THE RESPONSIBILITY TO PROTECT (R2P) IN THE ERA OF CLIMATE CHANGE: REVISITING STATES' PREVENTIVE OBLIGATIONS

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Summary

This paper examines how climate change, as a risk multiplier, affects states' obligations under the Responsibility to Protect (R2P). It analyzes the R2P doctrine to clarify its content and scope and to determine whether it encompasses climate change alongside the four core crimes – genocide, war crimes, ethnic cleansing, and crimes against humanity – in situations of state failure to act. Having established that the concept should not be expanded beyond these four crimes, the paper proceeds to explore the ways in which climate change interacts with R2P. Drawing on the principle of systemic integration, it argues that this interaction operates at the level of interpretation of states' legal obligations, which should be understood in light of relevant climate-related commitments. The paper concludes that the intersection between climate change and R2P does not give rise to new legal obligations but rather informs the interpretation of existing ones.

Keywords: *Responsibility to Protect (R2P); mass atrocity crimes; climate change; prevention; systemic integration.*

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1 INTRODUCTION

The Responsibility to Protect (R2P) emerged in the early 2000s as a response to repeated failures of the international community to effectively respond to grave atrocity crimes, such as genocide, war crimes, ethnic cleansing, and crimes against humanity. Initially coined by the International Commission on Intervention and State Sovereignty (ICISS)[1] and later endorsed by states in the 2005 World Summit Outcome Document, this concept reconceptualized sovereignty from a privilege to a responsibility to protect vulnerable populations. While public debates often revolved around comparing R2P with a "discredited and discarded"[2] humanitarian intervention, when viewed primarily through the lens of military action, its preventive dimension has often been overlooked, despite being crucial for anticipating risks and taking early action to prevent atrocities.

In parallel with R2P facing serious implementation challenges, new threats to the populations' security emerged on the horizon. In particular, climate change appeared as a "risk multiplier,"[3] leading to intra-state tensions, forced displacement, and resource scarcity, thus creating conditions that may increase the risk of mass atrocity crimes. As such, it becomes relevant to assessing the circumstances that give rise to states' preventive obligations under international law and also bears on the interpretation and implementation of these obligations as they arise under human rights law and international humanitarian law. Therefore, this paper aims to address the central research question: How does climate change impact the interpretation of states' preventive obligations under international law within the R2P framework?

In doing so, doctrinal legal analysis will be employed, including an analysis of relevant international documents and selected examples from state and judicial practice. Historical and comparative methods are further used to analyse the development of R2P and to compare its formulation in different international instruments. The comparative analysis also extends to international legal frameworks establishing preventive obligations of states in related contexts, with a view to identifying the scope and content of such obligations under contemporary international law.

The paper is structured as follows. It first examines the legal scope of R2P,

1 Even before the conceptualization of R2P in the 2001 Report, the idea that state sovereignty is not unlimited was elaborated by Francis M. Deng, the UN Special Rapporteur on the Human Rights of Internally Displaced Persons and, later, the Special Adviser for the Prevention of Genocide. See: Francis M. Deng, "Frontiers of Sovereignty: A Framework of Protection, Assistance, and Development for the Internally Displaced," *Leiden Journal of International Law* 8, no. 2 (1995): 249-286. Glanville, moreover, traces the origins of sovereignty as responsibility back in the 16th and 17th century. Luke Glanville, *Sovereignty and the Responsibility to Protect: A New History* (Chicago: University of Chicago Press, 2014).

2 Ramesh Thakur, "Global Justice and National Interests: How R2P Reconciles the two Agendas on Atrocity Crimes," *Global Responsibility to Protect* 11 (2019): 411.

3 United Nations, "Climate Change Recognized as 'Threat Multiplier', UN Security Council Debates Its Impact on Peace," accessed November 7, 2025, https://www.un.org/peacebuilding/fr/news/climate-change-recognized-%E2%80%98threat-multiplier%E2%80%99-un-security-council-debates-its-impact-peace.

intending to determine what precisely R2P entails and what its legal significance is. It then proceeds to examine the impact of climate change on international peace and security and, consequently, on the increased likelihood of the occurrence of mass atrocity crimes.

The next chapter connects R2P with climate change by discussing, first, whether R2P should be interpreted to cover climate change in addition to the four groups of crimes; second, the prevention obligations arising from human rights law and humanitarian law; and finally, the interpretation of these preventive obligations in the context of climate change.

The paper concludes with a section summarizing its central thesis, which argues that climate change does not expand the scope of R2P beyond the four atrocity crimes, but rather affects the interpretation and implementation of states' preventive obligations under human rights law and humanitarian law.

2 THE RESPONSIBILITY TO PROTECT (R2P) – ORIGINS, NATURE, AND LEGAL SCOPE

In tracing the origins of R2P, it is worth recalling the well-known question posed by the Secretary-General in his 2000 Millennium Report to the General Assembly. The Secretary-General, Kofi Annan, affected by the inaction of the international community to respond to great humanitarian catastrophes, pleaded:

"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?"[4]

In response, the Canadian government established the ICISS, which, in its 2001 Report, introduced the concept of the Responsibility to Protect (R2P).[5] The Report reframed sovereignty from one of control to one of responsibility, envisioning that the primary responsibility for the protection of people lies with the respective state. Where populations suffer serious harm as a result of internal war, insurgency, repression, or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.[6]

4 Secretary-General, "We the Peoples: The Role of the United Nations in the Twenty-First Century," accessed November 11, 2025, http://www.un.org/en/events/pastevents/pdfs/We_The_Peoples.pdf.

