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BACKGROUND GUIDE

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Letter from the Executive Board

Greetings Ladies and Gentlemen,

It is our distinguished honor to welcome you to the simulation of UNGA (Legal) at LMUN 2023.

This guide has been formulated in order to give you an insight to the agenda for the council. We at the executive board panel encourage you all to come with an open mind to this simulation as we together would be exploring different lengths and depths of this council. This guide should just act as a head start to your research, and you're recommended to not to limit your research to this guide.

Feel free to contact in case there are any further queries.

Research well! Join the dots! Make a difference!

Warm Regards,

Aditya Sharma
(President)

Aditya Wohra
(Vice-President)



Introduction

The United Nations was founded on the principle of Westphalian state system where individual states are primary actors in ensuring their peace and security. State sovereignty is the central tenet of one of its founding documents; the UN Charter places State sovereignty at the center of international system in charting their fates (UN Charter). Another document of the UN, the Universal Declaration of Human Rights places individual rights, not State rights, at the center of international system (Ibid).

The late 20th century and early 21st century have seen dynamics of wars and conflicts, which, in contrast to the wars before the end of the Cold War, are intrastate and hence demonstrated states being weak or failed to protect their own citizens.

Fairly after the Holocaust, the United Nations adopted the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) in December 1948. In the years to follow however, mass atrocities and exterminations have become normalized and the promises of “Never again” remained just promises. Genocides in Rwanda and Darfur, war in Kosovo, all witnessed spectacular failure of bystander international community to protect the vulnerable from the mass murders and unimaginable horrors. Looking for an alternative way of protecting civilians from systemic violations of human rights and core crimes of international law, the international community opted for a new mechanism; Intervention and Responsibility to Protect (R2P) (Evans, 2002).



Taking into consideration the traditional core foundation international community, its view and practice of state sovereignty and prohibition of interference in other state's internal affairs on one hand, and the moral obligation of protecting human rights on the other side, the new dilemma of how these two seemingly contradicting foundations would be effectively reconciled have ushered in heated debate in the academia and praxis.

Those who support the idea of humanitarian intervention emphasize that there are situations that could justify foreign intervention, despite the sovereignty claim. These cases are cores of international human rights law, such as genocide, war crimes, crimes against humanity, cases of ethnic cleansing etc. Sovereignty should not serve these perpetrators of such crimes to go away with crimes.

According to Badescu, humanitarian intervention simply signals to its proponents the imperative of action in the face of mass violence and is intertwined with a perception of sovereignty as conditional to a state's respect for the human rights of its citizens⁴. For example, they argue, should the international community take the early warnings of genocides in Rwanda (1994), Kosovo (1998), historical grave human violations in the countries could have been successfully prevented. On the contrary, its opponents accuse proponent of moral double standards, blaming them for selective military interventions without legal sanctioning, exercise that only serve ulterior motives. According to them, it's an oxymoron serves as a pretext for selective military intervention without legal sanctioning, and an exercise that only achieves uncertain results.

As described above the idea of State sovereignty is undergoing a fundamental transformation and this paper argue that an increased attention to humanitarian crises and use of preventive diplomacy and multi-track diplomacy has led to the demise of absolute state sovereignty and emergence of external intervention or Responsibility to Protect with new form of diplomacy either successful or inefficient in its achievements. This chapter discusses the general features of sovereignty, and then it presents the examples of Responsibility to Protect (R2P) and Diplomatic process made on some selected issues.



Historical Evolution of Sovereignty along the R2P Doctrine

Much of the following historical exploration has been undertaken as a result of an earlier linguistic re-orientation within the social and legal sciences. The term sovereignty has evolved with numerous definitions as well as the concept of sovereignty has been a matter of discussion throughout the history. It was discussed in the times of Romans and it is still being discussed today.

The definition, concept and application of it have been changed a lot during the period or age when humans achieved enlightenment with sovereignty gained on moral and legal force as western description and power of state suggesting social contract (Tooze, 2005).

