

Doctrine Versus Practice: Closing the Gaps Between the Language and Reality of the International Human Rights Enforcement

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I. Introduction

The United Nations (U.N.) stands as the premier institution for international decision-making and global cooperation in the current world order. Chartered in 1945, one of the main goals of the U.N. was, and still is, to “reaffirm faith in fundamental human rights” after the extensive human rights abuses that occurred during World War II.¹ One of the key ways the United Nations set out to achieve this goal was through its adoption of the Universal Declaration of Human Rights (UDHR) in 1948 at the U.N. General Assembly in Paris, France.² In order to strengthen the legitimacy of international human rights, several other doctrines were published alongside and after the UDHR, such as the U.N. Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), to name a few. When viewed in conjunction with one another, each of these publications represent an important component of what the international community understands as a collective human rights framework. On paper, this should be enough to act as a guide for governments to protect the inalienable rights of their citizens. However, the humanitarian crises that have occurred since these doctrines were published show that there is a disconnect between international law on paper and international law in practice. Although human rights certainly have a strong presence

¹ U.N. Charter pmbl.

² G.A. Res. 217 (III) A, Universal Declaration of Human Rights (1948).

within U.N. publications, treaties, and agreements, scholars of international law assert that these rights are only guaranteed so long as they are properly enforced.

At the 2005 World Summit in New York City, the United Nations sought to close this gap between the language and enforcement of human rights by crafting a doctrine called the “Responsibility to Protect,” or R2P. This doctrine states that “Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity,” and further, “The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means...to protect populations.”³ The significance of R2P within international human rights law lies in its two-pronged approach to enforcement, placing the responsibility to uphold these rights on both individual states and the United Nations itself. Despite this unique approach, the international community still finds significant difficulty in ensuring human rights are upheld during a conflict. Between varied levels of success in Darfur in 2006 to monumental failings in Syria in 2012 and now an acute lack of meaningful international action in Palestine, the disconnect between R2P as an international legal norm and a meaningful piece of policy clearly exists. In order to bridge this gap, the existing two-pronged language of R2P must be reemphasized. Additionally, non-U.N. third party human rights organizations at both the international and nation levels such as Amnesty International, Human Rights Watch, and the human rights offices of various U.N. member states should be used as an integral part of the enforcement framework outlined by R2P. If both of these changes are implemented, R2P will be better suited to serve as an important human rights enforcement mechanism of the United Nations.

II. Use of R2P over Time

Since the establishment of R2P in 2005, encouraging international cooperation on human

³ G.A. Res. 60/1, at 30–31 (2005).

rights enforcement through the R2P has had varying degrees of success. As conflicts were recommended to the U.N. Security Council in the years following the adoption of R2P, many states did not use the doctrine in instances that called for it. For example, during violence in the Darfur region of Sudan, several resolutions offered by African member states to the Security Council only referred to the R2P “thematically,” and once a resolution mentioning R2P was presented, China abstained from voting.⁴ These obstacles to enforcement existed despite the language of R2P clearly outlining the international community’s “responsibility to take timely and decisive action, in accordance with the U.N. Charter, in cases where the state has manifestly failed to protect its population from one or more of the four crimes.”⁵ According to this language, resolutions that invoke the use of R2P should, in theory, be immune from being bogged down by Security Council disputes in order to halt human rights abuses as fast as possible. The longer the Security Council debates on what steps to take in a particular crisis, the more lives are lost on the ground.

As time went on, states became more likely to use R2P in arguments for international action to curb human rights abuses, with the doctrine being discussed in relation to U.N. actions regarding atrocity crimes committed by the Assad regime in Syria in both 2011 and 2012. Both of these conflicts infamously led to stalemates in the U.N. Security Council as member states once again voided their responsibility to protect citizens from state violence.⁶ The Global Centre for the Responsibility to Protect acknowledged that “ineffective Security Council proceedings had regenerated some serious international skepticism about the whole Responsibility to Protect

⁴ Alex J. Bellamy, *The Responsibility to Protect—Five Years On*, 24 *Ethics Int’l Aff.*s 143 (2011).

⁵ *Id.* at 143.

