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THE RESPONSIBILITY TO PROTECT (R2P) AND ITS APPLICATION IN MODERN CONFLICTS.

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ABSTRACT.

The “Responsibility to protect” is the three pillar principle based on the principle of humanitarian intervention. It is the document adopted by the ‘United Nations General Assembly’ in 2005, which will govern the international community response to the mass atrocities. This paper will make an attempt to shed light on the new developed emerging principle in the international community “Responsibility to Protect”, also known as R2P. We will also try to figure out its use and abuse of the principle within the international relation landscape. The principle of responsibility to protect is the principle which states that, every state have the responsibility to protect their individual from mass atrocities, genocide, mass crime and violence, ethnic cleaning and crime against humanity. When a state is unable or inadequate to protect the individuals from these types of crimes then the responsibility shifts to the international community or organisation to protect the individuals from these crimes irrespective of their state or religion. It is equally available to every individual of every state. The principle of ‘Responsibility to protect’ is criticised due to the selective application of the principle, this principle is being accused of selective application in the state influenced by their own and political interest by powerful state and authority rather than the principle of humanitarian concern. This paper has also discussed the pros and cons of the selective application of the principle of ‘Responsibility to Protect’. the problem of selective application of the principle will defeat the basic purpose of the law, for what it was made and also will question the credibility and authenticity of the principle. This has also resulted in double standard principle choosing between interest and humanitarian intervention. The purpose of this research paper is to trace the history and development of the principle of responsibility to protect, also the practical implications of the principle. Also has tried to resolve the problem of selective application, transparency, accountability and consistency. This paper will also look into the active site and use and abuse of the power to intervene. The

application of the principle in international crises, author have chosen the case study of Libya and Syria, to look into the depth and implication of the principle practically. The international community has to get together to resolve the problem and take efficient measures to efficiently apply the principle and to uphold the principle of “ Responsibility to Protect”.

KEYWORDS. Responsibility to protect (R2P), United Nations General Assembly (UNGA), Mass atrocities, Genocide, Selective application, International relations.

INTRODUCTION.

“Responsibility to protect” is the principle that has emerged after the worldwide suffering from the mass genocides and the mass crimes that had taken place in the 20th century. “Responsibility to protect” represents the historic turning point in the global atmosphere.

The idea to protect the individuals or the population from the heinous violence and abuse is being adopted at courties level as well as at international level. This represents that countries and as well as the international community or organisation have the responsibility to the individuals from these types of heinous crime and mass violence.

The adoption of responsibility to protect in modern conflicts has very complicated and difficult procedures.

Responsibility to protect (R2P) provides the framework for interference to avoid mass crimes and violence and the practical implementation requires very advanced and complicated methods. International coordination and cooperation with consistent commitment to protect the individuals and their human rights is being very challenging.

This highlights the importance of careful consideration of the possible repercussions as well as the long term consequences of R2P actions and also should consider the recovery efforts to solvethe root causes of such crimes and the violence. Also should have taken preventive measures and measures to solve the root cause. In summary, RtoP uses an interpretation of sovereignty that differs from the classic Westphalian idea of sovereignty, as well as three pillars, to justify humanitarian intervention on moral and legal grounds. ‘Sovereignty’ as ‘Responsibility’ seeks to shift the focus

of sovereignty away from traditional definitions of non-intervention and towards the responsibility of rulers or those in power to protect the lives of their citizens, and thus the responsibility of the international community to protect those same citizens in the absence of domestic leadership. The Responsibility to Protect is now part of the international relations vocabulary, having essentially superseded humanitarian intervention, while the latter is still often referred to negatively. The move from 'Humanitarian intervention' to a 'Responsibility to protect' changes the debate's focus and seeks to reinterpret a key notion in international relations.

Responsibility to protect (R2P) is the norm and the political principle which aim to prevent and respond to atrocities, genocide, mass violence and crimes against humanity. It is needed to resolve the conflict between states and human rights organisation in order to protect individuals. States sovereignty includes both rights and responsibilities of the state to protect the individuals being the state's duty to protect. When states are unable or unwilling to do its duty to protect the individual, the international community comes into the picture and takes the responsibility to protect the individuals from mass crimes, atrocities and the crimes against humanity. International community intervenes in the states' matters and protects the individuals and performs the duty to protect. Responsibility to protect (R2P) provides the framework for interference to avoid mass crimes and violence and the practical implementation requires very advanced and complicated methods. International coordination and cooperation with consistent commitment to protect the individuals and their human rights is being very challenging.

This highlights the importance of careful consideration of the possible repercussions as well as the long term consequences of R2P actions and also should consider the recovery efforts to solve the root causes of such crimes and the violence.

