



HRC



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1. Welcoming letter.

Dear delegates, the world is currently facing a situation of complex and constant-changing geopolitics. While many claim the world to be at peace, some others live at conflict, under authoritarian governments, on extreme poverty, among all other kinds of situations that represent continuous violations to their human rights.

Even though the United Nations have been working for human rights to be universally fulfilled and protected, new conflicts constantly emerge in the world, and right now the upgrowing tension between world powers makes the situations more intricate.

Due to the seriousness of the situation mentioned above, we Felipe Arcila and Andrea Uribe, welcome you to the Human Rights Council. We expect from you to be properly prepared and perform satisfactorily on the seeking of progress in the implementation of the Universal Declaration of Human Rights.

Also, we wish that you all have a pleasant experience during CCBMUN XII. Feel free to contact us for any inquiries you may have.

Sincerely,

Felipe Arcila Palacio
3004475264

Andrea Uribe Marchena
3127222127

2. Introduction to the Committee

The Human Rights Council is an inter-governmental body within the United Nations system. It is made up of 47 United Nations Member States which are elected by the UN General Assembly. It replaced the former United Nations Commission on Human Rights.

2.1 History.

On February 16, 1946, the Economic and Social Council created the Commission on Human Rights, whose goal was to assist The General Assembly on the drafting of the Universal Declaration of Human Rights, investigate violations of human rights globally, and make recommendations to the General assembly and the members of the United Nations on the matter of the application and violations of the declaration.

The Human Rights Council (HRC or Council) was created by the United Nations General Assembly on 15 March 2006 by resolution 60/251 to replace the Commission. Its first session took place between June 19 to 30, 2006. One year later, the Council adopted its ‘Institution-building package’ (resolution 5/1), which details procedures, mechanisms and structures that form the basis of its work.

2.2 Organization and Functions.

The Council comprises 47 United Nation members, chosen by the General Assembly based on equitable geographical distribution for 3-year periods, with no possibility of immediate re-election after two consecutive periods as a member.

The members meet for three regular sessions per year (March, June and September). It can also hold special sessions at the request of any Council member with the support of one-third of the Council membership. It is responsible for strengthening the promotion and protection of human rights around the globe, and for addressing situations of human rights violations and making recommendations on them.



2.3 Tools

- **Universal Periodic Review:** is a State-driven process under which all UN members can report on their current situation regarding human rights, and their most recent actions taken to fulfill their obligations on this matter. All Council members are required to take the Review. The documentation related to the review is made public by the Council.
- **Special Procedures:** made up of an individual or group of independent human rights experts, they report on specific issues. Special Procedures have either thematic or country-specific mandates. Each mandate holder serves for a period of six years maximum.
- **Complaint procedure:** Is the way in which the Human Rights Council receives communications submitted by individuals, groups, or non-governmental organizations, which are claiming to be victims of Human Rights violations or that have information about such violations.
- **Advisory Committee:** Consists of a group of 18 experts whose role is to give expertise and research-based advice to the Council on thematic matters.

2.4 Ground Documents

- Universal Declaration of Human Rights.
- Charter of the United Nations.
- International Covenant on Civil and Political Rights.
- International Covenant on Economic, Social and Cultural Rights.
- A/RES/60/251.
- A/HRC/RES/5/1.



2.5 References

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<https://www.ohchr.org/en/hr-bodies/hrc/other-sub-bodies>

3. Topic 1: Mechanisms for the Protection of Fundamental Rights During Elections in Countries with Political Instability.

3.1 Introduction

Following Articles 21 of the Universal Declaration of the Human Rights, and 25 of the International Covenant on Civil and Political Rights, citizens have the right “to take part in the conduct of public affairs, directly or through freely chosen representatives” and “to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”. (ICCPR Article 25, 1966)

The previous rights are linked to others such as the right to equality and non-discrimination, freedom of expression and opinion, and freedom of association. If human rights such as the ones mentioned before are violated, or certain segments of society are unable to engage with political processes, election-related violence can emerge, meaning an increase in the civilians’ lack of safety.

Therefore, preventing the violation of human rights during elections and fighting discrimination on social and political processes should be priorities of every government, and matters of great interests for the United Nations, which offers assistance on elections all over the world. For this purpose, many organs in the UN have mandates related to this matter, such as the Department of Peacebuilding and Political Affairs¹. All requests for assistance are forwarded to the Under-Secretary General for Political Affairs, whose role is to ensure consistency in the delivery of United Nations electoral assistance, and to advise the Secretary General in such matters. Still, the UN is conscious that each country has specific needs and issues which require different approaches. Hence, the various types of assistance the Organization, through different bodies following the coordination of the Under-Secretary, can provide from which stand out are:

- **Technical assistance:** Consisting of technical, operative and logistic support on the development of electoral processes, laws and institutions which can be focused on a specific event or on long-term strategies, depending on the country's request and the Organization's assessment.
- **Support to creating a conducive environment:** Different bodies of the United Nations are able to contribute to the creation of a conducive environment. The Department of Peace Operations often intervenes to help stabilize the security situation during elections. The DPPA is also responsible for mediation and conflict prevention in countries in transition or at risk of violence. In addition, bodies such as UN Women and the OHCHR may decide to monitor an electoral process to ensure respect for relevant international standards.
- **Organization and conduct of an electoral process:** this mandate gives the United Nations full authority over an electoral process or referendum. The UN takes the responsibility usually assumed by an electoral authority. This

¹ The Department for Political and Peacebuilding Affairs, currently headed by the Under-Secretary General Rosemary A. DiCarlo, is a body which monitors and assesses global political developments with an eye to detecting potential crises. For more information see <https://dppa.un.org/en/what-we-do>

mandate is not common but useful for specific post-conflict or decolonization situations.

