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RESPONSIBILITY TO PROTECT. QUALITATIVE CHANGE IN UNDERSTANDING SOVEREIGNTY?

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Abstract

Purpose – This article analyzes and evaluates a conceptual switch in contemporary understanding of sovereignty under constitutional and international law. It mainly focuses on sovereignty as responsibility as provided by the concept of responsibility to protect.

Design/methodology/approach – Article answers this question in three parts. Firstly, it elaborates on traditional understanding of sovereignty as a state oriented concept. Secondly, it discusses the concept of responsibility to protect and how it challenges a state centered sovereignty. It concludes with assessing sovereignty as responsibility and consequences of such approach.

Findings – Sovereignty as responsibility has a dual character. Firstly, it is the government's responsibility for the well being of people it represents. Secondly, it is the responsibility of international community to protect populations from mass atrocities based on the idea of subsidiarity and international solidarity. While underlining the normative character of the former the article questions (at least now) its existence in case of the latter. Article leads to conclusion that sovereignty continues to evolve as the foundation for the entire international system and that protection of human rights only reinforces its quality and value.

Research limitations/implications – The main research limitation is a dubious character of responsibility to protect. Due to the controversial state practice it is difficult to assess its current normative character. This limits the research on the qualitative change of sovereignty and its impact on international relations.

Practical implications – Article underlines that any action taken by members of international community while protecting endangered population must follow international and constitutional norms. This would clarify the state practice and *opinio iuris* which are the conditions to establish the customary character of responsibility to protect.

Originality/Value – Contrary to the majority of papers on intervention or sovereignty this article focuses on constitutional challenges for the successful implementation of the responsibility to protect. It analyzes constitutional principles governing the exercise of the concept by both state and international community.

Keywords: international law, sovereignty, human rights, responsibility to protect
Research type: research paper

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Introduction

Many regard sovereignty as indivisible and inviolable attribute of each state. A sovereign state can independently exercise political power over a given territory and a group of people. It is free to choose its political, economic, social, and cultural system as well as to decide on its internal and foreign policy. However, this idea was always connected with the ability to guarantee the best interests of state's own citizens who are one of three elements of statehood[1]. If a state could not act in their best interests, it could not be thought of as a sovereign state, simply it lost its legitimacy to have authority over the citizens. Thomas Hobbes claimed that: "the obligation of Subjects to the Soveraign, is understood to last as long, and no longer, than the power lasteth, by which he is able to protect them"[2].

This old requirement of sovereign's responsibility for the well being of its people has been questioned especially in Rwanda, Kosovo, Darfur, Libya and Syria. These examples show that sometimes sovereignty serves as an excuse for non-intervention in internal state matters especially when state commits mass atrocities against its people. It has raised a potential conflict between the values declared by international law of human rights (ex. human life, human dignity) and the value protected by sovereignty - state's reserved domain to make independent decisions as to its internal situation. The growing importance of human rights in international law gradually changes such interpretation of sovereignty. This trend has been mostly reflected by the concept of responsibility to protect which challenges Westphalian idea of state-centered sovereignty and characterizes it in accordance with contemporary functions of the state and international community, focused mainly on the protection of individuals.

In present article I analyze this qualitative change in understanding sovereignty in three parts. Firstly, I elaborate on traditional understanding of sovereignty as a state oriented concept. Here, I demonstrate the difficulties in defining sovereignty and in shaping its content. Secondly, I discuss the concept of responsibility to protect and how does it challenge a state centered sovereignty. In this part I present the development and the elements of responsibility to protect, which brings me to the conclusion about its impact on contemporary law. In the last part, I finish with the assessment of sovereignty as responsibility which proposes to understand sovereignty as the individual (or rather population) oriented concept. Here, I develop on a double character of this responsibility: national and international. Then I shortly describe the existing (popular sovereignty, representativeness) and emerging (principle of international solidarity and global governance) reasons for responsibility.

