

"THE RESPONSIBILITY TO PROTECT" (R2P) CARE OR GREED? THE UNITED NATIONS DOCTRINE (2005)

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ABSTRACT

This study discusses a topic of great interest and importance to the world of politics and International Relations. It focuses on a somewhat new concept in politics called the "Responsibility to Protect" (R2P) or (RtoP) or simply put "Politics of Protection." This research argues that the R2P poses a great threat to the sovereignty of states only if it doesn't have the right mechanisms of implementation. However, since no involvement in a crisis should (theoretically) take place except after getting a UN mandate to legitimize the action, then there is no direct threat. Also, the veto power plays a major role in the implementation and limitation of R2P as it mainly balances the power of the U.S. and western states with that of Russia and China on issues of intervention.

Therefore, there is a special focus on the concept of "Sovereignty" as well as the two main approaches to human rights, basically relativism and universalism. Attempts will be made to answer a set of questions. For example: Do the issues of human rights and the protection of those rights pose a clear threat to the sovereignty of states and if so, what can be done to ensure humanitarianism on the one hand and the preservation of sovereignty of states on the other? In other words, how can governments maintain their sovereignty in the face of a continuous threat of intervention due to the idea of R2P? In the meantime, does the current UN mechanism prevent countries from using the R2P doctrine as a "convenient political tool" that may be used to justify an intervention and if so, to what extent? Or, Is the R2P used as a means of pursuing state interests? In other words, are the countries that supported and approved of the R2P are motivated by true intentions of care and support to protect civilians or are there unseen intentions and aims constituting the major reasons for intervention? That is, is the issue of protection used by some countries as a disguise for intervening in sovereign states for their own interests, and their interests alone? Does the international community really care for human beings in the absolute sense, or are they driven by greed and self interest?

KEYWORDS: "Responsibility to Protect" (R2P) or (R to P) or Simply put "Politics of Protection."

INTRODUCTION

It's no wonder that The New World Order is passing through major changes that started with the dissolving of the ex Soviet Union in the late 1980s. Since then, the international community has been trying to implement new strategic and political policies to meet such changes. Such policies also have to confront the great amount of terrorism and violence as well as fluidity and the extra ordinary call for democracy that has come to characterize the globe after the Cold war era. Also, a major phenomena is the so called Arab Spring and the changes that have occurred in the region of the Middle East, especially Iraq, Libya, Syria, Yemen and Egypt.

The United States with a small number of countries appear to be playing a major role in what is going on in the world today. Thus, to ensure their role and supremacy, they may have to figure some kind of domestic and international

consensus on their new role in a quickly changing world order. At the same time, there is a major dispute over values and interests and whether these countries should risk the lives of their own soldiers to solve the problems of other states. As for the call for democracy and the spread of democratic values around the globe, the question of whether to do so by example or intervention poses itself. (.Abrams, Elliott, 1995). Also, based on the issue of sovereignty, the international community has treated serious government abuses of human rights as domestic problems. In the last couple of years, a norm has developed according to which the most serious atrocities should be treated as a great concern to all of humanity, however. For example, in 1948, after the horrors of the Nazi Holocaust, the countries of the world signed the Genocide Convention. These countries pledged to stop and punish genocide at times of war and peace. This is interpreted by many scholars of international law as a form of commitment by the signatories to intervene to stop the killing in acknowledged cases of genocide.

Since then, the concept that the global community should stop abuses by governments against their citizens has gained momentum over the years, with different practices and treaties moving in this direction. In 2005, however, the United Nations Security Council implemented the so called Responsibility to Protect (R2P) or (R to P), and this is the main focus for this study. This study will rely on sufficient sources as it will discuss the new concept of Responsibility to Protect. Sections one and two in this study are basically designed to investigate two very important concepts in International Relations: Human Rights and State Sovereignty to show the relationship between them. To what extent does the idea of human rights conflict with territorial integrity and the issue of sovereignty of states? The third section focuses on the Responsibility to Protect and how it emerged and became justified. It will show how it's being interpreted and put to use. Another section will show some of the critiques to the issue of R2P and the comments of the researcher. Finally, a conclusion will be made, and some recommendations will also be suggested.

HUMAN RIGHTS

The concept of human rights is a relatively new concept in international law. It implies the rights of human beings against abuses of their own governments. Its quiet difficult to reach a consensus on what the most important human rights are, however. (An-Na'im, Abdullahi, 1991). Human rights as a concept arise from three basic sources: (Lauren, Paul Gordon. 2003):

Religion: Almost all major religions have as their basis the idea that human beings were created in an image of a higher power. Thereof, everyone should be given the respect and dignity that are due to that higher power.

Political and Legal Philosophy: This idea has been concerned with natural rights and natural law. Political philosophers such as Aristotle, John Locke, Immanuel Kant, Jean Jacques Rousseau...etc. have created the idea that there is some kind of a natural law which gives all human beings the rights to life, liberty, property and happiness. (Hayden, Patrick, 2001).

The revolutions of the 18th century, such as the French and American Revolutions had translated the theory of natural rights and natural law into practice. For example, the Declaration of the rights of man and Citizens in France and the Declaration of Independence in America, developed laws that strengthened the idea that human beings have rights that should not be taken away by any state or other individuals. (Goldstein, Joshua S. 2008). In the meantime, there are two basic approaches to the issue of human rights. One approach asserts that human rights are universal. Therefore, no matter what a person's ethnic, clan or religious traditions, he or she has certain rights which should be respected. The second

approach is more relative as it argues that histories and local traditions must be respected, even if this entails the limiting of rights that other people outside that context might find important. (Goldstein, Joshua S. 2008).

