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RECONCEPTUALISING SOVEREIGNTY: A CRITICAL APPRAISAL OF THE RESPONSIBILITY TO PROTECT (R2P) IN CONTEMPORARY INTERNATIONAL LAW

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Abstract

“The doctrine of the Responsibility to Protect (R2P) represents a significant normative development in contemporary Public International Law, reflecting a gradual shift from the classical conception of absolute sovereignty towards a responsibility-based framework centred on the protection of human dignity. Emerging in the aftermath of the international community’s failure to prevent mass atrocities in Rwanda and the Balkans, R2P seeks to reconcile the principle of non-intervention with the imperative to respond to genocide, war crimes, ethnic cleansing, and crimes against humanity.

This paper undertakes a comprehensive and critical examination of the evolution, legal framework, and practical application of R2P within the United Nations system. It analyses the doctrine’s three-pillar structure—state responsibility, international assistance, and collective response—while evaluating its implementation in contemporary conflicts, including Libya, Syria, and Yemen. Through these case studies, the paper highlights the persistent tension between normative aspiration and geopolitical reality, demonstrating that the operationalisation of R2P remains deeply contingent upon the political dynamics of the international system, particularly within the United Nations Security Council.

The study further engages with judicial and scholarly perspectives to assess whether R2P has attained the status of customary international law or continues to function as a form of soft law. It argues that, notwithstanding its moral legitimacy and growing normative influence, R2P remains structurally constrained and has not crystallised into a binding legal rule due to inconsistent State practice, the absence of enforceable standards, and its dependence on Security Council authorisation.

The paper concludes that while R2P has redefined the discourse on sovereignty and humanitarian protection, its effectiveness as a legal doctrine is limited by structural and political constraints, thereby necessitating greater legal clarity, institutional reform, and consistent application for its future development.”

Introduction

The doctrine of Responsibility to Protect (R2P) represents one of the most significant normative developments in contemporary Public International Law, marking a gradual yet profound shift in the understanding of sovereignty from an absolute prerogative of non-interference to a conditional responsibility grounded in the protection of human dignity. At its conceptual core, R2P postulates that sovereignty is not merely a shield against external intervention, but rather a positive obligation upon the State to safeguard its population from egregious violations of fundamental human rights, including genocide, war crimes, ethnic cleansing, and crimes against humanity.¹

The intellectual genesis of R2P is traceable to the deep moral and legal crises that confronted the international community in the closing decade of the twentieth century. The catastrophic failure to prevent the Rwandan Genocide and the atrocities committed during the Yugoslav Wars² exposed the stark inadequacies of the prevailing international legal order, particularly the rigid adherence to the principle of non-intervention enshrined in Article 2(7) of the United Nations Charter.³ In Rwanda, the international community stood as a passive spectator to mass extermination, while in the Balkans, intervention occurred belatedly and, in certain instances, without clear legal authorization. These events collectively underscored a fundamental paradox: the international legal system, while prohibiting the use of force, lacked an effective mechanism to address mass atrocity of crimes perpetrated within sovereign borders.

It is against this backdrop that the discourse surrounding humanitarian intervention gained renewed prominence. Traditionally viewed with suspicion due to its potential for abuse and its tenuous legal foundation, humanitarian intervention was often criticised as a tool of political expediency rather than a principled legal doctrine. The absence of a coherent framework led to inconsistencies in practice, thereby necessitating a reconceptualisation of the relationship

¹ 2005 World Summit Outcome, G.A. Res. 60/1, ¶¶ 138–139 (Oct. 24, 2005).

² U.N. Secretary-General, *Implementing the Responsibility to Protect*, U.N. Doc. A/63/677, ¶¶ 3–5 (Jan. 12, 2009).

³ U.N. Charter art. 2(7).

between sovereignty and international responsibility.

The turning point emerged with the report of the International Commission on Intervention and State Sovereignty in 2001,⁴ which introduced the formulation of the “*Responsibility to Protect*.” This articulation sought to transcend the binary opposition between intervention and sovereignty by reframing the debate: the primary responsibility to protect populations lies with the State itself; however, where a State is unwilling or unable to discharge this obligation, the responsibility devolves upon the international community. This normative shift was subsequently endorsed at the 2005 World Summit Outcome,⁵ thereby lending political legitimacy to the doctrine.

Notwithstanding its aspirational appeal, R2P remains a subject of intense legal and scholarly contestation. Its precise status within the hierarchy of international norms—whether as an emerging principle of customary international law, a form of soft law, or merely a political commitment—continues to provoke debate. Moreover, the tension between collective humanitarian imperatives and the foundational principle of state sovereignty raises critical questions regarding legitimacy, selectivity, and potential misuse.

This paper seeks to undertake a comprehensive and critical examination of the doctrine of R2P within the framework of Public International Law. It endeavors to analyze its legal foundations, operational mechanisms, and practical applications, while simultaneously interrogating its limitations and contemporary relevance in an increasingly fragmented geopolitical order.

This paper contends that the Responsibility to Protect (R2P), despite its normative sophistication, has failed to evolve into a binding principle of international law and instead operates as a politically contingent doctrine, constrained by structural limitations within the United Nations system and shaped by selective State practice.

Research Methodology

This paper adopts a doctrinal and analytical research methodology, grounded in the systematic examination of primary legal sources, including the Charter of the United Nations, relevant General Assembly and Security Council resolutions, and jurisprudence of the International

⁴ Int'l Comm'n on Intervention & State Sovereignty, *The Responsibility to Protect* (2001).

⁵ 2005 World Summit Outcome, G.A. Res. 60/1, ¶¶ 138–139 (Oct. 24, 2005).

Court of Justice. In addition, it engages with secondary sources, such as academic literature, scholarly commentaries, and institutional reports, to critically analyse the evolution and normative status of the Responsibility to Protect (R2P).

The study further employs a comparative case study approach, examining instances such as Libya, Syria, and Yemen to evaluate the practical application and limitations of the doctrine. A qualitative and interpretative framework is adopted to assess the interaction between legal principles and geopolitical realities, with the objective of determining whether R2P has evolved into a binding rule of international law or remains a politically contingent norm.

Review of Literature

The doctrine of the Responsibility to Protect (R2P) has generated extensive scholarly engagement, reflecting a spectrum of perspectives concerning its legal status, normative value, and practical viability. Among its principal proponents, *Gareth Evans*⁶ and the International Commission on Intervention and State Sovereignty (ICISS)⁷ have characterised R2P as a transformative shift in international law, redefining sovereignty as responsibility and providing a structured framework for the prevention and response to mass atrocities. Similarly, scholars such as *Alex J. Bellamy* have defended R2P as an emerging normative standard, emphasising its preventive dimensions and its potential to enhance international cooperation in addressing humanitarian crises.⁸

Conversely, a significant body of critical scholarship questions both the legitimacy and consistency of R2P. *Antonio Cassese*,⁹ while acknowledging the moral necessity of humanitarian intervention, has expressed reservations regarding the doctrine's legal robustness and its compatibility with the existing Charter framework. More sceptical perspectives, notably advanced by *Noam Chomsky*,¹⁰ contend that R2P may function as a vehicle for the exercise of hegemonic power, susceptible to selective application and political manipulation. *Carsten Stahn* further critiques the doctrine as a form of “*political rhetoric*” that has yet to crystallise

⁶ Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* 35–38 (Brookings Institution Press 2008).

