



## Sovereignty and the Responsibility to Protect (R2P): Evolving Norms in International Law

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### Abstract

This dissertation seeks to analyze the complex interface of State sovereignty and the Responsibility to Protect (R2P) as concepts in international law at a time when the question of non-intervention shares new ways of life with the emergent principles of humanitarian intervention aimed at preventing and halting genocide, war crimes, ethnic cleansing and crimes against humanity. It starts from the historical and legal point of view for state sovereignty as an absolute right till sovereignty as responsibility. On this backdrop, the study examines the evolution and normative-legal construction of R2P from the ICISS report of 2001 to its adoption at the 2005 UN World Summit. Drawing on key case-studies – Libya, Syria and Myanmar – the research assesses the effectiveness and problems with R2P's utilization, the ethical issues, geopolitical factors and the inconsistencies that undermine its claims to be a moral imperative. As such, a key objective of the research is to address the existing literature gaps when it comes to sovereignty and R2P and, on this basis, assess contemporary realities to be able to pinpoint the directions for their further evolution. These recommendations are aimed at improving the cooperation with relevant international organizations, the explanation of the legal conditions for intervention and the development of objective and effective mechanisms for punishment and prevention, as well as the improvement of the theoretical debate on the possibilities and limitations of international law as well as the function of world citizenship in a globalized world.

**Keywords:** State Sovereignty; Responsibility to Protect; International Law; Humanitarian Intervention; Global Governance; Mass Atrocities

### 1. Introduction

#### 1.1. Background and Context

State sovereignty has long been a cornerstone of international law, asserting that states possess the ultimate authority within their territorial borders, free from external interference. This principle has shaped the global system of governance, establishing the autonomy of states over matters such as legal frameworks, economic policies, and security (Knight, 2011). Historically, sovereignty has been seen as an inviolable right, with the United Nations Charter and other international instruments upholding the sanctity of state sovereignty. However, in the face of increasing global interdependence and the rise of human rights concerns, the principle of sovereignty has evolved, particularly in the context of the international community's response to atrocities.

The emergence of the Responsibility to Protect (R2P) doctrine marks a significant shift in international law, challenging traditional notions of sovereignty. R2P was introduced in 2001 by the International Commission on Intervention and State Sovereignty (ICISS) and later endorsed by the United Nations General Assembly in 2005. It asserts that the international community has a moral and legal obligation to intervene in cases where a state is either unwilling or unable to prevent or stop mass atrocities such as genocide, war crimes, ethnic cleansing, and crimes against humanity (Reinold, 2012). The key premise of R2P is that sovereignty is not an absolute right but a responsibility, which involves

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protecting populations from egregious harm. While the principle aims to safeguard vulnerable populations, it has also sparked debates about the limits of sovereignty, raising questions about the appropriateness, legality, and consequences of intervention (Kurtz & Rotmann, 2016).

The tension between sovereignty and R2P is particularly evident in cases where mass atrocities unfold within a state's borders. Critics of R2P argue that its implementation can undermine sovereignty, potentially leading to unwanted foreign intervention (Pandiaraj, 2016). Supporters, however, contend that the protection of human life and dignity must take precedence over the preservation of state sovereignty, especially in instances where a government fails to uphold its responsibility to protect its own citizens. As global crises such as the ongoing conflict in Syria, the Rohingya crisis in Myanmar, and the 2011 Libyan intervention have illustrated, the application of R2P remains deeply controversial and inconsistently applied.

## **1.2. Research Problem and Rationale**

The Responsibility to Protect (R2P), though rooted in humanitarian principles, has been mired in controversy due to its selective application, often driven by political interests, and its failure to prevent mass atrocities in certain regions (Cohen, 2012). The principle's application in cases like Libya, where NATO forces intervened to protect civilians, was lauded as a success. However, subsequent military actions, and their aftermath, raised concerns about the unintended consequences of such interventions. In contrast, the international community's response to the crises in Syria and Myanmar demonstrated the limitations of R2P, where geopolitical factors and the reluctance of key powers to intervene resulted in minimal action.