Moreover, relativists argue that a great deal of the origin and development of the ideas of human rights are Western in origin. That is, societies that are non western don't have the same philosophical traditions and might even choose to stress family or group rights. Practically, critics believe that even after the revolutions took place in America and Europe in the 18th century, rights were not yet universal as children, women and to a great degree non whites probably don't enjoy equal rights as white males, which proves that the idea of universal rights is to a great degree misleading. As previously mentioned, a great controversy exists regarding the issue of human rights. There is no internationally agreed upon definitions of the basic human rights. However, rights are usually divided into two general types: economic-social and civil-political. Economic social rights are considered "positive rights" and include the rights to good conditions of living: food, social security, health care and education. Such rights are usually held to be best developed by the expansion of governments to guarantee minimum standards to their citizens. Civil political rights, on the other hand, are known as "negative rights" and include what is regarded as western rights, for example free speech, equal protection under the law, freedom of religion and freedom from arbitrary imprisonment. Such rights are believed to be ensured by limiting and decreasing the power of governments over their own people. (Forsythe, David, 2000).

Human Rights and Sovereignty

When it comes to human rights vs. sovereignty, it's a very difficult issue. Which one should have supremacy over the other, and which issue should be given more priority? By de fault, sovereignty and human rights are perceived as opposed. It's the rights of states against the rights of individuals. A group of scholars such as Joshua S. Goldstein believe that, "Human rights have revolutionized the international system and international law." (Goldstein, Joshua S. 2008). They believe that sovereignty has not been undermined by human rights, but rather has been somewhat transformed. Therefore, human rights have only reshaped sovereignty, but in a way that has not affected the degree of sovereignty of states. That is, sovereignty gives states the right to do as they please in their own land. Therefore, nobody can tell them how to treat their own citizens. Another group, on the other hand, believes that the nature of sovereignty and the notion of sovereign power have witnessed a great change since the declaration of the Rights of Man. They believe that the very idea of human rights contradicts with the territorial integrity of states as well as their sovereignty. In other words, this view considers that human rights as a concept limits the sovereignty of the state. Hideaki Matsumoto, for example, believes that human rights have become individual sovereignty. Matsumoto thinks that the second half of the 20th century has witnessed a great emphasis on human rights. This period is called "The Age of Rights", as this term reflects two aspects: 1. The second half of the twentieth century was a period during which human rights have greatly flourished. 2. Human rights were badly neglected during the first half of the century. In other words, the twentieth century is considered an age of extremes. (Matsumoto, Hideaki, 2012). Looking around the world, however, skepticism may arise as people face famine and refugees fleeing to many parts of the world. The two aspects reflected above and the puzzle made by the issue of human rights in the real world pose the so called "the perplexities of the rights of man, as Hannah Arendt calls it.

THE UNITED NATIONS AND HUMAN RIGHTS

The Universal Declaration of Human Rights (UDHR)

According to Kofi Anna, state security is not an end in itself. States are considered to be instruments or tools that were established to serve the people. (Annan, Kofi, 1999). Therefore, if a state fails in its responsibility to safeguard and

protect the citizens, the international community can then hold the state responsible. This can be done through a number of regulatory and interventionary practices. Thus, the people are empowered by having sovereignty as there is a de-legitimization of the totalitarian sovereignty of states. (Glover, Nicolas, 2011).

It should be noted that no state has any kind of a perfect record regarding any type of human rights. States vary as to which areas they might respect or violate. For example, when the U.S. criticizes the Chinese government for prohibiting free speech and torturing political dissidents, i.e. violating civil political rights, China points out that the U.S. has around forty million poor people, a history of violence and racism and also the highest concentration of prison inmates in the whole world.

The ironic aspect, therefore, is that at some point, efforts are made to promote human rights by states with records of poor human rights such as Russia and China. Such efforts are considered an interference in the internal affairs of the countries accused of depriving their people of such rights. Furthermore, during war, large scale abuses of human rights usually occur. Serious violations of human rights are considered war crimes. It's very difficult to enforce international law at times of war, but general norms of legal conduct in war and also international treaties are greatly followed. After a war ends, losers may be punished for violating the laws of war (crimes against humanity). (Goldstein, Joshua S. 2008). That's probably why the international law, since its very beginning, has recognized the legitimacy of reprisals in some situations. Although reprisals are illegal actions as considered by international law, yet they may be perceived as legal if they are taken as a response to another state's illegal actions. (Goldstein, Joshua S. 2008).

The United Nations adopted the Universal declaration of Human Rights in 1948. Although it didn't have the power of international law, it set down international norms concerning behavior by states. The basic idea is that all humans are born free and equal without discrimination because of sex, race, religion, language, status of territory where a person is born or his or her political affiliations. The basis of this declaration is that to violate human rights is to upset international order by causing rebellion or sparking outrage. Therefore, the charter of the UN has committed states to respect and protect basic freedoms. Moreover, it promotes norms in a number of areas, guaranteeing political and religious freedom, banning torture, and ensuring and protecting the economic right of well being. (Moghalu, Kingsley, 2000). For the first time since the Second World War, and specifically in the 1990s, the Security Council of the UN authorized an international war crimes tribunal; they were directed against war crimes that took place in the former Yugoslavia. Other similar tribunals were also authorized for genocide in Sierra Leone and Rwanda. (Moghalu, Kingsley, 2000). Most states signed a treaty in 1998 to create a permanent International Criminal Court (ICC). The ICC looks into cases of war crimes, genocide and crimes against humanity in all countries of the world. (Schiff, Benjamin N. 2008). The U.S. didn't agree to ratify the agreement of the ICC and didn't show much interest in doing so. Also, the U.S. has put pressure on many member states of the ICC to sign some immunity agreements (Bilateral Immunity Agreements, known as BIA, in order to safeguard American soldiers who were serving in those states from prosecution. In 2005, some ICC members didn't agree to sign the BIA, so congress voted to cut off foreign aid to those countries. The leaders of the U.S. are concerned that their soldiers who were serving in the missions of the peace keeping or in NATO allies would fall under the ICC jurisdiction rather than under the U.S military's justice system. (Goldstein, Joshua, 2014).

The Emergence of the Responsibility to Protect (R2P or R to P)

Security as a term has been changed. Traditionally, it emphasized the state since its basic Purpose was the protection of its citizens. Outrun by globalization and economic diversity and having bad governance, the ability of some states to protect its civilians are coming into question. This incapability is especially clear in societies that are war torn. Thus, some states have come to greatly threaten the welfare and rights of their own citizens instead of protecting them. This has probably resulted in broadening the emphasis of security toward individual human rights rather than the state level. Also, it has resulted in considering suitable roles for the international community so as to compensate for the failure of the state. "Everyone agrees that the world would be better off without atrocities, which degrade humanity and undermine norms of peaceful politics." These ideals, however, are a collective good, enjoyed by all countries regardless of which ones put money and lives on the line." (Goldstein, Joshua, 2008).

