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Humanitarian Military Intervention and its Impasse: Its Legality and Legitimacy

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Abstract

This article aspires to present the entire academic debate about the idea of HMI in a comprehensive picture as possible and to present how extremely complicated it is to take sides in this normative argument. The article elucidates the paralysis of the moralists and lawyers in solving the dilemma surrounding the right of HMI. This article examines particularly this indecisiveness of the normative sciences has served as a main impetus for initiating an effort to evaluate the concept of HMI on the empirical basis, making a daring attempt to tame the justice-based rhetoric into the more structural and measurable terms. Through a deep hermeneutic elucidation, this article concludes that the legality and legitimacy of MHI is an open idea for academic debates.

Keywords: Humanitarian, Military, Intervention, Legality, Legitimacy

Introduction

The idea of 'humanitarian military intervention'(HMI) is controversial in nature and reflected by the fact that it is attempting to bridge two impulsively irreconcilable words: 'humanitarian' and 'military'. However, this concept has already become established in the field of research and in the minds of general public and it is too late to rejecting it(Verwey, 1992; Ryter, 2003). Impacts of HMI cause serious ethical problems targeting the basic consciousness and fears of the international actors and the public. HMI is associated with humanitarian suffering

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and imposed military violence, which evoke in each individual strong opinions and emotional reactions to the question of its justice or injustice. This highly normative nature of HMI complicates the scholarly debate about the concept and keeps the international society short of any consensus on the most basic questions of its definition, legality or legitimacy. How should such a complicated concept be approached by the scholars? Is it possible to declare it illegal or illegitimate? Use of the HMI as a tool of last resort crisis management cannot be supported or condemned merely by an assessment of its legality. In such complicated cases, when the major ethical concerns question of a general justice, focusing plainly on evaluation of its legitimacy(Smith, 2006). Only after concluding whether such a concept is or is not legitimate, it is possible to confront its assessed legitimacy with its existing legal status, and to call for a potential revision of law in case of a discovered non-compliance of the legal interpretation with the carried out legitimacy judgment.

Theoretical Frameworks and Methodological Note toward the Legality and Legitimacy of HMI

Scholarly debate about legality of HMI is divided into two opposing camps. First one is represented by the so-called 'restrictionists'(Jackson, 2000) who defend the legalist position coming out of the realist tradition of state sovereignty and non-interference. This position considers unauthorized HMI to be illegal based on the ban on use of force in the international relations as imbedded in the Article 2(4) of the UN Charter. Second stream is represented by 'counter-restrictionists' (Bull, 1966; Arend & Beck, 1993) who represent the affirmative liberal perceptions of the international politics. Proponents of this position claim that there is an established customary right of HMI regardless of existence or absence of authorization, which is based on the commitment of the UN Charter to protect human rights globally(Rytter, 2001; Atwood, 2003).

In order to prevent international violence and to protect the international order after WWII, international community codified a basic principle of the 'non-use of force', which has committed all the member states of the UN. This principle has become a cornerstone of the UN Charter regulating the use of force in the international arena. Article 2(4) stipulates: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent

with the Purposes of the United Nations" (UN Charter, 1945). Significance of this rule is acknowledged by most of the legal scholars and this particular provision has become a legal norm that has become accepted by the international community as a principle from which no derogation is permitted(UN Charter, 1945). Therefore, the legal interpretation of the UN Charter regarding the legality of any type of military intervention can be stated as: The use of force in the international relations is prohibited in article 54, but there are two accepted exceptions to this rule: a use of force in self-defense in article 55, or a use of force to maintain or restore international peace and stability if authorized by the UN Security Council (UN Charter, 1945). A HMI could be considered as legal only if authorized by the UN Security Council(Reisman, 1984). In addition to that, HMI remains legally controversial even after being authorized by the UN Security Council, since using force for the 'humanitarian' purposes does not qualify as fulfilling any of the accepted exceptions to the ban on the use of force. HMI is clearly not an act of self-defense, neither is it reasonable to assume that that the framers of the UN Charter intended to treat human rights violations as a threat to the international peace and security.

