

Human Security and Responsibility to Protect – Challenges and Intersections

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As ongoing crises affect international peace and security worldwide and have enormous implications for the global system as a whole (increasing food insecurity and poverty, declining social incomes, limited access to affordable energy, etc.), human security is becoming increasingly important. Although the two concepts – human security and the responsibility to protect (RtoP) – are distinct, they share similar societal origins. They both serve common fundamental values of humanity, such as freedom, equality, solidarity, and respect for human rights. This paper focuses on several questions: How can both human security and RtoP contribute to the protection of fundamental values of humanity? Is it possible to increase the strength and resilience of society to address threats and risks to both concepts in an appropriate and timely manner, especially those that arise as a result of political, social or economic challenges? Since human security and RtoP are not the same, what is the difference between them? If it is agreed that they are similar, where do they overlap? And, given their importance, what actions can states take to promote and strengthen these valuable concepts?

Keywords: human security, responsibility to protect, core crimes, human rights, prevention, state responsibility

1. Introduction

The origins of the concepts of human security and the responsibility to protect (hereinafter: RtoP) are quite similar; both were created to uphold human dignity, well-being, and respect for human rights, to inspire and promote tolerance and to create a dignified present and a secure future for all. Their acceptance and implementation seem logical, expectable, and understandable. Even those who are unfamiliar with these concepts might accept and embrace the positivism of their orientation – security and responsibility in ensuring, maintaining, and supporting safe and sustainable societies. However, current global security brings challenges not seen in decades, the ones that call into question the foundations of the world we are familiar with. Addressing these challenges must be undertaken at multiple levels – local, national, regional, and global – in accordance with international law and the existing obligations of its subjects. Both RtoP and human security focus primarily on national efforts to prevent and counter various threats and strengthen the fundamental values of human rights, and address the undeniable elements of contemporary interdependence and interconnectedness. They are similar and overlap in many segments; however, they are not identical.

RtoP focuses on three interrelated and intertwined responsibilities, *i.e.*, it relies on the so-called ‘three pillars’ concept.¹ It is seemingly narrow in its application but extremely significant in its content. RtoP encompasses efforts to prevent and suppress so-called core or atrocity crimes, *i.e.*, genocide, war crimes, crimes against humanity, and ethnic cleansing. The first pillar assumes the responsibility of each state to protect its population from these crimes. The second pillar refers to the responsibility of the international community to encourage and assist states in fulfilling their primary responsibility. Finally, the third pillar focuses on the international community’s responsibility to take timely and decisive collective action (including military) to prevent the above crimes when a particular state is unable or unwilling to provide protection. RtoP emerged in response to the challenge of finding an appropriate and effective response to gross and, above all, systematic human rights violations, such as those committed in Bosnia and Herzegovina, Kosovo, and Rwanda in the 1990s.² Although the concept has been both praised and criticised, the *ratio* behind it is rather simple. No state can justify the commission of core crimes on its territory, nor can the international community remain passive.

While RtoP focuses on protecting the population from the four core crimes, the concept of human security has a broader scope. It aims to improve the effectiveness of a wide range of high-level societal goals by bringing together the three pillars of the UN system, *i.e.*, peace and security, human rights, and development.³ It aims to enhance human dignity, develop the capacity of individuals and communities to make informed choices, and strengthen the understanding of oneself, one’s rights and well-being, and the courage to fight for oneself. Like the concept of human rights, human security plays an important role in motivating and directing attention and in detecting, diagnosing, assessing, and responding to problems.⁴ The concept of human security is distinct from RtoP and its implementation; it does not involve the threat or use of force or coercion, nor does it replace state security.⁵ It simply puts people at the top of the international policy agenda and makes people, not states, the object of security.⁶

Comparing both institutes, one can conclude that human security is (just) a broader concept that goes beyond conflict prevention or the mere use of force, and this is what clearly distinguishes it from RtoP. However, they both serve common fundamental values of humanity, such as freedom, equality, solidarity or respect for human rights. All of these values are interlinked, mutually reinforcing, and interrelated.⁷ At the same time, they have been challenged constantly, today perhaps

¹ UN Secretary-General introduced the three-pillars concept for the first time in his 2009 report (Implementing the responsibility to protect, A/63/677, 12 January 2009). He presented a comprehensive strategy for implementing RtoP that takes a ‘narrow but profound’ approach: narrow because it focuses exclusively on preventing the four crimes (genocide, war crimes, ethnic cleansing, and crimes against humanity) and protecting populations from them, but profound because it seeks to use all tools available under the UN system, regional and subregional agreements, states and civil society.

² The core of the RtoP idea lies in the question given by former UN Secretary-General Kofi Annan in his Millennium Report. Referring to the failure of the Security Council to act decisively during armed conflicts in Rwanda and the former Yugoslavia, he put forward the following question: “If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to the gross and systematic violation of human rights that offend every precept of our common humanity?” *We the Peoples: The Role of the United Nations in the 21st Century*, Report of the Secretary-General, A/54/2000, 27 March 2000, para 217.

³ Report of the Secretary-General, Follow-up to General Assembly resolution 64/291 on human security, 5 April 2012, paras. 23 and 36.

⁴ G. Des, *The Idea of Human Security*, in K. O’Brien, A. Lera St. Clair & Berit Kristoffersen (Eds.), *Climate Change, Ethics and Human Security*, Cambridge University Press, Cambridge, 2010, p. 23.

⁵ GA Res. 66/290, 10 September 2012, paras. 3d) and 3e).

⁶ A. Hehir, *From Human Security to the Responsibility to Protect: The Co-option or Dissent?*, Michigan State International Law Review, Vol 23, No. 3, 2015, p. 677.

⁷ World Summit Outcome Document, A/RES/60/1, 20 September 2005, para. 4. The Outcome Document represents a

more than ever.

