2013) *The fatal flaws of r2p*, *Atlantic Council*. Available at: <https://www.atlanticcouncil.org/blogs/new-atlanticist/the-fatal-flaws-of-r2p/> (Accessed: 06 August 2024).
- Hehir, A.* (2024) *The responsibility to protect debate: An enduring black ...* Available at: <https://www.tandfonline.com/doi/full/10.1080/17502977.2024.2307258> (Accessed: 06 August 2024).
- Chandler, D.* (2009) *Unravelling the Paradox of 'The Responsibility to Protect'*, *JSTOR*. Available at: <https://www.jstor.org/stable/25735148> (Accessed: 2024).
- The UN Security Council* (no date) *Council on Foreign Relations*. Available at: [https://www.cfr.org/background/un-security-council#:~:text=The%20Security%20Council%20has%20five,them%20can%20veto%20a%20resolution\(Accessed:28July2024\).](https://www.cfr.org/background/un-security-council#:~:text=The%20Security%20Council%20has%20five,them%20can%20veto%20a%20resolution(Accessed:28July2024).)
- Ramina, L.* (1970) *Twail - 'third world approaches to international law' and human rights: Some considerations**, *Revista de Investigações Constitucionais*. Available at: <https://www.redalyc.org/journal/5340/534057837013/html/> (Accessed: 06 August 2024).
- (No date) *Parliament*. Available at: <https://committees.parliament.uk/writtenevidence/120936/pdf/> (Accessed: 28 July 2024).
- The rise and fall of the responsibility to protect* (no date) *Council on Foreign Relations*. Available at: <https://education.cfr.org/learn/timeline/rise-and-fall-responsibility-protect> (Accessed: 28 July 2024).
- (No date a) *Peremptory norms of General International Law (jus cogens)*. Available at: <https://legal.un.org/ilc/reports/2019/english/chp5.pdf> (Accessed: 28 July 2024).
- Obligations erga omnes* (no date) *Oxford Public International Law*. Available at: <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1400> (Accessed: 28 July 2024).
- Libya* (2023) *Global Centre for the Responsibility to Protect*. Available at: <https://www.globalr2p.org/countries/libya/> (Accessed: 28 July 2024).

- (No date a) *From paralysis in Rwanda to boldness in Libya: Has the International Community Taken 'responsibility to protect' from abstract principle to concrete norm under international law?* Available at: https://www.researchgate.net/publication/256017242_From_Paralysis_in_Rwanda_to_Boldness_in_Libya_Has_the_International_Community_Taken_Responsibility_to_Protect_from_Abstract_Principle_to_Concrete_Norm_Under_International_Law (Accessed: 28 July 2024).
- Libya conflict: France air-dropped arms to rebels* (2011) *BBC News*. Available at: <https://www.bbc.com/news/world-africa-13955751> (Accessed: 28 July 2024).
- Security Council approves 'no-fly zone' over Libya, authorizing 'all necessary measures' to protect civilians, by vote of 10 in favour with 5 abstentions | meetings coverage and press releases* (no date) *United Nations*. Available at: <https://press.un.org/en/2011/sc10200.doc.htm> (Accessed: 28 July 2024).
- S/RES/1973 (2011) | security council* (no date) *United Nations*. Available at: <https://main.un.org/securitycouncil/en/s/res/1973-%282011%29> (Accessed: 28 July 2024).
- Randall, E. (2015) *After Qadhafi: Development and Democratization in Libya*, *JSTOR*. Available at: <https://www.jstor.org/stable/43698234> (Accessed: 2024).
- Davidson, C. (2017) *Why was Muammar Qadhafi really removed?* Available at: <https://onlinelibrary.wiley.com/doi/full/10.1111/mepo.12310> (Accessed: 06 August 2024).
- Nuruzzaman, M. (2013) *The 'Responsibility to Protect' doctrine: Revived in Libya, buried in Syria, Insight Turkey*. Available at: <https://www.insightturkey.com/commentaries/the-responsibility-to-protect-doctrine-revived-in-libya-buried-in-syria> (Accessed: 28 July 2024).
- Holleis, J. (2023) *Chemical attack in Syria 10 years on: 'we'll never forget' – dw – 08/21/2023*, *dw.com*. Available at: <https://www.dw.com/en/chemical-attack-in-syria-10-years-on-well-never-forget/a-66569092> (Accessed: 28 July 2024).
- State of Nature* (no date) *Encyclopædia Britannica*. Available at: <https://www.britannica.com/topic/state-of-nature-political-theory> (Accessed: 28 July 2024).
- What we believe* (2024) *Oxfam International*. Available at: <https://www.oxfam.org/en/what-we-do/about/what-we-believe> (Accessed: 28 July 2024).
- Application of the convention on the prevention and punishment of the crime of genocide in the Gaza Strip (South Africa v. Israel)* (no date) *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (Sou.* Available at: <https://www.icj-cij.org/case/192> (Accessed: 28 July 2024).
- (No date) *Why do we need the responsibility to protect*. Available at: <http://archive.ipu.org/splz-e/unga08/s1.pdf> (Accessed: 28 July 2024).
- (No date a) *The Limits of Humanitarian Intervention: Genocide in Rwanda on JSTOR*. Available at: <https://www.jstor.org/stable/10.7864/j.ctt127xzj> (Accessed: 28 July 2024).
- Authors: and Authors, M. (2018) *In the valley of death: Somaliland's forgotten genocide*, *Pulitzer Center*. Available at: <https://pulitzercenter.org/stories/valley-death-somalilands-forgotten-genocide> (Accessed: 28 July 2024).
- Liptak, K. (2024) *Biden says he will stop sending bombs and artillery shells to Israel if it launches major invasion of Rafah | CNN politics, CNN*. Available at: <https://edition.cnn.com/2024/05/08/politics/joe-biden-interview-cnntv/index.html#:~:text=Biden%20said%20while%20the%20US,ground%20invasion%20of%20Rafah%20begin> (Accessed: 28 July 2024).
- Ross Williams, S.D. (2024) *Biden addresses 'humanitarian crisis in Gaza' amid growing tensions on campuses • new jersey monitor, New Jersey Monitor*. Available at: <https://newjerseymonitor.com/2024/05/20/biden-addresses-humanitarian-crisis-in-gaza-amid-growing-tensions-on->

