

**6th Biennial**

**RESPONSIBILITY TO PROTECT  
IN THEORY AND PRACTICE**

**Conference**



# **CONFERENCE PROCEEDINGS AND BOOK OF ABSTRACTS**

**Editors: dr. Vasilka Sancin, dr. Maša Kovič Dine**



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May 11–12, 2023

Faculty of Law, University of Ljubljana



Abstracts of  
Conference Proceedings

Sixth Responsibility to Protect  
in Theory and Practice  
Conference  
May 11 and 12, 2023

Editors:  
Dr. Vasilka Sancin  
Dr. Maša Kovič Dine

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# About the Conference



## The R2P Conference Series

2023 marks a decade since the launch of the first RESPONSIBILITY TO PROTECT IN THEORY AND PRACTICE CONFERENCE and the beginning of a series of biennial, international and interdisciplinary scientific conferences devoted exclusively to the principle of Responsibility to Protect (R2P/RtoP) in this part of the world. The objective of the conference series is to create an opportunity for scholars and practitioners to engage in an interdisciplinary academic debate on the theoretical and practical implications of the R2P principle. The conference series has been conceptualized and is being organised by Professor Dr Vasilka Sancin as the Conference Chair and Assistant Professor Dr Maša Kovič Dine as the Conference Coordinator, both members of the Department of International Law at the Faculty of Law of the University of Ljubljana.

The conferences are organised as a forum where international experts and researchers have the opportunity to participate in a discourse on issues related to R2P and the applicability of the principle in practice.

The first conference was organised in 2013, followed by conferences in 2015, 2017, 2019 and 2021.

**The 2023 conference is held under the honorary patronage of the President of the Republic of Slovenia, H.E. Dr. Nataša Pirc Musar.**

# Conference Organizers

Organizers



**Conference Chair:  
Professor  
Dr. Vasilka Sancin**

Head of Department of International Law, Director of the Institute for International Law and International Relations, Faculty of Law, University of Ljubljana



**Conference Coordinator:  
Assistant Professor  
Dr. Maša Kovič Dine**

Member of the Department of International Law, Faculty of Law, University of Ljubljana

# Conference Program Overview

## THURSDAY, MAY 11, 2023

- 9:00–09:45** Registration
- 10:00–10:15** **Opening remarks by the President of the Republic of Slovenia, H.E. Dr. Nataša Pirc Musar**
- 10:15 –10:20** **Video Address by the Minister of Foreign and European Affairs of the Republic of Slovenia, H.E. Tanja Fajon**
- 10:20–10:40** **Lecture by the Special Adviser of the UN Secretary-General on the Responsibility to Protect, George Okoth-Obbo**
- 10:40–11:00** Coffee break offered by the Embassy of the Kingdom of the Netherlands in Slovenia
- 11:00–13:00** **OPENING PANEL**
- 13:00–14:00** Lunch reception and taking of a group photo
- 14:00–15:30** **PANEL 1: EXPERIENCE AND PROSPECT FOR R2P FOCAL POINTS**
- 15:30–17:00** **PANEL 2: R2P AND THE SECURITY COUNCIL**
- 17:00–17:30** Coffee break and poster presentations
- 17:30–19:30** **PANEL 3: R2P AND CHALLENGES OF INTERNATIONAL CRIMINAL LAW**
- 20:00** **Gala conference dinner at the Ljubljana Castle**

## FRIDAY, MAY 12, 2023

- 09:30–11:00** **PANEL 4: AI AND R2P**
- 11:00–12:30** **PANEL 5: R2P AND PROTECTION OF CHILDREN: ACHIEVEMENTS AND CHALLENGES**
- 12:30–14:00** **PANEL 6: INTERVENTIONS AND R2P**
- 14:00–15:00** Luncheon with Global Action Against Mass Atrocity Crimes (GAAMAC)
- 15:00–16:30** **PANEL 7: WOMEN AND R2P**  
in parallel with
- PANEL 8: R2P AND REGIONAL APPROACHES**
- 16:30–16:45** Coffee break and poster presentations
- 16:45–17:45** **PANEL 9: NATIONAL APPROACHES TO R2P**
- 17:45–18:00** Concluding remarks by Conference Chair
- 18:00** Guided walking tour of Ljubljana

\*Changes to the program can be made in the run-up to the conference. All the changes will be displayed in the program published on the conference web page. The organizers shall not be liable for any loss, liability, damage or expenses suffered or incurred by any person due to the changes.

# Thursday, May 11, 2023

- 09:00-09:45**      Registration
- 10:00-10:15**      **Opening remarks by the President of the Republic of Slovenia**  
H.E. Dr. Nataša Pirc Musar
- 10:15-10:20**      **Video Address by the Minister of Foreign and European Affairs of the Republic of Slovenia**  
H.E. Tanja Fajon
- 10:20-10:40**      **Lecture by Special Adviser of the Secretary-General on the Responsibility to Protect**  
**Taking forward uptake and implementation of R2P**  
George Okoth-Obbo
- 10:40-11:00**      **Coffee break offered by the Embassy of the Kingdom of the Netherlands in Slovenia**  
and greeting by Deputy Ambassador Derk Jan Nauta

Opening  
addresses  
Golden Room

# Thursday, May 11, 2023

**11:00–13:00** **OPENING PANEL**

**Chair: Dr. Vasilka Sancin**

Professor and Head of the Department of International Law, Faculty of Law, University of Ljubljana

- **Where Lies Responsibility within the Principle of R2P? Reflections on How to Strengthen the Effectiveness of R2P**

Michael Lysander Fremuth

Professor for Fundamental and Human Rights, Institute for Constitutional and Administrative Law, University of Vienna, Scientific Director of the Ludwig Boltzmann Institute

- **The War in Ukraine and Its Implications for R2P**

Jan Wouters

Professor of International Law and International Organizations, Jean Monnet Chair ad personam EU and Global Governance, founding Director of the Institute for International Law and of the Leuven Centre for Global Governance Studies, KU Leuven

- **Interests and Values – Accountability and R2P**

Reka Varga

Associate Professor of International Law, Dean, Faculty of Public Governance and International Studies, University of Public Service, Hungary

- **Reviving R2P in a New Era of Gray Zone Conflict**

Michael A. Newton

Professor of the Practice of Law, Vanderbilt University - Law School

**13:00–14:00** Lunch reception and taking of a group photo



# Thursday, May 11, 2023

## 14:00–15:30 EXPERIENCE AND PROSPECT FOR R2P FOCAL POINTS

### **Chair: Dr. Marko Rakovec**

Director-General, Directorate for International Law and Protection of Interests, Ministry of Foreign and European Affairs, Republic of Slovenia

- Blanka Jamnišek  
Ambassador, R2P Focal Point of Slovenia, Ministry of Foreign and European Affairs, Republic of Slovenia
- Shara Duncan Villalobos  
Ambassador, Permanent Mission of the Republic of Costa Rica to the United Nations Office and other international organizations in Geneva
- Christina Kokkinakis  
Deputy Managing Director, Values and Multilateral Relations, European External Action Service
- Elisabeth Pramendorfer  
Geneva Representative, Global Centre for the Responsibility to Protect

**Discussant:** George Okoth-Obbo  
Special Adviser of the Secretary-General on the Responsibility to Protect

Panel 1  
Golden Room

# Thursday, May 11, 2023

**15:30–17:00 R2P AND THE SECURITY COUNCIL**

**Chair: Vassilis Tzevelekos**

Associate Professor, Liverpool Law School, University of Liverpool

- **Armed Groups and the Responsibility to Protect: Analyzing Interactions as a Driver of Mass Atrocity Crimes Perpetrated by Armed Groups**

Adrian Gallagher

Professor in Global Security and Mass Atrocity Prevention, Co-Director European Centre for the Responsibility to Protect, Editor, Global Responsibility to Protect, Department of Politics and International Studies, University of Leeds

Helena Hinkkainen

Associate Professor in Security, Conflict Studies and Governance, School of Politics and International Studies, University of Leeds

- **R2P and the UN Security Council: The Paralyzing Impact of the Veto Power and the Need for Reform**

Erjon Muharremaj

Vice Dean, Lecturer of Public International Law, Faculty of Law, University of Tirana

- **Non-UN Sanctions and the Responsibility to Protect: Legality, Legitimacy and their Significance on R2P**

Ljupcho Stojkovski

Assistant Professor in International Law and International Relations, Faculty of Law “Iustinianus Primus Skopje”, Ss. Cyril and Methodius University

- **Rethinking of R2P with the Ecocrime Debate**

Zerrin Savasan

Associate Professor, Sub-Department of International Law, Department of International Relations, Faculty of Economics and Administrative Sciences, Selçuk University

- **The Responsibility to Protect and Women, Peace and Security: Strengthening the UN Atrocity Risk analysis with Gender Indicators**

Alba Gerdeci

Head of Rector’s Cabinet and IR Office, Lecturer, Department of Law, Epoka University

**17:00–17:30** Coffee break and poster presentations

# Thursday, May 11, 2023

17:30–19:30 **R2P AND CHALLENGES OF ICL**

**Chair: Andreas Sauermaier**

Institute for Constitutional and Administrative Law,  
University of Vienna

Panel 3  
Golden Room

- **Possible Responses to Russian Aggression on Ukraine – The Place of International Criminal Justice in the R2P Scheme**

Maja Munivrana

Professor, Department of Criminal Law, Faculty of Law, University of Zagreb

- **Aiding and Abetting – Possible Criminal Responsibility of Platform Providers before the ICC for Facilitating Mass Atrocities**

Andras Hars

Senior Lecturer, Department of International Law, University of Public Service, Budapest

- **Ecocide and the Croatian Criminal Code – Could the Proposal to Amend the Criminal Code Become a Reality as an Upgrade to the R2P Principle?**

Sunčana Roksanđić

Associate Professor, Faculty of Law, University of Zagreb

Marija Selak

Associate Professor, Faculty of Philosophy, University of Zagreb

- **Responsible Sovereignty – the ‘Building Block’ of R2P in the Fight against Conflict-Related Sexual Violence**

Sandra Fabijanić Gagro

Full Professor, Department of International Law, Faculty of Law, University of Rijeka

**20:00 Gala Conference Dinner  
at the Ljubljana Castle**

# Friday, May 12, 2023

**09:30–11:00 R2P AND ARTIFICIAL INTELLIGENCE**

**Chair: Dr. Vasilka Sancin**

Professor and Head of the Department of International Law, Faculty of Law, University of Ljubljana

- **R2P Begins at School: Will AI Help or Hinder?**

Wayne Holmes

Senior Researcher, International Research Centre on Artificial Intelligence under the auspices of UNESCO, and Associate Professor, University College London

- **AI as an Important Tool to Detect/Prevent or Accelerate Online Hate Speech**

Catherine Van de Heyning

Assistant professor European fundamental rights law, University of Antwerpen

- **Artificial Intelligence and Humanitarian Assistance: Revisiting Principles of Sovereignty and Non-Intervention in the Context of the R2P**

Maruša Tekavčič Veber

Teaching Assistant, Department of International Law Law, Faculty of Law, University of Ljubljana

- **R2P Through the Lens of the EU Artificial Intelligence Act**

Tadeja Urbas

Research Assistant, Department of International Law Law, Faculty of Law, University of Ljubljana

# Friday, May 12, 2023

## 11:00–12:30 R2P AND PROTECTION OF CHILDREN: ACHIEVEMENTS AND CHALLENGES

**Chair: Dr. Laura Guercio**

Professor, University of Perugia

Panel 5  
Golden Room

- **Video Address by Virginia Gamba de Potgieter**  
Special Representative of the Secretary-General for Children in Armed Conflict
- **How Does R2P Work in Protecting Children and Preventing Violence against Them? The R2P and the UN System**  
Fausto Pocar  
Professor Emeritus of International Law, Private International Law and European Law at the University of Milan
- **Case Studies and Data Analysis: How Education can Improve R2P**  
Antonino Pola  
Legal expert of International Cooperation, Kids Rainbow Organization
- **The Role of Local and Global Civil Society in Supporting the Process of R2P**  
Aglaia Gallo  
previously consultant at Censis, currently consultant at University Luiss Guido Carli - International Orientation
- **Liberating R2P doctrines from political suspicion through a gender-sensitive understanding of intangible cultural heritage**  
Ilaria Pretelli  
Senior Research Fellow, Swiss institute of comparative law

