



THE UNITED NATIONS AND THE DOCTRINE OF RESPONSIBILITY TO PROTECT

- Mimansa Mishra (III B.A.LL.B)

Since the establishment of the United Nations in 1945, one of the major areas of debates and deliberation within the international community in the last decade has been regarding accepted norms of intervention by the international community, especially in case of grave human rights violations. With the end of the Cold War, violence within the states succeeded the largely dominant occurrences of inter-state aggression, with instances like the grave instances of violence breaking out in Rwanda, former Yugoslavia and Kosovo, making the world realize how ill-prepared it was to deal with such situations because of the national sovereignty.

The doctrine of Responsibility to Protect, also known as "R2P", was the international community's response to the Rwandan and Yugoslavian atrocities, with the States creating a norm to ensure that the International community never fails to halt atrocities like genocide, war crimes, ethnic cleansing, or other crimes against humanity. It was thus adopted by

the UN in 2005 at the UN World Summit, articulated in paragraphs 138 and 139 of the World Summit Outcome Document.

Responsibility to Protect stipulates three pillars of responsibility for the States. The first Pillar of responsibility is the protection of their population from the 4 crimes of mass atrocity, namely genocide, war crimes, crimes against humanity, and ethnic cleansing. The second pillar of responsibility rests on the international community as a whole to assist states in meeting their responsibilities, while according to the third pillar of responsibility, the international community has the responsibility of taking appropriate collective action in a decisive and timely manner, if a state party manifestly fails to provide protection to its citizens. Following the First general assembly debate on responsibility to protect in July 2009, the UN General Assembly (UNGA) released a consensus resolution, continuing the consideration for responsibility to protect.

What becomes an issue while implementing such an all-encompassing practice, is the conflict of this doctrine with the

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The Ontario government on Thursday introduced new legislation empowering municipalities to remove politicians from office for serious misconduct. Under the proposed Municipal Accountability Act (Bill 241), municipal officials found guilty of such conduct could face dismissal and be disqualified from seeking re-election. For more information, see [here](#).

The UN General Assembly on Wednesday adopted two key resolutions during its resumed tenth emergency special session, demanding a ceasefire in Gaza and expressing support for the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). For more information, see [here](#).

Reporters Without Borders (RSF) called on the Cambodian government on Sunday to bring to justice those responsible for the murder of an environmental journalist, and to take decisive action to eradicate deteriorating violence against journalists in the country. For more information, see [here](#).



principle of Sovereignty, a cornerstone principle enshrined in the UN Charter. Opponents to the R2P doctrine often argue that it undermines state sovereignty, leading to fear of politically motivated interventions under the guise of humanitarian aid. A classic example of this is the UN Intervention in the Libyan Civil War on the basis of humanitarian aid which very quickly evolved into a regime change operation.

Furthermore, another criticism against the R2P regime is the inconsistency in its actual implementation, especially considering the veto powers of the 5 permanent members of the UN Security Council (UNSC), which allows the members to veto intervention efforts, limiting R2P's enforcement. Despite clear evidence of atrocities, the international community failed to intervene in the Syrian situation due to political tensions and UNSC vetoes, highlighting the limitations of R2P.

The debate surrounding R2P is still ongoing with State parties looking for ways to establish an acceptable norm for intervention, especially if a state fails to protect its citizens in cases of mass atrocities.

To reconcile the limitations with the doctrine in order to look for a way forward, there can be a number of steps which could be taken. Initiatives like the "responsibility not to veto" or the RN2V to urge UNSC members to abstain from vetoing aimed at preventing mass atrocities or building a global consensus regarding the applicability of R2P would limit loopholes and potential misuse by State parties. Further, enhanced early warning systems, aimed at preventive actions and minimizing military intervention, shall be developed. Only with such mechanisms in place, can the international community think of adopting R2P as an acceptable international norm, can provide for a middle ground between humanitarian interventions and state sovereignty.