The principle of responsibility to protect was adopted by the world summit in 2005, prioritizing the duty of the state to protect its citizens with the international community's responsibility to intervene when states fail to do its duty. In spite of the progress of the responsibility to protect and the implementation of R2P their being remains challenges like ongoing conflicts, disputes and disagreements in international law.

RESPONSIBILITY TO PROTECT (R2P).

“Responsibility to protect” is the principle of when the states have responsibility to protect the individuals from the mass atrocities; genocide; mass crimes; ethnic crimes and crimes against humanity, when state’s fails to perform their duty then international community have the responsibility to protect the individuals by intervention in the state.¹

The “Responsibility to Protect” (R2P or RtoP) aims to prevent tragic events and restore society subsequently. It represented the policy implementation of "never again". R2P is a rising standard in international relations, human rights, and security, defining ethical conduct in the international community. R2p is founded on the principles of respecting state sovereignty and refraining from interfering in domestic matters. Even though sovereignty includes self-determination and territorial integrity as the most essential rights of a state, it also entails the obligation to safeguard individuals inside its borders. The concept of non-intervention was critical in the formation of the United Nations. However, the third pillar of R2P states that the international community is accountable for taking action when a state fails to protect its population from one or more of the four crimes. Every state holds primary duty for safeguarding populations under its authority against genocide, war crimes, ethnic cleansing, and crimes against humanity. Nonetheless, if the territorial state fails to halt these crimes or is reluctant to do so, the international community is obligated to interfere. Sovereignty includes responsibility, hence nonintervention is contingent on the territorial state performing its obligation to safeguard its population.

In 2009, UN Secretary-General Ban Ki-moon put forward the "Implementing the Responsibility to Protect" report, which outlined 3 pillars of R2P.²

The first pillar explains the new approach to sovereignty, emphasizing nations' main responsibility to protect citizens from mass atrocities and crimes. The second pillar, emphasizes the international community's commitment to assisting governments in developing their capacity to avoid mass crimes, stating that prevention is essential for a successful responsibility to protect approach. And according to the third pillar, if a state fails to defend its people, the international community must

¹ Gareth Evans & Mohamed Sahnoun, The responsibility to protect, Vol. 81, No. 6 (Nov. - Dec., 2002), 99-100

² Global Center for the Responsibility to protect, <https://www.globalr2p.org/what-is-r2p/#:~:text=The%20Responsibility%20to%20Protect%20%E2%80%93%20know,cleansing%20and%20crimes%20against%20humanity>. (last visited on feb. 08, 2024)

respond quickly and decisively as a collective.

The principle of “Responsibility to protect”, is also known as the “Three pillars of responsibility to protect”.

Pillar I:

“The protection responsibilities of the state” – “Each individual state has the responsibility to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity”. It is the responsibility of every individual state to protect the population from atrocities, genocide, ethnic cleansing and crime against humanity. It is mentioned that the primary duty is to protect the individuals from the mass atrocities and mass crimes is the duty or responsibility of the respective state.

Pillar II:

“International assistance and capacity-building” – States pledge to assist each other in their protection responsibilities. It is the responsibility of the international community to handle and take actions to aid the states to perform the responsibility with long-term and short-term goals. If the state has failed to protect the individuals from the mass atrocities and mass crime, then the secondary duty or responsibility lies with the international community to protect the individuals.

Pillar III:

“Collective actions taken timely and decisive” – If any state is “manifestly failing” in its protection responsibilities, then states should take “Collective action” to protect the individuals.

The responsibility of the international community to take collective action and make decisions in an effective manner on time. If any states have manifestly failed in the responsibility to protect, the states together should take collective action to protect the individuals.³

³ Global Center for the Responsibility to protect, <https://www.globalr2p.org/what-is-r2p/#:~:text=The%20Responsibility%20to%20Protect%20%E2%80%93%20know,cleansing%20and%20crimes%20against%20humanity>. (last visited on feb. 08, 2024)

DEVELOPMENT OF RESPONSIBILITY TO PROTECT

“Responsibility to protect”, is the concept when the responsibility of states shifts to the international community to protect and safeguard the responsibility of protecting individuals. The “Responsibility to protect” (R2P) principle has evolved significantly after the failure of the international community to prevent mass crimes and violence by protecting individuals from such crimes. Responsibility to protect represents a new era on an international level after the tragedies in the 19th century. The responsibility to protect was a classical idea of state sovereignty that aimed to safeguard its population from genocide, war crimes, ethnic cleansing, and crimes against humanity.