The question is how human security and RtoP can contribute to the protection of fundamental values and increase the strength and resilience of society in addressing political, economic or social threats and risks in an appropriate and timely manner. Since they are undoubtedly not the same, what are the key elements of their distinction? Since they are similar, where do they overlap and intersect? Finally, given the importance of states and their undeniable primary responsibility, what actions can they take to promote and strengthen these valuable concepts? All of these questions are at the heart of this paper.

2. Human security – ‘freedom from fear and freedom from want’

Human security embraces a simple central idea: moving away from national protection toward individual security. The concept was introduced in 1994 as “freedom from fear and freedom from want.”⁸ It comprises “the right of people to live in freedom and dignity, free from poverty and despair.”⁹ It aims to protect “the vital core of all human lives in ways that enhance human freedoms and human fulfilment” and “freedoms that are the essence of life.”¹⁰ It emphasises the welfare of ‘ordinary’ people,¹¹ and embraces a variety of different ‘everyday’ matters – not only those of a social, economic, or political nature but also those “of love, culture and faith.”¹² Its main elements were presented by the four basic characteristics (universal, people-centred, interdependent, and early prevention) and seven key components (economic, food, health, environmental, personal, community and political security).¹³ The creation and maintenance of a strong environment capable of withstanding threats that endanger some of these categories have been placed at the heart of human security.

The success of human security includes not only the protection of people and their empowerment to develop their human potential, strive for equality,¹⁴ or to take care of themselves,¹⁵ but it also comprises a systematic commitment to solidarity.¹⁶ It encompasses all aspects of each and every society that should take the necessary steps to reduce poverty, achieve economic growth, and pre-

result of the 2005 World Summit, the gathering of 170 world leaders, in which both concepts of human security and RtoP had been endorsed and confirmed. See Outcome Document, paras. 138 and 139 for RtoP and para. 143 for human security.

⁸ <https://hdr.undp.org/system/files/documents//hdr1994encompletenostatpdf.pdf> (9 February 2023) p. 24.

⁹ GA Res. 66/290, 10 September 2012, para. 3a).

¹⁰ <https://reliefweb.int/sites/reliefweb.int/files/resources/91BAEEDBA50C6907C1256D19006A9353-chs-security-may03.pdf> (9 February 2023) p. 4.

¹¹ B. S. Okolo, *Human Security and Responsibility to Protect Approach: A Solution to Civilian Insecurity in Darfur*, Human Security Journal, Vol. 7, 2008, p. 50.

¹² <https://reliefweb.int/sites/reliefweb.int/files/resources/91BAEEDBA50C6907C1256D19006A9353-chs-security-may03.pdf> (9 February 2023) p. 4.

¹³ See more: Report of the Secretary-General, Human Security, A/64/701, 8 March 2010, para. 14.

¹⁴ 2005 World Summit Outcome Document, para. 143. That idea was repeated in General Assembly Resolution 66/290 of 25 October 2012, para. 3.a), but also in the document Transforming Our World: the 2030 Agenda for Sustainable Development (A/RES/70/1), adopted by the UN General Assembly on 25 September 2015, Preamble, para. 8. (hereinafter: 2030 Agenda for Sustainable Development). The text of the latter is available at: <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (9 February 2023).

¹⁵ It is often necessary to change deeply rooted and widespread social, cultural or religious norms, which is undoubtedly not an easy task. See more: <https://reliefweb.int/sites/reliefweb.int/files/resources/91BAEEDBA50C6907C1256D19006A9353-chs-security-may03.pdf> (9 February 2023) p. 4.

¹⁶ <https://hdr.undp.org/system/files/documents//srhs2022pdf.pdf> (9 February 2023) p. 31.

vent conflict. However, human security and contemporary challenges of different matters, such as inconstant food prices, climate changes, financial and economic crises, protection of vulnerable groups against violence, human trafficking, armed conflicts, etc., also require the need for comprehensive, integrated, and people-centred approaches within the international community and variety of organisations.¹⁷ The international community and national societies must continue to address the root causes of the various internal and external risk factors and support and promote community resilience.

Creating a ‘human rights friendly’ environment means striving for both human and state security.¹⁸ In the everyday discourse, the term ‘security’ is thought of as the protection of the territorial integrity and sovereignty of the state, the security of the state from external aggressors. This is understandable since international relations have evolved over the centuries as ‘state-centred’ rather than ‘people-centred.’ However, considering the consequences of recent developments, the emergence of human rights and the process of globalisation, the concept of security has been expanding and focusing more on people than on the state. The relationship between human security and state security is clear. While human security focuses on events that transcend state borders in their impact on various societies and individuals,¹⁹ state security focuses on the state itself – they overlap and complement each other. The protection of human rights can only be guaranteed by states that have the authority, capacity, and willingness to comply with existing obligations arising from international law. Unfortunately, many states have not yet acceded to key international treaties protecting human rights; some of those that have, are not fulfilling their obligations.

However, states must be able to create a ‘safety net’ within the national system, whether political, economic, social, cultural, environmental or otherwise, that provides people with “the building blocks for survival and dignity.”²⁰ The human security concept seeks to enhance the sovereignty of states by focusing on the multidimensional aspects of human and, thus, national insecurities. Improved capacities of national institutions to provide early warning, identify root causes, and prevent and mitigate future risks are key elements in promoting human security, peace and stability.²¹ Mechanisms of social stability and societal justice (as a result of good governance) are usually followed by improvements in living standards and overall societal development.²² They also create real opportunities for partnerships between governments and citizens.²³ Knowing that low trust in state institutions and governments fosters conditions in which people can feel less safe,²⁴ every step taken to promote and build human security holds the prospect of a safer future and more resilient societies.

One may agree that the development of RtoP and human security has undeniably destroyed the traditional concept of state sovereignty.²⁵ In the 21st century, it is simply no longer enough to think

¹⁷ Report of the Secretary-General, Human Security, A/64/701, 8 March 2010, paras. 3, 4.

