

日本国際平和構築協会 第1回研究大会
分科会1「国連平和活動における政策の変遷」

保護する責任（R2P）の「第2.5の柱
（Pillar Two-and-a-half）」の進展？
～文民の保護（POC）とR2Pの交錯に着目して～

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※本報告は、報告者個人の見解に基づくものです。

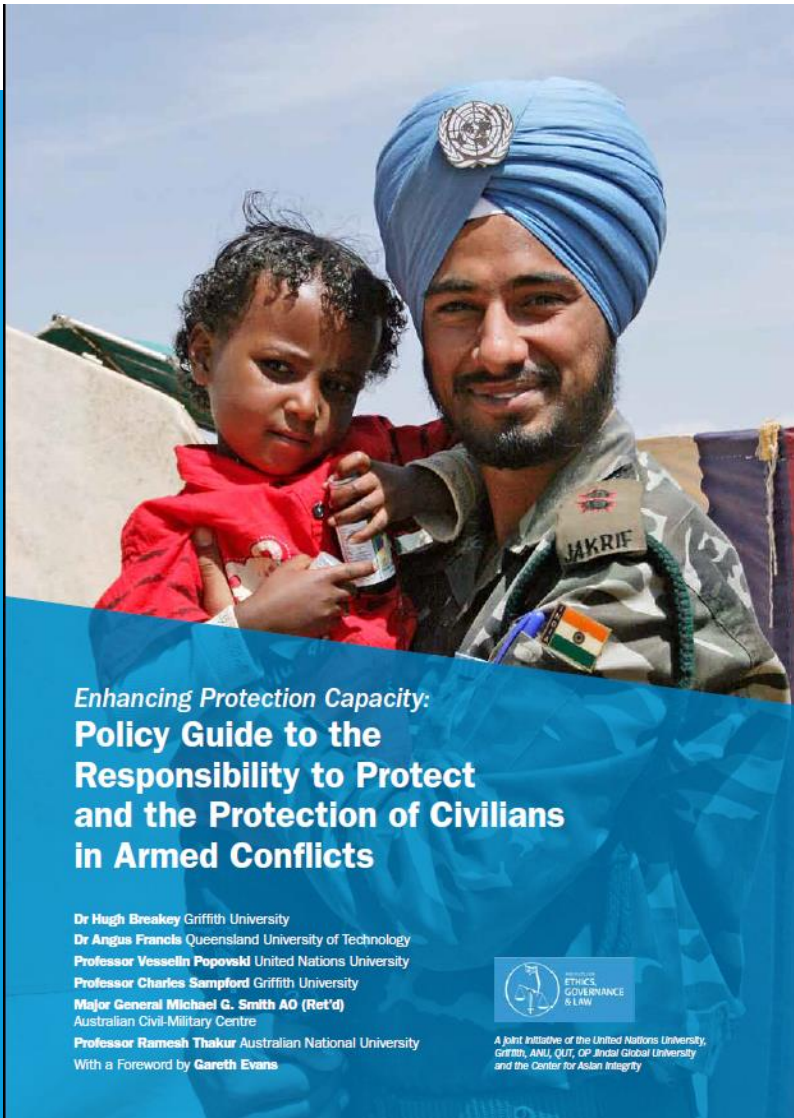
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1. 冷戦後の国連平和活動とR2P・POC

- ✓ R2P : 2001年ICISS報告書、2005年成果文書
= 武力紛争の存否を問わず、4つの重大な犯罪からの人々（populations）の保護
- ✓ POC : 国際人道法 + 国連平和活動の政策
（ex. 安保理の付与する任務、POCサイト）
= 武力紛争下における文民（非戦闘員
civilians）個人の保護
- ✓ 目的（対象・適用範囲）／手段（政策・制度）の相違 → 「姉妹だが双子ではない」

1. 冷戦後の国連平和活動とR2P・POC



【参考】

Hugh Breakey et. al., *Enhancing Protection Capacity: A Policy Guide to the Responsibility to Protect and the Protection of Civilians in Armed Conflicts* (Institute for Ethics, Governance and Law, 2012).