# Friday, May 12, 2023

**12:30–14:00 INTERVENTIONS AND R2P**

**Chair: Dr. Vittorio Mainetti**  
Adjunct Professor, University of Milan

- **The Law and Reality of Implementing the Responsibility to Maintain International Peace and Security at the United Nations**

Patrick Butchard

Senior Lecturer in Law, Edge Hill University

Jennifer Giblin

Associate Head of School, School of Law, Criminology and Policing, Edge Hill University

- **R2P Elements in the Conflict in Syria**

Esmail Alsaghir

PhD student in the Law Department, University of Warwick

- **The United States and the Conception of Humanitarian Intervention in the Yugoslav Crisis**

Vladimir Petrović

Research Professor, Institute for Contemporary History

Juliane Prade-Weiss

Professor of Comparative Literature, Ludwig Maximilian University Munich

Dominik Markl

Professor of Hebrew Bible and its Ancient Near Eastern Contexts, University of Innsbruck

- **Untangling the Ties between the Concept of Responsibility to Protect and the Cultural Heritage**

Mariafrancesca Cataldo

PhD candidate; IMT school for advanced studies

**14:00–15:00 Luncheon with Global Action Against Mass Atrocity Crimes (GAAMAC) Chair Sylvia Fernandez de Gurmendi**

# Friday, May 12, 2023

**15:00–16:30 WOMEN AND R2P**

**Chairs: Devon Knudsen**

Policy Advisor, Atrocity Prevention, Bureau of  
Conflict & Stabilization Operations  
and

**Rachel Grand**

Gender-Based Violence Policy Advisor within the  
U.S. Department of State Secretary's Office of  
Global Women's Issues

● **Gender, Civil Society and the Politics of Protection**

Lucy Hall

Lecturer, Faculty of Law, University of Amsterdam

● **Queering Atrocity Prevention**

Dean Cunningham-Cooper

Lecturer (Assistant Professor) in Inequality, University of Sheffield

● **'Until All the Powerful Are Just': Rational Masculine  
Protectors, the United Nations and the R2P**

Shannon Mathieu

Teaching Fellow in International Relations and Security, University  
of Warwick

**16:30–16:45** Coffee break and poster presentations

Panel 7  
Golden Room

# Friday, May 12, 2023

**15:00–16:30 R2P AND REGIONAL APPROACHES**

**Chair: Dr. Martin Faix**

Professor, Vice Dean for International Affairs, Palacky University, Olomouc

- **The European Union's Approach towards R2P: Normative Guiding Principle or Vague Political Objective in its External Relations?**  
Moritz Malkmus  
PhD candidate and Research Assistant, Goethe University Frankfurt
- **R2P, Sanctions against Russia and EU Law – Is there a Legal Duty for the EU to Support Ukraine?**  
Stefan Lorenzmeier  
Augsburg University
- **Sub-Regionalizing the Implementation of R2P in Africa**  
Swikani Ncube  
Senior Lecturer and Head of Department: Practical Business Law, Faculty of Law, University of Johannesburg
- **Sexual Violence as Genocide and the Responsibility to Protect in Contemporary Asia**  
Hokbi Tiunn  
PhD candidate, University of Ottawa

**16:30–16:45** Coffee break and poster presentations



# Friday, May 12, 2023

**16:45-17:45 NATIONAL APPROACHES TO R2P**

**Chair: Beti Hohler**

Trial Lawyer, International Criminal Court

Panel 9  
Golden Room

- **Implementing R2P in the Americas: Pathways to a Regional Mass Atrocity Prevention and Response System**  
Jared Genser (video clip)  
Special Adviser on R2P to the OAS
- **Responsibility to Protect Doctrine and India's Response to Protect Persecuted Minorities in South Asia – the Case of Citizenship Amendment Act, 2019**  
Pawan Kumar  
Assistant Professor, School of Law, Bennett University
- **An invisible Genocide? Atrocity Crimes against indigenous Peoples in the Brazilian Amazon**  
Lucas Ribeiro de Belmont Fonseca  
Postgraduate Researcher, School of Politics and International Studies, University of Leeds

**17:45-18:00 Concluding Remarks by Conference Chair Professor dr. Vasilka Sancin**

**18:00** Guided walking tour of Ljubljana

# Poster presentations

Both days during all the breaks

- **World without Responsibility to Protect**

Rok Kljajić

Teaching Assistant and Doctoral Candidate, Department of International Law, Faculty of Law, University of Ljubljana

- **R2P in Afghanistan Through the Lens of International Human Rights Mechanisms**

Sugandha Sawhney

Centre for Human Rights Advocacy, Geneva

- **Artificial Intelligence as a Means of Realizing the Responsibility to Protect in Light of Threats of the World Wide Web**

Peter Šujica

Undergraduate student, Faculty of Law, University of Ljubljana

- **Children and R2P**

Nejc Moškon

Patricija Resnik

Eva Prosen

Ana Veljkovič

Master students, Faculty of Law, University of Ljubljana

- **The Relationship between Violations and Abuses of Human Rights and the Commission of Atrocity Crimes with Example of Uyghurs**

Maruša Levstek

Lovrena Jeromej

Klara Kuhar

Urška Arzenšek

Master students, Faculty of Law, University of Ljubljana

- **R2P and Natural Disasters – the Case of Haiti**

Gala Martinčič

Janina Mikič

Špela Jenko

Tjaša Žakelj

Master students, Faculty of Law, University of Ljubljana

- **Natural Disaster – Another Justification for the Enforcement of R2P?**  
Matevž Jurič  
Kaja Leban  
Ana Pasarič  
Rea Šaina  
Master students, Faculty of Law, University of Ljubljana
- **Should Ecocide be the Fifth Reason to Invoke R2P?**  
Mark Jeršič  
Tjaša Mučič  
Veronika Novak  
Laura Pipan  
Master students, Faculty of Law, University of Ljubljana
- **R2P in the Context of Israel's Occupation of Palestine**  
Tjaša Marinček  
Ema Hojs  
Gregor Lipovec  
Walter Maj Vidmar  
Master students, Faculty of Law, University of Ljubljana
- **R2P – Where we are and where we are going?**  
Jan Kodela  
Nejc Klun  
Tisa Mrhar  
Master students, Faculty of Law, University of Ljubljana
- **R2P – Where we are and where we are going?**  
Peter Podržaj  
Iza Senčar  
Vid Glavič  
Maruša Tomc Arko  
Master students, Faculty of Law, University of Ljubljana
- **The “Moscow Mechanism” – Its Relevance and Functionality for the Protection of Human Rights in the Context of the War in Ukraine**  
Cristiana-Ioana Iucu-Bumbu  
Master Student (L.L.M in Human Rights), University of Vienna

# Opening Remarks by the President of the Republic of Slovenia

H.E. Dr. Nataša Pirc Musar

Excellencies,  
Special Adviser of the UN Secretary General on the Responsibility to  
Protect,  
Ladies and Gentlemen,

I am glad to observe that Slovenia has been and has every intention to continue to be a reliable and credible member of the UN family. We believe in the importance and strength of multilateral diplomacy as we depend on it for our safety, well-being and respect for the sovereign equality of States.

Not only has Slovenia always been a strong supporter of the Responsibility to Protect, my country was also co-creating this important principle almost twenty years ago. It was the least likely idea to succeed at the World Leaders Summit back in 2005, yet it saw the light of day and against all odds was practically universally endorsed. Since its inception, the R2P has continued to strive for global understanding and acceptance.

So, it is my distinct pleasure to address this – already sixth – "R2P in Theory and Practice" conference, ten years after the practice of holding such R2P conferences started in our country. I sincerely congratulate the organisers and particularly Prof Dr Vasilka Sancin and her team for successfully carrying on with the tradition of bringing together distinguished academics, practitioners and all other participants from every corner of the world interested in the promotion of the R2P principle.

At the very core of the R2P is the recognition that the promotion and protection of human rights do not stop at national borders. While States have a primary responsibility to protect the population on their territory, the international community holds a shared responsibility to protect vulnerable groups from the worst violations of their universal human rights.

We, the political leaders, have a moral obligation and responsibility to do everything within our abilities and political influence to prevent conflicts and violence and to protect populations from mass atrocity crimes. I strongly believe that preventive action is the best and by far most cost-effective response. The best investment that we can make is in our national human rights systems and effective early-warning mechanisms.

When a State, however, manifestly fails to protect its population, the international community has a responsibility to act and protect the

victims. Victims of genocide, war crimes, ethnic cleansing and crimes against humanity demand our human solidarity and support. Victims have the right to know, the right to justice and effective remedies, the right to full reparation and a guarantee of the non-recurrence thereof.

Yet, we know that many, or in fact most, post-conflict situations relapse into conflict. The number of armed conflicts worldwide is staggering. And increasingly, climate change is becoming not only an aggravating factor as regards instability and war, but an insecurity trigger in itself.

It is therefore worth remembering that so-called 'eco-crime' was among the very first crimes proposed for inclusion in the Statute of the International Criminal Court when it was being conceptualised. However, very early on in the preparatory process it was thought to be too difficult a crime to negotiate among States and was hence soon abandoned from the list of crimes to be dealt with by the future world criminal court.

Meanwhile, the concept of climate justice has been gaining traction in the past few years. Slovenia put forward its candidature for a non-permanent seat on the UN Security Council. Trusting in the wider recognition of the benefit Slovenia could bring to the Council, we have every intention of continuing to work on climate security, if elected to this august UN body. In doing so, and always rooted in human rights law, we in particular wish to strengthen the nexus between peace-making and peace-building, climate action and women.

Women, as well as marginalised groups, children and youth, are the true actors for both peace and climate action. They depend on peace and nature for the survival of their families and for their future. It is utterly unreasonable to exclude half of the population from decision-making in attempting to ensure peace. Time and again, we learn that peace-building without the meaningful inclusion of women and important social groups will just not hold. There will simply be no peace and no well-being without women.

The principle of the Responsibility to Protect has come a long way since its endorsement in the World Summit Outcome Document in 2005; nevertheless, there is no lack of challenges, which it is facing on many fronts. The insights and recommendations presented at conferences such as the present one are an important contribution to informed debate also among decision-makers addressing the outstanding challenges in search of solutions with real potential to effectively prevent mass atrocities and protect affected populations.

Ladies and Gentlemen, Dear Guests,

I wish you a very successful conference and a pleasant stay in our country.

Thank you.

# Lecture by Special Adviser of the UN Secretary- General on the Responsibility to Protect

## **The imperative to focus on and take forward the implementation of the Responsibility to Protect**

George Okoth-Obbo

Your Excellency the President of the Republic of Slovenia, Madam Nataša Pirc Musar.

Senior officials of the Government of Slovenia.

Ambassadors and other Diplomatic Representatives.

Conference Chair Professor Vasilka Sancin

Academia and Scholarship on R2P that is present here today

Fellow R2Peers from all your respective walks of life!

Let me start by echoing to you, Professor Vasilka Sancin, my deep gratitude for the invitation you extended to me to join this Conference and the honour to make the key statement.

And to you, Ambassador Blanca Jamnič, thank you ever so sincerely for having orchestrated the invitation to begin with.

The function Secretary-General's Special Adviser on R2P is charged with the task of "leading the further conceptual, political and institutional/operational development of the Responsibility to Protect principle and its implementation by the United Nations, Member States, regional and sub-regional arrangements and civil society". Together with the Special Adviser of the Secretary General on the Prevention of Genocide, who is mandated to "act as a catalyst to raise awareness of the causes and dynamics of genocide, to alert relevant actors where there is a risk of genocide, and to advocate and mobilize for appropriate action", the two functions form the United Nations' Joint Office for the Prevention of Genocide and the Responsibility to Protect.

I have been in the function for now sixteen months. It from that experience that I will draw in what I will share with this august congress of R2P knowledge and thought leadership, advocacy, and action as among the worthiest questions for consideration about the challenges that R2P faces and the steps that may be merited moving forward.

Madam President, fellow R2Peers.