⁷ Int'l Comm'n on Intervention & State Sovereignty, *The Responsibility to Protect* (2001).

⁸ Alex J. Bellamy, *Responsibility to Protect: A Defense* 120–25 (Oxford Univ. Press 2015).

⁹ Antonio Cassese, *International Law* 369–72 (2d ed. 2005).

¹⁰ Noam Chomsky, *The New Military Humanism: Lessons from Kosovo* 10–15 (1999).

into a binding norm of international law due to inconsistent state practice and the absence of *opinio juris*.¹¹

Between these positions, a number of scholars adopt a more nuanced approach, recognising R2P as an evolving norm situated at the intersection of law and policy. *Ramesh Thakur*,¹² for instance, views the doctrine as a developing framework whose effectiveness depends upon institutional reform and sustained political commitment.

Notwithstanding this extensive scholarship, a persistent gap remains in reconciling the doctrinal aspirations of R2P with its empirical application in contemporary conflicts. This paper seeks to address this gap by critically examining both the legal foundations and practical implementation of R2P, thereby assessing whether it constitutes an emerging rule of international law or remains a politically contingent doctrine.

Historical Evolution and Conceptual Foundation

The doctrine of the Responsibility to Protect (R2P) did not emerge in a doctrinal vacuum; rather, it is the culmination of a protracted evolution within Public International Law, shaped by the persistent tension between the principles of state sovereignty and humanitarian protection. Its conceptual foundation lies in the gradual erosion of the absolutist conception of sovereignty that had long governed the international legal order since the *Peace of Westphalia (1648)*,¹³ which entrenched the notion of territorial integrity and non-intervention as cardinal principles of interstate relations.

For much of the twentieth century, international law exhibited a marked reluctance to countenance intervention in the internal affairs of States, even in the face of grave human rights violations. The principle of non-use of force, codified under Article 2(4) of the United Nations Charter,¹⁴ coupled with Article 2(7),¹⁵ effectively insulated domestic jurisdiction from external interference. However, this rigid framework increasingly came under strain in the post-Cold War era, as the international community was confronted with instances of mass atrocities that

¹¹ Carsten Stahn, *Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?*, 101 *Am. J. Int'l L.* 99, 102–05 (2007).

¹² Ramesh Thakur, *The Responsibility to Protect: Norms, Laws and the Use of Force in International Politics* 140–45 (2011).

¹³ Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* 20–25 (1999).

¹⁴ U.N. Charter art. 2(4).

¹⁵ U.N. Charter art. 2(7).

challenged the moral legitimacy of non-intervention.

The failures witnessed during the Rwandan Genocide and the atrocities committed in the Yugoslav Wars¹⁶ served as catalytic events in this transformation. These crises exposed not merely operational shortcomings but also a normative deficit within international law—namely, the absence of a coherent legal doctrine capable of reconciling the prohibition on the use of force with the imperative to prevent large-scale human suffering. The international response oscillated between inaction, as in Rwanda, and controversial intervention, as in Kosovo,¹⁷ thereby underscoring the urgent need for a principled and consistent framework.

In response to these challenges, the International Commission on Intervention and State Sovereignty,¹⁸ established in 2000, undertook the task of reconfiguring the discourse. Its seminal 2001 report marked a paradigmatic shift by reframing the issue from a “*right of intervention*” to a “*responsibility to protect*.” This reconceptualisation was both strategic and substantive. By shifting the focus from the prerogatives of intervening States to the rights of affected populations, the Commission sought to ground the doctrine in human-centric legal reasoning, thereby enhancing its moral and normative legitimacy.

The ICISS Report articulated a tripartite framework encompassing the responsibility to prevent, responsibility to react, and responsibility to rebuild. It further emphasised that military intervention, while permissible under exceptional circumstances, must adhere to stringent criteria, including just cause, right intention, last resort, proportional means, and reasonable prospects of success. Importantly, the Commission reaffirmed the centrality of the United Nations Security Council as the primary authority for authorising coercive measures, thereby attempting to align the doctrine with the existing Charter framework.

The subsequent endorsement of R2P at the 2005 World Summit Outcome¹⁹ represented a significant milestone in its institutionalisation. However, the formulation adopted therein was notably more restrained than the ICISS proposal, reflecting the political compromises inherent in multilateral consensus. The emphasis shifted from an expansive doctrine of intervention to a more cautious affirmation of State responsibility and collective action through established

¹⁶ U.N. Secretary-General, *Implementing the Responsibility to Protect*, supra note 2.

¹⁷ Noam Chomsky, *The New Military Humanism: Lessons from Kosovo* 1–5 (1999).

¹⁸ Int’l Comm’n on Intervention & State Sovereignty, supra note 4.

¹⁹ 2005 World Summit Outcome, supra note 1.

UN mechanisms. This dilution has led some scholars to characterise R2P not as a fully crystallised legal norm, but as a politically negotiated principle with limited operational clarity.²⁰

From a conceptual standpoint, R2P embodies a normative shift rather than a complete legal transformation. It does not abrogate the principle of sovereignty; rather, it redefines it as contingent upon the State's capacity and willingness to protect its population. This recharacterisation aligns with broader developments in international human rights law, which increasingly recognise individuals, rather than States alone, as subjects of legal concern.

Nevertheless, the doctrinal coherence of R2P remains contested. Critics argue that it represents a normative compromise, lacking both the precision of binding law and the consistency of customary practice. Its reliance on political will, particularly within the United Nations Security Council, raises questions regarding its enforceability and susceptibility to selective application. Conversely, proponents contend that R2P constitutes an evolving norm, reflective of an emerging consensus that mass atrocity crimes are matters of legitimate international concern.

In essence, the historical evolution of R2P reveals a gradual but discernible shift in the architecture of international law—one that seeks to reconcile the imperatives of sovereignty with the demands of humanity. Whether this shift will culminate in the consolidation of a binding legal doctrine or remain confined to the realm of political aspiration continues to be a defining question for contemporary international jurisprudence.

Legal Framework of the Responsibility to Protect (R2P)

The doctrine of the Responsibility to Protect (R2P), notwithstanding its normative appeal, operates within the established architecture of the Charter of the United Nations,²¹ and its legal legitimacy must be assessed in light of the foundational principles governing the use of force, state sovereignty, and collective security. The central question that arises is whether R2P constitutes a legally enforceable norm or remains confined to the domain of political commitment.

²⁰ Carsten Stahn, *Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?*, 101 *Am. J. Int'l L.* 99, 102–05 (2007).

²¹ U.N. Charter pmbl.

