

Review

Responsibility to Protect: the Legitimacy of Exigencies of Great Powers Interference in Ethiopia's Northern Armed Conflict, Nostrum or Venom?

Abyssinia Abay Mengistu

Lecturer, Department of Political Science and International Studies, College of Social Science, Bahir Dar University, Bahir Dar, Ethiopia. Email.abysiniaabay6@gmail.com, Cell phone no. +251984945659

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States have a duty to protect their own people from harms, lives of citizens and promotions of their welfare. The failure to protect them from chronic insecurities of hunger, disease, inadequate shelter, crime and so forth may necessitate the involvement of humanitarian intervention. Ethiopian scholars seem to be cynical about the likely contribution of R2P. The main aim of the paper is to explore the debates put forth about responsibility to protect and to see the relevance of exigencies of great powers especially the third pillar. It also assesses the humanitarian intervention in the Ethiopian Northern armed conflict. The time frame the paper covers is since 2018. To achieve the objectives, primary and secondary sources were used. The paper argued that the incumbent government of Ethiopia has failed the internal responsibility to protect thus; exigencies of great powers would be viable for reinvigorating the state capacity to discharge their responsibility however the intervention is challenged by impure motives, grounds, means, and results of the intervention. The fear of unilateral intervention and subjective regulatory frame work could possibly be resolved by the invitation of more super powers.

Key Words: Ethiopia, Humanitarian Intervention, Responsibility to protect, R2P

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INTRODUCTION

Historical Background

In 2005, the UN included the Responsibility to protect concept (R2P) in the World Summit's outcome. R2P holds that force may be used to prevent genocide, ethnic cleansing and other crimes against humanity. In practice, however, such intervention remains controversial. Advocates of R2P argue that the international community must not tolerate terrible crimes, while skeptics say that R2P is promoting a new militarism by promoting war for supposedly worthy reasons. In one hand, R2P has been invoked in more than 80 UN Security Council resolutions concerning crises in Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Liberia, Libya, Mali, Somalia, South Sudan, Syria, and Yemen, as well as thematic resolutions concerning the prevention of genocide, prevention of armed conflict and restricting the trade of small arms and light weapons. The Responsibility to Protect has also been invoked in more than 50 Human Rights Council resolutions and 13 General Assembly resolutions. These resolutions and their related preventive and – as a last resort – coercive measures, have demonstrated that collective action to protect populations at risk is possible. (*What Is R2P?* - *Global Centre for the Responsibility to Protect*, n.d.)

Yet in the twentieth century that was the fate of at least 80 million men, women and children, including Armenians in Turkey, Jews in Europe, suspect classes in the Soviet Union and China, communists in Indonesia, non-communists in Cambodia, Bengalis in former East Pakistan, Asians in Uganda, Tutsis in Rwanda, and Muslims the four big things that R2P was designed to be: a normative force; a catalyst for institutional change; a framework for preventive action; and a framework for effective reactive action when prevention has failed in the former Yugoslavia.

After World War II, the worst conflict in human history in which 6 million Jews were killed in genocide, world leaders established the United Nations in hopes of preventing a similar struggle. .. As the founder envisioned, the United Nations will mobilize multinational forces to help countries defend their borders from potentially hostile neighbors and curb internal violence. But what if these governments refuse to intervene in the United Nations? The United Nations was unable to answer this dilemma. Conflicts may be unavoidable, but the United Nations' main commitment was to respect the sovereignty of its member states. (*The Rise and Fall of the Responsibility to Protect | World101*, n.d.)

Since 1945, the United Nations has endeavored to uphold and respect the sovereignty of its member states. But in the 1990s, a wave of massive atrocities shook the world's conscience. The United Nations repeatedly failed or refused to intervene as a series of wars resulted in widespread human rights abuses and massive loss of life in Rwanda and former Yugoslavia. Recognizing that giving a country absolute sovereignty within its borders can lead to atrocities such as genocide and ethnic cleansing, scholars and diplomats need to protect the holiness and human rights of the country's sovereignty. (*The Rise and Fall of the Responsibility to Protect | World101*, n.d.)