As we look around the world today, thousands of people have lost their lives at the stake of mass atrocities. There are today no less than 30 local, nation-wide, and even regional situations the world over in which the

very survival of thousands of innocent lives is threatened by murderous licentiousness and profligacy. If we cast the optic to include those who somehow escaped death, but their lives have been profoundly broken, for instance in internal or external forced displacement, and if we set this spectrum over the 18 years since the Responsibility to Protect was agreed, alas, millions and millions have been failed and continue to be failed.

I would like to refer to this imperativeness as “the village of R2P”, by which I intend to evoke and focus attention on the actual horror which the world vowed never to let ever happen again. To this village, to the thousands who are poised on the precipice of this cataclysm, what do we say today? What, from this perspective, are the ranking questions to which an extraordinary assembly of R2Peers like this one today should give priority attention?

Madam President, Ladies and Gentlemen.

I would like to propose five main ones.

First, I stand here to assert that in R2P, the world faces today one of its acutest and most inescapable imperatives, the imperative to save the thousands and indeed even millions confronted by the cataclysm that I have invoked only so sketchily. And to reckon that in this gravest of the exigencies of our times, no trajectory calls to be foregrounded in our attention and efforts as does the implementation of R2P concretely and effectively on the ground.

We need not take anyone’s word for it. Haven’t we witnessed people facing exigent instrumental violence and death themselves stand up and cry out for safety and protection in plain, plaintive anguish, directly citing R2P? In other cases where that specific language has not been used, was it not plain to see that it is protection and safety from gratuitous mass violence that people are so desperately beseeching? And yet, time and again, these cries have gone unanswered. And continue to go unanswered. It is not “Never again” that is demonstrated in reality. It appears that it is “Ever more” that reigns unfettered!

And all that as R2P itself continues to be headlined not only as a conceptual category, but one that is mired in intractable political, ideological, normative, and cultural “contestation”. Its very validity is questioned for being, it is reckoned, a foreign, Western concept that is propagated to dissimulate malign hegemonic purposes.

Is this really the case? No, I do not hold that R2P has a uniquely branded cultural heritage nor, even without discussing Libya, that it masquerades and instrumentalizes geostrategic paramountcy. That, five years before it was agreed at the World Summit in 2005, the African Union articulated an essential concept of R2P as a political and normative keystone of that regional body is one well known demonstration of the suffusion of the concept. Beyond this, there is no major culture, religion, or philosophy of the world in which the essence and trace marks of R2P will not be found in an essential way.

But let us, for purposes of argument, suppose that R2P has a distinctive cultural imprint. What is the implication of that, in particular from the viewpoint of the village of R2P?

The village of R2P would say that no matter the particular historiographic persona of R2P, it is far more relevant that in 2005 the largest gathering of world leaders, representing every country and region of the world, agreed to it as a collective commitment. That it is just as important that every facet of what the World Summit Outcomes elaborated as R2P is grounded in firm customary and conventional international law. That there is no political, normative, or even only persuasive corpus of global or regional multilateralism that is ever free of contention whether in its organic character or in its application. However, that polemicity in the case of R2P does not nullify its fundamental, imperative nature. Rather, those would be questions that we should roundly and energetically tackle to realize safety and protection for the thousands and millions whose lives are at stake from the risks and occurrences of mass atrocities which the world collectively vowed eighteen years ago never to allow to scar humanity ever again.

Madam President, Ladies and Gentlemen.

This this leads me to the second question for which I would like to call for signal attention: national responsibility for R2P. Of course, the historical factors that inspired R2P ingrained in it the role and responsibilities of the international community. Nevertheless, as articulated in the World Summit Outcomes, the keystone of R2P is national responsibility, most crucially of Governments of course, but also evidently foreseeing the role of civil society and other players and stakeholders.

From this perspective, it is quite striking that the decisive emphasis in the discursive, diplomatic, and academic pathology of R2P has however been very much on the responsibilities of the international community, in particular the United Nations and other responsibility holders and, in that context, almost entirely on the use of force. Again, let me echo that I am not at all contending anything against the international axis of R2P nor that it should continue to be well entrenched in the R2P pathology. What I am urging attention for is that if it is in the actual, operational implementation of R2P that its most signal imperatives lie today, then it is also to the national context that by far more attention than is presently being needs to be focused.

Looking at things from this angle, my dear R2Peers, the national question for R2P presents a very urgent agenda to be institutionalized and operationalized as an organic national governance and accountability, output, and outcome. So far, the R2P National Focal Point system tends to be pointed to as almost the quintessential institutional measure for the implementation of R2P nationally. The R2P focal point mechanism and its national and collective work have my clear support. But it cannot, and certainly not by itself alone, be the key footing for setting up and ingraining R2P as national political, governance and accountability postulate. For this, the call is, first and foremost, for national political ownership at the very leadership of the country and organically to ingrain



a “Whole of Government Approach” which engages all arms of the Government from national Ministries and Departments down to municipal and local levels. Moreover, beyond rhetoricising R2P in all the ways that are important to ground it as a policy or strategy construct - including knowledge, understanding and awareness - to realize R2P outcomes in concrete terms that make a difference for people requires that it can be operationally programmed, resourced and institutionalized in the pertinent national strategies, programmes and systems in ways that allow specific outputs and results to be pursued and measured in implementation, accounting, reporting and evaluation. Yet, for all I have just said, in the state of the art on R2P today, almost no literature, knowledge or tools are to be found on it as an operational management system!

This takes me to the third question for which I am saying far greater attention is needed if the implementation of R2P is to surge forward. I am talking now of the regional axis of R2P. Put simply, there has so far been far too little of the regional dimension across the board. Yet, I believe that without a strong regional footing, the on-the-ground actualization of R2P will remain seriously challenged! There are several angles to this aspect, but I will limit myself to just two points.

First, further to what I have said already about the national dimension, I believe that, on one hand, the “contestation” of R2P is significantly diminished when it is problematized fundamentally from the regional perspective and, on the other hand, its political uptake and implementation greatly enhanced. This is a form of regional “localization” which alludes to the headroom that the discourses, constructs, approaches, experiences and mechanisms that the particular regions espouse or have established provide to be leveraged, instrumentalized and maximized for the objectives and purposes of R2P.

Madam President, fellow R2Peers.

Please do not hear me saying this and be concerned I am advocating for some kind of R2P regional relativism or autonomy. I am not saying at all that R2P should be regionally or nationally customized or articulated to the measure of only distinct political, social, cultural, and legal catalogues. As I have made clear already, I personally hold R2P as largely a definitive global norm. But in terms of application and implementation, there is both scope and inevitability of having to exploit and leverage the distinctive features both nationally and, as I am arguing now, regionally. As a crucial part of this implementation intersession, I am afraid that there is yet again only secondary attention that the regional dimension has so far received in the mainstream discourse on R2P thus the urgency of our greater investment along this pathway that I am calling for.

For my fourth point, let me swing back now to the global level and highlight another -re-set which I believe is urgently required. This relates to the differential attention the three Pillars of R2P have so commanded in both academic and implementation discourse. Everything I have said so far about R2P of course implicates every one of its three Pillars. But

when, further to what I have said already about the keystone of national responsibility, one hones in on Pillar II, in particular the veritable potential it has, because it is founded on mutuality, cooperation and support, for building R2P as a multilateral project, it is both confounding and concerning the relatively muted attention that is paid to this Pillar.

I would like to call for this blind spot to be visibilized and for Pillar II to be greeted with greater and more decisive investment of effort and attention, in which connection I would elaborate two points. The first of these concerns the view of R2P as a problematic that is transactionally relevant to only certain regional and country typologies and thus that it is only in those settings that R2P needs to be raised at all or pursued. The opposite of this view then is that for the other countries or regions, R2P is only an external relations and not domestic-facing matter, let alone imperative.

Madam President, Ladies and Gentlemen.

You have all heard it said that no country is free of the risk of atrocities. I fully share this view and in my work call upon every country, even those which may be confident that mass violence is never likely not to be occur within their border, to stand up and implement a domestic-facing R2P policy, agenda, and programme. Atrocity events are defined by unimaginable levels and acuity of horror. But they may not always start life at those scales. Given the circumstances, even only incremental events, articulations, or infractions of human rights could be the genesis of what end up as mass murder. Therefore, even if a domestic R2P agenda was to be framed only to illuminate the absence of atrocity risks or entrepreneurship, it is still necessary for a domestic R2P agenda be implemented deliberately and actively. The more States are seen to embrace and act on the risk of these cataclysmal events, in each of course according to the particularities that are true to those cases, the more the imperatives and objectives of R2P would be rallied to by all, both individually and collectively.

But what then, about R2P as a foreign relations objective?

Madam President, Ladies and Gentlemen.

That leads me to my final point. R2P is a commitment that States have made collectively. It is both an individual and multilateral undertaking. The implementation of R2P thus necessarily implicates the articulation and implementation of R2P as policy outcomes of the multilateral political economy of States. From this point of view, what I would say is that, even as we are seeing more and more States and organizations pronounce both bespoke and integrated R2P policies, which I very much welcome, there is not too much, but rather too little R2P in implemented multilateralism. Thus, we continue to witness today any number of situations in which strong bilateral or multilateral relationships – especially on geo-strategic, political, economic, and even governance, electoral, justice and security matters – are sustained without any attentivity or priority to R2P – related criticalities even as atrocity risks escalate, or mass murder is actually taking place.

R2P is not an exclusive silver or magic button that you press and, viola, safety and protection descend upon those in the crosshairs of mass atrocities. It is a horizontal construction whose objectives and outcomes will be realized by intentionally leveraging and maximizing all pathways of partnership, cooperation, or accountability from an R2P point perspective: Governance; Human Rights; Development Cooperation; Climate change; Conflict Resolution; Peace - making and Peacebuilding, Democracy and Rule of Law, the whole nine yards! Pursuing these pathways strictly for only their respective bespoke purposes and logic, without applying an R2P lens, can bolster mass atrocities and crystallize unspeakable horror!

Madam President, Ladies and Gentlemen.

In my work so far, I have engaged on R2P with both Slovenian diplomatic representatives and officials here in the capital like my friend Ambassador Jamnič and come to know Slovenia's support for R2P from the very inception globally, in the near and far neighbourhoods and at home. The role of State R2P Champions like Slovenia is key for its growth and progress, particularly in the context of the implementation on which I am laying emphasis. I urge Slovenia to continue this championship and look forward to continuing the collaboration with Slovenia to achieve these objectives.

To academia, I respect your job both to settle and question meanings and I understand that for R2P too to be vigorously questioned is par for the course. What I however would like to urge, if you can indulge me in some blatant advocacy, is for an elevated place for the village of R2P in the way in which R2P is problematized. When looked at with emphasis on the existential dilemmas of whole national, political, religious, ethnic, or other social groups being targeted for extermination, those questions which likewise should command our attention become ever so clear. That is what I appeal for, urge, and look forward to continuing also to work with academia and draw from the leading outputs that continue to come from this great Pillar of R2Peership!

I thank you very much for listening to me.

## Opening panel

### **Where Lies Responsibility within the Principle of R2P? Reflections on How to Strengthen the Effectiveness of R2P**

Michael Lysander Fremuth

The Responsibility to Protect (R2P) principle locates responsibility on different levels: The primary responsibility (1st pillar) rests with the nation states. Although R2P has been claimed to reflect a new understanding of sovereignty, in fact such a functional understanding of sovereignty can be traced back to the early modern period when the foundations of the concept of sovereignty have been laid. It is rather the reception of this responsibility by international law and institutions in the 20th century that can be labelled as “new”: R2P supports the idea of an international supervisory authority to which states additionally owe responsibility and which is vested with a subsidiary responsibility of its own, as well as it potentially allows for an adjusted interpretation of the UN Charter. However, the responsibility of the international community and, in particular, the UN Security Council (2nd and 3rd pillar) cannot be based on the idea of sovereignty in a narrow and original sense. Besides the general objective of protecting people from mass atrocities serving as the main justification under the UN Charter, sovereignty still has a meaning though. In line with advocates from the Global South, the 2nd and 3rd pillar of the principle can also be interpreted as and serve to protect the sovereignty of states, i.e. linking R2P with the UN Charter and sovereignty as its fundament. While this seems obvious for assistance provided under the 2nd pillar, the UNSC appears to move strongly in this direction also under the 3rd pillar by one-sidedly stressing the primary responsibility of the states or by the exercise of veto powers by some of its members. If, though, sovereignty presupposes responsibility, the question is how such an understanding might strengthen R2P and its effectiveness in controversial cases. In my presentation, I intend to explore and exemplify potential lines of argumentation with regard to two controversial topics: potential limitations on the veto powers of the permanent members of the UNSC, as well as the question of (unilateral) humanitarian interventions.

