

# Security Council

## WORKING TOGETHER TO APPLY THE RESPONSIBILITY TO PROTECT

There is no universal definition of the term “minority”, however, one may be held to be a member of a minority on a linguistic, national or ethnic, religious or cultural basis if they differ from the majority.

International law defines and manages the legal responsibilities States have with each other. This field encompasses a wide range of problems such as humanitarian rights, making it a fundamental domain for the question of minorities. The right to sovereignty for a State is considered to be the key to peaceful international relations as each State recognizes others as equally sovereigns on their territory. But also, it is considered to be the main obstacle to the protection of minorities. Indeed, even if the Chapter VII of the UN Charter conveyed to the Security Council the “Right to Intervene” in a country’s affairs if it deemed stepping in appropriate, it meant no legal obligation to intervene to protect minorities. By “right to intervene”, we should understand the possibility a stakeholder has to intervene in the affairs of a State, even without its consentment, provided it strongly violated human rights. In practice though, the right to intervene merely translated into military actions.

Nevertheless, after the numerous challenges the 1990’s brought (“twin dangers” of Kosovo and Rwanda) and the Security Council’s failure to resolve them, it became clear that the international community needed to reconceptualize humanitarian help. Two concepts of States’ sovereignty were thus introduced by Kofi Annan in 1992: **not only is sovereignty a right, but it is also a duty**. Each and every State has to protect its citizens. And in the event that it is unable or unwilling to do so, this responsibility to protect falls to the International Community, and therefore to the Security Council. Indeed, if some consider humanitarian intervention to be an unacceptable assault on sovereignty, how should mass atrocities be tackled by the international community, given that the binding *Declaration on Minorities* holds States responsible for the protection and the promotion of the identity of minorities? This debate allowed the transition from Right to intervene to Responsibility to Protect, **which implies a greater commitment from the United Nations to the protection of minorities. Rather than relying on intervention, the core of the United Nations’ approach rests on protection, prevention and, as a last resort only, on military intervention.**

The Security Council is the United Nations’ highest agency, for it is the only one allowed to impose sanctions or authorize the use of force if peaceful means were not to work out. Standing behind its stated mission of peacekeeping and the United Nations Charter, by which every member States is legally bound, the Security Council staunchly aims to “investigate any dispute or situation which might lead to international friction”; “to recommend methods of adjusting such disputes or the terms of settlement” and **“to determine the existence of a threat to the peace or act of aggression and to**

**recommend what action should be taken".** It is challenging to act though, as the five permanent members of the Security Council must agree on the ways to act, as they can veto any decision on substance. There are also 10 non-permanent members seated in the Council, which are elected by the General Assembly for a two year term. Each member of the Security council has a vote, whether they are permanent members of the institution or not. If because of clashing interests for instance no more than 9 members can come to an agreement, no action shall be taken.

However, States' perceptions of the Responsibility to protect often differ. A blatant division can be noticed between North and South countries. The western's stance is that turning a blind eye to mass atrocities is merely and utterly impossible. To emerging countries, and especially those whose history is marked by colonialism, intervention may enrage and be regarded as neo-colonialism. In other instances, sovereignty is not regarded, as Kofi Annan put it, as a duty but rather as a right for a State to realize its ends. In 2013, Xi Jinping incidentally linked sovereignty with the accomplishment of his "China dream," proclaiming that "no foreign country should expect us to trade away our core interests" or expect China "to swallow the bitter fruit" of encroachments upon its "sovereignty."

This leads us to try and **focus our efforts on the resolution of sovereignty issues in order to be able to protect minorities.** To what extent is it justifiable to intervene in other nations in order to protect minority populations? If the respect of the sovereignty principle is paramount for diplomatic relations, so is the protection of minorities. When is it right to act upon a crisis, when should the United Nations step in to protect minorities from human rights violations? How could States, whose conceptions of humanitarian intervention and sovereignty are so divergent, come to an agreement on what is right to do? How to ensure that the scope of the responsibility to protect is thoroughly understood and implemented? How to ensure institutional preparedness in the event that the United Nations were to need to act?