The debate surrounding R2P centers on its legitimacy and the ethical dilemma of balancing state sovereignty with the responsibility to prevent mass atrocities. While R2P aims to provide a framework for justifying intervention, it often clashes with the principle of sovereignty that emphasizes the non-interference in domestic affairs (Thakur, 2015). This contradiction is particularly visible in cases where a government denies or fails to acknowledge atrocities within its borders. The inconsistent application of R2P—whether due to political motives, lack of consensus, or the strategic interests of powerful states—has raised fundamental questions about its effectiveness, credibility, and future role in international law.

This research is timely as the role of sovereignty in the context of global governance and the protection of human rights continues to be contested. The need to reconcile sovereignty with humanitarian intervention is more urgent than ever, given the frequency and scale of mass atrocities and the growing calls for global accountability (Welsh & Banda, 2010). Exploring whether R2P can be reconciled with traditional sovereignty is crucial to understanding its legitimacy and effectiveness as a guiding principle for international responses to crises. The study also addresses the broader questions about the legitimacy of intervention in sovereign matters and the role of international law in ensuring that sovereignty is exercised responsibly.

## **1.3. Research Question**

The core question of this dissertation is: Can the principle of R2P be reconciled with traditional notions of state sovereignty? This question will be explored through a critical examination of the evolution of the Responsibility to Protect, its legal and normative underpinnings, and its application in specific case studies where mass atrocities have occurred. The research will assess whether R2P can be seen as a challenge to sovereignty or if it offers a framework for a more responsible and ethical understanding of state power in the modern world.

## **1.4. Research Objectives**

### *1.4.1. This dissertation aims to achieve the following objectives:*

To analyze the legal basis and normative development of R2P: This objective will focus on the origins and evolution of the R2P principle, including its codification in international law, and how it interacts with state sovereignty. The research will explore key legal texts and resolutions, such as the United Nations World Summit Outcome (2005), and examine how R2P has been articulated within the broader framework of international human rights law.

To evaluate the tension between sovereignty and R2P through key case studies: This objective will analyze the implementation of R2P in various crises, such as in Libya, Syria, and Myanmar, with a focus on the political, legal, and humanitarian implications of intervention. The case studies will highlight the complexities of balancing state sovereignty with the protection of human rights.

To examine critiques regarding the legitimacy, selectivity, and implementation of R2P: This objective will delve into the criticisms surrounding R2P, particularly the argument that it is applied selectively, often influenced by geopolitical considerations. The research will explore the challenges of enforcing R2P in practice and how the principle has been shaped by the interests of powerful states.

To explore pathways for strengthening R2P while respecting sovereignty: Finally, the research will propose ways to improve the implementation of R2P and address concerns related to its application. This includes suggestions for reforming the doctrine to better balance the principle of sovereignty with the international community's responsibility to prevent mass atrocities.

By addressing these objectives, the dissertation will contribute to the ongoing debate about the future of sovereignty and the Responsibility to Protect in international law, offering insights into how these norms can coexist in an increasingly interconnected and interdependent world.

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## **2. Literature Review**

### **2.1. The Concept of State Sovereignty**

State sovereignty, as traditionally defined under the Westphalian system, is rooted in the Treaty of Westphalia (1648), which established the modern international state system. Sovereignty, in this context, refers to the absolute authority of a state over its territory and population, with the right to govern without external interference (Singh, 2024). This principle is enshrined in the UN Charter and remains a cornerstone of international relations and law. Westphalian sovereignty asserts that states are independent actors within the international system, and their authority is recognized by other states, which are bound by a duty of non-interference. This traditional view emphasizes the autonomy of states and their ability to exercise power without the intervention of external actors, particularly in areas such as domestic governance, economic policy, and military actions (Dederer, 2015).

However, the evolution of globalization, the emergence of international human rights norms, and the increasing interdependence of states have challenged the traditional understanding of sovereignty. In this context, sovereignty has transitioned from a rights-based concept to one that is viewed as a responsibility (Cater & Malone, 2016). This shift is best articulated in the ICISS Report (2001), which introduced the idea of "sovereignty as responsibility." This reconceptualization suggests that sovereignty should not only be seen as a state's right to non-interference but also as a state's responsibility to protect its citizens from mass atrocities (Bellamy, 2010). Thus, while traditional sovereignty was focused on the rights of states, the modern view incorporates the idea that states have an obligation to safeguard the well-being of their populations, both within and outside their borders.