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1 See: Art. 1 of Montevideo Convention on the Rights and Duties of States from 26th December 1933, 165 LNTS 19; 49 Stat 3097.

2 See: T. Hobbes, Leviathan: Revised Student Edition, ed. R. Tuck; Cambridge University Press 1996, p. 153.

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The concept of sovereignty

It is not easy to define sovereignty. This task meets with "genuine intellectual difficulties"[1] as the term itself is often described by different categories such as independence, non-intervention, exclusive jurisdiction, self-determination or reserved domain. This can result in a vicious circle of committing an *ignotum per ignotum* error. As Koskenniemi criticizes: "to define sovereignty with independence is to replace one ambiguous expression with another"[2]. Even stronger critique on defining sovereignty comes from such highly qualified scholars as Henkin who proposes to "slowly ease the term out of polite language of international relations"[3] or Lauterpacht who questions its meaningful specific content[4]. Despite these conceptual problems sovereignty stands as the foundation of international law and relations. It is considered as its "basic norm"[5], "global covenant"[6] and "cornerstone"[7].

The classic characterization of sovereignty comes from the 1928 arbitration award by Judge Huber in *Island of Palmas Case,* where he declares that "sovereignty in the relations between states signifies independence; independence in regard to a portion of the globe is the right to exercise therein, to the exclusion of any other state"[8]. Formula expressly underlines that sovereignty is an attribute of state which can be freely exercised within its borders. Does it mean it is only limited by sovereignty of other states?

The Permanent Court of International Justice in its famous Lotus verdict explains that "unless specific prohibiting rules exist state sovereignty – the sphere of its legitimate action is unlimited"[9]. Then the basis to limit state sovereignty is provided by international law enshrined in treaties, customary law and general principles recognized by civilized nations. The growing range of international regulations and development of international relations tends to question the classical shape of sovereignty. Sovereignty has to adapt and undergo these significant changes. By limiting its original exclusivity, international law accompanies it with clearly defined obligations which takes sovereignty out of the world of fogged illusions. "The essence of the law is not to allocate competences

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1 H. Thompson, The Case for External Sovereignty, EJIR, vol. 12, no. 2, 2006, p. 253.
2 M. Koskenniemi, From Apology to Utopia: The Structure of International Legal Argument, Cambridge University Press 2005, p. 242.
3 L. Henkin, The Mythology of Sovereignty [in:] R.St. J. Macdonald (ed.), Essays in Honour of Wang Tieya, Dordrecht, Martinus Nijhoff, 1994, p. 351.
4 E. Lauterpacht, Sovereignty – Myth or Reality?, International Affairs, 73 (1997), no. 1, p. 141.
5 See: C. Brown, Sovereignty, Rights and Justice: International Political Theory Today, Cambridge: Polity Press 2002.
6 See: R. Jackson, The Global Covenant: Human Conduct in a World of States, Oxford University Press 2000.
7 See: M. Ayobb, Humanitarian Intervention and State Sovereignty, The International Journal of Human Rights, vol. 6, no.1, 2002, p. 81.
8 The Island of Palmas Case (or Miangas): United States of America v. The Netherlands, Permanent Court of Arbitration, 4 April 1928, Scott, Hague Court Reports 2d 83 (1932), (Perm. Ct. Arb. 1928), 2 U.N. Rep. Intl. Arb. Awards 829, p. 8.
9 The Case of the S.S. Lotus, France v. Turkey, 1927 P.C.I.J. (ser. A) No. 10 (Sept. 7).

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but to establish duties as exceptions to the initial liberty. It is not sovereignty that determines the extent of State's legal rights, liberties and competences – it is latter which determine the extent of its sovereignty"[1].

