

<b>Forum:</b>	Security Council (SC)
<b>Issue:</b>	Jus Post Bellum and Parties' Responsibility to Rebuild after Conflict
<b>Student Officer:</b>	Joanna Mavromati
<b>Position:</b>	President

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## PERSONAL INTRODUCTION

Dear delegates,

My name is Joanna Mavromati and I am currently an 11th grade student at Platon School. This will be my 17th conference and I will have the pleasure and honour to serve as the President of the Security Council in the 12th annual PSMUN conference.

To begin with, I would like to welcome you all to the 12th Platon School MUN, an inclusive conference that gives students the stimuli needed to help them become active, opinionated citizens of the world. During the 3 days of the conference we will work together as a team, discussing and debating on some of the world's most crucial matters and familiarising ourselves with diplomatic procedures and international affairs. In the Security Council specifically, you will get the chance to experience global politics at their core and through negotiations find innovative ways to solve world issues, while still maintaining the status quo that is modern day international relations.

The aim of this guide is to introduce you to the second topic of the agenda, namely *Jus Post Bellum and Parties' Responsibility to Rebuild after Conflict*. Its purpose is to give you the core information that you can use as a basis for your own personal research both on your country's policy and on the topic as a whole. The Security Council's peculiar mandate and rules of procedure differentiate it greatly from other committees, so I strongly suggest you keep that in mind when researching or preparing any clauses. After all, in MUN we aim to provide a productive simulation of the real-life procedures of the United Nations, and only through thorough preparation and active participation during the conference will you be able to grasp the core values of, not only MUN, but of diplomacy as well.

I would be more than glad to assist you if there are any questions concerning either this topic or the rules of procedure, so do not hesitate to contact me at [mavromati.io@gmail.com](mailto:mavromati.io@gmail.com) if any such arise!

Kind regards,

Joanna Mavromati

## INTRODUCTION

*"We become leaders when we accept the Responsibility to protect those in our care"*<sup>1</sup>

-Simon Sinek

When a state is unable to protect its population from genocide, war crimes, ethnic cleansing or crimes against humanity, or is even accountable for crimes as such, the Responsibility to Protect (R2P) the threatened populations rests within the international community. Responsibility to Protect - an international framework introduced in 2005 for the purposes of preventing such atrocities from occurring - was originally broken down to three main stages: prevention, reaction and rebuilding/reconciliation; Responsibility to Rebuild (R2R) deals with the final phase.

Responsibility to Rebuild (R2R), also referred to as Jus Post Bellum, addresses the obligations of State parties intervening in Member States' national matters to ensure the reconciliation and stabilisation of the targeted Member State before withdrawing from the country. R2R is the last step to an already complicated and disputed principle, that of the Responsibility to Protect. The two guiding principles were initially developed as complementary endeavours at the turn of the century but were split up during the UN's more extensive reform discussions and it was eventually omitted from the 2005 World Summit Outcome document which legitimised the R2P.

All sovereign States are obliged, under the United Nations Charter, to protect their population. Sovereignty under R2P has been described by Anne-Marie Slaughter, ex Director of Policy of the US, as a kind of conditional sovereignty.<sup>2</sup> Under R2P, even though the State is primarily responsible for the protection of its people from the four mass atrocity crimes, if it fails to do so then that responsibility lies within the international community and, in extreme cases where all other peaceful measures have failed, an intervention within the internal matters of the State can ensue. R2P has raised many questions concerning the undermining of the principle of sovereignty, and judging the effectiveness of its application is a matter of equal complexity.

A humanitarian intervention justified under R2P has occurred once since the adoption of the principle in 2005, in Libya, and it has been widely condemned as a failure. From that one instance alone, it became evident that the R2P framework was lacking one crucial component: the reconciliation and rebuilding process. R2R addresses the responsibility of the intervening States to ensure that after crisis management, the State that was targeted will have the capacity to maintain peace, avoid the resurgence

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<sup>1</sup> "Simon Sinek Quote: 'We Become Leaders When We Accept the Responsibility to Protect Those in Our Care.'" *Quotefancy*, <https://quotefancy.com/quote/1415710/Simon-Sinek-We-become-leaders-when-we-accept-the-responsibility-to-protect-those-in-our>.

<sup>2</sup> Slaughter, Anne-Marie. "A New U.N. for a New Century." *FLASH: The Fordham Law Archive of Scholarship and History*, <https://ir.lawnet.fordham.edu/flr/vol74/iss6/1/>.

of conflict and prevent the recurrence of future crises. There is currently no clear international blueprint for such a process, but it is obvious that if any intervention under the R2P scope is to be effective, the gap between R2P and R2R must be bridged.

## DEFINITION OF KEY TERMS

### Sovereignty

Under international law, "sovereignty" is defined as the principle that each nation-State has complete authority over its territory and domestic affairs to the exclusion of all external powers. It is one of the fundamental principles of modern-day global relations and international law, and it is affirmed by the International Court of Justice (ICJ)<sup>3</sup> and by Article 2(1)<sup>4</sup> of the UN Charter.<sup>5</sup>

### Capacity Building

The concept of capacity building is closely related to self-reliance and sustainable development. It places a strong emphasis on sustainable transformation by giving communities the tools and resources they require to carry out tasks successfully without the aid of outside parties. It entails all efforts to develop the resources required for a particular community to endure and develop on its own. Capacity building is an integral part of the rebuilding aspect of R2P, as it is a means to ensure that, after humanitarian intervention, the assets necessary for maintaining peace will be covered before the international community reinstates the sovereignty of the targeted country.<sup>6</sup>

### Mass Atrocity Crimes

As defined by international criminal law, three types of violations are formally recognised as mass atrocity crimes: genocide, war crimes (violations of international humanitarian law that occur during conflict) and crimes against humanity. Ethnic cleansing ("purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas")<sup>7</sup> is also regarded as a mass atrocity crime

<sup>3</sup> "Charter of the United Nations." Charter of the United Nations | International Court of Justice, <https://www.icj-cij.org/en/charter-of-the-united-nations>.

<sup>4</sup> "Chapter I: Purposes and Principles (Articles 1-2)." United Nations, United Nations, <https://www.un.org/en/about-us/un-charter/chapter-1>.

<sup>5</sup> Benjamin Mekinde Tonga (Author). "State Sovereignty and Non-Interference in International Law." GRIN, 18 Jan. 2021, <https://www.grin.com/document/988362#:~:text=The%20principles%20of%20state%20sovereignty%20and%20non-interference%20rest,affairs%20to%20the%20exclusion%20of%20all%20external%20po%20wers.>

<sup>6</sup> "Capacity-Building." United Nations, United Nations, <https://www.un.org/en/academic-impact/capacity-building>.

<sup>7</sup> "United Nations Office on Genocide Prevention and the Responsibility to Protect." *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/ethnic-cleansing.shtml>.

despite not having been recognised as an individual crime under international criminal law. There are various international legal documents defining the first three crimes including the 1949 Geneva Convention along with their 1977 Additional Protocols, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the 1998 Rome Statute of the International Criminal Court (ICC).<sup>8</sup>

### International Humanitarian Law (IHL)

“International humanitarian law (IHL), also known as the law of armed conflict/war, is a set of rules that seeks, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not, or are no longer, directly or actively participating in hostilities, and imposes limits on the means and methods of warfare”<sup>9</sup>. It is a branch of public international law; however, a distinction must be made between public international law and IHL. The former addresses jus ad bellum, meaning it regulates whether a state may legitimately resort to armed force against another state, whereas the latter deals with jus in bello, meaning the code of conduct for parties participating in armed conflict.