Therefore, advocates of human rights proposed a concept known as the Responsibility to Protect. The international community must try diplomacy and prevention first, but must resort to military intervention as a last means if necessary in order to stop mass atrocities. The importance of the R2P as an international doctrine is mainly due to the crisis that occurred over humanitarian intervention which the 1999 Kosovo war. A question posed by Kofi Annan was: "If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to Rwanda, to a Srebrenica- to gross and systematic violations of human rights that offend every precept of our common humanity" (Glover, Nicolas, 2011). It attempted to shift the debate of mass atrocities to the "responsibility to protect" instead of "the right of intervention". Therefore, there was a focus of attention to the needs of human beings who seek assistance and protection.

The basic idea was to protect citizens from war crimes, crimes against humanity, genocide and ethnic cleansing. As suggested by the UN, the duty of emancipating citizens from political violence may include the state, but also goes beyond it, especially when the suffering of citizens is the result of state neglect. "In such cases, the duties of human protection may fall on the 'international community' – encompassing preventative measures to holt conflict before it arises, through the use of force to holt mass atrocities, right through to international involvement in post- conflict reconstruction" (Glover, Nicolas, 2011).

Advocates for the R2P

Some states received the R2P favorably, especially Germany, the U.K. and Canada. Some other advocates were Australia, Croatia, Argentina, Colombia, New Zealand, South Korea, Ireland, Peru, Rwanda, Norway, Tanzania and Sweden. South Korea, however, declared that the United Nations had to establish clear modalities and mechanisms in order to reduce the extent to which the R2P could be used to override sovereignty.

With the exception of the United Kingdom, the P-5 was skeptical about the issue when it was first discussed in 2002. Moreover, the U.S. opposed the idea of criteria on the basis that it could not present pre commitments for engaging its military forces in cases where it had no clear national interests. The U.S. announced that it would not bind to criteria that could constrain its freedom to decide where and when to use force.

In 2004, a number of observers predicted that the administration of Bush would neither approve of the substance of the report nor support any kind of formal declaration about it. The Chinese government too rejected the R2P throughout the process of the ICISS and stressed that all issues connected to the employment of force defer to the UN Security

Council. However, China accepted the idea that massive humanitarian crisis were issues of legitimate concern of the international society. Russia too shared China's perception that no action must be taken without the approval of the Security Council. It believed that the United Nations was well equipped to take care of humanitarian crisis. Russia also saw that the R2P could undermine the UN Charter. Thus, from the P-5, France and the U.K. were the main advocates of the R2P. Both countries, as well as the U.S. clearly opposed the Chinese and Russian view that unauthorized intervention should be prohibited in all cases. Their main concern was that to agree on criteria may not by necessity create the political will or consensus required to respond in an effective manner to humanitarian crises. (Bellamy, Alex J. 2006). In other words, disagreement remained on two issues: 1. There was the issue of whether the UN Security Council alone could authorize the armed interventions and 2. There was a great disagreement regarding the place of criteria for guiding decisions about force use.

While a number of African States as well as Annan, declared that criteria were an important ingredient for making the decisions of the UN Security Council more transparent, countries like Russia, China and the U.S. opposed criteria; all for their own reason. The U.S., for example, believed that any criteria would limit and reduce its freedom to act. Others opposed because they believed that criteria could be abused. (Bellamy, Alex J. 2006). In the meantime, the government of Canada emphasized the parts of the report that could constrain recourse to the use of force. Canada insisted that any kind of intervention must be authorized by the UN Security Council. Thus, they brushed the question of unreasonable veto aside as they insisted that the threshold for action must be set to a high level, even higher than the practice taken by the Security Council in the 1990s. To support the position of the Canadian government, Paul Martin, the Canadian Prime minister announced that the R2P should not be considered an intervention license. On the contrary, it must be viewed as a global guarantor of world accountability. In other words, he argued that it was the duty of the Security Council to license intervention when there is a just cause and the cause thresholds were met. In the meantime, the government of Canada emphasized the parts of the report that could constrain recourse to the use of force. Canada insisted that any kind of intervention must be authorized by the UN Security Council. Thus, they brushed the question of unreasonable veto aside as they insisted that the threshold for action must be set to a high level, even higher than the practice taken by the Security Council in the 1990s.

The United States and the Responsibility to Protect

One of the main components of the global consensus was a clear change in the position of the United States. As previously mentioned, the U.S. was basically concerned with two main issues: first, that by being publicly committed to the R2P, this may cause it to deploy the American forces in a manner that can be unfavorable to its viewed national interests. Second, the thresholds of the just cause and principles of precaution could limit its flexibility to decide where and when to use force in order to protect and safeguard the common good.

In 2004, the U.S. organized a high profile task force to study the relationship between the interests of the United States and Kofi Annan's reformed agenda. It set out some proposals for the position of the U.S. regarding the issue. The task force suggested that at situations where a government might fail to protect its population, then the nations' collective responsibility have to take action. It also argued that if the Security Council fails to act, this should not be used as an excuse by member states to avoid measures of protection. In other words, "the task force argued that it was legitimate for states to act outside the UN framework when the scale of the humanitarian catastrophe warranted immediate intervention." (Bellamy, Alex J. 2006). Not only that, but it argued that the U.S. must force countries against intervention to justify their

positions in public. The force task also argued that the U.N. must adopt an approach of four stages to deal with genocidal governments. Any State implicated in mass killing, genocide or any massive violations against human rights must be warned that it has a protection responsibility. Failing to act, this government must have a freezing of its financial assets and some targeted sanctions should be made on certain individuals. If such measures fail, then the U.N. Security Council must think of military intervention. (Bellamy, Alex J. 2006).