### **The War in Ukraine and Its Implications for R2P**

Jan Wouters

Russia’s fully-fledged invasion of, and aggression against, Ukraine since 24 February 2022 brings important challenges for R2P. While it is an overstatement to consider the Russia – Ukraine war as an indication of “the end” or “the failure” of R2P, it is clear that it raises many questions about the international arrangements currently in place in the area of R2P, from the primary responsibility of the UN Security Council – rendered de facto impossible due to the direct involvement of a permanent member – to the role and actions of the UN General Assembly – which in none of its resolutions dealing with the war has referred to R2P – to the role of regional organizations, whose many statements and actions regarding the war do not mention R2P either. Is it time for a re-think?

## **Interests and Values – Accountability and R2P**

Reka Varga

Accountability for the most serious international crimes is the cornerstone of the Responsibility to Protect. But this works only if justice is neutral, non-selective and is always carried out when needed. Until this is so, accountability will be open to political manipulation, and so interests will prevail over values. Ensuring accountability in the national and international fora is in many cases influenced by political needs. The *aut dedere aut judicare* principle has been present in international law since the late 1940s, still, it has only been applied exceptionally. The success of international criminal tribunals and courts is largely dependent on the will and short-term interests of the international community. Under such circumstances it is difficult to rely on accountability within the R2P concept. If states are not reacting consequently within their national systems to serious violations, they will not feel obliged to carry out proceedings, and in case national procedures fail, the selective reaction of the international community in responding to serious violations weakens the message that there is a determination in addressing international crimes. Even though in the past decades there has been a huge development in the international system of accountability, past experiences show that ultimately the responses were more interest than value-based. While R2P is a political tool to prevent and stop atrocity crimes, international criminal law seeks the same goal, in other ways. R2P cannot be successful without a well-functioning accountability system.

## **Reviving R2P in a New Era of Gray Zone Conflict**

Michael A. Newton

This presentation will build on the well-known history of R2P. It focuses on shared values and the need to reconceptualize R2P applications that are responsive to the shifting dynamics between states. It envisions a series of suggestions that together can move the R2P principle in innovative ways to make it more practicable and effective in a changed security environment.

# R2P and the Security Council

## **Armed Groups and the Responsibility to Protect: Analyzing Interactions as a Driver of Mass Atrocity Crimes Perpetrated by Armed Groups**

Adrian Gallagher and Helena Hinkkainen

Building on calls for a greater understanding of the Responsibility to Protect and non-state armed groups, this study focuses on specific types of mass atrocity crimes and how the non-state actors perpetrate such crimes in response to actions by other actors, such as the state, other violent non-state actors and external interveners. This presentation fills this gap by using a new geographically disaggregated event dataset on mass atrocities Correlates of Non-state Mass Atrocities (CONMA). These data were coded in six countries: Central African Republic, the Democratic Republic of Congo, Iraq, Nigeria, Syria, and Somalia and the analysis highlights how the dynamics of mass atrocity crimes are influenced by the presence and activities of other actors.

## **R2P and the UN Security Council: The Paralyzing Impact of the Veto Power and the Need for Reform**

Erjon Muharremaj

This presentation strives to offer a brief overview of the role of the UN Security Council regarding the Responsibility to Protect. It starts with a short introduction of the questions that will inform the analysis. The presentation continues with the analysis of the international legislation on state sovereignty vis-à-vis the Responsibility to Protect. It goes further in analysing briefly the relationship between the United Nations and the European Union, and the special position of the states that were EU members and also occupied positions as Permanent Members of the UN Security Council. A descriptive analysis follows, on the efforts within the United Nations to reform its composition, as well as to improve its transparency, effectiveness and accountability. In the end, the conclusion is reached that international law has not yet developed peremptory norms on the Responsibility to Protect. What will tilt the balance between the preservation of state sovereignty vis-à-vis R2P is and will remain the interests of the states.

## **Non-UN Sanctions and the Responsibility to Protect: Legality, Legitimacy and their Significance for R2P**

Ljupcho Stojkovski

Sanctions are a legally and ethically controversial topic in international relations. This is particularly the case if they are not authorized by the UN Security Council. With regard to the Responsibility to Protect (R2P), sanctions are part of its third Pillar since “collective action” in the name of R2P is a broad term that is not limited only to military intervention but can include other measures with or without the use of force. Under the accepted R2P version of 2005, however, collective action should be undertaken only through the UN Security Council. What remains unanswered is what should be the international community’s response under Pillar 3 in cases when the UN Security Council is ineffective

because it is passive or blocked, and especially when one of the perpetrators of R2P crimes is a permanent member of the Council, as it is the case today, for example, with Russia in the war on Ukraine or with China in the treatment of its Uyghur population. Are sanctions, especially those adopted outside of the UN Security Council, a legal and warranted response for R2P? What does the answer to this question, in turn, say about R2P's potential (especially regarding Pillar 3) as a norm? The presentation will deal with the present questions and will argue that non-UN sanctions are a legal and legitimate R2P response that should be undertaken by the international community – States and international organisations – on a case-by-case basis, especially when the Security Council is failing to uphold its responsibility to protect the populations in need, and that their adoption contributes to the strengthening of R2P as a norm with respect to its third Pillar.

### **Rethinking of R2P with the Ecocrime Debate**

Zerrin Savasan

The hot agenda regarding the protection of the environment, especially recently created by the issue of climate change, has brought up the issue of what the international community can/should do in this context. Hereby, the issue of UNSC's powers has been opened to discussion. The first informal discussion on the subject held at the UNSC in 2007 result in no binding output. Similar discussions are held at Arria-formula meetings in 2011 and 2013, 2015, 2016 and 2017; Likewise, no significant output is obtained in these either. Two UNSC resolutions taken in recent years (numbered 2349 and 2408) show the relevant development in terms of reference to climate change, although they do not express climate change as a clear and direct security threat / cause of problems. Nonetheless, it is also discussed whether environmental disasters can be handled within the scope of responsibility to protect (R2P) outside the scope of security and whether this is necessary or not.

The principle of R2P which was conceptualized for the first time as a result of the work of the International Commission on Intervention and State Sovereignty (ICISS), endorsed by the UN General Assembly with the 'In Larger Freedom' Report and enhanced by 'Implementing the R2P' report by the UN Secretary-General in 2009, has created a legal framework to respond to specific mass atrocity crimes (genocide, war crimes, ethnic cleansing, and crimes against humanity (arts.6-8, Rome Statute). However, as a result of the recent studies on ecocrime, what will happen if the ecocrime is also considered within the scope of these crimes? What different consequences might this have regarding the interpretation and application of the R2P principle? In this case, these questions need to be answered.

In this regard, this presentation aims to question and search for how the debate on the mandate of the principle of the R2P regarding environmental catastrophes has been effected by the ecocrime debate. Therefore, it firstly reviews how environmental concerns have been understood and debated in the context of the R2P debate, that is, whether they have been understood as a security issue (human/or ecologic security) rather than a part of the principle of R2P to clarify the current mandate of the principle. Secondly, it scrutinizes the last developments regarding the adoption of ecocrime as a new international

crime under the Rome Statute. Thirdly, it makes an assessment on the possible ways of its implementation under the mandate of the R2P and sheds light to the future debate on it. Finally, it takes attention to the possible prospective evolution of the principle in both theory and practice through the ecocrime debate.

**The Responsibility to Protect and Women, Peace and Security: Strengthening the UN Atrocity Risk Analysis with Gender Indicators**

Alba Gerdeci

The Responsibility to Protect (R2P) was first articulated in the 2001, as a response to the controversies related to intervention in the humanitarian crises in Rwanda and the Balkans. R2P is based on the premise that the state has the primary responsibility to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing and when it manifestly fails the principle suggests that the international community through the Security Council should take timely and decisive collective action. R2P is closely related with other important international agendas, among them the landmark Resolution 1325 on Women, Peace and Security (WPS), passed unanimously by the UN Security Council, only a year earlier in the 2000. This Resolution explicitly acknowledged the importance of women's involvement in peace and security issues to achieve sustainable peace.

This presentation aims to explore the relationship between the Responsibility to Protect, the advancement of gender equality and Women, Peace and Security (WPS) agenda. In addition, it investigates the gender indicators included in The United Nations Framework of Analysis for Atrocity Crimes (FAAC), the single UN tool developed by the Office of the Special Advisors on Genocide and Responsibility to Protect to assess the risk of atrocity crimes in countries around the world. It is argued that there are obvious areas of complementarity between the R2P and WPS agendas, but the FAAC in its current version does not adequately address gender based issues.



# R2P and the Challenges of ICL

## **Possible Responses to Russian Aggression on Ukraine – The Place of International Criminal Justice in the R2P Scheme**

Maja Munivrana

This presentation delves into the role the international criminal justice (ICJ) system has, or should have, in the R2P framework. At first sight the relationship between the ICJ, the ICC in particular, and the R2P is an uneasy one. The former is based on legal certainty, strict procedural rules and impartiality, all in the context of individual criminal responsibility, whereas the latter rests on flexibility and oftentimes political considerations, underpinning relations between states. Yet, one of the purposes of both mechanisms is to prevent and stop mass atrocities. To what extent international criminal justice mechanisms are a suitable means to prevent and stop ongoing conflicts has been questioned, in particular within the peace v. justice debate. However, this idea lingers at least since the early 1990s. Already in 1993, when establishing the ICTY, the Security Council expressed its belief that the formation of such a tribunal would contribute to the restoration and maintenance of peace and that prosecution of those responsible for serious violations of international humanitarian law would contribute to ensuring that such violations are halted and effectively addressed. Similar expectations surround the ICC. Critics have argued that such expectations are far removed from the normal concerns of any criminal justice system and that fulfilling such objectives is gargantuan and causes tensions (e.g. Damaška). Furthermore, scholars have warned that little attention has been paid to what a peace process truly entails and to the complex interplay and influence of a variety of factors, including the ICC or other international(ized) criminal tribunals, on increase or decrease of violence and prevention of conflict (e.g, Kersten). Nevertheless, even the former prosecutor Fatou Bensouda referred to the ICC as ‘a tool in the R2P toolbox’, and ICJ is often highlighted as an important piece of the R2P puzzle. The interconnected nature of both institutions is furthermore highlighted by the fact that both cover to a large extent the same crimes - genocide, crimes against humanity and war crimes (as well as ethnic cleansing, which depending on the circumstances may be qualified as any of the three core crimes). This presentation will look more closely at the three R2P pillars and analyze if indeed the ICJ may contribute to the implementation of R2P in the context of Ukraine. The situation in the Ukraine has already been identified by some as an example of the failure of the R2P doctrine. One of the reasons lies perhaps also in the fact that the crime of aggression is excluded from the R2P’s scope. This presentation will explore whether the involvement of the ICC may help achieve some of the R2P’s goals in Ukraine and if the doctrine should be extended to cover the fourth core crime as well.

## **Aiding and Abetting – Possible Criminal Responsibility of Platform Providers before the ICC for Facilitating Mass Atrocities**

Andras Hars

The presentation aims to analyse the Statute and practice of the International Criminal Court (ICC) for aiding and abetting an international crime. Even though according to several consequent policy papers by the Office of the Prosecutor only the most serious offenders, usually higher up in the hierarchy are indicted – especially in cases involving lots of victims -, the Rome Statute does allow for individuals to be prosecuted for aiding and abetting a crime. Under Article 25 (3) (c) it is indeed possible for the ICC to prosecute individuals even if they have ‘merely’ assisted or facilitated the conduct or if they have provided the means to carry out the crime. This raises the question of platform providers who – albeit unwittingly or through negligence or *dolus eventualis* have contributed to mass atrocities. Regarding the persecution of the Rohingyas in Myanmar, facebook was used as the primary platform for hate speeches, disseminating disinformation and as a tool promoting heinous human rights violations. Since the pre-trial chamber’s 2018 decision on allowing the case to move forward - since the alleged mass deportation has ended on the territory of a State party, Bangladesh, - the complicity of platform providers has been raised by academia. The presentation aims to ascertain whether there is legal feasibility for such a claim and whether a judicial process against platform providers would serve the purpose of prevention and deterrence in the future.

