INTERNATIONAL JOURNAL OF
SCIENCE ARTS AND COMMERCE

Title of Article: Responsibility to Protect: A Legal Rule or Legal Farce?

Author 1: Martin W. Nguru

- Related subject/Field (Branch of study): Political Science
- Title of the paper: Responsibility to Protect: A Legal Rule or Legal Farce?
- Author name(s): 1. Martin W. Nguru
- Designation: Lecturer
- Department: Institute of Diplomacy and International Studies
- Institute/University: University of Nairobi
- State: Nairobi
- Country: Kenya
- Address: P.O. Box 30197-00100
- Phone number: +254 (0)722874764
- E-mail address: ngurumw@hotmail.com

Author 2: Pauline W. Nguru

- Related subject/Field (Branch of study): Political Science
- Title of the paper: Responsibility to Protect: A Legal Rule or Legal Farce?
- Author name(s): 2. Pauline W. Nguru
- Designation: Student
- Department: Law
- Institute/University: Vrije Universiteit Brussel
- State: Brussels
- Country: Belgium
- Address: 79 Rue Des L'Orient, 1040 Brussels, Belgium
- Phone number: +32 485865373
- E-mail address: pw_nguru@hotmail.com

Authors' Biography:

Author 1: Martin W. Nguru

Martin Nguru holds a Bachelor of Arts (Hons) from University of Nairobi, Kenya and a Master of Arts Degree in European Law and Policy from the University of Portsmouth, United Kingdom. He is currently a PhD. Candidate at the University of Nairobi pursuing a doctorate degree in international studies and hopes to graduate in December 2019. He is currently teaching at the Institute of Diplomacy and International Studies, University of Nairobi. He has previously worked with the Kenyan Ministry of Foreign Affairs at both the headquarters in Nairobi and in several diplomatic missions abroad.

Author 2: Pauline W. Nguru:

Pauline graduated with an LLB from Kingston University, UK and briefly worked in as a Barrister in London before she enrolled at Vrije Universiteit in Brussels, Belgium, where she recently graduated with an LLM. She then joined the European Commission as a Parliamentary Assistant and thereafter as a Project Officer with the INGO "ONE". Her major interests are in International Humanitarian law.

Contents Page No.

Title of Article ………………………………………………………………. 1
Authors Particulars ………………………………………………………………. 1
Authors' Biography ……………………………………………………………… 2
Abstract ……………………………………………………………… 3
Keywords ………………………………………………………………. 3
Introduction ………………………………………………………………. 3
Development and Basic Framework ……………………………………………….. 4
Responsibility to Protect (R2P) beyond ICISS: The World Summit 2005 ……….. 6
R2P Post the World Summit 2005 – The General Assembly Debate 2009 ……….. 8
Is R2P a Legal rule or a legal farce? ………………………………………………. 8
Humanitarian Intervention vis-a-vis R2P ……………………………………….. 10
Sovereignty versus R2P ……………………………………………………... 11
Conclusion ……………………………………………………………………… 13
End Notes ……………………………………………………………………… 15

Responsibility to Protect: A Legal Rule or Legal Farce?

Abstract

The adoption of the Responsibility to Protect (R2P) in 2001 was to herald a new way in thinking and a novel model for conflict building and management and the protection of individuals from mass atrocity crimes. Today, R2P represents fragmentation, and has been a source of consternation amongst academics, policy makers and various other actors in the international community. This paper examines the challenges facing this principle. Despite the fermentation of the doctrine nearly twelve years ago, there are still deep unsolved and divisive issues that threaten its operational success. The paper gives a brief overview of the development of R2P and examines the thorny issue of R2P's status in international law and order. The debate around who in the international community has the right to intervene and under whose authority in order to ensure R2P is a success will also be discussed. The paper concludes by noting that whilst there are many challenges facing, they are not insurmountable.