¹⁸ <https://www.un.org/press/en/2000/20000508.sgsm7382.doc.html> (9 February 2023).

¹⁹ N. Thomas & W. T. Tow, *The Utility of Human Security: Sovereignty and Humanitarian Intervention*, Security Dialogue, Vol. 33, No. 2, 2002, p. 179.

²⁰ <https://reliefweb.int/sites/reliefweb.int/files/resources/91BAEEDBA50C6907C1256D19006A9353-chs-secr ty-may03.pdf> (9 February 2023) p. 4.

²¹ Report of the Secretary-General, Human Security, A/64/701, 8 March 2010, paras. 21-22 and para. 25.

²² <https://www.un.org/millenniumgoals/sgreport2001.pdf?OpenElement> (9 February 2023) para. 34.

²³ For more information on the evolution of the action framework of human security, see: <https://hdr.undp.org/system/files/documents/srhs2022pdf.pdf> (9 February 2023) p. 31.

²⁴ *ibid* p. 29.

²⁵ J. Uusitalo, *Responsibility to Protect and Human Security: Doctrines Destroying or Strengthening the Sovereignty?*, International and Comparative Law Review, Vol. 18, No. 1, 2018, p. 100.

of security only in terms of state security. On the other hand, despite the wide adoption of this “new perspective of security issues,”²⁶ some authors have argued that the scope of human security is so broad that virtually any type of unforeseen or irregular emergency could be interpreted as a threat to human security. The main criticism of the concept refers to the problem of imagining what is not included in the list of human security issues at all. It is difficult to determine the priority challenges at a given moment. When it comes to feeling insecure, anxious, or scared, most people in recent decades have been more concerned about the stresses of daily life, such as income, health, and job (in)security, rather than about global catastrophic events (natural or man-made). The development of sustainable societies is (still) at the centre of the global development agenda. However, human security is determined by the link among sustainable development, existing humanitarian problems, and efforts to maintain peace. One might even add that, in the third decade of the 21st century, this link is more important than ever.

3. Responsibility to Protect – the three-pillar concept

As a new concept, RtoP was presented for the first time by the International Commission on Intervention and State Sovereignty (ICISS) in its 2001 Report (hereinafter: ICISS Report).²⁷ The idea behind RtoP introduced in that report emphasises the primary responsibility of the state to protect people from “avoidable catastrophe”²⁸, e.g., mass murder, rape, and starvation.²⁹ However, if the state in question is unwilling or unable to fulfil its primary responsibility to protect, secondary responsibility must be borne by the international community. The ICISS Report includes three specific responsibilities: prevention, reaction and reconstruction. Responsibility to prevent addresses both the root causes and direct causes of internal conflict and other man-made crises that endanger populations. The responsibility to react implies responding to situations of compelling human need with appropriate measures, which may include coercive measures such as sanctions and international prosecution and, in extreme cases, military intervention. The third responsibility, aimed at rebuilding society, focuses on providing comprehensive assistance in recovery, reconstruction and reconciliation, particularly after a military intervention, addressing the root causes of the harm that the intervention was intended to halt or avert.³⁰

Early in its development, the RtoP concept was clearly challenged by its similarity with the controversial concept of humanitarian intervention. Some authors (still) doubt that RtoP has really come to life and reached the level of a legal principle³¹ or believe it is merely a phrase as vague and indefinite as humanitarian intervention.³² However, the ICISS Report has shifted the debate by using different language. Noting that the concept of humanitarian intervention has not advanced the debate³³ and that the language of earlier debates arguing for the *right* of one state to intervene

²⁶ R. Trobbiani, *How Should National Security and Human Security Relate to Each Other?*, E-International Relations, April 2013, p. 2.

²⁷ <https://www.globalr2p.org/resources/the-responsibility-to-protect-report-of-the-international-commission-on-intervention-and-state-sovereignty-2001/> (9 February 2023) (hereinafter: ICISS Report)

²⁸ Ibid p. VIII.

²⁹ Ibid p. VIII.

³⁰ Ibid p. XI.

³¹ A. Hehir, *The Responsibility to Protect: Rhetoric, Reality and the Future of Humanitarian Intervention*, Palgrave Macmillan, London, 2012, p. 19.

³² J. Lea-Henry, *The Responsibility to Protect (R2P) and the Problem of Political Will*, Polish Political Science Yearbook, Vol. 47, No. 3, 2018, p. 554.

³³ More on the relationship between humanitarian intervention and RtoP see in: A. Buchanan, *Reforming the International Law*

in the territory of another was outdated and unhelpful, the ICISS opted for the term *responsibility* to protect, focusing on protection rather than (the unpopular) reaction and intervention.³⁴ It also introduced a new approach to state sovereignty and the international community's role in addressing atrocity crimes.

The 'power' of state sovereignty remains paramount; it can be considered one of the strongest values of international law, enshrined in the UN Charter. Since the state is the cornerstone of the international system,³⁵ sovereignty may be seen as the central structural paradigm of international law.³⁶ It goes beyond questions of legal discussion; in many cases, it contains moral or even emotional elements of national identity, dignity or freedom and must never be taken lightly.³⁷ Each and every state "jealously guards its sovereignty."³⁸ However, it is not and must not be absolute and inviolable. State sovereignty does not represent a mere *right* and power over its subordinates; it also manifests itself as a *responsibility* towards the community. It includes "the obligation of the state to preserve life-sustaining standards for its citizens as a necessary condition of sovereignty."³⁹ Above all, no government could use the concept of sovereignty to justify (or attempt to justify) human rights violations on its soil. But, on the other hand, the international community should not stand idly by and observe the challenges it faces and the violations committed on the territory of a state in question.

