

The Global Sumud Flotilla as embodiment of the Responsibility to Protect (R2P)

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Strangely enough, the concept of Responsibility to Protect has been largely absent from the global debate about the genocide unfolding in Gaza and the extensively documented pattern of international crimes targeting Palestinians. The almost complete lack of reference to the concept two years into what is broadly considered to be the first live-streamed genocide is even more surprising as the Responsibility to Protect, which was officially adopted during the 2005 World Summit Outcome, celebrated its twentieth anniversary in 2025.

The inability of some R2P proponents to acknowledge the concept's applicability to the situation in Palestine is nothing new. However, the scale and intensity of the violence targeting Palestinians for more than two years with close to no appropriate reaction from most Western states raises very serious questions about R2P as a concept and as a global initiative aiming for a better protection of populations from genocide, war crimes, ethnic cleaning and crimes against humanity.

After introducing briefly what the R2P concept adopted twenty years ago is about, this paper will insist on its obvious applicability to the multiple crimes committed by Israel against Palestinians, not only in Gaza but in Palestine as a whole, and argue that R2P is a useful tool to think about the Global Sumud Flotilla. In fact, the Global Sumud Flotilla and like-minded initiatives conducted by individuals from all around the world - who self-organize to attempt to enforce international norms blatantly violated by states - could be seen as the very embodiment of the Responsibility to Protect.

What is R2P?

Although there are different versions of R2P, the most authoritative one is the one unanimously adopted by UN member states during the World Summit twenty years ago and included in the so-called World Summit Outcome Document. This document entails three paragraphs (138 to 140) on the Responsibility to Protect, which is essentially a reminder of already existing, legally binding obligations for states.

-From the first, the 2005 Document entails an acknowledgment by UN member states of their responsibility as individual states to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This dimension of R2P is commonly referred to as R2P's first pillar.

-The 2005 Document also entails a commitment for the international community to "*encourage and help states to exercise this responsibility*". The text states "*that the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means in accordance with Chapters VI and VIII of the Charter to help to protect populations [...]*", which is generally referred to as R2P's second pillar.

-Finally, should these peaceful means prove *"inadequate, and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity,"* the 2005 Document specifies that the international community may *"take collective action, in a timely and decisive manner."* The text indicates that this may be done *"through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant international organizations [...]."* Furthermore, the Document also *"stresses the need for the General Assembly to continue consideration of the responsibility to protect populations [from the four types of exactions listed] and its implications, bearing in mind the principles of the Charter and international law."*

R2P's Applicability to Gaza and Palestine

Although some scholars tried to argue in 2014 that R2P should only be applicable when a state commits atrocities on its own territory, but not on a foreign territory it controls -thus preventing the concept's applicability to atrocities committed by Israel in occupied Palestinian territories - such an argument contradicts the very purpose of R2P. What characterizes R2P is precisely that it is applicable everywhere, anytime, for any people subjected to genocide, war crimes, ethnic cleansing or crimes against humanity when the states/authorities in charge prove unable or unwilling to offer protection.

Based upon the disturbingly clear pattern of well-documented facts and legal analyses available, it can be credibly argued that in Gaza, over the past two years, Israel has been engaged in the commission of *all* four categories of crimes triggering R2P. Furthermore, R2P being applicable from the moment *any* of the four crimes is committed with the state(s) in charge unable or unwilling to offer protection to the population under attack, it could be safely argued that R2P has been applicable for years prior to the current surge of genocidal violence. A virtual roundtable on "Responsibility to Protect (R2P) and Palestine" with contributions from Ghassan Abu-Sittah, Richard Falk, Siba N'Zatioula Grovogui, Ilan Pappé and Mazin Qumsiyeh (among others), already concluded in 2019 that R2P was applicable to the multifaceted pattern of attacks that Palestinians had been facing for decades.

R2P's Usefulness

While R2P's applicability to the situation in Palestine can be clearly established, one of the questions that the 2019 roundtable raised - and which may be even more salient from today's perspective - is that of R2P's usefulness : what is the point of highlighting the R2P concept's applicability when clearly binding norms of the highest legal value (peremptory norms of international law such as the prohibition of genocide) are being violated, and disturbingly few of the enforcement mechanisms available in such cases are being used?

Does the reference to the Responsibility to Protect add anything? Isn't it in fact a relatively fruitless distraction from much needed legal work under international criminal law or state responsibility?

In my view, there are several reasons to invoke R2P in and of itself, in addition to the binding norms upon which it relies:

-First, R2P is a tool - at the crossroads of the legal, political and ethical spheres - that might be used to call for the protection of Palestinians and respect for their rights. Given the deeply unequal and asymmetrical nature of Palestinians' struggle for their basic rights, it would not seem wise to dismiss *any* potentially useful tool.