Keywords:

Mass Atrocity Crimes include: genocide, war crimes, ethnic cleansing and crimes against humanity

Sovereignty: implies the independence of nation states in the Westphalian sence and as expressed by the Montevideo Protocol

Principle: Also means a norm/concept/idea

Humanitarian intervention: Includes assistance in kind such as food aid, medical assistance

Introduction

The 20th and 21st centuries have been marred with conflicts that have resulted in gross violations of human rights and humanitarian law. The loss of lives during the first and second World Wars, in Cambodia in the 1970's, in both Rwanda and Kosovo in the 1990's, resulted in the biggest suffering as a result of actions caused by callous individuals that the world has ever known. These events proved to be decisive turning points in humanitarian law and led to the discourse on humanitarian protection and intervention. The genocide in Rwanda and the ethnic cleansing in the Balkans raised questions as to whether they could and should not have been prevented one way or another. These events left scholars and most of all statesmen wondering why the international community could stand by while such mass atrocities were committed. The price in

terms of the loss of human life was merely too great. With between 800,000 and 1,000,000 lives lost in Rwanda alone within a mere 100 days was unthinkable. This works out to between 8,000 and 10,000 lives lost in a single day. That was just ridiculous, to say the least.

Development and Basic Framework

Prior to the birth of Responsibility to Protect, the notion of protecting defenceless communities threatened with grave human rights violations was always a focal point but no assertive actions had been taken or at least a term given to ferment a principle. The reason being that the fundamental principle of the sovereignty of states in what was considered 'internal domestic matters' was entrenched in international law.[i] The catastrophic events in the nineties commencing with Rwanda in 1994, which saw the death of between 800,000 and 1,000,000 Tutsis and Hutus, the Srebrenica Massacres in 1995 which witnessed the killing of more than 8,000 Bosnians and the intervention by NATO forces in Kosovo in 1999 witnessed two things in common: (1) an untimely and ineffective international response and; (2) the powerlessness of the international community in preventing the tragedies from happening in the first place.**6** What became clear were the inadequacies in rules and resources to react effectively to these fundamental threats to international peace and security.**7** This prompted an international debate on finding an effective response system to match these threatening international conflicts.[ii]

In 2000, the Independent International Commission on Kosovo explicitly called for the UN to advance on the complex issue of humanitarian intervention stating that the:

> …experience from the NATO intervention in Kosovo suggests the need to close the gap between legality and legitimacy… the time is now ripe for a principled framework for humanitarian intervention which could be used to guide future responses to imminent humanitarian catastrophes and which could be used to assess claims for humanitarian intervention.[iii]

Similarly, within the same year the then United Nations Secretary General, Kofi Annan, in his Millennium Report of 2000, questioned how '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?" [iv]

Resultantly the International Commission for Intervention and State Sovereignty (ICISS)[v] was established by the Canadian Government to build on developing a framework and guidelines for guiding the international community in humanitarian protection. Thereafter, the term and self-titled report 'The Responsibility to Protect' was born. Within the report, was the fundamental concept, 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 and unable to do so; the responsibility must be borne by the broader community of states'.[vi]

This primarily vested the protection responsibilities on the state itself and then a secondary responsibility on the international community if the former is incapable or unwilling to fulfill its obligations to protect its citizens. The International Commission for Intervention and State Sovereignty's report stated that responsibility to protect incorporated three specific elements and responsibilities, which were prevention; reaction; and rebuilding with the utmost priority being prevention which is regarded as being the single most important dimension of the principle of responsibility to protect.[vii] The report stressed the need for the exhaustion of prevention options before contemplation of intervention measures. More commitment and resources were therefore to be assigned to realising the responsibility to prevent.[viii] The comprehensive approach that the Principle of Responsibility to Protect generates sees not only a role for the state and the international community but also of three equal pillars which is one of the features that seeks to differentiate the Principle from other methods adopted in regards to mass human rights violations as is evidenced in humanitarian intervention.[ix]

The first challenge offered itself the attacks on the US Twin Towers on September 11th 2001 and the subsequent 'war on terror' campaign which literally seem to have shifted the interest from the Principle to this new global international security threat, terrorism.[x] The overriding concerns of States had shifted from protecting other country's civilians to protecting their own.[xi] Even the ICISS report acknowledged limitations in relation to attacks such as the 9/11 ones. This is because the report was conceived to provide guidelines for states confronted with human protection challenges in other states and as a consequence did not address the kind of challenges posed by the 9/11 attacks. Nevertheless, despite the shift in interest, the support for the Principle continued to gain credence.