Although sovereignty still enjoys a special position, it does not mean it is now a sole foundation of international order. Contemporary, globalized system of international rules is based on many values of great importance and different character. Except sovereignty international arena is designed by peace, security, justice, human rights or development. There is no possibility to focus all international efforts to protect and promote only one of them. Such approach will only cause the destruction of other values. International norms based on these values help understand modern notion of sovereignty. Modern trend in international law is to treat international values as a whole, to interpret and apply them in accordance and respect towards each other. This effects in different attitude towards the classic, sacrosanct understanding of absolute sovereignty by determining it through the lens of human rights obligations and safeguarding the well being of people. This humanized approach focuses not on what sovereignty was but what function it has here and now. One of such approaches is exampled by the concept of responsibility to protect.

Responsibility to protect

On September 2001 International Commission on Intervention and State Sovereignty presented a report titled Responsibility to Protect[2]. This document presents a new approach to deal with mass atrocities around the world. According to authors State sovereignty is not a privilege; It means responsibility of moral and legal nature - to protect its citizens from genocide, war crimes, crimes against humanity and ethnic cleansing[3]. If the state is unable or unwilling to fulfill this obligation, the international community shall assist or replace it in doing so. Responsibility to protect was developed to reach two goals: to prevent and stop core human rights violations and to establish a platform for such reaction in accordance with the principles of international law.

ICISS Report examines the concept of responsibility to protect in three parts: responsibility to prevent, responsibility to react and responsibility to rebuild. Through prevention both state and international community should address the root and direct causes of conflicts that put populations at risk. Democracy, rule of law, peace building and human rights approach - these are the possible preventive methods. Responsibility to react is not a new terminology for describing humanitarian intervention. Advocates of Responsibility to protect underline that it is not a license for intervention but rather an international guarantor of international accountability[4]. Such approach moves the center of gravity from the right to intervene to the interests of the people waiting for help.

1 M. Koskenniemi, op cit., p. 108.
2 International Commission on Intervention and State Sovereignty (ICISS), The responsibility to protect, Ottawa 2001.
3 ICISS Report. Par. 2.4.
4 A. Bellamy, Responsibility to protect. The Global Effort to End Mass Atrocities, Polity Press 2009, p. 73.

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Reaction is wider than intervention. If the preventive measures fail, international community must react through different diplomatic channels. Military intervention is *ultima ratio* here. It must respect the principles of: right intention (to halt or to avert human suffering), last resort (exploration of peaceful means), proportionality (minimum necessary to secure human protection objective) and reasonable chance of success. The last component, responsibility to rebuild is not discussed as loudly as the preceding two. It is mainly caused by the common agreement on its necessity and importance. In this part Commission's report focuses on help with recovery, reconstruction and reconciliation as methods to guarantee stable and permanent resurrection of the human rights capacity and rule of law.

The idea developed by the ICISS was later adopted by UN General Assembly in 2005 World Summit Outcome Document par. 138 and 139[1] which findings on responsibility to protect may be synthesized as follows: Each and every state is responsible for the well being of its citizens. It must prevent them from suffering mass atrocities like genocide, war crimes, crimes against humanity or ethnic cleansing. In case of failing to do so the international community's responsibility to react starts. This Document has officially put responsibility to protect at the United Nations forum as a new tool to combat mass atrocities[2]. Despite of that warm recognition by General Assembly and its further development under the leadership of Secretary General[3] and his Special Representatives on Genocide and Responsibility to Protect, practice of implementation has shown that there is no common understanding of the concept among member states. Especially, its controversial exercise in Darfur and Libya, and ongoing conflict in Syria show there is still much to be done.

While responsibility to protect has moved rapidly within the international arena, it does not have the degree of acceptance that would justify its description as legal norm. However, it continues to evolve both politically and legally. It touches upon some vital principles of international law, namely those of the sovereign equality of states, non-interference with the internal affairs of states, of the use of force by states in international relations and their interrelationship with respect for human rights. Responsibility to protect does not challenge the legal significance of sovereignty. The concept protects the sovereignty, however, not of any kind but national sovereignty ideologically determined by well being of population – in other words - responsible sovereignty. Responsibility to protect does not discuss "whether sovereigns have

1 2005 World Summit Outcome adopted by the General Assembly, 24 October 2005, A/RES/60/1.