At the outset, Article 2(4) of the UN Charter enshrines a general prohibition on the threat or use of force against the territorial integrity or political independence of any State.²² This provision is widely regarded as a cornerstone of contemporary international law and has attained the status of a peremptory norm (*jus cogens*). Any invocation of R2P that contemplates coercive measures must, therefore, be reconciled with this prohibition. The only recognised exceptions under the Charter framework are self-defence under Article 51²³ and enforcement action authorised by the Security Council under Chapter VII.²⁴

R2P does not purport to create an independent legal basis for the unilateral use of force. Rather, it is designed to operate within the confines of the Charter system, particularly through the mechanisms envisaged under Chapter VII. In this regard, the role of the United Nations Security Council assumes paramount importance. It is the Security Council that retains the primary responsibility for the maintenance of international peace and security and possesses the authority to determine the existence of any threat to peace, breach of peace, or act of aggression under Article 39, and to authorise appropriate measures, including the use of force.²⁵ The formal recognition of R2P in international discourse is traceable to the 2005 World Summit Outcome, particularly paragraphs 138 and 139 thereof.²⁶ These provisions affirm that each State bears the primary responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, and that the international community, through the United Nations, has a responsibility to take collective action, in a timely and decisive manner, should peaceful means prove inadequate. Notably, such action is expressly conditioned upon compliance with the Charter, thereby reinforcing the centrality of the Security Council.

Subsequent resolutions of the Security Council have, on occasion, invoked R2P language, most prominently in the context of the Libyan crisis in 2011.²⁷ However, these references have been context-specific rather than constitutive of a general rule, thereby limiting their precedential value. The absence of a codified treaty or universally binding instrument incorporating R2P

²² U.N. Charter art. 2(4).

²³ U.N. Charter art. 51.

²⁴ U.N. Charter ch. VII.

²⁵ U.N. Charter art. 39; see S.C. Res. 678, U.N. Doc. S/RES/678 (Nov. 29, 1990) (authorising "all necessary means" to uphold prior S.C. resolutions concerning Iraq).

²⁶ 2005 World Summit Outcome, supra note 5, ¶¶ 138–139.

²⁷ S.C. Res. 1973, ¶ 4, U.N. Doc. S/RES/1973 (Mar. 17, 2011).

further complicates its legal status.²⁸

The debate regarding the binding versus non-binding nature of R2P remains deeply contested. From a strictly positivist perspective, R2P does not satisfy the criteria of a binding rule of international law. It lacks the essential elements of state consent, consistent state practice, and *opinio juris* necessary for the formation of customary international law.²⁹ Moreover, the language of the World Summit Outcome Document is inherently cautious and political, reflecting a compromise rather than a definitive legal commitment.

Nevertheless, it would be reductive to characterise R2P as devoid of legal significance. It may more accurately be described as a form of “*soft law*”, embodying normative expectations that influence state conduct and the interpretation of existing legal obligations.³⁰ In particular, R2P reinforces obligations already incumbent upon States under international humanitarian law, international human rights law, and the *Genocide Convention (1948)*.³¹ In this sense, it functions as a normative framework that consolidates and contextualises pre-existing legal duties, rather than creating entirely new ones.

A further dimension of the legal debate concerns the possibility of R2P evolving into a rule of customary international law. While there is increasing rhetorical endorsement of the doctrine in international forums, the inconsistency of its application and the evident reluctance of States to accept binding obligations of intervention militate against such a conclusion. The persistent divisions within the Security Council, particularly the exercise of veto power by permanent members, underscore the absence of a unified legal consensus.³²

Critically, the dependence of R2P on Security Council authorisation introduces a structural limitation that affects both its legitimacy and effectiveness. While this requirement ensures conformity with the Charter, it also subjects the doctrine to the vagaries of geopolitical interests, thereby undermining its capacity to function as a consistent legal mechanism.

²⁸ Carsten Stahn, *Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?*, 101 *Am. J. Int'l L.* 99, 110–12 (2007).

²⁹ *North Sea Continental Shelf Cases (Ger. v. Den.; Ger. v. Neth.)*, Judgment, 1969 I.C.J. 3, ¶ 77 (Feb. 20).

³⁰ Dinah Shelton, *Soft Law*, in *Handbook of International Law* 68–80 (David Armstrong ed., 2009).

³¹ *Convention on the Prevention and Punishment of the Crime of Genocide*, Dec. 9, 1948, 78 U.N.T.S. 277.

³² Alex J. Bellamy, *Responsibility to Protect or Trojan Horse?*, 19 *Ethics & Int'l Aff.* 31, 33–35 (2005).

In summation, the legal framework of R2P is best understood as derivative rather than autonomous. It operates within, and is constrained by, the existing Charter regime governing the use of force. While it has contributed to the evolution of normative expectations regarding the protection of populations, it has yet to crystallise into a binding rule of international law. Its future trajectory will depend upon the extent to which States are willing to translate political commitment into consistent legal practice.

Core Pillars of the Responsibility to Protect (R2P)

The operational architecture of the Responsibility to Protect (R2P) is structured around a tripartite framework, commonly referred to as the three pillars,³³ as articulated in the 2009 report of the UN Secretary-General titled *“Implementing the Responsibility to Protect.”*³⁴ These pillars reflect a calibrated balance between state sovereignty, international cooperation, and collective enforcement, and are intended to provide both conceptual clarity and practical guidance for the implementation of the doctrine. Notwithstanding their apparent coherence, the efficacy of these pillars remains contingent upon political will and institutional capacity.

(i) Pillar I: Responsibility of the State

The first pillar affirms that each State bears the primary responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.³⁵ This responsibility is intrinsic to the very notion of sovereignty and is not contingent upon external recognition. It encompasses not merely reactive measures but also preventive obligations, including the establishment of effective legal systems, protection of minority rights, and maintenance of internal peace and security.

From a legal standpoint, Pillar I does not introduce novel obligations but rather reiterates duties already embedded within international human rights law, international humanitarian law, and treaty regimes such as the Genocide Convention.³⁶ However, its significance lies in the recharacterisation of sovereignty as responsibility rather than privilege. This doctrinal shift challenges the traditional conception of absolute domestic jurisdiction and underscores that failure to protect populations may attract international scrutiny.³⁷

³³ Id. ¶¶ 11–12.

³⁴ U.N. Secretary-General, *Implementing the Responsibility to Protect*, U.N. Doc. A/63/677 (Jan. 12, 2009).

³⁵ 2005 World Summit Outcome, *supra* note 5, ¶ 138.

³⁶ Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277.

³⁷ Ramesh Thakur, *The Responsibility to Protect: Norms, Laws and the Use of Force in International Politics* 75–80 (2011).

Critically, however, Pillar I suffers from limited enforceability. Where a State itself is the perpetrator of atrocities, or is manifestly unwilling to act, the normative assertion of responsibility becomes insufficient without corresponding mechanisms of accountability. Thus, while Pillar I establishes the moral and legal foundation of R2P, it does not, in itself, guarantee protection.

(ii) Pillar II: International Assistance and Capacity-Building³⁸

The second pillar imposes a subsidiary responsibility upon the international community to assist States in fulfilling their protective obligations. This includes measures such as capacity-building, technical assistance, early warning systems, and preventive diplomacy.³⁹ The underlying premise is that many instances of mass atrocities arise not solely from malicious intent but also from institutional weakness, governance deficits, and resource constraints.

Pillar II represents a preventive dimension of R2P and is arguably the least controversial aspect of the doctrine, as it operates within the consensual framework of international cooperation. It aligns with established practices of development assistance and peacebuilding, thereby avoiding the contentious issues associated with coercive intervention.

