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# THE RESPONSIBILITY TO PROTECT: AN EVOLVING NORM IN INTERNATIONAL LAW

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## ABSTRACT

The Right to Protect was unanimously adopted in 2005 at the UN summit, the largest meeting of heads of state and government in history. This is expressed in paragraphs 138 and 139 of the resulting document of the World Summit :Since the adoption of the duty to protect in 2005, the UN Secretary General has taken steps to develop this principle and guide its practical implementation. The implementation of the principle was regularly considered by member states in official and informal meetings, and this principle was repeatedly mentioned and confirmed in relevant UN resolutions. Other actors supported the implementation of the principle.<sup>1</sup>

The duty to protect - known as R2P - is an international norm designed to ensure that the international community can never again stop mass atrocities such as genocide, war crimes, ethnic cleansing, and crimes against humanity.<sup>2</sup>The concept arose in response to the failure of the international community to adequately respond to the mass atrocities committed in Rwanda and the former Yugoslavia in the 1990s. The International Committee on Intervention and State Sovereignty developed the concept of R2P in 2001.

Although the duty to protect doctrine was formally established in the early 2000s, the historical development of the duty to protect doctrine can be traced back to the development of international norms and responses to humanitarian crises, with its earliest roots in the development of international humanitarian law. , which arose largely in response to the Holocaust and World War II atrocities, and whose direct paths can be traced back to the 1990s of the developments of the years at the end of the Cold War. The international community's renewed ability to deal with threats to peace was viewed optimistically. and security, and worked together to protect human rights in one of the early fair trials of that resolution. The international community responded collectively to Iraq's invasion of Kuwait in 1991, when a vast coalition of nations worked to force Iraq under the authority of the UN Security Council to leave the country, but other attempts soon

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<sup>1</sup><https://www.brookings.edu/articles/what-is-the-responsibility-to-protect/>

<sup>2</sup> <https://una.org.uk/r2p-detail>

followed, and the response of the international community was less effective, three in particular worth noting.

### **History of Responsibility to Protect**

1. <sup>3</sup>The first attempt took place in Somalia. At the beginning of the 1990s, Somalia was ravaged by civil war, which eventually divided the country into several regions under the control of competing armed groups, as well as famine and a massive refugee crisis. Country. In response, the United Nations Security Council authorised the launch of a new peacekeeping operation called the United Nations Operation in Somalia, or UNOSOM. The initial mission was established in April 1992 and was tasked with providing humanitarian aid in the country and enforcing a ceasefire between the various factions until December. This mission was replaced by UNOSOM2, and its mission expanded to disarm the Somali armed forces and restore order in the country. The United Nations mission was joined by the American military initiative Operation Restore Hope with a similar goal, which initially was able to provide humanitarian aid. aid and the disarmament of some Somali forces, but the operation was increasingly opposed by some other soldiers, especially militias led by General Muhammad Farah, and in October 1993, a US-led task force was sent to Somalia to seize the deed. Hadid's militia lay in wait, and in the ensuing battle, 18 American soldiers and 200 to 500 Somalis were killed, and 73 American soldiers and an estimated 2,000 Somalis were wounded in the battle known as Black Hawk Down, a major setback for the UN mission in Somalia. Withdraw from Somalia

2. Another important event that led to the obligation to defend the doctrine was the Rwandan genocide, in which about 800,000 people, mostly ethnic Tutsi and moderate Hutus, were killed in about 100 days between April and July 1994. was left in ruins, and broader regional stability has been undermined by conflicts in several neighbouring countries.<sup>4</sup> Tragically, the UN already had a peacekeeping mission on the ground at the beginning of the genocide. The United Nations Assistance Mission to Rwanda, or UNAMIR, was sent in October 1993 to monitor the implementation of the Arusha Accords of the Hutu-led peace treaty. In the months leading up to the genocide, the Rwandan government and the Tutsi-led Rwandan Patriotic Front opposition were warned by UNAMIR commanders of escalating violence in the Security Council. It provides new

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<sup>3</sup> <https://history.state.gov/milestones/1993-2000/somalia>

<sup>4</sup> <https://www.britannica.com/place/Somalia/Civil-war>

opportunities for the UN system to help States prevent listed crimes and violations and protect affected populations through capacity building, early warning, and other preventive and protective measures, rather than simply waiting for a response when they fail.

