

Accepting the Responsibility to Protect as an International Norm:

The Structure and Implementation

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The inter-state aggression during the Cold War, largely gave way to war and violence within after the end of it, rather than between, states. During the 1990s, horrific violence broke out in such countries as Somalia, Rwanda and the former Yugoslavia; the major powers of the world were not prepared to act and had disagreements over the limits of national sovereignty. There were two opposing views at the UN: those who supported right of humanitarian intervention and those who viewed such a doctrine as an infringement upon national sovereignty. In this regard, Responsibility to Protect remains a developing principle and, the absence of state practice in this area means that states wanting to intervene to protect foreign populations from atrocities are left without clear legal justification for such action. In the absence of UN Security Council authorisation, use of force under the banner of R2P remains contentious. The NATO intervention in Libya was the first test of the principle of 'Responsibility to Protect' (R2P), which was adopted by the United Nations in 2005. It holds that every state has the primary responsibility to protect populations within its borders from genocide, war crimes, crimes against humanity, and ethnic cleansing. The international community must be prepared to take measures, including, as a last resort, military intervention if the state fails to protect its population. The paper seeks to show that in the throes of conflict, it is difficult to limit the crimes and atrocities committed to just four which are mentioned by the Responsibility to Protect and to decide with reasonable certainty what crimes are committed. Another issue that the paper seeks to highlight is that in a conflict situation the distinction between perpetrator and civilians is ambiguous. Moreover, the R2P principle tries to distinguish between ordinary wars and *just* wars in order to stop mass atrocities. Military interventions creates situation for more conflicts especially those aimed at regime change. The paper seeks to underscore that, if the principle would have to serve as a mechanism to provide greater security and protection to women, children, internally displaced persons and refugees in conflict zones it would have to do so within limitations posed by the structural constraints of Responsibility to Protect as well as the challenges posed by the political manipulation and geopolitical interests.