Like the legality frame work in the literature, there are also three key works framing the debate about legitimacy of HMI in the existing literature. The first work is 'Just War or Just Peace' written by Simon Chesterman who supports a legalist perspective in the debate about legitimacy of HMI. Chesterman frames the dilemma of HMI as a choice between "the just war or just peace"(Chesterman, 2001) and concludes by rejecting the legitimacy of the right of HMI(Chesterman, 2001). The second work titled as 'Saving Strangers' written by Nicholas Wheeler represents a more permissive liberal perspective on the problem. He describes cases of the use and misuse of HMI in practice, and traces the justifications declared as a ground for individual cases of HMI and their actual goals. Wheeler concludes by recognizing the norm of HMI as a legitimate exception to the rule of nonintervention, calling for a solidarist approach of a "guardianship of human rights everywhere" (Wheeler, 2000). The last document is the UN-contracted report produced by the International Commission on Intervention and State Sovereignty (ICISS) that is positioned theoretically somewhere in-between the legalist and the liberal positions. Authors of the report try to reconcile conflict between the norms of nonintervention and the respect for human rights; and attempt to create some guidelines for responding to the massive human rights violations (Welsh, 2002). This study support

legitimacy of the emerging HMI norm by introducing a concept of 'responsibility to protect'. The report bases its reasoning on the shifted understanding of state's sovereignty in the international system. It demands that states no more possess an unlimited control over their delimited territory. Instead, it interprets sovereignty as being conditional upon the states' respect for a minimum standard of human rights: "…sovereignty implies a dual responsibility: externally to respect the sovereignty of other states, and internally, to respect the dignity and basic rights of all people within the state"(George, 1999).

Moreover, like the above three frameworks on HMI, there are also moral arguments supporting and opposing the legitimacy of HMI. Moral principles supporting existence of legitimacy of the right of HMI are based mainly on the natural law and the related Just War ethics. Natural law represents a set of rules with a universal character regulating the behavior of states in their international relations. What is unique about the natural law is that it has a primacy over and exists independently of both treaty and customary law(George, 1999). Natural law accepts existence of the right to use force in case of a moral imperative of protecting the innocents, even if the suffering occurs in another state. Natural law constitutes a major inspiration for the foundations of the Just War Theory (JWT), which deals with the justification of HMI much more specifically, concretizing the exact conditions for both waging and conducting a 'just war'(Williams & Caldwell, 2006). Based on the JWT, an act of war can be classified as 'just' when the following six criteria become fulfilled: 'just cause'; 'just intent'; 'just authority'(Harhoff, 2001); 'last resort'; 'proportionality' of the used force to the ends it seeks to achieve; and a reasonable chance of 'success'(Harhoff, 2001).

They argue that the notion of 'sovereignty', which is no more perceived merely as an 'authority', but also as a 'responsibility'(Welsh, 2002). While the former treats the state sovereignty as an unrivaled control over a delimited territory and the population residing within it, the later suggests that sovereignty is conditional upon the state's responsibility for respecting the dignity and basic human rights of all its citizens. This suggests that sovereignty should no more serve as a protective shell for the governments committing massive human rights violations against their citizens, but should be interpreted as being bound by certain limitations. As the former UN Secretary General, Kofi Annan repeatedly declared; the sovereignty should not be meant to leave governments free to persecute their citizens. Only good

governance and the consequent international recognition can fully establish a sovereignty of the state(Ryter, 2003). Its basic idea is set on an assumption that functioning of the international system is dependent on the willingness of states to play by the system rules. If this fundamental condition is not respected and some state completely disregards the fundamental human rights, such a moral collapse is outside the law and so can be the tool used by the international community to deal with it. From this follows that HMI can be perceived as a legitimate response of the international community to such an abnormal behavior (Cassese, 2000).

Besides, there are about five major ethical objections to the legitimacy of the right of HMI. First objection follows the realist way of thinking by claiming that the establishment of such a right would endanger international peace and stability that could unleash an uncontrollable anarchy(Jackson, 2000). This argument is based on an assumption that the world peace is better preserved and international stability is more effectively guaranteed, if the states respect each other's sovereignty without any reservations. Second criticism of the HMI concept questions the real motivations of the interveners and the related abuses of the right of HMI mainly for the national interests. As Michael Walzer suggests in his publication 'Just and Unjust Wars', interventions intended mainly to protect the human rights are rare, since states are not willing to use own military forces unless having some substantial national interests at stake(Walzer, 1980). In fact, demanding a purity of humanitarian motives to qualify some military intervention as being 'humanitarian' is not a very realistic option; since under such conditions, there would hardly ever be any(Ramsbotham & Woodhouse, 1996). The other critical argument suggests that establishment of the right of HMI could be extremely prone to the potential abuses for the sake of power politics of those countries, which have the sufficient financial and military means to actually conduct such endeavors(Köchler, 2000). Given the imbalanced power relations among states and within the entire institutional framework at the international level, there is no body capable of controlling the great powers from misusing the HMI(International Commission on Intervention and State Sovereignty, 2001).