World Consensus and R2P

After NATO's intervention in Kosovo, the United Nations Secretary General, Kofi Annan's words reflected how the humanitarian intervention was a dilemma. "On the One hand," he said, "is it legitimate for a regional organization to use force without a UN mandate? On the other, is it permissible to let gross and systematic violations of human rights, with grave humanitarian consequences, continue unchecked?" (Annan, Kofi, 1999). Annan was actually challenging the international community in order to avoid future Kosovos which was a case where the UN Security Council considered action, but at the same time was locked between whether to intervene in order to stop humanitarian crises from getting worse and "future Rwandas which was a case where the Security Council of the UN failed to think about taking action in the face of mass murder, ethnic cleansing, and /or mass murder.

The International Commission on Intervention and State sovereignty (ICISS) was an independent panel that was partly funded by the government of Canada. According to the ICISS declared in the report, "The Responsibility to Protect", that the basic responsibility to protect the civilians lays with the host country. Therefore, the outside intervention could not be contemplated unless the host proves either the unwillingness or inability to carry out its responsibilities. (ICISS, 2001). In fact, in order to prevent future Kosovos and Rwandas, the R2P adopted two basic strategies. Both of these strategies sought to enable and encourage intervention in special humanitarian emergencies, and also constrained the employment of humanitarian arguments to give justification to other means of force. The first plan was to set down the responsibility parameters by defining the conditions in which the international community must assume responsibility in order to halt, prevent and rebuild after some kind of a humanitarian emergence. Thus, it placed restrictions on the use of the veto power as the commission sought to make it tougher for the members of the Security Council to shirk their tasks and responsibilities.

The supporters of the Responsibility to Protect as well as ICISS lobbied hard in order to persuade countries to endorse the idea and adopt it at the World Summit in 2005, and they seemed to succeed. According to paragraphs 138 and 139 of the summit's document: "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. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability." The importance of generating political will was understood at the outset by the ICISS commissioners. (Evans, 2002).

In the meantime, through the United Nations, the world community is responsible for using suitable diplomatic humanitarian and all peaceful means that accord with chapters six and eight of the UN Charter, in order to assist in the protection of citizens from war crimes, crimes against humanity and ethnic cleansing. In such a context, all world community should be prepared to take collective action. This is to be done in a timely as well as a decisive manner.

It should be done through the UN Security Council and in a manner that accord with the charter, including chapter seven. This entails cooperation with what is considered relevant regional organizations but on a case by case basis. This is in the case when peaceful means are inadequate and the national authorities fail to protect their citizens from ethnic crimes, genocide, ethnic cleansing and crimes against humanity. The above clause caused some kind of a mixed stand among commentators. On the one hand, some perceived it as a “revolution in consciousness in international affairs,” and a clear departure in the affiliation between human rights and sovereignty. (Lindberg, Todd, 2005). In other words, the declaration was viewed as replacing the state with individuals as the main focus of security. On the other hand, some people like Michael Byers, argued that the UN World Summit broke down the R2P concept an extent that, at least in practice, would not afford protection and support to threatened citizens and may even limit the ability of the Security Council’s response to humanitarian manmade disasters. (Byers, Michael, 2005). Simon Chesterman points out that it is political will and not sovereignty considerations, that determines whether or not countries intervene. (Chesterman, Simon, 2003). Therefore, humanitarian intervention is only likely when countries feel they have to act either for humanitarian purposes or reasons of self interest. In the meantime, the ICISS proposed two cause thresholds, basically ethnic cleansing and mass killing. It insisted that if the host country was either unable to prevent or halt wrong doings or even unwilling to do so, then the responsibility to do that would fall on the back of the international community in general and the Security Council in particular. The permanent five members in the council would be asked to make a commitment whereby they wouldn’t use their veto power in such cases except if their vital interests were at stake. Moreover, they would have to publicly justify their position for moving the presumption away from the notion of sovereignty and more towards responsibility. To force states to publicly justify their positions would entail them to refer to the precautionary principles and the just cause (last resort, right intention, reasonable prospects, and proportional mean). Thus, the proposals of the ICISS sought to constrain and limit states that might wish to oppose and reject intervention for selfish causes. (ICISS, 2001).

In his Article: Whither the Responsibility to Protect? Humanitarian intervention and the 2005 World summit, Alex Bellamy wonders how a consensus was reached regarding the responsibility to protect, especially with the continuing hostile actions to humanitarian intervention as expressed by a great number of the world’s states. He also asks whether such a consensus can contribute to the avoiding of future Rwandas and future Kosovos.

Bellamy suggests that four main elements have contributed to this consensus:

1. The pressure made by proponents of the International Commission regarding state sovereignty and intervention,
2. It was adopted by the High Level Panel in the UN as well as Kofi Annan,
3. The rising consensus in the African Union regarding the issue in the African union, and
4. The position of the United states.

Although the previous four factors did contribute to the consensus, yet each one changed the meaning of the responsibility to protect. This resulted in the creation of a doctrine that many countries could sign up but that can do very little to stop future Rwandas and Kosovos, according to Bellamy. (Bellamy, Alex J. 2006).

R 2 P in Practice

Thus, the Responsibility to Protect was officially adopted when the United Nations member states unanimously agreed in the 2005 summit to implement it. R2P declares that nation states have a responsibility to protect other nations from genocide, ethnic cleansing, war crimes, and all crimes against humanity. In other words, the claim was if a functioning government fails to protect its citizens, then it’s the duty of other nations to do so. The timely and decisive

actions would be taken in accordance with the provisions in the charter 3 of the UN to protect innocent civilians in such conditions. (Bellamy, Alex J. 2011). In the meantime, it's the responsibility of the United Nations to help states in discharging this responsibility to use either peaceful means or to enforce action. This declaration clearly marks a vital highlight in the relations between human rights and sovereignty. (Bellamy, Alex J. 2005). For example, in the article titled "The new politics of protection? Cote d'Ivoire, Libya and the responsibility to protect", the author provides two demonstrating cases with relevance to the topic; they are the cases of Cote d'Ivoire and Libya.