UN Sanctions: The Case of a Washed Up Tradition

- Harshita Tandon (II B.A.LL.B)

International sanctions are instruments to safeguard peace and security, and protect democracy and human rights. Sanctions basically refer to restrictions that limit the freedom of a state, region, group or

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The South Korean Parliament approved the impeachment motions against the Justice Minister and Police Chief for their involvement in the planning and execution of President Yoon Suk Yeol's short-lived martial law decree at the 2nd plenary session of the 419th National Assembly on Thursday. For more information, see [here](#).

Austria's lower house of parliament, the National Council, voted Wednesday to lift the parliamentary immunity of Herbert Kickl, leader of the far-right Freedom Party of Austria (FPÖ) and chairman of its parliamentary group. This decision clears the way for investigations into allegations of perjury against him. For more information, see [here](#).

The UK and Germany agreed on Tuesday to a new joint action plan to tackle people-smuggling. The plan aims to "fight to save lives in the [English] Channel and disrupt the migrant smuggling trade." For more information, see [here](#).



individuals who are imposed. In the present geopolitical landscape, sanctions serve as a mechanism of coercion; however, their relevance, particularly in the case of North Korea, has raised doubts about their utility and ethical implications.

International sanctions enjoy legal backing from the UN Charter and customary international law. The Chapter VII of the UN Charter gives the Security Council the authority to impose sanctions to maintain or restore international peace and security. The doctrine of countermeasures allows nation-states to take measures that would otherwise be unlawful to induce compliance with international laws, this adds nuance to the legal component of the situation. Nevertheless, the doctrine underscores the need for careful consideration of the precedented and unprecedented consequences of sanctions, as well as their adherence to the international law.

North Korea has been subjected to a series of economic sanctions by the UNSC ever since the 2000s. They have majorly been a response to the nuclear weapons programme and the various missile tests in the country over

the years. Hence, after North Korea's first nuclear test in 2006, the UNSC imposed sanction through the Resolution 1718, demanding a suspension of all nuclear and ballistic missile activities. Over the years, additional resolutions, such as the 1874, 2087, and 2321, have been imposed on the regime. These sanctions impose bans on the export of textiles, seafood, coal, and other petroleum imports. Interestingly, these sanctions also call for UN member states to prevent North Korean nationals from working abroad. However, the desired results of these sanctions remain stalled due to lack of cooperation from states like China and Russia, who share close ties with North Korea.

Whilst the aim of the sanctions is to bully the regime into complying with international norms, a plethora of literature suggests that they have had the opposite effect. It has simply strengthened the North Korean leadership's narrative of external threats and consolidated its power. Sanctions have additionally emerged as a hurdle to the supply of essential goods and humanitarian aid, exacerbating the challenges faced by ordinary North Koreans, who

News at a Glance

Human trafficking has surged globally, with a 25 percent increase in victims detected between 2019 and 2022, according to a report released on Wednesday by the United Nations Office on Drugs and Crime (UNODC). For more information, see [here](#).

The US government unsealed an indictment Monday charging two former high-ranking officials of the Syrian Air Force Intelligence with war crimes. The indictment accuses Jamil Hassan and Abdul Salam Mahmoud of cruel and inhuman treatment, including the torture of detainees, some of whom were US citizens, at the Mezzeh military airbase prison in Damascus. For more information, see [here](#).

Germany suspended processing asylum claims for Syrian refugees on Monday following the overthrow of Bashar al-Assad's regime, with the UK, Greece and Sweden quickly adopting similar measures amid the rapidly evolving situation in Damascus. For more information, see [here](#).

bear the brunt of their economy's fallout. A deeper dive exposes the many misfortunes these sanctions have caused for the common citizen. For instance, these sanctions have led to significant malnourishment and health crises among the citizens. Organizations like UNICEF report increasing rates of acute malnutrition as a result of such sanctions. The sanctions also limit the operational capabilities of NGOs and humanitarian agencies to deliver aid, which has in toto led to the alienation of the region from the global arena.