### Public International law

“Public international law is the type of law that regulates the way States and other international subjects behave in their own competences and in mutual relations to seek peace and international cooperation”.<sup>10</sup>

### Jus ad Bellum

Jus ad Bellum is the Latin phrase for justice before war. It is one of the three categories that comprise the theory of Just War. It refers to the conditions under which States may resort to war or to the use of armed force in general. The fundamental principles of jus ad bellum are the prohibition of the use of force by States as well as the exceptions to it (self-defence and UN authorization for the use of force). These principles are laid out in the United Nations Charter of 1945.<sup>11</sup>

### Humanitarian intervention

As defined by international law, the concept of humanitarian intervention refers to the actions taken by a State aiming to protect the inhabitants of the State targeted for

<sup>8</sup> “Defining the Four Mass Atrocity Crimes.” *Global Centre for the Responsibility to Protect*, 4 Oct. 2019, <https://www.globalr2p.org/publications/defining-the-four-mass-atrocity-crimes/>.

<sup>9</sup> International Committee of the Red Cross. “What Is International Humanitarian Law?” *International Committee of the Red Cross*, 7 Apr. 2022, <https://www.icrc.org/en/document/what-international-humanitarian-law>.

<sup>10</sup> V., Gabriela Briceño. “Public International Law: What Is, Characteristics, History, Sources, Branches.” *Euston96*, 2 Dec. 2021, <https://www.euston96.com/en/public-international-law/#:~:text=Public%20international%20law%20is%20the%20type%20of%20law,mutual%20relations%20to%20seek%20peace%20and%20international%20cooperation>.

<sup>11</sup> International Committee of the Red Cross. “What Are Jus Ad Bellum and Jus in Bello?” *International Committee of the Red Cross*, 12 Nov. 2015, <https://www.icrc.org/en/document/what-are-jus-ad-bellum-and-jus-bello-0>.

intervention, whose lives are threatened either imminently or actually. It is a concept highly relevant to the UN Security Council's authority, especially regarding Chapter VII of the UN Charter which historically has treated humanitarian intervention as a "right" or entitlement of States to threaten or use force without institutional authorization, also explaining its close link to the concept of *jus ad bellum*.<sup>12</sup> It must be noted that oftentimes the differentiation between humanitarian interventions and political or military interventions can be a blurred line as they may overlap, and the presence of the military is an element that can be found in all types.<sup>13</sup>

### Responsibility to Protect (R2P)

The R2P is a political instrument that outlines that the State is to be primarily responsible for the protection of its people under its own jurisdiction from the four mass atrocity crimes: genocide, war crimes, ethnic cleansing, and crimes against humanity. The international community is responsible for assisting states to fulfil their R2P. However, if a State is failing to protect its population, then that responsibility lies within the international community which must take immediate action. The use of force in the form of a humanitarian intervention (protection intervention) can be justified under the scope of R2P however, as a last resort, after all other peaceful means have been exhausted.<sup>14</sup>

### Protection intervention

A protection intervention is not a legally recognised term. However, for the purposes of this study guide, it essentially refers to a humanitarian intervention under the scope of R2P. More precisely, a preventative intervention against one of the four crimes of mass atrocity—genocide, war crimes, crimes against humanity, or ethnic cleansing.

### Jus Post Bellum

Jus Post Bellum is the Latin phrase for justice after war. It has recently become one of the three categories that comprise the theory of Just War, though its addition has raised controversy among moral debaters of the theory. It refers to the moral requirements that are to be met during the termination phase of war. Under the Jus Post Bellum umbrella falls the Responsibility to Rebuild. However, it must be made

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<sup>12</sup> "Humanitarian Intervention." Obo,

<https://www.oxfordbibliographies.com/view/document/obo-9780199796953/obo-9780199796953-021.xml>.

<sup>13</sup> McCall, Michael. "Determining a Successful Humanitarian Intervention." *E*, 9 July 2017,

<https://www.e-ir.info/2017/07/09/determining-a-successful-humanitarian-intervention/>.

<sup>14</sup> *International Humanitarian Law and the Responsibility to Protect*.

<https://www.redcross.org.au/globalassets/cms-assets/documents/about-us/ihl-r2p-responsibility-to-protect.pdf>.

clear that Jus Post Bellum refers to all conflicts and not specifically to post-intervention environments.<sup>15</sup>

### Responsibility to Rebuild (R2R)

The Responsibility to Rebuild falls under the broader category of Jus Post Bellum, as mentioned above. It was developed as an extension to the Responsibility to Protect, as it essentially refers to the final stage of a protection intervention which is in order after the principle (R2P) has been invoked. The Responsibility to Rebuild reads that the actors that have interfered with the sovereignty of another state for humanitarian purposes have a Responsibility to Rebuild and reconcile, after bringing the crisis under control, before leaving the targeted country. It has yet to be formally introduced to international law and integrated in crisis response systems.<sup>16</sup>

### Peacebuilding

“Peacebuilding aims to prevent the outbreak, escalation, continuation and recurrence of violence, therefore, it can take place before, during and after conflicts. It is a long-term and collaborative process, as it involves changes in attitudes, behaviours, norms and institutions”.<sup>17</sup> Peacebuilding is a key element of R2R.

### Principle of non-intervention

“In international law, the principle of non-intervention includes, but is not limited to, the prohibition of the threat or use of force against the territorial integrity or political independence of any state (Article 2.4 of the Charter). The principle of non-intervention in the internal affairs of States also signifies that a State should not otherwise intervene in a dictatorial way in the internal affairs of other States”<sup>18</sup>. In most cases, the principle of non-intervention goes against the R2P and the R2R and it has been used as one of the main counter arguments opposing the adoption of the two principles.

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<sup>15</sup> Staff, ERLC, et al. “A Brief Introduction to the Just War Tradition: Jus Post Bellum.” *ERLC*, 11 June 2020, <https://erlc.com/resource-library/articles/a-brief-introduction-to-the-just-war-tradition-jus-post-bellum/>.

<sup>16</sup> Schnabel, Albrecht. “The Responsibility to Rebuild.” *Routledge Handbooks Online*, Routledge Handbooks Online, 25 June 2012, <https://www.routledgehandbooks.com/doi/10.4324/9780203117637.ch4#:~:text=The%20responsibility%20to%20rebuild%3A%20to%20provide%2C%20particularly%20after,you%20do%20not%20have%20access%20to%20this%20eBook.>

<sup>17</sup> “What Is Peacebuilding?” *International Alert*, 10 Aug. 2022, <https://www.international-alert.org/about/what-is-peacebuilding/>.

<sup>18</sup> “Non-Intervention (Non-Interference in Domestic Affairs) | The Princeton Encyclopedia of Self-Determination.” *Princeton University*, The Trustees of Princeton University, <https://pesd.princeton.edu/node/551>.

## BACKGROUND INFORMATION

### The emergence of the Responsibility to Protect (R2P)

The years between the 1990s and the turn of the century, following the Cold War, were marred by a string of flagrant violations of human rights in a number of countries, shocking the international community. Humanitarian interventions, which are usually presented as attempts to prevent such atrocities from unfolding, have drawn considerable controversy both by fact of occurrence and, often, failure. During those years the need for a better crisis response system was brought to light.