The United Nations can also act as supervisors, in which case each phase of the process requires prior approval by the Organization, or simply as observers of the process, in some specific cases certifying the integrity and effectiveness of the local electoral agents.

Meanwhile, Political instability can be defined as “the propensity of a government to collapse either because of conflicts or rampant competition between various political parties”(Hussain, 2014). Consequently, political instability is directly related with socio-political violence. The political Stability index² is how instability is measured in each country, giving valuable information about its political and social situation.

The violence caused by political instability can represent a real risk for citizens and their rights. This type of violence can reach a peak during an election period as a consequence of the nonconformity of a portion of society with the process or result or, when such violence is used to put pressure on the state or the opposition to reach a particular goal.

3.2 Historical Background

For the United Nations Organization, the importance of the electoral process in countries under democratic political systems was pretty clear since its birth. In 1948, the United Nations supervised the first South Korean democratic election of its National Assembly’s members. This was the first time the United Nations took part in any national democratic process.

Even though the assistance of the United Nations was already an important tool for some member states, it was in the 90's when more countries got interested in it, after the creation of the Department of Political Affairs by order of the General Assembly in 1992. On that decade, the UN organized or supervised elections assisting many member states, with

² To check the Stability indexes and Country rankings see https://www.theglobaleconomy.com/rankings/wb_political_stability/Europe/

Afghanistan, Central African Republic, the Democratic Republic of the Congo, Iraq, Nepal, Sierra Leone and Sudan among them.

On the other hand, political instability has been a great issue for some regions like Latin America, The Middle East and Africa. The first one faced a period of great political violence, during all the second half of the 20th century, a moment in which countries all along the region faced inner conflicts and even civil wars, leading to the rise and fall of many dictatorships.



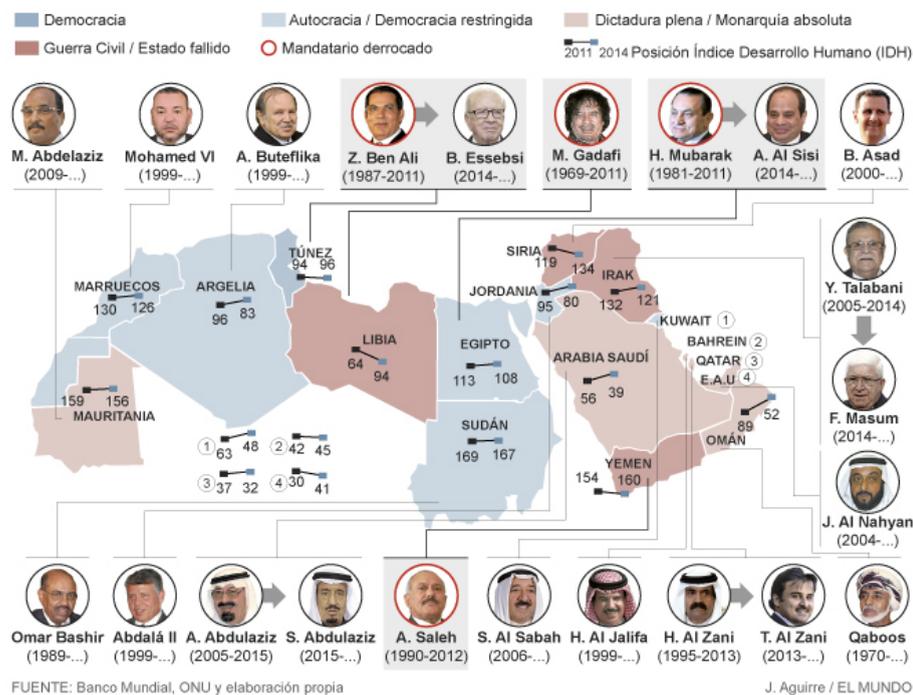
[Figure 1.]

By the time the Department of Political Affairs was created, many of the countries that faced dictatorships were just going back to a democratic system. Dictatorships in the region were the cause of several violations of human rights, along with a noticeable increase in the political tension between parties, especially between the capitalists and communists. These governments severely damaged the belief of the population on the credibility of the democratic system.

In addition to this, the cold war and the arrival of communism to the region engendered the first guerrillas —mostly followers of the ideology mentioned above— who triggered inner conflicts in various countries; some of them that are still active today. In countries such as

Colombia, the situation got even worse as organized crime got involved in politics, increasing much more the political violence in the territory.

The Middle East, similar to Latin America, went through a growth of political violence during the cold war and the countries there also faced dictatorships. The differences with the previous region are the strong relationship between politics and religion, and the length of the dictatorships, as many of them haven't even ended.



