

**Charles Sampford and Ramesh Thakur (eds):  
Responsibility to Protect and Sovereignty**

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The doctrine of the *responsibility to protect* has generated huge volumes of attention since its inception in the report of the International Commission on Intervention and State Sovereignty, issued in 2001. Purporting as it does to confer upon states a primary responsibility to protect their own populations from harm, and a subsidiary responsibility to intervene to protect populations in other states unable or unwilling to do so, the *RtoP* doctrine has understandably been of great interest to international lawyers and IR scholars. Recent events in the Middle East and North Africa, in particular the conflict in Libya and NATO's intervention therein and the ongoing civil war in Syria, underline the contemporary relevance of the *RtoP* to discourse over appropriate responses to serious humanitarian crises.

This collection consists of ten chapters by a diverse range of authors, and seeks to add new insights upon both the *RtoP* doctrine generally and its application more specifically to selected case studies. After a brief introductory chapter which sets out the *RtoP* doctrine and its place within recent international legal discourse, the second chapter by Spencer Zifack brings to the fore the very recent relevance of the doctrine in the context of international responses to events in Libya and Syria. While the former is viewed largely positive in *RtoP* terms, the more problematic nature of the latter situation is considered and clear distinctions between Libya and Syria are drawn. The case studies utilised by Zifcak are very effective in demonstrating the political or strategic consideration which undermine a consistent application of the *RtoP*. In the next chapter, Hugh Breakley considers the 'hybridisation' of international principles pertaining to the protection of civilians during armed conflict in the practice of the UN Security Council. Although the invocation of the *RtoP* is a relatively recent development, its origins can be located in other core international legal principles, and Breakley draws upon its relationship

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with elements of international human rights and humanitarian law in affording protection to civilians.

Chapters 4–7 take the form of case studies of a series of particular conflict situations in which civilian populations faced severe threats of harm and in which the responsibility of the international community to take steps to tackle such crises has been the subject of some debate. East Timor, Sri Lanka, Kosovo and Darfur are all recipients of attention. In chapter four, Clinton Fernandes offers an overview of Australian responses to events in East Timor from the time of Indonesia's annexation to the deployment of the Australian-led INTERFET force to restore security as East Timor moved towards independence in 1999. Significantly, Fernandes shows how the significance of the 1999 intervention as an example of *RtoP* values being advanced is undermined by the nature of Australian policy to East Timor over the preceding three decades, during which the values associated with the *RtoP* were in fact more relevant to the campaigns waged by human rights activists than state actors. In the next chapter, using the cases of East Timor and Sri Lanka to illustrate the point, Paul Harpur poses the question of when there will be sufficient information to determine whether a situation envisaged by the *RtoP* exists or not, and concludes that there is a need for an improvement in the provision of timely, relevant and independent information. Hitoshi Nasu, in chapter six, addresses the shortcomings of the UN response to the crises which engulfed East Timor and Kosovo during the late 1990 s. Nasu makes a strong case for the argument that the *RtoP* doctrine is too narrow conceptually, restricted as it is to concerning itself with responses to situations involving a violation of one or more of the four recognised international crimes. The problems encountered by the international community in applying the *RtoP* to East Timor and Kosovo are identified as being threefold: generating sufficient political will; how to appropriately respond to situations raising issues of secession and self-determination; and uncertainty over the very nature of the responsibility of the international community under the *RtoP* doctrine. Kevin Boreham considers the response of the UN Human Rights Council to mass atrocities in Darfur from 2006 to 2010. Through an insightful account of discussions within the Council, he is able to provide support for his contention that the *RtoP* has yet to evolve into even a 'soft law' norm of international law, and more crucially for Darfur that it has "little potency as a framework for international decision making in response to mass atrocity crimes."

The final three chapters of the book attempt to give attention to broader themes and issues relevant to the role of the *RtoP* in addressing humanitarian crises. In chapter eight, Charles Sampford revisits the conclusions of the Independent International Commission on Kosovo. He rejects its suggestion that the NATO intervention in response to the Kosovo crisis was legitimate albeit illegal, highlighting difficulties in such reasoning, and making a case for the merits of the *RtoP* doctrine as a framework against which the merits of such interventions can be evaluated. Angus Francis then considers the *RtoP*—and military intervention in support thereof—in the context of international responses to refugee flows, including Rwanda, Kosovo, and Libya within his study. While highlighting some of the difficulties in putting together an effective unified international response to such scenarios, a degree of cautious optimism is expressed on account of some recent

developments. The final chapter by Ramesh Thakur draws together some of the themes and issues which transcend the earlier chapters and offers some thoughts upon future steps for strengthening the *RtoP* and the importance of building state capacity to protect civilian populations.

Although it is difficult to detect any radical or ground-breaking thoughts or suggestions in the book's contents, it is a timely and welcome addition to the existing literature on the *RtoP*. It provides some valuable insights into some of the current debates upon the doctrine's scope of application and relevance, its use of some of the case studies included being particularly effective in this respect.