The 1994 genocide in Rwanda exposed the full horror of inaction, particularly on the part of the UN peacekeeping system.<sup>19</sup> Prior to the event, the United Nations Secretariat and a few permanent members of the Security Council were aware that individuals connected to the then-governing regime were plotting a genocide;<sup>20</sup> UN peacekeeping forces, though insufficient in number, were present in the region, yet the Security Council chose to order troops against intervening. The genocide's aftermath was not limited to Rwanda's humanitarian catastrophe, killing more than 800.000 to 1 million Tutsi and non-extremist Hutu civilians,<sup>21</sup> but caused further, almost permanent, instability across the entire Great Lakes region. In the aftermath, many African people came to the realisation that, despite rhetoric claiming that all people are entitled to equal treatment under the law, some people's lives actually matter much less to the international community than others.

On the other side of the spectrum is the incident of Kosovo in 1999,<sup>22</sup> where an intervention did take place, sparking debate not only about its effectiveness but of its altruistic intentions as well. “Were all other peaceful alternatives explored? Was the intervention appropriately authorised? Was external intervention manipulated to advance the political agenda of the secessionists?<sup>23</sup> Did the human rights situation worsen because of the very nature of the intervention? Had NATO not intervened,

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<sup>19</sup> History.com Editors. “Rwandan Genocide.” *History.com*, A&E Television Networks, 14 Oct. 2009, <https://www.history.com/topics/africa/rwandan-genocide>.

<sup>20</sup> “ICISS Report : International Commission on Intervention and State Sovereignty.” *ICISS Report : International Commission on Intervention and State Sovereignty*, <https://web.archive.org/web/20070731161527/http://www.iciss-ciise.gc.ca/report2-en.asp#dilemma>.

<sup>21</sup> Samantha Lakin PhD Candidate. “Lessons from the UN Peacekeeping Mission in Rwanda, 25 Years after the Genocide It Failed to Stop.” *The Conversation*, 4 Nov. 2022, <https://theconversation.com/lessons-from-the-un-peacekeeping-mission-in-rwanda-25-years-after-the-genocide-it-failed-to-stop-122174>.

<sup>22</sup> Nato. “NATO's Role in Kosovo.” *NATO*, 17 Aug. 2022, [https://www.nato.int/cps/en/natolive/topics\\_48818.htm](https://www.nato.int/cps/en/natolive/topics_48818.htm).

<sup>23</sup> “Kosovo Conflict.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/event/Kosovo-conflict>.



would it have led to a mass slaughter?" were only some of the questions raised by the NATO-led operation in Kosovo.<sup>24</sup>

Two more instances of the international community's utter ineffectiveness in stopping mass atrocities include the UN's 1992–1993<sup>25</sup> failure and eventual withdrawal of its peace operations in Somalia due to poor planning and execution, as well as its 1995 failure in Srebrenica, Bosnia<sup>26</sup> – particularly its inability to stop the massacre of thousands of civilians who were seeking refuge in the so-called UN's "safe areas".

The aforementioned incidents brought to light systemic flaws in international crisis-response systems and sparked discussions about the international community's shortcomings in stopping such atrocities. Under those circumstances, in his 2000 Millennium Report, UN's ex-Secretary General, Kofi Annan, raised the question: "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?"<sup>27</sup>.

Setting out to find an answer to this question, the International Committee on Intervention and State Sovereignty (ICISS), an ad hoc committee launched under the authority of the Canadian government, alongside members of the General Assembly, introduced the notion of Responsibility to Protect in 2001. They published a report, namely "The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty".<sup>28</sup> The report's main argument was that the international community has a Responsibility to Protect in situations where States have failed to protect their citizens from the four mass atrocity crimes and that, in such cases, military intervention can be used as a last resort. In the report, the ICISS mapped out a distinct continuum of responsibilities that comprise the Responsibility to Protect, ranging from prevention to reaction and rebuilding. The preventative stage aimed at addressing the root causes of internal conflicts and taking anticipatory

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<sup>24</sup> Duursma, Jorri. "Justifying NATO's Use of Force in Kosovo?: Leiden Journal of International Law." *Cambridge Core*, Cambridge University Press, 3 Mar. 2004, <https://www.cambridge.org/core/journals/leiden-journal-of-international-law/article/justifying-natos-use-of-force-in-kosovo/8C9DD522180F2FC88D2244277113E61B>.

<sup>25</sup> Duncan. "17 Examples of Humanitarian Interventions throughout History." *Humanitarian Careers*, 13 Oct. 2022, <https://humanitariancareers.com/humanitarian-intervention-examples/>.

<sup>26</sup> "Bosnia's Srebrenica Massacre 25 Years on - in Pictures." *BBC News*, BBC, 10 July 2020, <https://www.bbc.com/news/world-europe-53346759>.

<sup>27</sup> Jasmeet Gulati & Ivan Khosa, *Humanitarian Intervention: To Protect State Sovereignty*, 41 *Denv. J. Int'l L. & Pol'y* 397 (2013), <https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1130;context=djilp>

<sup>28</sup> "ICISS Report : International Commission on Intervention and State Sovereignty." *ICISS Report : International Commission on Intervention and State Sovereignty*, <https://web.archive.org/web/20070731161527/http://www.iciss-ciise.gc.ca/report2-en.asp#dilemma>.



measures to prevent them from exacerbating. The reactive pillar referred to the responsibility to take action in response to "compelling human need" if the State in question is unable or unwilling to do so. In extreme cases, military intervention can be used as a last resort, after all other peaceful measures have been exhausted. The last pillar of the Responsibility to Protect in the ICISS report referred to the Responsibility to Rebuild. The Responsibility to Rebuild outlined the obligation to assist in peacebuilding, reconstruction, and reconciliation efforts following a protection intervention. That continuum of responsibilities was built upon the tenet that "reaction on its own is bound to be ineffective"<sup>29</sup>.

While being quite extensive, the report failed to address many core issues that plague this debate of humanitarian intervention over sovereignty and vice versa. The report leaves open questions such as "When is an intervention justified?" and "What constitutes large-scale human rights violations?" (Section 4.21). It also recognises military action as a justifiable anticipatory measure on the basis of "clear evidence of likely large scale killing", which is contradictory to international humanitarian law and the UN Charter. Despite all its shortcomings, the ICISS Report introduced the concept of the Responsibility to Protect in international politics and laid the groundwork for its later adoption.

### Introduction of the Responsibility to Rebuild (R2R)

In the ICISS Report the three pillars (prevention, reaction, rebuilding) were interconnected and all together comprised R2P. The ICISS aimed to introduce rebuilding in post-protection intervention environments as a responsibility rather than a right that could only be exercised when a state's national interests were at stake. For that reason, the report provided a blueprint, sketching out the main priorities for the rebuilding phase. Security was among the top issues of importance as, according to the commission, it directly impacted the effectiveness of a rebuilding strategy. By prioritising security, it aimed not only to address immediate security concerns, such as ensuring and maintaining order, but also had a vision to strengthen the role of international actors in longer-term rebuilding efforts so as to prevent the resurgence of turmoil and conflict. Presented as equally vital tasks during the rebuilding phase, ICISS underlined the importance of reconciliation and justice. Through judicial reforms the State's ability to uphold citizens' rights can be enhanced and, therefore, State action to protect its people in its own capacity can be facilitated. Finally, listed as a third priority in the rebuilding phase, capacity building and development, employment, stable incomes, and economic growth are presented as the main contributors averting the re-emergence of violence.