In both of these cases, the responsibility to protect was invoked and the use of force was authorized and approved against a government that was still intact but failing to protect its citizens. According to Alex J. Bellamy, the responses of the international society to the crisis in both Libya and Cote d'Ivoire reveal a lot of the approach of the UN Security Council regarding human protection. That is, the Council has given the authority to peace keepers to use all means necessary to protect civilians. Libya was the first state against which the UN Security Council had authorized the use of force as a means for the protection of the civilians against their own government. This was in March 2011 through UN resolution number 1973. It authorized the use of force against al Qadhafi's government; one that was still intact. The reason the UN Security Council did so was, as claimed, to protect Libyan civilians against a regime that appeared in the eyes of the international community to be rather poor, the regional consensus that was acknowledged, the threat clarity, and the time frame for the intervention which was small and had to be swift and decisive. All of the above enabled the international community to agree on the use of force against the regime. (Bellamy, Alex J. 2011).

Libya and the Russian Involvement

In 2011, Russia fell between 1. The pressure made by the west to allow world support to the rebels and 2. The interest to keep the Libyan president in power especially that he was an ally of Russia. Moscow tried to stop the intervention of Europeans in the Libyan internal conflict by attempting to block some of the Security Council's resolutions; those that might have permitted intervention. It mainly did so by its veto power. Due to the international pressure, however, Russia gave in and supported the forces that opposed the Libyan president. Moreover, on the 26th of February, 2011, Russia had to join the embargo which was enforced on arms that were exported to Libya. Not only that, but in March 2011, Russia abstained the vote in the security Council that imposed Libya as a no fly zone, thus, it gave other states the right to take whatever measures that seemed necessary for the protection of civilian citizens. As a result, the NATO was able to undergo its military operations. (Malashenko.A, 2013).

According to Alex J. Bellamy and Paul D. Williams, the Politics of protection has been used in Libya as a cover for NATO's desire for intervention. They appeared to be intervening for humanitarian rescue mission, but in fact, they were protecting their oil interests. The largest proof of that was clear after the Qhadafi regime fell, when the nationalized oil companies in Libya became open to foreign investors. According to Alex J. Bellamy, the R2P is just the west's new way or cover for intervening in other sovereign states to accomplish their own interests. In other words, states use the protection logo in order to justify and validate their intervention in the affairs of other states, with no respect to the issue of sovereignty. (Bellamy, Alex J. 2011). It was clear that the Obama government tried to use the example of Libya as a means to re formulate its foreign policy. The United States invoked the R2P in order to defend the decision that was made regarding the intervention in Libya and then released a study defining the prevention of potential massacres as in the case of Libya "a core national security interest and a core moral responsibility of the United States." (Keeler, Chris. 2011).

Diplomatically, the intervention in Libya and the expansion of the activities of NATO outside the mandate of the

UN were greatly controversial. Moreover, the states that were no in favor of the intervention became further antagonized by the decision of the NATO to carry out regime change. Therefore, Russian officials accused the alliance of going beyond their authority as they pursued change in the Libyan regime. Furthermore, South Africa was frustrated at the idea that NATO had made its own agenda. China supported the maintenance of the integrity and sovereignty of Libya and the attempt to find a peaceful solution to the Libyan Crisis. India and Brazil took stands against air strikes by NATO. (Keeler, Chris, 2011). In Cote d'Ivoire, however, a conflict occurred during elections, where the current president lost the elections then refused to step down. As a result, an uprising occurred by the winning president as well as his supporters. The French government responded to a request by the beaten president to assist him in controlling the uprising and the UN sent troops to protect civilians. (Bellamy, Alex J. 2011). Since the 1674 resolution was passed in a reaffirmation of the position of the Security Council was clear in the 1894 resolution for the year 2009.

However, it only referred to the R2P in the Darfur crisis in 2006 in resolution 1706, but China abstained. In the Darfur 1769 resolution of 2007, a paragraph was deleted from the draft and it was indirectly referring to R2P. Also the 2008 resolution 1814 regarding Somalia referred to the protection of the population and 1674 resolution without any reference to the R2P. "This combination of actions points toward a clear trend. Initially, the council displayed a willingness to use R to P in its consideration of ongoing crises, albeit reluctantly. It has shifted, however, to referring to R to P only in thematic resolutions, perhaps recognizing that it is not appropriate for the council to use the principle ahead of further consideration by the General Assembly." (Bellamy, Alex J. 2010). In 2007, the High level Mission to Darfur reported that the Sudanese government was not able to protect Darfur people. The Asia Group, the Arab Group and the Organization of the Islamic Conference questioned the legitimacy of the report. In 2006, with the election of Ban Kimoon as the UN Secretary General, some promising signs emerged. He was able to forge a deeper and wider consensus on the doctrine. In 2007, Ban Kimoon appointed Edward Luck, a UN expert, as his R to P special advisor. This was a turning point in the R to P. Luck's consultations encouraged Ban Kimoon to identify a "narrow but deep" approach which limited the doctrine to the 2005 agreement. (Bellamy, Alex J. 2010). The UN Secretary General released the report titled, "Implementing the Responsibility to Protect." in 2009. It was basically made to clarify the nature of the 2005 doctrine and to put an outline to the measures that regional organizations, individual states and the system of the UN may consider so as to implement the three pillars of the R to P. The R to P has been referred to in nine crises. These cases ranged from violence that took place in Kenya after elections and in which R to P was adopted by Annan Kofi as an element of diplomatic policy, to the invasion of Georgia by Russia, where the doctrine was invoked as a justification of unilateral intervention. The R to P, however, has been inconsistently applied. (Bellamy, Alex J. 2010).