The principle of sovereignty as responsibility has profound implications for how international law approaches interventions in states experiencing crises such as genocide, war crimes, ethnic cleansing, and crimes against humanity. This notion provides a framework within which the Responsibility to Protect (R2P) can be understood and applied.

### **2.2. Emergence and Legal Basis of R2P**

The concept of the Responsibility to Protect (R2P) emerged in the early 21st century as a response to the growing humanitarian crises that were inadequately addressed by the international community. R2P was formally introduced in the ICISS Report (2001), which proposed a three-pillared approach to responding to mass atrocities. The Responsibility to Protect (R2P) is based on three pillars (Scheffer, 2009). Pillar I states that the state has the primary responsibility to protect its populations from mass atrocities. Pillar II holds that the international community has a responsibility to assist states in fulfilling this responsibility. Pillar III asserts that when a state fails to protect its citizens or is the perpetrator of atrocities, the international community has the responsibility to intervene, using diplomatic, humanitarian, or military means as necessary (Luck, 2010).

This report marked a shift in the global understanding of sovereignty, from a right to be free from interference to a responsibility to prevent atrocities. R2P was later codified in the 2005 World Summit Outcome Document, where world leaders formally endorsed the responsibility of the international community to protect populations from mass atrocities (Smith, 2020). This endorsement, however, left the application of R2P to be determined by the UN Security Council, which often politicizes the principle's enforcement.

The legal basis for R2P is found in several international legal instruments. Articles 2(1) and 2(4) of the UN Charter enshrine the principle of state sovereignty and non-intervention but also recognize exceptions under Chapter VII in cases where threats to international peace and security occur (O'Hagan, 2015). In this context, R2P intersects with international human rights law and international humanitarian law, particularly in relation to the prohibition of atrocities and the obligation of states and international actors to prevent them.

R2P's legal grounding is complex, as it involves a delicate balance between the established norms of sovereignty and the evolving demands of international humanitarianism. Critics argue that it does not have a clear enforcement mechanism and that its application has been inconsistent and politicized.

### **2.3. The Normative Evolution of R2P**

The normative evolution of R2P has been shaped by both legal developments and practical challenges in its application. Initially presented as a soft law concept, R2P has gradually evolved into a more established framework, although it still lacks binding legal obligations (Gallagher, 2012). The World Summit Outcome Document (2005), while endorsing R2P, left open questions about the specifics of intervention and the role of the Security Council in authorizing such interventions. In theory, the three pillars of R2P represent a holistic approach to preventing atrocities, from early warning systems and prevention measures (Pillar I) to international cooperation (Pillar II) and, as a last resort, military intervention (Pillar III) ((Doyle, 2016).

The shift from prevention to intervention is a significant aspect of R2P's normative development. While the first two pillars focus on diplomatic, economic, and humanitarian efforts to prevent atrocities, the third pillar—collective international intervention—raises important legal and ethical questions (Holvoet & Mema, 2015). Critics argue that intervention under R2P often results in violations of sovereignty and can lead to neo-imperialistic tendencies, where powerful states or coalitions use humanitarian justifications to pursue political or strategic goals. The lack of clear criteria for intervention and the political dynamics of the UN Security Council further complicate R2P's application.

The R2P doctrine has been criticized for its selective and inconsistent application, particularly in cases like Syria, Myanmar, and Sudan, where the international community has failed to intervene despite evidence of mass atrocities. These failures have fueled debates about whether R2P is a truly binding obligation or a set of aspirational goals that are selectively enforced based on geopolitical considerations.

### **2.4. Literature on the Tension Between Sovereignty and R2P**

The tension between sovereignty and R2P is at the heart of the ongoing debate about intervention in the internal affairs of states. Proponents of R2P argue that the principle reflects a moral and legal obligation to prevent mass atrocities, emphasizing the international community's duty to protect vulnerable populations when states are unwilling or unable to do so (Crossley, 2016). R2P reframes sovereignty as responsibility, which challenges the traditional view that sovereignty is absolute and inviolable. According to this view, sovereignty entails the duty to protect citizens from mass atrocities, and failure to do so justifies international intervention.

