

The Responsibility to Protect: An Expansion of Scope

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The Responsibility to Protect

The responsibility to protect (R2P) is a norm in international law that requires states to protect their citizens from “**mass atrocities**” (Barkholdt et al. 2019).

According to ICISS (Evans et al. 2001) to fulfil the responsibility to protect, states must provide:

- Preventative measures
- Adequate responses to threats
- Resources to rebuild

When states do not provide the above, the international community can intervene to provide the protection that the state is failing to provide, and can hold the state accountable. (Evans. 2001, VIII).

R2P is generally only invoked in cases where an unstable, undemocratic state is maliciously failing R2P. This project will demonstrate why negligent states are equally guilty of breaching R2P and what this means for the international legal field.

Defining Mass Atrocities

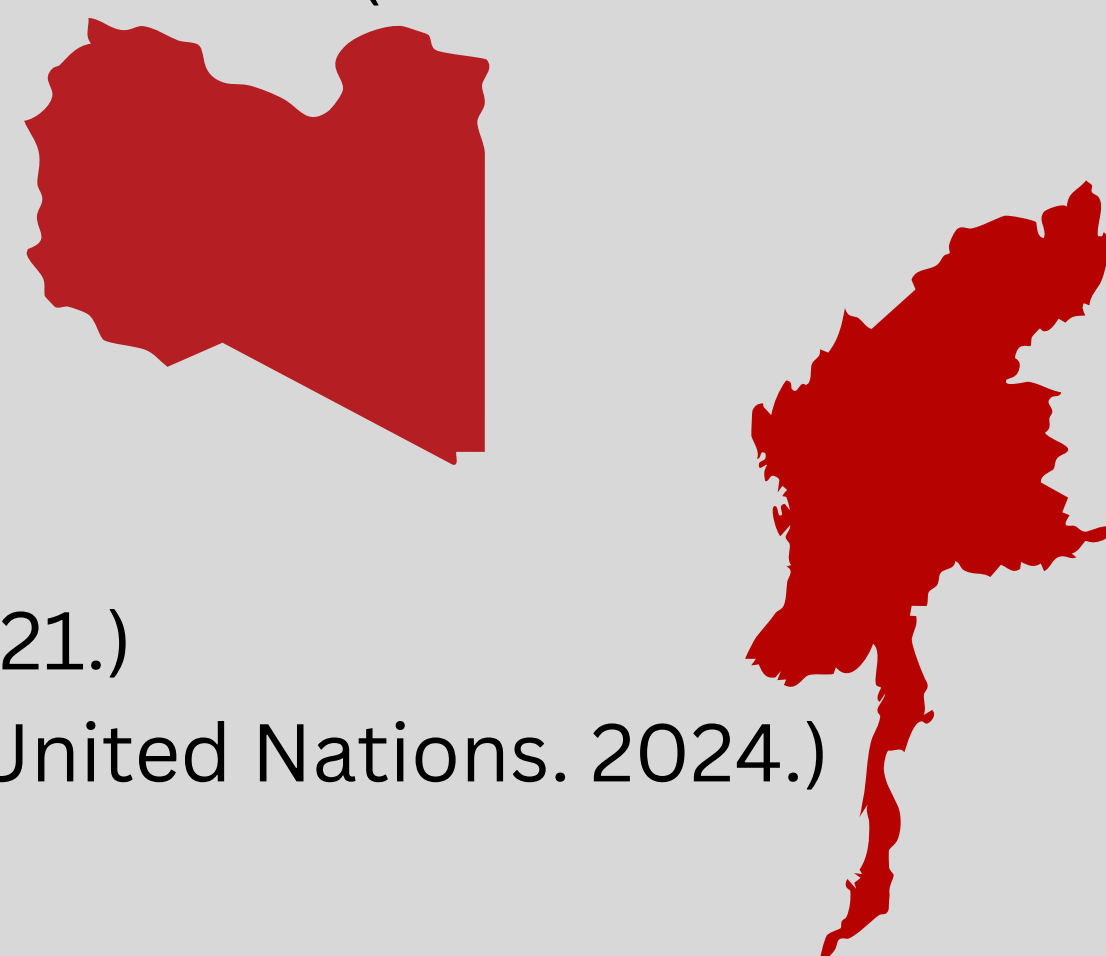
Mass atrocities are broadly defined in core international legal documents as “conscience-shocking” situations (Evans et al. 2001, XIII).