However, the practical implementation of this pillar reveals certain limitations. Assistance is often selective and influenced by geopolitical considerations, and there exists no binding obligation upon States to provide such support. Moreover, the effectiveness of capacity-building measures is contingent upon the willingness of the recipient State to engage in meaningful reform. In situations where regimes are complicit in violations, the utility of external assistance becomes inherently constrained.

(iii) Pillar III: Timely and Decisive Response

The third pillar constitutes the most contentious and legally complex component of R2P. It provides that where a State is manifestly failing to protect its population, the international community must be prepared to take timely and decisive action through the United Nations, in accordance with the Charter.⁴⁰ Such action may encompass a spectrum of measures, ranging from diplomatic pressure and economic sanctions to peacekeeping operations and, in exceptional circumstances, military intervention.⁴²

³⁸ U.N. Secretary-General, *supra* note 34, ¶¶ 28–30.

³⁹ Alex J. Bellamy, *Responsibility to Protect* 91–95 (2015).

⁴⁰ 2005 World Summit Outcome, *supra* note 5, ¶ 139.

⁴¹ U.N. Charter arts. 39, 41, 42.

⁴² S.C. Res. 1973, *supra* note 28.

The legal basis for coercive action under Pillar III is derived primarily from Chapter VII of the UN Charter, thereby reaffirming the centrality of the Security Council.⁴³ This requirement ensures formal legality but simultaneously introduces a structural vulnerability: the exercise of veto power by permanent members may impede collective action, even in the face of overwhelming humanitarian necessity.

From a doctrinal perspective, Pillar III attempts to reconcile the prohibition on the use of force with the imperative to prevent mass atrocities. However, its application has been marked by inconsistency and controversy. The intervention in *Libya (2011)*, authorised by the Security Council, was initially hailed as a successful invocation of R2P, yet it later attracted criticism for exceeding its mandate and facilitating regime change.⁴⁴ Conversely, the inaction in Syria, despite extensive evidence of atrocities, underscores the limitations imposed by geopolitical divisions.

Furthermore, the absence of clearly defined thresholds and criteria for intervention under Pillar III raises concerns regarding potential misuse.⁴⁵ While the ICISS Report had proposed specific guidelines—such as proportionality and last resort—their incorporation into binding legal standards remains incomplete.

Analytical Synthesis

Collectively, the three pillars of R2P embody a graduated framework, progressing from national responsibility to international assistance and, ultimately, to collective enforcement. While conceptually coherent, their practical operation reveals a disjunction between normative aspiration and political reality. Pillars I and II emphasise prevention and cooperation, yet their effectiveness is limited in situations of deliberate state-sponsored violence. Pillar III, though designed as a last resort, remains subject to legal ambiguity and political contestation.

In essence, the pillar structure reflects an attempt to institutionalise a balance between sovereignty and intervention, but its success is contingent upon the willingness of the international community to act consistently and in good faith. Absent such commitment, the pillars risk remaining aspirational constructs rather than effective instruments of protection.

⁴³ U.N. Charter ch. VII; see also arts. 39, 41, 42.

⁴⁴ S.C. Res. 1973, U.N. Doc. S/RES/1973, ¶¶ 1–4 (Mar. 17, 2011) (acting under Chapter VII).

⁴⁵ Carsten Stahn, *supra* note 28, at 114–16.

Application of R2P in Practice: A Doctrinal and Empirical Appraisal

The true test of any normative doctrine in international law lies not in its theoretical articulation but in its practical application. The Responsibility to Protect (R2P), despite its conceptual coherence, has yielded mixed and often contradictory outcomes in its operationalisation. A study of contemporary conflicts reveals a pattern of selective invocation, inconsistent enforcement, and politicised interpretation, thereby raising fundamental questions regarding its credibility as a universal principle.

(i) Libya (2011): The Paradigmatic Invocation

The crisis in Libya in 2011 is widely regarded as the most prominent instance of R2P being formally invoked and operationalised. In response to escalating violence against civilians during the uprising against the Gaddafi regime, the United Nations Security Council adopted *Resolution 1973 (2011)*,⁴⁶ which authorised Member States to take “*all necessary measures*”⁴⁷ to protect civilians, including the establishment of a no-fly zone.

This marked a significant development, as it constituted the first explicit authorisation of the use of force grounded in the language of civilian protection consistent with R2P principles. The intervention, led by NATO forces, was initially perceived as a model application of Pillar III, demonstrating the capacity of the international community to act decisively in the face of imminent mass atrocities.⁴⁸

However, the subsequent trajectory of the intervention attracted substantial criticism. The operation gradually evolved from the protection of civilians to the facilitation of regime change, culminating in the overthrow of Muammar Gaddafi.⁴⁹ This expansion of mandate led to allegations that R2P had been instrumentalised as a pretext for political intervention, thereby eroding trust among States, particularly within the Global South. The Libyan experience thus reveals a dual character: while it validated the operational potential of R2P, it simultaneously exposed its susceptibility to mission creep and normative distortion.

(ii) Syria: The Failure of Collective Action

In stark contrast to Libya, the Syrian conflict represents a profound failure of R2P implementation. Despite overwhelming evidence of widespread atrocities, including the use of

⁴⁶ S.C. Res. 1973, U.N. Doc. S/RES/1973, ¶¶ 1–4 (Mar. 17, 2011) (acting under Chapter VII).

⁴⁷ Id. ¶ 4.

⁴⁸ Alex J. Bellamy, *Libya and the Responsibility to Protect: The Exception and the Norm*, 25 *Ethics & Int'l Aff.* 263, 265–68 (2011).

⁴⁹ Gareth Evans, *The Responsibility to Protect* 247–52 (2008).

chemical weapons and large-scale civilian casualties, the international community has been unable to mount a unified response under the R2P framework.⁵⁰

Repeated attempts to secure robust action through the United Nations Security Council have been thwarted by the exercise of veto power by permanent members, most notably Russia and China.⁵¹ This paralysis has underscored the structural limitations of R2P, particularly its dependence on Security Council consensus.

The Syrian case highlights a critical paradox: while R2P affirms a collective responsibility to act, its implementation remains contingent upon geopolitical alignment, thereby rendering it ineffective in situations where major power interests are implicated. Consequently, R2P in Syria has been reduced largely to rhetorical affirmation without substantive enforcement, calling into question its viability as a consistent legal and moral framework.⁵²

(iii) Yemen: The Marginalisation of R2P

The ongoing conflict in Yemen presents another instance where R2P has had limited practical impact, despite the existence of a severe humanitarian crisis characterised by widespread famine, civilian casualties, and infrastructural collapse.⁵³

Unlike Libya, the situation in Yemen has not witnessed an explicit invocation of R2P as a basis for coercive international action.⁵⁴ The response of the international community has largely been confined to humanitarian assistance and diplomatic engagement, with minimal emphasis on accountability or enforcement measures.

This relative silence may be attributed to the complex geopolitical dynamics surrounding the conflict, including the involvement of regional powers and strategic alliances. The Yemeni case thus exemplifies the selective application of R2P, where humanitarian considerations are subordinated to political and strategic interests. It further reinforces the perception that R2P is not applied uniformly, but rather contingent upon the priorities of influential States.