These persistent challenges surrounding the UN sanctions against North Korea illustrate the limitations of the practice within the present geopolitical realities. Therefore, improving the frameworks of international sanctions and countering its adverse effects on civilians is crucial. This may include establishing humanitarian exemptions within the sanction framework to ensure civilian access to critical goods and aid continue. It is also of great interest to engage in dialogue with states that face sanctions. Emphasis of diplomatic solutions, rather than solely relying on coercive measures that have proven to be heavily flawed. While

UN sanctions against North Korea and elsewhere remain legally justified, their futility in changing the popular national sentiment and targeted institutional structures' behavior along with the adverse humanitarian effects highlight the need for a reassessment.

A more integrating approach—that combines constraint with diplomatic engagement and humanitarian considerations—the international community can better navigate the complexities of controlling rash behaviour and ensuring compliance to international law by those who threaten it.

United Nations and Nuclear Weapons

- Ritu Karwa (III B.A.LL.B)

Around the world, scientists have been asking for a greater understanding of the repercussions of nuclear war because the risk of using nuclear weapons is as high as ever, if not higher, than it has ever been due to battles in the Middle East and Europe involving nuclear-armed governments. In response to this appeal, representatives at the First Committee of the United Nation

News at a Glance

The UK government on Wednesday placed an indefinite ban on puberty blockers for children under 18 years of age following the advice of a requested consultation by medical experts. For more information, see [here](#).

Zambia's Constitutional Court ruled on Tuesday that former President Edgar Lungu is ineligible to run for another term in office. The decision follows Lungu's announcement of his return to active politics last year, sparking debate over his eligibility under Zambia's constitutional term limits. For more information, see [here](#).

The Khatai District Court in Azerbaijan held a trial on Sunday of the six journalists detained the previous day in Baku on smuggling charges. The Azerbaijani interior ministry justified the arrest in a statement to a pro-government news outlet, accusing them of illegally importing foreign currency. For more information, see [here](#).



General Assembly decided to form a team of 21 scientific specialists to investigate these impacts and update our understanding of this danger.

The UN-appointed panel will be entrusted with "examining the physical effects and societal consequences of a nuclear war on a local, regional, and planetary scale, including, inter alia, the climatic, environmental, and radiological effects, and their impacts on public health, global socioeconomic systems, agriculture, and ecosystems," and producing an extensive report in the days to come. The endeavours of United Nations to uphold global peace and security since its inception has been supported by its objectives of multilateral disarmament and armaments restriction. A commission was established in UN General Assembly in 1946 for dealing with issue of atomic energy and all. A number of multilateral treaties and instruments have been developed through international attempts to regulate, restrict, or eradicate specific weapons. These consist of the Comprehensive Nuclear-Test-Ban Treaty, the Treaty on the Prohibition of nuclear weapons, and the Treaty on the Non-Proliferation of nuclear weapons.

All these treaties have helped in furthering the agendas of the United Nations like the Treaty on the Prohibition of Nuclear weapons (TPNW) was an important step in the direction of stigmatizing and annihilating the nuclear weapons. However, the setbacks and success are intertwined with broader geographical the complicated nature of nuclear disarmament and the landscape. The unanimous support which the treaty witnessed demonstrated the fact that there was a consensus for the same. The devastating effect of these has also led to the use and possession overwhelmingly unacceptable which in turn lead to a normative impact. The mobilization of public opinion because of has put in perspective the human catastrophe which should be avoided at all instances.

This doesn't go without saying that there haven't been any hurdles to this path. The lack of participation from nuclear weapon states which include UK, France, China have been a huge concern as they refused to participate in the TPNW negotiations. Adding to this is the mounting pressure because of the geopolitical conflict's which has been on a rise since 2020 alarms the progress to achieve meaningful reductions in arsenal.

Upcoming Activities

Call for Papers | International Conference On Role Of International Trade In Global Energy Transition:

NLUO is hosting International Conference On Role Of International Trade In Global Energy Transition. The Conference is being organised to discuss the issue, Can trade policies help in the energy transition? Original research papers on the conference topic are invited for presentation at the conference. The deadline for submission of abstracts is February 28, 2025. For more information, see [here](#).



Some also argue that the nuclear weapons aid in maintaining peace and stability around the globe nullifying the nuclear deterrence initiated.