Syria and the Responsibility to Protect

In the Syrian case, as different from the Libyan case, the suggested resolution didn't authorize the use of international sanctions or force, but just strictly condemned the violence. However, the proposed resolution made a hint regarding later sanctions if the violence continued. In the meantime, it didn't rule out forms of foreign military act. Ma Zhaouxu, the spokesman of the Chinese foreign ministry believed that the resolution wasn't going to make the situation any easier. Vitaly Churkin, the Russian envoy to the United Nations said the resolution was a way of legitimizing already taken unilateral sanctions and said that it was a way to overthrow regimes by force. (Keeler, Chris, 2011). India, Brazil, Lebanon and South Africa all abstained as they emphasized the vitality of trying to find a peaceful solution by means of a dialogue and stressed the importance of the territorial integrity of the Syrian state. South African officials announced that

the previous texts of the council were abused as implementation had gone beyond mandates. Thus, the council must not take part in any agenda for change of regime. Russians were very explicit when they released a statement that compared between the mission in Libya and the Syrian resolution. The foreign ministry made the following statement "Our wording proposals on the inadmissibility of external military intervention are not taken into account. And that, in view of the well known events in North Africa, cannot but make us wary...The situation in Syria cannot be considered in the Security Council in isolation from the Libyan experience. The international community is wary of the statements being heard that the implementation of the Security council resolution in Libya as interpreted by NATO is a model for its future actions to exercise the "responsibility to protect." (Keeler, Chris, 2011).

The United States was outraged believing that the Security Council was unsuccessful in addressing an urgent and important moral challenge and threat to the security and peace of the region. Hillary Clinton, the Secretary of State of the United States said that China and Russia had to give their explanation to the people of Syria. Also, the foreign secretary of Great Britain said that the vetoes were greatly regrettable and mistaken. (Keeler, Chris, 2011).

Therefore, China and Russia got the blame from western countries for wielding their vetoes, while India, Lebanon, South Africa and India abstained. It's believed that failing to pass a resolution in this situation is related to the NATO intervention in the Libyan case and the overstepping of the United States as well as its allies over the mandate of UN that authorized action. It's also believed that the apparent disagreements between the Security Council members will probably have a great and direct influence on the future of the R2P. (Keeler, Chris, 2011). The incapability of the U.S. as well as its allies to pass the resolution in the case of Syria is a clear reflection that the norm of humanitarian intervention made by Obama's administration is not global in scope. For example, the BRICS states believed that humanitarianism must not compromise states' sovereignty and must not limit governments' rights over domestic matters. This is a direct contradiction to the new humanitarian foundation of the foreign policy of the United States. (Keeler, Chris, 2011). The refusal of the BRICS states to support the resolution on the Syrian crisis reflects the ideology clash that is likely to hinder any multilateral implementation of the Responsibility to Protect. Russia announced that the disagreement of the resolution "was a conflict of political approaches. (Keeler, Chris, 2011).

The Syrian Crisis: R2P and Veto Power

By the year 2011, the crisis in Syria had grasped the world attention. In March of the same year, a protest was made by the people against the regime of Bashar al Assad as it was perceived as authoritarian. Very soon, it turned into a civil war which tore the country to pieces, especially when the regime of Bashar al Assad used brutal means to suppress the demonstrators. As a consequence, a crisis of humanity resulted in a great response of the international community. This involved both regional and non regional actors. (Menkiszak, Marek, 2013). Although Moscow tried to appear as a neutral force, it supported the Syrian president's regime both politically and militarily. Russia's main goal was the protection of the regime from all types of pressure to give up power to the rebels. In the meantime, it also wished to prevent any Arab or Western attempts of any kind of military intervention in the country. (Menkiszak, Marek, 2013).

As Menkiszak believes, the Russian strategy and policy towards the Syrian crisis were affected by some factors. Basically, there has been concern over the strategic and economic interests in the country and a fear of the consequences and results of any type of imbalance in the region, including Islamic radicalism. (Menkiszak, Marek, 2013). Therefore, the approach followed by Russia in regards to the crisis in Syria is based on a belief that the United States is leading a conspiracy to spread its interests through ways of regime change by means of the use of military power as well as

technologies of soft power, and Syria is a clear target for this. During the crisis, Russia has maintained direct links with President Bashar's regime. Moreover, Moscow gave the blame to the opposition for using chemical weapons. (Menkiszak, Marek, 2013).

In the meantime, Moscow resisted all types of initiatives made by the Arab and Western states for adopting Security Council resolutions which condemned the state forces and made suggestions to introduce non military sanctions against the Syrian state. Actually, the Security Council's resolution draft was vetoed by Russia three times. Not only that, but Russia made a blame on the authors for their refusal to hold the opposition responsible for violence and aggression and also for putting a great amount of pressure on the Syrian government and for making it possible for the intervention of outside powers in Syria. In addition to that, Russia continuously opposed the introduction of a no fly zone over the country of Syria. It also criticized all forms of appeal for the Syrian president to step down as it claimed that it would reduce the opportunities of solving the conflict. (Menkiszak, Marek, 2013). The support of Russia for the regime was also clear as the Russian warships visited the Syrian port of Tartus. As Menkiszak believes, "there were two basic reasons for these visits: first, obviously it was a military and political demonstration to deter the United states as well as its allies from any kind of military engagement in the conflict. Second, it was a way to send heavy armaments from Russia for the forces of the Syrian regime." (Menkiszak, Marek, 2013). Putin, the Russian president has made accusation of the U.S. for adopting pretexts of humanitarianism for its military actions.

Furthermore, some officials in Russia have made it clear that this is linked to the concept of the R2P and the international responsibility for intervention with all possible means including military, if a state is not able to protect its citizens against mass aggression and violence. It should be clear, however, that formally, Russia has not rejected this doctrine formally. It was obvious, however, that it criticized and opposed what it regarded as attempts made by Western and Arab countries to continually over use the R2P as an excuse and reason for military interventionism. (Menkiszak, Marek, 2013).

Furthermore, Putin was very serious in regards to the R2P as was obvious in the current Russian Foreign policy. For example, in 2013, Putin signed the following: "It is unacceptable that military interventions and other forms of interference from without, which undermine the foundations of international law based on the principle of sovereign equality of states, be carried out on the pretext of implementing the concept of responsibility to protect. (Menkiszak, Marek, 2013). In 2013, Moscow attempted to make a settlement with the League of Arab states for the case of Syria. It made a deal in which the Syrian president would hand in the chemical weapon pile of his regime. Moscow made this deal after Obama announced that the United States was thinking to undergo a military strike in the face of Assad's regime for using chemical weapons against citizens. The target of Russia has actually been to prevent armed intervention of the West in the crisis. (Menkiszak, Marek. 2013).