5 The concept of R2P, under this designation, was developed by the ICISS; however, the underlying idea of intervention in another state in cases of mass atrocity crimes predates it. The Constitutive Act of the African Union, in Article 4(h), provides that the Union shall function, *inter alia*, in accordance with the following principle: "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide, and crimes against humanity." Constitutive Act of the African Union, 2000, United Nations, Treaty Series, vol. 2158, p. 3.

6 International Commission on Intervention and State Sovereignty, "The Responsibility to Protect," accessed November 20, 2025, https://www.globalr2p.org/resources/the-responsibility-to-protect-report-of-the-international-commission-on-intervention-and-state-

The idea behind this new concept shifted the focus from the *right* to intervene, previously rooted in the idea of humanitarian intervention, to the *responsibility* to protect.[7] Framed this way, the responsibility is not understood as a result of a particular agent's voluntary action but from the existence of a certain vulnerability.[8] Responsibility refers not only to action in the event of actual atrocities, but also to rebuilding and, more importantly, prevention, which is characterized as the most important dimension of R2P.[9]

The ICISS conceptually framed R2P, but without formal adoption by states, the concept remained largely theoretical. This changed in 2005, when R2P was adopted by more than 170 states in the World Summit Outcome Document. In this document, states committed themselves to acting in cases of the most severe atrocities – genocide, war crimes, ethnic cleansing, and crimes against humanity. In relation to these crimes, it should be noted that "ethnic cleansing" is not recognized as a distinct category of international crimes under international law, but is instead understood as a descriptive term that emerged in political discourse and is used in international jurisprudence to denote conduct that may amount to genocide, crimes against humanity, or war crimes, depending on the circumstances of its commission.[10]

The operationalization of R2P in the above cases presupposes a three-dimensional responsibility: first, to protect their own populations; second, to assist other states in exercising these responsibilities; and third, to act collectively through the United Nations if necessary.[11] While the Outcome Document narrowed the scope to four core crimes, it maintained prevention as a central obligation, reflecting states' duties to anticipate and mitigate risks to populations.

By adopting R2P, states did not consent to anything beyond what they had previously accepted, thereby recognizing R2P as a moral and political, rather than a legal, obligation.[12] In support of this are the attitudes of states, some expressed

sovereignty-2001/.

7 "The Responsibility to Protect," 2.29.

8 Jennifer M. Welsh, "Norm Robustness and the Responsibility to Protect," *Journal of Global Security Studies* 4, no. 1 (2019): 54.

9 "The Responsibility to Protect," Synopsis.

10 See, for example: Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, p. 43, para. 190; Prosecutor v. Duško Tadić, IT-94-1-T, Judgment, 7 May 1997, paras. 2, 84, 178, et al.

11 United Nations General Assembly, World Summit Outcome, 2005, A/RES/60/1, paras. 138-139.

12 After having concluded in the late 2000s that R2P is a "catchword" rather than a legal norm, Stahn announced the possibility for it to develop into an "organizing principle for international society." Carsten Stahn, "Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?," *American Journal of International Law* 101, no. 1 (2007). For a similar point of view, see Welsh, "Norm Robustness;" Jennifer Welsh, "Norm Contestation and the Responsibility to Protect," *Global Responsibility to Protect* 5, no. 4 (2013): 365-396.

before the Summit[13] and others in its aftermath.[14] Legal scholars also agree that R2P creates no new obligations. Some of them see it as a reminder to states of their legal obligations,[15] while others see its significance in consolidating the four groups of crimes into a "singular, purposeful package", providing a unified standard for action.[16]

Since 2005, R2P has been invoked in various UN documents and by multiple UN bodies. It has consistently appeared on the Secretary-General's agenda,[17] while the General Assembly,[18] the Security Council,[19] and the Human Rights Council[20] invoked it in resolutions on numerous occasions. The Libyan case of 2011, in which the Security Council adopted Resolution 1973 and imposed a no-fly zone as a response to ongoing violence against civilians, appeared to transform R2P from a theoretical concept into an operational tool.[21] However, even though the implementation of R2P in Libya was referred to as a "triumph" of the concept,[22] this case gave rise to a backlash against R2P due to the perception that authorization to use force was misused to sanction the Libyan regime.[23] Subsequent events, in particular the Syrian

13 The US ambassador stated before the World Summit, the US "would not accept that either the United Nations as a whole, or the Security Council, or individual states, have an obligation to intervene under international law." See: "The Letter of the Representative of the United States of America to the United Nations," accessed December 15, 2025, http://responsibilitytoprotect.org/files/US_Boltonletter_R2P_30Aug05%5B1%5D.pdf.

14 Some states, like Argentina, Brazil, China, the Philippines, and Russia, cautioned against expansion, willful interpretation, or the abuse of R2P. See: United Nations Security Council, "5577th Meeting, S/PV.5577," accessed December 20, 2025, https://docs.un.org/en/S/PV.5577.

15 Jennifer M. Welsh and Maria Banda, "International Law and the Responsibility to Protect: Clarifying or Expanding States' Responsibilities?," *Global Responsibility to Protect* 2 (2010): 231.

16 Edward Luck, "Environmental Emergencies and the Responsibility to Protect: A Bridge Too Far?," *Proceedings of the Annual Meeting (American Society of International Law)* 103 (2009): 33.

17 United Nations, "Key Documents on the Responsibility to Protect," accessed December 21, 2025, https://www.un.org/en/genocide-prevention/responsibility-protect/key-documents.

18 Global Centre for the Responsibility to Protect, "UN General Assembly Resolutions Referencing R2P," accessed December 20, 2025, https://www.globalr2p.org/resources/un-general-assembly-resolutions-referencing-r2p-2/.

19 Global Centre for the Responsibility to Protect, "UN Security Council Resolutions and Presidential Statements Referencing R2P," accessed January 15, 2025, https://www.globalr2p.org/resources/un-security-council-resolutions-and-presidential-statements-referencing-r2p/.

