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The Impact of the World Drug Problem

Regardless of international or developmental status, the issue of drug abuse and addiction can be recognized as one of utmost importance for the international community and its members. In 2016, the United Nations Office on Drugs and Crime (UNODC) started a new initiative to combat the world drug problem by putting people at the forefront of the issue. Action to do so requires looking at the issue from the perspective of human rights, health, security, and safety, rather than simply the criminal repercussions or consequences. Using tactics involving prevention, supply limitation, and treatment, some progress has been made in solving this issue, however, this progress is not effective enough and still leaves millions susceptible and vulnerable¹. Outside of drug addiction, the world drug problem consequently causes severe health issues such as the spread of the HIV/AIDS virus. UN Deputy Secretary-General, Jan Eliasson, recognized the controversy surrounding the world drug problem at the UN General Assembly Special Session on the world drug problem (UNGASS) and noted that "...some countries and regions have suffered more than others. It is therefore important that we listen to each other and learn from each other's experiences, not least of how the well-being of people is affected"². In this way, the United Nations is now looking to attack the world drug problem for the wellbeing of the people, rather than the wellbeing of the state; moreover, trying to solve the world drug problem in a criminal and violent manner only perpetuates the problem, and can also

¹ "World drug problem: UN adopts new framework for policies to 'put people first'." UN News Centre. 19 Apr, 2016. Web. 14 July, 2017. <http://www.un.org/apps/news/story.asp?NewsID=53723#.WXP16K2ZNsM>.

² *Ibid.*

cause internal turmoil. This, therefore leaves international cooperation and human rights as the only successful methods to address the world drug problem.

When reflecting on the idea of human rights as it pertains to the world drug problem, there are five key general areas that must be looked to:

1. The right to health
2. Rights relating to criminal justice
3. Rights relating to discrimination
4. The rights of the child
5. The rights of indigenous peoples

However, when looking to guarantee these rights to citizens, these rights must be protected from not only the world drug problem, but the solutions to the drug problem as well. Historically, one or more of these rights has been violated by policies meant to halt drug epidemics, and have not only failed in stopping the epidemic, but instead caused additional problems and consequences. Examples of such policies and their consequences are outlined below, as well as the goals for what a pro-human right, but anti-drug policy would look like.

Thailand's "War on Drugs"

Thailand's "War on Drugs" is one example of the turmoil that can be caused when a state's government seeks to handle drug problems criminally. In 2003, Thailand's Prime Minister, Thaksin Shinawatra, declared a "War on Drugs," and within three months, over 2,800 people were executed by the government³. In reflection of the ordeal, it was found that over half

³ "Thailand's 'War on Drugs'." Human Rights Watch. 12 Mar, 2008. Web. 14 July, 2017.
<https://www.hrw.org/news/2008/03/12/thailands-war-drugs>

of those killed by, or accused of, being involved in drug trafficking were innocent of all charges. The high tensions and stakes with the war on drugs caused a breakdown in the justice system within Thailand, leaving anyone accused of involvement at the mercy of tribunals to prove their innocence.

Additionally, the war on drugs in Thailand caused a rise in HIV/AIDS throughout the country. Since those who were addicted to drugs were forced even farther into hiding, needle sharing/reusing became more popular, which led to the rise in cases of HIV/AIDS within the country. Not only was the transmission of the disease on the rise, but the amount of people who went without treatment was also on the rise because seeking treatment caused suspicion⁴. The effects of the HIV/AIDS epidemic still haunts Thailand today, and the issue of needle sharing is still present as well. Thailand was, and remains an example of how the criminal treatment of drug addiction can have prolonged effects and consequences for a nation state. The policies enacted in this case not only violated the citizens of Thailand's right to health, but also their right to criminal justice.

The Philippines' Modern Struggle with the "War on Drugs"

In the case of the Philippines, their "War on Drugs" was aimed towards drug dealers and suppliers, rather than those found with or using drugs; regardless of this change in target, the impact and consequences remained the same. Within 2016 alone, over 7,000 people had been killed⁵. These deaths were caused not by government tribunal, but rather were by vigilante attacks after President Rodrigo Duterte encouraged citizens to take action themselves. This has

⁴ "Thailand's 'War on Drugs'." Human Rights Watch. 12 Mar. 2008. Web. 14 July, 2017.