According to the Global Centre for the Responsibility to Protect (2018), mass atrocities include:

- Genocide
- Crimes against humanity
- Ethnic Cleansing
- War Crimes

Clear cases of mass atrocities that violated R2P include: Libya, 2011:

- 500-700 Civilians Killed “over several weeks” (Global Centre for the Responsibility to Protect. 2022.)
- Government Perpetrated Violence
- Unstable State



Myanmar, 2021:

- About 700 Civilians Killed (Evans. 2021.)
- Government Perpetrated Violence (United Nations. 2024.)
- Unstable State

These examples bring to light the defining feature that makes something a mass atrocity:

- Large scale failure of the state to prevent an obviously avoidable, systematic harm.

Femicide in Mexico: A Mass Atrocity

“*The intentional killing of women and girls*” (United Nations. 2023.).

“*Grotesque and degrading violence*” (Diaz. 2020).

“*Signs of sexual abuse and other forms of ill-treatment*” (Celorio. 2010. 637).

“**Mexico has one of the highest femicide rates in Latin America and worldwide**” (Gress et al. 2023).

Femicides Reported in Mexico between January 2016 and March 2022 (Gress et al. 2023):

5,759



This figure may not account for all cases of femicide in Mexico during this period due to poor judicial practices and cases where a woman is missing but no body is found (United Nations. 2023.). Some sources report that as many as 11 women in Mexico are killed each day (Observatorio Ciudadano Nacional del Femicidio. 2022.). Thousands more go missing (Observatorio Ciudadano Nacional del Femicidio. 2022.).

In 2010, a case brought before the Inter-American Court of Human Rights established that Mexico had been consistently failing to do “due diligence” required to provide an adequate response to cases of violence against women and girls (Celorio. 2010, 673).

Reports continue to be made about abysmal judicial practice in Mexico:

“*...it is not uncommon for police to find the missing girl or women somewhere previously searched on multiple occasions; for security camera feeds to be unavailable at the beginning of the investigation ... only to become available later in the investigation due to public pressure. It is also common for police to not call suspects in for questioning, or detain them, even in the presence of evidence.*” (Rodriguez, 2022).

Femicide in Mexico cannot possibly be described as ordinary, unavoidable violence. The extensive failure of the state to address it can only be described as systemic. It is shocking in type and scope. Mexico is clearly guilty of a large scale failure to prevent an obviously avoidable and systematic harm. Thus, femicide in Mexico should count as a mass atrocity under R2P, yet R2P has not been invoked.

Reasons why R2P may have not yet been invoked and why they are wrong:

- Temporal Objection: Compared to cases like Libya, femicide in Mexico is not sudden. It has been perpetrated for years. Suddenness, however, is not necessary for something to be a mass atrocity. If anything, long lasting mass atrocities are even more shockingly awful because their solution has been neglected for so long.
- Stable Democratic State Objection: R2P has only ever been applied in unstable, undemocratic states. There is no clear reason, however, why this should impact the identification of a mass atrocity if it happens to be in a stable, democratic state.
- Non-Malicious State Objection: Compared to Libya and Myanmar, Mexico is not a malicious state. It is not directly committing femicide. It is equally guilty, however, of failing to protect its citizens from a mass atrocity.

Implications: Expanding the Scope

A state does not have to be malicious to violate R2P, nor does it have to be unstable. The case of femicide in Mexico shows that negligence in the face of a mass atrocity is enough to violate R2P.