<https://www.griffith.edu.au/criminology-law/institute-ethics-governance-law/research/responsibility-to-protect-protection-of-civilians-policy-guide>

SUMMARY OF SCOPE

Broad POC has the widest scope, applying to all situations of mass violence; it therefore includes both armed conflict and atrocity crimes.

Narrow POC has a tighter focus; IHL applies only to situations of armed conflict.

R2P Atrocity Crimes have the smallest scope, applying only to the comparatively rare case of atrocities. These usually occur in armed conflicts, but can occur in peacetime.

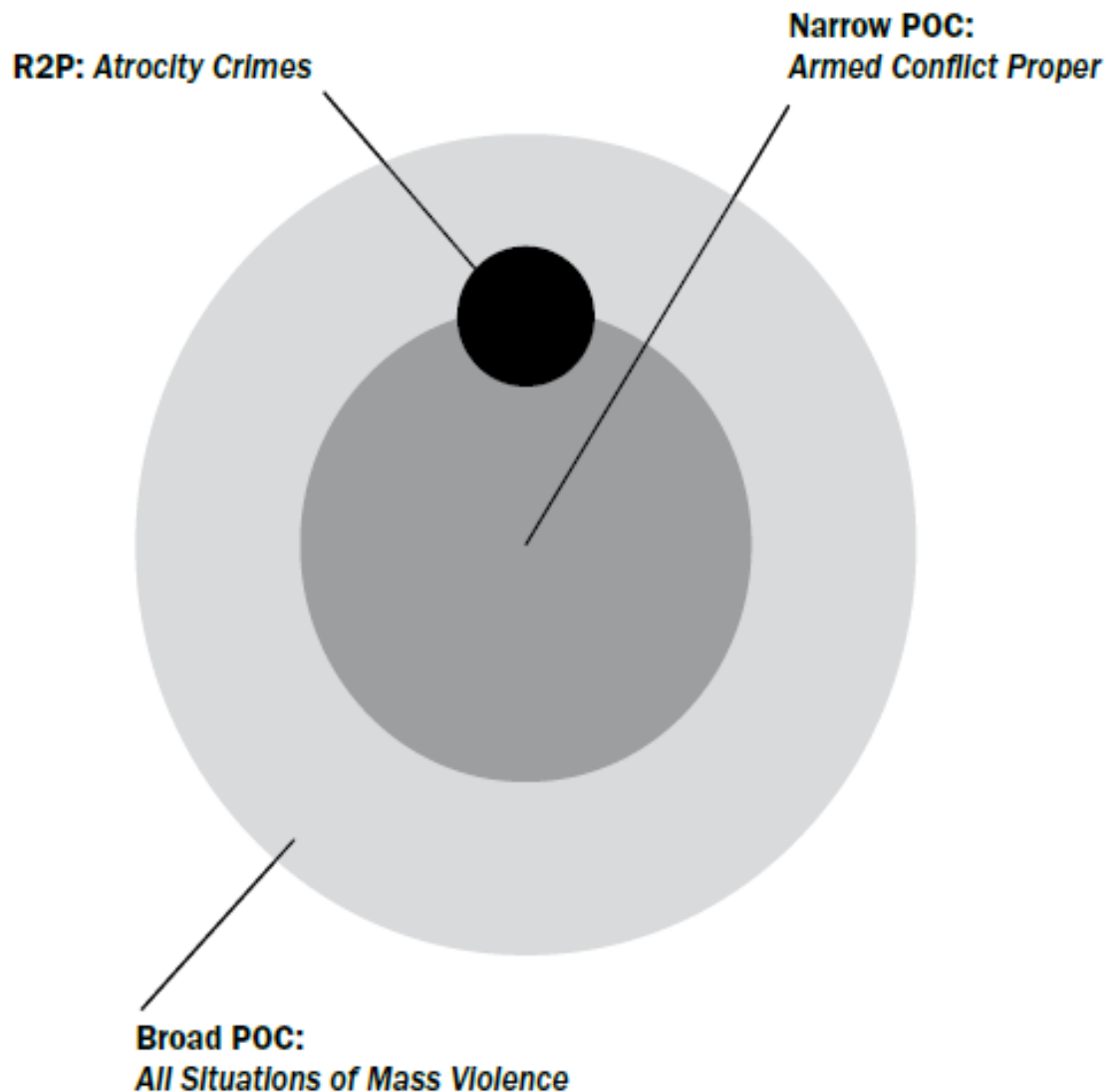


Figure 1: Scope of protection principles

POC applies to crimes against *civilians*:

R2P applies to crimes against *populations*.

While there remain ambiguities in certain (non-international) contexts regarding the legal definition of “civilians”, broadly speaking a civilian is a person who is not a member of State armed forces or organized armed groups of a party to the conflict, and who is not taking a direct part in hostilities. “Populations”, on the other hand, refers to the total number of people in a nation, region or other larger grouping, irrespective of their involvement in hostilities. Three points follow:

1. POC’s concern for civilians includes isolated and small-scale attacks against individuals. R2P’s focus on populations, on the other hand, requires assaults, (a) of a much larger-scale, and (b) with the specific intention to persecute or destroy the group as such.
2. Especially in the context of IHL and Narrow POC, the distinction implies that POC occurs primarily in situations where the civilian-combatant distinction is material. Since R2P crimes explicitly can occur in times of peace, the term “populations” is more apt in this regard.
3. Without the limitation to apply only to unarmed civilians, R2P crimes can include certain types of attacks against combatants, if such attacks are part of a larger assault against a group. A genocidal regime might modify its treatment of enemy combatants (such as with declarations of “no quarter”) as one part of its overall purpose of destroying the enemy population. In such a case, egregious violations of duties to enemy combatants may comprise part of an R2P atrocity crime.

