



**Overcoming the veto and shaping the Security Council:
The “United for Peace Resolution” and the “Responsibility to Protect”
doctrine**

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Maybe, just maybe, we’ll be able to say “never again” in the future without having to periodically look back, as has so often been the case in the past, asking ourselves, with a mixture of anger, incomprehension and shame, how did it happen again. –

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Glossary of Abbreviations

ACT	Accountability, Coherence and Transparency group
BRICS	Brazil, Russia, India, China, South Africa
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
NATO	North Atlantic Treaty Organization
ONUC	United Nations Operations in the Congo
P2	Permanent Two (Russia and China)
P3	Permanent Three (United States, United Kingdom, France)
P5	Permanent Five (United States, United Kingdom, Russia, France, China)
R2P	Responsibility to Protect
RN2V	Responsibility Not to Veto
POC	Protection of Civilians
RP	Responsible Protection
S5	Small Five (Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland)
UfoP	United for Peace (Resolution 377)
UNAMID	African Union/UN Hybrid operation in Darfur
UNAMIR	United Nations Assistance Mission in Rwanda
UNEF	United Nations Emergency Force
UNGA	United Nations General Assembly
UNSC	United Nations Security Council

Introduction

The United Nations Security Council was created to maintain International peace and security. This status derives from the UN Charter that foresees that: the Council has the primary responsibility for maintaining international peace and security¹, the Council assesses whether there is a threat to peace, breach of peace or an act of aggression and the one that decides whether and what kind of measures (with or without the use of force) should be taken (Art. 39, 41 and 42). Besides, all member states have agreed to accept and carry out its decisions².

By agreeing with the Dumbarton Oaks proposals³, the UN Member States entered a legal contract with the Council by giving up their right to use force (Article 2(4) of the Charter prohibits the use of force)⁴. The delegation of such power had, in its core, the promise that the SC would act when necessary. The consequence of this delegation of power is that the permanent countries have the ultimate control over the Council⁵, meaning whether enforcement measures under Chapter VII are implemented or not.

However, the system revealed itself to be broken. The plans for the creation of a standing UN military capacity came to nothing (leaving the UN enforcement system far from functioning as agreed). In the same way, although Human rights were included in

¹ UN Charter, Article 24.

² UN Charter, Article 25.

³ "At Dumbarton Oaks, the US, the UK, the Soviet Union, and China had reached agreement on the general shape of the Security Council, and Yalta made possible a compromise on the voting issue that had proved intractable before (...) Given that this position was presented as a sine qua non by the sponsoring powers, the smaller states understood that they had to choose between an organization with great power privilege or no organization at all". In Lowe, Vaughan; Roberts, Adam; Welsh, Jennifer; and Zaum, Dominik (2008) "The United Nations Security Council and War," Oxford: Oxford University Press, p.136.

⁴ In UN Charter, Preamble "(...) and for those ends (...) to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest (...)"; Article 24 (1) "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

⁵ This idea is defended by authors as John Heieck. Heieck, J. (2016) "The Responsibility Not to Veto Revisited: How the Duty to Prevent Genocide as a Jus Cogens Norm Imposes a Legal Duty Not to Veto on the Five Permanent Members of the Security Council," *Beyond Responsibility to Protect: Generating Change in International Law* (pp. 103-122) p. 10.

the Charter⁶, the UNSC has a record of not stopping gross human rights violations nor sanctioning states, despite humanitarian motives or effects.

Both the "Uniting for Peace" Resolution and the "Responsibility to Protect" doctrine were developed within the objective of protecting people and human rights via collective international security⁷ (confirming the SC inaction). The first by unlocking the SC through the General Assembly and the last through an accepted responsibility to act in the face of mass violations of human rights.

The international context in which the UfoP was created, was shaped by conflicts between states, the bipolar world characterized by the proxy wars between the West (led by the US) and the east sphere (led by the USSR). In this sense, the existent hostilities were still very Westphalians (a sovereign state against another sovereign state). The Uniting for Peace itself is consistent with the trend of the use of force only between subjects of International law.

However, with the end of the cold war, the concept of a threat to International peace and security changed. The new world order was characterized by domestic conflicts, civil wars, and mass atrocities within states' borders. Thus, the International community faced a new scenario: a threat to international peace and security could also be caused by internal armed conflicts (no longer just by a conflict between two states, or more – an international conflict). In this way, the use of force was no longer only concerning relations between states. Therefore, the International Humanitarian Law (the *ius in bello* or the laws that rule the use of force/ the conduct of hostilities) focusing on the protection of victims of war earned increasing importance in the international debate. The R2P is consistent with this broader interpretation.

⁶ Its preamble says that the "Peoples of the United Nations" are determined to save succeeding generations from the scourge of war and reaffirm faith in fundamental human rights. Promoting respect for human rights is included among the purposes and principles of the Organisation. Article 55 sees "universal respect for, and observance of, human rights" as integral to the "creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations."

⁷ The Charter's system of collective security is primarily ensured by the Security Council's Chapter VII powers. However, under article 1(1), maintaining international peace and security through "collective measures" is one of the purposes of the UN Members in general. See Carswell, Andrew J. (2013). "Unlocking the UN Security Council: The Uniting for Peace Resolution", *Journal of Conflict & Security Law*, Vol. 18 No. 3, 453–480, p.464.

At the same time, during the last decades, the definition of sovereignty expanded. Nowadays, the concept of sovereignty is understood not only as a right of states but also as a responsibility towards their people.

Although the veto power did not disappear, these attempts to change the international response to atrocities have, without a doubt, placed changes in the UN system. Thereby, this thesis aims to assess whether these two concepts are shaping the UN "strongarm".

While Uniting for Peace shifts away the debate centre from the Council, aiming for a redistribution of power between the GA and the SC⁸, the Responsibility to Protect doctrine shifts away from the State-centred interests by focusing not on the right of States to intervene but on their inherent responsibility to protect populations at risk. However, contrarily to the UfoP Resolution, the implementation of the R2P is conditional to the P5.

So similar and with the same purpose, however manifesting in different ways, these two initiatives present attempts to override the veto and paths to principled action to protect civilians.

The main research question to be answered is then if the "Uniting for Peace" Resolution and the "Responsibility to Protect" doctrine are shaping UNSC's actions considering their implementations and effects.

In this sense, this dissertation will analyse both "Uniting for Peace" Resolution and "Responsibility to Protect" doctrine, their impacts, practical effects as well as concrete actions that these two developments lead to. It will also be observed the language used, when relevant, and repercussions on countries, in the Security Council, and the General Assembly. By doing so, one can find relevant similarities between both as well as interesting legal differences that otherwise would not be found.

Thus, this thesis envisages comparing the "Uniting for Peace" resolution and the "Responsibility to Protect" doctrine. Why is this comparative analysis relevant? As already mentioned, the UN system is broke. One main problem is the lack of action from

⁸ "The Uniting for Peace Resolution was (...) also part of a wider effort by the United States (...) to straighten the General Assembly's role vis-à-vis the Security Council" in Petersen, Keith. S. (1959). "The Uses of the Uniting for Peace Resolution since 1950", *International Organization* 13, no. 2, p.219.

the Security Council and its inability to hold up to the values and promises done when the creation of the Organization. In this sense, both developments (UfoP and R2P) came to life to fill that gap and especially to answer to the SC stagnation.

In this way, this comparative analysis is relevant because it formulates a general insight concerning the relationship between law and political and social phenomena⁹.

Both developments' application (and consequently the role they played in shaping the SC actions) resulted from the GA approval. By critically analysing this, one can observe the attempts of the GA itself to balance the powers in relation to the SC and, importantly, it expresses the majority of the UN will (since the Assembly reflects more democratically and transparently the opinion of all spectrum of the UN countries). In addition, both UfoP and R2P reserve a role for this very organ. In the case of UfoP, this is obvious, since the decision hub changes from the SC to the GA, in case of impossibility of reaching unanimity within the Council, which will then exercise its secondary responsibility for the maintenance of international peace and security. In the case of the R2P, the 2005 Summit Document Outcome shows the need, accepted unanimously by the UN countries, for the GA to carry considerations on the international community's responsibility to protect populations in the four R2P mass atrocity crimes.

At the same time, UfoP and R2P are two efforts that, in a way, balanced the powers of the SC and the GA and, in another way, secured the SC primacy on international peace and security (as the organ of excellency to deal with international threats to it). This is observable at Resolution 377 (V) 's provision that reaffirms the SC primacy over the international security and peace and at the 2005 World Summit Outcome's provision establishing the actions of R2P through the Council.

Another similarity between the two topics of this dissertation that is possible to observe by reading this analysis is the “approval” of collective measures. UfoP establishes the possibility for GA to recommend or authorize collective measures and under the R2P states agreed on taking collective actions (both including measures under Chapter VII)¹⁰.

⁹ Comparative Matters. Hirschl, Ran. (2014). “Comparative Matters”, Oxford University Press, p.226.

¹⁰ Paragraph 139 of the 2005 World Summit Outcome Document: “In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional

The significant differences lie in the composition, context, and effects the UfoP and the R2P produced in the Council and in the UN action, which is more extensively explained further in this work. In this sense, by engaging into a comparative analysis of these developments, one can observe differences between both (in practice and in theory), that otherwise would not.

In addition, this research will argue that a crucial difference is the nature of these two initiatives by considering that the "Uniting for Peace" Resolution is mainly a procedural development, and the "Responsibility to Protect" doctrine is a normative development.

Literature Review

While the analyses developed builds on the existing literature, it also offers some different claims. The gap in the existing scholarship that this dissertation aims to fulfil is the lack of a comparison of the Uniting for Peace and Responsibility to Protect concepts and their impact on the UN Security Council's work. There are temporal differences when the concepts have been used, but these concepts are also different in how they attempt to overcome the problems in UNSC. However, they have this same goal: overcome the inherent issues in the Security Council. The failure of the International Community to respond to large-scale international crimes proves an intrinsic flaw in the UN system, particularly the inability of the Security Council's Permanent Members to act in response to mass atrocities. In this sense, this thesis finds it relevant to analyse the Uniting for Peace and the Responsibility to Protect as two significant efforts to address these issues.

As Keith S. Petersen states in "The Uses of Uniting for Peace Resolution Since 1950", the goal and design of the original Charter were that disputes endangering international peace and security should be taken care of by action of the Security Council through the

organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity". GA Resolution 377 A (V), 1): "Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security."

method, if finally necessary, of dispatching UN military forces against the offending state or states. However, the UfoP was needed in order to rectify the situation of inaction that the Council found itself during the Cold War. Petersen argues that for that purpose, the UfoP provided the following six changes in organization and procedures:

1) The authority to transfer a peace and-security issue to the General Assembly if the Security Council was blocked by veto; 2) the capacity to call emergency sessions of the Assembly, if necessary, for this purpose; 3) a recommendation that the Member States maintain special UN-designated units in their respective national armed forces; the creation of 4) a Peace Observation Commission; 5) a panel of military experts; and 6) a Collective Measures Committee.

However, Petersen concludes that the "transfer" and "emergency session" aspects of the Resolution are the only provisions that have been revived and are probably an integral part of the UN system. This opinion is also shared by authors such as Dominik Zaum and Andrew J. Carswell¹¹. In his chapter "The Roles of the Security Council"¹², Zaum examines that while the UfoP procedure was not formally used in the Korean conflict, the principle was invoked, and the SC removed the item¹³ of its Agenda before the GA's decision on it. Zaum states that since then, the SC and the GA "have made use of their prerogative to call for an emergency special session eleven times, to transfer consideration of an issue from the Security Council to the General Assembly", however, the other provisions were never successful.

In addition, both Carswell and Zaum analyse Article 12 of the Charter with UfoP resolution and the decision of the ICJ in 2004 that recognized the GA practice, creating

¹¹ In "Unblocking the UN Security Council: The Uniting for Peace Resolution" *Journal of Conflict & Security Law* (2013), Vol. 18 No. 3, 453–480.

¹² In Lowe, A. V. *The United Nations Security Council and War: The Evolution of Thought and Practice Since 1945*, edited by Adam Roberts, et al., Oxford University Press, Incorporated, 2010. ProQuest Ebook Central, <https://ebookcentral.proquest.com/lib/uvtilburg-ebooks/detail.action?docID=415982>.

¹³ 17 Article 12(1) that provides that:

"while the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests."

This provision was a matter of such concern in the early years that items were removed from the Council's Agenda when the Assembly wished to discuss them (footnote). This practice has decreased as the Assembly over the years has discussed items and adopted recommendations on items on both agendas (SC and GA). The International Court of Justice (ICJ) noted this procedure and described it in the "Wall Case" (2004) – paragraph 27.

in this way a precedent and modifying the way the organization operates. Furthermore, Carswell in its dissertation concludes that the Resolution 377 is interpreted in a manner consistent with the UN Charter framework (maintaining the primary role for the Security Council in the process) and remains a viable constitutional tool.

On the other hand, the "Responsibility to Protect" is identified by Luke Glanville as an international norm that has regulative and constitutive impact¹⁴. The author argues that it is possible to observe the regulative impact of a norm, for example, when an actor discards an earlier policy of resistance and chooses to act within the parameters of socially acceptable behaviour, rather than accept the reputational costs of an ongoing violation. The decisions of Russia and China to allow the Security Council to adopt Resolution 1973 in 2011, authorising intervention in Libya, after years of refusing to authorise resolutions enforcing the protection of populations without the consent of the host state, is an example for this, according to Glanville. We can likewise observe the constitutive impact of a norm when an actor chooses to comply with it, in the absence of significant social pressures or explicit material or strategic interests for doing so.

Glanville also defends that a violation of a norm does not mean the "death" of that norm. The author argues that violations of norms happen, and in specific the inaction of SC in relation to Syria¹⁵ showed that the permanent members accept that they are bound to respond in some way to violations of human rights. This is so because they still managed to adopt resolutions on the crisis¹⁶, and at the same time, one may say, the fact that there was an attempt to act also proves that the R2P norm is "alive" and can be seen as a "habit"¹⁷.

In his article, Glanville defends that the regularity use of R2P language does not necessarily demonstrate the impact of the R2P norm. What matters, he suggests, is not so much the frequency of invocations of R2P but how such language is deployed and how relevant audiences receive it. However, Jess Gifkins indeed examines the Security

¹⁴ "Does R2P matter? Interpreting the impact of a norm" accessed at <https://journals.sagepub.com/doi/abs/10.1177/0010836715612850>.

¹⁵ Russia and China have been vetoing Resolutions about the situation in Syria.

¹⁶ Resolution 2139, 22 February 2014, and Resolution 2165, 14 July 2014.

¹⁷ Bellamy, AJ (2013) The Responsibility to Protect: added value or hot air? *Cooperation and Conflict* 48(3): 333–357.

Council's use of language on R2P and defends its use affects the Security Council's actions. Gifkins argues that the Council used R2P language more frequently since 2011 Libya's Intervention (unlike other authors that defend the NATO-led intervention as the end of the R2P doctrine), but also negotiating this language has become quicker and more comfortable.

To demonstrate this, the author compares negotiations on Darfur¹⁸ with deliberations during and after the Arab Spring. Via focused analysis on how the language used in the Security Council Resolution evolves, Jess Gifkins demonstrates that the Council has found "agreed language"¹⁹ on R2P that is acceptable to members, both for thematic resolutions and country-specific resolutions and that the language on R2P in Security Council resolutions has shifted from contentious to commonplace.

Through this analysis, one can have the idea that the Responsibility to Protect is shaping the way the Council acts by being part of its Resolutions. Gifkins analysis is also relevant because UNSC Resolutions can be legally binding and can make precedents for future decisions.

Structure of the Project

In this thesis different methodologies will be used. A dogmatic legal research will be conducted to analyse the existing framework of R2P and UfoP. Also a comparative analysis will be made between the two concepts in order to analyse the similarities and differences and discuss its effects on SC's action.

The following project is divided into three main chapters, each of them has subchapters, in order to achieve greater conceptual clarity, each answering to a sub-question.

The first Chapter aims to explain the UN Security Council, by giving a brief context of its creation and an analysis of its mandate and scope. Therefore, Chapter I aims to answer

¹⁸ Resolution 1706 on Darfur was the first time the Security Council referred to R2P in a country-specific resolution – and indeed, it was the only country-specific Resolution to refer to R2P before 2011 – making it an apt point of comparison.

¹⁹ Gifkins, J. (2016). R2P in the UN Security Council: Darfur, Libya and Beyond. *Cooperation and Conflict*, 51(2), 148-165.

to the sub-question "What are the Security Council's mandate and scope?". This is going to be done by, first, explaining the creation of the SC, through the UN Charter and second, by analysing the UN Charter itself.

The goal of Chapter II is to understand the "Uniting for Peace" Resolution and the critical impact it had in the Organization. This research will defend that the UfoP, as a procedural development, had a substantial impact on the Security Council and initiated a sequence of alterations in the decision-making process within the UN.

In order to achieve that, this Chapter was divided into three sub-chapters. Firstly, it will explain the context and motives for the creation of the "Uniting for Peace" Resolution, by accessing to other SC Resolutions, statements, and academic papers. Secondly, it will analyse what is and in what consists this Resolution. For this, Resolution 377 (V) will be carefully analysed to respond to the sub-question "what is the "Uniting for Peace" Resolution?".

Lastly, it will describe how the practice has evolved, the developments it produced and what were the effects of UfoP in the Security Council. For this purpose, this Chapter will chronologically describe and explain the use of the UfoP until its last utilisation. This description will be aided by the relevant Security Council's Resolutions as well as General Assembly's recommendations.

In this line of thought, the last two sub-chapters will answer the question "what are the implications of the "Uniting for Peace" Resolution to the SC action?".

The third Chapter will address the "Responsibility to Protect" doctrine to explain and analyse the R2P impact in the UN system and in particular in the SC's actions. In order to that, Chapter III was divided into three sub-chapters.

In the first place, it will explain the context and reasons for its creation, by accessing news, statements, and scholar works produced in the area of International Law and International Relations (creating in this way an interdisciplinary understanding of the context of the R2P creation).

In the second place, this Chapter will explain what is and in what consists the R2P doctrine. For this, the 2005 World Summit Outcome Document will be in the centre of

the analysis as well as other relevant UN documents. This analysis will also respond to the sub-question "what is the "Responsibility to Protect" doctrine?".

Finally, it will be analysed the impacts the R2P has had in terms of general action of the UN and particular action of the Member States. For this purpose, this Chapter will describe the most significant utilisation of the R2P (by implicit references and explicit references). In this sense, Chapter III will describe SC's resolutions under the R2P and its implications. Additionally, the mentioned Chapter argues that the "Responsibility to Protect" doctrine is a normative development that has a substantial impact in the UN and in particular in the SC's action, however, this impact will be considered to happen in a less "visible" way.

In this line of thought, the last two sub-chapters will answer the question "is the "Responsibility to Protect" doctrine influencing the SC practice?".

Chapter I

Security Council: The UN's Strongarm

This chapter is going to analyse the UN Security Council, its mandate and scope of action in order to give a groundwork knowledge for what this thesis will explore. It is essential to first look into the "strong-arm" of the United Nations to understand how the International maintenance of peace and security works, and therefore, one must analyse specific provisions in order to have a broad understanding of SC's mandate and scope of action. In this way, further in the dissertation, it will be possible to connect the reasons (mainly the deadlocks of the Council) for the creation of both Uniting for Peace and Responsibility to Protect.

The Great Promise of the post-war

Near the end of the 2nd World War, a promise hovered the air: the creation of an international organization meant to replace the League of Nations²⁰ and ensure international peace and security. This project was the consequence of several calculated negotiations near the end of the War.

These deliberate steps started with frequent bilateral consultations between American and British experts throughout 1942 and 1943, including a bilateral secret summit in Quebec (1943)²¹. Subsequently, of paramount importance was President Roosevelt's strategic approach to the USSR leader Stalin at the Teheran Summit conference (1943), creating an approximation between the two giants and, later, the invitation extended to the Republic of China²² to participate in the Dumbarton Oaks deliberations²³.

²⁰ International Organizations created within the Treaty of Versailles (1919), after the 1st World War.

²¹ Kouliopoulos, A. (2016) "Interactions between the Responsibility to Protect and the Veto System in the UN Security Council: Limits, Consequences and Ongoing Perspectives" (master thesis), Universitat de Barcelona.

²² When the UN was created, China was divided between the Republic of China (led by Chiang Kai-Shek) with the Government in Taiwan and The People's Republic of China (controlled by the communist party of Mao Zedong) with Beijing as the capital. This division was a result of the Chinese civil war (lasting intermittently between 1927 and 1949). In this sense, China's seat was held by Taiwan. Only in 1971 would the People's Republic of China be recognized and admitted as "the only legitimate representative of China to the United Nations" (by GA Resolution 2758).

²³ Neff, Stephen C. (2005) "War and the Law of Nations: A General History", *Cambridge University Press*, p. 324.

The Dumbarton Oaks Conference²⁴ is an important moment for the UN's history. It was agreed on the creation of an organ formed by the winning states (or the most prominent world powers at the time²⁵) that would oversee the maintenance of international peace and security – what would later be known as the Security Council. One year later, right before the end of the war, Roosevelt, Churchill, and Stalin met one last time in Yalta²⁶ in order to iron out unsettled issues from Dumbarton Oaks, including the scope of the veto – the called "Yalta Formula"²⁷.

When the War ended, a significant part of the United Nation's Charter had already been agreed upon, and, together with some minor details, the most significant step left was to achieve the multilateralism and legitimize the process in San Francisco.

The scope and the mandate

The UN Charter established the goal and functionality of the Organization and the powers of its organs. The Security Council, which is the focus of this analysis, was embedded with the primacy over international peace and security. Of relevant importance are Chapter V (that establishes the composition, functions and powers, the voting process and procedure of the Council) Chapter VI related to pacific settlement of disputes, and Chapter VII concerning actions with respect to threats to the peace, breaches of the peace, and acts of aggression.

Article 24 establishes the Council's primacy on international peace and security and is accorded by the states that ratify it, that they "enter in an agreement" by transferring its powers to act to the Council, which will, when needed, act in their name²⁸. In

²⁴ Dumbarton Oaks Conference or the Washington Conversations on International Peace and Security Organization was an international conference at which the United Nations was formulated and negotiated among international leaders. These negotiations took place between August and October of 1944.

²⁵ United States, United Kingdom, China, and the Union of Soviet Socialist Republics. Later, by request (and pressure) of the UK, France was added to the "powerful group."

²⁶ Yalta Conference held between 4 and 11 of February of 1945. The negotiations are marked by the decision to divide Germany and the Organization of the post-war world order. In addition, it was debated the last finishing touches of the project for the United Nations.