The “International Commission on Intervention and States Sovereignty” (ICISS) had given a report for the groundwork for responsibility to protect and the criteria for intervention in such a situation where states fail to protect their citizens and maintain their human rights. The incentive concluded in the 2005 United Nations World Summit, where this notion has been adopted widely as part of commitment to global human security. Since then, responsibility to protect has become the practice of the international community with principles incorporated by United Nations resolutions and regional organisations. The evolution of R2P was always being problematic and conflicts arose.

HISTORY OF RESPONSIBILITY TO PROTECT

The “Responsibility to protect” has its roots in the late 19th century, as a result of many mass violence and crimes against the individuals, when states fail to protect their individuals from mass atrocities. The concept of “Responsibility to protect”, (R2P) has evolved after the failing of states in the protection and doing their duty to protect the individuals from mass crimes and violence. This concept is the response of the failure of states, state fails in historical event that influenced the development of responsibility to protect also included the genocide happened during the world war.

These all mishappening and the state’s failure leads to the need for a framework that can protect the individuals from mass atrocities and the international obligation to protect individuals from mass crimes and violence. The concept of ‘humanitarian intervention’ also evolved in the framework in responsibility to protect. The 1990s have witnessed a series of events of humanitarian crisis and how states have failed to protect its individuals from the mass atrocities.

These catastrophic events highlighted the need for such a framework and also the limited state sovereignty and promoted the idea of international intervention in order to protect the individual from mass atrocities. The aftermath of these events turned into the formation of ICISS to resolve the tension between the states sovereignty and the international community responsibility to protect the individuals from mass genocide, crimes, ethnic cleansing and the crimes against the humanity. Then the commission report was released in 2001, which introduced the concept of Responsibility to Protect.

The principle 'Responsibility to protect' have gained significant support and acknowledgment when it was adopted by the "United Nations world summit". The summit's outcome was the document of responsibility to protect as a framework for the response of the mass atrocities, also creating the primary duty of states to protect the individuals and the secondary duty to the international community to protect.

After the 2005 world summit, the concept of responsibility to protect became a more important concept in international course and practice.⁴ The United Nations security council has utilized the concept of responsibility to protect in many situations, intervention in Libya (2011), Syria (2014) and Iraq (2016). In spite of its evolving nature, this concept has always faced debates and challenges. There are critics about the potential misuse of responsibility to protect to justify unlawful intervention and about the inconsistency of international responses.

IMPORTANCE AND USAGE OF R2P.

The security of individuals and communities with state sovereignty is very important in international relations. Responsibility to protect is the principle which helps to conserve the states sovereignty with protection of the individuals from the mass atrocities, genocide, mass crimes and crimes against humanity. Also responsibility to protect, is the concept formed to end these mass atrocities and mass crimes. Responsibility to protect is the norm from that international community got authority to interfere in the states matter when states fails to protect the individuals from the mass crimes. This principle is used to save and protect the state's sovereignty and rights of individuals.⁵ It is a very important aspect in the international field, to

⁴ United nations,

<https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml#:~:text=Paragraphs%20on%20the%20Responsibility%20to%20Protect&text=Each%20individual%20State%20has%20the,through%20appropriate%20and%20necessary%20means.> (last visited on mar. 10, 2024)

⁵ UNITED STATES INSTITUTE OF PEACE,

protect the individuals and prevent such crimes from taking place. It is used when state fails to protect its population from mass atrocities, genocide or mass crimes, international community takes the responsibility to protect the individuals from such crimes. States sovereignty and integrity are questioned when such mis-happening is done, to protect and safeguard the sovereignty and integrity of the state, “ responsibility to protect” is needed to be executed with proper precautions and measures.⁶

SELECTIVE APPLICATION OF R2P.

The responsibility to protect, is the principle to assert the international organisation to protect the individual from mass atrocities and mass crime. But, the principle of responsibility to protect also had to face some criticism and challenges and through this paper we will try to find and resolve the problem of selective application.

Selective application means to the biases and the inconsistency in the process to implementing responsibility to protect. It is argued that this principle is invoked on the basis of political agendas and political interests. This principle is to protect and safeguard the individuals without their nationality or country. This is always argued that application of the principle is always politically motivated. It is said that powerful states or countries generally apply responsibility to protect principle selectively as their supporting and non-supporting interest. Powerful states will tend to prioritize their interest over humanitarian concerns. Religion also contributes to the cause of the misuse or selective application of the responsibility to protect. Religion is something that is very personal and sentimental to people and it was very evident from the international history that religion can lead to wars, mass violence and even many more. Religion can influence or motivate people very easily, people in the name of god can do any bad for their religion. Many times it is shown in history that how religion overpower humanity in the society.