<https://www.hrw.org/news/2008/03/12/thailands-war-drugs>

⁵ "Human Rights and Duterte's War on Drugs." Council on Foreign Relations. 16 Dec. 2016. Web. 14 July, 2017.

<https://www.cfr.org/interview/human-rights-and-dutertes-war-drugs>.

caused internal turmoil in an even greater form, as now citizens are not only fearful of the government, but of their fellow citizens as well. The internal violence still occurring in the Philippines has caused such great concern that the United States has now withdrawn its aid to the country⁶. Not only has the war on drugs caused an influx in violence and disease, but it has also resulted in a human rights crisis.

Outside of the 7,000 people who have died at the hands of vigilantes, an additional 2,100 people have been killed by the police during raids of poor neighborhoods which have gone without investigation; additionally, the President has also suspended the legislative branch's power to control the actions of vigilantes or the police, leaving the people without a voice within the government. Having a trial is also unlikely in the Philippines if someone is charged with a drug related crime due to the corrupt and slow judicial system, leaving those accused with no trial and no opportunity to prove themselves innocent⁷. Between the police brutality, the suspended legislative branch, and the lack of trials, the war on drugs in the Philippines has escalated to an issue of human rights as well. Thus, the Philippines remains an example of how individual states have been unable to enforce anti-drug policy and would see better results through collaboration with other nations in combating the war on drugs through non-criminal means. The policies in the Philippines violated its citizen's right to criminal justice, the right to health, and the rights of children, some of whom were subjected to police violence during raids.

Seeking Effective Treatment

According to the UNODC and World Health Organization (WHO), the most effective

⁶ "Human Rights and Duterte's War on Drugs." Council on Foreign Relations. 16 Dec. 2016. Web. 14 July, 2017. <https://www.cfr.org/interview/human-rights-and-dutertes-war-drugs>.

⁷ *Ibid.*

way to address the world drug problem without violating human rights, is to offer those who are addicted proper treatment and rehabilitation without the fear of criminal repercussions⁸. Looking back to the war on drugs in Thailand, the criminalization of drug usage caused many to practice unsafe methods for using drugs for fear of legal repercussions. However, if treatment rather than incarceration or execution was available, then there would be a substantially lower risk to the citizen's health. This would also ensure that none of the five key human rights concerns would be violated, and would even be strengthened in some areas.

The UNODC and WHO are currently researching and seeking out ways to best treat those afflicted with an addiction. Once an effective method is found, it can be implemented in all treatment centers, which would make it easier for national governments to decriminalize drug abuse for those afflicted to receive treatment, not punishment⁹.

A Universal Control Policy via GLOK67

Initiating a universal policy for controlled substances, such as prescription drugs, would also help halt the world drug problem. In 2016, the UNODC, WHO, and the Union for International Cancer Control (UICC) met to create an agenda to seek out methods for ensuring that those who need treatment for an illness or disease receive that treatment without risk of becoming addicted to medication¹⁰. The "Access to Controlled Drugs for Medical Purposes While Preventing Diversion and Abuse" Initiative (GLOK67), seeks to diversify the

⁸ "Preventing Illicit Drug Use and Treating Drug Use Disorders for Children and Adolescents (GLOK42)." The United Nations Office on Drugs and Crime. Aug. 2016. Web. 14 July, 2017. <https://www.unodc.org/unodc/en/drug-prevention-and-treatment/children/index.html>

⁹ *Ibid.*

¹⁰ "Access to Controlled Drugs for Medical Purposes, While Preventing Diversion and Abuse (GLOK67)." The United Nations Office on Drugs and Crime. 2017. Web. 14 July, 2017. <https://www.unodc.org/unodc/en/drug-prevention-and-treatment/access-to-controlled-medicines/accessibility-medicines-availability-glok67.html>

medications used to treat patients to decrease the chances of an addiction forming. The initiative does not seek to take away necessary medications that may relieve a patient's pain, it simply seeks to decrease the likelihood of a patient becoming addicted. There are three main goals that the initiative has to decrease addiction:

1. Work with legislative and policy-makers
2. Build capacity for healthcare professionals
3. Work with the community and caregivers

In meeting these goals, the initiative will successfully prevent addiction while not violating a patient's right to health, or any other rights¹¹.