Third criticism of the right of HMI represents a mix of pluralist and neocolonialist perspectives that follows from the previously debated abuses of such a right by the great

powers. Pluralists argue that there is no common Universalist agreement on the political, social and cultural values; and stress that each society cherishes different religious, ethnic, and civilization habits. As a result of that, it is very subjective to evaluate certain policies as being oppressive toward the human rights and thus as being a viable reason for a breach of some state's sovereignty. They point to the fact that a majority of the militarily strong states that tend to be the most frequent interveners, as well as most of the permanent members of the UN Security Council belong among the representatives of the Western culture. Human rights as understood in the West differ from those valued in the developing world, which makes the concept of the 'universal' human rights questionable (Bull, 1984). Likewise, the neocolonialists perceive the right of HMI as a mere cover for legitimization of the Western power politics. They claim that the concept of HMI bears the shades of the medieval crusades or the later European colonial imperialism that is just veiled in the 'modern' clothes of human rights protection and democracy (Köchler, 2000; Welsh, 2002). Fourth major objection to the right of HMI follows the argumentation of consequentialist ethics. HMI can easily produce more problems than it solves, resulting in a negative humanitarian outcome (Kissinger, 2001).

Finally, major argument criticizing the concept of HMI is a product of the practical experience with usage of this term. Combining the words 'humanitarian' and 'military' within one term creates undesired associations between the two, which complicates and endangers work of the non-military humanitarian workers stationed in the conflict zones. In contrast to the practices of the military personnel, humanitarian workers typically tend to follow three guiding principles in their work: neutrality, impartiality, and independence. These principles not only symbolize the core values of their mission; but most notably, they represent a practical tool for their own protection (Lischer, 2007; Stoddard, 2003).

Altogether, a generally acknowledged complexity of the JWT makes it a robust theoretical framework for examining legitimacy of the 'motives and means' of any military endeavor that balances main moral arguments both supporting and opposing the concept. JWT thus represents an adequate starting base for any research trying to capture the ethical essence of the HMI(Christopher, 1994;Coady, 2002).

The methodology that can be used to unpack the interrelationship of a given interplay between legality and legitimacy of HMI is a deep hermeneutic For Thompson; this methodology

integrates 'explanation and understanding into a comprehensive interpretive theory' that involves a three-phase procedure[2]. In short, the interpretation of legality and legitimacy of HMI can be conceived as 'a depth hermeneutic assisted by discursive analysis and a social analysis of the conditions in which discourse is produced and received'[3]. A deep hermeneutical methodology of the social-historical level among other things depicts institutions as vital instruments through which discourses are transmitted as well as structured.

What is Humanitarian Military Intervention?

There is no generally agreed definition on HMI. For some thinkers, it cover all the military interventions waged for the 'humanitarian' purposes; while other, mainly legal studies, focus on military interventions for 'humanitarian' purposes that take place both without the authorization by the UN Security Council and without an invitation by the target state's government(Verwey, 1992). For the purpose of this article, the term HMI refers to the military intervention done over a given state without the authorization of UN or the invitation by the target state government. There is no agreement on the questions of what constitutes a sufficient reason to send a HMI? Who should be intervening with which purity of motives? What means and ends are necessary? Who evaluates fulfillment of all these criteria and thus grants the label? Most of the authors agree that a legitimate HMI should take place only in cases that 'shock the conscience of mankind', which should constitute the cases of large-scale and gross violations of human rights such as genocides, massacres, mass murders, or ethnic cleansing(Wheeler, 2001; Lepard, 2002; Finnemore, 2003). However, there are disagreements on the required motivation of the interveners. For classical definitions of HMI, the motive of HMI should be strictly 'humanitarian' (Verwey, 1992). In contrast, for liberal perspectives they focus on the existence of a convincingly strong 'humanitarian' motive of a various degree of 'purity'(Parekh, 1997).

How Humanitarian Military Interventions (HMI) Evolve?