⁶ Press Release, General Assembly, in Resolution Demands All in Syria ‘Immediately and Visibly’ Commit to Ending Violence that Secretary-General Says Is Ripping Country Apart, U.N. Press Release GA/11266/Rev. 1 (Aug. 2012).

(R2P) project.”⁷ In fact, in the aftermath of the U.N.’s reactions to the violence of the Assad regime, R2P began to be seen more as a weakened prevention tool rather than a means of guiding enforcement once a crisis was already occurring.⁸ This resulted in a disconnect between the way international decision makers were viewing R2P and the way it was envisioned to be used in the 2005 Outcome Document.

Recently, several atrocity level crimes committed by Israel in the Gaza Strip have reignited debates around the relevance and effectiveness of R2P. A U.N. Human Rights Commission has called Israel’s actions in Gaza a genocide,⁹ which should have triggered international legal action under both the U.N. Convention on the Prevention and Punishment of the Crime of Genocide and R2P. Despite this, the U.N. has seen many of its efforts blocked by both internal disputes in the Security Council and the Israeli military, particularly with the U.N. Relief and Works Agency (UNRWA). As was the case with Syria in 2012, many international affairs scholars view the U.N. Security Council’s lack of action in Gaza, despite being beholden to R2P, an example of “the fundamental weaknesses of the doctrine” and its “insularity and detachment from reality.”¹⁰ To say R2P is separate from reality is, yet again, a demonstration of the need to connect the language within the doctrine to the real-world impact it has had thus far.

III. How We Can Move Forward

Despite the R2P’s shortcomings, there are still several ways this doctrine can serve as the framework for meaningful enforcement of international human rights. This can be done by

⁷ Glob. Centre Resp. Protect, *A Framework for Action for the Responsibility to Protect: A Resource for States* (July 2023), <https://www.globalr2p.org/publications/a-framework-for-action-for-the-responsibility-to-protect-a-resource-for-states/>.

⁸ Gareth Evans, *The Responsibility to Protect After Libya and Syria*, Glob. Centre Resp. Protect (July 2012), <https://www.globalr2p.org/publications/the-responsibility-to-protect-after-libya-and-syria/>.

⁹ Press Release, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, U.N. Press Release (A/HRC/59/26) (2025).

¹⁰ Jeremy Moses, *Gaza and the Political and Moral Failure of the Responsibility to Protect*, 18 J. Intervention Statebuilding 211 (2024).

reemphasizing the language of R2P already present in the “2005 World Summit Outline Document” and increasing the role that national and non-U.N. international human rights organizations have in R2P’s enforcement framework. By doing this, R2P can be strengthened as an international legal norm, leading to more robust human rights enforcement on the ground.

The decision to focus on multilateral cooperation in the context of R2P rather than drafting a completely new doctrine is an important goal of the “Global Centre for the Responsibility to Protect,” an organization established by leading human rights figures in order to uphold R2P as an international legal framework.¹¹ In their thirty-four page document published as a resource for states trying to implement R2P within their human rights laws, they have entire sections focused on “supporting U.N. funds” to address the “structural risk factors of atrocity crimes” and “utilizing the international human rights system to address atrocity crimes.”¹² These sections exist because the leading human rights scholars and policy makers understand that human rights enforcement is too complex of an issue for the United Nations to take on without the help of non-governmental organizations and national organizations that share the same mission of preventing atrocity level crimes around the world. By delegating different enforcement responsibilities to these organizations, the potential for Security Council stalemates decreases, leading to quicker results on the ground. As it has been seen with humanitarian crises such as the war in Gaza, lives are lost each day the international community cannot properly enforce its human rights treaties.¹³ Bridging the gap between the doctrine and practice of R2P will result in a stronger, more stable international community that can readily prevent atrocity crimes from occurring and, in doing so, save countless lives.

¹¹ Glob. Centre Resp. Protect, *About Us* (last accessed Dec. 2025), <https://www.globalr2p.org/about/>.

¹² Glob. Centre Resp. Protect, *A Framework for Action for the Responsibility to Protect: A Resource for States* 8 (2023).

¹³ U.N. Press Release, *supra* note 9.