UN principle of the 'Responsibility to Protect' (R2P). Recommandation to the Council

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The European Parliament adopted a recommendation to the Council on the UN principle of the ‘Responsibility to Protect’ (‘R2P’).

Background: Parliament recalls that the **principle of the responsibility to protect**, embedded, for the first time, in the UN 2005 World Summit Outcome, **represents an important step forward towards a more peaceful world** towards anticipating, preventing and responding to genocide, war crimes, ethnic cleansing and crimes against humanity and upholding fundamental principles of international law, in particular international humanitarian, refugee and human rights law.

The principle of R2P is based on **three pillars**, namely:

- the state bears the primary responsibility to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing;
- the international community must assist states in fulfilling their protection obligations;
- when a state manifestly fails to protect its population or is in fact a perpetrator of these crimes, the international community has a responsibility to take collective action.

Members consider that more than a decade after the emergence of the concept of R2P, **recent events** - in Sri Lanka, Côte d’Ivoire, Libya and Syria - have **again brought to the fore the importance and the challenges of ensuring timely and decisive responses to the four core crimes covered by the concept**, as well as the need to further operationalise the principle in order to implement it effectively and prevent mass atrocities.

The resolution also notes the **Brazilian initiative** submitted to the UN on 9 September 2011 entitled ‘Responsibility while protecting: elements for the development and promotion of a concept’. This initiative is a welcome contribution to the necessary development of the criteria to be followed when implementing an R2P mandate, including: (i) the proportionality of the scope and duration of any intervention, (ii) a thorough balance of consequences, and (iii) *ex ante* clarity of the political objectives, and transparency in the intervention's reasoning.

Recommendations: Parliament addresses the following recommendations to the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission (HR/VP), the EEAS, the Commission, the Member States and the Council:

- to reconfirm the EU’s commitment to R2P by adopting an **interinstitutional ‘Consensus on R2P’,** including a common understanding of the implications of R2P for the EU's external action and the role its actions and instruments can play in situations of concern;
- to include a chapter in the HR/VP’s **annual report** to Parliament on the CFSP concerning the EU’s actions on conflict prevention and mitigation in applying the R2P principle and to analyse in this chapter the usefulness of the relevant instruments and administrative structures in implementing R2P;
- to integrate the R2P principle in the EU’s **development assistance** and strengthen the Union's preventive diplomacy, mediation, crisis prevention and response capacities;

- to **ensure sufficient** policy planning, operational concepts and capability development goals within the Common Security and Defence Policy (CSDP) to enable the Union to fully implement R2P in close international cooperation within the UN and regional organisations;
- to further develop the EU's conflict prevention and mitigation capacities and the creation of an autonomous European Institute of Peace intended to provide the EU with advice on and capacities for mediation, two-track diplomacy and exchange of best practices on peace;
- to **strengthen linkages between early warning, policy planning and high-level decision-making** in the EEAS and the Council;
- to include a **systematic assessment** of the risk factors of genocide, war crimes, ethnic cleansing and crimes against humanity in regional and country strategy papers, and to include their prevention in dialogues with third countries that are at risk of those crimes and violations;
- to develop **cooperation with and training of the staff of the EU delegations and Member States' embassies**, as well as of civilian and military missions, in the fields of international human rights, humanitarian law and criminal law, and identify an **EU Focal Point** for R2P in the EEAS in the context of the existing structures and resources;
- to launch and promote an **internal debate within the EU** on the reform of the UN Security Council which is the only internationally legitimate body that can sanction R2P interventions without the consent of the target state;
- to involve and train **representatives of civil society and NGOs**, who could play a role in informal or 'track II' diplomacy with a view to promoting exchanges of good practice in this field;
- to insist on respect for the **International Criminal Court (ICC) clause** in agreements with third countries.

In particular, the recommendation encourages the HR/VP and the Council:

- to promote the R2P principle at the UN, and to work towards ensuring its universality;
- to call on the UN Security Council to **take up the Brazilian proposal** 'Responsibility while Protecting' in order to ensure the most efficient application of the R2P principle that causes the least harm possible
- to draw lessons, in cooperation with the Member States and our international partners, from the experience of R2P in Libya in 2011 and from the current inability to take action in Syria;
- to propose to the five permanent members of the UN Security Council the adoption of a voluntary code of conduct which would limit the use of the right of veto in cases of genocide, war crimes, ethnic cleansing or crimes against humanity;
- to work towards establishing R2P as a **new norm of international law**;
- to work with the UN towards the **establishment of a clear link between the implementation of R2P and the fight against impunity** for the most serious crimes covered by this concept.

The HR/VP is invited to present to the European Parliament's Committee on Foreign Affairs **a concrete plan of action** within six months of the adoption of the present Recommendation**, on the follow-up of the Parliament's proposals**, notably outlining the steps towards achieving a 'Consensus on R2P'.