# The Failure of R2P's Third Pillar

19 FEBRUARY 2026

Sabriya Attia




By Sabriya Attia

1900 words

In 2005, one hundred seventy heads of state gathered at the World Summit at the United Nations Headquarters in New York City. By the close of the Summit, Member States had voted to adopt A/RES/60/1 (2005)—a foundational UN General Assembly resolution encouraging states to take direct action against human rights abuses.

A central component of A/RES/60/1 is the Responsibility to Protect (R2P) doctrine, which establishes three pillars for states to adhere to. The first pillar guides states to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In accepting this first pillar,

the second pillar holds that states should assist other states in meeting this responsibility through diplomatic and peaceful means. Finally, when a state manifestly fails to uphold the first two pillars and peaceful measures prove inadequate, the third pillar calls for the international community to intervene.

While this final pillar appears to provide a legal basis for intervention, A/RES/60/1 is non-binding due to its status as a United Nations General Assembly resolution. In contrast to treaties, resolutions serve as moral frameworks rather than legal obligations. States are therefore not legally bound by A/RES/60/1's provisions, even if they have formally accepted the resolution.

Moreover, states do not adopt resolutions in the same manner that they assume treaty obligations. States must both sign and ratify a treaty in order to accept it, which requires the consent of a state's domestic leadership. The treaty's provisions are hence absorbed into a state's domestic law and become binding. Resolutions, however, are merely adopted through a vote by a nation's delegate, meaning that the state's government has not formally taken on the responsibility of executing said resolution (United Nations Library, n.d).

While they lack the same legal commitment as treaties, resolutions are still considered legitimate pieces of international law. In fact, resolutions may serve as foundations from which treaties and customary international law emerge (Öberg, 2005). For example, United Nations General Assembly Resolution 96 (1946), which condemned genocide as a violation of international law, provided a seminal foundation for the Genocide Convention (1948) that declared the orchestration of and complicity in genocide illegal.

As it stands, the enforcement of human rights standards remains limited due to the international court system's narrow jurisdiction. R2P provides an alternative avenue for holding human rights offenders accountable.

While there exists no true international human rights court, the International Criminal Court (ICC) has the ability to try perpetrators of war crimes, genocide, aggression and crimes against humanity—acts near-identical to those deterred by R2P's first pillar. However, the Court lacks the jurisdiction to try states (Rome Statute, 1998). The ICC may instead only try individuals who commit such acts, and therefore does not provide for direct state criminal responsibility. This restricts the Court's capability to try all those involved in human rights abuses, instead remaining limited to only a few individuals.

Conversely, the International Court of Justice (ICJ) is concerned with breaches of international organisation and binding agreements between states. However, the provisions of most major human rights agreements tend to be vague and open to interpretation, and states' legal obligation to uphold such agreements is in dispute (Steinhart, 2024). The ICJ is hence limited in its jurisdiction over violations of human rights law.

Most states have also formally rejected the ICJ's jurisdiction over what a state claims to be domestic matters (Mingawa, 1979). As human rights abuses often occur within a nation, they tend to be categorised under this domestic matters exception, preventing them from being tried by the ICJ. By adopting R2P into binding law, which stipulates that states must protect their own populations from certain human rights violations, states form an international agreement that elevates such human rights abuses above the domestic level and the Court gains jurisdiction.

### 3.1. Myanmar

Following the military coup of 1962, the Burmese junta has systematically stripped away the rights of the Rohingya—a Muslim minority group from Myanmar's Rakhine state. The junta revoked citizenship for Rohingya, eventually launching Operation Clean and Beautiful Nation, which instructed the military to violently target Myanmar's Rohingya population.

By excluding the Rohingya from census data, prohibiting interfaith marriage, and denying Rohingya the right to vote or run for office, the junta's oppression of the Rohingya has culminated in a terror campaign that led to the murder of thousands (Wilson, 2016). By 2021, after little intervention from international actors, the junta staged another coup and seized power from the newly-elected democratic leadership. The junta has since killed protesters, burned villages, cut off food and supplies, and bombed encampments in an attempt to consolidate their power. This has precipitated one of Southeast Asia's most severe refugee crises, expelling over a quarter of a million Burmese.

As of March 2022, the United States has condemned the junta for orchestrating a genocide (Blinken, 2022). Moreover, the High Commissioner for Human Rights, Zeid Ra'ad al-Hussein called the brutal campaign to drive the Rohingya from their home in Myanmar a "textbook example of ethnic cleansing," (United Nations News, 2017). Despite the international community's condemnation of this humanitarian crisis, Myanmar has seen a lack of decisive intervention. States have instead elected to place limited sanctions on military leaders (Wilson, 2016). In this instance, R2P's selective application stems from the absence of economic incentives for Western states.