Sovereignty refers to the quality of having independent authority in a specific geographic area or territory. Moreover; it can be found in power to rule and make laws that depends on the political fact for which there is no pure legal definition. In theoretical practice, sovereignty, in a way, makes it imperative for the entity exercising it to possess a moral value (Blanchard, 1998)

To historians who refer the Eurocentric State formation and diplomatic interaction and beginning the idea of sovereignty can be argued to have emerged at The Peace of Westphalia in 1648. The traditional notion of sovereignty was introduced between the 16th and 17th century by political philosophers and provided by Thomas Hobbes and Jean Bodin. What these two philosophers theorized is that sovereignty is absolute, unlimited and enduring.



They also put forward that sovereignty would be increasingly important. The definition of sovereign provided by Hobbes and Bodin in 1648 was endorsed in the treaty of Westphalia in a Latin Maxim “Rex est imperator in regno Suo”, (meaning that Sovereign) or sovereign was with the absolute monarch and has “the right to rule his own territory”.

he concept Bodin suggested “...if leader holds absolute power and the sovereign holds must be absolute and permanent. In contrast other person that holds limited powers cannot be described to be sovereign, the definition leads to a singular monarchical or even tyrannical power (Marinozzi, 2013). Hobbesian philosophical underpinning on sovereignty must be taken as the basic insight is that equality of men lies in the ability of the weakest to kill the strongest; the weakest to kill the strongest.

However; in the 20th century, the tension between this traditional notion of sovereignty and the ever-changing international system led H.J. Morgenthau (1948) to reconsider the definition of sovereignty has emerged. Morgenthau in an article titled “Sovereignty Reconsidered” suggests that:

“...in the last decades the concept of sovereignty has been subject to reinterpretations, revisions and attacks in view of its importance for the development of international law. The source of these doubts and difficulties, apart from the general depreciation of sovereignty in contemporary legal and political theory, lies in the fact that the assumption of international law imposing legal restraints upon the individual states seems to be logically incompatible with the assumption of these states being sovereign, that is, being the supreme law creating and law enforcing authorities, independent of legal restraint” (Morgenthau, 1948).



Briefly, the conclusion that Morgenthau draws from this premise is that “sovereignty is incompatible with the system of international law”. He referred the traditional notion of sovereignty which is undermined by the international law tacitly run by anarchical international system has produced legal restraints up on the sovereign (individual) states. In addition for realist international theory advocates sovereignty of the state implies that the state has the primary responsibility to protect the person and the property of its subjects and to discharge its governmental functions effectively within its borders.

It is also supported precisely in UN Charter where article 2 it enclosed the legal equality between legal persona (States) while article 2 comprise the Sovereign competence that prohibits to intervene in those matters that are essentially with in the domestic jurisdiction of any State (Article 2 of the United Nation’s’ Charter).

Domestic jurisdiction which is consequence of title of sovereignty meaning “each State is permitted by international law to decide and act without intrusions from other sovereign states and is allowed to those political, economic, social and cultural systems along the formulation of its own foreign policy (Joyner, 2007) .The Domestic Jurisdiction permits the State to exercise power of State to make or prescriptive law within or outside its territory (Hammer, 2003) and the power of state to implement the law within its territory (Ibid).

In the same manner, the development of state-centered international policy that collides with the realist’s belief and basic foundation of structuralism has shown some changes by the modified subject of sovereignty that moved from the idea of domestic to international jurisdiction.



Joyner (2007) proclaims that the developed integration among states under United Nations have pushed more on working from domestic jurisdiction bound in territory towards to global community concerns due to various incidents.

At the same time the development of new laws likewise the Universal Declaration of Human Rights (1948), the Convention on the Prevention and Punishment of the Crime of Genocide (1948), International Covenant on Civil and Political Right (ICCPR) , International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966), the Convention on the suppression and Punishment of the crime of Apartheid (1973), the convention against torture and other cruel, in human or regarding treatment or punishment (1984), African Charter on Human and People's Rights (1981) and their violations brought to the idea of practicing humanitarian interventions [3] (Holzgrefe, 2003, Gagro, 2014).

Besides the increasing number of brutal inhuman killings, genocides, war crimes have risen to high degree as mentioned in the introduction of this paper. For example, the Holocaust by Nazi on Jews, Cambodian genocide in the 1970s, Rwandan genocide in the 1994, Srebrenica massacre in Bosnia (1995) were “strongly” rejected with the motto of “Never Again” (Evans, 2004). Therefore, with the rise of globalization, the aforementioned definitions of sovereignty are skewed: while States maintain a degree of authority, the rise of global institutions has led doubts over the reduction in state sovereignty.