## **Ecocide and the Croatian Criminal Code – Could the Proposal to Amend the Criminal Code become a Reality as an Upgrade to the R2P Principle?**

Sunčana Roksandić

In July 2022, a proposal was sent to the Croatian Parliament to amend the Criminal Code so that it is supplemented with the criminal offense of ecocide. The proposed amendments to the Croatian Criminal Code would expand the catalog of criminal offenses with a new incrimination by introducing the most serious criminal offense of CHAPTER XX. CRIMINAL OFFENSES AGAINST THE ENVIRONMENT, "ecocide". The proposed amendments to the Criminal Code would ensure the continuity and mutual harmonization of the goals of the Republic of Croatia, i.e. its strategic interests in environmental protection and providing the most effective responses to climate change by introducing a provision that aims to further protect the environment as a legal good, including, for the purposes of applying the criminal offense of ecocide - the earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere, as well as space. This provision also follows the Resolution of the European Parliament from May 19, 2021 on the effects of climate change on human rights and the role of environmental activists in relation to this issue. The proposal still awaits the discussion in the Parliament.

## Responsible Sovereignty – the ‘Building block’ of R2P in the Fight against Conflict-Related Sexual Violence

Sandra Fabijanić Gagro

At the heart of R2P lies a two-dimensional understanding of responsibility: a) the responsibility of the state to protect its population from core crimes i.e., genocide, war crimes, crimes against humanity, and ethnic cleansing, and b) the response of the international community when the state in question is unable or unwilling to meet its own responsibilities. Following the three-pillar concept of R2P and given the challenges of 2022, it can be said that responsible sovereignty represents its core. In a broader sense, responsible sovereignty undoubtedly manifests in the capacity and commitment of the state itself and the international community to take effective action to prevent the development of an environment that fosters discrimination and enables the core crimes of R2P.

This presentation will focus on how the responsible sovereignty of R2P corresponds with one of the most threatening attacks on the human body – conflict-related sexual violence. It is not specifically mentioned in R2P's three-pillar approach. Unfortunately, however, sexual violence in conflict is its constant “companion.” Is it utopian to expect a transformation of societies in which rape and other conflict-related sexual violence are not considered methods of warfare? What can be done in this direction? With no doubt, the main responsibility lies in the hands of the state itself. Every state must take effective measures against sexual violence in general, and this is undeniably part of its responsible sovereignty. The state should be able to identify and implement a set of measures that can ensure early identification of risk factors related to the emergence and facilitation of core crimes, including conflict-related sexual violence involved in these crimes. On the other hand, the international community must not stand idly by and watch the humanitarian challenges it faces and the crimes committed in the territory of a particular state. Building, maintaining and protecting a peaceful and tolerant society is a long and continuous endeavour. Horrific crimes do not happen “overnight.” Therefore, the proposed presentation is based on the following premises: (a) conflict-related sexual violence can be seen in the context of crimes that are integrated into the R2P concept; (b) the state is obliged to exercise its responsible sovereignty, to recognize different social, cultural, religious and historical “disorders” and - through a variety of national measures - to find the most appropriate pattern to combat conflict-related sexual violence; (c) there is a need to examine the applicability and effectiveness of the R2P approach within each of its pillars when it comes to preventing conflict-related sexual violence, and to critically review the various efforts and activities (both by states and the international community) that have been undertaken in this direction.

# R2P and Artificial Intelligence

## **R2P begins at School: Will AI Help or Hinder?**

Wayne Holmes

Schools play a key role in promoting and helping facilitate Responsibility to Protect (R2P). Young people can be taught about the importance of shared human values, social cohesion, and a culture of accountability; the need to actively protect human rights and how to recognise the early warning signs of violations; and the critical role of citizens, governments, and international cooperation. However, it remains unclear whether any of these critical concerns are given sufficient focus by today's education systems. Meanwhile, education is itself increasingly being challenged by developments in Artificial Intelligence (AI). While teaching and learning with AI might enhance education (although there remains little robust evidence for that), it can also exacerbate existing inequities by reinforcing biases, restrict freedom of expression and access to information, increase surveillance and undermine privacy, and disempower teachers thus undermining children's fundamental right to a quality education. On the other hand, teaching and learning about AI is only just beginning to happen in schools. However, where it is happening, the focus is almost always on the technological dimension (how AI works and how to create it) to the exclusion of the human dimension (the impact of AI on human rights, social justice, and democracy). This omission needs to be addressed. In summary, the role and responsibilities of education and its connections with AI all need careful and sustained attention – to ensure that AI is used to empower teachers and learners to engage proactively and effectively with human rights, social justice, and democracy, and to promote and facilitate R2P.

## **Artificial Intelligence and Humanitarian Assistance: Revisiting Principles of Sovereignty and Non-Intervention in the Context of the R2P**

Maruša Tekavčič Veber

Humanitarian assistance is increasingly being carried out by relying on digital information technologies, including artificial intelligence (AI). The use of AI systems, such as biometric AI systems, significantly improves the accuracy and effectiveness of the aid delivery, while at the same time (re)opening some of the fundamental international legal questions pertaining to the principles of sovereignty and non-intervention. This presentation analyses these developments from the point of view of the notion of consent in international law, a cornerstone of the principle of sovereignty, with which the delivery of humanitarian assistance has traditionally been conditioned. In the context of the Responsibility to Protect, particularly relevant is the possible rejection of humanitarian assistance, conditioned with the use of AI, by the recipient state. For example, in 2019 the WFP decided to suspend the delivery of food aid in Yemen because the relevant actors opposed the AI-supported aid delivery enabling the use of biometric data (using iris scanning, fingerprints or facial recognition) of food recipients by the WFP. This presentation analyses such possible denial of consent for AI-supported humanitarian assistance, from the point of view of existing international

legal rules: the principle of sovereignty and non-intervention, state responsibility and international humanitarian law. Against this background and based on the analysis of the relevant practice concerning the humanitarian assistance of the UN agencies (in relation to e.g. Yemen and Syria) this presentation argues that, in the absence of the international legal framework governing the use of AI, the AI-supported humanitarian assistance seems to reinforce the need for an unambiguous consent of the aid recipient state.

## **R2P Through the Lens of the EU Artificial Intelligence Act**

Tadeja Urbas

The European Union (EU) has on 21 April 2021 proposed a Regulation of the EU Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) which aims to introduce a common regulatory framework on artificial intelligence (AI) within the territory of EU. The framework is meant to set out harmonized rules for the development, commodification and use of AI-driven products, services and systems by proposing a framework of four risk categories and introducing requirements for such AI-based products to enter the market while placing a prohibition on certain types of applications that are understood to be above the accepted risk level (such as remote biometric recognition, applications that subliminally manipulate persons, applications that exploit vulnerabilities of certain groups in a harmful way and social credit scoring).

Considering that the EU Artificial Intelligence Act encompasses all sectors with the exception of the military sector, this presentation

# R2P and the Protection of Children: Achievements and Challenges

## **How Does R2P Work in Protecting Children and Preventing Violence against them? The R2P and the UN System**

Fausto Pocar

Responsibility to protect (R2P) aims under United Nations Law at protecting basic rights of a population on a given territory from grave violations of their human rights, likely to result in international crimes like genocide, war crimes and crimes against humanity. While the primary responsibility to protect the population settled on a territory lies with the territorial State, the international community shares this responsibility and has a duty to assist the territorial State in its task. Should that State be unwilling to act, the procedures set forth in Chapters VI and VII of the Charter would come into play and the Security Council or, within its competence, the General Assembly could adopt the measures required by the situation. This initial approach developed towards a higher degree of interference in the internal affairs of a State whose population es exposed to serious violations of human rights and humanitarian law, such as those earlier identified, allowing for a higher degree of States' cooperation with the United Nations, provided that no undue interference occurs with the concerned State sovereignty or with the competence of the Security Council. This doctrine shows that no military interference is legitimate without the participation or the agreement of the Security Council. Other measures which do not imply the use of force have however to be developed by States in order to comply with their duty to assist in the protection of the concerned population.

The application of the R2P doctrine to the condition of particularly vulnerable persons like children are in armed conflict is a special important duty of States. International humanitarian law provides for number of obligations of States to protect children's rights in the wages of an armed conflict until its termination and the observance of these obligations may constitute the basis for an action of other States to assist the belligerents in respect such obligations. A consideration of these obligations implies the resolution of several problems that deserve to be discussed. There discussion shows that R2P is an important tool the use of which may help to guarantee to children their basic rights even when they are exposed to their violations in armed conflict situations.

## **Case Studies and Data Analysis: How Education Can Improve R2P**

Antonino Pola

The fundamental right to education is among the rights that are most easily and tragically violated during armed conflicts. During situations of armed conflict, attacks on education may violate international humanitarian and criminal law and constitute war crimes. Global and

local civil society can provide the necessary tools to implement the R2P policies in order to prevent or avoid the violation of the right to education.

On the basis of this premise, civil society has carried out a series of actions also in those geographical areas where refugee children from armed conflicts have been welcomed, like the case study of children refugees in Turkey coming from Syria.

The Turkish area of the Gaziantep region is one of the regions with the highest index of refugees, due to an on-going armed conflict in Syria between forces loyal to the Ba'ath government and those opposing them. An estimated 6 million people are Syrian refugees who have sought refuge and protection across Europe from 2011 to the present day. Only in the past years, it has taken in more than 3 million Syrians fleeing war. According to UNICEF data, 54 percent of Syrian refugees are minors. Those of school age number about 850,000, of which 500,000 have no access to education. Gaziantep's close proximity to the border with Syria has led to the arrival in this region alone of a total number of refugees that stands at around 900,000 people. Tight immigration regulations as a result of the 2016 EU-Turkey agreements have forcibly stabilized refugees to remain in the city of asylum seekers. The result of this has thus been the emergence of refugee cities within Turkish cities. The Turkish education system being unable to respond to applications for admission to first- and second-grade schools has resulted in many Syrian families having to rely on NGOs trying to help children for their educational needs.

The analysis of this case study was conducted through a series of interviews: operational methods concerning education and training were analysed in relation to the specific context in which children, who immigrated to Turkey from Syria, live.

Three specific areas of research were focused: (I) how to build an NGO activity in this field, (II) how to implement NGO's relationships with institutions, (III) how to plan activities with educators and volunteers. The outcomes of the research show that these three aspects are very linked to the R2P policies provided by the international system, as they enforce and implement the necessary tools aimed at preventing and avoiding the violations of fundamental rights that can constitute international crimes.

### **The Role of Local and global civil society in supporting the process of R2P**

Aglaia Gallo

Understanding how civil society via social movement work is crucial to understand its importance in the process of R2P, as well as to grasp the challenges civil society encounters in the process. Social movement theory suggests a vast number of factors to explain how political outcomes are deeply influenced by civil society. The phenomenon of framing can help understanding and grasping better the cruciality of the role played by civil society in supporting the process of R2P, considering its implications in areas like social movements, decision/political-making processes and strategic communication. The reason is to be found in how framing helps articulating collective action's legitimacy of a movement: social movements' members organize themselves around

values and ideas already existing within society, in ways that could resonate well with the public. On the other side, social movements have to bring additional and new values on the table to challenge the status-quo they are willing to modify, while in need for collective actions to be undertaken.