Despite significant natural gas reserves (Sinha, 2009), Myanmar has little to offer other nations in trade due to the state's historically isolationist economy. Since the original 1962 coup, the junta has systematically restricted foreign aid, nationalised key industries and tightly controlled foreign trade, which has repelled foreign investments. The Burmese economy remained nationalised through the early 2010s, intensifying after the 2021 coup. Accordingly, very few nations have forged deep economic ties with Myanmar, discouraging states from intervention and contributing to the present humanitarian crisis.

### 3.2. Crimea

While the limited enforcement in Myanmar can be explained by a lack of an economic incentive, non-interference in Ukraine's Crimean peninsula demonstrates how economic risk and great power politics can deter adherence to R2P's third pillar.

After the illegal annexation of Crimea in 2014, Crimeans have faced systematic ethnic cleansing by the Russian government. Since the start of the occupation, Russia has seized 4,095 Ukrainian national and local monuments in Crimea in violation of international law. The damage includes the exportation of Crimean artefacts for display in Russia, unauthorised archaeological expeditions, demolition of Muslim burial sites and irreparable damage of Crimean Tatar cultural heritage sites (United States Embassy in Georgia, 2022). Russian military forces in Crimea have ethnically cleansed Ukrainians and Crimean Tatars through extrajudicial killings, abductions, arbitrary detentions, arrests and torture (NATO, 2019).

The UN has condemned Russia's annexation of Crimea, categorising it as a violation of Ukraine's sovereignty and calling for the land to be returned (United Nations Security Council, 2014). However, Russia has repeatedly vetoed United Nations Security Council resolutions calling the annexation illegal. Aside from these failed resolutions and sanctions imposing a negligible impact on Russia's economy, little action has been taken against the state (Ashford, 2016).

Unlike the 2022 invasion of eastern Ukraine, the 2014 Crimean invasion was far more isolated from Eastern Europe due to the region's position in the Black Sea. Russia's invasion of Crimea hence posed no impending conventional military threat to other Eastern European states. Moreover, as European states have a high reliance on Russia for gas—particularly those on the Eastern front—intervention poses an enormous economic risk.

Additionally, as many of Ukraine's potential allies and Russia's enemies have joined NATO's collective defence agreement, direct involvement in a war carries the possibility of generating an escalated, multi-national conflict (Mearsheimer, 2022). For neighbouring states, it therefore best aligns with their strategic and economic interests not to adhere to R2P's third pillar encouraging action beyond peaceful and diplomatic means.

### 3.3. Democratic Republic of the Congo

The human rights crisis in the Democratic Republic of the Congo (DRC) has similarly spiralled without foreign intervention. As a centre of most of the world's cobalt production, the DRC is home to cobalt mines infamous for forced labour and child abuse (United States Department of Labor, 2023). Miners are paid no more than a few dollars a day, working with a substance toxic to touch and breathe. With no protective gear and limited tools, Congolese men, women and children are exposed to an abundance of the toxic metal every day (Schleich, 2024).

Meanwhile, the DRC's government has established partnerships with foreign industries and revised their mining code to encourage domestic mining and processing (Verbruggen, Francq, & Cuvelier, 2011). The DRC's economy has become consumed by the cobalt industry, leaving few alternative jobs for the Congolese. Men, women and children are thus forced into toxic cobalt mines under conditions that many human rights experts characterise as modern slavery (Haider, 2017).

Despite the clear crimes against humanity exhibited in the DRC, the international community has failed to intervene. Instead, many states encourage the growth of the DRC's cobalt industry. As cobalt comprises a key ingredient in lithium-batteries, electric vehicles, cell phones and other electronics, large technology companies have a strong interest in maintaining access to low-cost supply chains. The combination of poor wages and abundant cobalt supply makes the metal cheap to harvest and process, creating economic incentives for states to disregard R2P's calls for intervention rather than disrupt production.

As the human rights abuses in Myanmar, Crimea and the DRC have illustrated, R2P's third pillar has served as a recommendation rather than a codified call to action. While states may attempt to limit human rights abuses through sanctions, condemnations and monitoring mechanisms, they are unlikely to directly intervene in other states' internal affairs unless provided with a tangible strategic or economic incentive. R2P's third pillar urging collective intervention thus collapses.

R2P's limited enforcement is not without broader ramifications. In Myanmar, the junta had further consolidated their power after decades of genocide against the Rohingya (Anom & Rum, 2025). Russia has advanced their invasion of Ukraine into a full-scale war on Ukraine's eastern front (Mearsheimer, 2022). And as the human rights condition in the DRC has only spiralled, the nation's Human Development Index has plummeted to the bottom ten percent of the world (United Nations Development Programme, 2025).

When the one hundred and seventy heads of state gathered at the 2005 World Summit, they shared a vision: a more just world. However, the doctrine's selective enforcement reveals inequity in international intervention. As always, human rights law remains more a moral ideal than a legal reality.