The United Nations launched the R2P doctrine in 2011 after Libya's longtime dictator Mu'ammar Gaddafi used extreme violence in response to local protests. Fearing the slaughter, the United Nations has approved NATO to violate Libya's sovereignty to protect civilians from Kadafi's army. The mission was intended to be narrow, but soon turned into an unstable regime change operation. In the end, the Gaddafi administration was overthrown, but the civil war is still intensifying in Libya, and Libya is arguably more unstable and violent than ever. As a result, countries already suspected of R2P, such as China and Russia, are unlikely to give a green light to future humanitarian intervention. (Palmieri, 2019)

The failure to protect citizens from chronic insecurities of hunger, disease, inadequate shelter, crime and so forth may necessitate the involvement of humanitarian intervention. Ethiopian scholars seem to be cynical about the likely contribution of R2P. No study have been conducted on the issue of R2P

The purpose of this paper is to explore the exigency of great powers by taking a case study of the international response to the ongoing Civil War in Ethiopia.

Literature Review

Essence of R2P and Internal Responsibility to Protect

The Responsibility to Protect (R2P or RtoP) is a global political commitment which was endorsed by all member states of the United Nations at the 2005 World Summit in order to address its four key concerns to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. The doctrine is regarded as a unanimous and well established international norm over the past two decades. The principle of the Responsibility to Protect is based upon the underlying premise that sovereignty entails a responsibility to protect all populations from mass atrocity crimes and human rights violations. The principle is based on a respect for the norms and principles of international law, especially the underlying principles of law relating to sovereignty, peace and security, human rights, and armed conflict. The R2P has three pillars:

Pillar I: The protection responsibilities of the state – "Each individual state has the responsibility to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity"

Pillar II: International assistance and capacity-building – States pledge to assist each other in their protection responsibilities

Pillar III: Timely and decisive collective response – If any state is "manifestly failing" in its protection responsibilities, then states should take collective action to protect the population (Palmieri, 2019)

The Responsibility to Protect was unanimously adopted in 2005 at the UN World Summit, the largest gathering of Heads of State and Government in history. It is articulated in paragraphs 138 and 139 of the World Summit Outcome Document: (Haslett, 2014)

Paragraph 138 reads "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". While 139 explains that the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. (Haslett, 2014)

Theories on R2P

This paper theoretically falls in to Realism, Liberalism, Hegemonic stability theory and Marxist theory in order to elucidate the different debates posed.

Realism

According to Hans J. Morgenthau, all humans have an innate desire to gain more power. Statesmen compete for power over other states as a result of human nature's desire for power. "Politics is a struggle for power over men," Morgenthau contends, "and the forms of obtaining, keeping, and exhibiting it constitute the style of political action." States are always concerned about national interests such as security and riches in international politics. Intervention may be necessary to protect their interests. Morgenthau contends that we must intervene where our national interests demand it and our authority allows us to succeed. The timing of these events will be determined...by a careful assessment of the interests at stake and the power at hand. "The degree to which one is successful," says Morgenthau. (*A Theoretical Assessment of Humanitarian Intervention and R2P*, n.d.)

Liberalism

Classical liberals hold that humans have intrinsic natural rights to liberty, which include the freedom to do whatever they see proper to protect themselves, as long as they do not infringe on the equal liberty of others until their own survival is threatened. People also have the right "to be considered as ethical subjects, not just objects or means," as well as the need to treat others as ethical subjects. (*A Theoretical Assessment of Humanitarian Intervention and R2P*, n.d.) Another important tenet of liberalism is that states can work together for mutual benefit. While liberals recognize that each person or state pursues personal benefit, they think that people share common interests that can lead to local and international cooperation. Liberals use the rise of multinational institutions such as the United Nations to bolster this viewpoint.