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<sup>29</sup> Keranen, Outi. "What Happened to the Responsibility to Rebuild?" *Global Governance*, vol. 22, no. 3, 2016, pp. 331–48. *JSTOR*, <http://www.jstor.org/stable/44860964>.

The ICISS report formed a temporary association between R2P, protection intervention and the Responsibility to Rebuild. It presented the two principles as complimentary endeavours and the success of the intervention dependent on the implementation of both. The rebuilding stage is portrayed as a follow-up for the use of military force under the scope of the R2P, implying that the Responsibility to Rebuild is a key component of the policy toolkit only in extreme cases where force is used as a last resort. Concerning the agents who ought to realise and uphold such responsibilities, the report places the United Nations at the forefront. The commission was highly cautious however, of the negative impact an externally imposed rebuilding process can have on the state, and for that reason emphasised the importance of local actors and authorities participating actively in all R2R efforts. In order to ensure stabilisation and sustainability, it also presented the process of post-intervention engagement as lengthy enough to prevent the detrimental effects that a rushed approach might have. ICISS concluded that a quick withdrawal or a lack of a rebuilding plan would be irresponsible and might eventually damage the credibility of the Responsibility to Protect principle.

### The fallout of R2R

Even though the concept of R2R was endorsed by the then Secretary General, Kofi Annan, and lent credence by the 2004 High-level Panel on Threats, Challenges and Change,<sup>30</sup> States were much reserved to the international duty to rebuild. Those reservations were made evident by the high-level 2005 UN World Summit Outcome document (A/RES/60/1),<sup>31</sup> specifically in paragraphs 138 and 139.<sup>32</sup> In that document UN Member States made a formal commitment to R2P, however, this completely omitted the aspect of the Responsibility to Rebuild. During the negotiations concerning the wording and content of the relevant paragraphs, emphasis was put on the preventative side of the continuum of international responsibilities, that was outlined by the ICISS concerning the different phases of humanitarian crises' response, instead on the rebuilding side.

Even though the sequential nature of the principle was referenced by some governments, such as Chile, New Zealand and Mexico, most governments had shifted towards setting prevention as the key international obligation, instead of reconciliation. Some States, particularly Less Economically Developed Countries

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<sup>30</sup> "High Level Panel on Threats, Challenges and Change." ODI, <https://odi.org/en/events/high-level-panel-on-threats-challenges-and-change/>.

<sup>31</sup> General Assembly. "2005 World Summit Outcome A/RES/60/1." *Peacemaker.un.org*, United Nations, [https://peacemaker.un.org/sites/peacemaker.un.org/files/GA\\_World%20Summit%20Outcome%20Document\\_ARES601%28English%29.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/GA_World%20Summit%20Outcome%20Document_ARES601%28English%29.pdf).

<sup>32</sup> "What Is R2P?" *Global Centre for the Responsibility to Protect*, 13 Oct. 2022, <https://www.globalr2p.org/what-is-r2p/>.

(LEDCs), even saw the general principle of R2P as a pretext for intervention. That shift away from rebuilding duties and obligations was made particularly evident in the stances of Russia, China, Egypt, Iran, India and Cuba, among others. But even supporters of the general principle of R2P, such as Canada and Sweden, or indirect supporters, such as the United States of America (USA), remained silent on rebuilding responsibilities, instead of advocating for the need to focus on prevention.

In 2009, then Secretary General Ban Ki Moon published a report called “Implementing the Responsibility to Protect”,<sup>33</sup> which reflected the international focus on preventative obligations. The originally sequential phases of R2P were now substituted by a three-pillar strategy for the practical implementation of R2P. The three pillars consisted of the protection responsibilities of the State (Pillar I), international assistance and capacity building (Pillar II), and timely and decisive response (Pillar III).<sup>34</sup> Pillar II illustrates the evolution of the norm of the Responsibility to Rebuild, as it practically fused preventative and rebuilding efforts under the rubric of international assistance and capacity building. Operational activities were noted as Pillar II commitments of international actors and were dispersed among a myriad of international and regional actors for their implementation. Among these activities are providing military aid to nations unable to quell armed insurrections as well as providing structural support for governance reforms. Through this readjustment of the principle of R2P, the Responsibility to Rebuild was essentially separated from the reactive element of the R2P and was conflated with the preventative aspect.

Even more notable is the later report of 2011 concerning the “Role of Regional and Subregional Arrangements in Implementing the Responsibility to Protect” ([A/65/877-S/2011/393](#)),<sup>35</sup> which further limits the role of international actors in regards to their rebuilding responsibilities, and instead lays that responsibility upon the domestic authorities. All of that indicates that the reorganisation of R2P into three pillars, presented in the 2009 report, did not just change the terminology on rebuilding responsibilities; it coalesced post protection intervention rebuilding efforts with the preventative capacity-building aspect and shifted the locale of those responsibility from international to domestic, showing a more statist approach, which could potentially limit the effectiveness of R2P as a whole.

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<sup>33</sup> “The Responsibility to Protect: A Background Briefing.” *Global Centre for the Responsibility to Protect*, 15 Apr. 2021, <https://www.globalr2p.org/publications/the-responsibility-to-protect-a-background-briefing/>.

<sup>34</sup> Keranen, Outi. “What Happened to the Responsibility to Rebuild?” *Global Governance*, vol. 22, no. 3, 2016, pp. 331–48. *JSTOR*, <http://www.jstor.org/stable/44860964>.

<sup>35</sup> “United Nations Office on Genocide Prevention and the Responsibility to Protect Key Documents.” *United Nations*, United Nations, <https://www.un.org/en/genocideprevention/key-documents.shtml>.

### The reason behind the omission of R2R from the R2P principle

The reason behind the separation of R2P and R2R is twofold. On the one hand, LEDCs were concerned that R2P would be used as another tool promoting Western interventionism and facilitating Western imperialism. Historically, non-humanitarian, neo-imperial interests have been pursued through humanitarian intervention, which in the case of R2P were translated into the concept of protection intervention. Given the practice's frequent abuse by aggressors—including Hitler's invasion of Czechoslovakia in 1938 and George W. Bush's invasion of Iraq in 2003<sup>36</sup>—this cynicism towards the idea of humanitarian interventions and by extension R2P is understandable. It was, in fact, these same concerns that made many States oppose the conceptualisation of R2R as it raised similar worries.

On the other hand, R2R contradicted the already existing and widely accepted norm of state building and peacebuilding in post-conflict environments as a primarily nation-led strategy. This belief is deeply rooted in the ineffective rebuilding efforts in the Balkans and Africa but also in Afghanistan and Iraq. These incidents demonstrated the detrimental effects external peace and state building operations can have on States, often increasing corruption, further destabilising the political and economic environment, increasing social polarisation and turmoil and consequently rendering all capacity building efforts simply futile or counteractive. These concerns are displayed in the Secretary General's 2014 report<sup>37</sup> on Pillar II of R2P, which addresses the recurring pattern of external assistance doing more harm than good in capacity building efforts.

### The omission of R2R from the R2P context: The case study of Libya

The effects of the omission of R2R on the practical implementation of R2P were made clear by the example of Libya, where a protection intervention under the scope of R2P was invoked in 2011.