Anom, I.G.A.I.L., & Rum, M. (2025) Power Struggle and Political Tug-of-War: Examining Myanmar's Failed Democratic Consolidation under Aung San Suu Kyi's Leadership. Universitas Gadjah Mada. https://etd.repository.ugm.ac.id/penelitian/detail/260097

Ashford, E. (2016). Not-So-Smart Sanctions: The Failure of Western Restrictions Against Russia. Foreign Affairs, 95(1), 114-123. http://www.jstor.org/stable/43946631

Campbell, G.A. (2020). The cobalt market revisited. Miner Econ 33, 21–28. https://doi.org/10.1007/s13563-019-00173-8

Haider, H. (2017). Modern slavery in the DRC (Version 1). The Institute of Development Studies and Partner Organisations. https://hdl.handle.net/20.500.12413/13188

Mearsheimer, J. J. (2022). The Causes and Consequences of the Ukraine War. Horizons: Journal of International Relations and Sustainable Development, 21, 12–27. https://www.jstor.org/stable/48686693

Minagawa, T. (1979). The Principle of Domestic Jurisdiction and the International Court of Justice. Hitotsubashi Journal of Law and Politics, 8, 9-27. https://doi.org/10.15057/8234

North Atlantic Treaty Organisation. (2019, March 19). Statement by the North Atlantic Council on Crimea. https://www.nato.int/en/about-us/official-texts-and-resources/official-texts/2019/03/18/statement-by-the-north-atlantic-council-on-crimea

Öberg, M. D. (2005). The legal effects of resolutions of the UN Security Council and General Assembly in the jurisprudence of the ICJ. European Journal of International Law, 16(5). https://doi.org/10.1093/ejil/chi151

Peters, A. (2023). The war in Ukraine and legal limitations on Russian vetoes. Journal on the Use of Force and International Law, 10(2), 162–172. https://doi.org/10.1080/20531702.2023.2264085

Rome Statute of the International Criminal Court, July 17, 1998. https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf.

Schleich K. (2024). Unveiling the Dark Side of Innovation: Sustainability, Cobalt Mining, and Modern-Day Slavery. SMU Sci. & Tech. 27 L. Rev. 135 https://doi.org/10.25172/smustlr.27.1.8

Sinha, T. (2009). China-Myanmar Energy Engagements: Challenges and Opportunities for India. Institute of Peace and Conflict Studies. http://www.jstor.org/stable/resrep09036

Steinert, C. V. (2024). Policy-specific human rights shaming: Evidence from the other letters of the UN Special Procedures. Journal of Human Rights, 23(4), 385–403. https://doi.org/10.1080/14754835.2024.2380700

United Nations Dag Hammarskjöld Library. (n.d.) About UN Documents. In UN Documentation Research Guides. https://research.un.org/en/docs/resolutions

United Nations Development Programme. (2025, May 6). Human Development Insights. https://hdr.undp.org/data-center/country-insights#/ranks

United Nations Convention on the Prevention and Punishment of the Crime of Genocide, December 9, 1948. https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

United Nations General Assembly. (2005, October 25). 2005 World Summit Outcome. (A/RES/60/1). https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf

United Nations General Assembly. (2014, March 27). Territorial integrity of Ukraine (A/RES/68/262). https://docs.un.org/en/A/RES/68/262

United Nations. (2017). UN human rights chief points to 'textbook example of ethnic cleansing' in Myanmar. Global Perspective Human Stories. https://news.un.org/en/story/2017/09/564622-un-human-rights-chief-points-textbook-example-ethnic-cleansing-myanmar

United States Department of Labor. (2023). Forced Labor in Cobalt Mining in the Democratic Republic of the Congo. (Report No. 2023-05). https://www.dol.gov/sites/dolgov/files/ILAB/DRC-FL-Cobalt-Report-508.pdf

United States Department of State. (2022, March 21). Secretary Blinken delivers remarks at the United States Holocaust Memorial Museum – 9:30 AM [Video]. Youtube. https://www.youtube.com/watch?v=Lzc53YGRY7Y

United States Embassy Tbilisi. (2022, February 16). Russia's 'barbaric treatment' of Ukrainian cultural sites. https://ge.usembassy.gov/russias-barbaric-treatment-of-ukrainian-cultural-sites

Verbruggen D. , Francq E., & Cuvelier J. (2011). Guide to Current Mining Reform Initiatives in Eastern DRC. International Peace Information Service. https://www.researchgate.net/profile/Jeroen-Cuvelier-2/publication/265112720_Guide_to_Current_Mining_Reform_Initiatives_in_Eastern_DRC/links/55e6a03908aec74dbe74ede9/Guide-to-Current-Mining-Reform-Initiatives-in-Eastern-DRC.pdf

Wilson, T. (2016). The Historical Contexts. In ANU Press (Ed.), Eyewitness to Early Reform in Myanmar (pp. 9–22). http://www.jstor.org/stable/j.ctt1bw1hbp.8