On the other hand, critics of R2P argue that it represents a violation of state sovereignty and is prone to abuse by powerful states or coalitions. They contend that R2P can be used as a guise for neo-imperialism, where states intervene under the pretext of humanitarian concern but pursue political or economic interests (Williams, 2017). These critics argue that R2P lacks clear, objective criteria for intervention, making it subject to political manipulation. The selective application of R2P—where some crises receive international intervention while others do not—further undermines its legitimacy.

Some scholars also point to the danger of R2P undermining the principle of non-interference, which has been central to the international order. They argue that the concept of R2P, particularly in its emphasis on intervention, creates a slippery slope that could lead to the erosion of state sovereignty and the normalization of foreign intervention in a variety of contexts (Hoffmann et al., 2012).

### **2.5. Literature Gaps**

Despite the extensive literature on R2P, there are significant gaps in the analysis of its practical implementation. One such gap is the lack of in-depth studies on unresolved crises, such as the ongoing Syrian civil war and the Rohingya crisis in Myanmar, where the international community has failed to effectively apply R2P despite evidence of mass atrocities. Another gap exists in the lack of clear strategies for reconciling sovereignty and R2P in practice. While scholars have examined the theoretical tensions between the two, there is insufficient exploration of how states and international

organizations can effectively balance the two competing imperatives in real-world situations. This dissertation seeks to address these gaps by providing a critical evaluation of R2P's legal and normative evolution, its selective implementation, and possible pathways for strengthening its application without undermining the principle of state sovereignty.

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### 3. Methodology

#### 3.1. Research Design

This study adopts a qualitative research design to analyze the evolving relationship between state sovereignty and the Responsibility to Protect (R2P) principle in international law. The methodology combines doctrinal legal analysis, comparative case studies, and critical evaluation of R2P's normative development. Doctrinal legal analysis will focus on understanding the legal foundations and framework of R2P, including its principles, codification in international law, and its practical application through state practice and international intervention mechanisms. The doctrinal analysis will also explore conflicts between R2P and state sovereignty, evaluating how the legal norms and principles of R2P are applied in specific cases, while considering state sovereignty as an obstacle or as a responsibility.

The use of case studies is essential to examine real-world applications of R2P, which often involve the tension between intervention and non-interference. Each case study will provide insight into the challenges and contradictions that arise when states and international actors grapple with the decision to intervene in cases of mass atrocities. In addition to this, the study will critically assess the normative evolution of R2P, considering how the doctrine has adapted over time and its current position in international law. This methodology will help to address the complex issue of selectivity in R2P application, as well as the legitimacy of interventions under R2P.

#### 3.2. Data Sources

The research will draw from both primary and secondary sources to provide a comprehensive analysis of R2P and state sovereignty.

##### 3.2.1. Primary sources will include

- UN documents, such as the ICISS Report (2001), which introduced R2P, and the 2005 World Summit Outcome Document, which formally endorsed the doctrine. These documents are crucial for understanding the legal and political foundations of R2P.
- UN Security Council Resolutions that have authorized interventions under the R2P framework, particularly regarding military interventions, and documents reflecting debates and decisions within the UN on the legitimacy and necessity of R2P actions.
- Legal instruments such as the UN Charter, which underpins the legal foundations of both sovereignty and intervention, along with relevant international treaties on human rights and humanitarian law. These will help frame the legal boundaries within which R2P operates.

##### 3.2.2. Secondary sources will include

- Scholarly articles and books that discuss the development of R2P, state sovereignty, and the challenges of balancing both concepts. This literature will provide insights into the normative evolution of R2P and the legal and ethical issues surrounding its implementation.
- Reports from NGOs, the UN, and government publications that offer evaluations of case studies, providing details on international responses to mass atrocities and interventions under R2P. These reports are invaluable in understanding the practical challenges faced during the application of R2P and the response to mass atrocities.