Hegemonic Stability Theory

HST (hegemonic stability theory) is an international relations theory based on studies in political science, economics, and history. According to HST, when a single state is the dominant world power or hegemon, the international system is more likely to remain stable. As a result, the loss of hegemony undermines the international system's stability. HST proponents typically cite the Pax Britannica and Pax Americana as examples of hegemony stability, as well as the instability proceeding to World War I (when British hegemony was in decline) and the instability of the interwar period (when the American hegemon retrenched itself from world politics). (Sachse, 1989)

Debates on Responsibility to Protect

In this paper, responsibility to protect involves humanitarian intervention, assistance or Pillar II of R2P (timely and decisive collective response – If any state is "manifestly failing" in its protection responsibilities, then states should take collective action to protect the population from hunger, starvation and so forth). The following debates try to answer major questions such as; how would these peacekeepers respond if a local government was the one responsible for committing violence against its own people? Could prevent a mass atrocity justify violating a country's sovereignty?

In one hand, critics of R2P point to inconsistency and the likelihood of economic rather than humanitarian reasons underpinning the application of R2P. And its proponents point to the fact that the principle stands for more than intervention. It is, they argue, a reminder to states they have a responsibility to protect their populations, rather than slaughter them. And it is a reminder to the international community that it has a responsibility to help states fulfill their obligations. (*R2P: An Idea Whose Time Never Comes* | *The Interpreter*, n.d.)

The ICISS explicitly refuses to sanction intervention in the absence of large-scale loss of life, even where "a population, having clearly expressed its desire for a democratic regime, is denied its democratic rights by a military take-over. This demonstrates the ICISS's commitment to carrying out interventions only to end human suffering, rather than effectuating regime change. NATO's incomplete and politically driven protection for civilians in Libya not only contradicted the explicit goals of responsibility-to-protect intervention, but it looked shockingly similar to an atrocity that responsibility-to-protect rebuilding efforts should work to prevent - "reverse ethnic cleansing. (Bellamy, 2010)

The Libyan intervention is even seen as a violation of the responsibility to protect and an effort to overthrow a regime unfavorable to western interests under the guise of humanitarian intervention. Both American and European companies stood to benefit from a "more pro-western" Libyan administration. The problem with a reality that includes R2P is that no one is sure what it looks like. There has been forceful advocacy for its implementation on several occasions, but only once has the principle been applied. (The Pros and Cons of Responsibility to Protect | D+C - Development + Cooperation, n.d.) (*R2P: An Idea Whose Time Never Comes* | *The Interpreter*, n.d.)

Another point of cynicism is that there could be illegitimate interventionism as it was happened in different parts of the world. This has a lot to do with alignment, patron client relationship between the super power projecting the responsibility to protect and the ones receiving it. In addition, the gap between the promise and the reality also creates pessimism that Let us take

The development of the principle was a direct response to former UN Secretary-General Kofi Annan's challenge to the international community to learn from the lessons of past failures and prioritize the prevention of another Rwanda or Srebrenica, and was articulated in the form of a strong commitment by all member states to preventing and responding to atrocity crimes in the 2005 World Summit Outcome Document

Roland Paris, a political scientist who supports R2P, argues that some of the inherent usefulness and legitimacy issues of R2P make it vulnerable to criticism. But paradoxically, the same is true if R2P coercion is no longer used. Paris raises the following issues specific to R2P: (Paris, 2014)

