

Секция «Юриспруденция»

The role of the doctrine "Responsibility to Protect" in international law.

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The role of the doctrine "Responsibility to Protect" (R2P) in international law.

In 2005, more than 150 heads of states and governments embraced the "Responsibility to Protect". They declared that each individual state has a responsibility to protect its populations from mass atrocities (genocide, war crimes, ethnic cleansing and crimes against humanity [1]), and the international community has a parallel responsibility to protect populations from those crimes. The necessity of the R2P stems from the problem of systematic violations of human rights in Rwanda, Srebrenica, Kosovo and Darfur [2].

The doctrine is based on "three pillars" of action identified by the Secretary-General:

- 1) the protection responsibilities of the State;
- 2) international assistance and capacity-building;
- 3) timely and decisive response [3].

At the heart of the doctrine is the recognition that state sovereignty entails responsibility to protect populations. However, there is a subject of discussion whether the doctrine contradicts the principle of sovereign equality of states and the principle of non-interference in internal affairs. As stated by the Secretary-General, R2P is "an ally of sovereignty, not an adversary" [4].

The "Responsibility to protect" has already been used in Libya, however, the Nato intervention was criticized for going beyond the limits of the Security Council authorization. Nevertheless, some states maintain that the protection of civilians in Libya required the drastic action taken, and that many thousands of lives were saved by the intervention. The true test of R2P is Syria. The doctrine of R2P continues to generate immense pressure not only on the Government of Syria, but also on the international community to take effective action to ensure that the Syrian authorities desist from the violence.

The research has revealed that the doctrine requires an exact interpretation according to the Final document of the World Summit 2005 in order to conform with the main principles of international law. The use of force by the international community should be only an extreme measure sanctioned by the Security Council [5]. This position is supported by Russia, China and many other countries. However, according to the west approach, it is often necessary to use force to stop commission of dangerous crimes, even when this usage exceeds the limits of the Final document of the World Summit 2005.

R2P's contribution is to continue to underscore the responsibilities of states, and to pressure and motivate the international community to help states meet those obligations. The responsibility to protect concept is an expression of the form of rule, that has a complex relationship to practices of unilateral police action and humanitarian intervention [6].

In recent years there has been an increased interest in the doctrine: China and Brazil develop their own conceptions in order to counterbalance the doctrine or supplement it. China

and Russia have made positive efforts and created conditions for the political settlement of the Syrian crisis.

Nevertheless, there is no consensus between the UN member states and lawyers on international law on the scope of the doctrine "Responsibility to Protect and there are no certain ways of how to implement it. The issue requires further discussion of an improvement of mechanism of preventive diplomacy as the main control method, as well as determination of the place of regional organizations in the context of R2P.

Anyhow, the inclusion of the responsibility to protect concept in the World Summit Outcome "transformed the principle, from a commission proposal actively supported by a relatively small number of like-minded states" to a concept "endorsed by the entire UN membership" [7].

Литература

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