-Second, R2P is a tool that is often portrayed as a European brainchild. This perception is actually misleading, as there is plenty of evidence showing that R2P is to a large extent the outcome of Southern and even more particularly African advocacy and norm engineering. However, the widespread perception that R2P is a Western tool can serve to increase pressure on former self-proclaimed R2P champions. Twenty years into the endorsement of R2P and two years into the genocidal assault, the far too seldom references to the concept's applicability in Palestine are missed opportunities.

-Last but not least, it is essential to keep in mind that R2P was born precisely from situations of mass atrocities committed by a militarily superior power amidst international (UN and third states) paralysis or even support for the genocidal power. The Responsibility to Protect is the (modest) outcome of decades of intellectual and diplomatic efforts to outline how to prevent or react to the gravest crimes targeting a population that is unable to defend itself on its own. That the R2P norm engineering enterprise did not eradicate the most atrocious and frustrating situations facing humankind should come as no surprise. It surely does not mean that one should give up on such efforts.

Global Sumud Flotilla as the Embodiment of R2P

One of the dimensions of R2P that scholars struggled a lot with since the concept was coined is the question of agency. How to acknowledge the Responsibility to Protect as a collective responsibility with multiple potential bearers without diffusing the sense of responsibility, making it less likely for anyone to actually do something?

The R2P principle as endorsed in 2005 focuses on the state(s) in charge as the primary agent supposed to ensure peoples' protection from mass atrocities. The very essence of R2P, however, lies in the acknowledgement that states may at times lack the willingness or ability to protect the populations under their control. In such cases, the responsibility to protect falls on the so-called international community. The 2005 World Summit Outcome Document specifies that this should happen through the United Nations and provides details on the sequence to be followed : in line with the usual approach, consent-based and peaceful means should always precede the use of coercive measures, which may include, if necessary, the use of military force, authorized by the Security Council in accordance with Chapter VII of the UN Charter.

But what about these all too frequent situations when both the state(s) in charge and United Nations Security Council prove unable or unwilling to guarantee protection of a people targeted by genocide, war crimes, ethnic cleansing or crimes against humanity? Although the 2005 Document does not explicitly refer to the Uniting for Peace mechanism, its reference to the UN General Assembly "*bearing in mind the principles of the Charter and international law*" comes quite close from a formal acknowledgment of this alternative path towards protective action. This, however welcome, does not necessarily ensure efficient protection either, as the crimes committed by Israel against Palestinians in Gaza over the past two years unfortunately attest.

Yet history teaches us that even in such cases of state(s) and international paralysis or complicity in the commission of atrocity crimes, some actors will always try and act, in whatever modest a way. These non-state, often even individual, actors are obviously part of the international - or global - community, not because of their size, but because of the burden they decide to take on. In my previous work, I have therefore argued that actions undertaken by non-state actors, notably individuals, to react to genocide, war crimes, ethnic cleansing or crimes against humanity should be acknowledged as embodiments of the R2P principle regardless of their perceived effectiveness.

In light of the combined failure of states and of the most prominent UN bodies to ensure protection of Palestinians from a decades-old pattern of international crimes now culminating in full-fledged genocide, the Palestinian case has offered for long a rich array of what individual or civil society actions may look like : tireless work of human rights organizations, researchers, journalists and activists, both from within and outside Palestine, global solidarity movement, BDS, Gaza Tribunal... The examples of citizen-led initiatives are too numerous and diverse to even be compiled.

The Global Sumud Flotilla, however, stands out: it is arguably the most impressive illustration to date of individuals taking it upon themselves and self-organizing to mount from scratch a highly complex maritime operation to try and ensure protection of a people facing genocide. The participants in the Flotilla have been extremely clear about their primary reason for sailing, in reaction both to the gravity of the crimes that Palestinians have been facing in Gaza and to the failure of the actors that are traditionally considered to represent the international community. As such, their action can certainly be seen as embodying the Responsibility to Protect, if not the most fundamental norms of international law themselves.

Interpreting the Global Sumud Flotilla project as the embodiment of R2P or international law more broadly is neither a detail nor a scholar's excentric obsession with a concept of dubious usefulness. Acknowledging the Flotilla initiative as the embodiment of R2P and peremptory norms of international law is of extreme importance and value at a time when so many state representative have been failing to uphold the most fundamental international norms, because it reminds us that we, who care and are willing to take on the burden, can be the international community that we need.

The next wave of ships will hopefully achieve the goal to open a humanitarian corridor, which is instrumental to efficiently counter the genocide unfolding in Gaza. And in the meantime, the initiative is maintaining international law and the obligations to prevent and react to genocide, war crimes, ethnic cleansing or crimes against humanity alive against all odds.