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[2] According to Thompson (ibid, p. 199) these phrases are, (i) A 'social analysis' phase that deals with the 'social-historical conditions within which agents act and interact' because 'we cannot study ideology without studying relations of domination'. (ii) A 'discursive analysis' that calls for the study of 'linguistic construction' which 'must be complemented and completed by a third phase of analysis'—(iii) interpretation. Thompson argues, 'to study the structure of the discourse in which ideology is expressed may mediate the process of interpreting ideology, which is the process of explicating the connection between the meaning (signification) of discourse and the relations of domination which that meaning serves to sustain'.

[3] Ibid, p. 11

The doctrine of HMI trace back to the Just War tradition that is based on the Christian conception of the Just War Theory(JWT). JWT can be traced back to the Roman Empire and the influence of the St. Augustine's notion of 'the Two Cities'. Augustine offered a formula for the restoration of peace that includes the commonly cited theme of a 'just war' as one limited by its purpose, authority and conduct. Following on Augustine's thoughts, Thomas Aquinas concretely specified in his *Summa Theologica* three main conditions for labeling a war as being 'just': 'just cause', 'just intent', and 'just authority'(Waltzer, 1977; Atwood, 2003; Butler, 2003). The Dutch jurist Hugo Grotius framed a modern conception of the JWT into the HMI concept in the 17th century, when he introduced an idea of intervening militarily for the 'humanitarian' purposes. He proposed in his book '*De jure belli ac pacis libritres*' that the outside countries can legitimately intervene to stop the human rights abuses in a neighboring state(Grotius (transl.), 1625). In the 18th century, the Swiss philosopher Emmerich de Vattel who defended a solidarist tradition recognizing that the governments have not only a right but even a duty to defend the humanitarian values wherever they were threatened in the name of international justice(Vattel (transl.), 1758). Scholars such as Hugo Grotius, Emmerich de Vattel have attempted to separate the notion of 'just war' from its religious origins by arguing that the Sovereigns were bound by the fundamental principles of humanity and have thus duty to treat their subjects with respect for human dignity(Knudsen, 2009). This would suggest that states are all bound by the natural law of the human society that obligates them to treat their own nationals in accordance with the principle of humanity and to ensure that the other states do (Haar, 2000; Harhoff, 2001; Kabia, 2009). This proposition brings heated debates among theologians and legal theorists about the right of HMI.

Despite, the scholarly debate on HMI for about 1600 years, the first known recorded case of HMI occurred in 1827, when France was authorized by the other European powers to intervene into the Ottoman Empire to save the Maronite Christians in Syria from being suppressed in practicing their traditional religion. Following this, in the 19th Century in the name of 'humanitarian' the Russian government intervene in Bosnia-Herzegovina and Bulgaria (1977-1830), and the US intervention in Cuba (1898). Moreover, during the Cold War the Indian government intervenes in East Pakistan (1971), the Vietnamese invasion to Cambodia (1978), the Tanzanian intervention in Uganda (1979).

Following the end of the Cold War, new threats emerged such as terrorism, genocides and violation of human rights on weak, failed and collapsed states. This forced the UN and global community to intervene on the nation state in the name 'humanitarian'. Thus, the readiness and the capacity to promote human rights abroad have certainly grown over the past two decades, which is visible on: Iraq (1991), Somalia (1993), Bosnia (1993-1995), Rwanda (1994), Haiti (2004), Sierra Leone (1998), East Timor (1999), Kosovo (1999), Liberia (2003) and Congo (2003). Nevertheless, the use of HMI in practice has been complicated by the unresolved legality and legitimacy, which remain to be a topic of the heated academic and political discussions. Among the strongest recent manifestations of the international disagreements belong: the NATO's intervention in Kosovo in 1999, the US intervention in Iraq in 2003, the latest intervention in Libya in 2011, and the ongoing debates about appropriateness of waging a HMI in Darfur. The questions regarding what criteria actually constitute an HMI and whether it can represent a legal or a legitimate tool of crisis management continue being unsettled (Kabia, 2009).