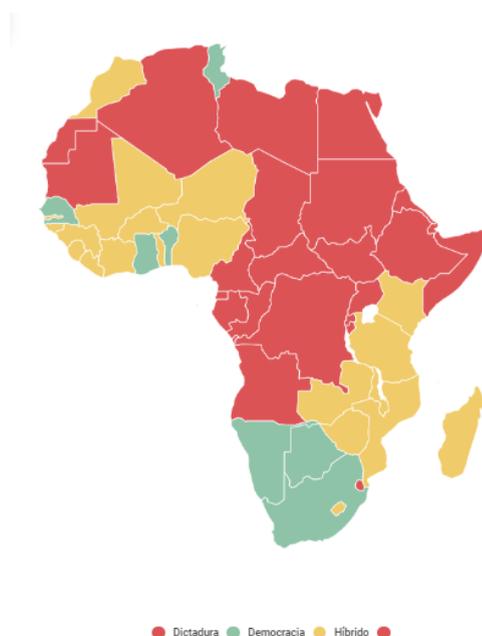
[Figure 2.]

It is true that some dictators fell during the Arab Spring³, but many others remain ruling today. Furthermore, extremist groups are especially strong in the Arab World, constantly threatening the population. On various occasions, groups such as Al Qaeda⁴ have put at risk voters and committed violent actions against civilians during electoral periods on the Arabic territories.

³ The Arab Spring was a wave of pro-democracy protests which started in 2010 in countries located in the Middle East and North Africa under authoritarian regimes. The movement forced some of the authoritarian leaders in the region to give up their power and position. For more information see <https://www.britannica.com/event/Arab-Spring>

⁴ Al Qaeda is a militant Islamic organization created in the 1980s by Osama bin Laden with the objective of fighting against the Soviet Union during the Afghan War. The organization kept active opposing to what its leaders considered corrupt islamic regimes and foreign presence in the Islamic territory. Al Qaeda is responsible for some actions such as the 9/11 attacks and some cases of election-related violence among others.

Finally, Africa has been characterized by a late decolonization process, which meant a great delay in its development in comparison to the rest of the world. Governments in the region are mostly dictatorial regimes, many of them totalitarian, and some others hybrid between dictatorships and democracies. For 2019, only 10 of the 54 African countries were democratic.



[Figure 3.]

Moreover, many of the countries shown above with any kind of democratic processes are places with great tension, conflicts; and especially state repression against the population, constituting different forms of socio-political violence and serious violations to human rights. Some examples are Kenya, Zimbabwe, and Mali, among many others.

3.3 Current Situation

The geopolitical landscape has suffered lots of changes recently, affecting many countries and their stability. The objective is still for every country to reach stability by preventing Human Rights violations, but the rise of new conflicts and tensions makes it hard to achieve that goal.



In the first place, multiple African states are currently under protests and overall, the citizens have shown disagreements with their governments, which is causing great political changes in the region in a pretty short period of time. Six (6) coup d'états have taken place in five (5) different countries recently, leaving the political power to the military. These countries are Mali, Chad, Guinea, Sudan and Burkina Faso. Other countries have had failed attempts such as Niger.

Other countries in the region have shown disapproval to the current military regimes, and the United Nations has expressed concern about the current situation, describing it as endemic. Other organizations, such as the Economic Community of West African States, a regional trading union with fifteen (15) members, which was created to foster the ideal collective self-sufficiency, are imposing sanctions against these countries, trying to force them to restore a constitutional regime. Meanwhile, opinions among the populations vary. In Mali and Burkina Faso for example, many have supported the current government but, on the other hand, many have died in Sudan during peaceful protests as stated by the Central Committee of Sudanese Doctors.

Meanwhile, Islamic insurgencies related to Al Qaeda are growing and expanding through the African region. The extremist groups are a threat to the population, and one of the main reasons why the coups were successful. At the same time, Al Qaeda remains a serious threat for the Middle East's stability. The United States remain at conflict with the Jihadist group.

In addition, the Taliban, a repressive Islamic group which was regaining power and putting pressure over the Afghan democratic system by attacking voters⁵, has taken full control of Afghanistan, forcing all foreign forces to leave.

Finally, the Latin American region is still under great pressure due to the persistent problem of guerrillas and other military groups. Such is the case of Colombia, where 50 municipalities were reported by the authorities as territories at risk because of the menace of the Clan del Golfo, FARC and ELN. At the same time, voters on Caldas were under the

⁵ In 2018, the Taliban committed a series of attacks, especially against schools and mosques which were being used for voter registration. The United Nations reported eighty-six (86) civilians dead and one hundred and eighty-five injured as a result of the attacks. For more information see <https://news.un.org/es/story/2018/05/1433342>

pressure of the Aguilas Negras, who were also threatening social and indigenous leaders in order to silence them.

Colombia is not the only country of the region which has dealt with such situations. Honduras was criticized for using an excessive amount of force against protesters during elections in 2018. During the electoral process, around 1351 were arrested. Illegal trespassing and harassment of journalists are some of the things Honduran authorities were accused of.

3.4 Guiding Questions

- How have socio-political violence and armed agents affected your delegation's electoral process?
- What measures could be taken to fight against the effects of such violence and further protect the population from human rights violations?
- Which are the most common human rights violations perpetrated by states during elections? And how can the international community protect those populations and hold states accountable?
- What side effects does the violation of human rights in the electoral process have on the security of civilians overall? Has your delegation suffered these effects?
- Which measures, legislation or safeguard has your delegation established to ensure the protection and fulfillment of human rights during elections? Have these mechanisms been successful? How can they be more effective?
- Does your delegation approve UN involvement in electoral processes and consider them successful? If not, what changes or improvements should these missions have?