CRITIQUES TO THE RESPONSIBILITY TO PROTECT

A very important question considered by this paper is whether the R 2P is an imperialist and dangerous doctrine that greatly threatens political autonomy and national sovereignty of the weak states? Also, what are the particular situations where it is appropriate for R2P to be invoked? What are the actual motives behind this new concept in the world of politics? Are its intentions really, the noble ones of protection, or is it just another means by which some states can validate and justify their intervention in other sovereign states affairs for matters that eventually serves their own interests,

and their interests alone? Another problem with the R2P is that it doesn't emphasize the method of dealing with unauthorized type of intervention. That is, it doesn't rule out the likelihood of action outside the council. Therefore, the part on the use of force only prevents force which is used in a way that is inconsistent with the charter of the UN. This means that the R2P might not be very effective as powerful countries might not feel that they have to act, protect and save faraway strangers. Also, when states have to confront a humanitarian emergency, both supporters for and opponents of intervention are likely to use the Responsibility to protect language in order to support their claims. This means that the R2P language can be used to legitimize and justify irresponsibility and inaction just in the same way that it can be used as a legitimacy force for intervention.

Not only that, but states within the UN Security Council even argue about the right interpretations of resolutions 1973 and 1975 and if these interpretations may fit the particular condition or not. It is probably easier to make consent on the principle and philosophy of the responsibility to protect, than to agree on the circumstances that actually demand actions based on such principles. This is probably because of the controversy that exists on how the mandates of the UN regarding protection are interpreted and approved by regional and local organizations. For example, in Cote d'Ivoire a conflict occurred during elections, where the current president lost the elections then refused to step down with the result being an uprising by the winning president and his supporters. The French government responded to a request by the beaten president to assist him in controlling the uprising and the UN sent troops to protect civilians. ((Bellamy, Alex J. 2011).

According to Alex J. Bellamy and Paul D. Williams, the latest politics of protection shows four major characteristics and some unresolved questions:

First, the focus and concern of the international community has shifted to the protection of civilians. Second, the United Nations Security Council has revealed its willingness to authorize and allow the use of force in order to protect civilians.

Third, the NATO and several other organizations have started taking the role of gate keeper and protector. Fourth, the super powers of the world, especially the United States, have started to show their willingness to work through the Security Council. (Bellamy, Alex J. 2011). Some thinkers believe that R2P is a new way followed by the west to intervene in the affairs of sovereign states and accomplish their own interests. This means that the R2P has an ugly face as it breaches the sovereignty that was strongly supported and protected by the constitution of the UN and the American Declaration of Independence as well as others. The very basis of the foundation of the United States, one can argue, was the call for independence and the acknowledgment of the sovereignty of states. Also, the United Nations had as its basic doctrines the equality of nations and the issue of sovereignty and respect for each and every country's territory. (Bellamy, Alex J. 2006). In other words, there is a perception that the R2P is a disguised way to cover up the hideous face of greed of powerful nations. Then it's a hidden means to the greed for power, resources, world status...or others. According to this view, then the main intention behind the idea of R2P is probably not as noble as it appears. It probably aims to use such humanitarian goals by some countries, especially those seeking power and resources to intervene in sovereign states for their own interests, and their interests alone.

Therefore, critiques of the R2P have accused all types of international action taken with the claim of human rights as a type of imperialism disguised in humanitarianism. For example, Brazil, India, China, Russia and South Africa (BRIC countries, known as BRICS) are starting to unite around this skeptical idea, confronting the enthusiasm of the west.

(Keeler, Chris, 2011). Brazil, India, Russia and China opposed to vote for the decision made to intervene in Libya, and preferred non intervention policies. In BRICS countries, many politicians believe that the intervention for humanitarian causes has become an unacceptable violation to and opposition of national sovereignty.

According to Chris Keeler, the intervention in Libya may be perceived as a success; however, it has resulted in a cloud of suspicion that has come to characterize the humanitarian efforts of the west. Such suspicion will go on being an obstacle in the implementation of the doctrine of the Responsibility to Protect somewhere else. (Keeler, Chris, 2011). In his research, Alex J. Bellamy argues that the Responsibility to Protect must be seen more as an agenda of policy that needs implementation rather than a normative vocabulary that may catalyze action. (Bellamy, Alex J. 2010).

CONCLUSIONS

It was the emphasis of this article to discuss a topic of great interest and importance to the world of politics and International Relations. It discussed a concept called “The Responsibility to Protect”. This is basically the world through the United Nations Security council claiming that they have a responsibility to protect innocent civilians from an armed conflict; should the governing state fail to provide safety and protection for its population. Therefore, the United Nations Security Council has revealed its willingness to authorize and allow the use of force in order to protect civilians.

Today, the new world order is passing through major and quick changes, especially after the dissolving of the Soviet Union in the late 1980s. Therefore, the UN has emphasized the role of the international community and has encouraged more cooperation for the sake of humanism. In other words, the intention is not to activate R2P in all situations where states may seem to fail in protecting their people. That is, the international community should not consider this principle unless there is clear evidence that acute violence is happening against citizens. This violence must fall under the category of war crimes, ethnic cleansing, genocide or crimes against humanity.

In the meantime, the method of implementation might need to be reconsidered and some articles may need to be strengthened to provide enough cautiousness of what Joshua Goldstein refers to when he says that the influence of standards of morality as well as global norms may vary when various states have different expectations about what can or may be considered normal. For example, according to the U.S., in the case of Iraq, removing Saddam Hussein was a moral necessity. From the perspective of Arabs, on the other hand, the American invasion to Iraq was a clear violation of the territorial sovereignty issue. (Goldstein, Joshua, 2008). Therefore, in the case of the R2P, morality can be an element of conflict and misunderstanding instead of being a stability force.