### **Indian perspective of Responsibility to Protect**

India's response to the emergence and development of the Responsibility to Protect (R2P) doctrine as well as its invocation in several recent crises, has been generated as a significant body of academic and policy-oriented research. This has attracted the attention of scholars interested in the effects that so-called "rising powers" can have on the international system. This has attracted interest among think tank analysts and serious journalists interested in evaluating New Delhi's approach to foreign policy, especially in managing key bilateral relations and multilateral processes of global governance. It has also become a focus for scholars who analyze how foreign policy is made in India - its key actors, their beliefs and preferences, the institutional context in which they operate, and the pressures they experience from parliamentarians, interest groups, electoral politics, and military or media, among others.<sup>5</sup>

In other words, India's complex relationship with R2P is not only interesting in its own right, but also important for what this emerging body of research has to say about India's contemporary international relations in general and its changing foreign policy processes in particular. Furthermore, the work done on this topic to date provides a useful overview of the current state of Indian foreign policy scholarship, a field often criticized as theoretically underdeveloped by global standards. All the scholarship discussed in this chapter shows that most Indian foreign policy elites remain skeptical of key aspects of R2P, and in that the minority are outright hostile to some element.

They disagree, however, on why New Delhi's reluctance to embrace R2P, especially its so-called "third pillar," which calls for international intervention in cases where states clearly fail to protect their own populations, is counterintuitive. Some point to idealistic factors, the beliefs of decision-making elites, assuming that they drive India's foreign policy preferences. Others point to domestic political imperatives, particularly electoral politics and the challenges of incumbent ruling coalitions, which shape India's approach to the defence obligation. And others

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<sup>5</sup> <https://www.tandfonline.com/doi/full/10.1080/13602004.2023.2262846>

argue that concerns about solving India's internal security problems underpin official scepticism about the doctrine.<sup>6</sup>

### **Application of Responsibility to Protect**

The 2005 World Summit Outcome Document consists of certain paragraphs, namely para 138, para 139, and para 140 on the Responsibility to Protect, which can be explained as:

Para 138 says that each State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

Para 139 says that 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.

Lastly, Para 140 describes that the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide is fully supported.<sup>7</sup>

The responsibility to protect (commonly referred to as 'RtoP') rests upon three pillars of equal standing: the responsibility of each State to protect its populations (pillar I); the responsibility of the international community to assist States in protecting their populations (pillar II); and the responsibility of the international community to protect when a State is manifestly failing to protect its populations (pillar III).<sup>8</sup> Given the current range and intensity of crises around the world, many feel compelled to say that RtoP has failed. But in my opinion, I feel that important advances in the development of the principle and in the design of practical measures for its full implementation provide a more optimistic picture.

The responsibility to protect includes three elements of international responsibility:

**Responsibility to Prevent:** This component emphasises the international community's responsibility to prevent mass atrocities from occurring in the first place. This can be achieved

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<sup>6</sup><https://www.cambridge.org/core/books/abs/new-directions-in-indias-foreign-policy/india-and-the-responsibility-to-protect/453717B14B2296E8E1DD2F2F82F19252>

<sup>7</sup> un.org

<sup>8</sup> <https://www.globalr2p.org/what-is-r2p/>

through diplomatic efforts, sanctions, development assistance, and other means to address potential triggers of violence.

**Responsibility to React:** When a state is unwilling or unable to prevent mass atrocities, the international community has a responsibility to take concrete steps to stop such atrocities. This may involve humanitarian intervention, peacekeeping operations, and peacebuilding efforts to protect civilians under threat.