3.5 Recommendations

It is important for you to keep in mind the role of the main bodies of the United Nations which intervene in elections, especially the DPPA and the DPO. The United Nations has some strategies on how to assist countries in electoral processes. The idea is for you to develop new strategies to prevent human rights violations, specifically on countries with political

instability, taking into account that there are some common characteristics among them, but also considering that every context is different; that is the obstacle you will be dealing with. Remember to focus on the most important thing for this committee, human rights. Bring out examples of how human rights have been violated in your country and give solutions to this problem.

3.6 Useful Links

- Political stability by country, around the world. (s. f.). TheGlobalEconomy.Com. https://www.theglobaleconomy.com/rankings/wb_political_stability/
- Elections. (s. f.). Department of Political and Peacebuilding Affairs. <https://dppa.un.org/en/elections>
- Qué hacemos. (s. f.). Departamento de Asuntos Políticos y de Consolidación de la Paz. <https://dppa.un.org/es/what-we-do>
- Department of Peace Operations. (s. f.). United Nations Peacekeeping. <https://peacekeeping.un.org/en/department-of-peace-operations>
- Elections. (s. f.-b). UN Women “Headquarters. <https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/elections>
- OHCHR. (s. f.). OHCHR | High Commissioner. <https://www.ohchr.org/en/about-us/high-commissioner>

3.7 Glossary:

- **Election-related violence:** A phenomenon that has significantly hindered the meaningful participation of young people in electoral processes. Elections are one of the main pillars of democracy. However, elections can trigger violence when fundamental human rights, such as the right of association and expression, are violated and when certain segments of society are unable to participate in political processes. Countries emerging from internal conflicts, such as civil war, have a

particularly high potential for conflict during electoral processes. Therefore, preventing the outbreak of electoral violence to preserve the integrity of elections and democratic systems is critical to a country's long-term peace and stability.

- **Guerrilla:** a fighting force composed mostly of armed civilians, with little or no connection to the armed forces of a State, and who carry out light tactical operations against an army, an enemy guerrilla or even government institutions themselves.
- **Political instability:** a government's inclination to collapse in a short time due to unstable political structures. It is a crisis situation within the country that can be caused by a variety of reasons: government incompetence, economic problems, high crime rates, and so on. Political instability can also be caused by conflict or, conversely, to become the basis of the conflict itself.
- **Referendum:** the principle or practice of submitting to popular vote a measure passed on or proposed by a legislative body or by popular initiative, is an example of direct democracy.
- **Right to equality of non-discrimination:** Equality affirms that all human beings are born free and equal. All individuals have the same rights and deserve the same level of respect. All people have the right to be treated equally. laws, policies and programs should not be discriminatory, and also public authorities should not apply or enforce laws, policies and programs in a discriminatory or arbitrary manner. Non-discrimination is an integral part of the principle of equality. no one is denied their rights because of factors such as race, colour, sex, language, religion, political or other opinion, national or social origin, property or birth. The right to equality and non-discrimination encompasses both positive and negative obligations, to refrain from discriminating or eroding equality and the obligation to protect and advance the fulfilment and enjoyment of the rights to equality and non-discrimination for all people.
- **Socio-political violence:** Indirect violence characterized because the structures of the state and society, violate the rights and development of certain vulnerable groups of the population.

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<https://www.elmundo.es/grafico/cultura/2016/03/15/56e72428e2704eca508b4637.html>
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- *Águilas Negras en Caldas declaran objetivo militar a votantes de Gustavo Petro, líderes indígenas y exguerrilleros*. (2022, 11 mayo). infobae. Recuperado 12 de agosto de 2022, de <https://www.infobae.com/america/colombia/2022/05/11/aguilas-negras-en-caldas-declaran-objetivo-militar-a-votantes-de-gustavo-petro-lideres-indigenas-y-exguerrilleros/>
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4. Topic 2: Evaluation of the Consequences of the Application of the R2P in the Conflicts in Libya and the Ivory Coast.

4.1 Introduction

To understand how the application of R2P (Responsibility to Protect) leads to negative consequences, it's important to know what R2P means. The Responsibility to Protect embodies a political commitment to end the worst forms of violence and persecution. It consists of a principle of International Law that seeks to narrow the breach between Member States' pre-existing obligations under International Humanitarian and Human Rights Law, and the reality faced by populations at risk of genocide, war crimes, ethnic cleansing, and crimes against humanity. It's focused on the responsibility of States to protect their own populations. When a State is failing, or unwilling to protect its own people, the international community has a responsibility to do so.

R2P established three pillars of responsibility:

- “Pillar One: every state has the responsibility to protect its population from the following mass atrocity crimes:
 - Genocide: “means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
 - (a) Killing members of the group;
 - (b) Causing serious bodily or mental harm to members of the group;
 - (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
 - (d) Imposing measures intended to prevent births within the group;
 - (e) Forcibly transferring children of the group to another group. ” (Rome Statute 1998, pg 10)
 - War crimes: this means:
 - (a) “Breaches of the Geneva Conventions of 12 August 1949, such as:
 - (i) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

(b) Serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

- (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- (ii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
- (iii) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;” (Rome Statute 1998, pg 11)

- Crimes against humanity: this means any of the following acts, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack such as murder, extermination, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, etc⁶;
 - Ethnic cleansing: a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.⁷
- Pillar Two: the wider international community has the responsibility to encourage and assist individual states in meeting that responsibility.
 - Pillar Three: if a state is manifestly failing to protect its population, the international community must be prepared to take appropriate collective action, in a timely and decisive manner, and in accordance with the UN Charter.