In the meantime, decision makers need to think from the moral and ethical point of view. An important point that should be taken in consideration is that although it’s an age of globalization, it’s not an age of trust. Outside powers are accused of being greedy for resources and accordingly, give themselves all types of excuse to divide countries and keep them weak. They claim to be right and the others wrong, and this has created a real mess as great powers, for example, the United States has carried everything too far. Not only that, but the policy adopted by the U.S. can be viewed as a contradiction to the founding principles of the government. George Washington made it clear that it was not in his intention to impose the American form of government over any other nation, but deal with other nations for commerce and trade.

Now, they’re going around the world trying to judge others, claiming that they are doing this for the common good and for saving civilians from abuse caused by their governments. The amount of greed and corporate trade is one of

the main causes that make states cross borders, intrude in the affairs of other countries and cause disruption and steal resources. Another problem is that the United States and some organizations such as NATO have started taking the role of gate keepers and protectors. It's clear that the most powerful states, especially hegemony, greatly influence the values and rules of international law.

Comments and Recommendations

- **Human Rights:** The researcher believes that the protection of human rights is an ethical responsibility, and should be a primary concern for the international community because every human being is created free and equal with no regard to sex, race, political or religious affiliations, ...etc. However, it's very difficult to call for the universality of human rights, as perspectives on human rights can't be generalized. Cultures differ as traditions and histories vary from one place to another. Some aspects of human rights in one place may not be as important in another. Differences exist, and these differences must be respected for the preservation of cultures.
- **Enforcement of Human Rights:** In order to enforce human rights norms in a global manner, there should be agreed upon issues such as infectious disease, provision of care for war affected children, terrorism and government abuse. The international community, under the banner of the United Nations has to reach a clear consensus on the nature of these issues and define and unify the means that should be followed to confront them.
- **Sovereignty:** At the nationalistic level of individual sovereignty of nations, every nation should work out its own set of laws; every nation should work out its own destiny. This view is against the way the international community is trying to legitimize their way of intervening in the name of protection.
- **Sovereignty and Power:** Sovereignty should not only be linked to power, and dominance must not be used in this regard to justify an intervention. All states are equal under international law. Therefore, if sovereignty is considered and respected in one state, then by default, it should be respected and observed in others. It's the duty of the United Nations to treat all members equally, and just like the sovereignty of weaker states is threatened because of the R2P, the sovereignty of stronger states should also be under threat if any violations or abuse to humanism occurs in their territories.
- **Use of Force:** The United Nations has to protect the notion of state sovereignty as much as possible in order to accomplish its target of world peace and security. As states are usually reluctant to surrender their sovereignty, the United Nations along with the international community has to provide new structures for the settlement of conflicts and disputes without depending on the use of force. The U.N. has to consider the goals of states, especially in cases of intervention as well as the conflicting issues before it legitimizes an intervention, even if it's in the name of humanism. Also, the use of weapons of mass destruction in legitimized intervention should be completely prohibited.
- **Mechanisms for Intervention:** The mechanisms for intervention should be strictly defined and followed by the international community under the supervision of the Security Council, as there is no world police. In any situation, before the UN agrees and legitimizes intervention, the means to do so should be clearly specified and understood by the international society. Countries should be encouraged to use rules rather than force for settling disputes.

- **The UN is not a Tool:** the UN shouldn't appear to be a tool in the hands of a few who make new rules that accord with their interests and greed. This implies that it might be easier to make countries consent on the principle and philosophy of the responsibility to protect rather than to agree on the circumstances that actually demand actions based on such principles.
- **The International Court of Justice:** The international community has to empower the International Court of Justice. Although the ICJ exists for settling disputes and conflicts between states, it hasn't been able to carry out its role as it should. The great weakness of the World court is that states have not agreed in a comprehensive way to subject themselves to its jurisdiction or to obey its decisions. The ICJ can then play the role it was established for in a more positive and influential manner. In other words, states have to give the court jurisdiction in cases of disputes and conflicts, and abide by its decision. If a state fails to do so, then it's the responsibility of the international community at this stage to intervene with whatever way is decided.
- **Operational Guidance:** The U.N. has to have some kind of operational guidance to forces responsible for implementing human protection mandates in all member states. In all cases, in order to safe guard sovereignty of states and make all UN members feel safe and sovereign, the UN has to establish clear modalities and mechanisms and reduce the extent to which the Responsibility to Protect could be used to over ride sovereignty.
- **Regulating International Interactions:** The U.N. has to continuously acknowledge states that great gains can be realized by regulating international interactions through institutions and rules, and thus, can avoid the costly outcomes associated with a breakdown of cooperation.
- **Reciprocity Principle:** The United Nations should make use of the reciprocity principle, and encourage all states to get engaged in more reciprocal relations and more negotiations rather than the use of force. States usually build institutions for negotiations, and international law has specified workable rules to be followed. Institutions are greatly based on reciprocity which is a very important principle in international politics.
- **Culture of Peace:** The United Nations should not just maintain, but strengthen its major role of enhancing peace and security and spreading a culture of peace worldwide. More effort should be made to emphasize the role of both state actors and non state actors, including the Nongovernmental organizations (NGOs) in this respect. All states should learn to appreciate the importance of stability and peace for economic development. This is the best way to utilize human resources in a non violent atmosphere.

From all of the above, it's clear that the United Nations has a major role to play in the global environment when it comes to the Responsibility to Protect, and legitimizing intervention. More emphasizes has to be made, however, to the mechanisms of intervention. In the meanwhile, the world community has to retain the trust that has been lost since the lack of trust is apparent in most forms of international relations today. There is definitely a love of wealth and power, and this has caused change of values as countries are losing their compassion. Thus, the moral criteria should be preserved; and it's the duty of the UN to encourage member states to become more united and interested in the survival of the international system. One positive issue regarding the R2P is that decisions taken by the UN Security Council are based on consensus of its Big five permanent members, and these bind all countries. Due to the different ideologies and policies of the major 5, the R2P seems to be under a system of check and balances, especially with the presence of Russia and the United States as "opposing powers" that are unlikely to agree on an issue. This disagreement can and probably does limit the use of the R2P

in world politics.

Finally, ending violence, respect for life, consensus on human rights and the endorsement and performance of non violence by means of dialogue, education and cooperation should be the ultimate goal of the United Nations as well as the International community aspiring for the good of humanity and mankind.

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