Protecting the Next Generation via GLOK42

One of the crucial rights in need of protection are the rights of children, both in their direct protection, and the protection of their parents whose care they must rely on. The UNODC and United Nations International Children's Emergency Fund (UNICEF) have partnered together since 2015 to start the GLOK42: "Preventing Illicit Drug Use and Treating Drug Use Disorders for Children and Adolescents" under the UNODC Children's Project¹². The project aims to reintegrate children and their parents who are recovering from drug abuse, as well as to support children who struggle with drug abuse issues themselves, or are trying to support themselves or

¹¹ "Access to Controlled Drugs for Medical Purposes, While Preventing Diversion and Abuse (GLOK67)." The United Nations Office on Drugs and Crime. 2017. Web. 14 July, 2017. <https://www.unodc.org/unodc/en/drug-prevention-and-treatment/access-to-controlled-medicines/accessibility-medicines-availability-glok67.html>

¹² "Preventing Illicit Drug Use and Treating Drug Use Disorders for Children and Adolescents (GLOK42)." The United Nations Office on Drugs and Crime. Aug. 2016. Web. 14 July, 2017. <https://www.unodc.org/unodc/en/drug-prevention-and-treatment/children/index.html>

their siblings because their parents are struggling with an addiction; their goals include:

1. Addressing the health and social consequences for children
2. Preventing drug use
3. Treating drug dependence
4. Facilitating their re-integration and contribution to the larger community¹³

In addition to protecting the rights of children, and their parents, this project also supports the right to health and rights to discrimination.

Conclusion

As the world continues to become more connected, it becomes clear that the world drug problem is an issue that must be addressed as an international community. Previous attempts by individual nation states have tended to incite violence and cause several human rights violations. In Thailand, the war on drugs caused citizens to be convicted via tribunal and punished without a proper trial, which violated their right to criminal justice, and even their right to health. In the Philippines, similar rights were violated and neither state was able to cohesively solve their drug crisis. However, if member states work with the UN, specifically the UNODC, then a formidable solution can be made. Already, there are projects in progress to strengthen the right to health, criminal justice, and the rights of children, allowing the UN to not only protect these rights from being violated, but also advocating for them to be strengthened.

¹³ “Preventing Illicit Drug Use and Treating Drug Use Disorders for Children and Adolescents (GLOK42).” The United Nations Office on Drugs and Crime. Aug. 2016. Web. 14 July, 2017. <https://www.unodc.org/unodc/en/drug-prevention-and-treatment/children/index.html>

Questions to Consider

1. Where have previous attempts gone wrong in trying to solve the World Drug Problem?
2. Do governments have the right to revoke the rights of citizens in order to remedy situations such as these?
3. How is the right to health interpreted in the eyes of different government entities, the individual, or the UN?
4. What solutions can be made to not only address the World Drug Problem for an individual nation but also address all nations?
5. How can government missteps be avoided in crises such as these (i.e. government tribunals, police brutality, among others)?
6. Outside of addressing current issues, what measures can be taken to prevent these crises in the future?

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Applying the Responsibility to Protect Doctrine

“If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?”¹

This statement, made by Secretary-General Kofi Annan in the Millennium Report of 2000, was in response to the controversial intervention of human rights violations after seeing it occur in Somalia, Bosnia and Kosovo; moreover, when it failed to occur in the case of the Rwandan Genocide.² Genocide, mass killings, ethnic cleansing, crime against humanity all took place, and in the 1990s, it became apparent that the international community needed some sort of means to act effectively and lawfully to protect the human rights of all global citizens. The question stands today when, if ever, is it appropriate for states to take coercive, military action against another state to protecting people at risk? The risk is violating equal sovereignty, a cornerstone of the United Nations Charter (Article 2.1)³ that gives both states and citizens the fundamental principle for equality.

Failures have led to the necessity of guidelines or a definition of which situations supersede the sovereignty of a nation state. The UN was founded on the notion of protecting human rights, and its membership is committed to protecting the rights of the most vulnerable; moreover, as the primary authority on international human rights, it is the responsibility of the

¹ Department of Public Information. (2014). The Responsibility to Protect. www.un.org/en/preventgenocide/adviser/responsibility

² Ryan, D. (2002). Report of the International Commission on Intervention and State Sovereignty: the Responsibility to Protect. <http://responsibilitytoprotect.org/ICISS%20Report.pdf>

³ Finch, G. A. (1945). The United Nations Charter. *The American Journal of International Law*, 39(3), 541-546