The conceptualization of Sovereignty widened not only the rights and privileges and immunities of sovereign states but also their responsibilities to protect the basic rights of civilian population and to regulate political and economic and economic affairs when states become member of the international community.

Respective with such changes in international law system the responsibility to protect doctrine assumed a relevant role in both in term of prevention and intervention (Marinozzi, 2013). Some real indications of the wind of change are increased in foreign nations intervention by countries like USA clearly indicating that states are not equal or violating the core tenet of The Peace of Westphalia or old form of sovereignty.



Diplomacy and preventive strategies as Panacea

Effective preventive diplomacy requires coordination and collaboration between various entities, including international and regional organization both Governments and NGOs. Based on Lessons derived from conflict prevention use of diplomacy have great role in minimizing challenges that could lead to instability of the international peace and security; therefore application on lessons drawn from conflict prevention efforts indicate that building the capacities of a society to manage and address conflict peacefully requires at least a high degree of inclusiveness and participation of all sectors of society in dialogue as well as peace building , a high degree of local ownership of conflict prevention strategies and initiatives and strengthening of democratic institutions and empowerment of local actors through continues consultation , assistance and training.

In line with this, it is important to suggest that by using the tools to develop internationally the local actors are often best placed to improve the problems and develop responses suited in their region and culture.

The preventive Diplomacy could play with in the RtoP doctrine and on the prevention of the four crimes mentioned in paragraph 138. The preventive diplomacy refers to diplomatic action taken to prevent disputes from escalating in to conflicts and to limit the spread of conflicts when they occur with various forms of conduct and situations.

It is most observed in works of diplomatic envoys dispatched to crisis areas to encourage dialogue, compromise and the peaceful resolution of tensions.



Preventive diplomacy is comprised of the involvement of Security Council, the Secretary General and other actors to discourage the use of violence at critical moments.

The key to preventive diplomacy is to respond to the warning signs before they emerge.

The challenge is to prevent rather than manage an unstable situation, if that fails one moves to crisis management; in fact, preventive diplomacy is the search for paradigm that evolved to deal with current international issues and intrastate issues. In this development and implementation of the preventive diplomacy approach has been given birth to and development of RtoP concept and practically, by the failures of international community reaction facing with genocides, crimes, ethnic cleansing (This is discussed in the next part in detail) in places like Rwanda, Kosovo and Bosnia and gross violations of Human rights (Steiner, 2004).

Preventive Diplomacy is a proactive rather than reactive policy designed to realize international peace and security and resembles traditional diplomatic practice and uses a similar repertoire of conflict management and policy tools. Preventive Diplomacy delivering results includes official and informal negotiations, conflict mediations, humanitarian assistance for sustainable development and early warning, confidence building and preventive deployment of measures.

The advocates of preventive diplomacy Hammarskjold, Boutros- Ghali, Kofi Annan have worked on shaping it internationally (Urquhar, 1972).



Ghali (1992) asserts that preventive diplomacy is action to prevent disputes from arising between parties, to preventing existing disputes from escalating into conflicts and to limit the spread of the latter when they occur (Boutros Ghali, 1992 and 1995) .He outlines three central ways to deepen preventive diplomacy to managing armed conflicts. They are early warning, confidence building measures and preventive deployment.

The preventive Diplomacy has been much shown changes, According to the concept of preventive diplomacy concrete with in the U.N policy the Department of Political Affairs (DPA) is the principal support structure for the secretary general efforts according to the article 99 of the Charter to bring issues to Council. The PDA has deployed many missions as platforms for preventive diplomacy.

Major of these are the preventive diplomacy was the independence referendum of South Sudan in 2011 where the Security Council was actively engaged including through its statements and visits to the country.