20 Global Centre for the Responsibility to Protect, "UN Human Rights Council Resolutions Referencing R2P," accessed January 15, 2025, https://www.globalr2p.org/resources/un-human-rights-council-resolutions-referencing-r2p/.

21 United Nations Security Council, S/RES/1973 of March 17, 2011. Note the words of the Secretary-General Ban Ki-Moon, who stated that R2P "[was] here to stay." United Nations Secretary-General, "Responsibility to Protect Came of Age in 2011," SG/SM/14068 of March 10, 2017, accessed January 23, 2026, http://www.un.org/press/en/2012/sgsm14068.doc.htm.

22 Saira Mohamed, "Taking Stock of The Responsibility to Protect," *Stanford Journal of International Law* 48 (2012): 319.

23 Maggie Powers, "Responsibility to Protect: Dead, Dying, or Thriving?," *The International Journal of Human Rights* 19, no. 8 (2015): 1268.

war, revealed disunity among Security Council members,[24] leading many to question the viability of R2P.[25] Recent humanitarian crises have also been met with inaction by the international community, further raising doubts about its continued relevance.[26]

In parallel, the global landscape has evolved, accompanied by new challenges. Threats, such as climate change, weaponization of new technologies, misinformation, and growing inequality, impact international security.[27] In such a landscape, R2P, and in particular its prevention component, must be interpreted in light of these emerging risks, which can exacerbate structural conditions conducive to mass atrocities.

3 CLIMATE CHANGE, INTERNATIONAL PEACE AND SECURITY, AND MASS ATROCITY CRIMES

Mass atrocity crimes do not occur in a vacuum, nor without a warning. These crimes occur in circumstances of disrupted peace and security. Factors that may trigger such disruption vary, ranging from economic crises to ethnic, religious, and political grievances and, more recently, to climate change.

According to scientific data presented by the Intergovernmental Panel on Climate Change (IPCC), the consequences of climate change do impact international peace and security.[28] Droughts, floods, desertification, and other consequences of climate change may lead to resource scarcity, including water and food, amplify inequality within populations, increase competition for resources, and cause political instability. This is particularly true of areas with low economic development, high economic dependence on climate-sensitive activities, high or increasing social marginalization, and fragile governance.[29] All this sets the stage for violence and the commission of mass atrocity crimes. According to the United Nations Environment Programme (UNEP), over the past 60 years, 40% of civil wars have been linked to disputes over natural resources.[30]

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24 "Security Council Fails to Adopt Two Draft Resolutions on Syria, Despite Appeals for Action Preventing Impending Humanitarian Catastrophe in Aleppo," 7785th Meeting, SC/12545, accessed December 11, 2025, https://press.un.org/en/2016/sc12545.doc.htm.

25 Stewart M. Patrick, "RIP for R2P? Syria and the Dilemmas of Humanitarian Intervention," *Council on Foreign Relations*, accessed January 30, 2026, https://www.cfr.org/articles/rip-r2p-syria-and-dilemmas-humanitarian-intervention.

26 Adrian Gallagher, "Farewell the Responsibility to Protect? False Death, Grave Crisis, Future Opportunities," *International Affairs* 101, no. 2 (2025): 483-500; Mina Al-Oraibi, "Responsibility to Protect is One More Casualty of the Syrian War," Foreign Policy, accessed January 25, 2026, https://foreignpolicy.com/2021/06/14/syria-war-un-security-council-responsibility-to-protect-r2p-humanitarian-intervention-assad-russia-human-rights-civilians/.

27 "Responsibility to Protect: 20 Years of Commitment to Principled and Collective Action," A/79/875-S/2025/248, accessed February 1, 2026, https://digitallibrary.un.org/record/4082074.

28 The Intergovernmental Panel on Climate Change (IPCC) reported that climate consequences affect human vulnerability and produce severe risks to peace. IPCC, "Climate Change 2022: Impacts, Adaptation and Vulnerability," accessed February 5, 2026, https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_FullReport.pdf.

29 "Climate Change 2022."

30 Reliefweb, "40% of Conflicts linked to Use of Natural Resources," accessed February 8, 2026,

Furthermore, the consequences of climate change are a strong driver of displacement,[31] and displacement is recognized as one of the indicators of mass atrocity crimes.[32] The exact number of people displaced due to climate change is difficult to establish, as displacement is usually caused by more than one factor. Climate change often interacts with other factors like economic struggles, conflict, political instability, and discrimination. However, estimates by the United Nations High Commissioner for Refugees (UNHCR) show that around 70% of people are internally displaced by conflicts, and 40% of refugees come from highly climate-vulnerable countries.[33]

The impact of climate change on international peace and security is evident in different world regions. For example, in Nigeria, the growing desertification has resulted in the loss of grazing land, driving many ethnic Fulani herdsmen, who are predominantly Muslim, into southern areas inhabited mainly by Christians. This led to increased violence, in which more than 3500 people were killed between 2016 and 2018.[34] Also, in Yemen, there have been instances of both non-state armed groups and the Saudi-led coalition deliberately targeting water reservoirs, causing more than 15 million Yemenis to be left without clean water and sanitation.[35] These examples clearly illustrate how climate change and resource scarcity may be conducive to conflict and the related atrocities.

Inter-linkage between climate change and international security has been recognized by various relevant international actors. Building upon a rather short General Assembly resolution entitled "Climate change and its possible security implications,"[36] the UN Secretary-General subsequently issued a report with the same title.[37] In the Report, the Secretary-General found that environmental factors, such as climate change, extreme weather events, and water scarcity, may exacerbate inter-communal disputes and grievances and could spawn conflicts, violence, and mass atrocity events, often along ethnic, regional, and religious lines.[38]

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https://reliefweb.int/report/world/40-conflicts-linked-use-natural-resources.