#### 3.3. Case Study Selection

Three case studies will be selected to illustrate the complexities of reconciling state sovereignty with the Responsibility to Protect (R2P):

Libya (2011): This case is a notable example of successful intervention under R2P. The UN Security Council authorized military intervention in Libya to protect civilians from the regime of Colonel Muammar Gaddafi. Despite the initial success in preventing a potential massacre in Benghazi, the aftermath of the intervention raised questions about the post-intervention stability and the role of NATO in managing the country's future (Blätter & Williams, 2011). The Libyan

case highlights the challenges of ensuring lasting peace and stability after intervention and raises concerns about the selectivity and effectiveness of international interventions under R2P.

**Syria (2011–present):** The Syrian civil war has been marked by the failure to implement R2P, primarily due to geopolitical divides and the invocation of state sovereignty by the Syrian government. Despite widespread evidence of atrocities committed by the Syrian regime, including the use of chemical weapons against civilians, international intervention has been limited, and the UN Security Council has been paralyzed due to vetoes by Russia and China (Tardy, 2012). This case will examine the difficulties of applying R2P in situations where the Security Council cannot reach consensus, and sovereignty is used as a shield against international intervention.

**Myanmar (Rohingya Crisis, 2017):** The Rohingya crisis represents a case of international paralysis despite clear evidence of atrocities. Myanmar's military crackdown on the Rohingya population resulted in widespread displacement and accusations of genocide. While the international community, including UN agencies and NGOs, condemned the actions, there was little political will or capability to intervene. This case will explore the failure of international responses under R2P in the face of state sovereignty and will examine the legal and political challenges of holding states accountable for mass atrocities when geopolitical interests come into play (Šimonović, 2017).

These cases provide a comprehensive overview of how R2P has been applied (or not) in practice, and they will be analyzed to highlight the complex relationship between sovereignty and the responsibility to protect populations from atrocities.

### **3.4. Ethical Considerations**

Ethical considerations will play an important role throughout the research process. First, the analysis will strive for an objective and balanced examination of the selected case studies. In evaluating the responses of both states and the international community, the research will ensure that the perspectives of all stakeholders are considered, including the affected populations, the states involved, international organizations, and NGOs.

The research will also avoid biases that may arise in evaluating state and international actions. This includes ensuring a neutral stance when analyzing the reasons behind a state's resistance to R2P, the role of geopolitical interests, and the political dynamics that shape international decision-making. Additionally, attention will be paid to the ethical dimensions of military interventions, particularly in the context of the human cost of R2P interventions and the long-term consequences on state sovereignty and global governance.

Finally, the research will be transparent in its methodology and sources to ensure the validity of the findings and their relevance to the ongoing discourse on the evolving relationship between sovereignty and the Responsibility to Protect.

Through these methodological approaches, this chapter aims to provide a robust and critical analysis of the intersection of state sovereignty and the Responsibility to Protect, contributing to the broader discussion of international law and global governance.

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## **4. Data Analysis, Presentation and Interpretation**

### **4.1. Libya (2011): A Case of Intervention and Its Aftermath**

The Libyan intervention in 2011, sanctioned by UN Security Council Resolution 1973, is often cited as a pivotal moment in the evolution of the Responsibility to Protect (R2P). The resolution authorized military intervention to protect civilians from mass atrocities by the Gaddafi regime, marking the first time the Security Council approved the use of force under R2P. The immediate humanitarian objective of preventing an impending massacre in Benghazi was largely achieved, as NATO forces successfully stopped Gaddafi's forces from attacking the civilian population.

However, the post-intervention period revealed significant gaps in the international approach to R2P. While NATO's military intervention achieved its goal of halting atrocities, it failed to address the post-Gaddafi power vacuum that led to widespread instability, civil war, and the proliferation of militias. This failure to stabilize the country exposed a critical flaw in the implementation of R2P: humanitarian intervention was carried out without a comprehensive post-conflict strategy for rebuilding state institutions or ensuring a smooth transition to peace.