²⁷ That takes form in Article 27 (3) of the UN Charter.

²⁸ Article 24 (1) "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf." Article 24 (2) "In discharging these duties the Security Council shall act in accordance with

addition, the member states, "agree to accept and carry out" the Council's decisions (article 25).

Article 27(3) envisaged a decision-making centre within the Organization, where practically a Big Power oligarchy would be in charge. The article states that:

"Decisions of the Security Council²⁹ (...) shall be made by an affirmative vote of nine members including the concurring votes of the permanent members (...)"

Although the use of the term "veto" is not official in the Charter, it summarizes what article 27(3) foresees: the possibility for an affirmative or a negative vote from the P5. In this sense, the Charter predicts that it only takes one negative vote of the P5 for a decision not to pass.

Further, in the Charter, articles 33-38 establish that the SC must ensure that a conflict between parties should first be settled via peaceful means³⁰ and "recommend appropriate procedures or methods of adjustment"³¹ and make recommendations to the parties if requested³². In this sense, chapter VII deals with situations where all pacific means of settlement were exhausted.

According to chapter VII, the SC will decide if there is a situation of threat to peace, breach of peace, and an act of aggression and, depending on the case, will determine the measures to be taken (article 39³³).

Article 41 foresees measures of non-bellum nature, such as: "complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations."

the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII".

²⁹ Decisions that are not procedural. Article 27(2): "Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members."

³⁰ Article 33 (1), "(...) negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice".

³¹ Article 36 (1).

³² Article 38, "Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute".

³³ "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security".

It is crucial to have in mind that article 2 (4) of the Charter imposes the obligation (of the members) to refrain from the use of force³⁴, meaning that states are not allowed, in light of international law to use force in relation to other states³⁵. However, this negative obligation is not absolute. Thereby, if the dispute does not meet an end through Article 41, chapter VII establishes, by the decision of the Council, the possibility for the use of force. In this sense, Article 42 states that:

"(...) it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations".

What was agreed in San Francisco was that for an action to be undertaken, a draft resolution has to be approved within the Council. As seen above, that can only happen with the majority of 9 votes of the non-permanent members and no veto from the P5.

"In essence, this means that the Security Council cannot take meaningful action in any conflict where the interests of an aggressor align with those of one of the five permanent members – in other words most conflicts"³⁶. Where one agrees with this sentence or not, the main conclusion to be drawn is that significant measures can only be put in action when the approval of all members of the SC is existent and for this to happen, unanimity has to be reached.

The Veto Problem: A 5 countries roulette

From the beginning, when the Organization was a mere idea, the veto question was of high importance for the soon-to-be Permanent Members³⁷. When the great powers "unanimously insisted on this provision as vital and emphasized that the main

³⁴ The drafters of the Charter sought to go beyond the League Covenant and the Pact of Paris by banning all resorts to armed force. The option of the expression "use of force" is important because more than a prohibition to wage war is a prohibition to use any force.

³⁵ Article 2(4), "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

³⁶ Rebecca Barber, "Syria: the disgraceful stain left by the UN Security Council veto" in *The Interpreter*, 24 September 2019.

³⁷ The US, UK, USSR, France and China.

responsibility for maintaining world peace would fall most heavily on them"³⁸, they transmitted the idea that without it, there would be no Charter³⁹.

The P5 knew then that they needed the veto power and the permanent status, in order to keep their supremacy in the Council, and consequently in World politics. One can understand, also, that in their minds, these leaders perceived this as their rightful "right" for winning the War and protecting the world from the Axis⁴⁰.

The veto was born, as already mentioned, within article 27 (3) and for the exclusive privilege of the US, Russia, France, UK, and China. This provision gives to the P5 a power above all others. Although this power does not give the possibility to vote against a discussion of a controversy (allowing the possibility of bringing a dispute to be analysed by the SC), it does allow the P5 to veto any draft resolution resulted from that discussion.

One year after the creation of the Organization, the first veto was cast⁴¹, and, as some might have predicted, it was the beginning for what was later called the "abuse" of the veto. Between the Cold War⁴², 68 vetoes were cast by the USSR and 61 by the US⁴³. Until December 2019, the veto power was used 2600 times⁴⁴.

Here lies one of the UN's significant controversies. The veto marks not only the gap between the big powers and the small states but also the "selectivity" within the Council decision-making, meaning that the veto is supported by the principle of selective Council engagement in international affairs. The problem analysed here is the tendency for the

³⁸ "1945: The San Francisco Conference" available at: <https://www.un.org/en/sections/history-united-nations-charter/1945-san-francisco-conference/index.html>.

³⁹ There are reports that Tom Connally, member of the US delegation in the San Francisco Conference, before the committee debating the veto, said: "You may go home from San Francisco – if you wish, and report that you have defeated the veto. Yes, you can say you defeated the veto, but you can also say: 'We tore up the Charter'". In Luck, Edward C. (2006). "UN Security Council: Practice and Promise," Taylor & Francis e-Library, p.14.

⁴⁰ Rome – Berlin – Tokyo Axis.

⁴¹ On 16 February 1946, the USSR cast a veto against the Letter from the Heads of the Lebanese and Syrian delegations to the Secretary-General dated 4 February 1946 (draft Resolution S/PV.23).

⁴² In a perspective that the Cold War began in 1946 – the year of Churchill's famous speech about the iron curtain – and lasted until the fall of the Berlin wall in 1989.

⁴³ These numbers exclude the vetoes cast to block other countries' applications to be UN members. Information available at: <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3CF6E4FF96FF9%7D/P5%20and%20Use%20of%20the%20Veto.pdf>.

⁴⁴ Security Council Veto List available at: <http://research.un.org/en/docs/sc/quick/veto>.

P5 to be biased according to its interests, disregarding the need of the population for the UN's action⁴⁵.

The broad discretion of the Council in matters of international peace and security also means that its veto power is not readily susceptible to legal scrutiny making it challenging to determine when such power is exercised "unreasonably." These considerations have not, however, prevented discontentment in the international community with Council failures to act.

Attempts to circumventing the veto soon appeared as well as an ethical responsibility to be imposed on the permanent members. These attempts were the case of "Uniting for Peace" Resolution and, years after, the "Responsibility to Protect" doctrine.

⁴⁵ A clear example of this affirmation is the use of the vetoes by the US and Russia when concerning Israel and Syria (respectively). For example, between 1980 and 1991, the US cast 24 vetoes on the question of Israel alone, out of a total of 51 vetoes cast in the Council during that period and 11 times between 2001-2019 concerning the Israeli-Palestinian conflict (out 12 of US vetoes cast). In the case of Russia, the veto was cast for 15 times (until December 2019) to block Security Council action on Syria since the conflict began in 2011.

Chapter II

The “Uniting for Peace” Resolution

This chapter will firstly give the context and the reasons for the creation of the Uniting for Peace and secondly explain what it means for the SC and the UN function, arguing that this Resolution consists of procedural and competence developments. Finally, this chapter will carefully analyse how the practice evolved in what concerns the UfoP, starting by being an SC practice (triggered within the Council) to being triggered by the General Assembly and by particular Member States. For this purpose, this section will describe chronologically the use of Uniting for Peace until its last utilization, which is one of the gaps in the current scholarship concerning the UfoP. This chronology provides a clear bridge over time to understand both the relevant provisions of Uniting for Peace that shaped the SC and the UN in general.

Background: Overriding the Veto

During its first years of life, the Security Council faced a certain stagnation. Between 1946 and 1950, the veto was cast 21 times⁴⁶ (all by the Soviet Union).

In January 1950, the Soviets started the called “boycott”⁴⁷ to the Security Council in protest over the occupation of the China seat by the Chiang Kai-shek’s Republic of China⁴⁸. By the time the Korean War⁴⁹ broke out, in June 1950, the Soviet Union was still out of the Council. Their absence did not stop the western powers to carry on action concerning the situation, and the United States took the opportunity to secure SC’s authorization for a US-led military coalition to assist South Korea in repelling the North Korean attack. In this sense, the Resolutions 82, 83 and 84 were accepted⁵⁰ enabling the

⁴⁶ This number excludes vetoes cast regarding the admission of new member states and a veto cast on November 30, 1950 – “Complaint of armed invasion of Taiwan (Formosa); Complaint of aggression upon the Republic of Korea.” Information found on <https://research.un.org/en/docs/sc/quick>.

⁴⁷ The period of non-attendance to the SC meetings by the Soviet Union is called the “Soviet Boycott”. After the defeat of his proposal to expel the Nationalist Chinese representative, Yakov Malik (the Soviet representative) announced the Soviet Union’s intention to boycott further Security Council meetings by not be a part of them.

⁴⁸ See supra note 22.

⁴⁹ The Korean War was a conflict between North and South Korea between 25 June 1950 and 27 July 1953. The war started with the invasion of South Korea by the North communist side, led by Kim Jong-Sun. This war was one of the first proxy conflicts of the Cold War period, with the USSR supporting North Korea and the United States intervening in South Korea’s favour.

⁵⁰ SC Res. 82 (June 25, 1950); SC Res. 83 (June 27, 1950) and SC Res. 84 (July 7, 1950).

Members of the UN to “furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area.”

After realizing their boycott attempt had failed to paralyze the UNSC, Russian representatives returned on August 1, 1950, and took the presidency of the council. After that date, the SC adopted no other resolution of substance pertaining to Korea⁵¹.

In order to overcome this impasse, on September of 1950, in the General Assembly regular session, the US Secretary of State, Dean Gooderham Acheson⁵², expressed his intention to turn to the General Assembly to respond to aggression and other threats to international peace and security if the SC was prevented from fulfilling its obligations because of the veto. His argument was based on the idea that the GA should claim its subsidiary responsibility regarding international peace and security, as foreseen in Article 14 of the UN Charter:

“Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.”

In this sense, the Korean war is considered⁵³ the trigger (or the tip of the iceberg) for the development of the called “Uniting for Peace” Resolution. More particularly, this Resolution provided means of circumventing Security Council paralysis due to the “use” of the veto power.

⁵¹ After the return of the Soviet Union to the Security Council there were two attempts to pass a draft Resolution on Korea and USSR vetoed both: S/1653 (6 September 1950) – “Complaint of aggression upon the Republic of Korea” – and S/1752 (12 September 1950) – “Complaint of bombing by air forces of the territory of China”.

⁵² United States Secretary of State in the administration of President Harry S. Truman from 1949 to 1953.

⁵³ Peterson, S. Keith (1959). “The uses of the Uniting for Peace Resolution since 1950”, *International Organization*, Vol. 13, No. 2, pp. 219-232. Melling, Graham and Dennett, Anne (2017). “The Security Council veto and Syria: responding to mass atrocities through the “Uniting for Peace” resolution”, *Indian Journal of International Law*, 57(3-4), pp. 285-307. Johnson, L. D. (2014). “Uniting for Peace: Does it Still Serve Any Useful Purpose?”, *AJIL Unbound*, 108, 106-115.

On November 3, 1950, the “Uniting for Peace” Resolution⁵⁴ (UfoP) – RES 377 (V) – was adopted by the United Nations General Assembly by 52 votes to five⁵⁵, with two abstentions⁵⁶.

What is and in what consists the "Uniting for Peace" Resolution?

The Acheson Plan’s – “as it was once popularly called”⁵⁷ due to the role Acheson played in the development of the proposal – key provision is paragraph 1. It established that:

“if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary (...)” and “If not in session at the time, the General Assembly may meet in an emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven (now nine) members, or by a majority of the Members of the United Nations.”⁵⁸

What must be firstly acknowledge is that the UfoP Resolution recognizes the SC’s primary responsibility for international peace and security. It establishes this recognition in its preamble⁵⁹ and in the first paragraph when stating “if the Security Council (...) fails

⁵⁴ Uniting for Peace’ UNGA Res 377 (V) (3 November 1950) UN Doc A/1775, 10 (‘Uniting for Peace Resolution’).

⁵⁵ Votes against: Soviet Union, Ukraine SSR, Poland, Czechoslovakia, and Byelorussia SSR.

⁵⁶ Argentina and India.

⁵⁷ Peterson, S. Keith (1959). “THE USES OF THE UNITING FOR PEACE RESOLUTION SINCE 1950”, *International Organization*, Vol. 13, No. 2, pp. 219-232. Page 219.

⁵⁸ The Uniting for Peace can be invoked by both the Security Council and General Assembly. Over the years, the UfoP Emergency Session has been requested seven times by the SC and five times by the GA. Information accessed at: https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Security_Council_Deadlocks_and_Uniting_for_Peace.pdf.

⁵⁹ “(...) Reaffirming the importance of the exercise by the Security Council of its primary responsibility for the maintenance of international security and peace (...)”.

to exercise its primary responsibility (...)". As does the "Responsibility to Protect" doctrine⁶⁰, the UfoP Resolution reaffirms the role of the SC.

Therefore, paragraph 1 means that it is necessary to have a Resolution failed to be adopted, not because it was not possible to achieve the required majority of affirmative votes⁶¹, but instead because one of the P5 cast a negative vote which prevented the adoption of a resolution which would have otherwise been adopted. Second, one of three events must have arisen: a threat to the peace, breach of the peace, or act of aggression. Here the Assembly would be assessing whether a situation "appears" to constitute one of those three situations for it to operate within the ambit of Chapter VII of the Charter (Art. 39).

If both requirements are met, the Assembly "shall" consider the matter immediately to make appropriate recommendations to the Member States for collective measures, including the use of force if necessity requires so⁶², in order to maintain or restore international peace and security.

It is important to note, however, that the Assembly is not purporting to issue binding decisions⁶³ or orders to any or all Member States requiring them to take collective measures (states are free to follow those recommendations or not) and only can act under SC's authorization.

⁶⁰ See Chapter III. 2005 World Summit Outcome Document, paragraph 139: "In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council (...)". This reaffirms the primacy that the SC has over the maintenance of international peace and security.

⁶¹ It takes nine affirmative votes from SC Members to pass a Resolution – UN Charter art. 27 (2).

⁶² The principle of necessity reassembles to the "Just War" theory that a war would not be just if an alternative and non-forcible way of resolving the crisis were available. In this same sense, the use of force against other states would only be the last possible option, when there is no other left. Meaning that it is necessary to do so.

⁶³ UN Charter, Articles 25 and 94.

In general, the UfoP had envisioned to provided six changes in organization and procedure⁶⁴. However, as it will be demonstrated, the core provisions ever to be relevantly used were the “transfer” and the “emergency session”⁶⁵.

By carefully reading its content, one can conclude that the UfoP approach is both competence and procedural development. On the one hand, it caused a procedural change in the way it “created” another path for decisions to be approved in cases related to security and threats to peace and created the capacity for special meetings in order for the International community (together) to deal with those threats.

In this context, it is important to highlight that before the UfoP Resolution, if a Permanent Member vetoed a draft resolution, the process (taking place only in the Security Council) would end immediately⁶⁶. The fact that there was no other entity for challenging the decision of the Council, the draft had to be changed/redone, etc. and presented again for voting. In this sense, the “life” of a Resolution would be mainly within the Security Council. A member or members would draft a possible resolution to be presented in a Council meeting and therefore voted by the member states. Once accepted (with the majority of 9 affirmative votes and no vote against), the needed measures would take place, once rejected (failure to achieve a majority of 9 affirmative votes or in case of a P5 veto), the resolution would “die”.

With the Uniting for Peace, there is a possibility to bring a resolution back to life, by transferring its discussion and voting process to the General Assembly.

In “any case” where there is an apparent threat to peace, or there is a breach of peace and act of aggression, if the Council does not fulfil its primary duty to maintain international peace and security, the issue should be transferred to the General Assembly. Then, the GA will analyse it and recommend the use of appropriate measures

⁶⁴ “1)The authority to transfer a peace and security issue to the General Assembly if the Security Council was blocked by veto (which I will refer to as the “transfer” provision); the capacity to call emergency sessions of the Assembly, if necessary (the “emergency session” provision); 3) a recommendation that the Member States maintain special UN-designated units in their respective national armed forces; the creation of a Peace Observation Commission, a panel of military experts, and a Collective Measures Committee”. See Petersen, Keith S. (1959). “The Uses of the ‘Uniting for Peace Resolution’ since 1950”, *International Organization, University of Wisconsin Press*, Vol. 13, No. 219-232, p. 219

⁶⁵ Carswell, Andrew J. (2013). “Unblocking the UN Security Council: The Uniting for Peace Resolution”, *Journal of Conflict & Security Law*, Vol. 18 No. 3, 453–480, p.459.

⁶⁶ See Chapter I.

to the cessation of those threats (including the use of force)⁶⁷. For this purpose, the Resolution provides the capacity to call emergency sessions of the Assembly, if necessary, which composes one of the most significant changes that the Resolution brought to the UN process.

Additionally, the Resolution's Annex foresees several amendments to the "Rules of Procedure of the General Assembly" (paragraph 2)⁶⁸. These amendments consist in the inclusion of the Emergency Special Session, that can be requested by the SC or by a Member State⁶⁹ or a majority of Member States; the role of the Secretary-General on summoning them and notifying the states and providing the session's agenda, etc.; the inclusion of other items on the discussion is possible if with the approval of two-thirds majority of the present members⁷⁰.

On the other hand, it is established by the UN Charter that the Security Council has a primacy over the General Assembly stated in Article 12⁷¹ that inhibits the GA to pronounce itself about matters of the exclusive competence of the security council (when this is examining them) and the SC as, as well, the primacy over International security and peace, including the authority to give the "green light" to the use of force.

As seen above, with the UfoP, the GA sees its competences⁷² extended, meaning that, although some believe that the resolution is merely declaratory of the limited textual GA's powers under the Charter, with recommendations to states amounting to a mere invitation for them to act in accordance with international law. To the extent that the

⁶⁷ Manuel de Almeida Ribeiro; Mónica Ferro (2016). *A Organização das Nações Unidas: As organizações internacionais, a organização das Nações Unidas, os poderes das organizações internacionais, História das Nações Unidas e a avaliação da eficácia do sistema*, 2 ed., Edições Almedina. S.A, p.123.

⁶⁸ Resolution 377 (V) A's Annex, paragraphs 1-6.

⁶⁹ However not predicted in the core of the UfoP Resolution, the Annex contained this alteration to the Rules of Procedures of the GA in paragraph 2: "The present text of rule 9 shall become paragraph (a) of that rule and a new paragraph (b) shall be added to read as follows: 'This rule shall apply also to a request by any Member for an emergency special session pursuant to resolution 377 A (V). In such a case the Secretary-General shall communicate with other Member by the most expeditious means of communication available.'"

⁷⁰ Rule 8 (b): Emergency Special Session summoned at the request of the Security Council or Members.
Rule 9 (b): Request of an Emergency Special Session by a Member.

⁷¹ UN Charter article 12 (1): "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests".

⁷² UN Charter arts. 10-17.

UfoP holds constitutional significance⁷³, it can be said it has modified Article 12(1) of the UN Charter, which provides that:

Where the Security Council is “exercising in respect of any dispute or situation the functions assigned to it in the (...) Charter, the Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.”

Taken literally, Article 12(1) impedes a response to mass crimes where the Council is already acting (if the SC does not take that step). However, as the ICJ Israeli Wall Advisory Opinion confirmed (will be observed further in the dissertation), the subsequent practice has modified Article 12(1) to allow the Assembly to act concurrently with the Council. Thus, authorises the GA to act on matters that under the Charter’s constitutional balance are considered to be the Security Council’s mandate. In particular, where there has been a breach of the peace or an act of aggression, UfoP grants the General Assembly the power to recommend the use of armed force to the Member States.

Uniting for Peace grants the UN General Assembly a subsidiary role (the secondary responsibility of the Assembly⁷⁴) for the maintenance of international peace and security.

Thus, the Resolution changed the procedural process of the Organization aiming to contour the veto by balancing the powers between the Assembly and the Council (giving an extended competence to the GA not foreseen in the Charter).

⁷³ Ramsden, Michael (2016). “‘The Uniting for Peace’ In the Age of International Justice”, *The Yale Journal of International Law*, Online, p.9, <https://cpb-us-w2.wpmucdn.com/campuspress.yale.edu/dist/8/1581/files/2016/09/Uniting-for-Peace-1v19pgk.pdf>.

⁷⁴ This secondary responsibility was endorsed by the ICJ in the Certain Expenses case (Certain Expenses of the United Nations (Article 17, paragraph 2 of the Charter), Advisory Opinion [1962] ICJ Rep 151.). The court decided that even though Article 24 of the Charter confers upon the Security Council the primary responsibility for the maintenance of International peace and security, this does not translate as an “exclusive” responsibility, which leaves the GA with the secondary responsibility for the maintenance of International peace and security. See Graham Melling and Anne Dennett (2017). “The Security Council veto and Syria: responding to mass atrocities through the ‘Uniting for Peace’ resolution”, *Indian Journal of International Law* 57(3–4), 285–307, p.299.

It can be said that the UfoP has laid the foundation for modern-day Assembly activism in initiating investigations into mass crimes and making various recommendations to the Council and states about these situations.

How has the practice evolved within the SC?

Despite not being used since 1997⁷⁵, the Uniting for Peace Resolution has an important implication in the way security council decisions are made. It created a precedent for balancing power between the Council and the General Assembly and, at the same time, in certain occasions, created a “pressure effect” on the SC because of the threat of changing the organ of debate. Furthermore, it demonstrates the potential for holding the P5 to account on some normative basis.

Petersen⁷⁶ examines the use that has been made of these procedures and their effects on the development of the UN's peace-and-security machinery. Petersen's briefly conclusion is that the "transfer" (the transference of an item from the Council to the GA) and the "emergency session" (if not in session the GA should meet in an emergency session within 24 hours) devices of the UfoP are probably an integral part of the UN system⁷⁷. Subsequently, one can conclude that these are the only of the UfoP's organizational and procedure changes that have a relevant role⁷⁸.

The “transfer” and “emergency session” provisions – “the major provisions of the resolution”⁷⁹ – can be considered as the two real mechanisms of Uniting for Peace. Even though they were not often used in the following six years of the acceptance of UfoP, in

⁷⁵ S/1997/199, S/1997/241.

⁷⁶ In Petersen, Keith (1959). “The Uses of the Uniting for Peace Resolution since 1950”. *International Organization, University of Wisconsin Press*, Vol. 13, No. 2, pp. 219-232.

⁷⁷ “The "transfer" and "emergency session" aspects of the Resolution have been recently revived and now are probably an integral part of the UN system, but that the other elements of Uniting for Peace are now more or less inactive because of an early decline in their use or lack of any practical use at all.” Ibid. p. 220.