The problem of selective application will undermine the reason for which it is founded and also defeat the purpose of the principle to protect. To maintain the trust and confidence of people in the norm, these issues need to be resolved. People will lose their faith and trust in these kinds of organizations if the basic purpose is defeated, and it is important that the people have trust in

<https://www.usip.org/programs/responsibility-protect-working-group>, (last visited on Feb. 20, 2024)

⁶ Prof. (Dr.) Jasmeet Gulati, The Responsibility to Protect under International Law with reference to the Afghan Crisis, INTERNATIONAL LAW BLOG (Apr. 09, 2024, 08:15 pm),

<https://internationallaw.blog/2022/03/21/the-responsibility-to-protect-under-international-law-with-reference-to-the-afghan-crisis/>

these principles that are made for their protection. The duty for protection whether on states or on the international community should be fulfilled irrespective of the fact that where the political interest lies. The misuse of this principle can lead to many severe consequences and will lead to the question of national interest and the sovereignty norm.

To resolve this issue there must be norms that can help to restore sovereignty and there is need for clear and efficient implementation of responsibility to protect principle. This can undermine the trust and effectiveness of the principle 'responsibility to protect'. The issue of selective application may end up in demands of double standards in international relations. Transparency and accountability can help in achieving the goal of responsibility to protect. There should be transparency in the working and as well as in their decision making in implementation of the principle and their actions should also be made liable or responsible for their act or omission.

PROS AND CONS OF SELECTIVE APPLICATION OF RESPONSIBILITY TO PROTECT

Let us now know what are the pros and cons of the selective application of the principle of responsibility to protect. As of now there are not many prons to this, but selective application helps us to acknowledge the limited resources and the political agenda while resolving the issue. Acknowledging the issue of limited resources is how to efficiently and efficiently utilize the resource with keeping in mind the principle of optimum utilisation of the resources. Alsopolitical agenda plays an important role in selective application of responsibility to protect. These are factors that are to be considered while addressing the issues of mass atrocities.

States having the opportunity to prioritize their political interest and their interventions will help them to strategize their policies and approach for their international framework.

Selective application leads to contradiction and violation of universal human rights and the principle of equal protection. Various rights are violated: right to life, right to equality, right to freedom, live with dignity and many more. Just because the individual belongs to a particular country or a particular religion. Treating people differently or unequally will lead to injustice and grave inequality to them. Prioritizing the interventions on bases of their political interest or their strategy can lead to loss of many lives and loss of humanity. People will lose their faith and trust in the process of law.

Majorly selective application of ‘responsibility to protect’ will defeat the sole purpose of this law or principle, it is meant to save people from mass atrocities and for their protection.

Sticking to the principle of responsibility to protect with their political and social agenda it is very difficult and challenging for the countries as well as the international community.

CASE STUDY

➤ **CASE OF LIBYA**

The issue in Libya have rooted from the political changes due to the “Arab Spring” uprising. Uprising was begin in early 2011. The political protests were demanding the end of the leadership of Muammar Gaddafi, the leadership of Gaddafi was began in Tripoli and have extended although the nation which have resulted in civil war and humanitarian crisis. Starting from February to August 2010 Gaadfi troops have detained individuals in hundreds from the country, including antigovernment, demonstration, government opponents and persons who are accused of providing information to international media and human right organisation. Known of the situation “Arab League” took a strong action against the gaddafi regime of using force, suspended libya, convened an extraordinary session, and calling it on the security council to take necessary measures to impose a no-fly zone and intervene to protect the population while respecting neighbouring countries sovereignty and integrity. From significant human rights violation, Gaddafi was in intent of assertion to conduct mass crimes, the UN Security Council have issued resolution on february 26, 2011. It was an attempt to peacefully end the Libyan crisis. The resolution have emphasised on libyan authorities to have the obligation to protect their individuals and referred the matter to the ICC, and imposed weapons embargo, travel ban and freeze on number of identified individuals assertion. In the early march, the UN security council approved the resolution of no-fly zone over libya and the permission for airstrikes to protect the individuals and NATO will take this mission under their command. On march 2011 United Nations security council finally authorized military action to be taken in libya to safeguard the libyan population is the primary goal of the mission. Military intervention by NATO in Libya and launched the idea that world should stand by whwn mass crimes happen in a sovereign state. In the response to the dictatorship of Libyan president Gaadfi, a massive and inhumane attack on the people of his country. The resolution passed by the United Nations Security Council in 1970 and 1973. The resolution called for an arms embargo and no-fly zone. Further the resolution authorsied member

nations and regional organisation to adopt and take all necessary measures to responsibility to protect and protect the individuals from the mass crimes nad protect the states sovernity and integrity. After some time NATO effort grow beyond the original mandate for assisting for anti-Gaddafi troop. NATO have conducted a seven month effort to protect the peoplefrom mass crimes and attacks in libya. By launching hundreds of air strikes against the attackand government. After one year in october, Gaddafi was eventually apprehended and executed. After the proclaiming libya officially liberated and announced the election, the security council directed to end the military operation in libya. The security council unanimously endorsed the resolution eliminating the UN mandated by military action and lifting the no-fly zone over Libya which was established in march 2011.⁷