Four years after the ICISS Report was introduced, RtoP was reaffirmed by the Outcome Document of the 2005 UN World Summit.⁴⁰ Unlike the ICISS Report, the 2005 Outcome Document limits the scope of protection to the four so-called core crimes: genocide, war crimes, ethnic cleansing and crimes against humanity. It also departs from the triple responsibility of prevention, reaction and reconstruction by introducing the shared responsibility of the state and international community through the so-called three-pillar concept. These pillars are of equal importance and non-sequential.⁴¹

The first pillar refers to the primary responsibility of the state and its ability (and willingness) to effectively protect its population from core crimes. It includes the prevention of these crimes and

of *Humanitarian Intervention* in J. L. Holzgrefe & O. Keohane (Eds.), *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, Cambridge University Press, Cambridge, 2003, pp. 130-173; D. Dagi, *The Responsibility to Protect: Its Rise and Demise*, *Journal of Liberty and International Affairs*, Vol. 2, No. 3, 2017, pp. 75-76; G. Evans, *From Humanitarian Intervention to the Responsibility to Protect*, *Wisconsin International Law Journal*, Vol. 24, No. 3, 2006, pp. 703-722.

³⁴ See more: ICISS Report, 2.4., 2.29.

³⁵ F. M. Deng, *From Sovereignty as Responsibility to the Responsibility to Protect*, *Global Responsibility to Protect*, Vol. 2, 2002, p. 353.

³⁶ M. Payandeh, *With Great Power Comes Great Responsibility? The Concept of the Responsibility to Protect Within the Process of International Lawmaking*, *Yale Journal of International Law*, Vol. 35, 2010, p. 4.

³⁷ S. Fabijanić Gagro, *Responsibility to Protect (R2P) Doctrine*, *International Journal of Social Sciences*, Vol III, No. 1, 2014, p. 62.

³⁸ F. Eckhard, *Whose Responsibility to Protect*, *Global Responsibility to Protect*, Vol. 3, 2011, p. 101.

³⁹ F. Borgia, *The Responsibility to Protect Doctrine: Between Criticisms and Inconsistencies*, *Journal on the Use of Force and International Law*, Vol. 2, No. 2, 2015, p. 225.

⁴⁰ The final adoption of RtoP had to overcome the opposition or reservations from numerous states, including the two permanent members of the UN Security Council, the Russian Federation and the United States. The United States delegate, John R. Bolton, stated that his country would "not accept that either the United Nations as a whole, or the Security Council, or individual states, have an obligation to intervene under international law." F. Francioni & C. Bakker, *Responsibility to Protect, Humanitarian Intervention and Human Rights: Lessons from Libya to Mali*, *TransWorld*, Working Paper 15, 2013, p. 6, fn. 3.

⁴¹ C. O'Donnell, *The Development of the Responsibility to Protect: An Examination of the Debate Over the Legality of Humanitarian Intervention*, *Duke Journal of Comparative & International Law*, Vol. 24, 2014, p. 562.

their incitement by using appropriate and necessary means.⁴² The efficiency of the first pillar is the key factor for RtoP sustainability. Each state is responsible for protecting the people on its own soil. In the 21st century, this particular responsibility, as well as the issue of human security, is nothing new and does not challenge state sovereignty. If the concept of state sovereignty is understood as the responsibility of the state to act in accordance with existing international law and to fulfil the obligations already undertaken without imposing new obligations on the state, that could be interpreted as ‘lowering the shield’ of its sovereignty, then the application of the RtoP concept is clearly and understandably justified. The connection between state sovereignty and RtoP is “neither competitive nor oppositional.”⁴³ As stated above, sovereignty is not only the right of a state to exercise power on its own territory but also the responsibility to protect the people from harm or violence. The responsibility of the state derives from its sovereignty⁴⁴ since, nowadays, the state should be an “instrument at the service of its people.”⁴⁵

On the other hand, when the state is unable or unwilling to assume its own responsibility, the international community, led by the UN, has a responsibility to ‘step in’ in order to encourage and help states in fulfilling their primary responsibilities and support the United Nations in establishing an early warning system.⁴⁶ This particular assistance and encouragement represent the second pillar of RtoP. Measures to implement it have a dual significance. On the one hand, they can help national governments strengthen their primary responsibilities and promote the development of a more tolerant society. Such cooperation can enable the creation of an effective ‘network’ that encourages and facilitates the flow of information necessary to effectively address challenges on the ground, develop best practices and prevent the escalation of conflict.⁴⁷

The third pillar focuses on the responsibility of the international community to take timely and decisive collective action to prevent atrocity crimes when a particular state is unable or unwilling to exercise and ensure its own responsibility. It refers to peaceful means, such as diplomatic, humanitarian and others, in accordance with the UN Charter.⁴⁸ If the implementation of these remains inadequate, the international community is further prepared to react more decisively in order to suppress human rights violations and to take collective action in a timely and decisive manner. Military action is controversial and, above all, unpopular, even if it is to be used only in extreme situations. It is considered the measure of the last resort,⁴⁹ exceptional and extraordinary,⁵⁰ but nevertheless raises a number of questions.⁵¹ All actions must be taken in accordance with the UN Charter, including Chapter VII, on a case-by-case basis, in cooperation with relevant regional organisations and under the authorisation of the Security Council.⁵² Since multilateral sanctions tend to be much

⁴² GA Res. 60/1, 2005 World Summit Outcome, 24 October 2005, para. 138.

⁴³ H. R. Basaran, *Identifying the Responsibility to Protect*, The Fletcher Forum of Worlds Affairs, Vol. 38, No. 1, 2014, p. 204.

⁴⁴ F. M. Deng, S. Kimaro, T. Lyons, D. Rotchild & W. I. Zartman, *Sovereignty as Responsibility: Conflict Management in Africa*, Washington, DC, Brookings Institution Press, 1996, pp. 32-33.

⁴⁵ <https://www.un.org/sg/en/content/sg/articles/1999-09-18/two-concepts-sovereignty> (9 February 2023).

⁴⁶ Ibid

⁴⁷ S. Fabijanić Gagro, *The implementation of RtoP When the Protection of Children in Armed Conflicts Within the UN System is Concerned – Who is Responsible?*, Pécs Journal of International and European Law, 2020/2. p. 36.