Libya had been under Muammar Qaddafi's regime since 1969. On February 16<sup>th</sup>, 2011, following the arrest of a human rights activist, protests were sparked in Benghazi, the second most populous city in the country.<sup>38</sup> In response to the uprising, Muammar Gaddafi's government initiated a ruthless crackdown, with Gaddafi loyalists and Libyan security forces attacking the crowds, resulting in the deaths and injuries of dozens of people over just a few days. For several weeks, the Libyan government used

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<sup>36</sup> Ununiversity. "The Responsibility to Protect." *United Nations University*, <https://unu.edu/publications/articles/responsibility-to-protect-and-the-protection-of-civilians.html>.

<sup>37</sup> United Nations. "Report of the Secretary-General - Fulfilling Our Collective Responsibility: International Assistance and the Responsibility to Protect." *UN Documents*, 11 July 2014, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/463/79/PDF/N1446379.pdf?OpenElement>.

<sup>38</sup> "2011 Libya Civil War Fast Facts." *CNN*, Cable News Network, 28 Mar. 2022, <https://edition.cnn.com/2013/09/20/world/libya-civil-war-fast-facts/index.html>.

military forces and tanks to attack civilians and rebel forces resulting in an estimated 500–700 civilian deaths.<sup>39</sup> As a result of these assaults, the UN Security Council (UNSC) passed resolutions 1970<sup>40</sup> and 1973,<sup>41</sup> invoking the Responsibility to Protect and approving the use of force to defend populations. Following that, an alliance led by the North Atlantic Treaty Organization (NATO) launched airstrikes against military targets that posed a serious threat to civilians. In August 2011 Tripoli was captured by rebels, the Gaddafi regime fell and in October he was killed by rebel forces.<sup>42</sup>



Figure 1: Map depicting Libya's cities and the country in the wider region

The operation raised questions concerning both its intentions and its proper execution. In 2012, NATO was alleged to have violated human rights and committed

<sup>39</sup> "Libya." *Global Centre for the Responsibility to Protect*, 1 Mar. 2022, <https://www.global2p.org/countries/libya/#:~:text=An%20estimated%20500-700%20civilians%20were%20killed%20over%20several,the%20besieged%20cities%20of%20Benghazi%2C%20Misrata%20and%20elsewhere.>

<sup>40</sup> "UNSCR Search Engine for the United Nations Security Council Resolutions." *UNSCR*, <http://unscr.com/en/resolutions/1970>.

<sup>41</sup> "UNSCR Search Engine for the United Nations Security Council Resolutions." *UNSCR*, <http://unscr.com/en/resolutions/1973>.

<sup>42</sup> "Libya Facts and Figures." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/event/Libya-Revolt-of-2011/Libya-facts-and-figures>.



war crimes during its operation in Libya.<sup>43</sup> Additionally, it was charged with going beyond its stated objectives, particularly the protection of civilians, and straying from its mandate, acting to expand its political agenda. Furthermore, a lot of controversy has been sparked concerning States that participated in the operation, such as France, that reportedly aimed to promote their national interests. All of those issues undermined the credibility of R2P in the context of protection interventions and caused debate in relation to its proper implementation.

However, what mostly undermined R2P's credibility was the aftermath of the operation and the resurgence of yet another Civil War (2014-2020) after the operation had terminated. Transitional governing bodies, established after Gaddafi's regime was overthrown, failed to stabilise the nation, and numerous peace processes supported by the UN have continuously stalled. The country also witnessed a rise in terrorism with the Islamic State (ISIS) and Al-Qaeda taking advantage of the unstable environment and starting to establish into the country soon after the First Libyan Civil War of 2011.<sup>44</sup> Armed militias have been systematically committing human rights violations and nearly a decade of fighting has left over 900,000 in need of humanitarian assistance and 270,000 people internally displaced.<sup>45</sup>

The outcome of the protection intervention in Libya underlined one main issue: the credibility and effectiveness of R2P is vulnerable without a proper rebuilding strategy to follow it and ensure the gradual stabilisation of the state in question. Despite numerous attempts to mediate a settlement, failure to plan for the post-conflict phase led to the country becoming divided along geographic and tribal lines.<sup>46</sup> From this instance alone, and with R2P having now been established as an international norm, it is more than evident that the question of rebuilding must be put back into the equation. Otherwise, R2P will continue to have contradictory effects on targeted States.

### The question of the R2R today

Today, R2P might be more crucial than ever. The situation in Myanmar, the human rights violations which may account to genocide against Uyghurs and other Muslim ethnic minorities in China, attacks and violations against Afghan civilians, atrocity

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<sup>43</sup> "NATO Accused of War Crimes in Libya." *The Independent*, Independent Digital News and Media, 18 Jan. 2012, <https://www.independent.co.uk/news/world/africa/nato-accused-of-war-crimes-in-libya-6291566.html>.

<sup>44</sup> "ISIS in Libya." *Strategic Studies Institute*, 4 Mar. 2021, <https://ssi.armywarcollege.edu/articles/articles-2018/isis-in-libya/>.

<sup>45</sup> Ians. "Nearly 900,000 Need Humanitarian Assistance in Libya: Un." *The Statesman*, 14 Dec. 2019, <https://www.thestatesman.com/world/nearly-900000-need-humanitarian-assistance-libya-un-1502833420.html>.

<sup>46</sup> "Libya: Transition and U.S. Policy." *UNT Digital Library*, <https://digital.library.unt.edu/ark:/67531/metadc847667/citation/#cite>.

crimes and violence against civilians in Cameroon as well as in the Sahel region (Burkina Faso, Mali, Niger); the human rights situation in Ukraine, the Democratic People’s Republic of Korea, Syria, Venezuela, the Democratic Republic of Congo (DRC), Israel and the occupied Palestinian territory and Central African Republic are populations which are currently experiencing or are at high risk of suffering from mass atrocity crimes.<sup>47</sup>

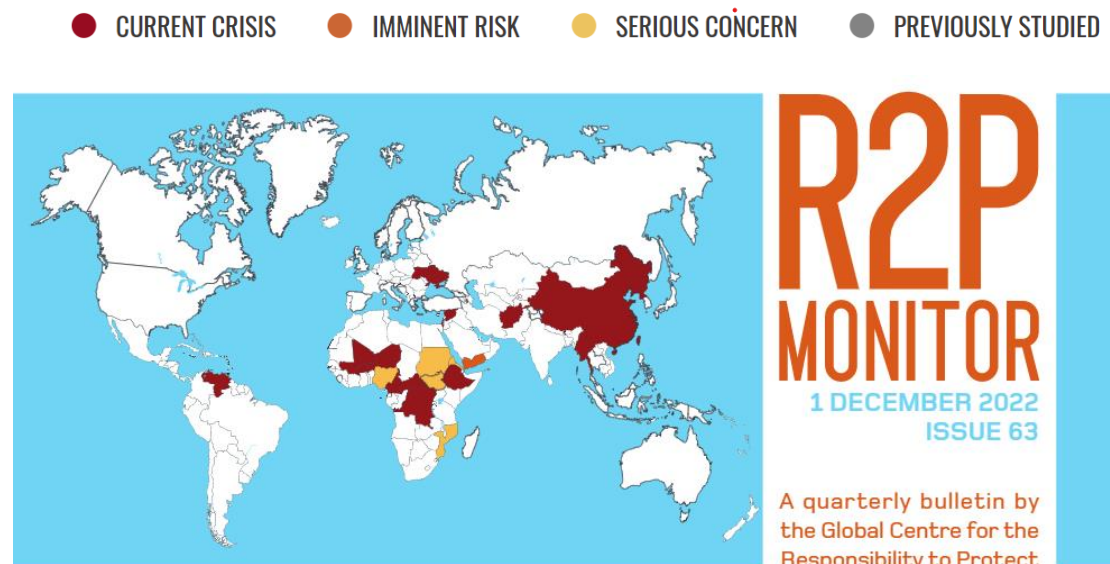


Figure 2: Map depicting the areas currently in crisis, at imminent risk, or of serious concern for mass atrocity crimes against populations