- A. Mixed Motive Problem – R2P legitimacy is based on altruistic goals. However, unless the intervention is partially selfish, states are often cautious about engaging in humanitarian intervention. As a result, some question the legitimacy of interventions that appear to be strictly altruistic.
- B. The Counter Factual problem – If R2P is successful, there is no clear evidence of its success. It is a mass atrocity that did not occur but would have occurred without intervention. Therefore, R2P advocates must rely on false arguments.
- C. Significant Damage or Conspicuous Harm Problem – The benefits of the intervention are not clear, but the destruction and cost of the intervention are. This makes it difficult for supporters of the intervention to defend the intervention. Destruction caused by interference also casts doubt on the legitimacy of interference for the stated purposes of harm prevention.
- D. End-State Problems-Humanitarian intervention tends to extend its mission beyond just repelling large-scale atrocities. If large-scale atrocities are avoided, interveners are often forced to undertake a broader mission to ensure that vulnerable groups are safe after the intervener leaves. (Paris, 2014)
- E. Inconsistency problem or Problem of Contradiction – Due to the above problems and the belief that a given military action is more likely to do more harm than good, the state cannot act in situations where large-scale atrocities are threatened. Failure to intervene in all situations at risk of genocide will lead to inconsistent claims. (Paris, 2014)

In general, arguments put forth in favor of R2P assert that it is emancipatory in its effects of freeing individuals from political violence and its normative focus on the "human needs and rights of those seeking protection or assistance" (ICISS, 2001: 15). Hence, this rationale will constitute an assessment of competing conceptions of 'emancipation', in the context of the theory and practice of R2P and international relations per se.

While the counter claim asserts that the international community was confronted by a situation in which human rights violations were occurring in a particularly weak state they incline to carry out and in powerful state, the international community may be unable or unwilling to intervene.

Case Studies of R2P:

The R2P doctrine was put to the test in 2011 amid Libya's civil war.(Thakur, 2011) But the destabilizing effects of that humanitarian intervention and its evolution into a regime-change operation have once again led world leaders to debate the delicate—and divisive—balancing act between respecting sovereignty and protecting human rights.(The Rise and Fall of the Responsibility to Protect | World101, n.d.)

Country	Year of Intervention
Afghanistan	2003-2014
Albania	1997
Bosnia	1993-1995, 2015
Burundi	2001-2008
Central Africa Republic	2013-
Chad	2008-2010
Cote Divore	2002-2005, 2011
DR Congo	2000-2013
Georgia	192-1993, 2011
Haiti	1994, 2004-2005
Iraq	2007-2008
Kosovo	1999
Lebanon	2017
Liberia	1990-1996
Libya	2011
Mali	2013
Moldova	1992
Pakistan	1971
Rwanda	1994
Sierra Leon	1997-2001
Solomon Islands	2003
Somalia	1992-2007
South Sudan	2011-
Sri Lanka	1990
Sudan	2007
Tajikistan	1993- 1996
Timor Leste	1999
Uganda	1979

Source (Monitor, 2014)(Palmieri, 2019)

NATO Intervention in Kosovo (1999)

This case study explores how the international response looked like in Kosovo and its effectiveness as a means of preventing and resolving mass atrocities is discussed.

Kosovar Albanians established their own governing structure and conducted a series of non-violent protests against Milosevic. The Kosovo Liberation Army (KLA) conducted systematic attacks against Yugoslav police in 1997. NATO without Security Council authorization initiated an air campaign against Yugoslavia in March 1999.

When evaluating the legitimacy of humanitarian action, four primary aspects should be considered: (i) the existence of humanitarian objectives; (ii) humanitarian grounds for intervention; (iii) humanitarian means of intervention; and (iv) humanitarian results. The use of these elements has been a point of contention in the debate about NATO bombing in Kosovo.(234. *Humanitarian Intervention Reconsidered: Lessons from Kosovo* | Wilson Center, n.d.)

There is much room for skepticism when it comes to the motives of interveners. The Clinton administration had mixed motivations for the NATO action in Kosovo. With media images of humanitarian disaster creating a public groundswell in support of "doing something" in the Balkans, many U.S. policymakers viewed humanitarianism as legitimate.(234. *Humanitarian Intervention Reconsidered: Lessons from Kosovo* | Wilson Center, n.d.) Intervention that promotes central

principles of the UN Charter is permissible within certain parameters. Humanitarian intervention promotes the maintenance of international peace and security. The UN Charter not only permits intervention in cases of gross and systemic human rights abuses against civilians who are members of minority groups, it requires it. Some argue that there were substantial grounds for humanitarian intervention in Kosovo. By October 1998, Serbs had driven 300,000 Kosovar Albanians from their homes. Any solution would have had to contain a strong military option that would have been objectionable to Milosevic. (*From Kosovo to Syria – Why R2P Is of No Use If the UN Security Council Is Unable to Act Together – Verfassungsblog*, n.d.)