⁴⁸ Although the UN Charter is silent on genocide and mass atrocities, it contains numerous references to promoting and supporting respect for human rights. See, e.g., UN Charter, Arts. 1(3), 13(1), 55, 56, 62(2), etc.

⁴⁹ Report of the Secretary-General, Responsibility to Protect: Timely and Decisive Response, A/66/874-S/2012/578, 25 July 2012, para. 60. See also: E. C. Luck, *Why the United Nations Underperforms at Preventing Mass Atrocities*, Genocide Studies and Prevention: An International Journal, Vol. 11, No. 3, 2018, p. 44.

⁵⁰ ICISS Report, p. XII.

⁵¹ On the ‘controversy’ of the Pillar III, see more in: Borgia 2015, pp. 230-233.

⁵² World Summit Outcome Document, Art. 139. By February 2023, the Security Council has adopted 89 resolutions that

more persuasive than unilateral ones, the Security Council authorisation can be an essential step.⁵³

Despite the changes it has undergone, the influential force⁵⁴ of RtoP is still considered a highly sensitive and controversial issue that concerns both the legal and political responsibility of the state(s) concerned and the international community. The power of the Security Council is limited and restricted by the use of the veto. In the 2022 General Assembly debate on RtoP, 65 states expressed concern about the continued inaction of the UN Security Council in situations where states appear to have failed in their primary responsibility to protect. In the face of mounting criticism of the Council's inability to respond to the Russian aggression on Ukraine, many states emphasised the need for Security Council reform and the abandonment of veto power in situations of mass atrocity. Given the difficult times facing the international community, when multilateralism and international law are being put to the test, the use of the veto must not aim to paralyse the Security Council in fulfilling its mandate to maintain international peace and security.⁵⁵ Unfortunately, this remains the current challenge. Nevertheless, it is clear that the effective implementation of primary state responsibility can sufficiently prevent the application of other pillars, especially their controversial parts. It is also comprehensible that the success of the implementation of Pillars II and III requires political sufficiency to create political unity, cooperation and coordination and that strengthening the modes of collaboration between the national, regional and international levels remains necessary.⁵⁶ It is also obvious that the success of coercive and non-coercive measures requires political unity in the design and consistency, and operational coordination in the application. In this regard, strengthening the modes of collaboration between the national, regional and international levels is necessary.

One could agree that the RtoP “remains confined by the distinctly horizontal nature of the international system, in which human rights abuses are at times subject to monitoring but not enforcement, particularly in situations of major power interest.”⁵⁷ Others may say that RtoP is a normative consensus,⁵⁸ “nothing more than the evolution of the *droit d'ingérence*,”⁵⁹ a doctrine integral to the new post-cold war international order,⁶⁰ moral commitment in international politics⁶¹ or “a linguistic conceit that reaffirms the *status quo*.”⁶² According to *Welsh*, the 2005 World Summit deliberately institutionalised RtoP as a political rather than a legal principle.⁶³ However, since international law

refer to RtoP. See: <https://www.globalr2p.org/resources/un-security-council-resolutions-and-presidential-statements-referencing-r2p/> (9 February 2023). See also: Report of the Secretary-General, Responsibility to Protect: Prioritising Children and Young People, A/76/844-S/2022/428, 26 May 2022, para. 2.

⁵³ Luck 2018, p. 33.

⁵⁴ S. F. Plunkett, *Refocusing to Revive: The Responsibility to Protect in International Atrocity Prevention*, Georgia Journal of International and Comparative Law, Vol. 48, No. 3, 2020, p. 775.

⁵⁵ More about the debate and conclusions of the 2022 UN General Assembly Plenary Meeting on the Responsibility to Protect, Global Centre for the Responsibility to Protect, July 2022 is available at: <https://www.globalr2p.org/publications/summary-2022-r2p-debate/> (9 February 2023).

⁵⁶ Report of the Secretary-General, Responsibility to Protect: Timely and Decisive Response, A/66/874-S/2012/578, 25 July 2012, para. 37.

⁵⁷ S. Jarvis, *The R2P and Atrocity Prevention: Contesting Human Rights as a Threat to International Peace and Security*, European Journal of International Security, 2022, p. 18.

⁵⁸ T. G. Weiss, *Humanitarian Intervention: Ideas in Action*, Cambridge: Polity Press, 2016, p. 1.

⁵⁹ Borgia 2015, p. 236.

⁶⁰ M. Mamdani, *Responsibility to Protect of Right to Punish*, Journal of Intervention and Statebuilding, Vol. 4, No. 1, 2010, p. 55.

⁶¹ A. Paras, *Moral Obligations and Sovereignty in International Relations*, London, Routledge, 2018, pp. 124-125.

⁶² Hehir 2015, p. 690.

⁶³ J. M. Welsh, *Norm Robustness and the Responsibility to Protect*, Journal of Global Security Studies, Vol. 4, No. 1, 2019, p. 54.

does not function in isolation and cannot be separated from politics,⁶⁴ RtoP may be seen as part of a complex set of norms designed to meet the challenge of protecting people.⁶⁵ Although UN resolutions and declarations are not sources of international law, they can be regarded as interpretations of existing legal regulations.⁶⁶ From 2005 until today, states repeatedly reaffirmed their World Summit commitment to RtoP, as have the main organs of the UN. The General Assembly adopted 32⁶⁷ and the Security Council 89 resolutions,⁶⁸ while the Secretary-General published 14 reports that refer to or elaborate on RtoP issues.⁶⁹ Most of them addressed primary state responsibility as the most important. The concept appears to be widely accepted.