➤ CASE OF SYRIA

Started in march 2011, the syrian conflict have been shifted from peaceful protects which was isolated to the large-scale rallies, with the aid of president Bashar al-Assad's administration which was established the free syrian army. Since that, the army regime have carried out the operation against the civilians of the state. Executing from the arrest of the political activists to torture and execution. Syria have denied that government have done any such atrocities and have been justifying its action by stated that it was as a response to opposition group or party attacks.

There was a massive human right violation taken place and was in continuation. Syiarna government and troops have killed many peaceful demonstrator than the armed rebellion in libya.

However, the principle of responsibility to protect have not been considered in syria, unlike was happened in libya. The proposed resolution for syria have not authourised the deployment of international forces and sanction for the same. On 16 march, U.N envoy Kofi unveiled a six pointer peace proposal for syria. President of syria Assad have embarked the proposal and have ensured taht his administration will follow the proposal. However, the regime have continued to kill the protestors in syria. Febuaury 4, 2012 was the day when the UN security council have approved the resolution draft with 13 votes in favor and the veto by China and Russia. On July 19, 2012 China and Russia used their veto power to prevent another reolution. But this time south africa and pakistan abstained, and have empasing on the need of finding a peaceful

⁷ Global Center for the Responsibility to protect, <https://www.globalr2p.org/countries/libya/>, (last visited on Mar. 14, 2024)

conclusion with the help of negotiation as well as the importance of maintaining sovereignty and integrity of the Syrian territory.⁸

The lack of ability to approve a resolution on Syria was also directly tied to NATO operation of Libya. Some of the scholars think that the differences are inside the UN Security Council which have a direct influence on the future of responsibility to protect. The explanation which was provided by China and Russia was that Syria has failed to protect its individuals that is the reason they have used their right to veto on the resolution also because the resolution failed to hold the opposition forces accountable for the mass atrocities. India, China, Russia, Brazil and South Africa vetoed in the second resolution because it has failed to call on the opposition to dis-associate from the extremists. They are more concerned about that the resolution would not result in armed intervention, which has been done at the time of Libya intervention.

CONCLUSION.

This research has given a comprehensive study of the principle of “Responsibility to protect” by tracing its development and history of the principle. Also how this has emerged as a new norm in the international community. Establishing the responsibility to the states and to the international community to protect the individuals, from mass atrocities, genocide, mass crimes, crime against humanity. It has been established that states have the primary responsibility to protect and if a state fails to protect the individual from mass atrocities, genocide, mass crimes and these types of crimes then the responsibility shifts from state to international community to protect. This is also argued that the responsibility to protect principle has selective application which is influenced by political interest and their own interest. Although every aspect has its own pros and cons, as mentioned and discussed above. It is also mentioned how the international community has acted in the issue of Libya and Syria in 2011. From how the resolution has been proposed to intervention in the conflict and taking preventive measures. Responsibility is not just to protect them, it is also to protect and take protective measures and try to bring back to its original situation without any crime, we can also say to restore the position.

The international community should act in a transparent manner and should be accountable for their action, as where power lies, use and misuse happens. It is also argued that some time

⁸ Global Center for the Responsibility to protect, <https://www.global2p.org/countries/syria/#:~:text=For%20over%20a%20decade%20the,a%20matter%20of%20st at e%20policy>. (last visited on Mar.15, 2024)

unlawful intervention can be covered by this principle. Power authority or state uses this principle to intervene in another state for an unlawful purpose with malafide intention, also can cause damage to state sovereignty and integrity.

The effective framework should be imposed and taken into consideration for implication of the principle “Responsibility to Protect”, there should be certain conditions and essentials to imposing the principle and also preventive measures to prevent its abuse and misuse by powerful authorities. The principle is made for people's protection, not for state interest and for their convenience. Principle should go parallel with the principle of equality, there should not be any discrimination and misuse with the people who need protection from mass atrocities, genocide, mass crimes and violence, and crime against humanity.