Libya

Estimated 500-700 civilians were killed over several weeks in Libya in 2011. A NATO-led alliance conducted air strikes against military targets that posed a threat to civilians. In April 2019 former senior military officer, Khalifa Haftar, and his self-proclaimed Libyan Arab Armed Forces (LAAF) launched an offensive. The fighting displaced 250,000 people and resulted in at least 430 civilian casualties. A UN Fact-Finding Mission alleges that war crimes and crimes against humanity have been committed since 2016. (Haslett, 2014)

While the conflict in Libya was presented as a battle between secular, moderate forces and their extremist Islamist rivals, in reality it was dominated by shifting personal, tribal and regional enmities and alliances. The involvement of international forces significantly prolonged the conflict and made it more intractable. (Thakur, 2011)

Materials and Methods

The paper was analyzed with the frameworks of qualitative research approach and followed case study design. To achieve the main objective of the study, this paper adopts most importantly a retrospective prospective method where experiences of responsibility to protect cum its success and failures are assessed besides the prospects of R2P in Ethiopia. The paper encompasses the concepts of R2P, experiences and debates. The study employed purposive and snowball sampling techniques. 12 interviewee and a focus group discussants consisting of 6 people have been involved in the study. These samples were determined based on data saturation principle. The data sources of the paper are adepts including teachers and researchers on international law, legal documents, different journals and reports of national dialogues of different countries.

Assessing the Legitimacy of Exigencies of Great Powers to Interfere in Ethiopia, Nostrum or Venom?

It seems legit to reminisce the situation in Ethiopia since 2018 i.e. the premiership of Abiy Ahmed. The clash began in Tigray or TPLF (leading party of previous regime) and then spread to the neighboring areas of Afar and Amhara in July 2021. The battle between the Ethiopian National Defense Force (ENDF) and the Tigray Defense Forces (TDF) (an armed group belonging to the TPLF) killed thousands, evacuated more than 2.1 million in Tigray and 840,000 in Afar and Amhara. Underneath, I tried to examine the interference of great powers in Ethiopia using the following parameters: objectives, grounds, means, and results of the intervention.

The motive of humanitarian intervention in the above mentioned case studies have been precarious and so has been in Ethiopia. Since 1991, there were grave violations of human rights, unlawful detention of people because of their ethnicity, deportation of civilians from one place to another, pillages and most importantly starvation in different parts of the region. And these breaches of international laws were sufficed to consider humanitarian intervention in Ethiopia however; no great power had ever urged to stop these bad moves.

The interviewee from the teachers revealed the following key things as to how the exigencies of great powers would only exacerbate the conflict:

Despite the dovish intent to humanitarian assistance, I cast a doubt that the U.S. government's intentions may not be completely pure, and nearly all believe that intervention in Ethiopia seems a government change than a sincere aid. During the Northern Ethiopian conflict, only the TPLF who have long been serving USA were protected, given food aids and even condolences to amplify.

Another element to address is whether there are sufficient legal and/or moral grounds to justify the humanitarian intervention. When it comes to Ethiopia, the unlawful detention of people of Tigray, deportation of civilians from one

place to another, recruitment of children in armed forces, pillages and most importantly starvation in different parts of the region seem suffice to consider that humanitarian intervention in Ethiopia was legal. Rome Statute of International Criminal Court, Article 8 considers this occurrence as grave violation of human rights thus it was a justifiable intervention.

To ensure credibility, the implications of intervention must be consistent with the international law. That is, the element used should be important for a true blue target, proportional to the real military outcome, distinguishing between civilian and non-civilian targets, and the maneuverability of the element should be proportional to the chance of everyone. Interventions that do not meet these criteria are not illegal, but they are corrupt.