⁶ For more information see, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>

⁷ Ethnic cleansing is not considered a crime defined under international law, this is the definition provided by the UN.

4.1.1 Responsibility to Protect and Humanitarian Interventions

The Responsibility to Protect differs from humanitarian intervention in some important aspects . Firstly, humanitarian intervention refers to the use of military force⁸, the responsibility to protect instead is a preventive principle that emphasizes a range of measures to lessen the risk of mass atrocity before the crimes occur.

The Responsibility to Protect is rooted firmly in current worldwide regulation, in particular the law referring to sovereignty, peace and security, human rights, and armed conflict. It only focuses on these four mass atrocity crimes: genocide, war crimes, crimes against humanity, and ethnic cleansing.

The most important difference between humanitarian intervention and R2P, is that the first one assumes the “right to intervene”, the second one is based on the “responsibility to protect”. At the same time, both agree on the fact that sovereignty is not absolute.

In December 2001, the ICISS launched a report entitled “Responsibility to Protect”, focusing on presenting R2P as the responsibility to react, prevent, and rebuild. It also established that any shape of military intervention is an extremely and extraordinary measure, that need to be justified, including these aspects:

- Just cause: serious and irreparable harm to human beings are probably to occur.
- Right Intention: the main intention of using military action must be to prevent human suffering.
- Lasts Resort: military measures should be used after every other effective non-coercive measure has been used.⁹
- Proportional means: military means must not exceed what is necessary to secure human protection objectives.

⁸ A humanitarian intervention uses force as a humanitarian imperative without the authorization of the SC.

⁹ This doesn't mean that every other measure needs to be used, it is just to verify that the military one will be more effective than the others.

- Reasonable Prospects: chance of success should be reasonably high; it must be unlikely that the consequences of the military measures would be worse than the consequences without the intervention.
- Right authority: military intervention needs to be authorized by the Security Council (SC).

4.2 Historical Background

“The world has embraced the responsibility to protect - not because it is easy, but because it is right to protect populations at risk of genocide and mass atrocity crimes.”

- Asha-Rose Migiro, Former Deputy Secretary-General, United Nations

At the end of World War II, countries sought ways to ensure the world never again devolved into such horrific conflict. Leaders created the United Nations, and supporting the new world order demanded respect for sovereignty, the principle that no country can interfere in the domestic affairs of another.

Everything changed due to the atrocities committed in the 1990s in the Balkans and Rwanda. In one hand, there was the murder of some 8,000 ethnic Bosnian Muslims in the Srebrenica region, considered the greatest atrocity committed in Europe since World War II. On the other hand, the Rwandan genocide, where members of the Hutu ethnic majority in the east-central African nation murdered the Tutsi ethnic group. Both cases presented an ethnic cleansing and human rights violations, taking into account the Universal Declaration of Human Rights, Articles 2, 3 and 5¹⁰.

¹⁰ These three articles state:

- Article 2: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.” (Universal Declaration of Human Rights, 1948)
- Article 3: “Everyone has the right to life, liberty and security of person.” (Universal Declaration of Human Rights, 1948)
- Article 5: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” (Universal Declaration of Human Rights, 1948)

Also, the NATO military intervention in Kosovo in 1999, was criticized by many as a violation of the prohibition of the use of force, stated in article 2(4) of the UN charter. It forbids the use of force in international between states, but it makes some exceptions. Force may be used with the Security Council's authorization, or as a self-defense mechanism if an armed attack occurs before the SC takes necessary measures. The justification of NATO's intervention was to end the humanitarian crisis involving the large outflow of Kosovar Albanian refugees caused by Yugoslav forces.

The international community engaged in a serious debate on how to react to gross and systematic violations of human rights, presented several times in past events, like wars and conflicts between groups.

These events brought Kofi Annan, former UN Secretary-General, to ask this crucial question: *“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 affect every precept of our common humanity?”*

Later, at the 2005 World Summit marking the 60th anniversary of the United Nations, heads of state and government endorsed in their Outcome Document the principle of the ‘responsibility to protect, R2P, as an important global principle of international conduct, attached in paragraphs 138 and 139:

- “138: This responsibility involves the prevention of such crimes, including their incitement, through appropriate and necessary means. The international community should encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.
- 139. 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. 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 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 out¹¹.” (World Summit Outcome 2005, pg 30)

Since 2009, the UN Secretary-General, has published annual thematic reports on R2P, which detail its current developments and further challenges. The first eight reports were written by Ban Ki-moon¹², and the responsible leader for the recent reports is António Guterres.

- 2009: implementation of the R2P, claiming the development of three-pillar strategy as its most important achievement, requests to the General Assembly to clarify the concept of the R2P and to determine strategies for its implementation.
- 2010 - 2014: reports on R2P relate on early warning mechanisms, the role of regional and sub-regional arrangements, and state responsibility and prevention.
- 2015: “A Vital and Enduring Commitment: Implementing the Responsibility to Protect” evaluated the progress of the implementation of R2P in the past ten years, and identified remaining challenges and shortcomings. In terms of the third pillar, he reports that it's important to change its focus, not only the use of force. It concludes identifying six core priorities in the decade ahead, namely;

- (i) demonstrating political commitment;

¹¹ Countries should take action through the Security Council in accordance with the UN Charter on a case-by-case basis, and in cooperation with relevant regional organizations.