- campuses/#:~:text=Biden%20clapped%20and%20then%20greeted,working%20to%20find%20a%20solution . (Accessed: 28 July 2024).
- 200 days of military attack on Gaza: A horrific death toll amid intl. failure to stop Israel's genocide of Palestinians [en/ar] - occupied Palestinian territory (2024) ReliefWeb. Available at: <https://reliefweb.int/report/occupied-palestinian-territory/200-days-military-attack-gaza-horrific-death-toll-amid-intl-failure-stop-israels-genocide-palestinians-enar> (Accessed: 28 July 2024).
- (No date) *Ceasefires | UN Peacemaker - the United Nations*. Available at: <https://peacemaker.un.org/sites/peacemaker.un.org/files/Ceasefire-Guidance-2022.pdf> (Accessed: 28 July 2024).
- Roff, H. (2015) *Global Justice, Kant and the responsibility to protect: A provisional duty*, Routledge & CRC Press. Available at: <https://www.routledge.com/Global-Justice-Kant-and-the-Responsibility-to-Protect-A-Provisional-Duty/Roff/p/book/9781138856332> (Accessed: 28 July 2024).
- Broeke, H. ten and Simón, L. (2024) *The Limits of International Law: The Responsibility to Protect (R2P), Israel and the International Court of Justice*, Elcano Royal Institute. Available at: <https://www.realinstitutoelcano.org/en/commentaries/the-limits-of-international-law-the-responsibility-to-protect-r2p-israel-and-the-international-court-of-justice/> (Accessed: 28 July 2024).
- 1925 geneva protocol (no date) United Nations Office for Disarmament Affairs. Available at: <https://disarmament.unoda.org/wmd/bio/1925-geneva-protocol/#:~:text=The%201925%20Geneva%20Protocol%20prohibits,force%20on%208%20February%201928.> (Accessed: 28 July 2024).
- Proportionality (no date) *Proportionality | How does law protect in war? - Online casebook*. Available at: https://casebook.icrc.org/a_to_z/glossary/proportionality (Accessed: 28 July 2024).
- Challenges of the United Nations Peacekeeping Operations* (2022) Daniel K. Inouye Asia-Pacific Center for Security Studies. Available at: https://dkiapcss.edu/nexus_articles/challenges-of-the-united-nations-peacekeeping-op-erations/ (Accessed: 28 July 2024).
- (No date) *The Rwandan Patriotic Front (HRW report - leave none to tell the story: Genocide in Rwanda, March 1999)*. Available at: <https://www.hrw.org/reports/1999/rwanda/Geno15-8-03.htm> (Accessed: 28 July 2024).
- Gourevitch, P. (1998) *How the U.N. ignored a warning about the Rwandan genocide*, *The New Yorker*. Available at: <https://www.newyorker.com/magazine/1998/05/11/the-genocide-fax> (Accessed: 28 July 2024).
- Human right centre - università di padova: Files :: The United Nations and the rwandan genocide (no date) Human Right Centre - Università di Padova | Files. Available at: <https://unipd-centrodirittiumani.it/en/schede/The-United-Nations-and-the-Rwandan-genocide/507> (Accessed: 28 July 2024).
- Human right centre - università di padova: Files :: The United Nations and the rwandan genocide (no date a) Human Right Centre - Università di Padova | Files. Available at: <https://unipd-centrodirittiumani.it/en/schede/The-United-Nations-and-the-Rwandan-genocide/507#:~:text=UNAMIR%20was%20doomed%20to%20fail, costs%20for%20only%202%2C560%20soldiers.> (Accessed: 28 July 2024).
- Somalia intervention* (no date) *Encyclopædia Britannica*. Available at: <https://www.britannica.com/event/Somalia-intervention> (Accessed: 28 July 2024).
- Due process | system of administration of Justice* (no date) United Nations. Available at: <https://www.un.org/internaljustice/oaj/en/due-process> (Accessed: 28 July 2024).
- Home: International court of justice* (no date) Home | INTERNATIONAL COURT OF JUSTICE. Available at: <https://www.icj-cij.org/home> (Accessed: 28 July 2024).
- United Nations (2022) United Nations | Human Rights Watch. Available at: <https://www.hrw.org/topic/united-nations> (Accessed: 28 July 2024).

(No date) *Universal periodic review* | *ohchr*. Available at: <https://www.ohchr.org/en/hr-bodies/upr/upr-home> (Accessed: 28 July 2024).

Modus operandi (no date) *United Nations*. Available at:

https://www.un.org/depts/los/clcs_new/commission_mo.htm (Accessed: 28 July 2024).

(No date a) *U.S. military withdrawal and Taliban takeover in Afghanistan*. Available at:

<https://crsreports.congress.gov/product/pdf/R/R46879> (Accessed: 28 July 2024).