31 Sarah Opitz Stapleton et al., "Migration and Displacement: The Need for a Risk-Informed and Coherent Approach," accessed February 10, 2026, https://www.undp.org/sites/g/files/zskgke326/files/publications/MIgration_Report.pdf.

32 "UN Framework of Analysis for Atrocity Crimes: A Tool for Prevention," accessed February 12, 2026, https://www.un.org/en/genocideprevention/documents/about-us/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf.

33 United Nations High Commissioner for Refugees, "Climate Change, Displacement and Human Rights," accessed February 17, 2026, https://www.unhcr.org/sites/default/files/legacy-pdf/6242ea7c4.pdf.

34 Global Centre for Responsibility to Protect, "Atrocity Alert No. 173: Climate Change and the Responsibility to Protect," accessed February 18, 2026, https://www.globalr2p.org/publications/atrocity-alert-no-173-climate-change-and-the-responsibility-to-protect/.

35 "Atrocity Alert No. 173."

36 United Nations General Assembly, Climate Change and its Possible Security Implications, A/RES/63/281 of June 11, 2009.

37 United Nations Secretary-General, Climate Change and its Possible Security Implications, A/64/350 of September 11, 2009.

38 A/64/350. See also: United Nations Secretary-General, "Development and the Responsibility

Furthermore, the UN Security Council, a body primarily responsible for maintaining international peace and security,[39] acknowledged the potential security implications of climate change. The Council has already been moving beyond reacting solely to traditional security threats and has expanded its understanding of threats to include global health issues, the proliferation of weapons of mass destruction, and the underlying causes of conflict and human suffering.[40] In relation to climate change, it did not adopt a comprehensive resolution recognizing climate change as a threat to international peace and security,[41] but it recognized such an impact in a Presidential Statement,[42] as well as in several resolutions related to particular areas in which climate change was connected to security issues.[43] Also, the Special Adviser on the Prevention of Genocide found that environmental degradation and climate change are catalysts for conflict, causing resource-based tensions.[44]

Acknowledging the undeniable impact of climate change on international peace and security, and consequently on the heightened risk of mass atrocity crimes, has led to the establishment of mechanisms aimed at tackling this problem, such as the Climate Security Mechanism[45] or the Group of Friends on Climate and Security.[46] At the same time, it has stimulated discussion in the legal domain on how climate

to Protect: Recognizing and Addressing Embedded Risks and Drivers of Atrocity Crimes," A/77/910-S/2023/409, accessed February 18, 2026, https://docs.un.org/en/A/77/910.

39 Charter of the United Nations, United Nations, Treaty Series, vol. XIV, p. 1, Art. 24.

40 Mark Nevitt, "Is Climate Change a Threat to International Peace and Security?," *Michigan Journal of International Law* 42, no. 3 (2021): 527.

41 In 2021, Ireland and Niger co-sponsored a draft resolution that would have formally defined climate change as a threat to international peace and security. The resolution aimed to integrate climate-related security implications into conflict prevention and peacebuilding efforts. Twelve out of the fifteen Security Council members and 113 co-sponsors supported the Resolution, but it was vetoed by Russia, with India voting against and China abstaining. See: "Security Council Fails to Adopt Resolution Integrating Climate-Related Security Risk into Conflict-Prevention Strategies," 8926th Meeting, SC/14732, accessed February 22, 2026, https://press.un.org/en/2021/sc14732.doc.htm.

42 "Statement by the President of the Security Council," S/PRST/2011/15, accessed February 25, 2026, https://docs.un.org/en/S/PRST/2011/15.

43 For example, the following Resolutions: United Nations Security Council, S/RES/2408 of March 27, 2018, related to Somalia, United Nations Security Council, S/RES/2423 of June 28, 2018, and United Nations Security Council, S/RES/2531 of June 29, 2020, related to Mali, United Nations Security Council, S/RES/2552 of November 12, 2020, related to the Central African Republic.

44 "Global Atrocity Risks Rising, Warns New UN Adviser on Genocide Prevention," December 8, 2025, accessed March 1, 2026, https://news.un.org/en/story/2025/12/1166537.

45 The Mechanism was launched by several UN institutions: United Nations Department of Political and Peacebuilding Affairs (DPPA), United Nations Development Programme (UNDP), and United Nations Environment Programme (UNEP), and was later joined by United Nations Department of Peace Operations (DPO). United Nations, "Climate Security Mechanism," accessed March 1, 2026, https://www.un.org/climatesecuritymechanism/en.

46 "Climate Security Mechanism at the United Nations and Group of Friends on Climate and Security Announce New Pledges and Partnerships at COP29," accessed March 2, 2026, https://www.un.org/en/climatechange/page/climate-security-mechanism-united-nations-and-group-friends-climate-and-security#section-ii.

change, as a risk multiplier, affects states' legal obligations, including those under the R2P framework. The following chapter examines how, despite unsuccessful attempts to subsume climate change under the R2P framework, it nonetheless remains a crucial factor in interpreting states' obligations.

