

Benjamin Mekinde Tonga

State Sovereignty and Non-Interference in International Law

A Critical Appraisal

Master's Thesis

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UNIVERSITY OF BUEA

**FACULTY OF LAWS AND
POLITICAL**

**DEPARTMENT OF ENGLISH
LAW**

**STATE SOVEREIGNTY AND NON-INTERFERENCE IN INTERNATIONAL
LAW: A CRITICAL APPRAISAL.**

By

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LL. B Law

A Thesis Submitted to the Department of English Law, Faculty of Laws and Political
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for the Award of the Master of Laws (LL.M) Degree
in International Law

AUGUST, 2018

DEDICATION

This research is dedicated to my fallen heroes, grandfather and mother Tonga Benjamin Vefonge and Cecilia Nduma Tonga Vefonge.

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ABSTRACT

The principles of state sovereignty and non-interference rest at the very heart of International law and springs from the 1648 Westphalian treaty. Westphalian sovereignty is the principle of international law that each nation state has sovereignty over its territory and domestic affairs to the exclusion of all external powers. This is founded on the principle of non-interference in another country's domestic affairs and that each state irrespective of its size is equal in International law. This study shall rely principally on the doctrinal research methodology by systematic and thematic analysis of existing data on sovereignty and non-interference. The interpretation of sovereignty as narrowly as the non-intervention principle has placed sovereignty against the possibility of intervening for the protection of Human rights. The Rwanda genocide, mass atrocity crimes and crimes against humanity that characterized the state of Rwanda and Srebrenica amongst others raised the need for action by the International community to protect not only states, but also people. This thesis attempts therefore, to find a bridge between these two seemingly opposing interests -protecting the state for a strong international order and protecting the people to save lives. Responsibility to protect is based on the notion of a primary responsibility with each and every state to protect its population, and a secondary responsibility with the international community to assist a state, which is unwilling or unable to protect its people. This thesis concludes that responsibility to protect is part of sovereignty, as a duty of a state, corresponding to the right of non-intervention. If the reign fails to protect its people, or is itself abusing its people, the right of non-intervention becomes void.

KEYWORDS: Sovereignty, Non-interference, Responsibility to Protect.

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