However, these reports and documents do not have a binding effect; the lack of an international treaty that explicitly refers to RtoP “excludes the emergence of any conventional obligations,”⁷⁰ thus making the normative content of RtoP evolutionary rather than revolutionary.⁷¹ One could argue that the states that express support for RtoP and condemn the commission of atrocities are mostly engaged in a “form of theatrics intended for public consumption” that “minimally affects their behaviour.”⁷² On the other hand, supporting the idea of RtoP by emphasising the binding effect of state’s pre-existing obligations under international law, particularly those arising from human rights, the respect of which is at the core of the concept itself, could undoubtedly encourage its wider implementation and acceptance, and thus its possible stronger influence on the further development of international law. Despite current challenges, the hope remains that the RtoP path will eventually narrow the gap between states’ existing obligations and the troubling reality in which the scourges of core crimes threaten human security.

4. Contemporary challenges and intersections

Human security and RtoP are distinct,⁷³ but undoubtedly related concepts. RtoP is fundamentally derived from human security; the insurance of human security is its original goal.⁷⁴ They both focus on human beings as the primary objects of security. The rights and freedoms that are at the core of human security are also at the core of RtoP – the right of people to live in dignity, free from fear, poverty and despair, their equal opportunity to enjoy human rights and to realise their own full

⁶⁴ Uusitalo 2018, p. 98.

⁶⁵ Jarvis 2022, p. 17.

⁶⁶ Welsh 2019, p. 54.

⁶⁷ Since 2005 the General Assembly has held eight informal interactive dialogues on RtoP and five debates. In 2021 (for the first time after 2009) General Assembly decided to include RtoP in its annual agenda (The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity, A/RES/75/277, 21 May 2021). During the 2022 plenary meeting (23-24 June), 61 UN member states, one observer mission and the European Union spoke on behalf of 91 countries. See, *e.g.*, Summary of the 2022 UN General Assembly Plenary Meeting on the Responsibility to Protect.

⁶⁸ All documents are available at: <https://www.globalr2p.org/resources/un-security-council-resolutions-and-presidential-statements-referencing-r2p/> (9 February 2023).

⁶⁹ The Human Rights Council has addressed the responsibility to protect in more than 60 resolutions. Overall, 61 countries and two regional organisations have appointed focal points for RtoP, and 53 States and the European Union are members of the Group of Friends of the Responsibility to Protect in New York and Geneva. Report of the Secretary-General, Responsibility to protect: prioritising children and young people, A/76/844-S/2022/428, 26 May 2022, para. 2.

⁷⁰ Borgia 2015, p. 228.

⁷¹ Payandeh 2010, p. 515.

⁷² Hehir 2015, p. 689.

⁷³ GA Res. 66/290, 10 September 2012, para. 3d).

⁷⁴ Uusitalo 2018, p. 90.

potential. In other words, individuals must be protected from acts and threats of violence to live in freedom from fear, but basic human needs must also be met to live a life free from want and thus truly safe.⁷⁵

On the one hand, each state is primarily responsible for maintaining peace and ensuring human security; on the other, not every state can meet its responsibilities. Thus, the question arises: how to improve human security and society's resilience to discrimination, injustice, poverty and inequality, which provide fertile ground for atrocities? One might say that, in (too) many cases, a state alone cannot fully ensure human security. However, it does not relieve the state and its government of the responsibility to strive for the highest possible level of human security under its jurisdiction. Risks and threats may be sudden and unexpected consequences of climate change (e.g., natural disasters, earthquakes, floods, large-scale fires, etc.) that threaten the concept of human security; others may be the result of political or economic challenges or even deliberately orchestrated, such as recessions, conflicts or even atrocity crimes.

The state has an obligation to recognise various risk factors and threats and to be prepared to respond appropriately to security challenges and imminent threats, especially those arising from political, social or economic challenges. Regardless of the nature of the threat, numerous entry points, strategies, and actions can be identified and taken to stop the process and prevent the destabilisation of society. A variety of possible (or even necessary) actions can identify risk factors and threats. It is difficult to list them all; although they represent universal values of contemporary societies, they require a case-by-case approach. However, they can all be considered equally important. The assessment of risks and threats (for both concepts) and the actions that should be taken to maintain and achieve the highest possible level of human security and to strengthen the commitment of states and the international community makes the link between human security and RtoP even clearer. In many cases, the assistance and support provided by the international community become crucial for both concepts. The impact of international action on people must be a central concern of all stakeholders. As noted by the UN Secretary-General, "humanitarian and security considerations are not mutually exclusive, and they both underpin and lend urgency to all the efforts of the international community."⁷⁶ This distinction between humanitarian and security concerns in the 21st century could be seen as a "false dichotomy."⁷⁷

First and foremost, promoting both human security and RtoP requires strong and stable institutions capable of addressing root causes in a timely, targeted and effective manner. Such an approach helps reduce human insecurity and ultimately strengthens local capacity and contributes to greater national security.⁷⁸ On the other hand, the existence of the fragile or failing state(s) can pose a threat to people, human rights and human security everywhere. The same could also be applied to the RtoP concept. The importance of emphasising the role of human rights institutions and their efforts in strengthening the rule of law, ending impunity, advancing early warning mechanisms, etc., must be additionally emphasised in capacity building.⁷⁹ Prevention demands a comprehensive and dedicated understanding of the historical background and current societal conditions, but also the anticipation of future events and constant foresight of potential risks. With respect to atrocities, prevention refers to a more comprehensive and more committed understanding of the origins,

⁷⁵ I. Holliday & B. Howe, *Human Security: A Global Responsibility to Protect and Provide*, The Korean Journal of Defence Analysis, Vol. 23, No. 1, 2011, p. 88.

⁷⁶ <https://www.un.org/disarmament/wp-content/uploads/2018/06/sg-disarmament-agenda-pubs-page.pdf> (9 February 2023) p. 18.

⁷⁷ Ibid

⁷⁸ Report of the Secretary-General, Human Security, A/64/701, 8 March 2010, para. 20.

⁷⁹ Fabijanić Gagro 2020, p. 38.

progression, cessation and potential recurrence.⁸⁰ In both cases, prevention is an ongoing process that requires sustained efforts to strengthen societies' resilience by ensuring that the rule of law is respected, the justice system is strong, efficient and functional, and that all human rights are protected without discrimination.