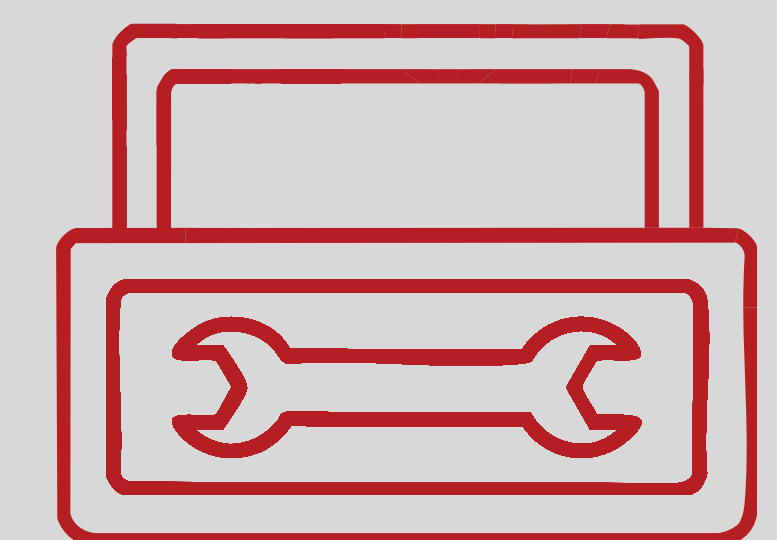
Jamie Black's The REDress Project Photo: Jeremy Addington

The responsibility to protect can be used in stable, democratic states to identify mass atrocities and provide a framework to hold the state in question accountable. It provides a valuable justification for the international community to intervene in situations that are morally appalling.

Tool Box Implications

Current Tool Box of R2P:

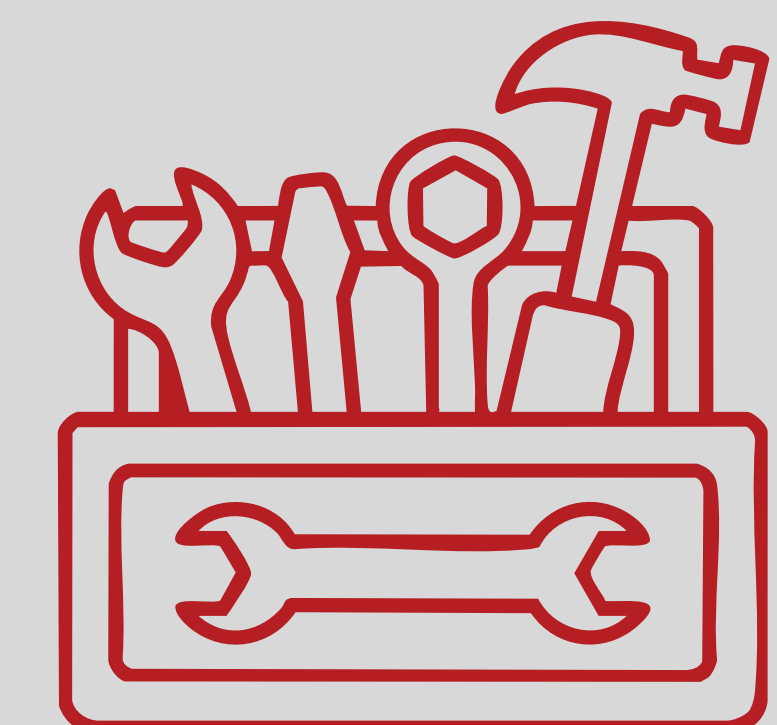
- Sanctions
- Military Intervention



This tool box is severely limited. For mass atrocities occurring in stable or democratic countries, military intervention is inappropriate. Sanctions may put considerable pressure on a country, but do not directly offer the protection that R2P asks the international community to provide. In many cases, they may just cause more suffering. A more helpful tool box should be developed to better serve the goals of R2P.

Additions to the R2P Tool Box to be Investigated Further:

- Judicial Assistance
- Covert Action
- Collaboration with Survivors
- New Technologies



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