

ABSTRACT

The Tigray crisis in Ethiopia, which began in 2020, was marked by mass atrocity crimes including killings, systematic sexual violence, forced displacement, and obstruction of humanitarian aid, despite existing international frameworks aimed at preventing such atrocities, such as the Responsibility to Protect (R2P) as a global political commitment and binding norms like jus cogens and erga omnes. In non-international armed conflicts (NIACs), applying R2P faces heightened challenges, as state sovereignty often hinders the enforcement of international law. This research examines whether Ethiopia failed to fulfill its obligations under paragraph 138 of the 2005 World Summit Outcome Document, whether such failure constitutes unwillingness or inability, and whether it justifies an international response. Employing a normative juridical method and relying on secondary sources, the study finds that Ethiopia retained effective territorial control and institutional capacity yet failed to prevent or halt the atrocities, indicating unwillingness. Under paragraph 139, this failure normatively supports the basis for collective action. However, such action is constrained by the UN Charter's limits on coercive measures without Security Council authorization, and by the UN's political character, where strategic interests often shape responses. The restrained international reaction demonstrates how political considerations frequently obstruct the legal mechanisms envisioned under R2P, highlighting persistent tension between normative commitments and actual enforcement, and questioning its capacity to address atrocity crimes within sovereign states.

Keywords: Responsibility to Protect (R2P), State Failure, Tigray Crisis