The Treaty on the Non - Proliferation of nuclear weapons (NPT) is remarked as the most successful arm control treaties ever negotiated. It prevented the nuclear proliferation to a great extend while promoting peaceful nuclear energy for the daily chores. It also led to the creation of International Atomic Energy Agency which monitors the nuclear activities and ensure they are peaceful. Although to the UN's dismay the NPT could not succeed in complete disarmament with slow reduction and even some modernizing them. States like India, Pakistan and North Korea are not signatories to NPT, with a looming threat of an onset of a conflict. The future of the nuclear disarmament seems uncertain, the UN has to step up and take steps to further continued international cooperation and diplomacy. It is also essential to promote the ratification and implementation of the TPNW by more states. The UN also has to undertake confidence building measures in the war-torn regions. By undertaking all these

measures its crucial to advance the cause of nuclear disarmament and create a safer world for the upcoming generations.

United Nations and its Tryst with Nuclear Energy

- Anuradha Lawankar (III B.A.LL.B)

Since its inception in 1945, the United Nations (UN) has been pivotal in shaping international law to address global challenges. While its core objectives remain steadfast, the UN's role has evolved to tackle modern day issues such as nuclear energy regulation. This represents the vivid intersection between global governance and national sovereignty in contemporary times. Key UN-affiliated bodies such as the International Atomic Energy Agency (IAEA), the International Court of Justice (ICJ), and the United Nations Security Council (UNSC) are instrumental in creating, interpreting, and enforcing laws governing nuclear energy and military intelligence activities.

The regulation of nuclear energy—a technology with vast potential for both peaceful and destructive applications. The Treaty on the Non-Proliferation of Nuclear

Upcoming Activities

International Conference on Law, Human Rights and Cultural Studies:

International Conference on Law, Human Rights and Cultural Studies will be held on 24th Dec 2024 at Mumbai, Maharashtra, India . ICLHRCS will provide an excellent international forum for sharing knowledge and results in Law, Human Rights and Cultural Studies. The aim of the Conference is to provide a platform to the researchers and practitioners from both academia as well as industry to meet the share cutting-edge development in the field. For more information, see [here](#).



Weapons (NPT) remains central to preventing nuclear weapons proliferation while promoting peaceful energy use.

North Korea's withdrawal from the NPT in 2003 exemplifies the treaty's vulnerabilities. Despite global condemnation and stringent UNSC sanctions, North Korea's nuclear weapons program persists, underscoring the challenges of enforcement. In contrast, Kazakhstan's voluntary relinquishment of its Soviet-era nuclear arsenal and its commitment to IAEA safeguards demonstrate the potential for successful international cooperation when transparency and trust are prioritized.

Japan's post-Fukushima efforts offer another compelling example. In the wake of the 2011 nuclear disaster, Japan's collaboration with the IAEA on advanced reactor safety protocols underscores the delicate balance between national energy needs and international scrutiny. The rise of small modular reactors (SMRs) further complicates this landscape, presenting opportunities for innovation while requiring updated regulatory frameworks to ensure compliance with non-proliferation

commitments. Strengthening the IAEA's enforcement mechanisms, fostering regional collaborations, and promoting dialogue on emerging issues like cybersecurity are critical steps. The African Union's nuclear disarmament initiatives and ASEAN's cybersecurity efforts demonstrate how regional organizations can complement global frameworks.

The UN's capacity to adapt international law to address contemporary challenges in nuclear energy and military intelligence is essential for global stability. Real-world examples, from North Korea's nuclear ambitions to the Pegasus spyware revelations, underscore the urgency of robust, adaptive legal frameworks. By fostering transparency, multilateral cooperation, and innovation, the international community can address the complexities of these sectors while upholding peace, security, and human rights. Through strengthened regional efforts and public-private collaborations, international law can continue to evolve, ensuring that advancements in technology and strategy align with global values.

Upcoming Activities

Call for Papers | European Journal of International Law and Journal of International Economic Law:

EJIL and JIEL have issued a Call for Papers for a Joint Symposium on Great Power Competition: What Difference Does it Make to International Law? The Symposium will be published in EJIL and JIEL simultaneously; the editors will decide which article will appear in which journal. The peer review process will be conducted by both journals together. For more information, see [here](#).

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