In Guinea (2009 to 2010) the United Nation's Office for West Africa (UNOWA) worked energetically to keep on track a political transition from a military coup to the country's first democratic elections since independence, In Sierra Leon the UN Peace building office for Dialogue helped prevent the potential escalation of violence following the tension between the governing and opposition parties in 2009, in Iraq the United Nation's Political Mission facilitated Dialogue over Kirkuk and other disputed internal territories and assisted election in 2009 and 2010. In Kenya after the post-election in 2008 and 2017, the UN had worked under AU led mediation efforts towards halting the violence through Diplomatic negotiation.



Having these sample efforts preventive diplomacy is possible, complicated and necessary in order to decrease the chances of violence. But to most participants of preventive diplomacy the question is when and how to implement it. Its application could be onset of mass death and destruction transforms, the nature of violent conflict in ways that make organizational cooperation and swift resolution essentially at any cost as it is true removal of violent conflict unreliably the however preventive diplomacy decreases the chances that it will conflict to grow (Marinozzi, 2013).

Effective diplomacy is very helpful to prevent causalities, conflicts and helps to take preventive measures. The coordination's and strategies between various entities including international and regional organizations, NGOs government organizations could being peaceful ways of resolutions. A high degree of inclusive diplomacy and participation of all sectors of society in challenge could be taking a trophy of diplomacy.

The effective diplomacy requires and the job of international community is to facilitate this process if necessary, to intervene if it goes off the raises and to provide support and expertise to ensure that short term good intension develop in to long term results. Here again, the international community has responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a states is manifestly failing to protect its population's, the international community must be prepared to take collective action to protect population's, in accordance with the UN Charter



Multi-Track Diplomacy and Challenges of international intervention in the post-Cold War

Multi-track Diplomacy is an important theoretical issue within the realm of diplomatic techniques. The academic debate of the multi-track diplomacy is much examined on its concrete and pragmatic framework of the deep changes pursuing their national interest through different channels including informal diplomacy. Multi-track diplomacy aims to incorporate all levels of diplomacy in building real and sustainable peace. And its application in conflict resolution approach has been applied before in Bosnia. The track I diplomacy (Dayton Peace Accords) are impactful and track II and III were effective in creating real and sustainable peace in conflict ridden regions of the world (Mulugeta, 2016).

Montville's diplomatic track II which was unofficial, non-structured interaction between members of adversarial groups or nations that is directed toward conflict resolution by addressing psychological factors (Montville, 2016) has been used by many organizations or intergovernmental organizations in solving problems and minimizing conflicts in different parts of the world. Developing the idea of multi-track diplomacy as, "non-governmental or informal and unofficial form of conflict resolution between citizen groups which is aimed at deescalating conflict by reducing anger, fear and tension and by improving communication and mutual understanding. But Michael Bavly (2015) asserts that second Track diplomacy as "responsible" for the creation of peace and the setting in motion of the other track (Bavly, 2015).



One of the major Challenges to the international community and its capacity for such intervention come with the challenges occurred in Rwanda, Kosovo, Yugoslavia, and Bosnia.

And after serious diplomatic and military setbacks and much bloodshed peace making effort called RtoP was achieved through Diplomatic Track I and II. The lessons drawn from international community regarding the potential for conflict resolution and the boundary to its intervention in an escalating crisis were harsh .Thus, the multiple efforts by the international community to end the conflict in different part of the earth has given rise to expanded use of several diplomatic tools that were either innovative or seldom used in normal circumstances.



The Responsibility to Protect (R to P)

The debate about humanitarian intervention was under fire during Kosovo Crisis in 1999. When international Negotiations, Sanctions and observes failed to stem the tide violence against civilians in Kosovo, the North Atlantic Treaty Organization (NATO) decided to intervene militarily without UN security council mandate to do so (Baylis , Smith and Owens, 2016).

The intervention that brought major debate to the table on the use of force for human protection purposes was found later “illegal but legitimate” (IICK, 2000). On this basis Canada decided to establish an international Commission on Intervention and State Sovereignty (ICISS) in 2000.

This Commission’ report entitled “Responsibility to protect” in 2001 and it tried to shift the focus of the above debate away from the rights of interveners and towards the protection needs of the victims (Baylis, 2016).It insisted that the States had a responsibility to protect their citizens from genocide , mass killing and ethnic cleansing and when the States fail to commit themselves or are unwilling to fulfill this responsibility the responsibility is transferred to the international community .From this perspective ,R to P comprised of three interrelated sets of responsibilities :to prevent, to react , to rebuild (ICISS,2001).