¹² Ban Ki-moon was the eight Secretary - General of the United Nations.

- (ii) investing in atrocity crime prevention;
 - (iii) ensuring more timely and decisive response;
 - (iv) preventing the recurrence of atrocity crimes;
 - (v) enhancing regional action;
 - (vi) and strengthening peer networks.
- 2016: “Mobilizing Collective Action”, identify current barriers to mobilizing collective action.
 - 2017: emphasized the need to strengthen accountability for the implementation of R2P for the prevention of mass atrocities, addressed UN member states, intergovernmental bodies and the UN system.¹³
 - 2018: “From early warning to early action”, civilians are paying the price with their lives, and this doesn’t mean that the principle is weak or misplaced. The international community has been insufficiently resolute in its implementation, and it has allowed disagreements about the past to foil unity of purpose in the present.
 - 2019: “Lessons learned for prevention”. The international community sees a troubling decline in international commitment to multilateralism. Member States are invited to prioritize managing a society as a strength, strengthen accountability and the rule of law, ensure secure livelihoods, promote a vibrant civil society supporting a plurality of views, and guarantee non-recurrence.
 - 2020: “Prioritizing prevention and strengthening response: women and the responsibility to protect”, focuses on the gendered dimension of atrocity prevention and R2P. The report explores the link between R2P and the Women, Peace and Security (WPS) agenda, as well as the unique ways in which certain atrocity crimes affect women.
 - 2021: “Advancing atrocity prevention: work of the Office on Genocide Prevention and the Responsibility to Protect”. The coronavirus disease pandemic (COVID-19)

¹³ To find all Secretary-General’s reports on R2P and other important documents see <https://www.un.org/en/genocideprevention/key-documents.shtml>

has exacerbated existing vulnerabilities and created new protection challenges. In addition, state and non-state actors continue to flagrantly disregard well-established principles of international humanitarian and human rights law. Deliberate attacks on schools and hospitals, the destruction of religious buildings and heritage sites, the use of food as weapons and widespread sexual and gender-based violence have all become more frequent.

The Security Council has discussed the Responsibility to Protect in a number of resolutions, emphasizing that it has begun to gain ground in global debates on international peace and security. The first SC resolution that recognized the concept of R2P was Resolution 1674¹⁴, on the Protection of Civilians in Armed Conflict. Other examples of these resolutions are: Resolution 1975 on Côte d'Ivoire, Resolution 2085 on Mali, Resolution 2109 on South Sudan, Resolution 2149 on the Central African Republic, and Resolution 2385 on Somalia. All of them referencing conflicts in developing countries.

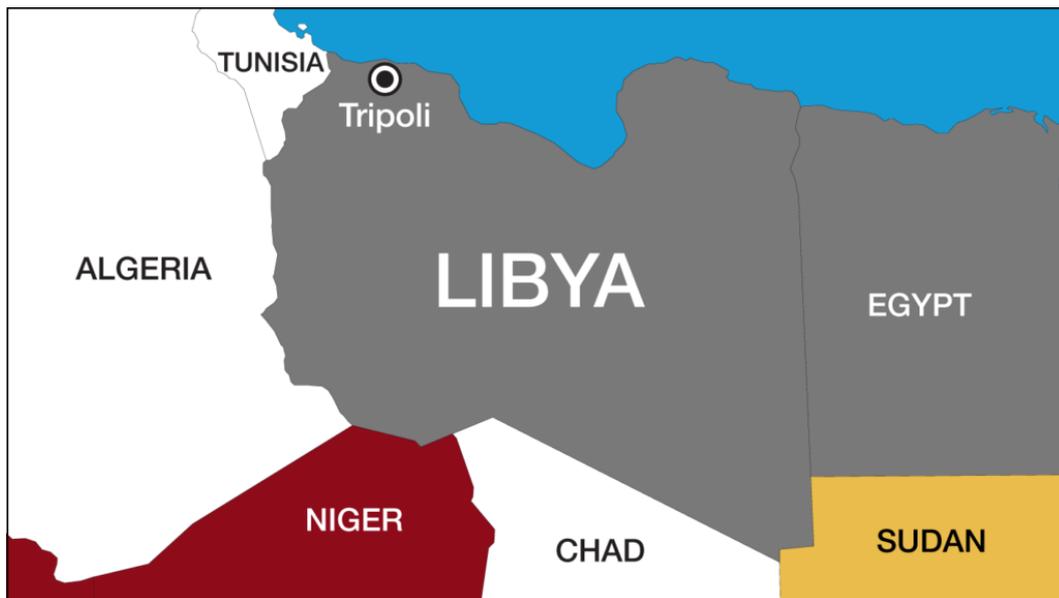
Furthermore, the Global Centre for the Responsibility to Protect (GCR2P) is an international non-governmental organization that conducts research and advocacy on the responsibility to protect. Is based at the Graduate Center, CUNY, New York, with an office also located in Geneva.

4.3 Current Situation

The Responsibility to Protect has been applied only twice, in Libya and Côte d'Ivoire, two political conflicts that triggered protests. The international community's commitment to R2P was first tested on the practical level during the 2011 Libyan revolt.

¹⁴ It reaffirmed that all parties to armed conflict had an obligation to protect the civilian population and to not harm the civilians.

4.3.1 Libya



[Figure 4.]

Libya has been suffering a humanitarian crisis and political-military instability, beginning with the Arab Spring¹⁵ protests, leading to a violent crackdown of the Libyan government, led by Muammar Qaddafi. He was a Libyan military, politician, dictator and leader who ruled his country for 42 years.