By preventing atrocity crimes. By taking the framing approach into consideration, it is expected by civil society to take upon themselves international priorities/core values - which include peace, dialogue and protection on all human beings, especially children, in all contexts, including wars – with the aim of acting strategically on influencing the government policy implementation. Civil society covers a critical role in aiding efforts to safeguard communities from horrific crimes. During times of crisis, civil society builds early warning and monitoring measures, campaigns for and actively assists victims of atrocities, resolves disputes, and offers vital humanitarian aid. Such role has also been recognized by a number of international organizations, including the United Nations. In one of its 2016's report, The UN Secretary-General drew attention to the diverse actions taken by civil society to uphold R2P, including the strengthening of early warning and monitoring mechanisms, leading advocacy initiatives to support victims of atrocities, providing direct legal and support services to affected communities, overseeing mediation efforts to ease tensions, and providing lifesaving humanitarian assistance.

By putting pressure on Nation-States to enforce law. The obligation of states to punish mass atrocity offenders is certainly an important component of the R2P idea. It serves as a deterrence to future criminal activity. States should do more to ensure successful prosecution, and it appears that intellectuals and civil society should put more pressure on states to perform their obligation to combat impunity for international crimes. States should also strengthen their cooperation in the discovery, arrest, extradition, and punishment of foreign criminals.

### **Liberating R2P doctrines from political suspicion through a gender-sensitive understanding of intangible cultural heritage**

Ilaria Pretelli

More than 20 years ago, the Security Council adopted Resolution 1325 (2000) on Women, Peace and Security (WPS) with the aim of increasing women's participation in conflict prevention, peacemaking and peacebuilding efforts. The resolution calls on states to adopt a gender perspective in all actions taken to end armed conflict. This means not only protecting women and girls, or children in general, from violence and sexual abuse during conflicts, but also increasing women's participation in decision-making (especially in the negotiation and implementation of peace agreements) and taking special measures to protect them (e.g. in refugee camps). Since then, WPS has been explored in terms of the opportunities it offers for a new formulation of R2P, particularly highlighted in the Twelfth Annual Report on R2P (2020), but also more recently in the 2022 Report. The contribution analyses the current political and religious obstacles to women's full and meaningful participation in R2P. It discusses the reasons why women are made a particular target of war (and violence against women a particular weapon



of war) in light of their role and importance in the transmission of intangible cultural heritage. The aim is to reconcile the advancement of women in society with the need to respect a pluralistic vision of intangible cultural heritage. I argue that the eradication of violence against women, both in its Western (Euro-American) manifestations and in those experienced elsewhere, particularly in the Global South, is at the heart of this process. Investigating the origins of the currently unsuccessful incorporation of WPS into the R2P doctrine may also help to prevent the adoption of policies that, under the pretext and name of R2P, are merely aimed at expanding Western political and cultural influence.

## Interventions and R2P

### **The Law and Reality of Implementing the Responsibility to Maintain International Peace and Security at the United Nations**

Patrick Butchard and Jennifer Giblin

This presentation outlines the very early proposals and progress of a new research project investigating the law and reality of the responsibility to maintain international peace and security at the United Nations. It focusses on Strand 1 of the project, which seeks to understand the legal nature of this responsibility, as recognised in Article 24(1) of the UN Charter. The overall aim of the project seeks to map the legal framework (the law) and the practical framework (the reality) of implementing this responsibility at the United Nations. With this in mind, this presentation highlights the questions that Strand 1 of the project needs to answer – including whether this responsibility does tie the international community to any legal obligations, and whether any other international legal rules have an effect on this. It also includes the route to gaining an understanding of how the Responsibility to Protect has any legal or practical relationship to the responsibility to maintain international peace and security.

### **R2P Elements in the Conflict in Syria**

Esmail Alsaghir

This presentation offers a contemporary examination of the ‘responsibility to protect’ (R2P) doctrine from an international legal perspective and scrutinises how the doctrine was applied within the Libyan and Syrian conflicts as two recent and noteworthy examples which can shed light on its broader applicability. In the 1990s, Francis Deng, offered a new framing of ‘sovereignty’ that focused on the responsibility of states to their citizens, a notion that would become a corollary of the R2P doctrine. The central idea behind Deng’s proposal was that sovereignty is not solely about the state’s power and autonomy, but also about the people the state represents and its duties to them. With the emergence of R2P in the 1990s and its growing importance in recent years due to evolving conflicts, the present presentation will discuss whether this doctrine constitutes an obligation under international law and, in such a case, considering the uneven application of R2P in Libya and Syria, the presentation suggest that the failure of intervention in Libya and shifting the purpose from people’s protection to politicizing the intervention contributed to the lack of application in Syria.

Furthermore, this presentation asks what the possible future of R2P is as a legal obligation for the international community. Inconsistency in how R2P was interpreted in Libya and Syria has called attention to the fragile nature and legal basis of international intervention when states themselves are not able – or possibly not willing – to protect their civilians. A careful examination of R2P reveals that this doctrine indeed stems from existing legal obligations, therefore from my reading of the scholarship I have found that the legal interpretations make the doctrine imperative for outside states to intervene when sovereign states cannot

or will not protect civilian populations within their territory. The implications from the cases this presentation studies could obligate the international community to apply R2P in a wider variety of situations and additionally, compel international representatives, such as the United Nations, to create mechanisms that safeguard states in the application of this doctrine. This study concludes with future recommendations for the creation of mechanisms whose establishment could see the birth of a new era that prioritizes both civilian protection and non-colonial intervention.

### **The United States and the Conception of Humanitarian Intervention in the Yugoslav Crisis: Context and Consequences on the Ground**

Juliane Prade-Weiss and Dominik Markl

This presentation explores the evolution of the doctrine and practice of humanitarian intervention by tracing its origins to shifting modalities of the American involvement into the Yugoslav collapse in the 1990s. We trace the stages of this shift based on long-classified Central Intelligence Agency sources that have recently become available. Compared with documents released by the Clinton Presidential Library, evidence obtained by the International Criminal Tribunal for the former Yugoslavia, and memoirs of protagonists, they indicate how the US stance moved from almost complete disengagement to full armed participation within the span of a decade. Zooming in into this microcosm of US foreign policy in different stages allows to revisit some entrenched myths: the US as “the reluctant superpower”, and as paramount villain. Since we seek to understand the wider context of the humanitarian intervention, the presentation builds on the paper, carrying it to another important aspect:

What long-term impact did the aerial bombing of Belgrade have, as it were, on the ground, that is: in civil society? What are the ramifications of being at the receiving end of a humanitarian intervention?

### **Untangling the ties between the concept of Responsibility to protect and cultural heritage**

Mariafrancesca Cataldo

The presentation aims to explore the dynamics between the principle of state sovereignty, global governance and human rights by examining the Responsibility to protect doctrine applied to the protection of cultural heritage. The global regulatory regime of the Responsibility to protect (R2P) can be a good case to challenge, both the state sovereignty and the international community in addressing the current global challenges. The field of cultural heritage is a global challenge for the international community who is willing to protect it from unlawful destruction. However, over the past two decades, the attacks against heritage sites (such as the Buddhas of Bamiyan or the Temple of Baalshamin in Palmyra) have shown the failure of the international community in protecting them. The presentation will seek to investigate the feasibility and opportunity of the R2P in preventing the intentional destruction of cultural heritage. Is the R2P doctrine an example of global governance that can enhance the protection of cultural heritage? Can the doctrine of the Responsibility to protect extend to both tangible and intangible

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cultural heritage? If so, what limits does the doctrine encounter? Does the R2P extend its scope of application in cases of destructive attacks against heritage sites authorized by States in which they are located? The presentation will look at two specific cases: the Al-Mahdi case and the cultural destruction in Myanmar.

## **Gender, Civil Society Influence and the Politics of Protection**

Lucy Hall

This presentation examines how the international community interacts with civil society organizations (CSOs) in understanding when and how to respond to mass atrocity violence against civilians. The theoretical and empirical aims of this project are guided by two central questions

1. How do civil society actors influence the decisions of the international community, concerning protection?
2. How is the information, advice, and work of CSOs taken into consideration when deciding what form an intervention should take?

This presentation focuses on the ways in which information about gendered and sexual violence is shared, understood, and discursively shapes protection decisions. The empirical focus of this presentation is CSOs and how they interact with global protection actors and networks, how, when and what information do they share and with what aims? What kinds of protection actions are preferred by CSOs and ultimately how are these discursive processes gendered.

## **'Until All the Powerful Are Just': Rational Masculine Protectors, the United Nations and the Responsibility to Protect**

Shannon Mathieu

Addressing the General Assembly in 1961, US President John F. Kennedy drew on ideas of rationality, morality and protection to present the UN in starkly masculine terms. He was speaking at a moment of crisis for the organization. Secretary-General Dag Hammarskjöld had died under suspicious circumstances in a plane crash only the week before, heightening Cold War tensions around the question of choosing his successor and calling into question the future effectiveness of the organisation. In this context, Kennedy outlined his vision for the UN as the guarantor of international peace and the rule of law—a vision very much in line with the role the organisation has aspired to throughout its history, and one which proposes a masculine ideal of rationality, fair dealing, and the type of quiet courage that does not choose to fight but will not back down in the face of unjust violence. Through rationality and support for the principles embodied in the UN Charter, he argued, humanity could create a world 'in which the strong are just and the weak secure and the peace preserved'.

This presentation will argue that this construct of the UN as an institution offering benign, rational protection is reliant on a particular model of masculinity within the UN context—one which is replicated in the language that created and codified the Responsibility to Protect (R2P), aligning R2P with the wider UN project. It will examine the gendered and racialised underpinnings of protection language deployed by R2P, focusing not on the militarised masculinity of UN peacekeepers but rather on visions of masculinity applied to their civilian counterparts—the diplomats, policymakers and international civil servants who often work far removed from the conflicts in which the UN intervenes, but who nevertheless occupy the role of 'protectors' within the R2P framework. It will discuss the ways in which a rational civilian model of masculinity

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works to shore up confidence in UN 'expertise' and the ability to intervene effectively to protect civilians from atrocity crimes; how this version of masculinity is constructed in opposition to a negative, violent model of 'irrational' masculinity; and the implications these understandings of masculinity have for shaping interventions within the R2P framework. The presentation will contend that the model of benevolent, rational masculinity embodied by the UN international civil servant is central to the meaning of R2P and to the UN project more broadly.

## **The European Union's Approach towards R2P: Normative Guiding Principle or Vague Political Objective in its External Relations?**

Moritz Malkmus

On June 23, 2022, Ambassador Olof Skoog, Head of the EU Delegation to the UN, delivered the Union's statement on "Responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity" at the 76th Session of the General Assembly, reaffirming the Organisation's commitment to the agreements reached unanimously at the 2005 World Summit, while at the same time emphasizing the need to "double down on [its] efforts and actions, both in terms of prevention and response." Despite such strong-sounding verbal pronouncements, the Union's contribution to implementing R2P as a concept has sometimes been described as "patchier" and "might be questioned" with regard to its strength and effectiveness.

Against the backdrop of such observations, which contrast with the high potential sometimes attributed to the EU in terms of promoting R2P, this presentation sheds light on how the EU has already internalized this concept, where possible shortcomings are to be identified and to what extent the EU can contribute to strengthening R2P in theory and practice. Building on the extensive work of, inter alios, Kadelbach, De Franco/Meyer/Smith and Schmidt, this presentation will recapitulate the concept of R2P, particularly with regard to the role of regional organisations, examine the policy and legal framework that defines the EU's options for action, and by collecting relevant practice illustrate how the EU is using the available instruments in order to pursue its own R2P approach.

The author argues that within the framework of its Common Foreign and Security Policy (CFSP), its Common Security and Defense Policy (CSDP), but also its Neighborhood Policy (ENP) and in Trade Relations (considering how the EU makes respect for human rights a condition of privileged partnerships), the EU already has at its disposal various instruments to act within the three well-known pillars of R2P. The sometimes deplored deficits, especially regarding the second pillar ('responsibility to respond'), are therefore less due to inadequate legal frameworks or competencies, but rather to an inconsistent attitude of member states toward the concept of R2P, which makes it difficult for the EU to pursue a coherent foreign policy.

It is further argued that the assumption of the Union's R2P is not only in line with its international obligations as a regional organisation and subject of international law (Art. 47 TEU); with the entry into force of the Lisbon Treaty, it can even draw its normative power from the legally binding objectives of the EU's external relations as enshrined in Art. 3(5) and 21 TEU. Optimizing the EU's efforts under the concept of R2P, as envisioned by Ambassador Skoog, is thus not merely a moral obligation, but rather a mandatory requirement of a value-based foreign policy committed to the promotion of human rights, the rule of law and peace. Its expansion along the lines of the UN narrow-but-deep model would therefore be desirable.