2 Earlier the concept was discussed by the UN High-Level Panel on Threats, Challenges and Change in its 2004 Report: A more Secure World: Our shared responsibility, E/CN.4/2005/3 and by UN Secretary General Kofi Annan in his 2005 Report: In larger freedom:Towards development, security and human rights for all, A/59/2005.

3 See: SG's Reports: Implementing the Responsibility to Protect from 12 January 2009; Early Warning, Assessment, and the Responsibility to Protect from 17 July 2010; The Role of Regional and Sub-regional arrangements in Implementing the Responsibility to Protect from 27 June 2011; Responsibility to Protect – Timely and Decisive Response from 20 August 2012; State Responsibility and Prevention from 5 August 2013.

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responsibilities but what these responsibilities are and how they are best realized and what role international society should play"[1].

Sovereignty as responsibility

Sovereignty understood as responsibility first appeared in Deng's book „Sovereignty as Responsibility: Conflict Management in Africa", in which author pointed that sovereignty is not merely the right to be undisturbed from but responsibility to perform tasks expected of an effective government[2]. Responsible sovereignty may be seen as a consequence of the humanization of international law as described in the first part of this article. A. Peters sees two major consequences of this process as to the sovereignty: firstly, external state sovereignty requires, just as internal sovereignty, a justification, and secondly, sovereignty implies responsibility[3]. Responsible dimension of sovereignty consists of two levels: national and international. The former is a privilege dependent on the fulfillment of responsibilities towards own population and international community, while the latter should be exercised by international community in case of state's failure at the national level. Given this, sovereignty as responsibility should be understood within two leading categories:

1. Each state exercises its sovereignty in certain manner which is protected and governed under by law;
2. This exercise encounters a limit exposed by the obligation of states to protect fundamental rights of their population which in some cases may be enforced by international community.

Correspondingly, responsibility to protect is a shared obligation of state and international community. What are the legal explanations for this responsibility?

a) *Explanation for State's responsibility*

Responsibility to protect emphasizes that "sovereignty should not be seen as control but as responsibility in both internal functions and external duties of states[4]. This is not anything new. Popular sovereignty demands governments not only to protect people from atrocities but to effectively represent their interest. This good representation serves as the main legitimacy of any government. When it fails to perform this task by letting mass atrocities happen, it ceases to be legitimate on internal (towards population) and international (towards international community) level. Responsible execution of sovereign rights and duties acquires that government is an agent of its people as it is

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1 A. Bellamy, *op. cit*, p. 32.
2 F. Deng (ed.), Sovereignty as responsibility: Conflict Management in Africa, The Brookings Institution 1996.
3 A. Peters, Humanity as the A and Ω of Sovereignty, EJIL, vol. 20 no. 3, 2009, p. 515.
4 ICISS Report para. 2.14.

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bound by social contract. Mass atrocities are the most invasive violation of this contract. Agents should exercise sovereignty while bearing in mind that they can be held accountable not merely before its people (who when oppressed may not even have such ability) but (and this the new spirit provided by responsibility to protect) before international community. As a principle Nation as a sovereign has the absolute right to remove the government (exact executors of its sovereignty) from the power through *inter alia* impeachment, non-regular elections or even to fix/change the constitutional order. However, the problem appears when it is practically unable to do so because the government abuses its right to execute the power in the name of Nation. This is the case of mass atrocities when the Nation is depraved of their sovereign status by a governmental group. Then how to prevent such extreme violation of sovereignty by state government? Responsibility to protect concept states that it requires human rights capacity building performed by state in assistance of international community.