The 2005 UN summit has unanimously endorsed R to P after months of detailed and consultation and negotiation at the highest levels of government and the UN. The Summits Outcome was alter adopted as a General Assembly resolution.



The R to P is Narrow (its focus on prevention of four crimes like genocide, war crimes, ethnic cleansing and crimes against humanity) and protection of populations from them, but deep in its approach or in its ambition to employ all instruments available to the UN system (Regional arrangements, member states and civil societies). It has also three great pillars that are non-sequential and of equal advantage.

Pillar 1: The primary responsibility of the state to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity and from their incitement (paragraph, 138)

Pillar 2: The international community's responsibility to assist and encourage states to fulfill their responsibility to protect, particularly by helping them to address the underlying causes of genocides and mass atrocities, build capacity to prevent these crimes and address problems before escalate (paragraph 138 and 139).

Pillar 3: The international community is responsible to take timely and decisive action to protect populations from the four crimes through diplomatic, humanitarian and other peaceful means (Principally in accordance with Charters VI and VIII of the UN Charter) and on, a case by case basis, if peaceful means "prove inadequate" and national authorities are manifestly failing to protect their populations, other forceful means through Chapter VII of the UN Charter (paragrph.139)

Up on the agreement made in 2005 by the UN member states, the R to P principle rests on three equally important and non-sequential pillars. The first is the responsibility of the state to protect its citizens (population) from genocide, war crimes, ethnic cleansing and crimes against humanity and from their incitement (Parag 138).



Second the international communities responsibility to assist the state to fulfill R2P (Page 139) and third institution where a state has manifestly failed to protect its population from crimes thus to be protected by international community taking timely and decisive action through peaceful diplomatic and humanitarian means and if that effort fails to use forceful economic or military interventions in consistent manner (peaceful settlement) (VI Chapter) , VIII (enforcement) and VII (Regional arrangements) of the UN charter (page, 139).

It is necessary to bear in mind that R to P is narrow in scope but wide and enduring and well established on principles of existing international law and force may be used only when authorized by the UN security Council and when other, peaceful , measures adopted under Chapters VI and VIII of the UN Charter are thought unlikely to succeed.

As aforementioned the international community has worked on foundation of R to P as a guiding principle for international community of state under article 24 of the U.N Charter for the collective security. The principle of the R to P has been found underpinning number of initiatives, the initiatives are like constitute Act of AU 2000, Article 4 (h) and 4 (9); the concept of human security under the United Nations Development program (1994) in relation with global security, comprehensive and cooperative security in Asia (pacific) region security document that describe the notion of sovereignty as responsibility, ICISS (the special representatives of UN secretary developed after lots of consultation and negotiation conducted at the highest levels of government and UN world leaders unanimously adopted at world summit in 2005 (Morinozzi, 2013).



R to P in Practice

The inclusion of RtoP in to practice got off to a relatively slow start. Between the passage of Security Council resolution in 1674 in 2006, which reaffirmed RtoP, and 2009, the council referred to the concept only once in a preambular paragraph of Resolution in 1706 (2006) on the situation in Darfur. According to Teitt (2009) many of the Security Council members were concerned about the diplomatic pressure they were placed under and succeeding resolutions in Darfur shied away from endorsing RtoP (Teitt, 2009).

In 2003-2004, the Sudanese government under President Omar al-Bashir and its “Janjaweed” militia unleashed what the UN described as a ‘reign of terror’ in Darfur. At least 250,000 people died and over 2 million were displaced .The rate of killing declined after the 2004 but sporadic targeting of civilians continued.

The worlds’ response was slow and timid. Besides there were many resistance on the implementation of RtoP. For instance when the High level Sudan Report regarding that Sudan government was failing in its responsibility to protect Darfuris, different organizations and regional blocks questioned the reports’ legitimacy .It was assumed as means of test case for UK house while Africans were skeptic of the application of RtoP as resource grabbing foreign intervention by Europeans (Gronon, 2006). Latter when the violence subsided, the African Union (AU) deployed a small mission (AMIS), but it was incapable of protecting civilians. UNAU mission (UNAMID) eventually replaced this mission in late 2007. These slow responses were due to reasons like the proliferation of militia groups, coercion applications chances opposed by Russia and China.