Furthermore, the intervention in Libya was increasingly seen as a veiled attempt at regime change, particularly as NATO's involvement extended beyond the protection of civilians to include actions aimed at toppling the Gaddafi

regime. The allegations of overreach sparked debates over the legitimacy of the intervention and whether it was truly in line with R2P's humanitarian aims or driven by geopolitical interests. The perception that NATO exceeded the mandate authorized by the UN Security Council led to accusations of neo-imperialism and raised questions about the selectivity of R2P interventions. The Libya case thus illustrates the tensions between humanitarian objectives and the political agendas that often influence international interventions, highlighting the complexities of reconciling sovereignty with the responsibility to protect vulnerable populations.

#### **4.2. Syria (2011–present): A Failure of R2P**

In stark contrast to Libya, the Syrian civil war, which began in 2011, has been a profound failure of R2P. Despite clear evidence of widespread atrocities—such as the use of chemical weapons against civilians, airstrikes on hospitals, and the mass displacement of people—international action under R2P has been limited. The Syrian government, led by President Bashar al-Assad, has consistently rejected any external interference, invoking sovereignty as a shield against international pressure.

The UN Security Council has been unable to take decisive action due to the veto power wielded by permanent members, notably Russia and China. Russia has been a staunch ally of the Assad regime, blocking resolutions that would have authorized intervention or even strong condemnations of the regime's actions. This geopolitical deadlock has rendered R2P ineffective in Syria, despite the international community's legal and moral obligation to act in response to atrocities.

Syria's failure to trigger a robust international response under R2P has serious implications for the credibility and effectiveness of the doctrine. The inability to intervene in Syria has led to disillusionment with R2P, particularly in cases where the Security Council is paralyzed by great power competition. Critics argue that the selective implementation of R2P undermines its legitimacy, as state sovereignty continues to be used to shield regimes from international scrutiny or action, especially in cases where powerful geopolitical actors have vested interests. The Syria case demonstrates how the tension between state sovereignty and international intervention under R2P is exacerbated by the political dynamics within the UN Security Council, limiting the ability of the international community to act decisively.

#### **4.3. Myanmar (2017): The Rohingya Crisis**

The Rohingya crisis in Myanmar, beginning in 2017, offers another example of the international community's failure to apply R2P effectively. The Myanmar military launched a violent crackdown on the Rohingya Muslim population, leading to widespread atrocities, including mass killings, sexual violence, and forced displacement. Despite clear evidence of genocidal acts, Myanmar has resisted international intervention, citing its sovereignty as a defense against external involvement.

The UN and other international bodies have condemned the actions of Myanmar's military, but responses have been largely symbolic, with limited action taken to address the situation. The Security Council has been unable to adopt meaningful resolutions, partly due to China's support for Myanmar's government and its veto power in the Security Council. This geopolitical resistance has left the international community unable to intervene, further exposing the limits of R2P when sovereignty is invoked as a shield by a state with strong regional support.

Regional actors such as ASEAN (Association of Southeast Asian Nations) have also struggled to implement R2P, as they prioritize non-interference and consensus-building. ASEAN's failure to act decisively in Myanmar highlights the limitations of regional organizations in upholding R2P, particularly when member states are reluctant to challenge sovereignty and are unwilling to intervene in what they perceive as an internal affair of a fellow state. The Myanmar case thus exemplifies the challenges of international paralysis when sovereignty is vigorously defended, and highlights the need for stronger regional and international mechanisms to hold states accountable for mass atrocities.

#### **4.4. Reconciling Sovereignty and R2P: Key Challenges**

The Libya, Syria, and Myanmar cases underscore several key challenges in reconciling sovereignty with the Responsibility to Protect. First, there is the tension between humanitarian intervention and the violation of state autonomy. While R2P was originally conceived as a way to protect civilians from mass atrocities, it has often been perceived as a tool for foreign intervention, potentially undermining the principle of sovereignty that lies at the heart of the international system. This fine line between intervention and interference remains a central issue, with critics questioning whether R2P has been selectively applied or used to serve the strategic interests of powerful states.