Human rights capacity may be achieved mainly by democratic means[1], which should focus on finding and eliminating root causes of atrocities. Constitution building is of great importance here because it juxtaposes the duty to rebuild with future atrocities prevention. Responsible sovereignty demands for democratic pluralism, political participation and finally protection of minorities[2]. Firstly, the pluralism in the execution of state sovereignty is of absolute necessity. Human rights order cannot be reached without a consensus among different state and non-state actors. It is often achieved through constitution drafting in which the representatives of all communities should participate, which leads to the second element of political participation of local communities. Constitution should guarantee that in the rebuilt society everyone has a possibility to actively act in the political sphere through ex. fair elections, assemblies, associations and free speech. Thirdly, as the atrocities sometimes result from conflict between communities constitution must seek for the fair agreement between majority and minority of citizens. In this manner constitution functions as a *sui generis* peace treaty on which further democratic processes are based.

Therefore, it is the constitution as compilation of fundamental principles organizing the state's relation towards the people, which should serve as an explanation of state's responsibility to protect. It is a Constitution which serves as a foundation for the protection of the sovereignty of nation from the governmental abuses. In the case of mass atrocities performed by state, nation seeks to reestablish their status with the help of international community. It is a result of the fact that government violated the constitutional order and there is no possibility for the nation to held the government accountable for this violation.

b) Explanation for responsibility of international community

[1] This poses another doubt about responsibility to protect as a concept which limits state's choice of political system to the one which corresponds with democratic ideas.

[2] See: J. Rössler, The Responsibility to Protect as an Instrument to Promote Democracy and Pluralism [in:] V. Sancin, Responsibility to protect. Theory and Practice, Ljubljana 2013.

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Subsidiarity is an organizing principle, stating that interests ought to be dealt by the lowest, or least centralized authority capable of addressing these interests effectively. It stands as one of the founding principles of the European Union[1]. Responsibility to protect establishes that primary responsibility for the well being of population (in other words protection of the sovereign will of nation) lies within the form of state. International community has to take steps only when representatives of nation are unable or unwilling to do so. This may be done either by regional organizations or United Nations as organization. Such construction can be characterized as subsidiary because it actualizes only when the lower level of protection is not effective. This is followed by the idea of global governance[2], which aims at solving problems that affect more than one state or region when there is no power of enforcing compliance. Global governance may be really useful in developing the idea of responsible sovereignty as shared responsibility. However, right now it lacks strict normative background. It is rather political approach, although attractive it depends more on good will than obligation of the states.

Responsibility of international community to assist states in protecting their populations is also reflected by the idea of solidarity among its members. It is still doubtful whether it is a customary norm or a general principle of international law but moral obligation to help weaker states in achieving certain goals has long been accepted either in form of humanitarian or financial aid. Can international altruism serve as an explanation to assist foreign populations within responsibility to protect?[3]. Peltonen seeks its origins in earlier concept of states as 'good international citizens' that "subscribe to such principles as democracy, human rights, and good governance practices, and practice these within their domestic jurisdiction"[4] and are ready to safeguard these principles elsewhere in the name of global good. Constitutional reflection of the principle of solidarity can be found ex. in the Preamble of Polish Constitution: "Aware of the need for cooperation with all countries for the good of *the Human Family*, Mindful of the bitter experiences of the times when fundamental freedoms and human rights were violated in our Homeland, Desiring to guarantee the rights of the citizens for all time (...), *Recognizing our responsibility before God or our own consciences*(...)"[5]. This is not a provision of binding character but it clearly provides some guidelines on policy directions towards responsibility to protect.

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1 D. Shelton, The Boundaries of Human Rights Jurisdiction in Europe. Duke J. Comp. & Int'l L. 153. 2003.

2 See: A. Follesdal, The principle of subsidiarity as a constitutional principle in international law. Global Constitutionalism, 2(01), 2013, pp. 37-62.

3 On the connection between solidarity and responsibility to protect see: L. Boisson de Chazournes, Responsibility to Protect: Reflecting Solidarity? [in:] R. Wolfrum, C. Kojima (ed.), Solidarity: A Structural Principle of International Law, Beiträge zum ausländischen öffentlichen Recht und Völkerrecht Volume 213, 2010, pp 93-122 and A.M. Slaughter, Security, Solidarity, and Sovereignty: The Grand Themes of UN Reform, AJIL, Vol. 99, No. 3 (Jul., 2005), pp. 619-631.