(iv) Kosovo (1999): Precursor to R2P

Although predating the formal articulation of R2P, the NATO intervention in Kosovo

⁵⁰ U.N. Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, U.N. Doc. A/HRC/34/64 (Feb. 2, 2017).

⁵¹ Security Council Report, *The Veto* (2015–2020) (discussing repeated vetoes on Syria).

⁵² Carsten Stahn, Syria and the Responsibility to Protect: Rhetoric or Reality?, 13 J. Int'l Crim. Just. 1, 3–6 (2015).

⁵³ U.N. Office for the Coordination of Humanitarian Affairs (OCHA), Yemen Humanitarian Overview (2022).

⁵⁴ Alex J. Bellamy, The Responsibility to Protect in Yemen: A Case of Neglect?, 28 Global Responsibility to Protect 1, 4–7 (2016).

constitutes an important antecedent in the evolution of the doctrine.⁵⁵ Conducted without explicit authorisation from the United Nations Security Council, the intervention was justified on humanitarian grounds to prevent ethnic cleansing.

The Kosovo episode gave rise to the contentious notion of “*illegal but legitimate*” intervention, highlighting the inadequacy of existing legal frameworks to address humanitarian crises.⁵⁶ It is precisely this tension that R2P sought to resolve by embedding intervention within a collective and legally sanctioned framework. Nevertheless, Kosovo continues to serve as a reminder of the potential divergence between legal formalism and moral necessity.

(v) Ukraine (Post-2014 / 2022): Contested Narratives

The conflict in Ukraine has further complicated the discourse surrounding R2P. While humanitarian concerns have been invoked by various actors, the unilateral use of force by Russia has been widely criticised as a misapplication of protective rhetoric to justify aggression.⁵⁷

This case underscores the risk of normative abuse, wherein the language of protection is appropriated to legitimise actions that are otherwise inconsistent with international law. It also illustrates the fragility of R2P as a doctrine, which, in the absence of clear legal boundaries, may be susceptible to manipulation.⁵⁸

Comparative Assessment

A comparative analysis of these case studies reveals a pattern of asymmetrical application:⁵⁹

- *Libya*: Active intervention, but controversial execution
- *Syria*: Normative recognition, but practical inaction
- *Yemen*: Humanitarian response without R2P enforcement
- *Kosovo*: Pre-R2P intervention lacking legal authorisation
- *Ukraine*: Contested and potentially abusive invocation

This inconsistency reflects the inherent tension between normative aspiration and political reality. While R2P provides a framework for action, its implementation is mediated by the interests and calculations of powerful States.

⁵⁵ Noam Chomsky, *The New Military Humanism: Lessons from Kosovo* 1–5 (1999).

⁵⁶ Independent International Commission on Kosovo, *The Kosovo Report* 4 (2000).

⁵⁷ U.N. General Assembly, Aggression Against Ukraine, G.A. Res. ES-11/1 (Mar. 2, 2022).

⁵⁸ Anne Orford, International Law and the Politics of History: The Case of Ukraine, 32 *Eur. J. Int'l L.* 1, 5–8 (2022).

⁵⁹ Alex J. Bellamy, *Responsibility to Protect: A Defense* 155–60 (2015).

Analytical Conclusion

The application of R2P in practice demonstrates that it is neither a uniformly applied doctrine nor a consistently effective mechanism. Rather, it functions as a context-dependent principle, whose invocation is shaped by geopolitical considerations.⁶⁰ While it has, in certain instances, enabled timely intervention, it has equally been characterised by selectivity, inconsistency, and susceptibility to misuse.

Accordingly, the empirical record of R2P suggests that its evolution into a robust and reliable legal doctrine remains contingent upon addressing the structural and political constraints that currently limit its application.

Counter-Arguments in Support of the Responsibility to Protect (R2P)

While the Responsibility to Protect (R2P) has been subjected to significant criticism on grounds of selectivity, political misuse, and legal ambiguity, it is equally important to acknowledge the normative and practical justifications advanced in its support. Proponents of the doctrine contend that R2P represents a necessary evolution in international law, aimed at addressing the moral and legal inadequacies exposed by the failure to prevent mass atrocities in the late twentieth century.⁶¹

It is argued that R2P has contributed to the redefinition of sovereignty as responsibility, thereby reinforcing the principle that States are accountable not only to their own populations but also to the broader international community.⁶² This shift is seen as consistent with the progressive development of international human rights law, which increasingly recognises individuals as subjects of international concern.⁶³

Furthermore, supporters emphasise that R2P does not undermine the Charter framework but rather operates within it, particularly through the mechanisms of the United Nations Security Council.⁶⁴ In this sense, the doctrine is not an instrument of unilateral intervention but a collective framework designed to ensure legitimacy and legal oversight. The intervention in Libya (2011), notwithstanding subsequent criticisms, is often cited as evidence that R2P can

⁶⁰ Carsten Stahn, *Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?*, supra note 27, at 120–22.

⁶¹ Int'l Comm'n on Intervention & State Sovereignty, *The Responsibility to Protect* xi–xiii (2001).

⁶² Gareth Evans, *The Responsibility to Protect* 35–38 (2008).

⁶³ Antonio Cassese, *International Law* 376–80 (2d ed. 2005).

⁶⁴ 2005 World Summit Outcome, supra note 5, ¶¶ 138–139.

facilitate timely and decisive action to prevent large-scale human suffering when supported by international consensus.⁶⁵

Additionally, it is contended that the preventive dimensions of R2P—embodied in its first and second pillars—have enhanced the international community’s capacity to address potential crises before they escalate into full-scale atrocities. By promoting early warning mechanisms, capacity-building, and diplomatic engagement, R2P has shifted the focus from reactive intervention to proactive prevention, thereby reducing the need for coercive measures.⁶⁶

From a normative perspective, R2P is viewed as an emerging standard of responsible State conduct, reflecting a growing consensus that mass atrocity crimes are matters of legitimate international concern. Even in instances where it is not fully implemented, the doctrine exerts a “*compliance pull*”,⁶⁷ influencing State behaviour and shaping international expectations.

Accordingly, while the limitations of R2P cannot be disregarded, its supporters maintain that the doctrine should be understood not as a fully matured legal rule, but as an evolving normative framework, whose effectiveness is contingent upon continued refinement, consistent application, and strengthened institutional support.⁶⁸

Judicial and Scholarly Perspectives

The doctrinal legitimacy and normative evolution of the Responsibility to Protect (R2P) must be assessed not only through state practice but also through the interpretative lens of international judicial bodies and leading academic scholarship. While R2P has not yet been explicitly adjudicated upon as a standalone legal doctrine, its underlying principles resonate within the jurisprudence of the International Court of Justice (ICJ) and the writings of eminent publicists.

(i) Judicial Perspectives: The International Court of Justice

The ICJ has not formally pronounced upon R2P as a binding doctrine; however, several of its decisions provide normative foundations that indirectly support the core premises of R2P,

⁶⁵ S.C. Res. 1973, *supra* note 46.

⁶⁶ Alex J. Bellamy, *Responsibility to Protect: A Defense* 120–25 (2015).

⁶⁷ Thomas M. Franck, *Legitimacy in the International System*, 82 *Am. J. Int’l L.* 705, 705–08 (1988).