Colonel Muammar Gaddafi was the head of the Free Officers, a group of Arab nationalists who deposed King Idris I of Libya. He held the leadership of the Libyan state uninterrupted, becoming by 2011 one of the longest-serving non-monarchist heads of state.

Protests began on February 2, 2011, an estimated between 500 and 700 civilians were killed over several weeks. The Libyan government deployed military and used tanks against civilians and rebel forces in the towns of Benghazi, Misrata and elsewhere. Torture, disappearances, arrests and outright repression have been the standard since Muammar Gaddafi seized power in 1969. His opponents were arrested, imprisoned, and in some cases, reported missing.

As a response, the Security Council (SC) adopted resolutions 1970 and 1973:

¹⁵ Wave of pro-democracy protests and uprisings that took place in the Middle East and North Africa. Challenged some of the region's authoritarian regimes.

- Resolution 1970, february 26th, 2011: contained elements of the R2P, and stated that the situation in the country may amount to crimes against humanity. It recalled the Libyan authorities' responsibility to protect its population and thereby made express reference to the primary responsibility of the Libyan government. The SC in this resolution referred to an emergency in which the civilian population may be experiencing violations of their human rights. It also invokes Article 41¹⁶ as the legal basis for the Council's action.
- Resolution 1973, which constituted the first attempt to implement R2P by military means. The Security Council authorized measures aimed at protecting civilians to member states. It reiterates the responsibility of the Libyan authorities to protect the Libyan population and the secondary responsibility of the international community by measures to be taken by the UN members.

NATO responded to the United Nations' call for the international community to protect the Libyan people. A coalition of NATO allies and partners began enforcing an arms embargo, maintaining a no-fly zone, and protecting civilians and civilian populated areas from attack or threat of attack in Libya under the OUP.¹⁷ After several months of intense fighting, Tripoli¹⁸ fell to the rebels and the Qaddafi government collapsed in August 2011.

Since the overthrow of the Qaddafi government, transitional governing bodies have failed to restore stability in the country, and multiple UN-facilitated peace processes have stalled. Nearly a decade of fighting left more than 270,000 people internally displaced, and 900,000 in need of humanitarian assistance. Armed militias have committed extrajudicial killings, torture, kidnappings and indiscriminately attacked

¹⁶ Article 41 states that “The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include 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.” (United Nations Charter, 1945).

¹⁷ Operation Unified Protector. It successfully concluded on 31 October 2011.

¹⁸ Capital and largest city of Libya.

civilian areas. In the following paragraphs, a description of the nation's situation in recent years is provided.

Khalifa Haftar, a former army officer, took part in the 1969 coup that deposed King Idris and installed Colonel Muammar Gadhafi in power. Following the Libya-Chad war¹⁹, which Libya lost in 1987, he had a falling out with Gadhafi. Haftar, who led Libyan forces during the war, was captured by Chad and later transferred to the United States, where he joined the CIA-backed anti-Gaddafi opposition; he spent the next two decades plotting to overthrow and assassinate Gadhafi. Haftar returned to Libya in 2011, during the NATO-backed uprising that deposed and killed Gadhafi, and rose to become one of the rebels' top military commanders.

In 2019 Haftar and his self proclaimed Libyan Arab Armed Forces (LAAF)²⁰, launched an offensive to take control of the country from the UN backup Government on National Accord (GNA)²¹. Allegedly, he was seeking to rid the capital of militias and extremists. This fighting displaced 250,000 people, and resulted in at least 430 civilian casualties. Following those, the GNA, with Turkish support, pushed the LAAF out of Tripoli on 4 June 2020. The Offensive Armed groups violated International Humanitarian Law²² and International Humans Rights Law²³.

In 2020, a permanent, countrywide ceasefire was signed by the delegations to the 5+5 Joint Military Commission (JMC). The UN Support Mission in Libya (UNSMIL) launched the Libyan Political Dialogue Forum.

¹⁹ Between 1978 and 1987, there were sporadic clashes between Libyan and Chadian forces in Chad. Four Libyan interventions characterized the conflict. Gaddafi received support from various civil war factions, while Libyan opponents received support from the French government, which intervened militarily to save the Chadian government.

²⁰ Libyan Arab Armed Forces are an alliance of groups that are affiliated with a government — the eastern-based Interim Government — that is not recognized by the United Nations, and a parliament — the eastern-based House of Representatives.

²¹ Interim government for Libya that was formed under the terms of the Libyan Political Agreement, a United Nations-led initiative, signed on 17 December 2015.

²² For more information see: https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf

²³ For more information see: <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>

In 2021, the Government of National Unity (GNU) was formed to lead the country until the elections scheduled for December of the same year. The Fact-Finding Mission, commissioned by the HRC published its first report. It states that war crimes and crimes against humanity, including murder, torture, enslavement, extrajudicial killings and rape, have been committed in Libya since 2016.

4.3.2 Côte d'Ivoire



[Figure 5.]

In 2011, Côte d'Ivoire held presidential elections amidst political turmoil. At least 85 people were killed between August and November in political and intercommunal violence between supporters of President Alassane Ouattara, security forces and opposition protesters. On November 9, President Ouattara's re-election was ratified.