A commitment to both – human security and RtoP – also demands enhanced international cooperation and strengthened capacities to assist countries in building, keeping and restoring human security and peace. International cooperation manifests the development of an integrated network of diverse stakeholders and the expertise of a wide range of actors on the local, national, regional and international levels.⁸¹ Effective conflict prevention strategies must be based on a comprehensive multidisciplinary and case-based approach tailored to the specific circumstances of each situation.⁸² It aims to build democratic and reliable institutions, constitutional power sharing, support confidence-building measures among different communities or groups, promote civil societies that take into account the diversity and protection of different groups, promote media freedom, respect the rule of law, etc.

The judicial system must be functional, effective, and able to respond to the request for ensuring accountability for human rights violations and ending the culture of impunity.⁸³ Accountability is a duty, not a choice; efforts to strengthen it are both an important deterrent to future offenders and a necessary response to atrocities already committed.⁸⁴ Holding accountable those responsible for violence could simultaneously help empower victims and those at risk of victimisation. It also strengthens the credibility of state institutions, promotes further reconciliation in society⁸⁵ and contributes to the creation of a resilient, just and inclusive society.

Measures taken to eliminate economic disadvantage and the lack of economic opportunity also contribute to human security and the strengthening of society. They include development assistance and cooperation to address inequalities in the distribution of resources or opportunities, promote economic growth and opportunity, improve terms of trade, promote necessary economic and structural reforms, and provide technical assistance to strengthen regulatory instruments and institutions.⁸⁶

The element that marks the 'beginning' of all efforts to strengthen the society and "one of the best investments States can make"⁸⁷ is education. A strong educational system at all levels must promote and support the ideas of equality, tolerance and non-discrimination. In this way, it contributes to the development of a society based on respect for diversity and suppresses hate speech and inflamma-

⁸⁰ Luck 2018, p. 40.

⁸¹ Report of the Secretary-General, Human Security, A/64/701, 8 March 2010, para. 30.

⁸² This approach should include both structural and operational measures. Structural measures address the root causes of conflict (e.g., socioeconomic inequalities, denial of fundamental human rights, etc.), while operational measures target crisis prevention (e.g., fact-finding missions, preventive diplomacy, preventive deployment, etc.). Road Map Towards the Implementation of the United Nations Millennium Declaration Report of the Secretary-General, A/56/326, 6 September 2001, paras. 35-36.

⁸³ Z. Coursen-Neff, *Attacks on Education: Monitoring and Reporting for Prevention, Early Warning, Rapid Response, and Accountability*, in *Protecting Education from Attack: A State-of-the-Art Review* (Chapter 7), UNESCO, 2010, p. 120; D.S. Koller & M. Eckenfels-Garcia, *Using Targeted Sanctions to End Violations Against Children in Armed Conflict*, Boston University International Law Journal, Vol. 33, No. 1, 2015, pp. 8-12.

⁸⁴ Emphasised by representatives of the Republic of Korea and the EU at the 2022 General Assembly Debate of RtoP.

⁸⁵ Fabijanić Gagro 2020, p. 38.

⁸⁶ ICISS Report, paras. 3.22-3.23.

⁸⁷ M. Tavassoli-Naini, *Education Right of Children During War and Armed Conflicts*, *Procedia Social and Behavioural Sciences*, Vol. 15, 2011, p. 305.

tory rhetoric. Education today could be perceived as the beginning of society's future prosperity but also as the key to raising a tolerant society, resilient to discrimination and atrocities. However, in 2020 and 2021, the Covid-19 crisis brought education systems around the world to a standstill, and school closures exacerbated the global learning crisis. Although distance learning opportunities for students existed in almost all countries, they varied widely in quality and scope and could, at best, only partially replace face-to-face instructions.⁸⁸ Given the positive role education plays in fostering social cohesion, the negative impact of the loss of education is severe. Moreover, many children and youth whose education is interrupted in times of crisis never return to formal learning.⁸⁹ The global crisis has taken a heavy toll on children and youth, compounded by deprivation and loss, as well as racism, discrimination, and gender inequality.⁹⁰ Women and girls must enjoy equal access to quality education, economic resources and political participation, as well as equal opportunities with men and boys for employment, leadership and decision-making at all levels.⁹¹ As noted in the 2030 Agenda for Sustainable Development, the achievement of full human potential and sustainable development is not possible if half of humanity continues to be denied its full human rights and opportunities.⁹²

Human security in the 21st century is indivisible. There is no longer a humanitarian disaster that occurs in a faraway country that the rest of the world knows little or nothing about.⁹³ Therefore, special attention must be paid to digital technologies, as they significantly impact human security. They can do much to enhance capabilities and promote human security, expand human freedoms, increase productivity, and facilitate humanity's response to current challenges. The revolution in information technology has made global communications instantaneous, providing unprecedented access to information worldwide. Never before has the world been as close and as interconnected as it is today. Any information or image from around the world, no matter how disturbing or frightening, is just a click away. No crime, no insecurity, and no disturbance (internal or international) can remain hidden, no matter where it occurs. The democratisation of the media has made it more difficult for governments to commit, cover up or conceal inhumane practices or suffering in their jurisdictions or those of their neighbours.⁹⁴ Digital technologies change the dynamics of conflict by enabling activities such as propaganda or espionage. Social media offers countless opportunities for political engagement, participation and influence, either positive or negative. Their platforms can make the voices of groups heard that are otherwise marginalised in public debate. On the other hand, as people have relied on digital technologies more than ever during the Covid-19 pandemic and this connection has become a 'new normal', digital threats have increased.⁹⁵ Social media and digital technologies can amplify threats to human security for individuals or groups (e.g., online radicalisation, cybercrime, child sexual exploitation, etc.). They pose new challenges to human security and facilitate harm to people through bullying, harassment, fraud or misinformation.

