State sovereignty, humanitarian intervention and responsibility to protect in international law: a critical analysis

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Abstract:

The end of cold war exposed internal conflicts which had been overshadowed by the war. This period witnessed the decline in interstate conflicts and a proliferation of internal conflict characterized by massive violation of human rights, grave atrocities, immense human suffering and destruction. The post-cold war era saw the emergence of humanitarian intervention in the quest to protect civilians and prevent violation of human rights. Consequently this change in the conduct of international affairs by states raised the never-ending debate pitting humanitarian intervention and human rights protection against the longstanding norm of state sovereignty and non-intervention. Humanitarian intervention doctrine implied that states could intervene militarily in other states' affairs in order to prevent violation of human rights. However, humanitarian intervention proved to be inadequate in addressing the challenge posed by internal conflicts on civilian populations. The international community under the auspices of United Nations then adopted a new concept known as responsibility to protect to fill in the gap. This study set out to critically analyse state sovereignty, humanitarian intervention and responsibility to protect in international law. It aimed at examining the problems of having two doctrines of humanitarian intervention and responsibility to protect running concurrently. The findings of this study are that though responsibility to protect was adopted with noble intentions; there is a momentous setback when it comes to its implementation. The study contends that the concept has faced a lot of criticism and resistance due to its association with humanitarian intervention, and may not be able to address the inadequacies it was meant to. It argues that there is need therefore for regional organizations to take up the role of intervention and establish more suitable, flexible and acceptable framework in this regard.