4 R2P AND CLIMATE CHANGE

4.1 Early Initiatives to Subsume Natural Disasters under R2P

The very beginnings of R2P were marked by references to climate change. The foundational document on R2P, the 2001 ICISS Report, mentioned natural catastrophes in the context of R2P, more precisely in the context of military intervention for human protection purposes. The Report, *inter alia*, provided that military intervention is justified in conscience-shocking situations, including "overwhelming natural or environmental catastrophes, where the state concerned is either unwilling or unable to cope, or call for assistance, and significant loss of life is occurring or threatened."[47] Furthermore, in state practice, connections between natural catastrophes and R2P were being made. This was the case with the 2008 cyclone Nargis in Myanmar, where the ruling military junta failed to respond adequately to a humanitarian disaster, declining outside interference. The French Foreign Minister reacted to this by invoking R2P in the UN Security Council, requiring authorization to deliver humanitarian aid without the consent of the government of Myanmar.[48] The idea behind wider framings of R2P is predicated on the understanding that human suffering should be addressed regardless of whether it is caused by weapons or other causes.[49]

Although the 2001 Report made reference to natural catastrophes, and notwithstanding sporadic invocations of R2P in the context of actual disasters, the prevailing interpretation is that R2P is confined to four atrocity crimes: genocide, war crimes, ethnic cleansing, and crimes against humanity, arising from state action or a failure to act. This was reflected in the 2005 World Summit Outcome Document, which did not replicate the broader framing of the 2001 Report.

The rationale for omitting environmental catastrophes from the realm of R2P may be illustrated by the words of the then-UN Secretary-General, Ban Ki Moon, who in his 2009 Report on Implementing the Responsibility to Protect explicitly said

47 "The Responsibility to Protect," 4.20.

48 "Asia-Pacific Centre for the Responsibility to Protect, Cyclone Nargis and the Responsibility to Protect," Myanmar/Burma Briefing No. 2, accessed March 5, 2026, https://r2pasiapacific.org/files/582/briefing_no2_cyclonenargis_r2p_myanmar.pdf.

49 The founder of the ICISS, Lloyd Axworthy, opined that there is "no moral difference between an innocent person being killed by a machete or AK-47 and starving to death or dying in a cholera epidemic that could have been avoided by proper international response". See: Rebecca Barber, "The Responsibility to Protect the Survivors of Natural Disaster: Cyclone Nargis, a Case Study," *Journal of Conflict and Security Law* 14, no. 1 (2009): 33. For a similar opinion as that of Lloyd Axworthy, see: Konstantin Kleine, "Will R2P Be Ready when Disaster Strikes? – The Rationale of the Responsibility to Protect in an Environmental Context," *The International Journal of Human Rights* 19, no. 8 (2015): 1176-1189.

that "…to try to extend [R2P] to cover other calamities, such as HIV/AIDS, climate change or the response to natural disasters, would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility."[50] Similarly, even the authors of the concept opposed the stretching of its scope. Gareth Evans, referring to the idea of the Canadian Foreign Minister to protect Inuit people of the Arctic Circle against the ravages of climate change under R2P, observed that "… [i]f [R2P] is to be protecting everybody from everything, it will end up protecting nobody from anything."[51] States, too, having "competing values, interests, and histories,"[52] were not comfortable with the idea of R2P becoming a "boundless concept,"[53] not solely for the reasons of the efficiency in its application, but also for fear of its possible abuse by Western powers against less powerful states.[54]

The above considerations demonstrate that there have been attempts to incorporate climate change under the umbrella of R2P, but these have ultimately been rejected. Consequently, any expansion of the scope of R2P to include climate change would be a matter for future negotiations among states, rather than a matter of interpreting R2P as it currently stands.

4.2 Prevention under R2P – States' Legal Obligations

The fear of normative overstretch of R2P resulted in its strict confinement to the four groups of crimes, leaving climate change outside of its scope. Recently, however, initiatives aimed at intersecting climate change and R2P have been renewed – not to revive the incentives to broaden the scope of R2P, but to include climate change as a risk multiplier in the interpretation of states' obligations under R2P, primarily those concerning prevention.

Prevention is an aspect of R2P which is often neglected, owing to a frequent equation of the concept with its "reaction" aspect.[55] This, however, is not justified, as the ICISS Report already singled out prevention as the "most important dimension" of R2P.[56] This viewpoint has been confirmed by many others, including the UN Secretary-General Kofi Annan, who, when speaking of the prevention of armed conflicts, recognized the need "to move from a culture of reaction to a culture of

50 United Nations Secretary-General, "Implementing the Responsibility to Protect," A/63/677, accessed March 8, 2026, https://digitallibrary.un.org/record/647126/files/A_63_677-EN.pdf?ln=en.

51 Gareth Evans, "The Responsibility to Protect in Environmental Emergencies," *Proceedings of the Annual Meeting (American Society of International Law)* 103 (2009): 27-32.

52 Mari Huttunen, "A Rifle and a Bag of Rice: Excluding Climate Disasters from the Scope of the Responsibility to Protect," *Global Responsibility to Protect* 16 (2024): 177-201.

53 Luck, "Environmental Emergencies," 34.

54 Ramesh Thakur, "Burma and the Responsibility to Protect: First, do More Good than Harm", *E-International Relations*, accessed February 16, 2026, https://www.e-ir.info/2008/06/20/burma-and-the-responsibility-to-protect-first-do-more-good-than-harm/.

55 Sheri P. Rosenberg, "Responsibility to Protect: A Framework for Prevention," *Global Responsibility to Protect* 1, no. 4 (2009): 442-477.

56 "The Responsibility to Protect," Synopsis.

prevention".[57]

The 2005 World Summit Outcome Document, as the authoritative manifestation of states' attitudes regarding R2P, clearly places a focus on prevention. Placing the primary responsibility for the protection of proper populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, the Document explicitly speaks of the responsibility to prevent such crimes.[58] At the same time, the Document provides for the secondary responsibility of the international community, operating through the United Nations, to protect populations from the above crimes, by using "appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the [UN] Charter,"[59] thus providing mostly preventive measures.

Prevention under R2P is not a standalone obligation envisaged by this concept. Since R2P, as concluded above, creates no autonomous obligations but rather represents a conceptual tool for consolidating and reinforcing the existing state obligations stemming primarily from human rights law and humanitarian law, the obligation of prevention derives from diverse legally binding instruments.