⁶⁸ Ramesh Thakur, *The Responsibility to Protect* 140–45 (2011).

particularly the protection of populations from grave international crimes.

In the *Bosnia and Herzegovina v. Serbia and Montenegro (Genocide Convention Case, 2007)*,⁶⁹ the Court recognised that States bear a positive obligation to prevent genocide, even beyond their territorial boundaries where they possess the capacity to influence events.⁷⁰ This articulation of a duty to prevent aligns closely with the preventive dimension of R2P, particularly Pillar I and, to an extent, Pillar II. The Court further emphasised that failure to act, where there exists a capacity to prevent, may entail international responsibility.⁷¹

Similarly, in the *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States, 1986)*⁷² case, the ICJ reaffirmed the principle of non-intervention as a cornerstone of international law. While this decision underscores the legal constraints on unilateral intervention, it also highlights the tension that R2P seeks to navigate—namely, the reconciliation of sovereignty with humanitarian protection.

These decisions collectively illustrate that while the ICJ has upheld the sanctity of sovereignty, it has simultaneously acknowledged emerging obligations concerning the protection of fundamental human rights, thereby providing a jurisprudential basis upon which R2P may be situated.

(ii) Scholarly Perspectives: Divergent Doctrinal Views

The academic discourse on R2P is characterised by a spectrum of views, ranging from strong endorsement to sceptical critique.

Gareth Evans,⁷³ a key architect of the doctrine and co-chair of the International Commission on Intervention and State Sovereignty, has consistently argued that R2P represents a normative breakthrough in international law. According to Evans, the doctrine successfully reframes the debate by shifting the focus from the “*right to intervene*” to the “*responsibility to protect*,” thereby enhancing both its moral legitimacy and political acceptability.

In contrast, scholars such as *Antonio Cassese*⁷⁴ have adopted a more cautious stance, recognising the ethical necessity of intervention in cases of mass atrocities while simultaneously questioning the legal robustness of R2P. Cassese contended that, in exceptional

⁶⁹ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosn. & Herz. v. Serb. & Montenegro), Judgment, 2007 I.C.J. 43, ¶¶ 430–31 (Feb. 26).

⁷⁰ Id. ¶ 430.

⁷¹ Id. ¶ 431.

⁷² Military and Paramilitary Activities in and Against Nicaragua (Nicar. v. U.S.), Judgment, 1986 I.C.J. 14, ¶ 202 (June 27).

⁷³ Gareth Evans, *The Responsibility to Protect* 55–60 (2008).

⁷⁴ Antonio Cassese, *International Law* 369–72 (2d ed. 2005).

circumstances, humanitarian intervention may be morally justified even in the absence of clear legal authority, thereby acknowledging the gap between law and moral imperative.

More critical perspectives are advanced by scholars like *Noam Chomsky*,⁷⁵ who view R2P with considerable scepticism, characterising it as a potential instrument of hegemonic power. From this vantage point, the doctrine is seen not as a neutral legal principle but as a mechanism susceptible to manipulation by powerful States seeking to legitimise interventionist policies.

(iii) Customary International Law: Has R2P Crystallised?

A central question in the scholarly debate concerns whether R2P has attained the status of customary international law. The formation of customary law requires consistent state practice accompanied by *opinio juris*, i.e., a belief that such practice is legally obligatory.⁷⁶

While there is evidence of increasing rhetorical endorsement of R2P in international forums, the inconsistency of its application and the absence of uniform state practice militate against its recognition as customary law.⁷⁷ The divergent responses to crises such as Libya and Syria illustrate that States do not uniformly accept a legal obligation to intervene, even in the face of mass atrocities.

Moreover, the cautious and non-binding language of the 2005 World Summit Outcome further indicates that States have been reluctant to elevate R2P to the status of a binding legal norm.⁷⁸

At present, it is more accurately characterised as an emerging norm or soft law principle, which exerts persuasive influence but lacks formal legal enforceability.⁷⁹

(iv) Doctrinal Position: Between Law and Policy

From a doctrinal perspective, R2P occupies a liminal space between law and policy.⁸⁰ It draws upon existing legal obligations—such as the prohibition of genocide and crimes against humanity—while simultaneously advancing a broader normative framework that extends beyond established legal rules.

This hybrid character has both strengths and weaknesses. On the one hand, it allows for flexibility and adaptability, enabling the doctrine to respond to evolving humanitarian challenges. On the other hand, it undermines legal certainty, as the absence of binding force renders its application dependent upon political discretion.

⁷⁵ Noam Chomsky, *The New Military Humanism* 10–15 (1999).

⁷⁶ *North Sea Continental Shelf Cases* (Ger. v. Den.; Ger. v. Neth.), Judgment, 1969 I.C.J. 3, ¶ 77 (Feb. 20).

⁷⁷ Carsten Stahn, *supra* note 27, at 118–20.

⁷⁸ 2005 World Summit Outcome, *supra* note 5.

⁷⁹ Dinah Shelton, *Soft Law*, in *Handbook of International Law* 68–80 (2009).

⁸⁰ Ramesh Thakur, *The Responsibility to Protect* 150–55 (2011).

Analytical Conclusion

In light of judicial pronouncements and scholarly analysis, it becomes evident that R2P has not yet crystallised into a fully-fledged rule of international law. Nevertheless, it reflects an important normative development, indicative of a growing recognition that mass atrocity crimes are matters of legitimate international concern.

The jurisprudence of the ICJ provides a foundational basis for the doctrine's underlying principles, while scholarly discourse highlights both its transformative potential and its inherent limitations. Ultimately, the evolution of R2P will depend upon the extent to which States translate normative endorsement into consistent legal practice, thereby bridging the gap between aspiration and obligation.

Challenges and Limitations of the Responsibility to Protect (R2P)

Despite its normative appeal and progressive reconfiguration of sovereignty, the Responsibility to Protect (R2P) remains encumbered by a series of structural, legal, and political limitations that significantly impede its effective realisation. These challenges reveal a persistent disjunction between the doctrine's aspirational objectives and its operational viability within the contemporary international legal order.

(i) Legal Ambiguity and Doctrinal Indeterminacy

A principal limitation of R2P lies in its lack of precise legal definition and codification. Unlike established doctrines within international law, R2P is not encapsulated within a binding treaty or convention. Its formulation in the 2005 World Summit Outcome is couched in broad and non-prescriptive language,⁸¹ which, while facilitating political consensus, has resulted in significant interpretative uncertainty.⁸²

Key concepts such as “*manifest failure*,” “*timely and decisive action*,” and the threshold for military intervention remain open-textured, thereby permitting divergent interpretations by States. This indeterminacy undermines legal certainty, a foundational requirement for the development of a robust and predictable legal regime. In the absence of clearly articulated criteria, the application of R2P risks becoming arbitrary and inconsistent, thereby weakening its normative authority.

⁸¹ 2005 World Summit Outcome, supra note 5, ¶¶ 138–139.

⁸² Carsten Stahn, supra note 27, at 113–16.

(ii) Absence of an Independent Enforcement Mechanism

R2P does not possess an autonomous institutional mechanism for enforcement. Its implementation is inextricably linked to the existing framework of the United Nations, particularly the Security Council.⁸³ While this ensures conformity with the Charter, it also renders the doctrine structurally dependent upon an institution that is itself constrained by political considerations.