The most recent Report by Secretary General, Antonio Guterres, concerning the broader issue was published on May 3<sup>rd</sup>, 2021, under the name of “Advancing atrocity prevention: work of the Office on Genocide Prevention and the Responsibility to Protect”.<sup>48</sup> The report made no reference to R2R, once again shifting all focus on prevention. However, as it has been made clear from the failure in Libya, R2P is useless without a proper follow-up mechanism.

The international community cannot possibly respond to the current situation in Myanmar, Ukraine, Palestine if there is no effective framework for protection interventions when those are in need. R2P cannot be imposed without the necessary policies concerning the reconciliation, rebuilding and peacebuilding of the targeted

<sup>47</sup> “Populations at Risk.” *Global Centre for the Responsibility to Protect*, 1 Dec. 2022, <https://www.globalr2p.org/populations-at-risk/>.

<sup>48</sup> “Summary of the UN Secretary-General’s 2021 Report on R2P, Advancing Atrocity Prevention: Report of the United Nations Office on Genocide Prevention and the Responsibility to Protect.” *Global Centre for the Responsibility to Protect*, 14 May 2021, <https://www.globalr2p.org/publications/unsg-2021-r2p-report-summary/#:~:text=The%20thirteenth%20report%20of%20the%20UN%20Secretary-General%20on,through%20its%20prevention%2C%20early%20warning%20and%20response%20work>



communities. With growing concerns of mass atrocities all over the world, reforms in the R2P system require immediate international attention. The international community has an obligation to protect populations while there is still time and should not allow the history of its past failures to be repeated.

## MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

### United States of America (USA)

The USA, since the formulation of the concept of R2P, while being in favour of the idea of preventative measures and action, has not actively been an advocate of the rebuilding aspect of the concept. On a speech given at the Human Rights Council in 2012, the delegation of the US affirmed their full support of R2P and emphasised the country's commitment in cooperating with international partners at the Council to work on developing more effective protection strategies for populations at risk of facing mass atrocities, by focusing on pillar two of the principle. According to President Obama, "the United States has a core moral responsibility to prevent mass atrocities and genocide".<sup>49</sup> President Obama also mandated the establishment of a new Atrocity Prevention Board to coordinate the US's internal efforts, with a focus on prevention and other activities under pillar two. He also directed a government-wide review of the U.S. capacity to prevent and respond to mass atrocities, which emphasised the necessity of utilising a wide variety of tools to stop atrocities. Additionally, the initiative brought the value of international cooperation at the forefront of creating more effective prevention and preparedness strategies so that diplomacy and planning can be used to prevent atrocities rather than just respond to them; this entails closer cooperation with international partners, including the United Nations. Thereby, while being in favour of the prevention aspect, the rebuilding and reconciliation facet has been seriously undermined, and no considerable action has been taken for its advancement.

### Afghanistan

Afghanistan is one the gravest examples of the detrimental consequences brought by external assistance regarding rebuilding efforts in post-conflict environments. Due to its geostrategic importance Afghanistan has been a pawn in the hands of the Great Powers for a very long time. After the 9/11 attacks against America, the USA started a 20-year long conflict with Afghanistan. After it had successfully overthrown the then Taliban government, the USA, in an effort to exert control over the region, aimed to impose a highly unrealistic democratic system based on Western standards, disregarding the lack of political experience in the nation, in what it called "an effort

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<sup>49</sup> Geneva, U.S. Mission. "The U.S. Strongly Supports the Concept of Responsibility to Protect (R2P)." *U.S. Mission to International Organizations in Geneva*, 25 Aug. 2021, <https://geneva.usmission.gov/2012/06/19/the-u-s-strong-supporter-of-the-concept-of-responsibility-to-protect-r2p/>.

to rebuild the country”. After years of effort and billions of dollars spent in capacity building - which mostly went to waste due to the high levels of corruption - US troops finally withdrew from Afghanistan in August 2021.<sup>50</sup> In just a matter of days, the interim government established by the US was overthrown by the Taliban which took over the country. As a result, the nation is now facing extreme sanctions, all capacity-building efforts have gone to waste, the market has been oversaturated by the billions worth of untraced weaponry left behind during the rushed withdrawal of the troops,<sup>51</sup> and the war-torn state is left unable to cover even the most basic socio-economic standards.

### Pakistan

Pakistan took a stance on the principle of the Responsibility to Rebuild during the 2005 negotiations over the inclusion of R2R in the World Summit Outcome Document. Pakistan was among the countries that argued that the emphasis should be put on prevention of conflicts rather than the rebuilding and reconciliation stage. In another statement, Pakistan argues for development assistance, fairer terms of international trade, and debt relief as a means of fulfilling their protection responsibilities. As a Less Economically Developed Country it is understandable that Pakistan does not have the necessary capacity to invest in advancing the principle and thereby has not taken action in its favour.

### Libya

Libya has been the only country that has faced the consequences of a protection intervention that lacks proper rebuilding, reconciliation and post-conflict relief strategies. After the intervention, intervening States paid no attention to reconciling and rebuilding the nation and it was left to deal with the consequences of the conflict in its own capacity, which proved to be utterly ineffective and counterproductive, something which was extensively argued in the initial R2P ICISS Report. Since the 2011 intervention, Libya has undergone another civil war, augmenting social injustices and human rights violations, impeding the country’s efforts towards economic and political stability and experiencing the consequences of a rise in terroristic activity. The Libya case is the proving example that the R2P framework cannot be effective and might even have counteractive effects on the targeted nation, without the proper post-intervention rebuilding mechanisms.

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<sup>50</sup> Nato. “ISAF's Mission in Afghanistan (2001-2014).” NATO, [https://www.nato.int/cps/en/natohq/topics\\_69366.htm](https://www.nato.int/cps/en/natohq/topics_69366.htm)

<sup>51</sup> Brown, Lee. “Taliban Has Billions in US Weapons, Including Black Hawks and up to 600K Rifles.” New York Post, New York Post, 20 Aug. 2021, <https://nypost.com/2021/08/20/us-left-billions-in-weapons-in-afghanistan-withblack-hawks-in-talibans-hands/>.