⁷⁸ “Like the Collective Measures Committee, the earmarking of forces as UN units, and the panel of military experts, the Peace Observation Commission has also become, for all practical purposes, another dead letter of the Uniting for Peace Resolution”. In Petersen, Keith (1959). “The Uses of the Uniting for Peace Resolution since 1950”. *International Organization, University of Wisconsin Press*, Vol. 13, No. 2, pp. 219-232, p.223

⁷⁹ Petersen, Keith (1959). “The Uses of the ‘Uniting for Peace’ Resolution since 1950”. *International Organization, University of Wisconsin Press*, Vol. 13, No. 2, pp. 219-232, p.223

1951, the General Assembly adopted Resolution 498 on February 1⁸⁰, which concluded that the People's Republic of China engaged in an act of aggression in Korea (paragraph 1). The United States proposal regarding the situations, originally introduced into the Assembly's First Committee on January 20, 1951, began by "noting that the Security Council, because of the lack of unanimity of its permanent members, has failed to exercise its primary responsibility for the maintenance of international peace and security regarding the Chinese Communist intervention in Korea"⁸¹.

As Petersen analyses it, all UfoP requirements are present in the stated document⁸². However, one day before the passage of Resolution 489, the SC decided to take out the "Korean war" from its agenda which consequently erased the need to do any type of transference of that item to the GA (since the Assembly can discuss over issues that are not under SC' scrutiny⁸³).

Its basis in UNGA Resolution 377 (V) was questioned⁸⁴ since no explicit mention of the Uniting for Peace was made in Resolution 489, and the issue had been removed⁸⁵ from the Security Council's agenda before its adoption⁸⁶. However, this Resolution questioned the Security Council's exclusive prerogative to decide upon enforcement measures and might, therefore, be considered to have been taken within the spirit of the UfoP Resolution. Although the use of the UfoP in 1951 is not only not clear but also

⁸⁰ UNGA Resolution 498(V), February 01, 1951. Available at: Program Digital Archive, United Nations documentation centre <http://digitalarchive.wilsoncenter.org/document/116196>.

⁸¹ 6 Document A/C.I/654. GAOR (5th session), Annexes, Vol. II, agenda item 76, p. 15.

⁸² Petersen, Keith (1959). "The Uses of the 'Uniting for Peace' Resolution since 1950". International Organization, University of Wisconsin Press, Vol. 13, No. 2, pp. 219-232, p.224.

⁸³ UN Charter, Articles 10, 11, 14.

⁸⁴ Petersen, Keith (1959). "The Uses of the 'Uniting for Peace' Resolution since 1950". International Organization, University of Wisconsin Press, Vol. 13, No. 2, pp. 219-232, p.221.

⁸⁵ On January 31, 1951 the SC adopted Resolution 90 stating that "The Security Council resolves to remove the item 'Complaint of aggression upon the Republic of Korea' from the list of matters of which the Council is seized". Although the GA possibility to discuss the item under the UfoP Resolution, one can conclude that the SC removed it from its Agenda in order to facilitate the item's discussion in the Assembly. It is important to bear in mind that this was the first steps of UfoP acting in the Organization. In this sense, there were still doubts about the role and implementation of its procedures. See Sievers, L. and Dawns, S. (2014). "The Procedure of the UN Security Council", *Oxford University Press*, p.228.

⁸⁶ Article 12 (1) provides that "while the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests." This was a matter of such concern in the early years that items were removed from the Council's agenda when the Assembly wished to discuss them. This practice has decreased as the Assembly has discussed items and adopted recommendations on items on both agendas. This procedure was noted and described by the International Court of Justice (ICJ) in the "Wall Case" (2004) – paragraph 27.

dubious, one can notice its importance (as a shadow) in the American proposal's words, which pushed the outcome of the debate. In this sense, while the UfoP procedure was not formally used, when analysing the resolution draft process, there is no doubt that the principle was invoked.

In 1956, when Israel invaded Egypt, attempts to pass a resolution within the Council were blocked by France and the United Kingdom⁸⁷. In this way, the UfoP Resolution was invoked, taking into account "the lack of unanimity of its permanent members" in order to call for an emergency session⁸⁸. This Emergency Special Session⁸⁹ on "The Situation in the Middle East"⁹⁰ adopted seven resolutions⁹¹, including Resolution 1000 (ES-I) mandating the UN Emergency Force (UNEF⁹²).

The UNEF represented a significant innovation within the UN. It was not a peace-enforcement operation under Article 42, but a peacekeeping operation carried out with the consent and cooperation of the parties to the conflict⁹³. There can be observed significant differences between UfoP and R2P: While the "Uniting for Peace" practices have been generally based on state consent⁹⁴, the R2P, as it will be explained in the next Chapter⁹⁵, has a record of providing "peace-enforcement" mandates and allowing the intervention in "in matters which are essentially within the domestic jurisdiction of any state"⁹⁶ without its consent.

⁸⁷ S/3710, S/3713/Rev.1 and Resolution 119 (1956).

⁸⁸ S/RES/119 (1956).

⁸⁹ The first General Assembly emergency session ever to be called – "1st Emergency Special Suez".

⁹⁰ Suez Canal.

⁹¹ A/RES/997 (ES-I); A/RES/998 (ES-I); A/RES/999 (ES-I); A/RES/1000 (ES-I); A/RES/1001 (ES-I); A/RES/1002 (ES-I), and A/RES/1003 (ES-I). Available at: <https://research.un.org/en/docs/ga/quick/emergency>.

⁹² The first Emergency Force of the UN, also known as the first UN peacekeeping force. Established by the 1st GA Emergency Special Session in order to supervise and secure the cessation of hostilities, including the withdrawal of the armed forces of Israel, France and the UK from Egyptian territory and to serve as a buffer between the Egyptian and Israeli forces and to provide impartial supervision of the ceasefire.

⁹³ It was armed, but the units were to use their weapons only in self-defence. See Completed Peacekeeping Operations, Middle East, First United Nations Emergency Force, available at: <https://peacekeeping.un.org/en/mission/past/unefi.htm>.

⁹⁴ Ramsden, Michael (2016). "Uniting for Peace" And Humanitarian Intervention: The Authorising Function Of The U.N. General Assembly", Washington International Law Journal Association, Vol.25, No.2, pp.267-305, p.281.

⁹⁵ Chapter III.

⁹⁶ UN Charter, Article 2 (7).

The first “undiscussable”⁹⁷ case of UfoP use was concerning to the situation in Hungary. On October 23, 1956, the SC met in order to deliberate about the “Hungary Uprising”⁹⁸.

France, the UK, and the US brought this item⁹⁹, and it was adopted into the SC’s agenda without Soviet approval by 9 votes in favour against 1, with 1 abstention¹⁰⁰. On November 2, the representative of the US, presented under this item, a draft resolution¹⁰¹ in order to stabilize¹⁰² the situation in Hungary.

At an urgently summoned meeting on November 4, the day Soviet troops entered Budapest in a “Stalinist” repressive way¹⁰³, the US presented a revised version¹⁰⁴ of the above draft resolution. This draft was not adopted due to the cast of the veto by the USSR. In the face of this blockade, the US submitted a resolution according to which the SC would act under UfoP Resolution and request an AG Emergency Special Session in order to discuss the Hungarian situation¹⁰⁵.

The SC adopted Resolution 120 with an overwhelming majority (10 votes to 1 – Soviet), and the “transfer” and “emergency session” devices were used. The UNGA Second

⁹⁷ “(...) the most precise and undisputed employment of these Uniting for Peace procedures in UN experience”. Petersen, S. Keith (1959), p.227.

⁹⁸ The Hungarian Revolution of 1956 was a nationwide revolution against the Hungarian People's Republic (pro-Soviet regime). It was the first major threat to the Soviet control in one of the USSR's satellite states. On November 4, Soviet tanks and troops brutally crushed the Hungarian protests.

⁹⁹ Document S/3690. SCOR (11th year), Supplement for October, November, and December 1956, p. 100.

¹⁰⁰ At the 746th meeting on 28 October 1956. Available at: https://www.un.org/en/sc/repertoire/56-58/56-58_08.pdf p.109.

¹⁰¹ Document S/3730.

¹⁰² According to which the Security Council would have to: 1) call upon the Government of the USSR to desist from any form of intervention, particularly armed intervention, in the internal affairs of Hungary; 2) hope that the USSR would withdraw all Soviet forces from Hungary without delay[43]; 3) affirm the right of the Hungarian people to a government responsive to its national aspirations and dedicated to its independence and well-being; 4) request the Secretary-General in consultation with the heads of specialized agencies to explore the need of the Hungarian people for food, medicine and other similar supplies, and to report to the Security Council as soon as possible; and 5) request all Members of the UN and invite national and international humanitarian organizations to cooperate in making available such supplies.

¹⁰³ It is estimated that 2,500 Hungarians died. Information available at: <https://www.history.com/this-day-in-history/soviets-put-brutal-end-to-hungarian-revolution>.

¹⁰⁴ Document S/3730/Rev.1.

¹⁰⁵ GA Resolution 120 (1956): “The Security Council, Considering that a grave situation has been created by the use of Soviet military forces to suppress the efforts of the Hungarian people to reassert their rights, Taking into account that because of the lack of unanimity among its permanent members the Security Council has been unable to exercise its primary responsibility for the maintenance of international peace and security, Decides to call an emergency special session of the General Assembly, as provided in General Assembly resolution 377 A (V) of 3 November 1950, in order to make appropriate recommendations concerning the situation in Hungary”.

Emergency Special Session condemned the aggression by the soviet troops and adopted resolutions 1004¹⁰⁶, 1005¹⁰⁷, 1006¹⁰⁸, 1007¹⁰⁹ and 1008¹¹⁰, calling for the USSR to withdraw its troops from Hungary, affirming Hungary's right to independence, mandating observers into Hungary to report their findings to the Secretary-General and the Secretary-General to "investigate the situation caused by foreign intervention in Hungary"¹¹¹, requesting all UN Members and organizations to make supplies available for this country.

Therefore, the process initiated in the Second Emergency Special Session gave a voice to the majority of UN Members, that usually would be unable to vote in a matter of such importance, and "helped to retrieve some credibility for the system of collective security"¹¹².

Two years later, the lack of unanimity in the Council arouses again. The Lebanon-Jordan crisis¹¹³ of 1958 brought two draft resolutions¹¹⁴ to the SC table: one from the US and one from USSR – both to convoke an Assembly emergency session. In the end, the Council did not adopt any of the proposals in its original form, requesting alterations to both¹¹⁵.

¹⁰⁶ A/RES/1004 (ES-II).

¹⁰⁷ A/RES/1005 (ES-II).

¹⁰⁸ A/RES/1006 (ES-II), A/RES/1006 (ES-II)-I, A/RES/1006 (ES-II)-II.

¹⁰⁹ A/RES/1007 (ES-II).

¹¹⁰ A/RES/1008 (ES-II).

¹¹¹ A/RES/1004 (ES-II) paragraph 4.

¹¹² Carswell, Andrew J. (2013). "Unblocking the UN Security Council: The Uniting for Peace Resolution", *Journal of Conflict & Security Law*, Vol. 18 No. 3, 453–480, p.473.

¹¹³ The instability of Lebanon's Christian-Muslim political coalition under pressure from the Cold War Pan-Arab nationalism of Egypt's President Nasser was one of the major reasons for the crisis of 1958. Following the creation of a pro-Soviet United Arab Republic by Egypt and Syria in 1958, riots broke out against the pro-Western Lebanese government of President Camille Chamoun. The crisis came to a head-on 14 July, when an Arab nationalist coup in Iraq overthrew King Faisal and similar coup attempts in Jordan. On May 23, the Security Council received a request to add to its agenda of a "Complaint by Lebanon in respect of a situation arising from the intervention of the United Arab Republic in the internal affairs of Lebanon". This item was added to the agenda. Months after American and British troops were sent to Lebanon and Jordan on July 14 and July 17 (respectively). As consequence, Jordan requested the Council to add to its agenda the "Complaint by the Hashemite Kingdom of Jordan of interference in its domestic affairs by the United Arab Republic". The Council did so.

¹¹⁴ Document S/4056 (US) and Document S/4057 (USSR).

¹¹⁵ Document S/4056/Rev.1 (US) and Document S/4057/Rev.1 (USSR). In order to obtain Soviet approval, the Council adopted a "short version" of the American proposal: "The Security Council, Having considered items 2 and 3 on the agenda of document S/[Agenda/] 838, Taking into account that the lack of unanimity of its permanent members at the 834th and 837th meetings of the Security Council has prevented it from exercising its primary responsibility for the maintenance of international

US's Resolution 129 was adopted unanimously, all procedure points were clear¹¹⁶ (the "transference" and the "emergency session" devices were used). The Third Emergency Session of the General Assembly took place (on "The Situation in the Middle East") and Resolutions 1237¹¹⁷ and 1238¹¹⁸ were adopted, calling for "the early withdrawal of foreign troops" from Jordan and Lebanon¹¹⁹.

In 1960, the crisis in the Democratic Republic of Congo¹²⁰ broke out. The item was brought to the SC and disagreement over the relationship between the United Nations Operation in the Congo (ONUC) and the Congolese government resulted in a Soviet veto¹²¹ on Resolution S/4523¹²².

In order to reach a consensus and deliberate for the appropriate measures to take, the SC passed Resolution 157 (with two votes against from Poland and USSR and France's abstention) calling for an Emergency Session of the General Assembly¹²³. In this way, the Fourth Emergency Special Session (on "The Situation in the Congo") adopted resolutions 1474¹²⁴ and 1475¹²⁵, asking for peaceful resolution of the "internal conflicts", requesting the UN Member states to carry out SC's decisions and confirming the UN Operation in Congo's mandate¹²⁶. The GA reaffirmed the SC's authorization to the Secretary-General to take the necessary steps to provide the Government of Congo with military

peace and security, Decides to call an emergency special session of the General Assembly" – SC Resolution 129 (1958)

¹¹⁶ For more, see Petersen, S. Keith (1959) p. 231.

¹¹⁷ A/RES/1237 (ES-III), A/RES/1237 (ES-III)-I, A/RES/1237 (ES-III)-II, A/RES/1237 (ES-III)-III, A/RES/1237 (ES-III)-IV.

¹¹⁸ A/RES/1238 (ES-III).

¹¹⁹ GA Resolution 1237 (ES-III): "Requests the Secretary-General to make forthwith in consultation with the Governments concerned and in accordance with the Charter, and having in mind section I of this resolution, such practical arrangements as would adequately help in upholding the purposes and principles of the Charter in relation to Lebanon and Jordan in the present circumstances, and thereby facilitate the early withdrawal of the foreign troops from the two countries;"

¹²⁰ Between 1960 and 1965, there was a period of political upheaval in Congo. The crisis started with the independence from Belgium (the end of colonial rule) and turned into a series of civil wars. The Congo crisis is also considered a proxy war between the United States and the USSR (supporting opposing factions) in the Cold War. It is estimated that around 100,000 people have been killed during this period.

¹²¹ Lowe, A. (2010). "The United Nations Security Council and War: The Evolution of Thought and Practice Since 1945", edited by Adam Roberts, et al., Oxford University Press, Incorporated, p. 160. <http://ebookcentral.proquest.com/lib/uvtilburg-ebooks/detail.action?docID=415982>.

¹²² On September 17, 1960.

¹²³ SC Resolution 157 (17 September, 1960). Available at: [https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/157%20\(1960\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/157%20(1960)).

¹²⁴ A/RES/1474 (ES-IV).

¹²⁵ A/RES/1475 (ES-IV).

¹²⁶ GA Resolution 1474 (ES-IV) paragraph 1 and 6.

assistance, which did not involve “preventive or enforcement measures”, and required the Secretary-General “to report to the Security Council as appropriate,” affirming the Council’s authority over the issue¹²⁷.

In 1967 Israel started an offensive against Egypt, Syria, and Jordan, under the pretext of non-resolved borders¹²⁸. In days, Israel managed to capture significant territories from its neighbours, most importantly, East Jerusalem from Jordan. After the Security Council order the cease-fire in 6, 7, and 9 of June, Israel continued the hostilities¹²⁹. In a letter¹³⁰ voted in the Council, the USSR calls for the rescission by Israel of unilateral measures in Jerusalem. In this letter, the Soviet Union asked for the inclusion of the item in GA's agenda, as well as a convocation of an Assembly Emergency Session in order to debate the issue. This request did not pass because it could not reach the nine votes in the Council. The Secretary-General summoned, by request only of the USSR¹³¹, a GA Emergency Special Session.

The fifth UNGA Emergency Special Session¹³² concerning the outbreak of hostilities in the Middle East regarding the status of the City of Jerusalem, took place and adopted resolutions 2252 (concerning “Humanitarian Assistance” in the Middle East), 2255, 2257 and 2253 and 2254 considering Israel measures to change the status of Jerusalem as illegal¹³³ and calling on Israel “to rescind all measures already taken”¹³⁴ in Jerusalem.

This was the first case under UfoP procedure that was not requested by the SC but by a Member State¹³⁵ and was voted in the GA and adopted with the majority¹³⁶. This shows

¹²⁷ See also International Criminal Court – Report of Judgements, Advisory Opinions, and Orders “Certain Expenses Case” (1962).

¹²⁸ This conflict is commonly known by the “six days war”.

¹²⁹ “Despite the Security Council’s decisions concerning the cessation of hostilities between Israel and the Arab states, Israel is continuing its piratical aggression. In defiance of the security council demands for a cease-fire adopted on 6, 7, and 9 June, Israel has seized further territories belonging to the United Arab Republic, Jordan and Syria.” In a letter dated 13 June 1967 from the Permanent Representative of The Union of Soviet Socialist Republics to the United Nations address to the Secretary-General. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/6717.

¹³⁰ Request A/6717.

¹³¹ Rule 9.

¹³² Fifth Emergency Special Session on “The Situation in the Middle East”, 14 June 1967.

¹³³ A/RES/2253 (ES-V).

¹³⁴ GA Resolution 2253 (ES-V) paragraph 2 and Resolution 2254 (ES-V) paragraph 2.

¹³⁵ Convened by A/6717 and rule 20 of GA’s Rules of Procedure.

¹³⁶ General Assembly 1525th Plenary Meeting, Fifth Emergency Special Session, 17 June, 1967.

the evolution and acceptance of the UfoP procedural development, changing the “traditional” trigger of the procedure.

In 1971 the UfoP Resolution was also used but without the need to call for an Emergency Special session because the 26th Regular Session GA was already in session. Here, only the “transference” device was adopted. The reason for recurring to the UfoP was the outbreak, on 25 of March, of hostilities¹³⁷ in what today is Bangladesh. However, it is relevant to once more observe the transference of an item from the SC to the GA, that would not see a solution otherwise¹³⁸.

After three letters being vetoed by USSR¹³⁹ (S/10416; S/10423; S/10446/Rev.1), on 6 of December, the SC Resolution 303 was passed¹⁴⁰ and, because of “lack of unanimity of its permanent members” that prevented the Council from exercising its “primary responsibility for the maintenance of international peace and security,” the item was brought before the UN Assembly. The issue was dealt under the agenda item “UN Assistance to East Pakistan Refugees” and adopted Resolutions A/RES/2790 (XXVI) A; A/RES/2790 (XXVI) B and A/RES/2790 (XXVI) A-B¹⁴¹.

In 1980 the Sixth GA Emergency Special Session took place concerning the situation in Afghanistan¹⁴². The session was invoked by the SC Resolution 462 after the Soviet Union vetoed against the draft resolution S/13729¹⁴³ which called for the withdrawal of foreign troops from Afghanistan and condemned the armed intervention of USSR in

¹³⁷ This conflict started with the launch of Operation Searchlight as West Pakistan (now Pakistan) began a military crackdown on the Eastern wing of the country (now Bangladesh) to suppress calls for self-determination rights. The hostilities end up with the independence of Bangladesh.

¹³⁸ Under Article 12 (1) the GA cannot debate on items being discussed in the SC. In a controversial topic, that item can stay in the SC for a long time, which (before UfoP Resolution) would prevent a effective and timely response.

¹³⁹ Letter dated 4 December 1971 from Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Somalia, the UK and the USA to the President of the Security Council concerning the India-Pakistan question; Letter dated 5 December 1971 from Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Somalia, the UK and the USA to the President of the Security Council concerning the India-Pakistan question; Letter dated 12 December 1971 from the USA to the President of the Security Council concerning the India-Pakistan question. Available at: <https://research.un.org/en/docs/sc/quick>.

¹⁴⁰ With 11 votes to none, with 4 abstentions (France, Poland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland).

¹⁴¹ Available at: <https://research.un.org/en/docs/ga/quick/regular/26>.

¹⁴² One of the various proxy wars of the Cold War took place in Afghanistan. Insurgent afghan groups fought a guerrilla war against the Soviet army, which invaded the country in order to protect the ruling government.

¹⁴³ (Letter dated 3 January 1980 from 52 countries to the President of the Security Council).

Afghanistan, which was considered as inconsistent with the principle of sovereignty, territorial integrity and political independence¹⁴⁴.

With the Sixth Emergency Special Session of the UNGA on “The Situation in Afghanistan” Resolution ES-6/2 was adopted, calling for the “immediate, unconditional and total withdrawal of foreign troops from Afghanistan”¹⁴⁵ and warned the SC members to “consider ways and means which could assist in the implementation” of this resolution¹⁴⁶.

In the same year, the question about borders in the Middle East was again triggered. In the UNGA Seventh Emergency Special session on “The Question of Palestine,” the Assembly called for complete and unconditional withdrawals of Israeli troops from Palestinian territories occupied since 1967.

Due to the US veto¹⁴⁷ on a Tunisia’s draft resolution¹⁴⁸ which reaffirmed that Israel should withdraw forces from the occupied Arab territories¹⁴⁹ and asked the Council for taking necessary measures about the matter, Senegal presented a letter to the General-Secretary. Senegal requested, under UfoP, for a GA session to discuss the question of Palestine. Convened by majority vote upon the request of Senegal, the Seventh Emergency Special Session was called. It was the first time the invocation of UfoP by a non-permanent Member was used.

Resolutions ES-7/2, ES-7/3, ES-7/4, ES-7/5, ES-7/6, ES-7/6, ES-7/7, ES-7/8 and ES-7/9¹⁵⁰ were adopted, calling Israel to “withdrawal completely and unconditionally” from territories occupied since 1967¹⁵¹, demanding compliance with previous Council resolutions, demanding the dismantling of settlements, condemning the violations of

¹⁴⁴ Paragraphs 1, 2, and 4 of Bangladesh, Jamaica, Niger, the Philippines, and Zambia: draft resolution. S/13729, 6 January, 1980.

