



(index.html)
RESPONSIBILITY TO PROTECT

- HOME
(INDEX.SHTML)
- ABOUT US
- OUR WORK
- ATROCITY CRIMES
- RESPONSIBILITY TO PROTECT**
(ABOUT-RESPONSIBILITY-TO-PROTECT.SHTML)
- MEDIA

PUBLICATIONS & RESOURCES
(PUBLICATIONS-AND-RESOURCES.SHTML)

- [general.shtml](#) >
- [Member States \(member-states.shtml\)](#) >
- [Regional Organisations \(regional-organisations.shtml\)](#) >
- [Civil Society \(civil-society.shtml\)](#) >
- [Key Documents \(key-documents.shtml\)](#) >

seeks to narrow the gap between Member States' pre-existing obligations under international humanitarian and human rights law and the reality faced by populations at risk of genocide, war crimes, ethnic cleansing and crimes against humanity.

Background

Following the atrocities committed in the 1990s in the Balkans and Rwanda, which the international community failed to prevent, and the NATO military intervention in Kosovo, which was criticized by many as a violation of the prohibition of the use of force, the international community engaged in a serious debate on how to react to gross and systematic violations of human rights. In September 1999, while [presenting his annual report to the UN General Assembly](http://www.un.org/press/en/1999/19990920.sgsm7136.html) (<http://www.un.org/press/en/1999/19990920.sgsm7136.html>), Kofi Annan reflected upon "the prospects for human security and intervention in the next century" and challenged the Member States to "find common ground in upholding the principles of the Charter, and acting in defence of common humanity". He repeated the challenge in his [2000 Millennium Report](https://www.un.org/en/events/pastevents/pdfs/We_The_Peoples.pdf) (https://www.un.org/en/events/pastevents/pdfs/We_The_Peoples.pdf), saying that: "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?"

The challenge was taken by the International Commission on Intervention and State Sovereignty (ICISS), set up by the Canadian Government, which at the end of 2001 issued a report entitled [The Responsibility to Protect](http://responsibilitytoprotect.org/ICISS%20Report.pdf) (<http://responsibilitytoprotect.org/ICISS%20Report.pdf>). The concept of the responsibility to protect drew inspiration from Francis Deng's idea of "State sovereignty as a responsibility" and affirmed the notion that sovereignty is not just protection from outside interference – rather is a matter of states having positive responsibilities for their population's welfare, and to assist each other. Consequently, the primary responsibility for the protection of its people rested first and foremost with the State itself. However, a 'residual responsibility' also lied with the broader community of states, which was 'activated when a particular state is clearly either unwilling or unable to fulfil its responsibility to protect or is itself the actual perpetrator of crimes or atrocities'

The subsequent report of the High Level Panel on Threats, Challenges and Change, entitled *A more secure world: our shared responsibility* ([A/59/565](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N04/602/31/pdf/N0460231.pdf?OpenElement) (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N04/602/31/pdf/N0460231.pdf?OpenElement>)) and the Secretary-General's 2005 report *In Larger Freedom: towards development, security and human rights for all* ([A/59/2005](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/270/78/pdf/N0527078.pdf?OpenElement) (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/270/78/pdf/N0527078.pdf?OpenElement>)) endorsed the principle that State sovereignty carried with it the obligation of the State to protect its own people, and that if the State was unwilling or unable to do so, the responsibility shifted to the international community to use diplomatic, humanitarian and other means to protect them. Neither report asserted a basis to use force for this purpose other than Security Council authorisation under Chapter VII of the Charter as a last resort, in the event of genocide and other serious international crimes.

At the 2005 high-level UN World Summit meeting, Member States finally committed to the principle of the responsibility to protect by including it into the outcome document of that meeting ([A/RES/60/1](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/pdf/N0548760.pdf?OpenElement) (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/pdf/N0548760.pdf?OpenElement>)). Though the concept adopted omitted some of the aspects proposed initially by the ICISS, it retains its fundamental aspects in relation to prevention of and response to the most serious violations of international human rights and humanitarian law.

Adoption of the principle

In paragraphs 138 and 139 of the 2005 World Summit Outcome Document ([A/RES/60/1](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/pdf/N0548760.pdf?OpenElement) (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/pdf/N0548760.pdf?OpenElement>)).



Group Photo of 2005 World Summit. UN Photo/Eskinder Debebe

[ny.un.org/doc/UNDOC/GEN/N05/487/60/pdf/N0548760.pdf?OpenElement](http://www.un.org/doc/UNDOC/GEN/N05/487/60/pdf/N0548760.pdf?OpenElement)) Heads of State and Government affirmed their responsibility to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity and accepted a collective responsibility to encourage and help each other uphold this commitment. They also declared their preparedness to take timely and decisive action, in accordance with the United Nations Charter and in cooperation with relevant regional organizations, when national authorities manifestly fail to protect their populations.

2005 World Summit Outcome Document

Paragraphs on the Responsibility to Protect

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.

The Summit Outcome is a General Assembly resolution adopted at the level of Heads of State and Government. As such, paragraphs 138 and 139 represent an important new political commitment by Member States. However, the Responsibility to Protect as described in these paragraphs is based on an underlying body of international legal obligations for States which are contained in international instruments or are developing through State practice and the case-law of international courts and tribunals. These existing international obligations require States to refrain from and

take a number of actions to prevent and punish genocide, war crimes, ethnic cleansing and crimes against humanity. The adoption of paragraphs 138 and 139 by consensus at such a high political level adds impetus to the development of these obligations.

Ultimately, the Responsibility to Protect principle reinforces sovereignty by helping states to meet their existing responsibilities. It offers fresh programmatic opportunities for the United Nations system to assist states in preventing the listed crimes and violations and in protecting affected populations through capacity building, early warning, and other preventive and protective measures, rather than simply waiting to respond if they fail.

Since the adoption of the Responsibility to Protect in 2005, the United Nations Secretary-General has taken a series of steps to elaborate on the principle and guide its practical implementation. Member States have also regularly considered implementation of the principle during formal and informal meetings and the principle has been repeatedly referenced and reaffirmed in relevant United Nations resolutions. Other actors have advocated for and supported the implementation of the principle.

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