Responsibility to Protect (R2P) beyond ICISS: The World Summit 2005

Prior to the World Summit in 2005, the United Nations Security General, Koffi Annan published a report, "In Larger Freedom: Towards Development, Security and Human Rights for All", in which he highlighted the need for governments to not only embrace the Principle of Responsibility to Protect and that the duty to protect remained primarily with the states but only passed onto the international community if the state failed or was incapable of doing so.[xii] Similarly the establishment of the High-Level Panel on Threats, Challenges and Change in 2004, by the Secretary General set the scene for the impending World Summit in 2005. In their 2004 report, the panel took on the conceptual framework of the principle of idea of responsibility to protect and endorsed the idea by the ICISS that R2P should only be applied with the approval of the United Nations Security Council (UNSC).[xiii] The decisive turning point in the discourse regarding R2P was made in the 2005 World Summit and resultant document. The Summit witnessed the support of over 150 states for R2P through the approval of the Summit's final

document, which espoused the principles adopted by ICISS. Paragraph 138 of the document upholds the notion of the States responsibility to its citizens by stating as follows:

> …each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means… [xiv]

Similarly, paragraph 139 of the Summit's final document, just like the ICISS report, emphasised the role of the international community by stating the aforesaid. 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 UN Charter, to help protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing'.[xv] Despite the support of R2P at the World Summit in 2005 there were skeptical states, many of them from the South divide which viewed the Principle as a possible encroachment on national sovereignty and an imperialistic concept designed for western domination. The then President of Zimbabwe, the late Robert Mugabe, summed up the general position in the following words:

> … the vision that we must provide for a future United Nations should not be one filled with vague concepts that provide an opportunity for those states that seek to interfere in the internal affairs of other states. Concepts such as 'humanitarian intervention' and 'responsibility to protect' need careful scrutiny in order to test the motives of their proponents'.[xvi]

The above statement demonstrates the broad debates surrounding sovereignty and R2P. Be as it may, despite the above statement which was a general feeling among many developing countries, not only did the G77 members[xvii] endorse R2P which was crucial to its adoption.

The Summit may have proved a historical milestone for R2P, but the Principle has its critics. For some, the document was not far-reaching enough and they contend that it failed to create novel ideas but merely re-stated what had been said by other international law documents and therefore termed it as merely 'old wine in new bottles'. They argue that the report failed to mention guidelines on when military intervention could be used in those limited exceptional circumstances and so therefore it failed to shed some clarity regarding the debates surrounding the cloudy areas of pre-emption and prevention. Nevertheless, given the widespread acceptance of the Principle by states despite its relative naissance is unparalleled. It is commendable that continents such as Africa and Latin-America that traditionally favoured a non-interventionist approach to matters considered to be purely domestic jurisdiction supported the text highlighting an important step forward for R2P.[xviii]

R2P Post the World Summit 2005 – The General Assembly Debate 2009

Post the successes of the 2005 summit, R2P received little attention and invocation. Conflicts such as is happening in Darfur and in Syria were largely ignored and the Principle has invoked

on a rather modest scale and selective basis. The ensuing UN Secretary General's report in 2009 proved to be another step-forward for the R2P debate. It built upon the initial ideas examined in previous reports such as "Our Shared Responsibility of 2005". Perhaps learning from past criticisms regarding the 2005 report, the 2009 report provided for new elements and built its focus on the operations of the Principle by devising a 3 pillared structure : Pillar 1 being the primary responsibility being with the state to protect its own citizens; followed by pillar 2 being the assistance by the international community in helping the state attain that obligation; and finally pillar 3 being the responsibility of the community to intervene where the state has failed or is unwilling to meet the obligation to protect its own citizens against mass atrocity crimes. The report sought to strengthen and delineate the Security Council's role in R2P by emphasising its exclusive right to authorise action under Chapter VII of the Charter of the United Nations.[xix]

The UNGA debate that took place in July 2009 saw the popular approval of the Secretary-General's report which cemented the consensus reached earlier at the World Summit 2005. Although majority of states had endorsed the need to put R2P into practice in 2005 concerns were raised regarding the possibility for abuses by powerful states against weaker ones. The one major limitation regarding the UNGA debates was the lack of a conclusion regarding a concrete resolution providing for a sturdy basis for R2P.[xx]

Is R2P a Legal rule or a legal farce?