UN to define when it is necessary for other states to step in and intervene. In response to the challenge of Secretary-General Kofi Anon, the Government of Canada promoted the establishment of the International Commission on Intervention and State Sovereignty (ICISS) in December 2001. It was at the ICISS that the Responsibility to Protect (R2P) would be coined with the overall premise that, "...sovereign states have a responsibility to protect their own citizens from avoidable catastrophe – from mass murder and rape, from starvation – but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states."⁴

The ICISS was instrumental in outlining the global responsibilities of nation states in acting to protect people that were affected by violations of humanitarian law that sovereign governments were unwilling or powerless to prevent. In 2004, Secretary-General Kofi Annan set up the High-Level Panel on Threats, Challenges, and Change for legitimizing the authorization of use of force by the UN Security Council and the proportionality of the response. At the UN World Summit of 2005, all Member States formally accepted the responsibility of each State to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity.⁵ Based on the outcome of this Summit, the current R29 consists of three mutually enforcing pillars:

- 1) The State carries the primary responsibility for protecting their own populations from the four crimes of genocide, war crimes, ethnic cleansing, and crimes against humanity, and their incitement;
- 2) The international community has a responsibility to encourage and assist the State in this responsibility;

⁴ Nau, Henry R., (1941). *Perspectives on International Relations: Power, Institutions, and Ideas*.

⁵ Bellamy, A.J., & Reike, R. (2010). The Responsibility to Protect & International Law. *Global Responsibility to Protect*, 267-286.

- 3) The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a state is manifestly failing to protect its populations, the international community must be prepared to take collective action, in accordance with the UN Charter.⁶

Sudan

The first time R2P was utilized was in 2006 towards the city of Darfur in Sudan, and since its deployment in 2008, UNAMID, the UNSC, and the African Union have failed to ensure that the Sudanese Armed Forces (SAF) and armed rebels of the Sudan People's Liberation Movement-North (SPLM-N) honor past agreements on the cessation of hostilities and delivery of humanitarian assistance.⁷ The alleged use of chemical weapons and attacks on UN peacekeepers constitute war crimes, while restrictions on UNAMID's freedom of movement contravene the Status of Forces Agreement between the UN, AU and Sudan. After more than 57 resolutions, the General Assembly should review their approach to recurring conflict and atrocities in Sudan.

Libya

While R2P is noble in its goals to protect populations, it has proved to be little more than a principle when put into action. Even those countries that have been considered successes in practice disagree with being placed in the category of a "win;" Kyrgyzstan, for example took the General Assembly floor to unequivocally denounce the assertion that the UN-led response to regional ethnic conflict in their country in 2010 had been a successful example of R2P's implementation.⁸ Its usage in Libya in 2011 brought up the longstanding argument that Western

⁶ UNSC Resolution 1706

⁷ "Sudan: Global Centre for the Responsibility to Protect." *Populations at Risk Serious Concern*.

<http://www.globalr2p.org/regions/sudan>

⁸ Halliwell, Shayna. "Failures of the Responsibility to Protect: Selectivity, Double Standards and an Assault on State Sovereignty." *RightsViews*, 1 May 2016, <http://blogs.cuit.columbia.edu/rightsviews/2016/05/01/failures-of-the-responsibility-to-protect-selectivity-double-standards-and-an-assault-on-state-sovereignty/>

states might be utilizing this approach to change regime within the country. Sanctions were imposed and travel bans were placed on members of the Gaddafi regime until Resolution 1973 authorized the use of force to “protect civilians and civilian populated areas under threat of attack.” China, Russia, Brazil and India each abstained on the vote; furthermore, when the Gaddafi regime was removed, non-Western perceptions that the third pillar could be manipulated to pursue ulterior motives (such as the replacement of unfriendly governments) was confirmed.⁹

Yemen

The United Nations Security Council adopted Resolution 2014 (2011), condemning human rights violations by the government of former President Saleh and affirmed Yemen’s responsibility to protect their population. Sanctions were imposed on former President Saleh and Houthi leaders in November of 2014; furthermore, in April of 2015, Resolution 2216 was passed, establishing an arms embargo against Houthi leaders, and demanding they withdraw from all areas seized during the conflict. Despite the temporary ceasefire agreements and peace talks between the government and Houthi rebels, the conflict in Yemen continues to leave civilians facing mass atrocity crimes and is now the largest humanitarian crisis in the world.¹⁰ This is a direct result of the armed conflict and requires assistance from the international community.