**Responsibility to Rebuild:** After the immediate crisis has been addressed, the international community has a responsibility to help rebuild the affected country and provide aid to the victims. This can include providing development assistance, promoting justice and reconciliation, and supporting security sector reform.<sup>9</sup>

According to R2P, prevention is the single most important dimension.

States have an obligation to intervene through peaceful means, such as mediation and economic sanctions, to protect civilians from atrocity crimes. The R2P also authorizes the use of military force if peaceful means are inadequate. Strict criteria must be met to do so. First, the just-cause threshold states that there must be an occurrence or imminent likelihood of large-scale loss of life or ethnic cleansing. Second, the intention has to be primarily humanitarian. Third, this must be the last resort. Prevention measures should be exhausted before any military intervention.

Fourth, it has to be carried out in proportional means. Fifth, there must be a reasonable chance of success to prevent suffering. Lastly, it has to be carried out through the right authority, namely the Security Council. At the 2005 World Summit, all members of the United Nations endorsed a responsibility to protect doctrine.

Since its adoption in 2005, the responsibility to protect has been referenced by the Security Council more than 80 times, including in resolutions addressing crises in Darfur, Libya, Cote d'Ivoire, Yemen, Mali, and Sudan, among others. However, a few cases warrant a little more attention:

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<sup>9</sup> <https://www.mdpi.com/2076-0760/11/8/368>

**In Kenya in December 2007**<sup>10</sup> a series of inter-ethnic clashes erupted the violence which lasted for several months resulted in the deaths of over 1100 people and the displacement of up to three hundred thousand the violence was sparked by allegations of electoral fraud but largely occurred along ethnic lines the violence was quickly condemned by the International Community the U.N Security Council called for an end of the violence and urged the Kenyan government to take action to protect its citizens the African Union also sent a peacekeeping force to Kenya to help restore peace and stability mediation efforts by U.N Secretary-General Ban Ki-moon led to the establishment of a power-sharing agreement in the country and established National Commissions in Kenya to investigate the violence and to review the outcome of the elections the rapid and coordinated response of the International Community under the rubric of the responsibility to protect was heralded as a model case in the principle of action. In the end, an examination of the Kenyan situation reveals that there was no connection between the effectiveness of conflict reduction initiatives and the implementation of Responsibility to Protect (R2P). The environment in Kenya was beneficial to the mediation's success. However, the use of Responsibility to Protect (R2P) in the Kenyan context helped to advance R2P as a framework that prioritises non-coercive, preventative intervention supported by regional actors.<sup>11</sup>

**2011 Civil War in Cote d'Ivoire**<sup>12</sup> provides another example of the effective and successful use of the responsibility to protect in late 2010 following another disputed presidential election a civil war broke out in the country forcing hundreds of thousands of people from their homes and resulting in thousands of people killed the violence was also marked by widespread human rights abuses including extrajudicial killings torture and sexual violence the International Community responded to the crisis by imposing sanctions on the government of Laurent Gbagbo the incumbent president refused to step down after losing the election the U.N Security Council also authorised the use of force to protect civilians in response to which the French and U.N forces intervened militarily leading to the ousting and ultimately the arrest trial and acquittal of Gbagbo at the international criminal court in this case the international community's intervention was successful in restoring a democratically elected government to power preventing a larger humanitarian catastrophe and restoring peace and stability to the country

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<sup>10</sup><https://www.globalr2p.org/countries/kenya/#:~:text=Violence%20following%20Kenya's%20December%202007,of%20%E2%80%9CR2P%20in%20action.%E2%80%9D>

<sup>11</sup> [https://brill.com/view/journals/gr2p/5/2/article-p192\\_4.xml](https://brill.com/view/journals/gr2p/5/2/article-p192_4.xml)