Even after the disputed Kenyan election in Kenya, ethnic and tribal violence resulted in the killing of some 1,200 to 1,500 people and displacement of 300,000 more. This challenge was responded by the intervention of the international community approaching the situation in Kenya “in the RtoP Prism” and worked on power sharing agreement between the incumbent and opposition party leaders (Annan, 2012). This diplomatic effort, couched squarely in RtoP terms, pulled the two leaders back from a terrible instability of the region.

It was marked as a moment where the RtoP could be a tangible demonstration of RtoP’s capacity to facilitate atrocity prevention through peaceful means. Even in Myanmar 2008 the RtoP was facilitated for the States slow request for humanitarian access after cyclone Nargis in order to deliver aid without the governments consent. In addition Russia has used RtoP to invade Georgia justified on RtoP basis. It was Russia’s rationale that the invasion was aimed to prevent genocide in South Ossetia. Both Russian and Myanmar’s cases were rejected by international society (Baylis, 2016).

Humanitarian intervention is often understood as something that only Western States undertake. This is not the case. Arguably very different to modern day international politics; The Peace of Westphalia established the norm against intervention in other states’ current affairs. Importantly, this principle assumed every state was equal and had basic rights like full authority over territory and domestic affairs. This idea was maintained until the Cold War. During this time, the political and territorial components of states was upheld with a ‘firmly non-interventionist conception of sovereignty prevailing’ (Gkanville, 2010).



In the past, military involvement in the matters of another state, irrespective of the reasoning that supported it, was considered a violation of the non-intervention norm. However, rare military interventions did occur through the Cold War. One example is with India and East Pakistan in 1971 (Sonia, 2014), Vietnam's intervention in Cambodia. Mirroring the intervention in Pakistan, Vietnam intervened in Cambodia based on a humanitarian crisis, only to face great backlash by many countries (Doyle, 2021) in 1978. As the Cold War ended, more and more foreign interventions began to take place. The early 1990s brought with it 'a spread of optimism regarding the international community's new-found capacity for dealing with humanitarian issues.' (Misha, 2013). During the Cold War, the UN Security Council was unable to act efficiently in global politics; effectively incapacitated by the consistent use of veto power by the 5 permanent council members, each of whom wanted to protect their spheres of influence.

The breakdown of the Cold War carried an end to automatic vetoes as the once divided international community all followed one ideology now – capitalism. With this unexpected influence, the UN Security Council became much better at dealing with international conflicts and increased their peacekeeping operations human rights have become the dominant moral vocabulary in foreign affairs” (Michael, 2013), indicating that an increase in humanitarian intervention showed that human rights abuse was playing a pivotal role in redefining what sovereignty meant.

One important example representing the clear change in sovereignty because of humanitarian issues during the post-cold war, is the intervention in Northern Iraq in 1991[6] (Howard, 1992); the 2003 conflict in Iraq. In this case, a particular nation is interfering into the domain of another's sovereign rights and rights of determining courses of affairs.



The intervention in Iraq is sharply distinct from that of India and East Pakistan; India was sharply criticized for interfering in Pakistan's internal affairs and preventing the violent repression of Bengalis. Following the Iraq intervention, it was clear that sovereignty was fundamentally changing (Luke, 2010).

Among the controversial actions of Responsibility to Protect is the Libyan case. In 2011 NATO's operation in Libya was against the governments of Libya which has been the subject of evolving domestic and internationally military intervention. With the UN and its member states seemingly hesitant to translate RtoP from "words to deeds", the UN Security Council responded to Violence in Libya, which included the commission of crimes against humanity and contained clear potential for more, by unanimously passing resolution 1970. Under Chapter VII the resolution specifically referred to RtoP, demanded an immediate cessation of violence, established a political process, imposed targeted sanctions, and referred the situations to the international Criminal Court.