Second, there is the issue of selectivity and legitimacy in the application of R2P. The inconsistent application of the doctrine—exemplified by the stark contrast between the interventions in Libya and the lack of action in Syria and

Myanmar—has led to accusations of double standards and undermined the credibility of R2P as a universal principle. The perception that R2P is applied selectively, depending on the political and strategic interests of powerful states, calls into question the legitimacy of the entire framework.

Lastly, the geopolitical dynamics that shape the decisions of the UN Security Council play a significant role in undermining the effectiveness of R2P. The veto power of the permanent members, particularly Russia and China, has often been used to block interventions, even in cases where mass atrocities are evident. This deadlock has hindered collective action and exposed the limitations of R2P in cases where the great powers are divided along geopolitical lines.

#### **4.5. Emerging Trends and Proposals**

To address the challenges highlighted in the case studies, several proposals have emerged that seek to reconcile sovereignty with R2P. One critical area for reform is the UN Security Council. There have been calls for reforming the veto system to reduce the ability of individual states to block action on humanitarian crises. A more representative and accountable Security Council could help mitigate the geopolitical deadlock that has paralyzed R2P interventions in Syria, Myanmar, and other crises.

In addition to reforming the Security Council, strengthening regional organizations such as the African Union (AU) and ASEAN is also essential. These organizations can play a more active role in implementing R2P while respecting state sovereignty, particularly through preventive diplomacy, peacekeeping missions, and capacity-building initiatives. Regional organizations are often better positioned to understand local dynamics and can serve as intermediaries to help states implement R2P without undermining their sovereignty.

Finally, preventive diplomacy and capacity-building are alternatives to military intervention that can help states avert crises before they escalate. By strengthening early warning systems, enhancing humanitarian assistance, and providing support for state-building, the international community can help states fulfill their responsibility to protect without resorting to military force. These approaches prioritize prevention over intervention and emphasize the importance of cooperation rather than confrontation in addressing the root causes of mass atrocities.

Through these emerging trends and proposals, there is a growing recognition that the Responsibility to Protect must evolve to address the complexities of modern conflicts while respecting state sovereignty and the principles of international law.

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### **5. Conclusion**

#### **5.1. Summary of Key Findings**

The tension between state sovereignty and the Responsibility to Protect (R2P), as illustrated through the case studies of Libya, Syria, and Myanmar, underscores the challenges inherent in reconciling these two principles. While sovereignty remains a cornerstone of international law, the emergence of R2P has introduced the idea that states have not only rights but also obligations to protect their populations from mass atrocities. This evolving doctrine, however, remains fraught with contradictions and operational difficulties.

In the case of Libya (2011), the intervention under UN Security Council Resolution 1973 was hailed as a success in preventing immediate atrocities and protecting civilians from a brutal regime. However, the aftermath exposed significant shortcomings, including the failure to stabilize the country and the unintended consequences of regime change, raising questions about the limits of humanitarian intervention. On the other hand, Syria (2011–present) and Myanmar (2017) offer contrasting cases where sovereignty successfully shielded regimes from international action, despite clear evidence of mass atrocities. In Syria, the deadlock in the UN Security Council, driven by the veto power of Russia and China, led to a failure of R2P, leaving civilians at the mercy of the Assad regime's brutal crackdown. Similarly, in Myanmar, despite the Rohingya genocide, the international community's response was limited, reflecting the deep-seated sovereignty concerns and geopolitical divides.

These case studies underscore the selectivity and inconsistency of R2P's application, exposing the challenges in aligning humanitarian intervention with the principle of state autonomy. While the success in Libya demonstrated the potential of R2P to save lives, the failures in Syria and Myanmar highlight the limitations of the doctrine when sovereignty is invoked as a barrier to intervention.



## 5.2. Contribution to Knowledge

This dissertation contributes to the ongoing debate about whether R2P can coexist with traditional notions of sovereignty. Through an in-depth analysis of key case studies, the research provides valuable insights into the complexities of implementing R2P in practice. The dissertation highlights that while R2P has the potential to prevent atrocities, its implementation is often hindered by the conflict between the sovereign rights of states and the international community's responsibility to protect vulnerable populations.