4 H. Peltonen, International Responsibility and Grave Humanitarian Crises: Collective Provision for Human Security, Routledge 2013, p. 80.

5 Konstytucja Rzeczypospolitej Polskiej [Constitution of the Republic of Poland], Dz. U. z 1997 r. Nr 78, poz. 483.

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Does it explain why international community of states is bound by responsibility to protect endangered populations everywhere? Responsible sovereignty presupposes that members of international community are somehow responsible for well being of people globally[1] because they share some universal principles. Although universal character of these principles is disputed[2], some of them are valid independently of anybody's acceptance as in the case of prohibition of genocide, war crimes, crimes against humanity and ethnic cleansing. Values such as human dignity, human solidarity are definitely not against active participation in applying responsibility to protect as long as it reflects legal standards. Contemporary legal obligations question moral principle of solidarity. First of all constitutional law protects everyone within the territory or under jurisdiction of given state. Moral solidarity with foreign populations meets an obstacle of 'solidarity' with own population, which members have a legal stand to expect a proper realization of their interests.

Any international assistance may result in harm towards own citizens, so it is not an easy task for government to decide upon such matter. The mere solidarity with victims of mass atrocities may not be enough to explain the costs of assistance and intervention. This is not only the question of soldiers who die during missions but mainly economic costs which often destabilize budgetary balance. This may cause internal troubles with effective governance in fields like public health, or education. It implies that any government should ask itself whether it can afford its international assistance. Given that the more powerful states have a far greater economic, diplomatic, logistical and military capacity their responsibility to respond and react to mass human rights abuses is arguably greater. However, practice of world powers directly shows that often it is a self-interest which governs their decision making. This is the reality of international relations. It cannot be judged since every state acts in their capacity to obtain as much gain as possible. Therefore, for better implementation responsibility to protect should be explained in terms of state's interest. Mass atrocities definitely demonstrate a threat to global peace but first of all they impose great financial costs on international community especially on neighborhood countries which often have to deal with mass influxes of refugees or bear other trans-boundary risks.

Conclusions

The concept of responsibility to protect explains that sovereignty can not legitimize actions such as genocide, war crimes, crimes against humanity or ethnic cleansing. Sovereignty is not a license to mistreat populations. Today's sovereignty should be exercised responsibly and in accordance with human rights commitments of the states.

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1 See: *idem,* p. 82.

2 See for example: C. Gould, Globalizing Democracy and Human Rights, Cambridge University Press, 2004 or N. Guilhot, The Democracy Makers: Human Rights and the Politics of Global Order, Columbia University Press, 2013.

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As the actors of international relations they should act as responsible representatives of nations. Opponents of the concept believe that the use of human rights as a value equal to or even more important than sovereignty leads to the erosion of the system of values of the international community. It definitely leads to evolution of this system. Responsibility to protect is an ally of sovereignty not an adversary, no transfer and no dilution of state sovereignty but necessary re-characterization involved[1].

Evolution requires states to treat responsible representation of sovereign nation as a legal not only a moral duty. International level is only one side of the coin. Necessary state practice must be attached to constitutional framework of policy making in each and every state. Responsible sovereignty touches upon it from two perspectives. Firstly, it requires constitutional systems of countries in which there is a risk of mass atrocities to develop a human rights capacity to protect its population. Secondly, it challenges constitutional law of assisting countries, particularly as to the constitutionality of the potential participation in the external assistance or intervention. The former is based on the popular sovereignty and legitimacy of representativeness, which have customary background, while the latter are based on flexible ideas of solidarity and global governance which still lack the legal recognition by international community. Nevertheless, sovereignty continues to evolve as the foundation of the entire international system. Its evolution answers growing needs of people. Respect and protection of human rights only reinforces its quality and value.