Central African Republic

The current crisis in Central African Republic (CAR) originated from the overthrow of President Francois Bozize in March of 2013 by the Seleka rebels, and has led to over 600,000 internally displaced persons in CAR. The UNSC has passed nine resolutions since October 2013

⁹ Garwood-Gowers, Andrew. “China and the Responsibility to Protect.” *Sustainable Security*, 5 Sept. 2016. <https://sustainablesecurity.org/2016/05/31/china-and-the-responsibility-to-protect/>

¹⁰ “Yemen: Global Centre for the Responsibility to Protect.” *Populations at Risk Serious Concern*. <http://www.globalr2p.org/regions/yemen>

which emphasize the R2P, including Resolution 2339 which renewed sanctions and an arms embargo until January 2018. The resurgence of violence in recent months is primarily driven by three armed groups: the predominantly Christian anti-balaka and two former members of the mostly Muslim Seleka rebel alliance, the Union pour la Paix en Centrafrique (UPC) and the Front Populaire pour la Renaissance de la Centrafrique (FPRC).¹¹ The FPRC, sometimes with anti-balaka, have systematically targeted ethnic Fulani for attack; in response, armed Fulani self-defense groups have allegedly committed violent reprisals, sometimes in collaboration with the UPC.

Anti-balaka militias continue to target Muslim communities; moreover, humanitarians and peacekeepers have also been targeted in recent attacks – nine from the UN Mission in CAR (MINUSCA) have been killed. MINUSCA must be able to deploy rapidly to all areas where civilians lack sufficient protection and improve its capacity to anticipate and respond to emergency threats; furthermore, they should undertake all necessary efforts to support government authorities to initiate investigations and ensure prosecution of mass atrocity crimes. The number of peacekeepers employed to this Mission is not nearly enough to uphold the R2P.¹²

Conclusion

The inherent weakness to R2P as whether the Security Council authorizes an intervention will always be a practical decision, made by the sovereign members of the UNSC and depending on circumstance.¹⁰ While the United States has repeatedly used R2P as a justification for airstrikes in Libya, R2P was not invoked in Syria due to a heavy opposition from Russia, proving

¹¹ “Central African Republic: Global Centre for the Responsibility to Protect.” *Populations at Risk Serious Concern*. http://www.globalr2p.org/regions/central_african_republic

¹² “Central African Republic: Global Centre for the Responsibility to Protect.” *Populations at Risk Serious Concern*. http://www.globalr2p.org/regions/central_african_republic

that even if Russia agrees with R2P as a principle, it will not adhere to it if it violates its national interests. Additionally, the doctrine itself calls into question previously existing concepts of national sovereignty and security. Member States may see the intervention under R2P as setting a precedent that may in turn affect their national sovereignty.

As the Responsibility to Protect continues to develop as a doctrine, it is important to navigate the balance of human rights and national sovereignty. The intent of the R2P is not meant to be an intervener's charter, but strives to codify a spectrum of activities to be taken by both international and regional organizations when a crisis that threatens a population threshold; however, it is necessary to ask, what is that threshold? If force should be used as a last resort, what is the tipping point of the scale? To enable governments, regional organizations and the UN to protect vulnerable populations, there is a need for the principles of R2P to outline a guide that will both safeguard against unilateral intervention by states seeking to advance their status as a global or regional power and continue to protect the rights of the most vulnerable populations. Edward Luck, special advisor to former Secretary-General Ban Ki-Moon, advised, "R2P is not specific. It is a principle that does not dictate any specific actions or tactics, and it should fit each individual case. Because R2P is about options, different alternatives to solutions, we have to be open to innovative ideas and take every case individually." In the changing global stage and nature of armed conflict, there is a need more than ever to establish a foundation for crisis prevention and response in cases of crimes against humanity, ethnic cleansing and genocide.

Questions to Consider

- 1) How can concepts of human security be incorporated as to include a sovereignty definition?
- 2) How may the conflict over R2P affect future resolutions?
- 3) What does your country do to protect the human security of its citizens and can any of these policies be implemented on the international level?
- 4) What contribution has R2P made to the prevention of genocide and mass atrocities, and to the protection of vulnerable populations?
- 5) Can there be a criterion for the application of the R2P to guide the Security Council debates on any given case?

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