<sup>12</sup> <https://www.globalr2p.org/countries/cote-divoire/>

the intervention also helped to strengthen the respect for the principle of responsibility to protect and to show that the International Community was willing to act to prevent Mass atrocities from being committed against civilians. In my opinion, the application of the Responsibility to Protect (R2P) principle in the civil war of Côte d'Ivoire in 2011 had limited success. While R2P helped draw international attention to the crisis and facilitated humanitarian assistance to affected populations, its ability to prevent mass atrocities and resolve the conflict was constrained by political complexities and the fragmented nature of the conflict. Despite efforts by the United Nations and regional organisations, violence persisted, and human rights abuses continued, underscoring the challenges of implementing R2P in situations where there is limited cooperation from all parties involved. The case of Côte d'Ivoire highlights the need for more robust and coordinated international responses to internal conflicts, addressing root causes and building sustainable peace to effectively protect vulnerable populations.<sup>13</sup>

### **Unpacking R2P in the Context of the Israel-Gaza Conflict**

Responsibility to Protect (R2P), should have been proactively applied in the ongoing conflict between Israel and Gaza<sup>14</sup> however, the same has unfortunately not come to fruition as one would have hoped. Though the Conflict between Gaza and Israel is a long-standing one with deep-rooted history and complex issues at play, understanding the initiation of the current conflict<sup>15</sup> between both stands important. The current war started when terrorists from Hamas attacked Israel across borders in a way never seen before on October 7, 2023. They launched a well-planned, covert attack that destroyed the border fence in several locations, ambushed Israel's security apparatus, and overran the armed forces. The attackers, taken aback by the lack of opposition, escalated the operation into a violent and disorderly rampage through residential areas. Israel declared war on Hamas on the same day of the incident.

The Gaza Strip, unfortunately, sharing borders with the very country it is in attack with has left the civilians vulnerable to violence and its horrifying aftermath. Beyond the increasing number of deaths<sup>16</sup>, there is an alarming scarcity of vital resources in Gaza, such as medicine and food,

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<sup>13</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1927194](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1927194)

<sup>14</sup> <https://www.bbc.com/news/newsbeat-44124396>

<sup>15</sup> <https://www.cfr.org/global-conflict-tracker/conflict/israeli-palestinian-conflict>

<sup>16</sup> <https://www.aljazeera.com/news/2023/11/6/number-of-palestinians-killed-in-israeli-attacks-on-gaza-tops-10000>

owing to the curbing of resources<sup>17</sup> by Israel, which has further exacerbated the humanitarian crisis at hand. This has led to there being a need for international intervention to safeguard the lives and well-being of Gaza's citizens, including women and children.

The R2P framework<sup>18</sup> provides a moral and legal basis for such intervention, emphasising upon the responsibility of the international community to protect populations from mass atrocities and humanitarian catastrophes. The world's countries need to understand and do something about this responsibility. If they do, they can help reduce the suffering of the people in Gaza. It can also help make a lasting peace and stability in the region. According to the Gaza Health Ministry, Israel has been attacking Gaza with airstrikes and artillery since then, resulting in hundreds of deaths and over 33,000 <sup>19</sup>injuries—many of them being minors. The current state in Gaza, marked by widespread human suffering, numerous civilian casualties, and harsh living conditions resulting from blockades and military actions, reflects the humanitarian principles central to R2P. The global response, however, has been just to call a ceasefire between both and an action under R2P has been missing till now<sup>20</sup>. This crisis brings forth the constraints and shortcomings of the Responsibility to Protect (R2P) principle and makes one ask questions about how well R2P is used and what stops it from being enforced.

One can make out the problems surrounding R2P being the political differences, differences of opinions as well as challenges such as logistic difficulties, amongst others. The UN Security Council, responsible for approving actions under R2P, often disagrees on the Israeli-Palestinian issue. The veto power of permanent members makes it hard to agree on stronger actions<sup>21</sup>. The recent conflict between Israel and Hamas began on October 7th, 2023, when Hamas launched an attack on Israel, resulting in the deaths of many Israeli civilians, including women and children. Israel often justifies its actions in Gaza as self-defence, which makes it complicated to address the humanitarian crisis there. This justification receives support from influential international stakeholders, making it challenging to argue for intervention under the Responsibility to Protect principle.