The months leading up to the elections were marked by sporadic violence, hate speeches aimed at manipulating ethnic differences for political purposes, and rising tensions. Violence against protesters by security forces and unidentified individuals increased. The clashes led to the emigration of thousands of people to Liberia, Ghana and Togo. There were several allegations of human rights violations related to the judicial process, including allegations of torture or other ill-treatment. On December 14, Ouattara took office and announced the creation of a ministry tasked with strengthening national cohesion and reconciliation.

Côte d'Ivoire has a history of civil war and election-related violence. Following the November 2010 presidential elections, when then-President Laurent Gbagbo refused to give power, security forces and rival militias loyal to Gbagbo or Ouattara²⁴ attacked perceived ethnic and political enemies, killing some 3,000 people. These systematic violations provoked an international military intervention authorized in March 2011 by the UN Security Council in Resolution 1975, which authorizes a robust response to the Côte d'Ivoire's crisis and reaffirms the government's responsibility to protect.

Although R2P is intended to guarantee the protection of civilians, it has been criticized for the fact that state sovereignty is diminished when intervening freely, and because using military means may lead to the incitement of armed conflict –as in the case of Libya—, or preservation of political instability.

4.4 Guiding Questions

- By which means R2P could be ineffective to protect civilians that are in the middle of a conflict?
- Does your delegation have any criticism about how R2P has been applied before? If it has, what kind of reforms or changes would the delegation advance regarding the legal framework of R2P?
- Regarding your delegation's foreign policy, is your delegation generally in favor of military intervention as an application of R2P? Or does it lean more toward non-interventionist policies that avoid unwanted humanitarian consequences?
- What alternative solutions and tools could have been used in the implementation of R2P in Libya and IC to ensure the protection of human rights and the correct

²⁴ Alassane Ouattara was Gbagbo's political and ideological rival, he belongs to the Rally of the Republicans (RDR), a liberal party, while Gbagbo supports the Ivorian Popular Front (FPI) a centre-left, democratic socialist and social democratic political party. Ouattara actually won the presidential run-off elections. The electoral commission said that Ouattara had won 54% of the vote, compared to 46% for Gbagbo.

application of the three principles of R2P? How did the measures of the international community lack adequate preventive and rebuilding actions?

- In which situations of conflict or humanitarian crises R2P would not be an effective measure to protect civilians?
- Did your delegation vote in favour of the military intervention in Lybia?
- How would your delegation justify the application of R2P and the consequences it would represent to the civilians?

4.5 Recommendations

It's important to understand the concept of R2P, and how and when it works. To evaluate all the consequences, study the concept of R2P, and then analyze if it was used correctly or not in different scenarios. Should it be important to change some doctrines of R2P? Not only focus on the problem and the military means, also focus on the suffering of the population attacked by its own governments, how human rights were violated, and how each delegation can bring out solutions to make R2P work as efficiently as it can. To engage in debate, consider whether it's more efficient to intervene and save civilians, knowing that many of them already have died, or to not intervene and eventually save more lives. Remember that you can contact us, Felipe and Andrea, in case you need anything.

4.6 Useful Links

- Resources Archive. (s. f.). Global Centre for the Responsibility to Protect.
<https://www.globalr2p.org/resources/>
- DW News. (2020, 9 September). How Libya is torn apart by militias, extremists and foreign powers | Libya war UNPACKED [Video]. YouTube.
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<https://cjlil.uchicago.edu/publication/united-nations-security-council%E2%80%99s-implementation-responsibility-protect-review-past>
- https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf
- <https://www.redcross.org.au/globalassets/cms-migration/documents/about-us/ihl-r2p-responsibility-to-protect.pdf>

4.7 Glossary

- **Armed Conflict:** There are two types of armed conflict:
 - International armed conflicts, opposing two or more States.
 - Non-international armed conflicts, between governmental forces and non-governmental armed groups, or between such groups only.

- **Crackdown:** strong official action that is taken to punish people who break laws.

- **International Humanitarian Law:** a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict.

- **International Human Rights Law:** lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, protect and fulfill human rights.

4.8 References

- [Figure 4.] Libya. (s. f.). [Map]. Global Centre for the Responsibility to Protect. https://www.globalr2p.org/wp-content/uploads/2022/03/Libya_60-1024x576.png

- [Figure 5.] Côte d'Ivoire. (s. f.). [Map]. Global Centre for the Responsibility to Protect. https://www.globalr2p.org/wp-content/uploads/2021/01/Cote_dIvoire_55-1024x576.png

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5. Country List:

- I. Arab Republic of Egypt.
- II. Bolivarian Republic of Venezuela.
- III. Côte d'Ivoire.
- IV. Democratic Republic of the Congo.
- V. Federal Republic of Germany.
- VI. Federal Republic of Somalia.
- VII. Federative Republic of Brazil.
- VIII. French Republic.
- IX. Islamic Republic of Afghanistan.
- X. State of Japan.
- XI. Kingdom of Saudi Arabia.
- XII. People's Republic of China.
- XIII. Republic of Colombia.
- XIV. Republic of Cuba.
- XV. Republic of Iraq.
- XVI. Republic of Nicaragua.
- XVII. Republic of South Sudan.
- XVIII. Republic of the Union of Myanmar.
- XIX. Republic of Yemen.
- XX. Russian Federation.
- XXI. State of Libya.
- XXII. Swiss Confederation.
- XXIII. Syrian Arab Republic.
- XXIV. United Kingdom of Great Britain and Northern Ireland.
- XXV. United States of America.