2. R2Pの近年の展開——R2Pの「3つの柱」と2011年のリビア介入後

✓ 2009年、国連事務総長報告書『R2Pの履行』

第1の柱「国家による保護の責任」

第2の柱「国際的な援助と能力構築」

第3の柱「時宜に適う断固とした対応」

✓ 2011年、リビア介入とシリア不介入

→ R2P（とりわけ第3の柱）に対する批判

✓ 但し、国連での議論は継続（安保理決議も）

→ 2017年、国連総会の公式の議題に

3. POCの近年の展開——2015年のキガリ原則（Kigali Principles）

- ✓ 2015年5月、ルワンダがキガリ原則を提唱
 - 6月、HIPPO報告書
 - 9月、第2回PKOサミット

2017年9月まで、41か国がキガリ原則を支持

- ✓ 「POCに関するキガリ原則」

＝ 国連平和活動におけるPOCの18の原則

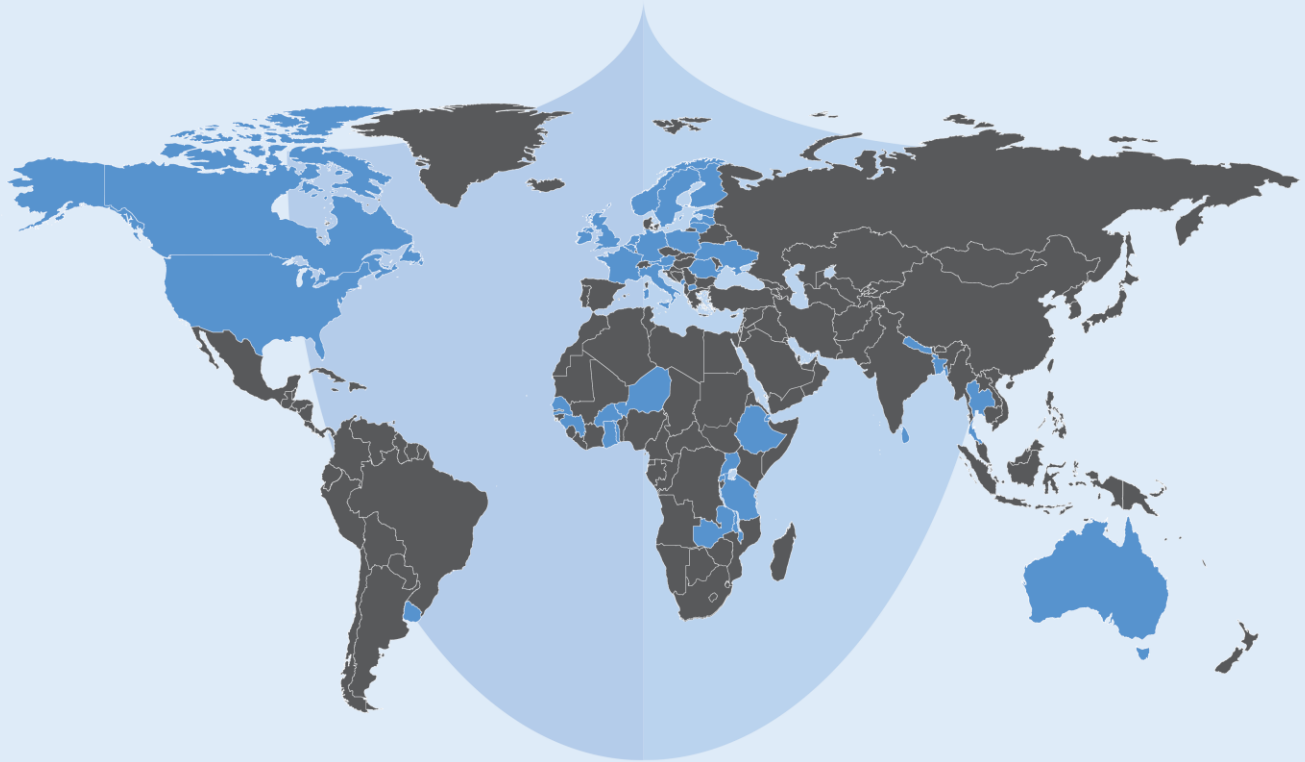
- ✓ 特徴：PKO部隊の判断による武力行使を促進
 - R2Pと明白に交錯

The Kigali Principles on the Protection of Civilians

Peacekeepers are increasingly called upon to uphold the international community's Responsibility to Protect civilians from mass atrocity crimes, namely genocide, war crimes, ethnic cleansing and crimes against humanity. The Kigali Principles are a set of eighteen pledges for the effective implementation of civilian protection mandates in UN peacekeeping. Nine out of fifteen current UN Security Council-authorized missions, constituting 96% of peacekeepers, have the Protection of Civilians at the core of their mandates.

Signatories

- | | |
|---|--------------------|
| 1. Australia | 21. Montenegro |
| 2. Austria | 22. Nepal |
| 3. Bangladesh | 23. Netherlands |
| 4. Belgium | 24. Niger |
| 5. Burkina Faso | 25. Norway |
| 6. Canada | 26. Poland |
| 7. Djibouti | 27. Romania |
| 8. Estonia | 28. Rwanda |
| 9. Ethiopia | 29. Senegal |
| 10. Finland | 30. Slovenia |
| 11. Former Yugoslav
Republic of
Macedonia | 31. Sri Lanka |
| 12. France | 32. Sweden |
| 13. Germany | 33. Tanzania |
| 14. Ghana | 34. Thailand |
| 15. Guinea | 35. Togo |
| 16. Ireland | 36. Uganda |
| 17. Italy | 37. Ukraine |
| 18. Latvia | 38. United Kingdom |
| 19. Lithuania | 39. United States |
| 20. Malawi | 40. Uruguay |
| | 41. Zambia |



Updated as of 16 September 2017

Percentage of all UN Peacekeepers
currently provided by signatories **53%**

Global Center for the Responsibility to Protect:
http://www.globalr2p.org/our_work/peacekeeping_and_civilian_protection