¹⁴⁵ A/RES/ES-6/2 paragraph 4.

¹⁴⁶ A/RES/ES-6/2. Available at: <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/209/43/IMG/NR020943.pdf?OpenElement>

¹⁴⁷ Between 1980 and 1991, the US cast 24 vetoes on the question of Israel alone, out of a total of 51 vetoes cast in the Council during that period. In Lowe, A. V. (2010). “The United Nations Security Council and War: The Evolution of Thought and Practice Since 1945”, edited by Adam Roberts, et al., Oxford University Press, Incorporated.

¹⁴⁸ S/13911, 26 April 1980. Available at: <https://undocs.org/en/S/13911>.

¹⁴⁹ See also International Criminal Court – Report of Judgements, Advisory Opinions and Orders “Certain Expenses Case” (1962).

¹⁵⁰ Available at: <https://research.un.org/en/docs/ga/quick/emergency>.

¹⁵¹ A/RES/ES-7/2 paragraph 7.

international humanitarian law, and calling for investigations. It is relevant to highlight that Resolution ES-7/2 requested that the Council, in the event of Israel's non-compliance, consider the adoption of effective measures under Chapter VII of the Charter¹⁵² (additionally affirming the Council's central role in the maintenance of international peace and security).

One year later, South Africa invaded Namibia which led to the four¹⁵³ SC draft resolutions¹⁵⁴. However, the draft resolutions were all vetoed by France, the United Kingdom, and the United States. Before this lack of unanimity, the permanent representative of Zimbabwe redacted a letter¹⁵⁵ to the Secretary-General requesting an "emergency special session of the General Assembly be convened pursuant to its resolution 377 A (V)" in order to discuss this question.

Here we see the consolidation of the practice of individual States has triggers of the UfoP procedure (above explained).

Following this, the 8th UNGA Emergency Special Session was called (with the concurrence of the majority of UN member states¹⁵⁶ - proceeding in accordance with rule 9 (b) of the UNGA Rules of Procedures). The session on "The Question of Namibia" adopted Resolution ES-8/2¹⁵⁷ condemning South Africa for occupation and calling upon Member States to provide military assistance to the front-line States and calling upon those States to provide military assistance to South West Africa People's Organisation (SWAPO) "to enable it to intensify its struggle for the liberation of Namibia."

In this case, where the Assembly terminated the mandate of South Africa, the ICJ's Advisory Opinion affirmed that the Assembly, although "vested with recommendatory powers", is entitled "to adopt resolutions which make determinations or have an

¹⁵² A/RES/ES-7/2 paragraph 13.

¹⁵³ (S/14459; S/14460/Rev.1; S/14461; and S/14462 Available at:

<https://research.un.org/en/docs/sc/quick>.

¹⁵⁴ Reaffirming the right to self-determination, freedom and national independence to the people of Namibia, condemned South Africa's action on Namibia as illegal under International Law and asked for sanctions against the hostile country.

¹⁵⁵ Letter dated 12 August 1981 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General concerning the situation of Namibia. Accessed on:

https://www.un.org/en/ga/search/view_doc.asp?symbol=A/ES-8/1.

¹⁵⁶ Paragraph 2 of A/ES-8/1, Convening the session – Note by the Secretary-General.

¹⁵⁷ Accessed on: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/ES-8/2.

operative design”¹⁵⁸. However, even when making determinations relating to enforcement, the Assembly is still accompanied by the Council. Therefore, the ICJ’s *opinio iuris* assumed that the Assembly lacked the necessary powers to ensure the withdrawal of South Africa¹⁵⁹ from Namibia and needed the Council to ensure that this would occur. For this reason, GA Resolution 2145 (XXI) 11 enlisted the cooperation of the Council, acting by Article 11 (2) of the Charter¹⁶⁰.

The ninth Emergency Special Session of UNGA took place in 1982, concerning the Syrian territories occupied by Israel¹⁶¹ and the countries failure to comply with Security Council Resolution¹⁶² 497’s decisions and General Assembly resolution 36/226 B¹⁶³ – both resolutions produced after the Seventh Emergency Special Session on “The Question on Palestine.” This item was brought by Jordan draft Resolution (S/14832/Rev.1 on 19 January 1982) that failed being passed due to the US’ veto.

As a consequence of US blockage, Resolution 500¹⁶⁴ was presented in the Council and passed by 13 votes to none, with two abstentions¹⁶⁵, and convoked the 9th UNGA Emergency Special Session on “The Situation in the Middle East.” The outcome of this session was the adoption of Resolution A/ES-9/1¹⁶⁶ declaring Israel a “non-peace-loving

¹⁵⁸ Legal Consequences For States Of The Continued Presence Of South Africa In Namibia (South-West Africa) Notwithstanding Security Council Resolution 276 (1970), Advisory Opinion of 21 June 1971, paragraph 105: “For it would not be correct to assume that, because the General Assembly is in principle vested with recommendatory powers, it is debarred from adopting, in specific cases within the framework of its competence, resolutions which make determinations or have operative design.”

¹⁵⁹ Legal Consequences For States Of The Continued Presence Of South Africa In Namibia (South-West Africa) Notwithstanding Security Council Resolution 276 (1970), Advisory Opinion of 21 June 1971, paragraph 106: “By resolution 2145 (XXI) the General Assembly terminated the Mandate. However, lacking the necessary powers to ensure the withdrawal of South Africa from the Territory, it enlisted the Co-operation of the Security Council by calling the latter’s attention to the resolution, thus acting in accordance with Article 11, paragraph 2, of the Charter.”

¹⁶⁰ In Miluna, Leva (2014). “What does the Uniting for Peace Resolution mean for the role of the UN Security Council?”, *AJIL Unbound*, 108, 118-122, p.119.

¹⁶¹ After the Israeli annexation of the Golan Heights and imposition of Israeli jurisdiction.

¹⁶² Resolution 497 (1981). Available at: <http://unscr.com/en/resolutions/doc/497>.

¹⁶³ A/RES/36/226(A+B), The Situation in the Middle East (1981). Accessed on: <https://unispal.un.org/UNISPAL.NSF/0/B64C09EBE485BA88852560D900598A86>.

¹⁶⁴ SC Resolution 500 (1982). Available at: [https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/500%20\(1982\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/500%20(1982)).

¹⁶⁵ the United Kingdom and the United States.

¹⁶⁶ A/RES/ES-9/1 (1982), The situation in occupied Arab territories. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/ES-9/1.

state,” affirming that its actions in the occupied Syrian Golan Heights constituted an act of aggression¹⁶⁷ and should not be recognized.

It also asked for Israel’s withdrawal from all Palestinian and other Arab territories occupied since 1967, called upon the UN Member States for non-assistance, and called on members to apply on Israel some measures under Chapter VII¹⁶⁸.

The last time there was a utilization of the UfoP’s procedures was in 1997 on “The Question of Palestine.” Due to the US’ cast of the veto on two draft resolutions¹⁶⁹ concerning “The situation in the occupied Arab territories,” Qatar address a letter to the Secretary-General in order to convoke an Emergency Special Session convened by Resolution 377 (V), as a consequence of “the failure of the Security Council to exercise its role(...) owing to the use of the veto” and to “dangerous situation”¹⁷⁰ caused by the illegality of Israel actions.

The 10th Emergency Special Session¹⁷¹, referring to prior resolutions, affirmed that the Israeli settlement policy in the Occupied Palestinian Territory was illegal, and concerned about Israel’s construction of a wall in the Occupied Palestinian Territory, adopted resolutions condemning the Israeli occupation¹⁷².

Additionally, adopted inter alia, Resolution A/RES/ES-10/14 requesting an advisory opinion from the ICJ on the legal status of the wall in occupied territory.

The “Wall case” has significance importance for UfoP. The ICJ’s *opinio iuris* noted that under Article 11 (2), the Assembly might discuss any questions relating to the maintenance of international peace and security brought before it by various actors and, except as provided by Article 12, may make recommendations with regard to such

¹⁶⁷ Paragraph 2 of A/RES/ES-9/1. However, under Article 39 only the SC can identify what constitutes a threat to peace, breach of the peace and an act of aggression.

¹⁶⁸ Paragraph 12.

¹⁶⁹ S/1997/199 (7 March 1997) - France, Portugal, Sweden, and the United Kingdom of Great Britain and Northern Ireland: draft resolution – and S/1997/241 (21 March 1997) – Egypt and Qatar: draft resolution.

¹⁷⁰ Letter dated 31 March 1997 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/ES-10/1.

¹⁷¹ The Tenth Emergency Special Session is still in session, and until the moment it has adopted 19 resolutions until 2018.

¹⁷² A/RES/ES-10/19 and A/RES/ES-10/20.

questions. The ICJ considered that the only action which was exclusively within the domain of the Council was coercive or enforcement action.

As can be concluded, the vital point of this advisory opinion is that “Uniting for Peace is no longer needed in order for the Assembly to discuss matters or adopt resolutions on items also on the agenda of the Council”¹⁷³ which might explain the gradual disuse of the Resolution. This argument is also endorsed by both Carswell¹⁷⁴ and Zaum¹⁷⁵, that analyse Article 12 of the Charter with UfoP Resolution and the decision of the ICJ in 2004 that recognized the GA practice, creating in this way a precedent and modifying the way the organization operates. However, the conclusion “no longer needed” seems to be too extreme since the agreement of the GA’s secondary role and its competences do not mean/ is not a synonym for the disuse of the procedure. It only reaffirms the UNAG’s mandate developed by the UfoP and gives it a legal precedent.

Notwithstanding, the decision of the ICJ regarding the case of Israeli's wall, can be perceived as a consequence of the development and use of the UfoP, in which it culminated in an accepted legal standard, recognizing in the Charter the General Assembly’s subsidiary role. “Not as a substitute for the primacy of the Security Council, but as a body capable of lawfully unblocking the Council and thereby ensuring the UN’s continued relevance in the domain of international peace”¹⁷⁶.

Furthermore, starting where this analyses begun, when carefully reading and situating all the cases where UfoP Resolution was used, in order to overcome the veto and the lack of unanimity within the Security Council, one can conclude that the “breathing” part of the Resolution, as argued by Keith Petersen, are the two provisions that foresee the “transfer” and “emergency session” devices.

Dominik Zaum argues similarly. The author states that since UfoP was invoked in the Korean crisis, the SC and the GA “have made use of their prerogative to call for an

¹⁷³ In Johnson, D. Larry (2014). “‘Uniting for Peace’: Does it Still Serve Any Useful Purpose?”. *AJIL Unbound*, 108, 106-115, p.110.

¹⁷⁴ In “Unblocking the UN Security Council: The Uniting for Peace Resolution” *Journal of Conflict & Security Law* (2013), Vol. 18 No. 3, 453–480.

¹⁷⁵ In Lowe, A. V. (2010). “The United Nations Security Council and War: The Evolution of Thought and Practice Since 1945”, edited by Adam Roberts, et al., Oxford University Press, Incorporated.

¹⁷⁶ In “Unblocking the UN Security Council: The Uniting for Peace Resolution” *Journal of Conflict & Security Law* (2013), Vol. 18 No. 3, 453–480, p.455.

emergency special session (...) to transfer consideration of an issue from the Security Council to the General Assembly”, however, the other provisions were never successful. In the same way, Carswell portrays Part A of the Resolution as the only “surviving mechanism” and, in fact, the only use one¹⁷⁷ (as seen in the cases above).

In this sense, while not without controversy, this analysis concludes that the “Uniting for Peace” Resolution has unequivocally provided a firm legal basis for the GA to recommend enforcement measures, including most controversially the possible use of armed force¹⁷⁸ (which is reserved by the UN Charter to the Security Council)¹⁷⁹. However, some defend that the situations in which the GA did recommend the use of force, were in the context of collective self-defence¹⁸⁰.

These factors have contributed to an increased emphasis by the Security Council on its primacy over the maintenance of international peace and security.

¹⁷⁷ See Petersen, Keith. S. (1959). “The Uses of the Uniting for Peace Resolution since 1950”, *International Organization* 13, no. 2, p.220.

¹⁷⁸ AG Resolution 498(V) concerning Korea, called upon “all States and authorities to lend every assistance to the United Nations action in Korea” and “every assistance” which one can interpret as the use of force in order to assist South Korea repel the armed attack. AG Resolution ES-8/2 called upon the provision of military assistance to States in order for them to defend their sovereignty and territorial integrity against acts of aggression by South Africa.

¹⁷⁹ Lane, Gabriella R. (1966). “The Effect of the Resolutions of the United Nations General Assembly”, *Cambridge University Press, World Politics*, Vol. 19, No. 1, pp. 83-105, p.85.

¹⁸⁰ Johnson, Larry D. (2014). “‘Uniting for Peace’: Does it still serves any purpose?”, *108 AJIL UNBOUND* 106, p.112.

Chapter III

The “Responsibility to Protect” doctrine

This chapter will analyse the "Responsibility to Protect" doctrine. By doing so, it will explain what is and in what consists the R2P as well as how has this ethical responsibility been shaping the SC way of action. In this section, it will be defended that the R2P is a normative development in the way it brought a set of moral norms, that specify several behavioural expectations from states and international organisations, into the SC deliberation process. In this chapter, it will be analysed relevant SC Resolutions under R2P in order to describe and explain the use and importance of this doctrine in the Council's actions and the effects of it. Additionally, this chapter will explore references to the R2P made by the SC, in order to present an acceptance to the R2P doctrine within the Council (showing the integration of the R2P in the decision-making process).

Background: Protection of civilians vs. Protection of sovereignty

When the 1990's arrived, with the break-up of various Cold War state structures and the removal of superpowers constraints, shocking situations took place. In particular, it should be stressed the conflicts in former Yugoslavia and Africa. In this sense, after the Cold War, the UNSC started facing domestic conflicts that had international repercussions due to the scale of mass atrocities against human rights. New states brought new borders and hostilities within those. It can be said that ethnic conflicts marked the early years of the new world order due to independence movements and the creation of independent states.

Overwhelmed by the changes the new world order had produced¹⁸¹, the international community's action regarding civil wars and internal violence that perpetrated on a massive scale¹⁸², "(...) was widely perceived as too little too late, misconceived, poorly resourced and poorly executed or all the above"¹⁸³.

¹⁸¹ Changes in the balance of powers, for instance: It was the end of the bipolar world, consequence of the dismantlement of the USSR, and the arose of US as the one hegemonic power.

¹⁸² Conflicts such as Somalia (1992-1993); Bosnia (1992-1995); Rwanda (1994); Kosovo (1999).

¹⁸³ Gareth Evans and Mohammed Sanhoun, "The Responsibility to Protect", Foreign Affairs, 2002.

When the Rwanda genocide started¹⁸⁴, the UN peacekeeping operation in the country (UNAMIR) had a decrease in numbers from 2,500 to 270 peacekeepers¹⁸⁵. As the reports of the genocide spread, the Security Council voted on May 17, 1994, to adopt Resolution 918, which imposed an arms embargo and authorized an expansion of UNAMIR (5,000 soldiers were sent to the African country). However, the genocide had been taking place for months, and the damage was already done. By late May, Secretary-General Boutros-Ghali estimated that between 250,000 and 500,000 Rwandans (mostly Tutsi) had already been killed¹⁸⁶.

The UN response to the case of Rwanda woke up¹⁸⁷ a feeling of distrust in the organization regarding the UN's role in protecting and promoting international security and peace. In the words of Boutros-Ghali: "The failure of Rwanda is ten times greater than the failure of Yugoslavia. Because in Yugoslavia, the international community was interested, was involved. In Rwanda, nobody was interested"¹⁸⁸.

In 1999 NATO countries launched an air campaign to protect the population of Kosovo against Serbian paramilitaries. The intervention took place without a Resolution (authorization) of the Security Council and against Russia and China's approval. The explanations for this measure went from the claim of the right of "unilateral" humanitarian intervention (United Kingdom) to referring "humanitarian concerns" (United States). Even if one accepts the morality of the intervention (which this thesis is not going to discuss), it constituted an illegal act since it went against the UN Charter¹⁸⁹.

¹⁸⁴ April 1994.

¹⁸⁵ Resolution 912 (1994).

¹⁸⁶ ICISS (2001). Responsibility to Protect: Research, Bibliography, Background, International Development Research Centre, p. 100.

¹⁸⁷ Nicole Winfield, "UN Failed Rwanda", Associated Press/ Nando Media, December 16, 1999, available at: <https://www.globalpolicy.org/component/content/article/201-rwanda/39240.html>; "Rwanda genocide: UN ashamed, says Ban Ki-moon", BBC, available at: <https://www.bbc.com/news/world-africa-26917419>; David Osborne, "UN pilloried for failure over Rwanda genocide", The Independent, December 17, 1999, available at: <https://www.independent.co.uk/news/world/africa/un-pilloried-for-failure-over-rwanda-genocide-739072.html>.

¹⁸⁸ UN Secretary-General Boustros-Ghali' interview given to PBS. Available at <https://www.pbs.org/wgbh/pages/frontline/shows/ghosts/etc/synopsis.html>.

¹⁸⁹ In the UN Charter there are only two legitimate exceptions to the use of force: self-defence (article 51) and when approved by the Security Council when there is a threat to peace, breach of the peace or act of aggression (Chapter VII). Otherwise is strictly prohibited (article 2 (4)).

The situation in Kosovo brought a broader discussion about the concept of Humanitarian Intervention and State Sovereignty¹⁹⁰.

This environment drove the former Secretary-General Kofi Annan to ask the following question in his 2000 Millennium Report: "if humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?"¹⁹¹.

The changing nature of warfare, from inter-state to intra-state, meant that the United Nations normative framework needed to be adjusted to account for the changed reality of threats to victims¹⁹².

A year later, the concept of Responsibility to Protect (R2P) was born as an attempt to answer it. In December 2001, the International Commission on Intervention and State Sovereignty (ICISS), launched by the Canadian government, published a report under that title. In 2004 a report produced by the UN Secretary general's High-Level Panel on Threats, Challenges and Change, called "A More Secure World: Our Shared Responsibility" that supported:

"the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and another large-scale killing, ethnic cleansing or serious

¹⁹⁰ ICISS (2001). Responsibility to Protect: Research, Bibliography, Background, International Development Research Centre, p.20; Adam Roberts, "Humanitarian War: Military Intervention and Human Rights," *Journal of International Affairs* 69, no. 4 (1993), pp. 429-449; "The Road to Hell: A Critique of Humanitarian Intervention," *Harvard International Review* 16 (1993), pp. 10-13 and 63-65; Rosalyn Higgins, "The New UN in Former Yugoslavia," *Journal of International Affairs* 69, no. 4 (1993), pp. 465-483; Richard Falk, "The Complexities of Humanitarian Intervention: A New World Order Challenge," *Michigan Journal of International Law* 17, no. 491 (1996), pp. 491-513; Christopher Greenwood, "Is There a Right of Humanitarian Intervention?" *The World Today* 49 (1993), p. 40; Thomas G. Weiss, "Intervention: Whither the United Nations," *The Washington Quarterly* 17, no. 1 (1993), pp. 109-128; and Thomas G. Weiss, "Triage: Humanitarian Interventions in a New Era," *World Policy Journal* 11 (1994), pp. 59-68.

¹⁹¹ Kofi Annan "We The Peoples" Report
https://www.un.org/en/events/pastevents/pdfs/We_The_Peoples.pdf.

¹⁹² Thakur, R. "R2P after Libya and Syria: Engaging Emerging Powers", p.64.

violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent".¹⁹³

In 2005 the recommendations of the High-Level Panel were integrated into the report of the Secretary-General (designed to compile all the UN reform proposals) on the General Assembly, turning it into a credible option of reform. In the same year, Kofi Annan's report "In larger Freedom: Towards Development, Security and Human Rights for All" mentioned and endorsed the new concept¹⁹⁴. In October of 2005, the doctrine's final deliberations took place in New York.

In September, the Responsibility to Protect doctrine was finally endorsed and appeared as paragraphs 138 and 139 of the World Summit Outcome Document¹⁹⁵. One year later, the UN Security Council Resolution 1674, "Reaffirm[ed] the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity".

What is and in what consists the Responsibility to Protect doctrine?

The R2P is materialized in paragraphs 138 and 139 of the Outcome Document of 2005.

The core of R2P is the four cases that activate it: genocide, crimes against humanity, ethnic cleansing, and war crimes¹⁹⁶. The UN Member States, when before these gross violations of Human Rights, have the shared responsibility to act to stop them¹⁹⁷.

¹⁹³ The High-level Panel on Threats, Challenges and Change (New York, United Nations, 2004). A more secure world: Our shared responsibility, p. 66. At:

http://providus.lv/article_files/931/original/HLP_report_en.pdf?1326375616.

¹⁹⁴ "I believe that we must embrace the responsibility to protect, and, when necessary, we must act." Document A/59/2005 (New York: United Nations, 2005), paragraph 135. At:

www.un.org/en/ga/search/view_doc.asp?symbol=A/59/2005.

¹⁹⁵ Outcome, Document A/RES/60/1 (New York, United Nations, October 24, 2005). At:

https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf.

¹⁹⁶ The only legal definition of these crimes is in the Rome Statute (Statute of the ICC). Genocide's definition falls under Article 6; the definition of Crimes against Humanity falls under Article 7; and War crimes' definition falls under Article 8.

¹⁹⁷ "We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to

The doctrine contains three responsibilities within¹⁹⁸. First, stated in paragraph 138, is that States have the responsibility to protect their citizens by preventing and repelling such crimes:

"Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it"¹⁹⁹.

Secondly, paragraph 138 also materializes that the International Community "should as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability"²⁰⁰.

Finally, paragraph 139 establishes that if the territorial State fails to protect its own citizens from the mentioned four gross violations of human rights, the International community has the responsibility to respond through the Security Council:

"The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity (...)"²⁰¹.

commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out." Paragraph 139 of the World Summit Outcome Document, 2005.

¹⁹⁸ Vilmer, Jean-Baptiste. *The Responsibility Not to Veto: A genealogy*, Global Governance Volume 24 Issue 3 (2018) p. 1.

¹⁹⁹ A/RES/60/1, paragraph 138.

²⁰⁰ Ibid.

²⁰¹ A/RES/60/1, paragraph 139.