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<sup>17</sup> <https://www.cfr.org/global-conflict-tracker/conflict/israeli-palestinian-conflict>

<sup>18</sup> <https://www.globalr2p.org/publications/the-responsibility-to-protect-a-background-briefing/>

<sup>19</sup> <https://www.newarab.com/analysis/israel-carrying-out-ai-assisted-genocide-gaza>

<sup>20</sup> <https://www.aljazeera.com/opinions/2023/10/31/where-is-the-responsibility-to-protect-in-gaza>

<sup>21</sup> <https://www.realinstitutoelcano.org/en/commentaries/the-limits-of-international-law-the-responsibility-to-protect-r2p-israel-and-the-international-court-of-justice/>



The lopsided nature of the Israeli-Palestinian conflict adds layers of complexity to the application of R2P. Since 1948, Israel has been acknowledged as a state actor by the UN, whereas Palestine's status as a universally recognized sovereign state is lacking due to its incomplete control over its territory, often being designated as a 'non-member observer state' at the UN. It was regarded as the same in 2012.<sup>22</sup>

Traditionally, R2P has been invoked in scenarios where state actors fail to safeguard their populations, rather than in intricate, asymmetrical conflicts involving non-state actors and territories under occupation. Gaza doesn't have the same protection as a sovereign state, so it's Israel's responsibility to ensure the well-being of its people. To help the suffering in Gaza and protect its residents, it's crucial to use peaceful, diplomatic methods based on the principles of R2P. International cooperation and discussions are necessary to find a fair and lasting solution that respects peace, human rights, and the values of R2P.

The international community, particularly the United Nations, bears a responsibility. I believe that the UN has since failed to adequately address the repercussions of the Israel-Palestine conflict, however, South Africa has certainly taken a step forward in upholding the Genocide Convention and moved to the International Court of Justice as against Israel. Although the Responsibility to Protect (R2P) has not been explicitly invoked in relation to Israel's activities in Gaza, South Africa accused Israel of genocide in the International Court of Justice on January 11th.<sup>23</sup> On January 26th, there was a ruling about what's happening in Gaza. It didn't ask for a ceasefire, but it told Israel to do everything possible to stop genocide. The Court said Israel needs to stop anyone from encouraging genocide against Palestinians in Gaza. It also said Israel should act fast to make sure Palestinians get the help they urgently need, like essential services and aid, to improve their tough living conditions. This ruling shows how important it is to protect the lives of people in Gaza right away. It reminds Israel that as the occupying authority, they have a duty to keep the people safe. The Court wants to ease the suffering of Palestinians and deal with the tough situation in Gaza. This ruling follows the ideas of R2P and shows that countries need to work together to solve the problems in this area.<sup>24</sup>

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<sup>22</sup> <https://www.ejiltalk.org/palestine-un-non-member-observer-status-and-icc-jurisdiction/>

<sup>23</sup> <https://indianexpress.com/article/explained/everyday-explainers/why-south-africa-filed-genocide-case-israel-icj-9089770/>

<sup>24</sup> <https://www.icj-cij.org/node/203447#:~:text=26.,obligations%20under%20the%20Genocide%20Convention.>

In my opinion, the situation in Gaza serves as a poignant reminder of the imperative to reaffirm our dedication to the R2P doctrine. R2P, conceived in response to the harrowing events of the 1990s, must be upheld with steadfast determination to safeguard innocent lives and foster peaceful resolutions in conflict-ridden areas such as Gaza. This necessitates a collective commitment to proactive measures aimed at averting humanitarian crises and promoting stability worldwide.