## **R2P, Sanctions against Russia and EU law – Is there a Legal Duty for the EU to Support Ukraine?**

Stefan Lorenzmeier

The presentation is going to deal with the issue whether the treaty relations between the EU, Russia and Ukraine are not only providing the EU with a right to enact sanctions against Russia and Belarus but also a duty to act. Therefore, the Partnership and Cooperation Agreement (PCA) with Russia and the Association Agreement (AA) with Ukraine will be analyzed in light of Public International Law. It is argued, that the PCA does not constitute an obstacle to sanctions and that the AA could be interpreted in a way that the EU has to address the serious breach of PIL by Russia effectively.

## **Sub-Regionalizing the Implementation of R2P in Africa**

Swikani Ncube

In its 2001 Report, the International Commission on Intervention and State Sovereignty (ICISS) placed much emphasis on, amongst other principles, ‘right authority’ as a prerequisite for legitimate military intervention to protect civilians. In making this recommendation, the Commission added that “there is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes”. Since then, the role of the UNSC vis-à-vis military interventions by regional organisations such as the African Union (AU) has captivated both academics and commentators, no doubt spurred on by the disfunction within the UNSC and the competing interests of the international community to demonstrate fidelity to the ‘never again’ mantra. Consequently, the ‘green light’ and ‘red light’ interpretations to UNSC authorisation characterise the two main camps on intervention by regional organisations. This chapter contributes to this discourse by extending this argument to sub-regional organisations or regional Economic Communities (RECs) in Africa. RECs such as the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC) and the East African Community (EAC) have incorporated human rights protection and conflict prevention into their frameworks, a development which places a legal obligation on their organs and structures to respond when R2P triggering human rights violations are reported. While the tendency has always been to justify the involvement of RECs based on their proximity to conflict zones as well as their interests in indirect consequences such as cross boarder displacement as well as the threat of spill-over conflicts, this chapter argues that in the main, the reason for intervention is primarily a legal one. Further, the chapter argues that the significance of sub-regional normative frameworks that prescribe conflict prevention measures demand a naturalist approach to what constitutes law, an approach that justifies interventions by sub-regional organisations without UNSC authorisation.

## **Sexual Violence as Genocide and the Responsibility to Protect in Contemporary Asia**

Hokbi Tiunn

This presentation will explore the role of sexual violence in genocide and



the responsibility to protect (R2P), which was agreed upon by world leaders at the 2005 United Nations (UN) World Summit, by focusing on two protected minority groups in contemporary Asia: the Rohingya (Rakhine State, Burma/Myanmar) and the Uyghurs (Xinjiang, China). By analyzing the experiences of these two oppressed groups, this study aims to examine whether specific acts constitute genocide as defined by Article 2 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, binding upon each of the two States.

After probing how the Governments in Myanmar and China commit genocide by using sexual violence to destroy the identified minority groups within the States, this presentation will examine the specific acts attributable to the States and demonstrate how the States' responsibilities to protect the populations from genocide engage the Responsibility to Protect (i.e. pillar I of R2P). The international community's responses to the atrocities in Myanmar and China will also be addressed in accordance with UN Charter Chapters VI, VIII, and VII (pillars II and III of R2P).

Sexual violence has been deemed an effective measure to destroy a targeted group, and women are disproportionately targeted. This presentation focuses on the experiences of Rohingya and Uyghur women in terms of genocide. Gender determines the violence one might experience (including forms and motivations). All genders suffer from various kinds of violence as victims of international crimes, including genocide, and sexual violence is a recurrent (and often ignored) type, especially in non-peace times. For sexual violence committed as part of international crimes, a victim suffers not only as an individual but also as a member of a persecuted group. Women feature in particular ways in such acts against them. Research into genocide that ignores gender risks obscuring the full picture, impact and meaning (including intent) of genocide. In examining the role of sexual violence in genocide in terms of gender, this presentation will contribute insights into genocide per se.

This presentation provides a context for the R2P in contemporary Asia by outlining the role of sexual violence against women in genocide and by examining the practices of perpetrating States in terms of the responsibility to protect people from genocide as included in the 2005 Outcome Document.

## National Approaches to R2P

### **An Invisible Genocide? Atrocity Crimes against Indigenous Peoples in the Brazilian Amazon**

Lucas Ribeiro de Belmont Fonseca

Brazil possesses, in many aspects, outstanding features that take it to a position of high importance in the international arena: one of the largest territorial extensions and biggest economies in the world, it is a populous multi-racial and multicultural democratic state with few parallels in the Southern and Western hemispheres, where it is located. It is also home to most of the colossal Amazon rainforest, the most biodiverse region in the Planet and responsible for much of the climate balance in the continent and elsewhere. It is in this area where hundreds of thousands of indigenous people live, including many isolated peoples who have never been in touch with the dominant society.

From 2019 to 2022, all these remarkable characteristics of Brazil – its democracy, culture, ecosystems, population, economy – were put under stress by the government led by Jair Bolsonaro, a far-right politician and former military officer who resurrected a reactionary and authoritarian mentality that had last been tried in such shape during the military dictatorship that ruled Brazil from 1964 to 1985. However, while in the 20th century such rationale was imposed by force, in the 21st century it was democratically chosen by the Brazilian electorate, especially by a coalition built and embodied by Bolsonaro uniting ruralists (landowners, farmers, ranchers, miners), evangelicals and security officers. Each sector in this political and social coalition had its own interests in Bolsonaro's platform – economic motives, moral values, anti-human rights policies –, and, in turn, had clear targets in the Brazilian society, especially the most vulnerable segments, such as workers, women, African Brazilians and the LGBTQIA+ community. One social section, however, was the special target of the Bolsonaro Administration and all three groups in his coalition: indigenous peoples, mainly those in the Amazon. This presentation is on how the Bolsonaro Years were responsible for the occurrence of atrocity crimes unseen in Brazil's recent democratic history against the indigenous peoples living in the Amazon: land invasions, killings, fires, forced displacement, sexual violence, poisoning, starvation, deliberate viral contamination, all motivated by economic, political and religious interests in indigenous territories and in the peoples and resources found in them.

Firstly, the presentation will briefly describe the historical background of the indigenous situation in the Brazilian territory since 1500 until the 21st century, when, in different occasions, indigenous peoples were victims of atrocity crimes under various regimes. This will highlight how an atrocity structure was built and ingrained within the Brazilian state and society, erupting into actual mass atrocities when the interests of settlers and indigenous clashed at their starkest. Secondly, it will describe the goals of each group composing the political and social coalition that enabled the election of Jair Bolsonaro and directed the rhetoric and the administrative, legislative, juridical and policy measures taken, supported or espoused by the the Bolsonaro Administration. Finally, the presentation will reflect on the results of such action in the

lives of indigenous peoples in the Amazon, focusing on the violations linked to deforestation activities and the health impacts caused by mining and the Brazilian response to the COVID-19 pandemic.

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## Poster Presentations

### **World without Responsibility to Protect**

Rok Kljajić

The Foreign Minister of the United Kingdom Jack Straw stated at the UN World Summit that “If [Responsibility to Protect] had been in place a decade ago, thousands in Srebrenica and Rwanda would have been saved”. During the 1990s States were already legally obligated to prevent genocide as the Genocide Convention was in force for more than fifty years. Moreover, human rights law imposed on States positive obligations to adopt measures to protect human life from threats, including threats emanating from non-state actors. The poster presentation will explore how is the Responsibility to Protect Concept different from legal rules and principles, which were already binding on States during the 1990s, and whether the concept would prevent the genocide in Rwanda, which was by far the most gruesome atrocity committed during the 1990s. By investigating these questions, the poster presentation wishes to establish whether the world would be any different without the Responsibility to Protect.

### **R2P in Afghanistan Through the Lens of International Human Rights Mechanisms**

Sugandha Sawhney

The ongoing humanitarian crisis in Afghanistan is progressively worsening since the Taliban assumed control of the region in August 2021. The group responsible for committing war crimes and crimes against humanity has abolished the constitution and dissolved the legal system and national human rights institutions meant to protect and uphold the rights of the people of Afghanistan. Women and girls have been barred from accessing secondary and higher education. Afghanistan is the only country in the world where women are banned from the workplace, public, political and social spaces, amounting to gender persecution.

Afghanistan has ratified the core human rights treaties and is under the obligation to recognize the fundamental human rights of all its citizens and residents residing within its territory. However, the Taliban acting as the ‘de-facto authority’, refuses to acknowledge its international obligation to protect and uphold the human rights of the people of Afghanistan. Increasing reports of detention, torture, enforced disappearance, and extrajudicial killings reflect the grim reality of the ongoing gross and systematic human rights abuses and violations in Afghanistan. In the absence of a legitimate government and a domestic legal system, it is the responsibility of the international community to push for accountability and protect the human rights of the people of Afghanistan under the principle of responsibility to protect (R2P).

International human rights mechanisms, i.e., UN special procedures, and treaty bodies, can play a proactive role in identifying and addressing systemic human rights violations and abuses through their inquiry and complaint procedures. Under R2P, such mechanisms have an obligation to assist the state and international community in fulfilling their protection responsibilities, as it’s the only recourse to legal remedies for

people living under the control of illegitimate authority, non-state armed actors, or in the case of Afghanistan, a terror-designate group.

### **Artificial Intelligence as a means of realizing the Responsibility to Protect in light of threats of the World Wide Web**

Peter Šujica

In the contributory presentation, I discuss the possibilities of countries within the framework of the various pillars of the concept of the responsibility to protect to use algorithms that, by learning from examples and collecting data, can actively remove incitements and planning of acts that constitute genocide, war crimes, ethnic cleansing or crimes against humanity that take place on the Internet (for example on hostile content on websites, social networks, other internet communication channels). Devices supported by Artificial Intelligence can first be used as a means to carry out actions that constitute a breach of the responsibility to protect (for example, the surveillance of the Uyghur ethnic group in China by Artificial Intelligence). In this presentation, I am more interested in the other side of the coin, namely what possibilities algorithms and devices supported by Artificial Intelligence offer in preventing such actions. Undoubtedly, today the World Wide Web is open to the possibility of spreading hostile content, which incites genocide, means planning or arranging individual acts of genocide. This happens, for example, in posts on social networks, live broadcasts on social networks, online games and online chat rooms, other forums. At this point, I discuss the possibilities that the primarily responsible state has, to establish in advance appropriate security mechanisms supported by Artificial Intelligence or to prescribe and enable the use of such mechanisms to companies that manage internet forums. It is presented how Artificial Intelligence, based on collected data, keyword searches, mechanical learning on cases, finds such potentially dangerous content, identifies the perpetrator, etc., much faster than a human supervisor. Light is also shed on possible negative features and effects of such uses of Artificial Intelligence, especially high rates of false positives and false negatives, inability of current Artificial Intelligence machines to contextualize meaning. Furthermore, also within the framework of the second and especially the third pillar of the responsibility to protect, other countries can make it significantly more difficult for organized groups to commit genocide and similar acts in this way.

### **Children and R2P**

Nejc Moškon, Patricija Resnik, Eva Prosen, Ana Veljkovič

Children are at particular risk to the crimes that R2P aims to prevent, for they represent some of the most vulnerable categories of population during different complex emergencies and are thus disproportionately affected by violence. Children drowning while crossing the Mediterranean Sea in search of refuge from wars, forcefully recruited as child soldiers in Africa, attacked and traumatized as a consequence of war in Ukraine, and young adolescents targeted during protests in Iran speak volumes about the vulnerabilities of children in time of armed conflict.

In situations of armed conflict, this particularly vulnerable group of

people continue to be killed, including in indiscriminate attacks on educational institutions and hospitals, recruited into militias, detained, tortured, abducted and also subjected to sexual violence. Moreover, the disruption of key social services, starvation, displacement and long-term psychological impacts from being subject or witness to grave violations leaves a traumatic, permanent mark.