Practically all the relevant human rights instruments of both universal and regional significance either expressly or implicitly speak of prevention. The 1966 International Covenant on Civil and Political Rights (ICCPR) provides that its states parties undertake to respect and ensure, to all individuals within their territories and subject to their jurisdictions, the rights recognized in the Covenant.[60] This legal obligation is both positive and negative in nature, as states are obliged to refrain from violating the rights protected by the Covenant, but also to adopt a set of different measures to give effect to those rights.[61] Similarly, the Convention against Torture (CAT) of 1984 states that states parties shall take "effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction."[62] In addition, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) obliges its states parties to refrain from engaging in discriminatory practices against women and to take all measures

57 "Secretary-General says Global Effort Against Armed Conflict needs Change From 'Culture of Reaction to Culture of Prevention'," SC/6759, accessed March 10, 2026, https://press.un.org/en/1999/19991129.sc6759.doc.html; United Nations Secretary-General, „Prevention of Armed Conflict," A/55/985–S/2001/574, accessed March 12, 2026, https://digitallibrary.un.org/record/442540?v=pdf.

58 World Summit Outcome Document, para. 138.

59 World Summit Outcome Document, para. 139.

60 International Covenant on Civil and Political Rights, United Nations, Treaty Series, vol. 999, p. 171, Art. 2(1).

61 International Covenant on Civil and Political Rights, "General Comment 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant," CCPR/C/21/Rev.1/Add.13, accessed February 17, 2026, https://digitallibrary.un.org/record/533996?v=pdf.

62 Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment, United Nations, Treaty Series, vol. 1465, p. 85, Art. 2(1). Obligations from the Convention have been confirmed before the International Court of Justice in the Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal), Judgment, I.C.J. Reports 2012, p. 422.

necessary to attain legal protection from such practices,[63] while the equivalent guarantee with respect to children can be found in the 1989 Convention on the Rights of the Child (CRC).[64] Particularly relevant in this context is the Convention on the Prevention and Punishment of the Crime of Genocide (1948), as genocide is one of the core crimes explicitly covered by the R2P guarantees. The Genocide Convention prescribes that all of its state parties are obliged to prevent and punish the crime of genocide[65] and to enact legislation necessary to effectuate this obligation.[66] Given that states' abilities to fulfil this obligation may vary, the Convention does not envisage the same operational model for all states but directs them to act "in accordance with their respective constitutions."[67] State obligations stemming from the Genocide Convention, including prevention, were elaborated before the International Court of Justice (ICJ) in the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* Case. After stating that states are obliged to try to prevent the occurrence of genocide, regardless of whether they manage to achieve the desired result, the Court concluded that "responsibility is […] incurred if the State manifestly failed to take all measures to prevent genocide which were within its power, and which might have contributed to preventing the genocide,"[68] discharging thus its due diligence obligation.

Regional human rights instruments adopt the same approach as the universal ones. The European Convention on Human Rights and Fundamental Freedoms (ECHR), the African Charter on Human and Peoples' Rights (ACHPR), and the American Convention on Human Rights (ACHR) use similar language to oblige states parties to provide human rights protection to persons within their jurisdiction and to adopt appropriate measures to effectuate that protection.[69] The measures that states are obliged to adopt are, to a large extent, measures of prevention, in the sense that they aim to anticipate the occurrence of human rights violations.

Like human rights law, humanitarian law embodies obligations of prevention. Article 1, common to all four Geneva Conventions, provides an obligation of states parties "to respect and to ensure respect" for the Conventions,[70] thus imposing a preventive duty to ensure that their armed forces, as well as all persons under their authority, abide by those rules.[71] Also, Additional Protocol I to the Geneva

63 Convention on Elimination of All Forms of Discrimination against Women, United Nations, Treaty Series, vol. 1249, p. 13, Art. 2.

64 Convention on the Rights of the Child, United Nations, Treaty Series, vol. 1577, p. 3, Art. 2.

65 Convention on the Prevention and Punishment of the Crime of Genocide, United Nations, Treaty Series, vol. 78, p. 277, Art. I.

66 Convention on the Prevention and Punishment of the Crime of Genocide, Art. V.

67 Convention on the Prevention and Punishment of the Crime of Genocide.

68 Bosnia and Herzegovina v. Serbia and Montenegro, para. 430.

69 European Convention on Human Rights and Fundamental Freedoms, United Nations, Treaty Series, vol. 213, p. 221, Art. 1; African Charter on Human and Peoples' Rights, United Nations, Treaty Series, vol. 1520, p. 217, Art. 1; American Convention on Human Rights, United Nations, Treaty Series, vol. 1144, p. 123, Arts. 1 and 2.

70 Geneva Conventions of 1949, United Nations, Treaty Series, vol. 75.

71 "2016 Commentary to Article 1," accessed March 14, 2026, https://ihl-databases.icrc.org/en/ihl-treaties/gci-1949/article-1/commentary/2016?activeTab=#_Toc452378937.

Conventions reiterates the obligation "to respect and to ensure respect", while several other provisions of the Protocol contain similar preventive obligations.[72]

It is evident from the above that the duty of prevention is well-established in international law, through numerous universal and regional treaties, judicial practice, and other sources.[73] The preventative component of R2P thus operates as a reinforcing mechanism for existing obligations in anticipating the occurrence of the core crimes envisaged by this doctrine, namely genocide, war crimes, ethnic cleansing, and crimes against humanity.