### **Instances where the United Nations' "Responsibility to Protect" was applied to varying degrees of success**

#### **Afghan Crisis**

The developments in Afghanistan over the last 24 years is a perfect example that showcases the application of the "United Nations' Responsibility to Protect" doctrine. Through a chronological analysis, we may ascertain how the intervention of the United States of America was done in furtherance of the third pillar of the doctrine which states "the responsibility of the international community to protect when a State is manifestly failing to protect its populations", as in this instance the Taliban regime in Afghanistan had been granting asylum. After the incidents of September 11th 2001, the US occupied Afghanistan under the pretence of their "War on Terrorism", aiming to flush out the terrorist group, Al-Qaeda, that was held to be responsible for the tragic incidents that occurred on 9/11, from their stronghold within Afghanistan. Shortly after the occupation, the Taliban regime within the country quickly unravelled and fled to neighbouring regions within the continent with the US forces in heavy pursuit of all elements in relation to the terrorist outfit.

In the duration of the American occupation of Afghanistan, they assumed the role of protector of the nation from any hostile terrorist state and embarked upon a campaign that lasted over 20 years within which they attempted to rebuild Afghanistan from a societal and economic standpoint as their economy was in a state of collapse as well the society having been repressed and subjected to major suppression of basic human rights they should have been given free access to, causing the nation to be somewhat stuck and frozen with regards to growth and development. There was no independent media within the nation as it had been banned by Al-Qaeda, owing to the lack of development in any medical infrastructure, life expectancy was quite low. Women and girls were officially banned from schools as it was deemed unnecessary for them to indulge in any activity such as education or pursual of any professional aspirations

as deemed by Al-Qaeda. To help Afghanistan come out of that condition, the US government spent two decades and billions of dollars by running programs to train hundreds of thousands of Afghan soldiers and police forces as they were egregiously underfunded and lacked any formal training. They made many efforts to build a credible electoral process by funding elections and educating more Afghans particularly girls and women. This development happened over a 20-year period from 2001-2021 until the United States withdrawal, all military operations from the nation in the latter half of 2021.<sup>25</sup>

### **Current State within Afghanistan**

In 2019, the United States entered into peace talks with Taliban which excluded the Afghani Government paved the way for talks between Taliban and the Afghani Government in 2020, called the “Afghan Peace Talks”, after which the Taliban took over the nation with little to no resistance and overtook Kabul on 15th of August 2021. Taliban set up their new government and began committing numerous human rights violations from its inception. They once again banned the education of women and proclaimed that it was illegal for a woman to leave their home unaccompanied by a male member of their family. Hence installing a system of systemic gender-based discrimination that eventually leads to violence and persecution against those who are targeted by this system. The Taliban went about reinstating the oppressive practices they had employed in their previous reign and undid the efforts made by the Americans over the 20 years of occupation within the country. The Taliban government acts as the de facto authorities within Afghanistan, hence they are bound by all treaties and agreements entered into by the previous regime, hence having to uphold the obligations codified in such treaties and halting any and all violations and abuses perpetrated by their officials and guaranteeing the equal protection and promotion of human rights of all people in Afghanistan, regardless of gender, ethnic background, religious belief or political affiliation.<sup>26</sup>

This highlights another flaw with the “responsibility to protect” doctrine as a nation cannot play the sole role of protector forever and it would be rather naïve to assert the same, it would also be rather naïve to state that it should be responsibility of neighbouring nations to keep guard over such territories subsequent to the withdrawal of the American forces. The situation in Afghanistan begs for the development of a formal procedure that must be employed in case

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<sup>25</sup> <https://www.globalr2p.org/countries/afghanistan/>

<sup>26</sup> <https://internationallaw.blog/2022/03/21/the-responsibility-to-protect-under-international-law-with-reference-to-the-afghan-crisis/>

of a global or local conflict where international entities as well as neighbouring states work in consortium with one another and ensure the possibility of a nation falling back into ruin is eliminated entirely, although this too would be incredibly naïve a prospect to consider.