One of the controversies surrounding R2P is the lack of a clear understanding of what it is. In some literature it is described as an 'emerging norm' or a 'principle'' whilst in others a 'concept'- all these possible definitions demonstrate the need to formulate a clear and precise classification of R2P. Furthermore, questions arise in regards to its implementation and the extent to which sovereign states and international organisations would be prepared to legitimise it through accepting it as a legal doctrine.[xxi] The starting point in discovering its status lies in its birth place- the ICISS report. The report describes the principle as an 'emerging guiding principle' demonstrable by increased state and regional organization practice and Security Council precedents. What the report does do is stop short of hailing R2P as a new principle of international customary law, adding that it would be premature to attribute it this status, however, noting that should continued dependence on the concept could lead to its acceptance as customary international law in future.[xxii] Perhaps another indication of its acceptance as a norm is within UN circles itself. The High- Level Panel on Threats, Challenges and Change, commented on their endorsement of the 'emerging norm that there is a collective international responsibility to protect, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent.'[xxiii] It endorsed the concept by referring to an 'emerging norm' and thus indicates that 'it has clear legal meaning and some legal status'. It would therefore seem to indicate that R2P is now part of international laws and something that the U.N. has committed itself to, and all the countries have committed themselves to.

Conversely some scholars argue that for a principle to become a legal rule, there needs to be consensus and political will of the states and until then it remains nothing more than a 'political catchword'. This view was demonstrated during the 2009 General Assembly debate, where Brazil's ambassador to UN stated:

> …In Brazil's view, (R2P) it is not a principle proper, much less a novel legal prescription. Rather, it is a powerful political call for all States to abide by legal obligations already set forth in the Charter, in relevant human rights conventions and international humanitarian law and other instruments'.[xxiv]

Similar criticisms resonate regarding the fact that R2P lacks precision and substance. It is highly questionable whether it can contribute to a new understanding of the legality of interventions. Some analysts offer a damning stance on R2P stating that as it is not enshrined in any international treaty it therefore has not 'ripened into a norm of customary international law'. Notably, it is worth highlighting as scholars do that some states have argued that the 2005 World summit did not ferment the Responsibility to Protect as a norm. As the AIV rightly highlight, the norm has transcended numerous phrases. In their view, prior to the 2005 World Summit, R2P could be regarded as a 'concept' owing to the lack of international consensus on it.[xxv] Today, states the UN and various international actors have started to act on the principle, although on a modest scale and R2P is therefore regarded as a principle. The view put forward by the AIV and that by scholars support is the nature that R2P is indeed contentious and a hindrance to the Principle itself. What is important to note here is that R2P straddles and is a hybrid of legal, political and moral obligations on the state and international community, meaning that R2P cannot be viewed in purely legalistic terms? It is perhaps these features of the Principle that present a challenge to it.

Humanitarian Intervention vis-a-vis R2P

As indicated in the ICISS report, the issue of intervention for the human protection purposes presents the greatest challenge and controversies to international relations. The drafters of R2P were all too aware of the possible association that R2P had with humanitarian intervention and of the negativities the latter would pose. They therefore sought to distance it from its 'cousin' "humanitarian intervention". The biggest conceptual misconception about R2P is that it is just another title for the much abhorrent doctrine of humanitarian intervention. This argument is based on the inconsistencies between humanitarian duties today with traditional humanitarianism. Today's humanitarianism is largely policy directed at the genuine needs of a community. Unquestionably, the biggest controversy of humanitarian intervention is in regards to its legitimacy under international law which is defined as:

> … the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied.[xxvi]

It is this definition that demonstrates why humanitarian intervention that it is indeed controversial, but not because it involves the lack of consent by the intervening states or (international community) on the state in which the intervention occurs. Scholars are quick to distinguish the two principles, as they represent two very different concepts. Evans points out that where as humanitarian intervention involves coercive military intervention for the sake of protecting human populations, R2P is capable of more. This is because it involves taking effective preventive action as early as possible, international support being given to particular states who are struggling to meet their obligations to protect their citizens and most importantly, because the extraction of all possible preventive responses be they legal, political, diplomatic or in the security sector fall short of coercive action.[xxvii]

Sovereignty versus R2P

The best summary of what sovereignty entails is the following quotation offered by the ICISS in its report which states as follows:

> …In a dangerous world marked by overwhelming inequalities, of power and resources, sovereignty is for many states their best and – sometimes seemingly their only line of defence. For many states and peoples…it is…recognition of their equal worth and dignity, a protection of their unique identities and their national freedom, and an affirmation of their right to shape and determine their own destiny.'[xxviii]

Sovereignty, in the post Westphalia era has meant the non-interference in a sovereign state's domestic affairs as enunciated in article 2(7) of the UN Charter. This still remains 'the cardinal rule underpinning the global legal order'. The Montevideo Protocol of 1933 re-emphasises this fact as well as many regional and/or sub-regional treaties have this provision. Undeniably the landscape in which sovereignty is exercised has changed post 1945 and the evolution of international law and the emergence of human security have set limitations and expectations on how states behave in regards to citizens and their human rights. What is important for the argument here is that the R2P faces challenges in modeling itself in such a way that small and defenceless countries embrace it and see it as not a threat to their right of sovereignty but as a tool in protecting defenceless citizens from state backed slaughter. As explained by Algerian President Abdulazziz Bouteflika, sovereignty is considered by these states as the "last defence against the rules of an unjust world".[xxix]

Tensions arise regarding whether one can indeed react to preventing gross atrocity crimes, whilst avoiding compromising popular sovereignty. The ICISS report highlights, for a selected few countries, how the new interventions can usher in a new environment whereby human rights succeeds over state sovereignty. For the others, however, with the rise and emergence of instances requiring and invoking R2P, this right has undergone an immense cosmetic reconstruction. Why is this so? This is because as the ICISS report makes it clear, when we talk of sovereignty we refer not to the old age notion of a state being protected from another state, but

the sovereignty of a state to protect its people from human rights abuses, that is, the sovereignty and responsibility of a state to protect its citizens. Therefore, the ICISS report and the new international system's ways of thinking have come to term the new sovereignty as a responsibility based on sovereignty as a form of responsibility and not as an absolute privilege. Questions now abound as to whether sovereignty is a right or an instrument by which a state bears a heavy responsibility, and therefore would only be recognised as legitimate and plausible where it is exercised with due respect for fundamental human rights.[xxx] The responsibility to protect has precedence over non-intervention should a state be unable or unwilling to protect its citizens from grave harm.

A further indication of sovereignty as including responsibility is stated by the High-level panel's 2004 report, which states that in signing the Charter of the United Nations, States not only benefit from the privileges of sovereignty but also accept its responsibilities. Therefore, the understanding of sovereignty is a 'conditional right'. Furthermore, if a state does not fulfill its obligations in guaranteeing the security of its citizens, especially if it does so consciously, it loses its right to invoke sovereignty as a condition for precluding international intervention which intends to exercise this responsibility The ICISS report depicts sovereignty as entailing a dual responsibility: (1) externally in respecting the sovereignty of other states; and (2) internally in respecting the basic rights and dignity its citizens.[xxxi] Sovereignty as a responsibility has therefore become the minimum content of good international citizenship. The enthusiasm of states in adopting the principle of responsibility to protect still has reservations and important points to be raised regarding the adoption of the new version of sovereignty.[xxxii] For instance, under what circumstances and under what aegis can international law justify this gross violation of sovereignty? It is however now clearly accepted that states cannot do whatever they want to do with their citizens.

Conclusion

Almost 25 years ago the international community said 'never again', after the genocide in Rwanda. However, as R2P nears its second decade of conception, it is evident that much needs to be achieved before the foregone mantra is held true. The ICISS report noted that sovereignty was not to be viewed in the old terms of a state being protected from another state but as entailing responsibilities: one of them being the state to protect its own citizens from mass atrocity crimes and that if a state fails in upholding this duty, it then forfeits the right to claim sovereignty as a preclusion of external intervention in protecting its citizens. In the circumstances, therefore, R2P should be viewed as an ally to sovereignty and as not stealing sovereignty from the state. The two principles do not work in contradiction to each other but they complement each other. The most contentious issue has always been the use of force and/or military intervention for humanitarian purposes. Similarly, the responsibility to react is to be the last resort after all preventive measure had been undertaken. The problems have been that in the cases in Rwanda, Kosovo and in Darfur, the intervention(s) came in 'too-late and too little' after

the conflicts had escalated and early-warnings had been ignored or missed. Therefore, more needs to be done to enact the responsibility to prevent such as the establishment early warning mechanisms at all levels: national, regional and international and gathering domestic and external support at an early stage. This leads to what we consider as the biggest challenge yet: political good will! It is all about finding political commitment to applying and committing to the measures and recognizing that R2P is indeed a shared responsibility and can only be realized with the support and commitment of all in the international community.