The absence of a dedicated enforcement body means that R2P lacks the capacity to operate as a self-executing legal norm.⁸⁴ In practice, its effectiveness is contingent upon the willingness of States to act collectively, which is often influenced by strategic interests rather than humanitarian imperatives. Consequently, the doctrine remains normatively compelling but operationally fragile.

(iii) Political Constraints and Geopolitical Realities

Perhaps the most formidable challenge confronting R2P is the predominance of political considerations in its application. International law, while grounded in normative principles, operates within a geopolitical context characterised by power asymmetries and competing interests. The invocation of R2P is frequently influenced by strategic calculations, alliances, and regional dynamics, rather than objective assessments of humanitarian need.

This political conditioning results in selective enforcement, as evidenced by divergent responses to comparable crises.⁸⁵ Situations that align with the interests of powerful States are more likely to attract intervention, whereas those that do not are often neglected. Such inconsistency not only undermines the credibility of R2P but also perpetuates perceptions of bias and inequity within the international system.

(iv) The Veto Power and Institutional Paralysis

The reliance of R2P on the United Nations Security Council introduces a critical structural limitation in the form of the veto power exercised by its permanent members.⁸⁶ While the veto mechanism was designed to maintain international stability by ensuring the participation of major powers, it has, in practice, often resulted in institutional paralysis.

In situations where the interests of permanent members are implicated, the exercise of veto power can prevent the adoption of decisive measures, even in the face of egregious human

⁸³ U.N. Charter arts. 24, 39.

⁸⁴ Dinah Shelton, *supra* note 79, at 72–75.

⁸⁵ Alex J. Bellamy, *supra* note 39, at 33–35.

⁸⁶ U.N. Charter art. 27(3).

rights violations. This dynamic was starkly illustrated in the Syrian conflict, where repeated vetoes precluded meaningful collective action.⁸⁷

The veto thus operates as a double-edged sword: while it preserves geopolitical balance, it simultaneously impedes the realisation of humanitarian objectives. The absence of binding constraints on its use in situations involving mass atrocities represents a significant obstacle to the effective implementation of R2P.

(v) Risk of Misuse and Normative Erosion

The potential for R2P to be misused as a justificatory framework for intervention poses a further challenge.⁸⁸ The lack of clear legal boundaries and enforcement mechanisms creates scope for States to invoke the language of protection to advance political or strategic objectives. Such misuse not only undermines the legitimacy of individual interventions but also contributes to the erosion of the doctrine itself.

The experience of Libya has heightened these concerns, leading to increased scepticism among States regarding the bona fides of R2P-based interventions.⁸⁹ This scepticism, in turn, has contributed to a reluctance to authorise similar actions in subsequent crises, thereby diminishing the doctrine's practical utility.

(vi) Capacity Constraints and Implementation Deficits

Even in situations where there exists a genuine commitment to R2P, practical implementation is often hindered by resource limitations and institutional deficiencies. Effective prevention and response require substantial financial, logistical, and organisational capacities, which are not uniformly available across the international community.⁹⁰

Moreover, the complexity of modern conflicts, characterised by non-state actors, asymmetric warfare, and transnational dynamics, further complicates the application of R2P.⁹¹ These factors underscore the gap between normative intent and operational capability, limiting the doctrine's effectiveness in addressing contemporary humanitarian crises.

Analytical Conclusion

The challenges confronting R2P reveal a doctrine that is normatively ambitious yet

⁸⁷ Security Council Report, *The Veto* (2015–2020).

⁸⁸ Anne Orford, *supra* note 58, at 6–9.

⁸⁹ Gareth Evans, *supra* note 49 at 247–52.

⁹⁰ U.N. Secretary-General, *supra* note 34, ¶¶ 28–30.

⁹¹ Alex J. Bellamy, *Responsibility to Protect: A Defense* 170–75 (2015).

institutionally constrained.⁹² Its legal ambiguity, dependence on political will, susceptibility to misuse, and lack of enforcement mechanisms collectively impede its transformation into a consistent and reliable instrument of international law.

Unless these limitations are addressed through greater legal clarity, institutional reform, and sustained political commitment, R2P risks remaining an aspirational framework rather than an operative principle. Its future efficacy will depend upon the ability of the international community to reconcile the demands of humanitarian protection with the realities of geopolitical power.

Contemporary Relevance of the Responsibility to Protect (R2P)

The contemporary relevance of the Responsibility to Protect (R2P) must be evaluated against the backdrop of an increasingly fragmented and polarised international order, wherein geopolitical rivalries, regional conflicts, and the resurgence of power politics have significantly influenced the application of humanitarian norms. While R2P continues to retain rhetorical prominence in diplomatic discourse, its practical efficacy in addressing ongoing crises remains deeply contested.

(i) The Ukraine Conflict: Competing Narratives and Normative Distortion

The conflict in Ukraine, particularly following the escalation in 2022, has brought renewed attention to the discourse surrounding civilian protection. However, rather than reinforcing the integrity of R2P, the situation has revealed the potential for normative distortion and strategic appropriation.

The unilateral use of force by Russia has, at times, been accompanied by justificatory rhetoric invoking the protection of populations. Such assertions have been widely rejected by the international community as lacking both factual and legal basis.⁹³ This episode underscores a critical vulnerability of R2P: in the absence of clearly defined legal parameters, the language of protection may be misappropriated to legitimise actions inconsistent with the Charter framework.⁹⁴

At the same time, the inability of the United Nations Security Council to adopt decisive measures due to the exercise of veto power highlights the enduring structural constraints that

⁹² Carsten Stahn, *supra* note 27, at 120–22.

⁹³ G.A. Res. ES-11/1, U.N. Doc. A/RES/ES-11/1 (Mar. 2, 2022).

⁹⁴ Anne Orford, *supra* note 58, at 7–10.

impede the effective implementation of R2P.⁹⁵ Thus, the Ukraine conflict illustrates both the continued relevance and the inherent fragility of the doctrine in the face of great power politics.

(ii) Gaza and the Question of Selective Humanitarianism

The situation in Gaza has further intensified debates concerning the selective application of humanitarian norms, including R2P. The large-scale humanitarian consequences arising from the conflict have prompted calls for greater international intervention and accountability.⁹⁶ However, the response of the international community has remained fragmented and inconsistent, reflecting deep political divisions.⁹⁷

In this context, R2P has been invoked more as a normative reference point than as an operational framework. The absence of a unified and decisive response underscores the limitations of the doctrine when confronted with highly sensitive and politically charged conflicts. It also reinforces the perception that the application of R2P is contingent upon the strategic interests of influential States, thereby undermining its universality.

(iii) Persistence of Mass Atrocity Risks in Contemporary Conflicts

Beyond high-profile conflicts, numerous regions across the globe continue to experience conditions that fall within the ambit of R2P, including parts of Africa and Asia where ethnic violence, civil unrest, and state fragility persist. In many such situations, the international response has been confined to preventive diplomacy, humanitarian assistance, and peacekeeping operations, reflecting an emphasis on the non-coercive dimensions of R2P.⁹⁸

This trend suggests a gradual shift towards the preventive and capacity-building aspects of the doctrine, as embodied in Pillars I and II.⁹⁹ While such an approach aligns with the objective of minimising conflict escalation, it also indicates a reluctance to invoke coercive measures, particularly in the absence of Security Council consensus.