In this sense, R2P breaks new ground. In addition to the usual attributes of a sovereign state that one can encounter in Montevideo Convention for example²⁰², the interpretation of those privileges has made room for responsibilities concerning respect for human rights. When a state is unable or manifestly unwilling to protect the rights of its population—especially when it perpetuates abuses—that State loses part of its sovereignty along with the right of non-intervention. The traditional rule of non-interference in the domestic affairs of other countries does not apply in the face of mass atrocities²⁰³. It is also important to acknowledge the innovative elements the R2P brought. In the first place, the new doctrine changed the topic of conversation from "right to intervene" to "responsibility to protect", meaning that the response to gross human rights violations should not be seen as a right but as a responsibility of each State to protect their own and other peoples at risk. In this sense, the choice of words used by policy and lawmakers (which is never random or light-heartedly articulated) is highly relevant. The ICISS proposal stated that the responsibility to protect meant not only "responsibility to react"²⁰⁴, but the "responsibility to prevent" and the "responsibility to rebuilt" as well²⁰⁵.

Secondly, the R2P reinforces the International Community's responsibility to protect human rights by affirming that each sovereign State has the responsibility to protect its people from harm but also if other State fails to do so to their people, the international community has the responsibility to help those citizens in need. The Charter does establish the States' obligation to promote and respect human rights²⁰⁶. However, it does not clearly affirm the responsibility to protect from violations of those rights. The Charter foresees the Members States' responsibility²⁰⁷ to act in a case of a threat to

²⁰² People, authority, territory, and independence.

²⁰³ Mani, Rama, Weiss, Thomas G. (2011). "The Responsibility to Protect: Cultural Perspective in the Global South", Taylor & Francis Group, p.4

²⁰⁴ Which summarized the doctrine of Humanitarian Intervention

²⁰⁵ International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa: International Development Research Center, 2001), p.17.

²⁰⁶ Article 1 (3).

²⁰⁷ Article 1 (1) "To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace"; Article 43 (1) "All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special

international peace and security and a breach of international peace and security, under the SC's authorization. In this sense, it will be analysed further, that with the R2P doctrine, violations of human rights start being perceived as threats to International peace and security.

Thus, the R2P sets out broader responsibilities that states have towards their citizens, and the responsibilities states have as members of the international community towards that community, and the responsibilities that institutions such as the Security Council have in preventing, responding to, and rebuilding after mass atrocity crimes. Additionally, nothing in the Charter specifies the R2P four crimes that the 2005 World Summit Document obliges the International Community to protect civilians from.

Following this idea, the R2P implies two norms. First, the "responsibility norm" (the expectation that individual states will protect their populations from genocide, war crimes, crimes against humanity and ethnic cleansing); second, the "support norm" (the expectation that, the International Community will support individual states in fulfilling their responsibilities when requested); and third, the "reaction norm" (the expectation that, in the event of the failure or unwillingness of a government, the International Community will react rapidly and decisively). However, as a resolution of the GA, the R2P does not create any new norms in international law, but it is a formulation of moral norms instead.

Differently from the Uniting for Peace Resolution, the Responsibility to Protect is a normative standard and a moral imperative of the International Community²⁰⁸.

It is also apropos to underline the significance that paragraph 139 gives to the GA's considerations²⁰⁹. One can interpret this as a reaffirmation of the GA's role to give

agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security."

²⁰⁸ Stojkovski, Ljupcho (2017). "The Importance of the 'Responsibility Not To Veto' Debate" in Sancin, Vasilka "Are we »manifestly failing« R2P?", University of Ljubljana, Faculty of Law.

²⁰⁹ 2005 World Summit Outcome Document, paragraph 139: "We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law."

recommendations in matters of maintenance of International peace and security (a role initiated in the Charter and developed with the UfoP Resolution²¹⁰).

Furthermore, the R2P enlarges the scope of action. The Charter does not permit interference in domestic affairs (Article 2 (7)) which by the R2P does if a state fails to protect its own citizens, (if the SC endorses it). In this sense, as already mentioned the four crimes under the R2P (genocide, crimes against humanity, war crimes and ethnic cleansing) can constitute a threat or breach of international peace. This is so because Article 2 (7) states that the principle of the UN non-intervention “shall not prejudice the application of enforcement measures under Chapter VII”. Thus, the four R2P crimes are recognized as situations under Chapter VII²¹¹.

In conclusion, the central normative tenet of the responsibility to protect is the state, firstly, and the International community, secondly, bare duties not only rights²¹². Therefore the R2P is an international ethical norm²¹³ in the way it sets a behavioural standard and conduct that states are expected to commit to. Thus, the Responsibility to Protect doctrine has become over time an "an international ethical norm that sets an international standard for appropriate behaviour"²¹⁴. It is essential to highlight that the scope of the R2P can be said to require the SC to assume an extensive reading of Article 39, incorporating human rights violations in the broader interpretation of "threats to peace"²¹⁵.

²¹⁰ GA Resolution 377 A (V) “(...)the General Assembly consider the matter immediately with a view to make the appropriate recommendations to Members for collective measures, including in the case of a breach of the peace, or act of aggression to use armed force when necessary, to maintain or restore international peace and security”.

²¹¹ This will be accessed further in this Chapter.

²¹² Normally in International Law and International Relations, the concept of sovereignty is connected with the rights of a state. The UN foresees that every state is the same (Article 2(1)), affirming the recognition of every Member as a sovereign state. However, the R2P reaffirms their duties to their citizens. In this sense, the Secretary-General’s Report of 2009 divided the responsibilities of the R2P into three pillars: Pillar I “The protection responsibilities of the State”; Pillar II “International assistance and capacity-building”; and Pillar III “Timely and decisive response”. Available at: https://www.un.org/ruleoflaw/files/SG_reportA_63_677_en.pdf.

²¹³ Alex J. Bellamy notes that "There is general consensus that RtoP is a norm, but much less agreement on what sort of norm it is. (...) First, RtoP is not a single norm but a collection of shared expectations that have different qualities. In "The Responsibility to Protect—Five Years On", *Ethics and International Affairs*, Vol. 24, No. 2, 2010, p. 160.

²¹⁴ Gözen Ercan, Pınar (2014) "R2P: From Slogan to an International Ethical Norm", *Uluslararası İlişkiler*, Volume 11, No. 43, pp. 35-52, p. 36.

²¹⁵ Kolb, Andreas (2012). “The Responsibility to Protect (R2P) and the Responsibility while Protecting (RwP): Friends or Foes?”, *Global Governance Institute*, p.11.

How has the practice evolved within the SC?

The first SC Resolution under the R2P was adopted in the situation of the Democratic Republic of Congo (DRC). The political instability in the DRC traces back the Rwanda Genocide²¹⁶. In 2005, however, the violence escalated, and after an attack that killed eight MONUC peacekeepers²¹⁷, the Security Council adopted its first Resolution under the R2P. Thus, Resolution 1653 condemned the attack, called for the demobilisation of all armed rebel groups, and invoked the DRC's obligation to protect its citizens by underscoring that the "government in the region have a primary responsibility to protect their populations" and "including from attacks by militias and armed groups."²¹⁸ The inclusion of the specification of the obligation that states have to protect their population from armed groups and militias is interesting since the 2005 Outcome Document does not specifies the "authors" of the four crimes, in this sense, the SC narrowed the concept in order to be more specific and to have a clear message to the Congolese government.

Violence spiked again to dangerous levels in 2008²¹⁹, and the ineffectiveness of the UN Organization Mission in the Democratic Republic of the Congo (MONUC)²²⁰ mission continued²²¹. In order to send aid to the country, the SC passed Resolution 1925 in May 2010. This Resolution transformed MONUC into the UN Organization Stabilization Mission in the DRC (MONUSCO), invoked the Congo's responsibility to protect its civilian population, and engaged fully with the SC's obligations under R2P by mandating MONUSCO to use "all necessary means" to "ensure the effective protection of

²¹⁶ In 1994, the Hutu involved in the Rwanda genocide crossed the border to the DRC and formed the Democratic Forces for the Liberation of Rwanda (FDLR). They incited conflict that lasted more than a decade and encompassed the Congolese armed forces as well as the armed forces of Uganda and Rwanda, leading to regional instability and security risks. See "Crisis in the Democratic Republic of Congo", *ICRTOP*, <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-drc>.

²¹⁷ Genser, Jared (2018) "The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement," *Chicago Journal of International Law*: Vol. 18: No. 2, Article 2. p. 451.

²¹⁸ S/RES/1653 <http://unscr.com/en/resolutions/1653>

²¹⁹ DR Congo: Massive Increase in Attacks on Civilians, HUM. RTS. WATCH (July 2, 2009) <https://www.hrw.org/news/2009/07/02/dr-congo-massive-increase-attacks-civilians>.

²²⁰ Established in 1999 by SC Resolution 1279.

²²¹ Genser, Jared (2018) "The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement," *Chicago Journal of International Law*: Vol. 18: No. 2, Article 2. p. 452.

civilians."²²² With this decision, the SC acted under paragraph 139 of the 2005 Outcome Document. Again in 2012, the resources and support given to MONUSCO continued to jeopardise its effectiveness²²³. A decisive moment occurred when a rebel group took the city of Goma, and MONUSCO was unable to engage (MONUSCO) mandate was limited to supporting the Congolese armed forces²²⁴. Following this, the SC passed unanimously Resolution 2098 in March 2013, authorising the first Intervention Brigade (paragraph 9 and 10) embedded with offensive capabilities²²⁵ (an unprecedented mandate) in order to execute its civilian protection mandate.

The SC has extended the MONUSCO mandate several times (as can be observed in table II). SC Resolutions on Congo continue to demonstrate the engagement of the SC with the R2P. Besides MONUSCO, the SC also employed measures under Chapter VII such as sanctions on individuals "planning, directing or committing acts in the DRC that constitute human rights violations." One can say that there is an acceptance by the SC that human rights violations are threats (or can lead to) to International peace and security as consequence of the influence of the R2P doctrine.

The second Resolution ever to be adopted under the Responsibility to Protect was the "thematic" Resolution 1674 on the "Protection of Civilians" in 2006. This Resolution explicitly referenced the R2P by reaffirming the "responsibility to protect populations

²²² S/RES/1925 <http://unscr.com/en/resolutions/1925>.

²²³ Genser, Jared (2018) "The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement," *Chicago Journal of International Law*: Vol. 18: No. 2, Article 2. p. 454-455.

²²⁴ S/RES/1925 paragraph 11: "Emphasizes that the protection of civilians must be given priority in decisions about the use of available capacity and resources and authorizes MONUSCO to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out its protection mandate as set out in paragraphs 12 (a) to 12 (k) and 12 (t) below;" and paragraph 12 (c) "Support the efforts of the Government of the Democratic Republic of the Congo to ensure the protection of civilians (...)".

²²⁵ S/RES/2098 "Neutralizing armed groups through the Intervention Brigade"; "(b) Neutralizing armed groups through the Intervention Brigade In support of the authorities of the DRC, on the basis of information collation and analysis, and taking full account of the need to protect civilians and mitigate risk before, during and after any military operation, carry out targeted offensive operations through the Intervention Brigade referred to in paragraph 9 and paragraph 10 above, either unilaterally or jointly with the FARDC, in a robust, highly mobile and versatile manner and in strict compliance with international law, including international humanitarian law and with the human rights due diligence policy on UN-support to non-UN forces (HRDDP), to prevent the expansion of all armed groups, neutralize these groups, and to disarm them in order to contribute to the objective of reducing the threat posed by armed groups on state authority and civilian security in eastern DRC and to make space for stabilization activities;"

from genocide, war crimes, ethnic cleansing and crimes against humanity."²²⁶ By doing this, the SC was reinforcing the R2P within the UN system. This Resolution was referred to in several Resolutions²²⁷.

The four-decades situation in Sudan²²⁸ led to a humanitarian crisis in Darfur in 2003. After some first SC's attempts²²⁹, in August 2006 Resolution 1706 was passed reaffirming the R2P doctrine by applying paragraphs 138 and 139 of the World Summit Outcome Document to the on-going conflict in Darfur by reframing the UNMIS's mandate under the R2P. This was the first "country-specific" application of R2P. With Darfur, the SC gave the first steps for the application of the R2P and setting precedent of its use.

Only in 2017 is the R2P used again in relation to Darfur in Resolution 2363 (see Table II)²³⁰.

In 2011 Libyan people, carried by the Arab Spring²³¹ was starting protesting against its leader, Muammar Gaddafi. The government response was to open fire against his

²²⁶ S/RES/1674 paragraph 4.

²²⁷ 1679, 1706, 1738, 1746, 1755, 1769, 1772, 1776, 1778, 1784, 1794, 1795, 1801, 1806, 1809, 1812, 1814, 1820, 1826, 1831, 1833, 1834, 1836, 1842, 1856, 1857, 1858, 1861, 1863, 1865, 1868, 1870, 1872, 1880, 1881, 1888, 1889, 1890, 1893, 1894, 1902, 1906, 1910, 1911, 1912, 1917, 1919, 1923, 1933, 1935, 1943, 1946, 1959, 1960, 1962, 1969, 1974, 1975, 1980, 1990, 1996, 2000, 2002, 2003, 2009, 2011, 2027, 2031, 2032, 2036, 2037, 2040, 2041, 2045, 2046, 2047, 2057, 2062, 2063, 2067, 2069, 2075, 2085, 2086, 2088, 2090, 2093, 2095, 2096, 2098, 2100, 2101, 2104, 2106, 2109, 2113, 2120, 2121, 2126, 2127, 2137, 2138, 2144, 2145, 2147, 2149, 2151, 2153, 2155, 2156, 2164, 2173, 2175, 2179, 2187, 2205, 2210, 2217, 2222, 2223, 2227, 2230, 2241, 2251, 2252, 2274, 2286, 2287, 2295, 2318, 2352, 2364, 2386, 2474.

²²⁸ A convergence of human-made conflict and natural phenomena created a political, economic, and social climate in Sudan that led to the humanitarian crisis in Darfur in 2003 and the crisis in Blue Nile and South Kordofan in 2005. *In* Genser, Jared (2018) "The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement," *Chicago Journal of International Law: Vol. 18: No. 2, Article 2.* p. 457. And Genser, J., Cotler, I., Tutu, D., & Havel, V. (2011-11-25). "The Responsibility to Protect". *Oxford University Press*. Retrieved 01 Jan. 2020, from <https://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199797769.001.0001/acprof-9780199797769>.

²²⁹ An imposition of an arms embargo on all non-state actors operating in Darfur (SC Resolution 1556); the establishment of a commission of inquiry to investigate possible acts of genocide in Darfur; the authorisation a UN mission (UNMIS).

²³⁰ However, the SC involvement with Darfur led to significant developments such as the first commission established to investigate genocide, and the first ICC referral for a criminal investigation into genocide, which led to the first ICC arrest warrant for a sitting head of state. SC 7833rd Meeting, accessed at: <https://www.un.org/press/en/2016/sc12623.doc.htm>.

²³¹ The called "Arab Spring" was a series of protests against governments in the Arab World. These revolts took place in early 2010 and 2011.

population. Due to the escalation of this situation, the SC unanimously passed Resolution 1970 "condemning the violence and use of force against civilians" and "recalling the Libyan authorities' responsibility to protect its population". Resolution 1970 adopted measures under Chapter VII such as an arms embargo, travel bans, and asset freezes against the government's senior leadership due to their involvement to "serious human rights abuses." The SC imposed measures under Article 41 complying with the 2005 World Document Outcome by holding up to its responsibility to protect and, trying the maintenance of International peace and security firstly via measures not involving the use of force.

However, Gaddafi defiance led the Council's adoption of Resolution 1973, authorizing, among other measures, "all necessary measures" to enforce a no-fly zone and to protect civilians. It marked the first time the Security Council authorised a non-consensual use of force for the protection of civilians against a functioning state. In this sense, a coalition of NATO states (the UK, US, and France) led a military intervention in the country and deposed the dictator. As seen above in this chapter, the UN Charter does not authorise interventions in another sovereign state, without its authorization. However, it does not constitute a violation of the Charter because Article 7 states that "this principle shall not prejudice the application of enforcement measures under Chapter VII". In this sense, the R2P effect in the Council's actions is evident.

Additionally, Resolution 1973 is the first R2P operationalization. This is of significant relevance because unlike other resolutions on R2P, this was the first resolution falling under Chapter VII and asking for UN Members' action concerning a situation in a specific country. The first resolutions concerning Libya and allowing other states' interference was the collective security action that the international community long "dreamed of".

In Côte d'Ivoire violence erupted due to the elections of November 28, 2010²³² generating a series of attacks between groups. As a result, by January 13, 2011, 400

²³² Following Alassane Ouattara's electoral victory in Côte d'Ivoire's November 28, 2010, presidential runoff election, incumbent President Laurent Gbagbo announced that he would not accept the results of the election. This triggered a series of confrontations between Ouattara and Gbagbo's supporters. In Genser, Jared (2018) "The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement," *Chicago Journal of International Law*: Vol. 18: No. 2, Article 2. p. 435-436.

civilian deaths were estimated, 23500 refugees in surrounding countries, and 16000 internally displaced persons²³³.

In response to the mass violations of human rights and attacks on civilians and peacekeepers, finally, on March 30, 2011, the SC adopted Resolution 1975 under R2P. This Resolution reaffirmed the possibility of United Nations Operation in Côte d'Ivoire (UNOCI) to use "all necessary means" in order to "protect civilians under imminent threat of physical violence (...) including to prevent the use of heavy weapons against the civilian population" and imposed targeted sanctions against Gbagbo and his inner circle for "obstructing the work of UNOCI" and for "committing serious violations of human rights and international humanitarian law"²³⁴. Resolution 1975 also highlighted the

"(...) primary responsibility of each State to protect civilians and reiterating that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians".

Days after, the Secretary-General Ban Ki-moon gave his formal authorization for a UN and French-led military response, pursuant to Resolution 1975. Once again the Council put into practice measures of collective use of force in accordance with UN Charter Preamble "that armed force shall not be used, save in the common interest," Article 1 (1) and Article 42 and paragraph 139 of the 2005 Outcome Document²³⁵.

One of the branches of the Sudan crisis (above observed) was the independence of the South region on July 9, 2011. In order to facilitate the transition to independence and ensure the protection of civilians, the SC adopted Resolution 1996. This Resolution established the United Mission in the Republic of South Sudan (UNMISS). It authorized UNMISS to use "all necessary means" to carry out the protection of civilians and help

²³³ Ibid:436.

²³⁴ S/RES/1975 <http://unscr.com/en/resolutions/1975>.

²³⁵ Paragraph 139 "(...) we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity."

the authorities "in fulfilling its responsibility to protect civilians," acting in accordance with paragraph 139 of the 2005 Outcome Document²³⁶.

In 2014 the R2P was again invoked concerning the situation in South Sudan. SC Resolution 2155 extended the UNMISS mandate²³⁷ and allowed it to "use all necessary means" to protect civilians, and reaffirmed that:

"the Government of South Sudan bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including from potential crimes against humanity and war crimes," and emphasized "that those responsible for violations of international humanitarian law and violations and abuses of human rights must be held accountable(...)"

In 2015 Resolution 2206 was passed, establishing a travel ban²³⁸ and freezing assets for six military leaders whose "targeting of civilians" violated "international human rights law or international humanitarian law."²³⁹ acting under Article 41. Concerning the 2005 Outcome Document, Resolution 2206 reaffirmed the South Sudan government's "primary responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity," (Table II).

In 2016 SC Resolution 2304 increased UNMISS troop levels through a Regional Protection Force (acting under paragraph 139 of the 2005 Outcome Document - footnote "(...) we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate (...)") and prioritized UNMISS resources towards protection of civilians. This Resolution fully engaged with the R2P doctrine by stating the Transitional government's "primary responsibility to protect its populations from genocide, war crimes, ethnic

²³⁶ Paragraph 139: "(...) We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out."

²³⁷ S/RES/2155, paragraphs 3 and 4.

²³⁸ S/RES/2206, paragraphs 10-11.

²³⁹ S/RES/2206, paragraph 12.

cleansing, and crimes against humanity" (acting undoubtedly under paragraph 138 of the 2005 Outcome Document²⁴⁰).

In the context of the Arab Spring revolutions, also Yemen faced a regime transition process²⁴¹. The Security Council passed Resolution 2014, welcoming²⁴² the Secretary-General's statement²⁴³. The Resolution 2014 condemned the human rights violations committed by Yemeni government forces and other third parties and reminded the Yemeni government "primary responsibility to protect its population." acting under paragraph 138 of the 2005 Outcome Document. This Resolution also backed the Gulf Cooperation Council (GCC) initiative for the peaceful transition of political power in Yemen, acting under paragraph 139²⁴⁴. It is important to highlight that no more Resolution under R2P in Yemen was possible to be adopted due to the cast or the threat to use the veto.

In response to the situation in Mali²⁴⁵ the SC adopted Resolution 2085 (on December 12, 2012) under the R2P. This Resolution, acting under paragraph 139 of the 2005 Outcome Document and Chapter VII, authorized the deployment of the African-led International Support Mission in Mali (AFISMA), reemphasized the Malian government's responsibility to protect civilians, and granted full authorization to AFISMA to take "all necessary

²⁴⁰ Paragraph 138: "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means."

²⁴¹ Genser, Jared (2018) "The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement," Chicago Journal of International Law: Vol. 18: No. 2, Article 2. p.478.

²⁴² UN Secretary-General, Statement Attributable to the Spokesperson for the Secretary-General on Yemen (September 19, 2011), condemning the "excessive use of force by government security forces against unarmed protestors" while calling on government forces "to protect civilians and uphold their obligations under applicable international law." Available at: <https://www.un.org/sg/en/content/sg/statement/2011-09-19/statement-attributable-spokesperson-secretary-general-yemen>.

²⁴³ S/RES/2014 "(...) Welcoming the Secretary-General's statement of September 23, 2011, urging all sides to engage in a constructive manner to achieve a peaceful resolution to the current crisis(...)".

²⁴⁴ Paragraph 139: "(...) We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out".

²⁴⁵ A coup d'état took place in March 2012. A group of soldiers proclaimed themselves the National Committee for the Restoration of Democracy and State took control and suspended the national Constitution. As a consequence of this instability, Mali's three largest northern cities—Kidal, Gao and Timbuktu—were overrun by Islamist rebels (some with connected to al-Qaida). See also ICRtoP, Crisis in Mali, <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-mali>

measures" to "support the Malian authorities in their primary responsibility to protect the population."

One year later, on April 25, Resolution 2100 was adopted, establishing the Multi-Dimensional Integrated Stabilization Mission in Mali (MINUSMA) which had a peace enforcement mandate. In this context, it can be said that the SC acted under Article 42 by providing a "peace enforcement" character to MINUSMA by authorizing it "to protect, without prejudice to the responsibility of the transitional authorities of Mali, civilians under imminent threat of physical violence."²⁴⁶.