A man from the Northern part of Ethiopia stated his experience as follows;

There was a clear misuse of power in the name of humanitarian intervention. During the war between the Ethiopian government and TPLF rebel forces, Vehicles, Lorries, even four wheel drives UN personnel used for transportation had been used as a battle drives. I am afraid great powers did not come to help but get TPLF on the crown once again. (Interview 3)

World Food Program report has shown that 13 humanitarian convoy had arrived in Tigray region since December 2021 while little or no convoy has been sent to war prone areas such as Amhara and Afar regions of Ethiopia and this clearly shows how much the uneven distribution of aid has fettered the legitimacy of the intervention. Recent government reports even show that the average household food insecurity gap had even increased in Tigray region and convoys have not been reaching to the people in need rather to the militias.

Northern Ethiopia - Humanitarian Update | Situation Reports, 7 May 2022 reported the following;

Not more than 11,000 displaced people and returnees received emergency shelter and non-food items in Amhara during the reporting period. More than 28,000 people were reached with different health services in Tigray during the reporting week. 11 health partners are operating in 26 of the 88 woredas across six zones.

The relief supplies have been dispatched within the region to priority areas for onward distribution, and fuel supplies moved into Tigray in recent weeks are also enabling critical operations to be expanded geographically. More specifically on food delivery, around 4,460 MT of food has been brought into Tigray by the main food partners through the four humanitarian convoys. (*Northern Ethiopia - Humanitarian Update | Situation Reports*, n.d.)

One of the FGD participants said;

In northern Ethiopia, logistical troubles along with loss of authorization through events to the war for humanitarian convoys, equipment, etc., tensions with nearby communities, and ever-converting regulations, have created large demanding situations for operations. In addition, looting of useful resource supplies/assets, vandalization of humanitarian facilities, violence, harassment, arrests, and expulsions of useful resource people had been reported.

This has been annoyed through unfounded accusations and ongoing suspicions towards useful resource groups and a robust anti UN/INGO sentiment throughout the country, compromising the protection and safety of humanitarian actors and limiting get entry to human beings in need.

CONCLUSION

Ethiopia's ethnic-based federal system has led to widespread claims of ethnic favor. Many groups felt alienated under the former TPLF-controlled coalition that had dominated the government for 27 years and so do they even since Prime Minister Abby came to power in 2018. The history of immunity from past human rights abuses by security forces has also deepened distrust among ethnic groups. This history, coupled with the development of political and social polarization, could lead to further ethnic violence throughout Ethiopia. The Ethiopian government seemed to fail to protect its citizens, regardless of ethnicity. This is manifested by the increment of death toll since 2018, ethnic cleansing and targeted attack on unarmed citizens in different parts of the country, inter-communal violence and regional border disputes, impotence to address the question of people in urgent need of aid in Amhara, Afar and Tigray regions; thus, the exigency of great powers to humanitarian assistance is unquenchable. R2P in Ethiopia will be fruitful if nonmilitary

intervention by which the role of outside parties in Ethiopia is to mediate a ceasefire agreement for the purpose of organizing domestic dialogue and allow unlimited humanitarian access to Amhara, Afar and Tigray evenly.

Informed Consent

The purpose of this interview and FGD guide is to gather data on issues of “Responsibility to Protect: the Legitimacy of Exigencies of Great Powers Interference in Ethiopia’s Armed Conflict, Nostrum or Venom?” The following questions are formulated and going to be used as a guide to semi-structured in-depth interview and FGD. To this end, the data that will be collected from informants through these questions, whatever information you will provide will be kept firmly confidential, the information obtained from the interviewees, and FGD participants will only be used for research purpose.

Declaration of Interest

The author declares that there are no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

ABBREVIATIONS

ENDF	Ethiopian National Defense Forces
ICISS	International Commission on Intervention and State Sovereignty
R2P	Responsibility to Protect
TPLF	Tigray People’s Liberation Front

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