(iv) The Future of Humanitarian Intervention

The evolving geopolitical landscape raises critical questions regarding the future trajectory of R2P and humanitarian intervention more broadly. The increasing polarisation among major

⁹⁵ U.N. Charter art. 27(3).

⁹⁶ U.N. Office for the Coordination of Humanitarian Affairs (OCHA), *Occupied Palestinian Territory Humanitarian Update* (2023–2024).

⁹⁷ Alex J. Bellamy, *supra* note 59, at 160–65.

⁹⁸ U.N. Secretary-General, *Responsibility to Protect: Timely and Decisive Response*, U.N. Doc. A/66/874, ¶¶ 12–15 (July 25, 2012).

⁹⁹ Alex J. Bellamy, *Responsibility to Protect: A Defense* 130–35 (2015).

powers has resulted in a decline in collective decision-making, thereby limiting the scope for coordinated action under the R2P framework.¹⁰⁰

At the same time, there is a growing recognition of the need to strengthen preventive mechanisms, including early warning systems, mediation efforts, and institutional capacity-building. This shift reflects an understanding that effective protection of populations requires proactive engagement rather than reactive intervention.

Scholarly discourse has also explored alternative approaches, such as regional mechanisms and coalitions of willing States, to circumvent the paralysis of the Security Council.¹⁰¹ However, such proposals raise complex legal questions concerning legitimacy and compliance with the Charter.

(v) Normative Endurance amidst Practical Constraints

Despite its limitations, R2P continues to exert normative influence within international relations.¹⁰² It has contributed to a broader acceptance of the principle that mass atrocity crimes are not solely matters of domestic jurisdiction but constitute legitimate concerns of the international community.¹⁰³ This shift in perception represents a significant, albeit incomplete, transformation in the normative landscape of international law.

However, the persistence of selective application, coupled with the absence of binding legal obligations, suggests that R2P remains a contested and evolving doctrine. Its future relevance will depend upon the ability of the international community to reconcile humanitarian imperatives with the realities of political power.

Analytical Conclusion

In contemporary practice, R2P occupies a paradoxical position: it is normatively influential yet operationally constrained.¹⁰⁴ While it has succeeded in reshaping the discourse on sovereignty and protection, its practical implementation continues to be hindered by geopolitical divisions and institutional limitations.

The doctrine's continued relevance will hinge upon efforts to enhance legal clarity, institutional accountability, and political commitment, thereby enabling it to function as a credible and consistent framework for the protection of vulnerable populations in an increasingly complex

¹⁰⁰ Ramesh Thakur, *supra* note 80, at 170–75.

¹⁰¹ Anne Orford, *supra* note 58, at 12–15.

¹⁰² Thomas M. Franck, *supra* note 67, at 710–12.

¹⁰³ 2005 World Summit Outcome, *supra* note 5, ¶¶ 138–139.

¹⁰⁴ Carsten Stahn, *supra* note 27, at 120–22.

global order.

Conclusion and Recommendations

The doctrine of the Responsibility to Protect (R2P) represents a significant, albeit incomplete, evolution in the normative framework of Public International Law. Emerging from the moral failures of the late twentieth century, it sought to reconcile the foundational principle of state sovereignty with the imperative of protecting populations from mass atrocity crimes. By recharacterising sovereignty as a responsibility rather than an absolute prerogative, R2P has contributed to a transformative shift in legal discourse, placing the protection of human dignity at the centre of international concern.

However, as the foregoing analysis demonstrates, the doctrine remains fraught with structural limitations, legal ambiguities, and political contingencies. While its conceptual foundations are compelling, its practical implementation has been marked by inconsistency, selectivity, and susceptibility to geopolitical influence. The divergent outcomes in Libya and Syria, coupled with the muted response to crises such as Yemen, illustrate the extent to which R2P is conditioned by the dynamics of power rather than governed by uniform legal principles.

From a strictly legal standpoint, R2P has yet to crystallise into a binding rule of international law. It lacks the essential attributes of treaty obligation or customary norm, functioning instead as a form of soft law that informs but does not compel State behaviour. Its dependence on the mechanisms of the United Nations, particularly the Security Council, further constrains its effectiveness, as the exercise of veto power continues to impede decisive collective action.

Notwithstanding these limitations, it would be erroneous to dismiss R2P as merely aspirational. The doctrine has exerted a normative influence, reshaping expectations regarding State conduct and reinforcing the principle that mass atrocity crimes constitute matters of legitimate international concern. It has also contributed to the development of preventive strategies, emphasising the importance of early intervention, capacity-building, and international cooperation.

In light of these considerations, the future of R2P hinges upon the implementation of targeted reforms and sustained political commitment. The following recommendations may be advanced to enhance its effectiveness and legitimacy:

(i) Reform of the Security Council Veto Mechanism

A critical impediment to the operationalisation of R2P lies in the unrestricted use of veto power by permanent members of the Security Council. It is imperative that mechanisms be developed to restrain or voluntarily suspend the use of veto in situations involving mass atrocity crimes. Initiatives advocating for veto restraint, though presently non-binding, should be institutionalised to ensure that humanitarian considerations are not subordinated to geopolitical interests.

(ii) Clarification and Codification of Legal Standards

The effectiveness of R2P would be significantly enhanced by the articulation of clear legal criteria governing its invocation and implementation. This may include the development of guidelines specifying thresholds for intervention, conditions of proportionality, and safeguards against misuse. While formal treaty codification may be challenging, the adoption of authoritative interpretative frameworks could contribute to greater legal certainty and predictability.

(iii) Strengthening Preventive Mechanisms

Greater emphasis must be placed on the preventive dimensions of R2P, particularly under Pillars I and II. This entails investment in early warning systems, conflict prevention strategies, and institutional capacity-building at both national and international levels. By addressing the root causes of mass atrocities, the need for coercive intervention may be substantially reduced.

(iv) Enhancing Accountability and Oversight

To mitigate the risk of misuse, it is essential to establish mechanisms for accountability and oversight in the implementation of R2P-based interventions. This may include post-intervention review processes, reporting obligations, and judicial or quasi-judicial scrutiny to ensure that actions undertaken in the name of protection remain within the bounds of legality and proportionality.

(v) Promoting Consistent State Practice

The evolution of R2P into a more robust legal norm will ultimately depend upon the development of consistent and principled State practice. States must demonstrate a genuine commitment to the doctrine by applying it uniformly across comparable situations, thereby reinforcing its credibility and normative authority.

Final Observations

In conclusion, the Responsibility to Protect occupies a transitional space within international law, situated between aspiration and obligation. It reflects an emerging consensus that sovereignty entails responsibility, yet it remains constrained by the realities of political power and institutional design. The challenge for the international community lies in transforming this normative aspiration into a coherent and enforceable framework, capable of responding effectively to the enduring threat of mass atrocities.

Absent such transformation, R2P risks remaining a symbolic articulation of collective conscience, rather than a substantive instrument of legal protection. Conversely, with sustained commitment and reform, it holds the potential to evolve into a cornerstone of a more humane and responsive international legal order.

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