Resolution 2100, under the R2P doctrine, also reaffirmed "that the transitional authorities have the primary responsibility to protect civilians in Mali".

The Central African Republic (CAR), since its independence from France in 1960, has experienced constant political instability²⁴⁷. In 2013 in response to the instability²⁴⁸, the SC adopted Resolution 2121 reinforcing the mandate of the UN field office and invoked the CAR's "primary responsibility (...) to protect the population." acting under paragraph 139 and 138 of the 2005 Outcome Document (respectively).

In 2013 a quick answer was needed due to the mass atrocities against human rights²⁴⁹. In this sense, Resolution 2127 was adopted. This Resolution reaffirmed, under the R2P doctrine, the transitional government's responsibility to protect its civilian population. Resolution 2127 authorized the deployment of MISCA, as well as additional French forces, with a mandate to use "all necessary measures" for "the protection of civilians.", acting under paragraph 139 of the 2005 Outcome Document and Article 42 of the UN Charter. Furthermore, the Resolution imposed an arms embargo on both parties to the

²⁴⁶ S/RES/2100, paragraph 14.

²⁴⁷ Genser, Jared (2018) "The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement," *Chicago Journal of International Law*: Vol. 18: No. 2, Article 2. p.471.

²⁴⁸ In 2013, this instability was caused by the fifth coup d' état since independence by the Muslim group known as Séléka.

²⁴⁹ By January 2014, 935,000 CAR civilians had become international displaced people, and 233,000 refugees had fled to neighbouring countries. Information available in UN High Commissioner for Refugees, *Insecurity Hampers Relief Efforts as over 935,000 Remain Displaced in the Central African Republic* (January 3, 2014), <https://www.refworld.org/docid/52ca69234.html>.

conflict, raised the possibility of targeted sanctions. In this case, the SC also made use of its rights under Article 41.

On January 24, 2014, the SC adopted Resolution 2134 authorizing the deployment of additional EU forces in the CAR and "Recalling that the Transitional Authorities have the primary responsibility to protect the civilian population in the CAR," (Table I). In April, the SC passed Resolution 2149. This Resolution established the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) with Resolution. The SC gave MINUSCA an enforcement mandate by authorizing it to employ "all necessary means" to "protect, without prejudice to the primary responsibility of the Central African Republic authorities, the civilian population from threat of physical violence.". In this case, we can observe a full engagement²⁵⁰ with the R2P doctrine by the SC. The SC operationalizes both paragraphs 138 and 139 and puts in action Article 42 of the Charter.

The last Resolution to be adopted (Table I and II) concerning the R2P in the CAR was Resolution 2399²⁵¹ that recalled CAR's "primary responsibility to protect all populations within its territory from genocide, war crimes, ethnic cleansing and crimes against humanity (...)" and undertook measures under Chapter VII (including the continuation of the arms embargo, the travel ban, and the assets freeze).

Although Syria is a sensitive case²⁵², it can be said that it was adopted by the SC two Resolutions under the R2P doctrine. In 2014 was passed the first Resolution concerning Syria's government "primary responsibility to protect its population" under the R2P doctrine (SC Resolution 2139) demanding that Syrian authorities allow humanitarian access and threatening to take "further steps" in the case of noncompliance. Due to

²⁵⁰ Genser, Jared (2018) "The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement," *Chicago Journal of International Law*: Vol. 18: No. 2, Article 2. p.475.

²⁵¹ <http://www.globalr2p.org/resources/335>.

²⁵² Although for several times, the SC tried to pass Resolution on Syria, China and Russia use or threat to use the veto. For 13 times, Russia alone has used its veto to block Security Council action in Syria since the conflict began in 2011. Since the beginning of the Syrian civil war until March 2018, the Syrian Observatory for Human Rights (SOHR) estimated that more than 511.000 people have died. According to the United Nations Refugee Agency, the Syrian war has left 6.6 million people internally displaced, and 5.6 million people have fled from the country. Information available at: <https://www.unhcr.org/syria-emergency.html>.

Bashar al-Assad's noncompliance, the SC passed Resolution 2165 authorizing cross-border humanitarian access without the consent of Syria²⁵³.

In this spirit, and as can be accessed in the previous analysis, the references to the R2P occurred more and more frequently in SC Resolutions²⁵⁴ since Libya (contrary to what is sometimes argued²⁵⁵). It is of great importance to acknowledge that the language used by policymakers and lawmakers is not unideological or chosen by chance. The role that certain words play in Resolutions (as in Treaties) is certainly relevant. Gifkins²⁵⁶ identifies three reasons that explain this: language is not static and evolves as shared

²⁵³ As seen above, the UN Charter does not authorise interventions in another sovereign state, without its authorization. However, it does not constitute a violation of the Charter because Article 7 states that "this principle shall not prejudice the application of enforcement measures under Chapter VII". In this sense, the SC action under R2P makes it possible to intervene in another state without the consent.

²⁵⁴ Resolutions referring to R2P between 2005 and the end of February 2011: 1653 (2006) on the Congo and Burundi, 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts, 1706 (2006) on Sudan/Darfur, 1970 (2011) and 1973 (2011) on Libya.

Resolutions referring to R2P between March 2011 and August 2015: 1975 (2011) and 2226 (2015) on Ivory Coast; 1996 (2011), 2109 (2013), 2155 (2014), 2187 (2014), 2206 (2015), and 2223 (2015) on South Sudan; 2014 (2011) on Yemen; 2016 (2011), 2040 (2012) and 2095 (2013) on Libya; 2085 (2012), 2100 (2013), 2164 (2014), and 2227 (2015) on Mali; 2093 (2013) on Somalia; 2117 (2013) and 2220 (2015) on small arms and light weapons; 2121 (2013), 2127 (2013), 2134 (2014), 2149 (2014), 2196 (2015), and 2217 (2015) on the Central African Republic; 2139 (2014) and 2165 (2014) on Syria; 2150 (2014) on protection against genocide; 2171 (2014) on prevention of armed conflicts; and 2185 (2014) on the role of the police in peacekeeping missions; 2211 (2015) on the Democratic Republic of the Congo; 2228 (2015) on Sudan; 2237 (2015) on Liberia; 2241 (2015) on South Sudan; 2250 (2015) on Maintenance of International Security and Peace; 2252 on South Sudan; 2254 and 2258 (2015) on Syria; 2262 (2016) on Central African Republic; 2277 (2016) on Democratic Republic of Congo; 2286 (2016) on Protection of Civilians (health care in armed conflict); 2288 (2016) on Liberia; 2290 (2016) on South Sudan; 2295 (2016) on Mali; 2296 (2016) on Sudan (Darfur); 2301 (2016) on Central African Republic; 2304 and 2327 (2016) on South Sudan; 2317 (2016) on Somalia; 2332 (2016) on Syria; 2339 (2017) on Central African Republic; 2340 and 2363 (2017) on Sudan and South Sudan; 2348 and 2360 (2017) Democratic Republic of Congo; 2349 (2017) on Peace and Security in Africa (Lake Chad Basin); 2364 (2017) on Mali; 2385 (2017) on Somalia; 2387 (2017) on Central African Republic; 2389 (2017) on Great Lakes Region; 2399 (2018) on Central African Republic; 2409 (2018) on Democratic Republic of Congo; 2417 (2018) on Protection of civilians in armed conflicts; 2419 (2018) on Maintenance of International Peace and Security; 2423 (2018) on Mali; 2428 and 2429 (2018) on Sudan and South Sudan; 2431 and 2444 (2018) on Somalia; 2439 (2018) on Democratic Republic of Congo; 2449 (2018) on Syria; 2457 (2018) on Silencing the guns in Africa; 2459 (2018) on South Sudan; and 2463 (2018) on Democratic Republic of Congo.

²⁵⁵ There is a vast list of scholarship arguing that the Libya intervention (and its consequences) was the "death" of the doctrine due to the way NATO countries conducted the actions which arose of criticism and fear from other countries such as the "BRICKS". In 2011 after a resolution was put to vote about Syria's government's R2P, that Russia and China vetoed, Russia made a statement explaining that it was "the international community is alarmed by statements that compliance with Security Council resolutions on Libya in the NATO interpretation is a model for the future actions of NATO in implementing the responsibility to protect"– S/PV.6627. See also Larison, Daniel (2011). "Overreach Could Mean the End of R2P", *World Politics Review*; Jackson, Robert (2012). "R2P: Liberalizing War", *World Politics Review*.

²⁵⁶ Gifkins, Jess (2016). "R2P in the UN Security Council: Darfur, Libya and beyond", *Cooperation and Conflict* 2016, Vol. 51(2) 148-165, p.150.

understandings change; the wording of resolutions informs future resolutions; and repetition of language is a form of reaffirmation. Therefore, one can conclude that the frequency of the use of R2P in SC language is part of the change that the norm has produced in the Council's actions.

The use of R2P language in Security Council resolutions shows that the Council discusses this doctrine regularly in its internal negotiations, both concerning specific conflicts and broader thematic issues²⁵⁷. Language on R2P in Security Council resolutions demonstrates a pattern of initial resistance through to broad acceptance, but, over the years, the use has been more frequent²⁵⁸, which demonstrates an agreement on language within the Council.

However, given the "case-by-case"²⁵⁹ character of R2P and the political nature of the Council, the way the Council responds to crises is not standardized (there is not a "one size fits all") or predictable. Even though, framing situations concerning the R2P are argued²⁶⁰ to promote the "responsibility to consider" what is/are the best way(s) to respond to mass atrocity crimes, which is considered to be a key strength of R2P. This mere consideration that involves deliberation concerning the R2P principles is itself a meaningful change that the doctrine produced on the Council.

In this way, R2P has become an "accepted frame of reference"²⁶¹ within international politics through which states consider their responses to mass atrocity crimes. Regular inclusion of R2P language in Security Council resolutions demonstrates that R2P is a regular feature of the internal negotiations within the Council (the language on R2P in Security Council resolutions has shifted from contentious to commonplace).

In the period after 2011 (until 2017/2018), there has been a notable increase in the usage of R2P language in SC Resolutions. The Council has referred to R2P in country-specific resolutions (the cases of Libya, Cote d'Ivoire, South Sudan, Yemen, Mali,

²⁵⁷ Gifkins, J. (2016). "R2P in the UN Security Council: Darfur, Libya and Beyond", *Cooperation and Conflict*, 51(2), 148-165, p.151.

²⁵⁸ Gifkins, Jess (2016). "R2P in the UN Security Council: Darfur, Libya and beyond", *Cooperation and Conflict* 2016, Vol. 51(2) 148-165, p.160.

²⁵⁹ 2005 World Summit Outcome Document paragraph 139.

²⁶⁰ Ibid: 151.

²⁶¹ Bellamy AJ (2011b). "Libya and the Responsibility to Protect: the exception and the norm". *Ethics and International Affairs* 25, p.1.

Somalia, the Central African Republic and Syria) and in thematic resolutions on small arms and light weapons, genocide, the prevention of armed conflict and peacekeeping operations²⁶².

At the same time, by analysing together the vote patterns of the countries within the security council and the use of the R2P language, it can be concluded that the majority of the resolutions containing references to the R2P doctrine are passed. This proves a general acceptance of the principles of the doctrine. Between 2006 and 2014, 30 resolutions referred to R2P. Of these, three had abstentions²⁶³, meaning that 27 resolutions – 90% – had unanimous support from all 15 Council members²⁶⁴. Within these, 17 Resolutions²⁶⁵ were adopted under Chapter VII. (Table I)

From of 2015 to 2018, 49 resolutions were adopted by the SC, referring to the R2P (an increasing number when compared with the previous eight years). Of those resolutions²⁶⁶, 35²⁶⁷ were adopted under Chapter VII (Table II).

In addition, part of the other resolutions concerning the R2P were used to reaffirm the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document (the life of R2P), to underscore the states' primary responsibility for its citizens and to strengthen the Protection of Civilians (POC).

By these closer look, one can conclude that the R2P is shaping the way the Council acts by being part of its Resolutions. This previous analysis is also essential because UNSC Resolutions can be legally binding and can make precedents for future decisions.

²⁶² Gifkins, J. (2016). "R2P in the UN Security Council: Darfur, Libya and Beyond", *Cooperation and Conflict*, 51(2), 148-165, p.151.

²⁶³ Resolutions on Darfur (authorised a consent-based peacekeeping operation), on Libya (Resolution 1973 authorising the no-fly zone) and on small arms and light weapons. [42] UNSC Resolutions 1970, 1973, 1975, 1996, 2016, 2040, 2085, 2093, 2095, 2100, 2109, 2127, 2134, 2149, 2155, 2170 and 2187. Information available at: <http://www.globalr2p.org/resources/335>.

²⁶⁴ Gifkins, Jess (2016). "R2P in the UN Security Council: Darfur, Libya and beyond", *Cooperation and Conflict* 2016, Vol. 51(2) 148-165, p.159.

²⁶⁵ UNSC Resolutions 1970, 1973, 1975, 1996, 2016, 2040, 2085, 2093, 2095, 2100, 2109, 2127, 2134, 2149, 2155, 2170 and 2187. Information available at: <http://www.globalr2p.org/resources/335>.

²⁶⁶ Global Centre for the Responsibility to Protect, "UN Security Council Resolutions and Presidential Statements Referring R2P". Information available at: <http://www.globalr2p.org/resources/335>.

²⁶⁷ UNSC Resolutions 2196, 2206, 2211, 2217, 2223, 2227, 2237, 2241, 2252, 2262, 2277, 2288, 2290, 2295, 2301, 2304, 2317, 2327, 2339, 2340, 2348, 2360, 2363, 2364, 2372, 2374, 2385, 2387, 2399, 2409, 2423, 2428, 2429, 2431 and 2444.

At the same time, some Council practices, (diplomatic leadership in peacekeeping operations, informal membership and selective engagement of non-member states in Council deliberations, "pen holding", the use of agreed language, and a specific 'pecking order') reflect shared meaning and affect the strategic choice of Council members as well as collective decisions. This analysis, endorsed by Ralph and Gifkins, demonstrates why these practices also evolve from external norms as the R2P.

In this context, it could be argued that the R2P had a significant and impressive impact on two Permanent Members' practices (and in the Council consequently): UK and France.

One of the contestations of R2P is its "uselessness" when faced with the veto. With the birth of the Responsibility doctrine, the "veto restraining movement" gained speed²⁶⁸. There are three veto restraining initiatives – French Proposal and the French-Mexican Declaration; The Accountability, Coherence and Transparency (ACT) Group's Code of Conduct and Elders "Strengthening the United Nations" statement – based on the core crimes of the R2P, defending that the security council's Permanent Members should voluntarily refrain from using their veto in the events of crimes against humanity, ethnic cleansing, war crimes, and genocide.

As so, the UK²⁶⁹ and France²⁷⁰ have signed the ACT's "Code of Conduct regarding Security Council action against genocide, crimes against humanity, or war crimes", meaning that two of the P5 have pledged to not cast the veto against "credible draft SC Resolutions" that are aimed to prevent the Responsibility to Protect crimes.

What can also demonstrate the impact of the R2P norm is how relevant audiences received it. The R2P is identified as an international norm that has a regulative and constitutive impact²⁷¹. It is possible to observe the regulative impact of a norm, for

²⁶⁸ The original draft of the 2005 Outcome Document included the idea of restraining the use of the veto in situations of mass atrocities.

²⁶⁹ "we will never vote against a credible Security Council action to stop mass atrocities and crimes against humanity". Available at: <https://www.gov.uk/government/speeches/im-proud-to-say-that-the-united-kingdom-is-signing-up-to-the-act-code-of-conduct>.

²⁷⁰ At the 70th session of UNGA, former French President François Hollande affirmed that "France will never use its veto power where there have been mass atrocities". Available at: https://gadebate.un.org/sites/default/files/gastatements/70/70_FR_en.pdf.

²⁷¹ Glanville, L. (2016). "Does R2P matter? Interpreting the impact of a norm". *Cooperation and Conflict*, 51(2), 184–199, p.185

example, when an actor accepts a new behavioural standard voluntarily (as in the case of UK and France, mentioned above) and "when an actor discards an earlier policy of resistance and chooses to instead act for instrumental reasons within the parameters of socially acceptable behaviour rather than accept the reputational costs of ongoing violation"²⁷². Looking back again to 2011, the decision of Russia and China to allow the SC to adopt Resolution 1973 (allowing NATO's intervention in Libya), after years of refusing to authorise resolutions enforcing the protection of populations without the consent of the host state, reflects the regulative impact of R2P norm²⁷³. Thus, we can likewise observe the constitutive impact of a norm when an actor chooses to comply in the absence of significant social pressures or explicit material or strategic interests for doing so.

From another perspective, the weight of a norm in the international community can be seen when there is a general acceptance by states, organizations, and individuals themselves to comply with it, and when they fail to do so, the necessity to explain the reason for that failure²⁷⁴. This means that a determined norm is a part of the behavioural standards and is present in the decision-making process. The Syrian crisis (extended until today) is used by Glanville to illustrate the previous argument, thus, besides the unarguably devastating scenario and the International Community's inaction, the situation in Syria fits as a demonstration of the force of the norm.

If states did not recognize the R2P, then there would be no attempts to pass resolutions referencing the R2P and/or reaffirming the 2005 World Summit Outcome Document's paragraphs 138 and 139 nor statements condemning (blaming and shaming) other states by evoking their common "responsibility to protect"²⁷⁵. Therefore, states continue to recognise the weight of the R2P norm, and this is visible because "they seek to justify their actions, excuse their inaction and shift blame for the failure of the international community to prevent grave suffering in an attempt to avoid paying the

²⁷² Ibid: 189.

²⁷³ Ibid: 189.

²⁷⁴ Ibid: 190.

²⁷⁵ Government Statement, Official Statement and Speech in http://www.globalr2p.org/about_r2p.

social costs that attend violation"²⁷⁶. Thus, the moral/ethical obligation to protect and respond to mass atrocities is currently “carved” within the Council.

In conclusion, a careful analysis of the SC Resolutions referring to R2P, and in particular under Chapter VII, presents the development that the doctrine has been producing in the Council decisions. Beyond the fact that its use is more and more recurrent in SC Resolutions, it created a precedent for collective measures with the use of force (materializing the UN's collective regime of security), and it plays an impressive role within the SC decision-making (which is possible to analyse by the number of references to the doctrine – Table I and Table II – which makes it clear that the language of R2P, at least, is accepted and immerse in the Council's practice).

²⁷⁶ Glanville, L. (2016). "Does R2P matter? Interpreting the impact of a norm". *Cooperation and Conflict*, 51(2), 184–199.

Conclusion

As observed throughout this dissertation, both “Uniting for Peace” and “Responsibility to Protect” were used several times over the years. For one side, the “Uniting for Peace” was evoked in order to surpass the SC inaction/blockage due to lack of unanimity, by taking items of discussion into the GA, that considered and recommended collective measures to the members of the UN.

UfoP needs to be requested by the SC or by a Member State²⁷⁷, the Secretary-General summons a GA Emergency Special Session²⁷⁸, and the Assembly meets within twenty-four hours. However, UfoP practice faces some developments in this area. Initially, it was being triggered by the SC and started to be triggered with more frequency by individual states.

Furthermore, this procedural development consists in an extended interpretation of Article 12 (1) of the Charter by allowing the possibility of changing the centre of debate from the SC to the GA while the item in question is still in the SC’s agenda. In this sense, it was argued that the UfoP consists of a procedural development with a competence “upgrade”.

On the other hand, the “Responsibility to Protect”, as a set of principles, was (and is) a present reference within the SC deliberations. The R2P brings a set of ethical morals over the decision-making process of the SC. The R2P, as a normative development established an agreed responsibility to act on cases of genocide, crimes against humanity, war crimes and ethnic cleansing.

In what concerned the “Responsibility to Protect”, it imposes a challenge to SC practices in the sense that the SC Members have the “responsibility” to act under this doctrine. The R2P impacts are evaluated by the adoption of Resolution containing references to it. The frequency of the use of R2P language reveals that the R2P doctrine is an accepted practice within the UN Member States (and the SC in particular). In addition, this

²⁷⁷ GA Rules of Procedure, rule 8 and 9.

²⁷⁸ GA Rules of Procedure, rule 10.

development also created a possible interpretation to Article 39, including in threats to peace or breaches of peace, human rights violations.

It is possible to find similarities between both initiatives. The UfoP and the R2P reaffirm the primacy of the SC over International peace and security²⁷⁹ and a role for the GA in matters of international peace and security²⁸⁰. Both developments are also vehicles to recommend and adopt collective measures (even under Chapter VII)²⁸¹, turning into reality the international system of security.

Wordcount:

15716

²⁷⁹ GA Resolution 377 A (V): "(...) if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace (...)"

2005 World Summit Outcome Document, paragraph 139: "In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII (...)"

²⁸⁰ GA Resolution 3777 A (V): "(...) the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security."

2005 World Summit Outcome Document, paragraph 139: " We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law."

²⁸¹ AG Resolution 377 (A): "recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security."

2005 World Summit Outcome Document, paragraph 139: "we are prepared to take collective action, in a timely and decisive manner (...) in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate (...)"

TABLE I		
SC Resolution	R2P Reference	Mandate
Libya:		
S/RES/1970	“recalling the Libyan authorities’ responsibility to protect its population”	→ The UNSC considered the widespread and systematic attacks taking place against the civilian population might equate to crimes against humanity and demanded an immediate end to the violence. Additionally, the Council referred the situation in Libya to the ICC, and imposed sanctions that included an arms embargo, travel ban and asset freeze.
S/RES/1973	“reiterating the responsibility of the Libyan authorities to protect the Libyan population and reaffirming the parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians”	→The UNSC authorized Chapter VII measures for the protection of civilians in Libya. In this sense, allowed member states to take “all necessary measures” to protect civilians and civilian populated areas under threat of attack, and imposed a no-fly zone over Libyan airspace and an arms embargo.
S/RES/2016	“underscores the Libyan authorities’ responsibility for the protection of its population, including foreign nationals and African migrants”	
S/RES/2040	“underscores the Libyan authorities’ primary responsibility for the protection of Libya’s population”	
S/RES/2095	“underscores the Libyan government’s primary responsibility for the protection of Libya’s population, as well as foreign nationals, including African migrants”	
Côte d’Ivoire:		
S/RES/1975	“reaffirming the primary responsibility of each state to protect civilians and reiterating that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure protection of civilians”	→This resolution authorized a robust response to the situation. qual
South Sudan:		
S/RES/1996	“advising and assisting the government of the Republic of South Sudan, including military and police at national and local levels as appropriate, in fulfilling its responsibility to protect civilians”	→The Security Council established the United Nations Mission in South Sudan (UNMISS).