4.3 Climate Change and the Interpretation of Preventive Obligations under R2P

Recognizing risks that may lead to mass atrocities is a subject of ongoing research, often reflected in analytical reports identifying factors conducive to such crimes. One of the key tools for both identifying these risks and triggering states' preventive obligations is precisely such reports. Among them is a report issued in 2009 by the United Nations Office on Genocide Prevention, which was later replaced in 2014 by a more comprehensive document – the Framework of Analysis for Atrocity Crimes – outlining 14 risk factors associated with atrocity crimes. This Framework mentions natural disasters but fails to mention climate change explicitly. This omission was identified by the Asia-Pacific Centre for the Responsibility to Protect, which issued in 2020 a Report "Climate Change and Atrocity Crimes: The Challenge in the Pacific," in which climate change, though not labeled as a direct cause of atrocity crimes, was recognized as "a potential trigger or threat multiplier, where there are already existing risk factors for atrocity."[74] This recognition provided impetus for integrating climate change into the Framework's risk assessment.[75]

Introducing climate issues into the R2P preventive agenda, which, as we noted, reinforces states' preventive obligations, is relevant to how states assess and interpret these legal obligations arising from a number of treaties. And, with respect to treaty interpretation, it is necessary to refer to the 1969 Vienna Convention on the Law of

72 For instance, Art. 80 of the Protocol provides that states shall take all necessary measures for the execution of their obligations under the Conventions and under the Protocol. Other provisions, such as that of Art. 82, obliging legal advisers to advise military commanders and armed forces on the application of the Conventions and the Protocol. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), United Nations, Treaty Series, vol. 1125, p. 3.

73 Of particular relevance in this context are the ILC Draft Articles on the Prevention and Punishment of Crimes against Humanity. See: "Yearbook of the International Law Commission", accessed March 2, 2026, https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_7_2019.pdf.

74 Cecilia Jacob and Eglantine Staunton, "Climate Change and Atrocity Crimes: The Challenge in the Pacific," Asia Pacific Centre – Responsibility to Protect, 2020, accessed January 10, 2026, https://r2pasiapacific.org/files/5851/Climate_Change_and_Atrocity_Crimes.pdf.

75 See, for example, "Governing Our Climate Future," Interim Report of the Climate Governance Commission, 2021, accessed January 15, 2026, https://ggin.stimson.org/wp-content/uploads/2021/11/Governing-our-Climate-Future.pdf?utm_source=chatgpt.com.

the Treaties (VCLT).[76]

Article 31 of the VCLT provides a general rule of interpretation and states that "a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose." In interpreting a treaty, there shall be taken into account "any relevant rules of international law applicable in the relations between the parties", as well as "any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation."

The above general rule on treaty interpretation points to observing states' preventative obligations stemming from the human rights and humanitarian law treaties in the context of other relevant international law rules, including those concerning climate change. This approach reflects the principle of "systemic integration," as conceptualized by the International Law Commission (ILC) in its work on the fragmentation of international law.[77] It rests on the understanding that all treaties, irrespective of their subject matter, are products of a single international legal system and should therefore not be treated as separate or mutually independent bodies of law. Such an approach has also been confirmed in recent international jurisprudence, and precisely in relation to climate change. A clear example is the 2024 ITLOS Advisory Opinion on climate change, where the UN Law of the Sea Convention (UNCLOS) was interpreted in light of states' climate obligations.[78]

Accordingly, preventive obligations under human rights law and humanitarian law should be interpreted by taking into account those under international climate law. Major climate treaties – United Nations Framework Convention on Climate Change (UNFCCC), Kyoto Protocol, and Paris Agreement – though not always explicitly – provide a duty to anticipate and prevent foreseeable harm to the environment.[79] The existence of such duties has also been confirmed in the ICJ *Obligations of States in Respect of Climate Change* advisory opinion.[80]

Preventive obligations are manifested through the application of the due diligence principle. This standard, which has become well-established in international law[81] and is often invoked in the context of climate change, requires states to take

76 Vienna Convention on the Law of the Treaties, United Nations, Treaty Series, vol. 1155, p. 331.

77 International Law Commission, "Fragmentation of International Law: Difficulties arising from the Diversification and Expansion of International Law," Report of the Study Group of the International Law Commission, A/CN.4/L.702, accessed January 15, 2026, https://legal.un.org/ilc/documentation/english/a_cn4_l702.pdf.

78 Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law, Advisory Opinion, ITLOS, 21 May 2024.

79 United Nations Framework Convention on Climate Change (UNFCCC), United Nations, Treaty Series, 1771, 107, Arts. 2 and 3(3); Kyoto Protocol, United Nations, Treaty Series, 2303, 162, Arts. 2(1) and 3; and Paris Agreement, United Nations, Treaty Series, 3156,79, Arts. 2(a), 4 and 7(1).

80 Obligations of States in Respect of Climate Change, Advisory Opinion, ICJ, July 23, 2025, paras. 132-139.

81 The principle has a long history in international law. This is confirmed by the International Court of Justice's jurisprudence. The Court confirmed this standard in various decisions,

reasonable measures to prevent serious violations when they are aware, or ought reasonably to be aware, of a serious risk that such violations may occur. Although due diligence is a rather diffuse and "variable concept,"[82] as it is context-specific and may change over time,[83] the ICJ stressed in its Advisory Opinion on climate change that determining a risk of significant harm, as well as the obligation to exercise due diligence to protect the environment, should be established objectively.[84]

In certain contexts, climate science can assist states and international organizations in identifying environmental conditions that contribute to instability or conflict. It can also shape how risks are evaluated and inform the measures needed to meet preventive obligations. In this way, climate-related risk assessment may become part of the broader due diligence framework through which states aim to prevent situations from escalating into atrocity crimes.