The question therefore remains: what does the future hold for R2P? Will the principle see it through its second decade? It is the authors' opinion that whilst the challenges facing R2P are immense, they are not insurmountable. It is only through addressing the above challenges that we can begin to see the successes of R2P and begin to say 'never again'.

End Notes

[i] Article 2(7) of the UN Charter
[ii] Garrigues 2007, 4.
[iii] Independent International Commission – The Kosovo Report 2000 - Executive Summary and Findings. Available at: www.reliefweb.int/sites/reliefweb.int/files/resources/F62789D9FCC56FB3C1256C1700303E3Bthekosovoreport.htm. Last Accessed: 21/02/2012
[iv] The Millennium Report 2000, 48
[v] ICISS was composed by a group of international experts led by 2 co-chairs, Australian Foreign Affairs minister Gareth Evans and Mohammed Shnoun an Algerian diplomat, renowned academics and politicians
[vi] ICISS report 2001, VIII
[vii] ICISS report 2001, XI
[viii] ICISS report 2001, XI
[ix] Advisory Council on International Affairs (AIV) report 2010, 15.
[x] ICISS report 2001, IX. See also Advisory Council on International Affairs Council 2010 report, p. 7
[xi] The ICISS report does not provide a guideline for the policy of states when met with attacks on their own nationals, or nationals of other states residing within their borders. See ICISS report 2011, VIII.
[xii] In Larger Freedom: Towards Development, Security and Human Rights for All 2005
[xiii] A More Secure World: Our Shared Responsibility 2004
[xiv] Para 138 World Summit Outcome Document 2005 , p. 31
[xv] Para 139 World Summit Outcome Document, p. 31
[xvi] Permanent Mission of the Republic of Zimbabwe to the United Nations. Statement by his Excellency President R.G. Mugabe to the High- level Plenary meeting of the General Assembly 14 September 2005.
http://www.un.org/webcast/summit2005/statements/zim050914eng.pdf. Accessed 09/05/2012.
[xvii] G77 has a membership of about 128 developing countries
[xviii] Evans 2010, 516. Also see Garrigues 2007, p. 9
[xix] AIV 2007, p. 10
[xx] AIV 2007, p. 10
[xxi] As cited in Deehalbert 2009. Available from: www.internationallawobserver.eu/2009/09/23/the-generalassembly-and-the-responsibility-to-protect-%E2%80%9Cthe-devil-will-be-in-the-details%E2%80%9D/.Accessed: 16/05/2012
[xxii] See Para 6.17 ICISS report 2009, p. 50

[xxiii] A more secure world: our shared responsibility, Report of the High-Level Panel on Threats, Challenge and Change, A/59/565, 2 December 2004, para.203. See Stoll, Tobias, 2008, Responsibility*, Sovereignty and Cooperation – Reflections on the "Responsibility to Protect*" in *International Law Today: New Challenges and the need for reform*? edited by Doris Koning. Berlin: Springer, p. 260.
[xxiv] GC R2P report 2009, p. 5. A.Hehir '*The Responsibility to Protect and International Law'* in Critical perspectives on the responsibility to protect: interrogating theory and practice. Edited by Philip Cunliffe. 2011. P.88.
[xxv] Stoll, Tobias, 2008, Responsibility*, Sovereignty and Cooperation – Reflections on the "Responsibility toProtect*" in *International Law Today: New Challenges and the need for reform*? edited by Doris Koning. Berlin: Springer , p. 260
[xxvi] Holzgrefe J.L. and Keohane 2003, p. 18
[xxvii] Evans 2009, p. 57
[xxviii] See ICISS report 2001,. Also, see de Torrente 2004, 10
[xxix] See ICISS report 2001. Also, see de Torrente 2004, p. 10
[xxx] This was Ghana's assertion during the General Assembly debate in 2009
[xxxi] Para 1.35 ICISS report 2001, p. 24
[xxxii] Para 1.35 ICISS report 2001, p. 24