### **Russia-Ukraine Conflict**

The current conflict raging in Europe between Ukraine and Russia serves to highlight a major flaw within the system of international polity. It highlights a circumstance where one of the veto-holders commits atrocities against a nation and the other members are all but helpless in acting against it as they lack the framework for action to be taken against any member state, that too one of the stature and influence as that of Russia. The cause for this situation of conflict cannot be pinned onto one specific incident but rather a series of events that led to its occurrence.

Russian President, Vladimir Putin has been long since been an admirer of the united integrity of Soviet Russia and equates the fall of the soviet republic to that of a modern catastrophe. On numerous occasions in the past, the leader has refused to recognise Ukraine as an independent nation and instead implied that Ukraine is but a part of Russia and they share the same people hence laying down an intention for reunification of the 2 nations. In 2014, Ukraine ousted their “Russian national” president, Viktor Yanukovich and in retaliation, Russia annexed the region or Crimea from Ukraine claiming the act to have been done to “preserve and protect the Russian speaking populace of Ukraine”. The final nail in the coffin though was the willingness shown by Ukraine to join NATO, aiding the organisation’s eastward advance. Putin laid down clear threats in response to this invitation to join and threatened drastic measures to prevent the former Soviet state from aligning with the west. On 24th February 2022, under the guise of a military training exercise, Russian troops invaded Ukraine and this act marked the beginning of the largest European conflict since World War 2.<sup>27</sup>

Since the start of the conflict, Ukrainian officials have documented and cited numerous instances of war crimes and atrocities such as rape, torture and pillaging of Russian controlled areas in Ukraine. In areas that were reclaimed from the Russians, mass burial sites were also documented, this conflict has reached a death toll of approximating 300,000 soldiers on both sides

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<sup>27</sup> <https://www.globalr2p.org/countries/ukraine/>

and a countless number of civilians that were caught in the crossfire and subjected to atrocities by the Russian Military.<sup>28</sup>

This situation leads to a major conundrum in geopolitics as one hand it is the responsibility of international entities to assist and protect non-member states in their hour of need. But one other, there lacks any framework to prevent such a conflict or to directly intervene if a member state is itself the egregious aggressor and also has vested within them the veto powers to strike off any intervention that may harm their efforts in the conflict.

International entities have resorted to sanctioning the Russian state in a attempt to harm them economically, but to little avail, as the conflict has been raging on for 2 years now. This situation cannot go unrecognised as a major flaw within the framework of the United Nations, as it operates on the assumption that the member states will operate fairly and be open to rational dialogue, but does not account for a situation where a nation attempts to subjugate another and commit atrocities and crimes against humanity in an effort to assert their dominance.

## **Conclusion**

In its essence the “Responsibility to protect” doctrine enshrines within International Polity a certain sense of safety and fraternity and paving the way for universal peace and an amicable end to all conflicts between nations, it serves as reminder to the duties of those who comprise the international governing bodies such as the United Nations towards to nations that may be vulnerable to foreign aggression and assist in de-escalation of conflict within the region in conflict. It is also important to consider all the times within which a nation acted as a protector in accordance with this doctrine and the implications that intervention had upon the conflict that was intervened upon. The concept of Responsibility to Protect is similar to many within the international domain, where it has originated from a noble sentiment that may also be construed as plain altruist naivete. There still exists a desire for a better framework and a detailed code of conduct and duties to be enumerated on an International forum to make the concept not only a discretionary duty but one that is enforced in a written legislation or treaty.

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<sup>28</sup>[https://www.e-ir.info/2022/09/05/ukraine-and-the-failure-of-the-responsibility-to-protect-norm/#:~:text=As%20Russia's%20aggression%20threatens%20the,Protect%20\(R2P\)%20in%20Ukraine.](https://www.e-ir.info/2022/09/05/ukraine-and-the-failure-of-the-responsibility-to-protect-norm/#:~:text=As%20Russia's%20aggression%20threatens%20the,Protect%20(R2P)%20in%20Ukraine.)