## China

China's stance on the concept of R2P has been rather "cautious". Despite China's strict views on the principle of non-interference and sovereignty, the country accepted the notion of R2P in 2005, while nevertheless remaining sceptical about whether it would be used as a tool to impose Western human rights standards and beliefs internationally. That was contradictory to Ban Ki Moon's statements that explicitly mention that R2P should be implemented "without hesitation or condition" on all cultures to demonstrate its universality. China also sets prevention as a priority and has shown reluctance towards the use of force to prevent mass atrocity crimes and by extension to the concept of R2R. One thing that must be noted is that China, as a P5 country, has blocked efforts to intervene in humanitarian crises, with the most prime example being that of the crisis in Myanmar.<sup>52</sup> Considering China's general stance on sovereignty, alleged Western imperialism efforts and R2P, third-party States intervening in State-building processes, which is essentially what R2R outlines, does not align with the country's foreign policy.

## Russian Federation

Russia's attitude towards R2P and, by extension, the Responsibility to Rebuild is contradictory and complicated. On the one hand, during its initial formulation period, Russia did little to oppose the establishment of the norm. On the other hand, Russia's stance against Ukraine complicates matters as it undermines the principle; Russia has continuously veiled its actions in Ukraine as "humanitarian projects," both in the earlier invasion of Crimea in 2014 and in the current ongoing conflict. This could be used to justify concerns about how humanitarian interventions in general, but also under the scope of R2P, may serve as tools in the hands of the powerful for interventionism and imperialism. It could be argued that the contradictory position of Russia towards the principle of R2P reflect the world's difficulty in understanding Russia's political agenda, both internally and in the international scenery. Russia has established itself as a great power that adheres to a strict interpretation of state sovereignty, yet, at the same time, the country believes it has a special responsibility in protecting Russians outside its borders.<sup>53</sup>

## European Center for the Responsibility to Protect (ECR2P)

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<sup>52</sup> "China and Russia Veto US/UK-Backed Security Council Draft Resolution on Myanmar | UN News." *United Nations*, United Nations, <https://news.un.org/en/story/2007/01/205732#:~:text=China%20and%20Russia%20today%20vetoed%20a%20draft%20resolution,attacks%20and%20human%20rights%20abuses%20against%20ethnic%20minorities>.

<sup>53</sup> Person, et al. "Russia and the R2P: 9 : Norm Entrepreneur, Anti-Preneur, or Violator?" *Taylor & Francis*, Taylor & Francis, 7 Feb. 2020, <https://www.taylorfrancis.com/chapters/edit/10.4324/9780429352430-9/russia-r2p-phil-orchard-heather-rae>.

The European Center for the Responsibility to Protect, launched on December 8th 2016, is a partnership between the Leeds School of Politics and International Studies (POLIS), The Budapest Centre for Mass Atrocities Prevention and The Hague Institute for Global Justice.<sup>54</sup> Its primary objective is to contribute to research capacity concerning R2P, and to facilitate coordination within the network of R2P researchers therefore, assisting in funding requests, exchanges, and research partnerships. The Center has held four annual lectures ever since its launch, including high-profile UN officials and speakers, aiming to discuss the R2P principle and reimagine its future.<sup>55</sup> The research conducted by the Center could be used to back future discussion concerning the reintroduction of the Responsibility to Rebuild in the R20 framework.

#### International Commission on Intervention and State Sovereignty (ICISS)

The ICISS was an ad hoc commission created under the authority of the Canadian government on 14 December 2000, aiming to popularise the concept of R2P. In 2001, it published the Report on the Responsibility to Protect which functioned as the basis for the adoption of the principle by the UN in 2005. However, the report had approached the principle more holistically than what was later adopted in the UN World Summit, including the Responsibility to Rebuild as an extension to the responsibility to react/protect. The commission, therefore, developed the two principles as complementary endeavours which were however, separated during the UN's later reforms.

#### Global Center for the Responsibility to Protect (GCR2P)

The Global Centre for the Responsibility to Protect (GCR2P) was founded in 2008 with support from governments, prominent human rights activists, and some of the top international NGOs in order to uphold the 2005 World Summit commitment to protect people from the four mass atrocity crimes. Its offices are centred in New York City and Geneva. The Center focuses on three main areas: research, advocacy and capacity building. By providing policymakers with thorough research and analysis, the centre focuses on applying the R2P on real world crisis situations. Furthermore, the centre works in close cooperation with the UN Security Council and Secretariat as well as regional organisations and governments to mobilise action and influence policy makers in preventing mass atrocity crimes. Lastly, the GCR2P focuses on strengthening

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<sup>54</sup> *European Centre for the Responsibility to Protect Launches.*

<https://forstaff.leeds.ac.uk/news/article/5488/european-centre-for-the-responsibility-to-protect-launches>.

<sup>55</sup> "European Centre for the Responsibility to Protect (ECR2P) : A Partnership between Polis Leeds and Protection Approaches." *European Centre for the Responsibility to Protect (ECR2P) : A Partnership between Polis Leeds and Protection Approaches*, <https://ecr2p.leeds.ac.uk/>.

regional and international capacity so as to respond better to crises and prevent mass atrocity crimes.<sup>56</sup>

## TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
26 June 1945	The UN Charter is signed in San Francisco which set the basic principle that comprise the UN system.
9 December 1948	The Convention on the Prevention and Punishment of the Crime of Genocide is signed which officially defines the crime of genocide, one of the four mass atrocity crimes that the R2P aims to prevent.
12 August 1949	The 1949 Geneva Convention is signed which also outlines what constitutes war crimes, one of the four mass atrocity crimes.
1974-1991	Cold War period
1992-1993	UN peace operations in Somalia ends with their eventual failure and withdrawal.
April - July 1994	The genocide in Rwanda takes place, with an estimated 1 million civilian deaths, marking the biggest failure of the UN.
11 July 1995	The town of Srebrenica is captured by Bosnia Serb units who go on to murder more than 8.000 Bosnia Muslims in less than two weeks.
17 July 1998	The Rome Statute of the International Criminal Court is signed which defines mass atrocity crimes.
June 1999	The NATO-led operation in Kosovo is established.

<sup>56</sup> "About Us." *Global Centre for the Responsibility to Protect*, 28 Nov. 2022, <https://www.globalr2p.org/about/>.

14 September 2000	The International Commission on Intervention and Sovereignty (ICISS) is launched.
December 2001	“The Responsibility to Protect: Report of the International Commission on Intervention and Sovereignty” is published.
2004	The concept of R2R was endorsed by Secretary General Kofi Annan.
14-16 September 2005	The UN World Summit is held in New York where the R2P principle and the R2R are extensively debated.
20 September 2005	The 2005 World Summit outcome is adopted including the R2P but having omitted the rebuilding aspect.
February 2008	The Global Centre for the Responsibility to Protect (GCR2P) is founded.
12 January 2009	The Secretary General’s “Report on Implementing the Responsibility to Protect” is published, which illustrated the evolution of the norm of R2R.
28 June 2011	The Secretary General’s “Report on the role of regional and subregional arrangements in implementing the Responsibility to Protect” is published.
16 February 2011	Protests are sparked in Libya following the arrest of a human rights activist.
26 February 2011	UNSC Resolution 1970 is adopted.
17 March 2011	UNSC Resolution 1973 is adopted.
21 August 2011	Libyan rebels advance in Tripoli, the country’s capital.
20 October 2011	Muammar Gaddafi is killed.

19 January 2012	Following Libya operations, a report is published that alleges NATO for violating human rights and committing war crimes.
2014 - 2020	Second Libyan Civil War
3 May 2021	“Advancing atrocity prevention: work of the Office on Genocide Prevention and the Responsibility to Protect”, the most recent report concerning the R2P, is published.
18 November 2022	The British International Studies Association (BISA) Working Group on Intervention and the Responsibility to Protect (IR2PWG) hosts its annual conference at the European Centre for the Responsibility to Protect.

## PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

### 2005 World Summit

The 2005 World Summit took place between the 14<sup>th</sup> and 16<sup>th</sup> of September 2005, in New York and it was a follow-up summit to the Millennium Summit in 2000. A variety of issues were covered in the summit including the Responsibility to Protect and the Responsibility to Rebuild. It was the closest the international community has come at establishing the Responsibility to Rebuild as a recognised norm. However, the Responsibility to Rebuild was not included in the summit’s outcome document, but instead Member States made a formal commitment, through paragraphs 138 and 139, to the Responsibility to Protect. Efforts to include the Responsibility to Rebuild in the R2P framework failed as LEDCs were concerned that it would be used by the West as a tool for interventionism. Aside from that, the widely accepted norm of “home-grown” peace and state building was difficult to overshadow, as external assistance in rebuilding efforts was believed to have more negative than positive impacts. Therefore, the two principles that were developed as complimentary were separated and the Responsibility to Rebuild was not included in the document.

### SC Resolutions 1970 and 1973

On the 26<sup>th</sup> of February 2011, following widespread brutal attacks against civilians by the Gaddafi government police and loyalists in Libya, the Security Council adopted Resolution 1970 demanding an end to the violation. The R2P was mentioned in the preambulatory clauses of the resolution: “recalling the Libyan authorities’



Responsibility to Protect its population".<sup>57</sup> In addition the Council referred the case to the ICC and imposed a series of international sanctions.

On 17th of March 2011, after the continuation of attacks and violence on the part of Gaddafi's government, the Council responded with the adoption of Resolution 1973, citing the Responsibility to Protect in order to authorise a military intervention by ordering Member States to "take all necessary measures to protect civilians"<sup>58</sup>. This was the first and only case up to now where a military intervention has been justified under the scope of the R2P.

The two resolutions were followed by a military intervention in Libya which, however, was deemed ineffective as it failed to ensure that peace and stability would be maintained leading to yet another civil war in 2014. The operation's failure was widely blamed on the lack of follow-up rebuilding and reconciliation strategies. The Libya example displayed that R2P on its own is bound to be unsuccessful or even counteractive. The total lack of a rebuilding and reconciliation strategy following the intervention contradicted all efforts of the international community to protect populations in Libya. It could even be said that the nature of the intervention, which completely lacked the R2R aspect, disrupted the status quo of and power structure of the country even further and thereby contributed to the resurgence of violence and conflict in the already war-torn nation.

## POSSIBLE SOLUTIONS

### Readjusting the UN peacekeeping system

Large-scale peace-enforcement and peacekeeping operations require a lot of resources and personnel, something which is not always feasible. However, UN peacekeeping operations are a great way to ensure the maintenance of peace during the rebuilding and reconciliation post-conflict era. For that reason, promoting smaller-scale yet more targeted political missions offers great rates for success. By cooperating with local actors and launching political missions intended to address and resolve the deeper, socio-economic causes of disputes and conflicts, the UN could work out a realistic, post-conflict peacekeeping and peacebuilding model capable of establishing sustainable peace.

### Humanization of sanctions and reparations, enhancing focus on individual accountability

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<sup>57</sup> "UNSCR Search Engine for the United Nations Security Council Resolutions." *UNSCR*, <http://unscr.com/en/resolutions/1970>.

<sup>58</sup> "UNSCR Search Engine for the United Nations Security Council Resolutions." *UNSCR*, <http://unscr.com/en/resolutions/1973>.

In post-conflict environments where peace is fragile, internationally led punishments such as sanctions and conflict reparations established in an effort to punish the wrongful actors, often amount to the collective punishment of an entire population. A leading example of this is the international community's stance against the Taliban and Afghanistan; after 20 years of conflict, and 20 years of complete reliance on foreign aid, Afghanistan has been heavily sanctioned and cut off emergency reserves and economic aid. The war-torn country is not just unable to invest in reconstruction and rebuilding efforts, it is unable to feed its own population. Maintaining basic socio-economic standards in post-conflict situations is vital for not only the establishment and maintenance of peace but also for capacity-building and rebuilding of the conflict-torn state. Focusing more on individual responsibility is one way to facilitate the differentiation of the wrong-doers and of the mass population, thereby protecting populations from charges of mass guilt.

### Strengthening international cooperation

The Responsibility to Protect, and by extension the Responsibility to Rebuild, is based on the concept of collective action, which cannot be implemented without strong international cooperation, communication, and transparency. The international community is, therefore, called upon to address two main issues: cooperation within the UN system and cooperation with regional organisations. On the one hand, tackling the UN's silo mentality will enhance the efficiency of its procedures as it will help improve communication between its subsidiary bodies, different specialised agencies, ongoing programs and Member States, therefore, allowing it to have a more immediate, informed and holistic approach. On the other hand, strengthening cooperation with local organisations will allow for "home-owned" state building and peacebuilding strategies which, however, will be working in cooperation with the UN system. If that is to be achieved, then, a major issue concerning the addition of the Responsibility to Rebuild in the R2P framework - the concern of external assistance - could be solved.

### Focus on Disarmament

In armed conflict, the circulation and saturation of the market with arms and weapons is almost inevitable; whether that happens from state or non-state actors, insurgency groups or guerrillas, the outcome is always the same: illicit or untraced weapons flood the country and its neighbouring states, threatening peace and security in the broader region and enabling the continuation of violence. Therefore, when discussing both the Responsibility to Protect and the Responsibility to Rebuild, ensuring the disarmament of the state is vital. It is imperative to develop efficient strategies, as part of the Responsibility to Rebuild, that will focus on monitoring the gradual disarmament of the previously conflicting parties so as to prevent the resurgence of armed conflict and human rights violations and enable states to focus on constructive rebuilding and reconciliation efforts.

Another aspect that must also be covered is ensuring that in cases where R2P has been invoked and military intervention has taken place, no arms or weapons are left behind that could possibly hinder capacity building and reconciliation. A great example of this in a post-conflict situation, is the million dollars' worth of weapons that were left behind in Afghanistan, due to a rushed withdrawal of troops and the consequences that afflicted on the already war-torn nation.

### Establishment of an International framework concerning R2R

Taking into consideration the outcome of the intervention in Libya, it is of vital importance to reintroduce the Responsibility to Rebuild back at the negotiation table. Discussions concerning the expansion of R2P and the inclusion of R2R are necessary if R2P is to ever be efficient in achieving its initial purpose. Establishing an international framework, outlining all the necessary steps that are to be followed when implementing the Responsibility to Rebuild, while also expanding the agreed upon pillars forming R2P, is an essential step if the international community is to move forward with the two principles.

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## MULTIMEDIA RESOURCES

**Figure 1:** Moneyrunner. "From Tripoli to Benghazi - Debunking the Lie That Help Could Not Have Reached Benghazi in Time." *From Tripoli to Benghazi - Debunking the Lie That Help Could Not Have Reached Benghazi in Time.*, 1 Jan. 1970, <https://moneyrunner.blogspot.com/2013/05/from-tripoli-to-benghazi.html> .

**Figure 2:** "R2P Monitor December 2022 ISSUE 63." *Global Centre for the Responsibility to Protect*, 7 Dec. 2022,