References

Ayobb, M. (2002), Humanitarian Intervention and State Sovereignty, The International Journal of Human Rights, vol. 6, no.1.

Bellamy, A. (2009), Responsibility to protect. The Global Effort to End Mass Atrocities, Cmabridge: Polity Press.

Boisson de Chazournes, L. (2010), Responsibility to Protect: Reflecting Solidarity? [in:] R. Wolfrum, C. Kojima (ed.), Solidarity: A Structural Principle of International Law, Beiträge zum ausländischen öffentlichen Recht und Völkerrecht Volume 213.

Brown, C. (2002)Sovereignty, Rights and Justice: International Political Theory Today, Cambridge: Polity Press.

Deng, F. (ed.) (1996), Sovereignty as responsibility: Conflict Management in Africa, The Brookings Institution.

Follesdal, A. (2013). The principle of subsidiarity as a constitutional principle in international law. Global Constitutionalism, 2(01).

Gould, C. (2004), Globalizing Democracy and Human Rights, Cambridge University Press.

Guilhot, N. (2013), The Democracy Makers: Human Rights and the Politics of Global Order, Columbia University Press.

Henkin, L. (1994), The Mythology of Sovereignty [in:] R.St. J. Macdonald (ed.), Essays in Honour of Wang Tieya, Dordrecht, Martinus Nijhoff;

Hobbes, T. (1996), Leviathan: Revised Student Edition, ed. R. Tuck; Cambridge University Press.

International Commission on Intervention and State Sovereignty (ICISS), The responsibility to protect, Ottawa 2001.

[1] ICISS para. 2.14.

ISSN 2345-0126 (online)

Jackson, R. (2000), The Global Covenant: Human Conduct in a World of States, Oxford University Press.

Koskenniemi, M. (2005) From Apology to Utopia: The Structure of International Legal Argument, Cambridge University Press.

Lauterpacht, E. (1997), Sovereignty – Myth or Reality?, International Affairs, 73, no. 1.

Montevideo Convention on the Rights and Duties of States from 26th December 1933, 165 LNTS 19; 49 Stat 3097.

Konstytucja Rzeczypospolitej Polskiej [Constitution of the Republic of Poland], Dz. U. z 1997 r. Nr 78, poz. 483.

Peltonen, H. (2013), International Responsibility and Grave Humanitarian Crises: Collective Provision for Human Security, Routledge.

Peters, A. (2009), Humanity as the A and Ω of Sovereignty, EJIL, vol. 20 no. 3.

Rössler, J. (2013), The Responsibility to Protect as an Instrument to Promote Democracy and Pluralism [in] V. Sancin, Responsibility to protect. Theory and Practice, Ljubljana – Zalozba.

Shelton, D. (2003), The Boundaries of Human Rights Jurisdiction in Europe. Duke J. Comp. & Int'l L. 153.

Slaughter, A.M. (2005), Security, Solidarity, and Sovereignty: The Grand Themes of UN Reform, AJIL, Vol. 99, No. 3.

The Case of the S.S. Lotus, France v. Turkey, 1927 P.C.I.J. (ser. A) No. 10 (Sept. 7).

Thompson, H. (2006), The Case for External Sovereignty, EJIR, vol. 12, no. 2. The Island of Palmas Case (or Miangas): United States of America v. The Netherlands, Permanent Court of Arbitration, 4 April 1928, Scott, Hague Court Reports 2d 83 (1932), (Perm. Ct. Arb. 1928), 2 U.N. Rep. Intl. Arb. Awards 829.

UN High-Level Panel on Threats, Challenges and Change, A more Secure World: Our shared responsibility, E/CN.4/2005/3.

UN SG Report: In larger freedom:Towards development, security and human rights for all, A/59/2005.

2005 World Summit Outcome adopted by the General Assembly, 24 October 2005, A/RES/60/1.