Concrete measures to advance this objective are already in place, to some extent, and continue to evolve. Early warning systems in the field of climate action rely on advanced technologies to monitor and anticipate potential hazards. Institutions such as the UN Development Program (UNDP), as well as UNEP, operate systems that provide risk assessment services across multiple countries.[85] At the same time, individual states, including the Netherlands or Germany, have developed climate-security early warning mechanisms that explicitly integrate climate data with conflict risk analysis.[86]

The above practical initiatives should be complemented by normative intersections between climate action and R2P action. As climate change has been recognized as a risk multiplier within the international community, such intersections have begun to emerge across several branches of international law. In the context of R2P, climate change should undoubtedly be reflected in documents outlining triggers for mass atrocity crimes, such as the above UN Framework. This should guide states and international organizations in taking climate-related stressors into account when designing and implementing preventive strategies aimed at avoiding the occurrence of mass atrocities.

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either implicitly, such as in the Corfu Channel case and in the Legality of the Threat or Use of Nuclear Weapons, or explicitly, such as in its Climate Change Advisory Opinion. See: Penelope Ridings, "Due Diligence in International Law – Report of the International Law Commission," A/79/10, accessed January 23, 2026, https://legal.un.org/ilc/reports/2024/english/annex2.pdf.

82 Responsibilities and Obligations of States with Respect to Activities in the Area, Advisory Opinion, ITLOS, 2011, 10, para. 117; Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change, paras. 239, 256.

83 Jorge E. Viñuales, "Due Diligence in International Environmental Law: A Fine-grained Cartography," in *Due Diligence in the International Legal Order*, eds. Heike Krieger, Anne Peters, and Leonhard Kreuzer (Oxford, 2020).

84 Climate Change Advisory Opinion, para. 300.

85 Ben L. Parr, *Climate Change Action and the Responsibility to Protect – A Common Cause* (London, New York: Routledge, 2024), 122.

86 Parr, *Climate Change Action*, 123.

5 CONCLUSION

In today's turbulent global environment, with wars raging across the world, it may appear that there are far more pressing issues than searching for connections between phenomena such as climate change, mass atrocity crimes, and R2P. However, this is precisely where the trap of climate change lies: often invisible until it produces severe consequences, it calls for preventive action – an aspect of R2P that is frequently neglected in comparison to its reactive dimension. Detecting the root causes of atrocities is, therefore, anything but unnecessary.

As this paper has emphasized, climate change is not a direct cause of mass atrocities, nor is it envisaged as a circumstance triggering state action under R2P. The four core crimes – genocide, war crimes, ethnic cleansing, and crimes against humanity – remain the sole grounds for R2P action, as set out in the 2005 World Summit Outcome Document. Therefore, the purpose of linking climate change and R2P is not to broaden the R2P framework. The majority of relevant international actors have opposed such an expansion of the concept. Rather, the aim is to take climate change into account when assessing circumstances that may lead to instability and, consequently, to the occurrence of mass atrocities.

In establishing interlinkages between climate change and R2P, it is necessary to determine whether and how these interlinkages affect states' legal obligations. First, it should be reiterated that R2P – whether linked to climate change or not – is primarily political and moral in nature, rather than a strictly legal obligation of states. It serves as a conceptual framework for bringing together the four categories of crimes, while leaving states' pre-existing obligations intact. The introduction of climate change into the R2P discourse primarily affects how existing state obligations – particularly those relating to prevention – are to be interpreted.

According to the principle of systemic integration, as articulated by the ILC in the context of the fragmentation of international law, states' preventive obligations under human rights law and international humanitarian law should be interpreted in light of other relevant obligations. *In concreto*, this includes obligations arising from climate law, which, like those underpinning R2P, are largely grounded in prevention and due diligence. States should, therefore, in fulfilling their preventive obligations within the R2P framework, take climate-related considerations into account and act in accordance with due diligence standards.

Such an approach is sometimes criticized as diluting states' obligations, as it may risk diverting attention from specific problems. However, it cannot be ignored that international challenges are deeply interconnected, and that addressing them in isolation, without considering the broader context, restricts how effectively they can be tackled – particularly from a preventive perspective. A holistic approach demonstrates how states' diverse obligations can be mutually reinforcing. Ultimately, they share a common objective: addressing vulnerabilities and enhancing human protection.

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Sažetak

ODGOVORNOST ZA ZAŠTITU (R2P) U DOBA KLIMATSKIH PROMJENA: PREISPITIVANJE OBVEZA DRŽAVA U POGLEDU PREVENCIJE

Ovaj rad razmatra na koji način klimatske promjene, kao čimbenik koji pojačava postojeće rizike, utječu na obveze država u okviru odgovornosti za zaštitu (R2P). U tu svrhu analizira samu doktrinu R2P kako bi se jasnije odredili njezin sadržaj i dosezi, kao i pitanje primjenjuje li se ona i na klimatske promjene, uz četiri temeljne skupine zločina – genocid, ratne zločine, etničko čišćenje i zločine protiv čovječnosti – osobito u situacijama kada država ne poduzima potrebne mjere. Polazeći od zaključka da se koncept R2P-a ne bi trebao proširivati izvan tih četiriju skupina zločina, rad se zatim usmjerava na ispitivanje načina na koje klimatske promjene utječu na njegovu primjenu. Oslanjajući se na načelo sistemske integracije, ističe se da se ta povezanost očituje ponajprije na razini tumačenja pravnih obveza država, koje valja sagledavati u svjetlu relevantnih obveza vezanih uz klimatske promjene. Zaključno, rad pokazuje da odnos između klimatskih promjena i R2P-a ne dovodi do nastanka novih pravnih obveza, već utječe na tumačenje onih postojećih.

***Ključne riječi**: odgovornost za zaštitu (R2P); masovni zločini; klimatske promjene; prevencija; sistemska integracija.*

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