<p>S/RES/2109</p>	<p>“Recalling the Presidential Statement of 12 February 2013 that recognized that States bear the primary responsibility to protect civilians as well as to respect and ensure the human rights of all individuals within their territory and subject to their jurisdiction as provided for by relevant international law, reaffirmed that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of civilians, urged parties to armed conflict to meet civilians’ basic needs, and condemned all violations of international law against civilians, in particular the deliberate targeting of civilians, indiscriminate or disproportionate attacks, and sexual and gender based violence.”</p>	<p>→ The Security Council extended the mandate of the United Nations Mission in South Sudan until 15 July 2014.</p>
<p>S/RES/2155</p>	<p>“emphasizing that those responsible for violations of international humanitarian law and violations and abuses of human rights must be held accountable and that the Government of South Sudan bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including from potential crimes against humanity and war crimes”</p>	<p>→ The UNSC adopted Resolution 2155 on 29 May, extending the mandate of the UN Mission in South Sudan (UNMISS) to 30 November 2014 and authorizing UNMISS to use "all necessary means" to protect civilians.</p>
<p>S/RES/2187</p>	<p>“the Government of South Sudan bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including from potential crimes against humanity and war crimes, (...) Expressing grave concern that according to the 8 May 2014 "Conflict in South Sudan: A Human Rights Report", there are reasonable grounds to believe that war crimes and crimes against humanity, including extrajudicial killings, rape and other acts of sexual violence, enforced disappearances, and arbitrary arrests and detention have been committed by both government and opposition forces, Stressing the increasingly urgent and imperative need to end impunity in South Sudan, and to bring to justice</p>	<p>→ This resolution, unanimously adopted on 25 November 2014, extended the mandate of the UNMISS for an additional year. In addition, in response to reports of widespread sexual violence, the resolution specifically called for the deployment of additional women in the military, police and civilian components of UNMISS.</p>

	<p>perpetrators of such crimes, (...) Strongly condemning the use of radio to broadcast hate speech and transmit messages instigating sexual violence against a particular ethnic group, which has the potential to play a significant role in promoting mass violence and exacerbating conflict, calling on the Government to take the appropriate measures in order to deter such activity, (...) Reaffirming its resolutions 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006) and 1894 (2009) on the protection of civilians in armed conflict, and 1502 (2003) on the protection of humanitarian and United Nations personnel; resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), and 2143 (2014) on children and armed conflict; and resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013) on women, peace, and security; resolution 2150 (2014) on the Prevention and Fight against Genocide; resolution 2151 (2014) on security sector reform; and resolution 2171 (2014) on conflict prevention"</p>	
<p>Mali:</p> <p>S/RES/2085</p>	<p>"(d) To support the Malian authorities in their primary responsibility to protect the population"</p>	<p>→ In this resolution the SC authorized an Africa-led support mission in order to protect the civilians.</p>
<p>S/RES/2100</p>	<p>"reiterates that the transnational authorities have the primary responsibility to protect civilians in Mali"</p>	
<p>Somalia:</p> <p>S/RES/2093</p>	<p>"Recognizing that the federal government of Somalia has a responsibility to protect its citizens and build its own national security forces"</p>	<p>→ The SC authorizes the Member States of the African Union (AU) to maintain the deployment of AMISOM.</p>
<p>Central African Republic:</p> <p>S/RES/2127</p>	<p>"recalling that the transnational authorities have the primary responsibility to protect the civilian population (...) underscores the primary</p>	<p>→ The Security Council unanimously adopted this Resolution on 5 December in response to the situation in the CAR. The Council agreed to mandate the African Union International Support Mission in the Central African Republic (MISCA) to use "all necessary measures" to protect civilians and stabilize. This resolution called for greater financial and</p>

<p>S/RES/2134</p>	<p>responsibility of the transnational authorities to protect the population”</p> <p>“recalling that the transnational authorities have the primary responsibility to protect the civilian population in the CAR”</p>	<p>logistical support to MISCA, including through the establishment of a UN Trust Fund. A UN commission of inquiry, an arms embargo, and the intent to consider targeted sanctions was also included. The resolution noted that MISCA may require eventual transformation to a UN peacekeeping operation, and that its mandate would be reviewed within 6 months.</p> <p>→ The Security Council unanimously adopted this Resolution in response to the situation in the CAR. The Council agreed to extend and reinforce the mandate of the UN Integrated Peacebuilding Office in CAR (BINUCA) for a period of one year. The resolution also provided for a comprehensive sanction regime, including a travel ban and assets freeze. Acting under Chapter VII of the UN Charter, the UNSC also mandated the deployment of a European Union military operation in CAR for a period of six months.</p> <p>→ The UN Security Council unanimously adopted this Resolution in response to the situation in the CAR. The Council agreed to the deployment of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) which would be deployed for an initial period until 30 April 2015. MINUSCA is expected to consist of 10,000 troops and 1,820 police, including 1,400 formed police units. The mission was mandated to protect civilians, support the transition process, ensure the delivery of humanitarian assistance and promote human rights, among other tasks.</p>
<p>First “thematic” resolution under chapter VII - Threats to International Peace and</p>	<p>"the primary responsibility of Member States to protect civilian population on their territories, in accordance with their obligations under international law (...) Recalls that widespread or systematic attacks directed against any civilian populations because of their ethnic or political background, religion or belief may constitute a crime against humanity, emphasizes the need to</p>	<p>→The SC urged all States, in accordance with their obligations under resolution 1373, to cooperate in efforts to find and bring to justice individuals, groups, undertakings and entities associated with Al-Qaida including ISIL and ANF and in this regard, highlighted the importance of regional cooperation. In addition the Council called upon States to take all measures necessary and appropriate (in accordance with their</p>

<p>Security by terrorist acts:</p> <p>S/RES/2170</p>	<p>ensure that ISIL, ANF and all other individuals, groups, undertakings and entities associated with Al-Qaida are held accountable for abuses of human rights and violations of international humanitarian law, urges all parties to prevent such violations and abuses (...) Strongly condemns the indiscriminate killing and deliberate targeting of civilians, numerous atrocities, mass executions and extrajudicial killings, including of soldiers, persecution of individuals and entire communities on the basis of their religion or belief, kidnapping of civilians, forced displacement of members of minority groups, killing and maiming of children, recruitment and use of children, rape and other forms of sexual violence, arbitrary detention (...)</p>	<p>obligations under international law) to counter incitement of terrorist acts motivated by extremism and intolerance.</p>
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Table II		
Resolution on	R2P References	Mandate
Somalia: S/RES/2317	“Recalling that the FGS has the primary responsibility to protect its population, and recognizing the FGS’ responsibility, working with the regional administrations to build the capacity of its own national security forces, as a matter of priority”	→The UN Security Council passed this Resolution in order to renew the arms embargo until 15 November 2017.
S/RES/2372	“Recognizing that the Federal Government of Somalia (FGS) has the primary responsibility to protect its citizens and build its own national security forces, noting that these forces should act in full compliance with their obligations under international humanitarian law and international human rights law...”	→ The UNSC passed this Resolution renewing AMISOM's mandate until 31 May 2018. The UNSC also initiated the reduction of troops to 20,626 by 30 October 2018.
S/RES/2385	“Recalling that the Federal Government of Somalia has the primary responsibility to protect its population, and recognizing the FGS’ responsibility, working with the Federal Member States to build the capacity of its own national security forces, as a matter of priority...”	→ The Security Council passed this resolution renewing the partial arms embargo for Somalia until 15 November 2018.
S/RES/2431	“Recognizing that the Federal Government of Somalia has the primary responsibility to protect its citizens...”	→ This SC Resolution extended the mandate of the AMISOM mission in Somalia until 31 May 2019 and delays the troop drawdown scheduled for 2018 to 2019.
S/RES/2444	“Recalling that the FGS has the primary responsibility to protect its population, and recognizing the FGS’s responsibility, working with the FMSs, to build the capacity of its own national security forces, as a matter of priority...”	
Central African Republic: S/RES/2196 S/RES/2217	“Recalling that the Central African Republic bears the primary responsibility to protect all populations within its territory from genocide, war crimes, ethnic cleansing and crimes against humanity” “Recalling that the Central African Republic authorities have the primary responsibility to protect all populations in the CAR in particular	→ This Resolution recalled the CAR bears the primary responsibilities and extended the mandate of the Panel of Experts until 29 February 2016. →This Resolution recalled the CAR authorities’ primary responsibilities and extended the mandate of the UN Peacekeeping Mission in CAR to 20 April 2016.

<p>S/RES/2262</p>	<p>from genocide, war crimes, ethnic cleansing and crimes against humanity</p> <p>“Recalling that the Central African Republic bears the primary responsibility to protect all populations within its territory from genocide, war crimes, ethnic cleansing and crimes against humanity.”</p>	<p>→ The Security Council adopted this Resolution condemning the upsurge in violence throughout the CAR. Additionally, the resolution extended the arms embargo, travel ban and asset freeze until 31 January 2017.</p>
<p>S/RES/2301</p>	<p>“Recalling that the CAR Authorities have the primary responsibility to protect all populations in the CAR in particular from genocide, war crimes, ethnic cleansing and crimes against humanity”</p>	<p>→ This resolution called upon the government of CAR to hold perpetrators of atrocities accountable and urged all armed groups to lay down their arms and respect the peace process. Additionally, the resolution extended the mandate of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) through 15 November 2017.</p>
<p>S/RES/2339</p>	<p>“Recalling that the CAR bears the primary responsibility to protect all populations within its territory from genocide, war crimes, ethnic cleansing and crimes against humanity”</p>	<p>→ This SC Resolution expressed the SC members’ concern over the deteriorating situation in the CAR. The Resolution called on the government to move swiftly to implement transparent reconciliation efforts to avert future violence.</p>
<p>S/RES/2399</p>	<p>“Recalling that the CAR bears the primary responsibility to protect all populations within its territory from genocide, war crimes, ethnic cleansing and crimes against humanity...”</p>	<p>→ This resolution renewed the arms embargo on CAR until 31 January 2019. The resolution also renewed the travel ban and asset freezes of designated individuals party to the conflict through 31 January 2019.</p>

Resolution on	R2P References	Mandate
<p>Somalia: S/RES/2317</p> <p>S/RES/2372</p> <p>S/RES/2385</p> <p>S/RES/2431</p> <p>S/RES/2444</p>	<p>“Recalling that the FGS has the primary responsibility to protect its population, and recognizing the FGS’ responsibility, working with the regional administrations to build the capacity of its own national security forces, as a matter of priority”</p> <p>“Recognizing that the Federal Government of Somalia (FGS) has the primary responsibility to protect its citizens and build its own national security forces, noting that these forces should act in full compliance with their obligations under international humanitarian law and international human rights law...”</p> <p>“Recalling that the Federal Government of Somalia has the primary responsibility to protect its population, and recognizing the FGS’ responsibility, working with the Federal Member States to build the capacity of its own national security forces, as a matter of priority...”</p> <p>“Recognizing that the Federal Government of Somalia has the primary responsibility to protect its citizens...”</p> <p>“Recalling that the FGS has the primary responsibility to protect its population, and recognizing the FGS’s responsibility, working with the FMSs, to build the capacity of its own national security forces, as a matter of priority...”</p>	<p>→The UN Security Council passed this Resolution in order to renew the arms embargo until 15 November 2017.</p> <p>→ The UNSC passed this Resolution renewing AMISOM's mandate until 31 May 2018. The UNSC also initiated the reduction of troops to 20,626 by 30 October 2018.</p> <p>→ The Security Council passed this resolution renewing the partial arms embargo for Somalia until 15 November 2018.</p> <p>→ This SC Resolution extended the mandate of the AMISOM mission in Somalia until 31 May 2019 and delays the troop drawdown scheduled for 2018 to 2019.</p>
<p>Central African Republic: S/RES/2196</p> <p>S/RES/2217</p>	<p>“Recalling that the Central African Republic bears the primary responsibility to protect all populations within its territory from genocide, war crimes, ethnic cleansing and crimes against humanity”</p> <p>“Recalling that the Central African Republic authorities have the primary responsibility to protect all populations in the CAR in particular from genocide, war crimes, ethnic cleansing and crimes against humanity</p>	<p>→ This Resolution recalled the CAR bears the primary responsibilities and extended the mandate of the Panel of Experts until 29 February 2016.</p> <p>→This Resolution recalled the CAR authorities’ primary responsibilities and extended the mandate of the UN Peacekeeping Mission in CAR to 20 April 2016.</p>

S/RES/2262	“Recalling that the Central African Republic bears the primary responsibility to protect all populations within its territory from genocide, war crimes, ethnic cleansing and crimes against humanity.”	→ The Security Council adopted this Resolution condemning the upsurge in violence throughout the CAR. Additionally, the resolution extended the arms embargo, travel ban and asset freeze until 31 January 2017.
S/RES/2301	“Recalling that the CAR Authorities have the primary responsibility to protect all populations in the CAR in particular from genocide, war crimes, ethnic cleansing and crimes against humanity”	→ This resolution called upon the government of CAR to hold perpetrators of atrocities accountable and urged all armed groups to lay down their arms and respect the peace process. Additionally, the resolution extended the mandate of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) through 15 November 2017.
S/RES/2339	“Recalling that the CAR bears the primary responsibility to protect all populations within its territory from genocide, war crimes, ethnic cleansing and crimes against humanity”	→ This SC Resolution expressed the SC members’ concern over the deteriorating situation in the CAR. The Resolution called on the government to move swiftly to implement transparent reconciliation efforts to avert future violence.
S/RES/2399	“Recalling that the CAR bears the primary responsibility to protect all populations within its territory from genocide, war crimes, ethnic cleansing and crimes against humanity...”	→ This resolution renewed the arms embargo on CAR until 31 January 2019. The resolution also renewed the travel ban and asset freezes of designated individuals party to the conflict through 31 January 2019.

Bibliography

Adam Roberts, "Humanitarian War: Military Intervention and Human Rights," *Journal of International Affairs* 69, no. 4 (1993), pp. 429-449

Ariela Blätter and Paul D. Williams. (2011), "The Responsibility Not to Veto", *Global Responsibility to Protect* 3

Banteka, Nadia, *Dangerous Liaisons: The Responsibility to Protect and a Reform of the U.N. Security Council* (May 1, 2015). *Columbia Journal of Transnational Law*, Vol. 54, No. 2, 2015. Available at SSRN: <https://ssrn.com/abstract=2601246>

Bellamy AJ (2011b). "Libya and the Responsibility to Protect: the exception and the norm". *Ethics and International Affairs* 25, p.1.

Bellamy, A. J. (2010). The Responsibility to Protect—Five Years On. *Ethics & International Affairs*, 24(2), 143-169. doi:10.1111/j.1747-7093.2010.00254.x

Bosco, D. L. (2009). *Five to Rule Them All: The UN Security Council and the Making of the Modern World*. New York, NY: Oxford University Press, USA.

Bosco, D. L., (2012). "Can shame defeat the veto?", *Foreign Policy*. Retrieved from: <https://foreignpolicy.com/2012/02/02/can-shame-defeat-the-veto/>

Carswell, J. Andrew (2013). "Unblocking the UN Security Council: The Uniting for Peace Resolution", *Journal of Conflict & Security Law*, Oxford University Press Vol. 18 No. 3, 453–480, p. 473.

Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), *Advisory opinion of 20 July 1962: I.C.J. Reports 1962*, p.

Christopher Greenwood, "Is There a Right of Humanitarian Intervention?" *The World Today* 49 (1993), p. 40

Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries. 2001 at: http://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf

Evans, G. (2015) "The Limits of Sovereignty: The Case of Mass Atrocity Crimes". *PRISM*, vol.5, no.3

Evans, G. (2019). *Crimes Against Humanity: Does the Responsibility to Protect Have a Future?* *Victoria University Law and Justice Journal*, 8(1). doi:10.15209/vulj.v8i1.1166

Fabius, L. (2013, October 4). *Opinion | A Call for Self-Restraint at the U.N.* Retrieved from <https://www.nytimes.com/2013/10/04/opinion/a-call-for-self-restraint-at-the-un.html>

Genser, J., Cotler, I., Tutu, D., & Havel, V. (2011-11-25). "The Responsibility to Protect". Oxford University Press. Retrieved 01 Jan. 2020, available at:

<https://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199797769.001.0001/acprof-9780199797769>

Genser, Jared (2018) "The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement," *Chicago Journal of International Law*: Vol. 18: No. 2, Article 2.

Genser, Jared (2018) "The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement," *Chicago Journal of International Law*: Vol. 18: No. 2, Article 2. p. 435-478.

Gifkins, J. (2016). R2P in the UN Security Council: Darfur, Libya and Beyond. *Cooperation and Conflict*, 51(2), 148-165. <https://doi.org/10.1177/0010836715613365>

Gifkins, Jess (2016). "R2P in the UN Security Council: Darfur, Libya and beyond", *Cooperation and Conflict* 2016, Vol. 51(2) 148-165

Glanville, L. (2015). Does R2P matter? Interpreting the impact of a norm. *Cooperation and Conflict*, 51(2), 184-199. doi:10.1177/0010836715612850

Gözen Ercan, Pinar (2014) "R2P: From Slogan to an International Ethical Norm", *Uluslararası İlişkiler*, Volume 11, No. 43, pp. 35-52, p. 36.

Heieck, J. (2016). The Responsibility Not to Veto Revisited: How the Duty to Prevent Genocide as a Jus Cogens Norm Imposes a Legal Duty Not to Veto on the Five Permanent Members of the Security Council. SSRN. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2837396

Heieck, J. (2018). *A Duty to Prevent Genocide: Due Diligence Obligations among the P5*. Gloucestershire, England: Edward Elgar Publishing.

ICISS (2001). *Responsibility to Protect: Research, Bibliography, Background*, International Development Research Centre, p. 20, p.100.

In "The Uses of the Uniting for Peace Resolution since 1950" (1959). *International Organization*, University of Wisconsin Press, Vol. 13, No. 2, pp. 219-223.

In Johnson, D. Larry (2014). "Uniting for Peace": Does it Still Serve Any Useful Purpose? *AJIL Unbound*, 108, 106-115.

Inter-American Court of Human Rights Case of Velásquez-Rodríguez v. Honduras Judgment of July 29, 1988 (Merits). Available at: http://www.corteidh.or.cr/docs/casos/articulos/seriec_04_ing.pdf

International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa: International Development Research Center, 2001), p.17.

Jess Gifkins, *The Responsibility to Protect: from promise to practice*, *International Affairs*, Volume 95, Issue 5, September 2019, Pages 1165–1166, <https://doi.org/10.1093/ia/iiz162>

Johnson, L. D. (2014). "Uniting for Peace: Does it Still Serve Any Useful Purpose?", *AJIL Unbound*, 108, 106-115.

Johnson, L. D. (2014). "Uniting for Peace": Does it Still Serve Any Useful Purpose? *AJIL Unbound*, 108, 106-115. doi:10.1017/s2398772300001975

Keith S. Petersen, "The Uses of the Uniting for Peace Resolution since 1950", *International Organization*, Vol. 13, No. 2 (Spring, 1959), pp. 219-232, University of Wisconsin Press, <https://www.jstor.org/stable/2704390>

Kolb, Andreas (2012). "The Responsibility to Protect (R2P) and the Responsibility while Protecting (RwP): Friends or Foes?", *Global Governance Institute*, p.11.

Lane, Gabriella R. (1966). "The Effect of the Resolutions of the United Nations General Assembly", *Cambridge University Press, World Politics*, Vol. 19, No. 1, pp. 83-105, p.85.

Larison, Daniel (2011). "Overreach Could Mean the End of R2P", *World Politics Review*; Jackson, Robert (2012). "R2P: Liberalizing War", *World Politics Review*.

Lowe, A. (2010). "The United Nations Security Council and War: The Evolution of Thought and Practice Since 1945", edited by Adam Roberts, et al., *Oxford University Press, Incorporated*, p. 160. <http://ebookcentral.proquest.com/lib/uvtburg-ebooks/detail.action?docID=415982>

Lowe, V., Roberts, A., Welsh, J., & Zaum, D. (2010). *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*. Oxford, England: OUP Oxford.

Mani, Rama, Weiss, Thomas G. (2011). "The Responsibility to Protect: Cultural Perspective in the Global South", *Taylor & Francis Group*, p.4

Manuel de Almeida Ribeiro; Mónica Ferro (2016). *A Organização das Nações Unidas: As organizações internacionais, a organização das Nações Unidas, os poderes das organizações internacionais, História das Nações Unidas e a avaliação da eficácia do sistema*, 2 ed., *Edições Almedina. S.A*, p.123

Max Planck Encyclopedia of Public International Law <https://opil.ouplaw.com/home/EPIL>

Melling, Graham and Dennett, Anne (2017). "The Security Council veto and Syria: responding to mass atrocities through the "Uniting for Peace" resolution", *Indian Journal of International Law*, 57(3–4), pp. 285–307.

Miluna, Leva (2014). "What does the Uniting for Peace Resolution mean for the role of the UN Security Council?", *AJIL Unbound*, 108, 118-122, p.119.

Morris, J. (2015). The Responsibility to Protect and the Great Powers: The Tensions of Dual Responsibility, *Global Responsibility to Protect*, 7(3-4), 398-421. doi: <https://doi.org/10.1163/1875984X-00704009>

Nicole Winfield, "UN Failed Rwanda", Associated Press/ Nando Media, December 16, 1999, available at: <https://www.globalpolicy.org/component/content/article/201-rwanda/39240.html>

Noele Crossley (2018) Is R2P still controversial? Continuity and change in the debate on 'humanitarian intervention', *Cambridge Review of International Affairs*, 31:5, 415-436,

Peterson, S. Keith (1959). "The uses of the Uniting for Peace Resolution since 1950", *International Organization*, Vol. 13, No. 2, pp. 219-232.

Peterson, S. Keith (1959). "THE USES OF THE UNITING FOR PEACE RESOLUTION SINCE 1950", *International Organization*, Vol. 13, No. 2, pp. 219-232. Page 219.

Putra, Bama Andika. "Invoking the Responsibility to Protect: The Derogation of Its Principles and Implementation." *Journal of Liberty and International Affairs*, 2019.

Ribeiro, M. A., & Ferro, M. (2016). *A Organização das Nações Unidas* (2nd ed.). Coimbra, Portugal: Almedina.