The Western writers claim that when Qadafi regime failed to comply, the council took the unprecedented step of authorizing the use of force to protect civilians from imminent danger and enforcing no-fly Zone and an arms embargo based on Resolution 1973. The Security Council that adopted Resolution number 1973 has established no fly Zone in Libya airspace and authorized member states to take necessary measures in protecting Civilians especially the Civilian populated area, which is under treat alert by Libya. The US which intervenes in Libya has established operation Odyssey Dawn started on 19 March after two days of the UN adopted Resolution 1973



These three resolutions, passed without the a single negative vote, had been depicted as the councils efforts towards achievement of RtoP however it was criticized that the NATO and UN overstepped their Security council mandates by contributing to the forcible change of regimes in those countries, that they used disproportionate force which increased the risks of civilian population and that they ignored or outright rejected opportunities for further political dialogue or diplomacy (Baylis et al. , 2016).

Conversely to the above explanation by Baylis et al. (2016)The United Nations Charter Article 51 that asserts inherent right of states to use force in individual or collective self-defense against armed attacks the intervention made has opened the Pandora box in Libya with grievous consequences that allowed the emergence of new actors using the opportunities to grab. Furthermore, Charter VII of the Charter lays out a set of procedures through which the Security Council can authorize uses of force in response to the existence of any threat to the peace, breach of the peace or act of aggression (Marinozzi). Military action in Libya was sanctioned by the Security Council under Charter VII of the UN Charter, which allows for such intervention in the case of a threat to international peace and security which they have interpreted as including grave threats to civilians.

The military intervention in Libya on the basis of United Nations Security Council Resolution 1973 raises important questions with regard to the legality and legitimacy of forceful regime change. While the resolution is in accordance with the generally accepted post-Cold War practice of the Security Council, its scope and limits are not entirely clear.



Given subsequent debates about what was meant by a “no fly Zone” and whether NATO exceeded its mandate, it is important to stress that League of Arab States statement called for No-fly Zone and the establishment of safe areas to protect civilians from Shelling (Bellamy and Williams, 2016). During the intervention itself, Qatar provided six strike aircraft and two strategic aircraft to support the no fly zone, and towards the end of the mission, Qatari Special Forces assisted in land operations and provided training to opposition forces. The United Arab Emirates contributed twelve aircraft, which participated in all aspects of the operation, and Jordan provided six aircraft to fulfill noncombat roles, comprising support for the delivery of humanitarian relief.



Conclusion

At the beginning of the presentation there were three main concepts raised as a point of discussions. The paper has shown that there are changes to the definition and practice of state sovereignty as the changes in international system changes over time ensue, and war and conflict time dynamics that saw states' incapability to prevent their citizenry from gross human rights violations either due to incapability or complicity.

In response to these dynamics that have resulted in multiple genocides and mass exterminations, the UN has adopted various stages of international law that prohibit genocide, ethnic cleansing, war crimes and crimes against humanity with mottos like Never Again. Followed with preventive diplomacy that works in order to the R2P to protect civilians from rights violations.

R2P embraces three specific responsibilities. The first is to prevent the direct and underlying causes of internal conflicts before they mature to cause massive civilian harm. The second is to respond, the act of responding to compelling human rights abuses through measures such as sanctions, international prosecutions and in extreme cases, military interventions. The last is to rebuild- to provide, particularly after military intervention, full humanitarian access, recovery, reconstruction and reconciliation to address the root causes of the conflict.

The growing significance of individual rights, globalization, and changing international order from state-centered to "order-centered" of global order, the traditional role of state sovereignty is being redefined to the extent that state sovereignty can sometimes be overridden by the international community in cases of genocide, ethnic cleansing, war crime and crime against humanity.



The R2P doctrine is not without challenge some of which are the questions of legitimacy of some of the measures taken in the name of R2P, double standard approach of the Western states, manipulation of some of the intervention measures in the interest of other political gains and poor prognostic deliberations of intervention and the resultant failed states such as in Libya.

Generally, the traditional understating and practice of state sovereignty is being changed and it can be malleable, changed and above all, not absolute in the face of unfolding age of human rights and individual liberty. R2P doctrine is one of the developments in the international order that proved state sovereignty not absolute and enduring beyond limit.



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8 September 2019, Bangkok, Thailand



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