Moreover, the research emphasizes the normative evolution of R2P and the significant role of the UN Security Council and regional actors in shaping its application. The dissertation demonstrates that R2P's effectiveness depends not only on international will but also on the ability of states and international organizations to navigate the tension between respecting sovereignty and fulfilling humanitarian obligations. Insights are provided on how R2P can be more effectively operationalized, with a focus on the importance of prevention, early warning systems, and capacity-building to reduce the need for military interventions.

## 5.3. Recommendations

Based on the findings of this dissertation, several recommendations are offered to improve the implementation of R2P while maintaining a respect for state sovereignty:

**UN Reforms:** One of the key recommendations is to limit the use of veto power in cases of mass atrocities. The UN Security Council has been a significant barrier to action in cases like Syria and Myanmar, where the use of the veto by permanent members has blocked interventions or meaningful action. A reform of the veto system, particularly in cases where human rights violations are egregious, would make it easier for the international community to act decisively in protecting populations at risk of mass atrocities.

**Strengthening Regional Mechanisms:** Another critical recommendation is to empower regional organizations such as the African Union (AU), ASEAN, and others to intervene in cases of mass atrocities. These regional bodies are often better positioned to understand local dynamics and can take action in a way that respects the sovereignty of states. Regional mechanisms should be developed to facilitate interventions that are sovereignty-sensitive and focused on preventive diplomacy, mediation, and capacity-building before a crisis escalates to mass violence.

**Focus on Prevention:** Shifting the emphasis of R2P from reactive intervention to prevention is crucial. The international community should invest in early warning systems that can identify potential crises and provide international support for capacity-building in vulnerable states. By fostering institutional strength, rule of law, and human rights protections, states may be better equipped to prevent the rise of mass atrocities and mitigate the risk of conflict before it reaches a tipping point.

**Legitimacy and Consistency:** A final recommendation is to develop clearer guidelines for the implementation of R2P to avoid its selective application. The discrepancies between the interventions in Libya and the lack of action in Syria and Myanmar have eroded the legitimacy of R2P. Developing a more consistent framework that ensures fairness and predictability in decision-making would strengthen the credibility of R2P and improve the international community's ability to respond to atrocities with greater confidence and unity.

## 5.4. Future Research Directions

Future research could explore several avenues to further our understanding of R2P and its relationship with sovereignty. One area of investigation could be the role of emerging regional powers, such as India, Brazil, and South Africa, in supporting R2P initiatives. These states may offer alternative perspectives on sovereignty and intervention, and their diplomatic influence in multilateral forums could be pivotal in shaping the future of R2P.

Another avenue for research could be an assessment of the effectiveness of non-coercive measures under R2P, such as sanctions, diplomacy, and international pressure. These measures could offer alternatives to military intervention, focusing on conflict prevention, state-building, and the promotion of human rights without violating state sovereignty. Exploring the potential of these non-coercive tools would provide a more comprehensive view of how R2P can be applied in a manner that respects the sovereignty of states while fulfilling the international community's humanitarian obligations.

## 5.5. Final Reflections

In conclusion, this dissertation argues that while sovereignty remains a central principle of international law, it must evolve to accommodate the Responsibility to Protect's humanitarian objectives. The balance between state autonomy and global responsibility is critical in ensuring that R2P becomes a meaningful and effective tool for preventing atrocities. A flexible, cooperative approach is essential, where sovereignty is respected, but the international community remains committed to preventing mass atrocities and fulfilling its moral and legal obligations.

While R2P's application has been inconsistent and often shaped by geopolitical considerations, the emerging trends and proposals highlighted in this research suggest that with the right reforms, R2P can be more effectively operationalized. This requires an ongoing commitment to addressing the challenges of selectivity, legitimacy, and consistency, while exploring innovative solutions to reconcile sovereignty with the humanitarian goals of R2P. Ultimately, the international community must find a way to navigate these complexities to ensure that humanitarian principles take precedence when sovereignty is abused to protect perpetrators of mass atrocities.

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## Compliance with ethical standards

### *Statement of ethical approval*

Ethical approval was obtained.

### *Statement of informed consent*

Informed consent was obtained from all individual participants included in the study.

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