Richard Falk, "The Complexities of Humanitarian Intervention: A New World Order Challenge," *Michigan Journal of International Law* 17, no. 491 (1996), pp. 491-513

Rosalyn Higgins, "The New UN in Former Yugoslavia," *Journal of International Affairs* 69, no. 4 (1993), pp. 465-483

Security Council Report, Research Report October 2015. https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research_report_3_the_veto_2015.pdf

Stojkovski, Ljupcho (2017). "The Importance of the 'Responsibility Not To Veto' Debate" in Sancin, Vasilka "Are we »manifestly failing« R2P?", University of Ljubljana, Faculty of Law.

Thakur, R. "R2P after Libya and Syria: Engaging Emerging Powers", p.64.

The purpose of United Nations Security Council practice: Contesting competence claims in the normative context created by the Responsibility to Protect Jason Ralph, Jess Gifkins *Eur J Int Relat.* 2017 Sep; 23(3): 630–653. Published online 2016 Oct 7. doi: 10.1177/1354066116669652

The Responsibility to Protect—Five Years On", *Ethics and International Affairs*, Vol. 24, No. 2, 2010, p. 160.

The Road to Hell: A Critique of Humanitarian Intervention," *Harvard International Review* 16 (1993), pp. 10-13 and 63-65

Thomas G. Weiss, "Intervention: Whither the United Nations," *The Washington Quarterly* 17, no. 1 (1993), pp. 109-128

Thomas G. Weiss, "Triage: Humanitarian Interventions in a New Era," *World Policy Journal* 11 (1994), pp. 59-68.

Unblocking the UN Security Council: The Uniting for Peace Resolution" *Journal of Conflict & Security Law* (2013), Vol. 18 No. 3, 453–480.

Uniting for Peace Resolution, UN General Assembly Resolution 377 (v) A (1950)

Vienna Convention on the law of treaties (with annex). Concluded at Vienna on 23 May 1969. <https://treaties.un.org/doc/publication/unts/volume%201155/volume-1155-i-18232-english.pdf>

Vienna Declaration and Programme of Action A/CONF.157/23. Outcome document of the World Conference on Human Rights, 1993. Available at: <file:///C:/Users/minem/Downloads/Vienna%20Conv.%20Programme%20of%20action%201993.pdf>

Vilmer, Jean-Baptiste. The Responsibility Not to Veto: A genealogy, *Global Governance* Volume 24 Issue 3 (2018) p. 1.

Welsh, J. M. (2010). Implementing the "Responsibility to Protect": Where Expectations Meet Reality. *Ethics & International Affairs*, 24(4), 415-430. doi:10.1111/j.1747-7093.2010.00279.x

Wheeler, N. J. (2000). *Saving Strangers: Humanitarian Intervention in International Society*. Oxford, Oxford University Press.

Websites

"I'm proud to say that the United Kingdom is signing up to the ACT Code of Conduct." (2015, October 1). Retrieved January 3, 2020, from <https://www.gov.uk/government/speeches/im-proud-to-say-that-the-united-kingdom-is-signing-up-to-the-act-code-of-conduct>

Bowen, J. (2017, June 5). 1967 war: Six days that changed the Middle East. *BBC News [Middle East]*. Retrieved from <https://www.bbc.com/news/world-middle-east-39960461>

Crisis in Mali. (n.d.). Retrieved January 10, 2020, from <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-mali>

Death toll from Syrian conflict passes half a million. (2018, June 8). Retrieved January 3, 2020, from <http://www.syriahr.com/en/?p=94610>

DR Congo: Massive Increase in Attacks on Civilians. (2009, July 2). Retrieved November 16, 2019, from <https://www.hrw.org/news/2009/07/02/dr-congo-massive-increase-attacks-civilians>

Editors, H. (2019, November 1). Soviets put a brutal end to Hungarian revolution. Retrieved December 25, 2019, from <https://www.history.com/this-day-in-history/soviets-put-brutal-end-to-hungarian-revolution>

Editors, H. (2019, November 1). Soviets put a brutal end to Hungarian revolution. Retrieved December 25, 2019, from <https://www.history.com/this-day-in-history/soviets-put-brutal-end-to-hungarian-revolution>

Evans, G. (2014, January 27). The Consequences of Syria: Does the Responsibility to Protect Have a Future?. Retrieved October 28, 2019, from <https://www.e-ir.info/2014/01/27/the-consequences-of-non-intervention-in-syria-does-the-responsibility-to-protect-have-a-future/>

General Assembly - Quick Links. (2019, November 12). Retrieved December 26, 2019, from <https://research.un.org/en/docs/ga/quick/regular/26>

General Assembly - Quick Links. (2019, November 12). Retrieved December 26, 2019, from <https://research.un.org/en/docs/ga/quick/regular/26>

ICJ Advisory opinion on the Legal Consequences of the Construction of a Wall in the OPT - Full text. (2019, March 11). Retrieved December 28, 2019, from <https://www.un.org/unispal/document/auto-insert-178825/>

ICJ Advisory opinion on the Legal Consequences of the Construction of a Wall in the OPT - Full text. (2019, March 11). Retrieved December 28, 2019, from <https://www.un.org/unispal/document/auto-insert-178825/>

Impunity Will Thrive without Break in Impasse over Darfur Situation, Chief Prosecutor of International Criminal Court Warns Security Council. (2016, December 13). Retrieved December 29, 2019, from <https://www.un.org/press/en/2016/sc12623.doc.htm>

Introduction | Ghosts Of Rwanda | FRONTLINE | PBS. (2014, April 1). Retrieved October 7, 2019, from <https://www.pbs.org/wgbh/pages/frontline/shows/ghosts/etc/synopsis.html>

January 2020 Monthly Forecast : Security Council Report. (2019, December 23). Retrieved January 4, 2020, from <https://www.securitycouncilreport.org>

Latest developments | Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter) | International Court of Justice. (n.d.). Retrieved December 27, 2019, from <https://www.icj-cij.org/en/case/49>

Latest developments | Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter) | International Court of Justice. (n.d.). Retrieved December 27, 2019, from <https://www.icj-cij.org/en/case/49>

Ministerial Meeting on the restraint of the veto in cases of mass atrocities - Statement by Mr. Laurent Fabius, Minister of Foreign Affairs and International Development Unofficial Translation. (n.d.). Retrieved November 25, 2019, from <http://www.globalr2p.org/media/files/france-unofficial-translation-with-official-statement.pdf>

Security Council - Quick Links. (2020, January 8). Retrieved December 19, 2019, from <https://research.un.org/en/docs/sc/quick>

Security Council - Quick Links. (2020, January 8). Retrieved December 19, 2019, from <https://research.un.org/en/docs/sc/quick>

Security Council Deadlocks and Uniting for Peace: An Abridged History. (2013, October). Retrieved November 4, 2019, from https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Security_Council_Deadlocks_and_Uniting_for_Peace.pdf

Statement attributable to the Spokesperson for the Secretary-General on Yemen. (2011, September 19). Retrieved January 13, 2020, from <https://www.un.org/sg/en/content/sg/statement/2011-09-19/statement-attributable-spokesperson-secretary-general-yemen>

Thakur, R., & Weiss, T. (2009). R2P: From Idea to Norm—and Action? *Global Responsibility to Protect*, 1(1), 22-53. doi:10.1163/187598409x405460

The Crisis in the Democratic Republic of Congo. (n.d.). Retrieved January 7, 2020, from <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-drc>

Tomuschat, C. (1950, November 3). United Nations Audiovisual Library of International Law. Retrieved October 5, 2019, from <http://legal.un.org/avl/ha/ufp/ufp.html>

True-Frost, C. C. (2010, January). THE SECURITY COUNCIL AND NORM CONSUMPTION. Retrieved October 18, 2019, from <http://nyujilp.org/wp-content/uploads/2013/02/40.1-True-Frost.pdf>

UN pilloried for failure over Rwanda genocide. (1999, December 17). Retrieved December 4, 2019, from <https://www.independent.co.uk/news/world/africa/un-pilloried-for-failure-over-rwanda-genocide-739072.html>

UN Security Council Resolutions and Presidential Statements Referencing R2P: Global Centre for the Responsibility to Protect. (2019, October 8). Retrieved October 20, 2019, from <http://www.globalr2p.org/resources/335>

UN Security Council Resolutions and Presidential Statements Referencing R2P: Global Centre for the Responsibility to Protect. (2018, October 8). Retrieved January 10, 2020, from <http://www.globalr2p.org/resources/335>

United Nations High Commissioner for Refugees. (2014, January 3). Insecurity hampers relief efforts as over 935,000 remain displaced in the Central African Republic. Retrieved January 7, 2020, from <https://www.refworld.org/docid/52ca69234.html>

Usborne, D. (2014, April 7). UN 'shame' over Rwanda genocide. Retrieved December 3, 2019, from <https://www.bbc.com/news/world-africa-26917419>

World Report 2019: Rights Trends in Syria. (2019, January 23). Retrieved December 17, 2019, from <https://www.hrw.org/world-report/2019/country-chapters/syria>

UN Documents

United Nations, Department of Public Information: The High-Level Panel on Threats, Challenges and Change (New York: United Nations, 2004), p. 66 available from: http://providus.lv/article_files/931/original/HLP_report_en.pdf?1326375616.

United Nations, General Assembly, Implementing Responsibility to Protect: Report of the Secretary-General, A/63/677 (12 January 2009), available from: https://www.un.org/ruleoflaw/files/SG_reportA_63_677_en.pdf.

United Nations, General Assembly, In Larger Freedom towards: development security and human rights for all: report of the Secretary-General, A/59/2005 (21 March 2005), available from https://www.un.org/en/ga/search/view_doc.asp?symbol=A/59/2005.

United Nations, General Assembly, Letter dated 12 August 1981 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General concerning the situation of Namibia, A/ES-8/1 (2 September 1981), available from: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/ES-8/1%20.

United Nations, General Assembly, Letter Dated 13 June 1967 From the Permanent Representative of the Union of the Soviet Socialist Republics to the United Nations Addressed to the Secretary-General, A/6717 (13 June 1967), available from https://www.un.org/en/ga/search/view_doc.asp?symbol=A/6717

United Nations, General Assembly, Letter dated 31 March 1997 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General, A/ES-10/1 (22 April 1997), available from: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/ES-10/1.

United Nations, General Assembly, Ministerial Meeting on the restraint of the veto in cases of mass atrocities - Statement by Mr. Laurent Fabius, Minister of Foreign Affairs and International Development Unofficial Translation

United Nations, General Assembly, Question of Palestine: 32nd meeting plenary meeting, (24 September 1982), available from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL8/204/07/PDF/NL820407.pdf?OpenElement>

United Nations, General Assembly, Resolutions Adapted by the General Assembly during its twenty-sixth session, A/8429 (21 September-22 December 1971), available from: [https://www.un.org/ga/search/view_doc.asp?symbol=A/8429\(supp\)](https://www.un.org/ga/search/view_doc.asp?symbol=A/8429(supp))

United Nations, Security Council, Letter dated 4 December 1971 from Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Somalia, the UK and the USA to the President of the Security Council concerning the India-Pakistan question, S/10423 (5 December 1971), available from: <https://research.un.org/en/docs/sc/quick>

United Nations, Security Council, Letter Dated 12 December 1971 from the USA to the President of the Security Council concerning the India-Pakistan question, S/10446/REV.1 (13 December 1971), available from: <https://research.un.org/en/docs/sc/quick>

United Nations, Security Council, Letter Dated 4 December 1971 Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Somalia, the UK and the USA to the President of the Security Council concerning the India-Pakistan question S/10416 (4 December 1971), available from: <https://research.un.org/en/docs/sc/quick>

United Nations, Security Council, Letter dated 4 December 1971 from Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Somali, the UK and the USA to the

United Nations, the Security Council, The Situation in Libya, S/PV.6498 (17 March 2011), available from <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Libya%20S%20PV%206498.pdf>

United Nations, the Security Council, Tunisia: draft resolution, S/13911 (28 April 1980), available from <https://undocs.org/en/S/13911>

UN Resolutions

General Assembly Resolution 1000 (ES-I), Question Considered by the Security Council as its 749th and 500th meetings, held on 30 October 1956, A/RES/1000 (ES-I), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1001 (ES-I), Question Considered by the Security Council as its 749th and 500th meetings, held on 30 October 1956, A/RES/1001 (ES-I), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1002 (ES-I), Question Considered by the Security Council as its 749th and 500th meetings, held on 30 October 1956, A/RES/1002 (ES-I), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1003 (ES-I), Question Considered by the Security Council as its 749th and 500th meetings, held on 30 October 1956, A/RES/1003 (ES-I), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1004 (ES-II), The Situation in Hungary, A/RES/1004 (ES-II), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1005 (ES-II), The Situation in Hungary, A/RES/1005 (ES-II), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1006 (ES-II)-I, The Situation in Hungary, A/RES/1006 (ES-II)-I, available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1006 (ES-II), The Situation in Hungary, A/RES/1006 (ES-II), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1007 (ES-II), The Situation in Hungary, A/RES/1007 (ES-II), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1008 (ES-II), The Situation in Hungary, A/RES/1008 (ES-II), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1237 (ES-III)-I, Questions considered by the Security Council at its 838th meeting on 7 August 1958, A/RES/1237 (ES-III)-I (7 August 1958), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1237 (ES-III)-II, Questions considered by the Security Council at its 838th meeting on 7 August 1958, A/RES/1237 (ES-III)-II (7 August 1958), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1237 (ES-III)-III, Questions considered by the Security Council at its 838th meeting on 7 August 1958, A/RES/1237 (ES-III)-III (7 August 1958), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1237 (ES-III)-IV, Questions considered by the Security Council at its 838th meeting on 7 August 1958, A/RES/1237 (ES-III)-IV (7 August 1958), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1237 (ES-III), Questions considered by the Security Council at its 838th meeting on 7 August 1958, A/RES/1237 (ES-III) (7 August 1958), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1238 (ES-II), Questions considered by the Security Council at its 838th meeting on 7 August 1958, A/RES/1238 (ES-III) (7 August 1958), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1474 (ES-IV), Question considered by the Security Council at its 906th meeting on 16 September 1960, A/RES/1474 (ES-IV) (20 September 1960), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 1475 (ES-IV), Credentials of representatives to the 4th September 1960), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 2252 (ES-V), Humanitarian assistance, A/RES/2252 (ES-V) (4 July 1967), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 2253 (ES-V), Measures taken by Israel to change the status of the City of Jerusalem, A/RES/2253 (ES-V) (4 July 1967), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 2254 (ES-V), Measures taken by Israel to change the status of the City of Jerusalem, A/RES/2254 (ES-V) (14 July 1967), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 2255 (ES-V), Credentials of representatives to the 5th emergency special session of the General Assembly, A/RES/2255 (ES-V) (17 July 1967), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 2257 (ES-V), The situation in the Middle East, A/RES/2255 (ES-V) (18 September 1967), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 36/226 (A+B), The Situation in the Middle East, A/RES/36/226 (A+B) (17 December 1981), available from: <https://unispal.un.org/UNISPAL.NSF/0/B64C09EBE485BA88852560D900598A86>.

General Assembly Resolution 377/1950, Resolution of Uniting for Peace, A/RES/377/1950 (3 November 1950)

General Assembly Resolution 498(V), Resolution of Intervention of the Central People's Government of the People's Republic of China in Korea, RES/498(V) (01 February 1951), available from <https://digitalarchive.wilsoncenter.org/document/116196>

General Assembly Resolution 60/1, World Summit Outcome, A/RES/60/1 (24 October 2005), available from: https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf

General Assembly Resolution 997 (ES-I), Question Considered by the Security Council as its 749th and 500th meetings, held on 30 October 1956, A/RES/997 (ES-I), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 998 (ES-I), Question Considered by the Security Council as its 749th and 500th meetings, held on 30 October 1956, A/RES/998 (ES-I), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution 999 (ES-I), Question Considered by the Security Council as its 749th and 500th meetings, held on 30 October 1956, A/RES/999 (ES-I), available from: <https://research.un.org/en/docs/ga/quick/emergency>

General Assembly Resolution ES-8/2, Question of Namibia, A/ES-8/2 (12 September 1981), available from: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/ES-8/2

General Assembly Resolution ES-9/1, The Situation in occupied Arab territories, A/ES-9/1 (5 February 1982), available from: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/ES-9/1

The Security Council Resolution 119/1956, Resolution of 31 October 1956, S/RES/119 (31 October 1956), available from: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/16E54B1329A3AFE0852560C200742C24>

The Security Council Resolution 120/1956, Resolution of 4 November 1956, S/3733 (4 November 1956), available from: [https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/120%20\(1956\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/120%20(1956))

The Security Council Resolution 1279, The situation concerning the Democratic Republic of the Congo, S/RES/1279 (30 November 1999), available from: <http://unscr.com/en/resolutions/1279>

The Security Council Resolution 129/1958, Resolution of 7 August 1958, S/4083 (7 August 1958), available from: [https://undocs.org/S/RES/129\(1958\)](https://undocs.org/S/RES/129(1958))

The Security Council Resolution 13729, Bangladesh, Jamaica, Niger, the Philippines, and Zambia: draft resolution, S/13739 (6 January 1980), available from: <https://research.un.org/en/docs/ga/quick/emergency>

The Security Council Resolution 13729, Bangladesh, Jamaica, Niger, the Philippines, and Zambia: draft resolution, S/13729 (6 January 1980)

The Security Council Resolution 13911, Tunisia: draft resolution, S/13911 (28 April 1980), available from: <https://undocs.org/en/S/13911>

The Security Council Resolution 144/1960, Resolution of 19 July 1960, S/RES/144/1960 (19 July 1960), available from: [https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/157%20\(1960\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/157%20(1960))

The Security Council Resolution 157/1960, Resolution of 17 September 1960, S/RES/157/1960 (17 September 1960), available from: [https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/157%20\(1960\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/157%20(1960))

The Security Council Resolution 1653, The Situation in the Great Lakes Region, S/RES/1653 (27 January 2006), available from: <http://unscr.com/en/resolutions/1653>

The Security Council Resolution 1653/1950, Resolution of Complaint of aggression upon the Republic of Korea, S/RES/1653/1950 (6 September 1950)

The Security Council Resolution 1674, Protection of civilians in armed conflict, S/RES/1674 (28 April 2006), available from: <http://unscr.com/en/resolutions/1674>

The Security Council Resolution 1679, Reports of the Secretary-General on the Sudan, S/RES/1679 (16 May 2006), available from: <http://unscr.com/en/resolutions/1679>

The Security Council Resolution 1706, Reports of the Secretary-General on the Sudan, S/RES/1706 (31 August 2006), available from: <http://unscr.com/en/resolutions/1706>

The Security Council Resolution 1752/1950, Resolution of Complaint of bombing by air forces of the territory of China, S/RES/1752/1950 (12 September 1950)

The Security Council Resolution 1894, Protection of civilians in armed conflict, S/RES/1894 (11 November 2009), available from: <http://unscr.com/en/resolutions/2014>

The Security Council Resolution 1925, The situation concerning the Democratic Republic of the Congo, S/RES/1925 (28 May 2010), available from: <http://unscr.com/en/resolutions/1925>

The Security Council Resolution 1970, Peace and Security in Africa, S/RES/1970 (26 February 2011), available from: <http://unscr.com/en/resolutions/2014>

The Security Council Resolution 1973, The Situation in Libya, S/RES/1973 (17 March 2011), available from: <http://unscr.com/en/resolutions/2014>

The Security Council Resolution 1975, The situation in Côte d'Ivoire, S/RES/1975 (30 March 2011), available from: <http://unscr.com/en/resolutions/1975>

The Security Council Resolution 199/1997, France, Portugal, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution, S/RES/1997/199 (7 March 1997), available from: <https://undocs.org/en/S/1997/199>

The Security Council Resolution 1997/241, Egypt and Qatar: draft resolution, S/RES/1997/241 (21 March 1997), available from: <https://undocs.org/en/S/1997/241>

The Security Council Resolution 2014, The situation in the Middle East, S/RES/2014 (21 October 2011), available from: <http://unscr.com/en/resolutions/2014>

The Security Council Resolution 2098, The situation concerning the Democratic Republic of the Congo, S/RES/2098 (28 March 2013), available from: <http://unscr.com/en/resolutions/2098>

The Security Council Resolution 2100, Mali, S/RES/2100 (25 April 2013), available from: <http://unscr.com/en/resolutions/2014>

The Security Council Resolution 2155, Reports of the Secretary-General on the Sudan and South Sudan, S/RES/2155 (27 May 2014), available from: <http://unscr.com/en/resolutions/2155>

The Security Council Resolution 2206, Reports of the Secretary-General on the Sudan and South Sudan, S/RES/2206 (3 March 2015), available from: <http://unscr.com/en/resolutions/2206>

The Security Council Resolution 237/1967, Resolution of 14 June 1967, S/RES/237 (14 June 1967), available from:

<https://unispal.un.org/DPA/DPR/unispal.nsf/0/E02B4F9D23B2EFF3852560C3005CB95A>

The Security Council Resolution 3710, United States Of America, S/3710 (30 October 1956), available from: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_3710.pdf

The Security Council Resolution 3713, Union of Soviet Socialist Republics, S/3713/Rev.1 (30 October 1956), available from: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_3713_rev_1.pdf

The Security Council Resolution 497/1981, Resolution of 17 December 1981, S/RES/497 (17 December 1981), available from: <http://unscr.com/en/resolutions/doc/497>

The Security Council Resolution 500, Resolution of 28 January 1982, S/RES/500/1982 (28 January 1982), available from: [https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/500%20\(1982\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/500%20(1982))

The Security Council Resolution 82/1950, Resolution of 25 June 1950, S/RES/82/1950 (25 June 1950)

The Security Council Resolution 83/1950, Resolution of 27 June 1950, S/RES/83/1950 (27 June 1950)

The Security Council resolution 84/1950, Resolution of 27 June 1950, S/RES/84/1950 (27 June 1950), available from [https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/84\(1950\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/84(1950))

The Security Council Resolution 912, Adopted by the Security Council at its 3368th meeting, S/RES/912 (21 April 1994), available from: [https://undocs.org/S/RES/912\(1994\)](https://undocs.org/S/RES/912(1994))

UN Publications

UN (1951), "Consideration of questions under the Council's responsibility for the maintenance of international peace and security", in Repertoire of the Practice of the Security Council: Supplement 1946-1951, UN, New York, <https://doi.org/10.18356/dabf2371-en>.

United Nations, K. Annan, Department of Public Information: We the Peoples (New York: United Nations, 2001), available from: https://www.un.org/en/events/pastevents/pdfs/We_The_Peoples.pdf

United Nations, Rules of Procedure of the General Assembly: with amendments as adopted in 2007 (New York: United Nations, 2008), available from <https://www.un.org/Depts/DGACM/Uploaded%20docs/rules%20of%20procedure%20of%20ga.pdf>