⁸⁸ <https://www.unicef.org/media/121251/file/UNICEF%20Annual%20Report%202021.pdf> (9 February 2023) p. 9.

⁸⁹ See more: Report of the Secretary-General, Responsibility to Protect: Prioritising Children and Young People, A/76/844-S/2022/428, 26 May 2022, para. 15.

⁹⁰ New Threats to Human Security in the Anthropocene: Demanding Greater Solidarity, UNDP Special Report, 2022, p. 113.

⁹¹ E.g., 20 countries involved in peace negotiations and peace processes in 2021 adopted a national action plan for women, peace and security to promote women's participation in these processes. I. Navarro Milián, J. M. Royo Aspa, J. Urgell García, P. Urrutia Arestizábal, A. Vilellas Ariño & M. Vilellas Ariño, *Alert 2022! Report on Conflicts, Human Rights and Peacebuilding*, Escola de Cultura de Pau, Barcelona, 2022, p. 8.

⁹² 2030 Agenda for Sustainable Development, para. 20.

⁹³ ICISS Report, paras. 1.21; 1.29.

⁹⁴ Holliday & Howe 2011, p. 88.

⁹⁵ New Threats to Human Security in the Anthropocene: Demanding Greater Solidarity, UNDP Special Report, 2022, pp. 67-75.

5. Conclusion

People strive for peace and security. These values enable humanity to realise the full potential of their human rights, to efficiently address all critical issues of equality, education, food, health, economic security and social justice, to adequately respond to challenges of climate change and to support the sustainable development in which humans are placed in the centre of (national and international) policy agendas. No country can enjoy development without security and *vice versa*.⁹⁶ Development promotes resistance to various forms of threats to human security – poverty, diseases, all kinds of discrimination within society, conflicts, terrorism, environmental degradation, etc. It is crucial in helping states prevent or reverse the erosion of their own capacities to maintain peace, prosperity and security⁹⁷ and promote peaceful, just and inclusive societies.

The current challenges to ensuring political dialogue, peace, and security increase human insecurity worldwide; efforts to maintain a ‘normal daily life’ are at risk, perhaps now more than ever. Armed conflicts of nowadays are impacting prosperity and social conditions, exacerbating poverty, food insecurity, and access to affordable energy across the globe.⁹⁸ In recent years human security has been enormously challenged; the Covid-19 pandemic threatened all dimensions of our well-being and heightened our sense of fear. It has become apparent that risks and threats do not recognise or respect national borders. It has also become clear that, despite differences between large and small countries, rich and poor nations, etc., human security arises from the fundamental fears and desires inherent to all human beings. It is a bottom-up system,⁹⁹ and although efforts to address risks and threats must be monitored and undertaken on a case-by-case basis, they can become a global challenge.

For both concepts – human security and RtoP – there is no one-size-fits-all template; each state must recognise and identify different root causes and risk factors and be prepared to respond appropriately to human security challenges and to defend effectively against societal insecurity or human rights violations.

Although the core crimes of RtoP tend to occur in armed conflicts, primarily because the destructive turmoil of armed conflict provides a conducive environment for such behaviours, in many cases, risk factors for atrocities have developed previously in (seemingly) peaceful environments. The increase in discrimination, intolerance and other human rights violations does not occur suddenly or overnight; they are the result of long-term social, sociological, economic, cultural, religious, and historical disruptions, the inability or unwillingness of societies to recognise or prevent them, *i.e.*, to respond appropriately in a timely manner.¹⁰⁰

Supporting and strengthening human security would be the most effective way to prevent human suffering and crises. However, although the validity of RtoP remains intact,¹⁰¹ its influence could be seen as “relatively minor and ultimately no more consistent in its application as a preventive tool.”¹⁰² Despite its potential, RtoP is constrained by the *status quo* dynamics of the current inter-

⁹⁶ 2030 Agenda for Sustainable Development, Preamble.

⁹⁷ Note by the Secretary-General, A/59/565, 2 December 2004, pp. 12-13.

⁹⁸ <https://s3.amazonaws.com/sustainabledevelopment.report/2022/2022-sustainable-development-report.pdf>, p. VII, (9 February 2023).

⁹⁹ Hehir 2015, p. 678.

¹⁰⁰ Fabijanić Gagro 2020, p. 37.

¹⁰¹ Welsh 2019, pp. 53; 55.

¹⁰² Jarvis 2022, p. 11.

national system, which is characterised by the lack of human rights enforcement on the one hand and the undeniably strong and conflicting interests of world powers on the other. As the UN Secretary-General pointed out in 2016, the UN “must redouble its own efforts to mainstream the RtoP [...] Business as usual will not be sufficient.”¹⁰³ The gap between the commitment to RtoP and daily life and reality has been clearly recognised, and efforts to close this gap must include stronger and more effective implementation of RtoP in practice. However, methods to achieve this goal have remained ineffective.

It is also important to emphasise that recognising risk factors and taking action to ensure an equitable, inclusive and resilient society does not create or impose new or additional (international law) obligations on states; human security and RtoP are merely an evolution of the existing international obligations. The primary responsibility of the state to ensure human security and to take effective steps to prevent human rights abuses will remain paramount. States continue to play the primary role in creating a rules-based system in which societal relations are mutually supportive, harmonious and accountable.

However, the success of both concepts requires not only resilient societies but also geopolitical strength and unity in the design, coherence, and operational coordination of their application. It can be argued that the international community has failed in recent years to respond consistently and effectively to human security challenges and the occurrence of atrocities. Increased cooperation at all levels remains necessary. However, the ongoing conflicts, disturbances, disasters and overall security challenges are a constant reminder of the gap that still exists between expectations, promises and reality.

¹⁰³ Report of the Secretary-General, *Mobilising Collective Action: The Next Decade of the Responsibility to Protect* A/70/999-S/2016/620, 22 July 2016, para. 60.