The Kigali Principles on the Protection of Civilians

1. To train all of our troops on the protection of civilians prior to their deployment to missions.
2. To ensure that our sector and contingent-commanders, [...] have a high level of training and preparedness on peacekeeping operations and, in particular, the protection of civilians.
3. **To be prepared to use force to protect civilians, as necessary and consistent with the mandate.** Such action encompasses making a show of force as a deterrent; [...]; and taking direct military action against armed actors with clear hostile intent to harm civilians.
4. Not to stipulate caveats or other restrictions that prevent us from fulfilling our **responsibility to protect** civilians in accordance with the mandate.
5. To identify and communicate to the UN any resource and capability gaps that inhibit our ability to protect civilians.
6. To strive, within our capabilities, to contribute the enabling capabilities [...] to peacekeeping operations [...].
7. **To avoid undue delay in protecting civilians,** by investing our contingent commander with the authority to use force to protect civilians in urgent situations **without the need for further consultations with capital.**

The Kigali Principles on the Protection of Civilians

8. Not to hesitate to take action to protect civilians, in accordance with the rules of engagement, in the absence of an effective host government response or demonstrated willingness to carry out its responsibilities to protect civilians.
9. To demand clarity from the UN and mission leadership on our rules of engagement, including under which circumstances the use of force is appropriate.
10. To seek to identify, as early as possible, potential threats to civilians and proactively take steps to mitigate such threats and otherwise reduce the vulnerability of the civilian population.
11. To seek to enhance the arrangements for rapid deployment [...].
12. To be vigilant in monitoring and reporting any human rights abuses or signs of impending violence in the areas in which our personnel serve.
13. To take disciplinary action against our own personnel if and when they fail to act to protect civilians when circumstances warrant such action.
14. To undertake our own review, in parallel to any after-action review, in the event that our personnel are unable to protect civilians, and identify and share key lessons for avoiding such failures in the future.

The Kigali Principles on the Protection of Civilians

15. To hold our own personnel to the highest standard of conduct, and to vigorously investigate and [...] prosecute any incidents of abuse.
16. To better implement protection of civilians mandates and deliver on our responsibilities, we request better, regular and more extensive consultations on the mandating of peacekeeping missions. When mandates of peacekeeping missions are under review and may change, it should also be mandatory for the Security Council to consult all troop and police contributing countries deployed to the mission. [...]
17. To urge the Security Council to ensure that mandates are matched with the requisite resources, and to commit to support a process that addresses the current critical resource gaps in several missions. [...]
18. [...] To call for effective support of all military plans, including contingency plans; and to commit to work with the Secretariat to review the current support arrangements, **including possible transfer of authority over more of the logistical capability to the military component**, where appropriate.

4. R2P・POCの交錯——R2Pの「第2.5の柱 (Pillar Two-and-a-half)」の進展？

- ✓ 2016年5月、ルワンダ、オランダ、Global Center for the R2P (GCR2P) 共催イベント
2017～2019年、カナダとGCR2PによるPKOの能力強化（大量虐殺の兆候の発見と対処）
- ✓ 2017年、グテーレス事務総長の初のR2P報告書＝「予防」を強調、キガリ原則にも言及
- ✓ 「第2の柱」以上「第3の柱」未満の措置？
ex. 2011年、コートジボワール（安保理決議1975）

4. R2P・POCの交錯——R2Pの「第2.5の柱 (Pillar Two-and-a-half)」の進展？

- ✓ 国連の国際的な行政権力・権限の拡大？
- ✓ 国連の権力・権限を拡大すると同時に、制御する仕組みが必要

ex. PKO部隊による「性的な暴力」の問題

→ モニタリング、アカウンタビリティ、第三者による監査、訓練、意識向上

※R2Pについては、中内政貴・高澤洋志・中村長史・大庭弘継編『資料で読み解く「保護する責任」——関連文書の抄訳と解説』（大阪大学出版会, 2017年, <https://ir.library.osaka-u.ac.jp/repo/ouka/all/67203/>) もご参照。