That's why we think the main focus within the R2P system should be implementation of the measures, tailored to atrocity prevention to children and youth. While the international community has made significant progress in the protection of children's rights in general, we found out that few of these measures address atrocity prevention. Our main focus of the presentation will be to highlight possible improvements.

### **The Relationship between Violations and Abuses of Human Rights and the Commission of Atrocity Crimes with Example of Uyghurs**

Maruša Levstek, Lovrena Jeromej, Klara Kuhar, Urška Arzenšek

History has demonstrated that atrocity crimes are often precipitated by serious violations and abuses of human rights by states. If they restrict the space in which individuals can practice their civil and political rights (e.g. freedom of movement and expression) as well as their economic, social and cultural rights (the right to work, to education, etc.), it can be an indicator of potential atrocity risks, particularly when paired with other exacerbating factors. For example, when linked to patterns of discrimination or exclusion of protected groups. Many human rights violations and abuses may themselves constitute or amount to an atrocity crime if certain thresholds or conditions are met, e.g., certain egregious human rights violations may amount to a constitutive act of genocide if perpetrated with *dolus specialis*. Such is the case with Uyghurs and people from other majority-Muslim ethnic groups in China. The presentation aims to examine whether mass serious violations of human rights of Uyghurs and other Muslim ethnic groups in China amount to genocide with possibilities for the prosecution of China on a basis other than the Genocide Convention.

For the past few years these ethnic groups in the Xinjiang region have been subject to mass surveillance, arbitrary and discriminatory detention in detention facilities, forced labour, physical and sexual violence, forced abortion, forcible transfer of children to another group and other cruel, inhuman and degrading treatment. Since the Chinese government has the intent to destroy these ethnic groups under the guise of protection against terrorism, these violations of human rights meet the threshold of genocide. However, persecution is neither possible under the Genocide Convention due to China's reservation to the compromissory clause nor under the Rome Statute. The only option is the advisory opinion of ICJ but it has a limited reach. Is international law effective in combatting atrocious crimes?

### **R2P and Natural Disasters – the Case of Haiti**

Gala Martinčič, Janina Mikič, Špela Jenko, Tjaša Žakelj

Today, Haiti can be considered one of the most turbulent countries in the world. Since 2010's catastrophic earthquake hit and destroyed their

entire governmental infrastructure, Haiti has not been able to recover. The COVID – 19 pandemic and associated economic crisis, the assassination of President Jovenel Moise in July 2021 and a 7.2 magnitude earthquake in August 2022 have worsened Haiti's existing challenges of political instability and violence. The core of R2P is that "each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity". Although UN officials have denied that R2P applies to environmental crises and therefore cannot be applied to the 2010 or 2022 earthquakes, we argue that it can be applied to the consequences of the earthquakes such as violence, deprivation and abuse. In July 2022 the Security Council noted "deep concern about the protracted and deteriorating political, economic, security, human rights, humanitarian and food security crises in Haiti as part of Resolution 2645. Later that year, in October 2022, the report titled "Sexual violence in Port-au-Prince: a weapon used by gangs to instil fear", which was jointly published by the United Nations Integrated Office in Haiti (BINUH) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), states that children as young as 10 and elderly women have been subjected to sexual violence, amid an explosion of gang violence in Haiti's capital, Port-au-Prince. Therefore, we argue that the current (2023) humanitarian and security crisis in Haiti, although it started and accelerated because of natural disasters in 2010 and 2022, resulting (among other) in sexual violence, could be qualified as crimes against humanity and evoke the concept of R2P, without expanding its definition to affect state sovereignty.

### **Natural Disaster – Another Justification for the Enforcement of R2P?**

Matevž Jurič, Kaja Leban, Ana Pasarič, Rea Šaina

Our presentation discusses the link between the responsibility to protect (R2P) and the humanitarian crisis instigated by a natural disaster. The premise of international legislation enabling the UN Security Council to mandate a country to assent to international aid has been present since the 1980s, the immediate catalyst for the tendency constituting the catastrophic famine Ethiopia faced at the time. Prompted by the devastating scale of the disaster and the subsequent domestic public pressure, the Western powers mounted a large scale humanitarian effort, which the Ethiopian regime declined due to multitude of geopolitical and internal circumstances, thus further aggravating the already calamitous situation.

The eventual adoption of the R2P regulation in the early 2000s resurrected the argument and compelled the international community to consider whether the extant grounds for its enforcement should be supplemented with another, i.e. the protection of persons in the event of natural disasters.

Significantly, Article 13(2) of the Draft Articles on the protection of the persons in the event of the disasters, submitted to the UN General Assembly by the International Law Commission (ILC), postulates that the affected State may not arbitrarily refuse humanitarian relief should it conclude itself unable to adequately assist its own citizens.

Some members of the ILC suggested the non-compliance with the latter

premise establish a sufficient reason for the implementation of the R2P, pertinent to which the humanitarian assistance could be dispatched with military escort.

Notably, such a measure would, with regard to the inherent nature of the R2P, requisite a consensus of the UN Security Council. Ours is to speculate the latter's more indulgent stance on the question apropos its humanitarian context, the unanimity thus potentially attained with less hindrance when juxtaposed with the four conventional grounds.

This notwithstanding, the proposal was not incorporated into the draft as it failed to gather sufficient support among the members of the ILC, with some considering the measure an excessive intrusion into sovereignty and reverberation of colonial interests.

### **Should Ecocide be the Fifth Reason to Invoke R2P?**

Mark Jeršič, Tjaša Mučič, Veronika Novak, Laura Pipan

The Responsibility to Protect (hereafter R2P) is an international norm that seeks to ensure that the international community never again fails to halt the four mass atrocity crimes (i.e. genocide, war crimes, ethnic cleansing, and crimes against humanity). However, with the alarming dimensions of mankind's exploitation of the environment, the inclusion of ecocide as the fifth reason to invoke the R2P should be considered. This is especially true considering the fact that overwhelmingly natural or environmental catastrophes were envisaged as a reason to invoke R2P in the 2001 Report of the International Commission on Intervention and State Sovereignty.

We recognise the idea of ecocide as the fifth reason to invoke R2P is very complex and opens many issues, hence we decided to put our focus on the definition of ecocide which still remains unclear. Notwithstanding the fact that there has been a proposal for a definition by the Independent Panel of Experts in 2021, there is no consensus on such a definition within the international community. However, a clear definition would seem to be necessary if we were to move in the direction of including ecocide as the 5th reason to invoke R2P. Two main issues come to mind in this regard. Firstly, is it even right to implement ecocide in the R2P framework considering it is not focused on the so-called anthropocentric protection of humans – can the R2P framework cohabit with an ecocentric crime?

Secondly, is the addition of ecocide as the fifth reason to invoke R2P a solution to tackle the current climate change crisis. There is no doubt that we need to reduce emissions and change our economies to reduce the humanity's impact on the environment. Hence, could the inclusion of ecocide among the R2P crimes at least serve as a dissuasion tactic?

### **R2P in the Context of Israel's Occupation of Palestine**

Tjaša Marinček, Ema Hojs, Gregor Lipovec, Walter Maj Vidmar

Israel's occupation of Palestinian territory raises the question of the use of the Responsibility to Protect (R2P) principle. The R2P principle creates an obligation for the occupying power to protect the civilian population from acts that are considered crimes against humanity, including apartheid. In the first seventy years of its existence, Israel has established a system of repression and domination over Palestinians in all areas it controls - in Israel, the occupied Palestinian territories, and



domination over Palestinians in all areas it controls - in Israel, the occupied Palestinian territories, and among Palestinian refugees - for the benefit of Jewish Israelis, through the implementation of discriminatory laws, policies, and practices. Characteristics of this system include fragmentation of control into different domains, expropriation, restrictions on movement, denial of citizenship, separation of families, restrictions on political participation, and denial of economic and social rights. Today, 2.5 million Palestinians live in Israel and East Jerusalem in densely populated enclaves, 3 million live in the West Bank, 2 million in Gaza and in total around 3.4 million Palestinian refugees live in neighbouring countries. The fragmentation of control and expropriation of the Palestinian population continues to form the core of Israeli policy towards Palestinians. According to the authors, the existing situation in the area exceeds Israel's capabilities, providing opportunities for the utilization of the second or third pillar of the R2P principle.

### **R2P - Where we are and where we are going?**

Jan Kodela, Nejc Klun, Tisa Mrhar

R2P is unfortunately known for its inefficiency, even though it is a promising political instrument. There are many cases where we can see that it is only a dead letter on paper. In our brief poster presentation, we will show how this concept has (not) performed in different cases how it is failing to do so and what we can do in the future to correct the policy.

The first part of the presentation will be aimed at the cases in which R2P did not do its job correctly or at least did not reach its full potential. Sri Lanka, Myanmar, Yemen and Syria will be pointed out as the most obvious failures of R2P application.

The second part will show what the international community can do in the future to further implement the R2P policy. The failures of the policy should not be the reason to abolish the policy, but a learning tool for proper application in the future. In these times the state's sovereignty is considered even more important than in the time of the conception of the R2P policy. This poses a difficult obstacle that we will address and show some of the possible solutions.

### **Does R2P really undermine the notion of state sovereignty?**

Peter Podržaj, Iza Senčar, Vid Glavič, Maruša Tomc Arko

The concept of R2P represents a redefined understanding of the notion of state sovereignty which, contrary to the general understanding, consolidates its key foundations.

State sovereignty traditionally reflects the idea that the government of a state is considered the ultimate authority within its borders and jurisdiction as well as that no state is subject to the legal power of another state. One notable exception to state sovereignty is humanitarian intervention, which is based on the belief that in case of blatant violation of human rights other states are allowed to intervene.

The main misconception regarding R2P is to equate it with humanitarian intervention. R2P is not synonymous with forcible intervention, but it consists of a continuum of actions, i.e. prevention, reaction and rebuilding. Without a doubt, humanitarian intervention is a part of R2P, however, there are still notable differences between the two concepts, mainly that R2P has a narrower scope of application, maintains

prevention as a main objective, and prioritizes peaceful over coercive methods. This is reflected in the first two pillars of R2P, which underline that states have the primary responsibility to protect their own civilians against mass atrocities and that the international community is committed to providing assistance to states in order to build their capacities to prevent such mass atrocities.

The R2P is thus a tool aimed towards preventing mass atrocities while also reinforcing state sovereignty through inter-state, regional, and international cooperation. The following work will explore the questions relating to the international cooperation and involvement of states in the affairs of another state by way of referencing the R2P doctrine, especially in the case when such a state refuses the proposed cooperation and help. The boundaries and outreach of sovereignty in the context of R2P would therefore need to be (re)examined.

### **The “Moscow Mechanism” – Its Relevance and Functionality for the Protection of Human Rights in the Context of the War in Ukraine**

Cristiana-Ioana Iucu-Bumbu

This topic related to OSCE Mechanisms, and especially, the one focused on the Moscow Mechanism, is deeply related to a strong and sustainable perspective of these diplomatic instruments / tools, which have the aim to prevent human rights violations, in case of an international conflict. The main important message of this thesis, which is covering entirely the relevance of this subject for enduring a peaceful and durable solution and protecting the human rights, is that a solid approach, evidenced based grounded, in order to avoid undesirable legal / human rights consequences of short-term, and / or, long-term security crises, will allow to learn how could be preserved, anticipated and prevented these unwishful events and managing them (taking into account that an intervention has different consequences, with uncontrollable secondary legal effects).

Based on the extensive data of the analysis, as well as on the study of primary sources and relevant references in the literature, the proposed general goal for the initiated research is to identify the relevance and the functionality of the Moscow Mechanism for the improvement of the human rights protection. Moreover, the thesis aims to analyse the specifics, particularities, and consequences of the OSCE Moscow Mechanism from the perspective of its application in the contemporary context of the active conflict in Ukraine. Following this, the research questions would be to explore on one hand, what is the significance of the activation and application of the Moscow Mechanism in the case of the conflict in Ukraine (a crisis management perspective) and on the other hand, what it is the OSCE Moscow Mechanism’s relevance and functionality for the human rights protection in the context of the war in Ukraine (a human right approach)

# The Limits of Responsibility to Protect

dr. Vasilka Sancin and dr. Maša Kovič Dine (eds.)

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