Legality and Legitimacy of Humanitarian Military Intervention

Genealogically, the concept of legality and legitimacy are two different activities. Evaluating legality of some action is usually carried out by referring to the existing legal texts and customary law, and the answers tend to be relatively straightforward declaring the act as being either legal or illegal. Equally, evaluation of legitimacy is much more subjective, depending on the complex normative decisions of what is desirable and appropriate. Legitimacy judgment loosens the constraints of legality, and evaluates the actions using the more sensitive ethical and political considerations. Consequently, legitimacy is a much more fluid idea and evolves over time (Popovski & Turner, 2008). Under the ideal circumstances, what is legal should be legitimate and what is legitimate should be legal. However, this is usually not true. If compared with legality, legitimacy has a broader perspective based in basic morality. It suggests that nobody should be obliged to follow blindly a rule of law, if it runs counter to what is generally considered just. It means that legitimacy has a power to both reinforce the existing law, but also to challenge it based on the legitimacy of some higher rationale, so as to ensure that laws serve their fundamental purpose of improving the lives of those whom they govern(Popovski & Turner, 2008). This corrective mechanism of legitimacy is particularly vital in case of the

international law, which is often a compromise between the demands for regulation on one hand and a desire of governments to keep their hands free on the other(Haar, 2000). The struggle between legitimacy and legality is thus a never ending process of conversion with the ultimate utopist goal of a synthesis of the two doctrines. Therefore, while evaluating the concept of HMI, it is necessary to explore both these perspectives and to identify a potential gap that is to be corrected.

Implications

The existing academic debate seems to be equally divided regarding the question of legitimacy of HMI, presenting strong moral arguments that both support and condemn the concept. The whole debate rotates around assigning the relative weights of importance to the following two clashing moral concerns. On one hand, should the general right of HMI be legitimized; it would put into question a value of state sovereignty, which provides the states with a right to manage their own affairs, and which represents a main tool for maintaining peace and stability in the international system. On the other hand, there are also undoubtedly good reasons for being suspicious about an absolute right of states to be left immune from a possible outside intervention in case that they mistreat their own populations. The concept represents an interesting solution to the tensions between sovereignty and human rights by embedding the notion of human rights within the idea of state sovereignty. It suggests that intervention within a state that fails to protect its citizens from the massive human rights violations does not constitute a violation of that state's sovereignty, but rather that it constitutes a realization of the responsibility that is shared by the state and by the international community. In spite of the fact that the 'responsibility to protect' still does not have a binding legal status, it seems to take a more affirmative stance pushing the international community toward an increasing legalization of the HMI concept. Its endorsement seems to imply that the political opinion is inclined toward the option that there is an existing gap between legality and legitimacy regarding the right of HMI that needs to be corrected. Nevertheless, it is necessary to point out that this revisionist enthusiasm is not globally shared, and that it is very difficult to neglect the morally significant objections that are raised against the introduction of such a right.

Concluding Remarks

There is no clear answer for a sufficient moral ground for legitimizing the right of HMI. HMI cannot be from the moral perspective declared neither simply legitimate nor illegitimate. It would be possible to question morality of the international system, in which the states can massacre their people without having to fear a punishment, and in which the oppressed people have no hope of receiving external assistance. Instead, apart from the uncertain positive humanitarian outcomes of HMI; establishing the right of HMI could potentially increase the risk of new conflicts and could serve as a cover for the powerful states to impose their power and subjective human rights standards on the weaker ones. However, what appears to be clear from the above carried out analysis is that the arguments against legitimacy of the right of HMI cannot be dismissed merely by a claim that sovereignty is not absolute. It cannot be ignored that any type of warfare destroys lives, health, property, infrastructure, and natural and cultural environment in a degree that far overreaches any alternative diplomatic or economic tools of crisis management. Due to the fact that any military intervention involves deliberate killing and destruction; a resort to it logically demands a heavy burden of justification. As a result of that, it would be necessary to provide really reasonable and solid reasons why waging a military intervention can be justified and under which criteria to award the concept of HMI with legitimacy. From the legal point of view, an overwhelming majority of academic opinion seems to be inclined toward a conclusion that an unauthorized HMI is based on the Article 2(4) of the UN Charter an illegal act. In spite of its illegality, HMI has been increasingly used as a last resort crisis management tool by the states in case that many lives were immediately in danger. Based on this state practice and a gradual development of international human rights and humanitarian law, some legal scholars have started to suggest a possibility that the right of HMI could have evolved as a part of the international customary law.

References

Arend, Anthony & Robert Beck (1993). International Law and the Use of Force. London: Routledge.

Atwood, Susan J. (2003). 'From Just War to Just Intervention', New England Journal of Public Policy, 19 (1): 55-74.

Bellamy, Alex J. (2004). 'Motives, outcomes, intent and the legitimacy of humanitarian intervention', Journal of Military Ethics, 3(3): 216-232.

Buchanan, Allen (1999). 'The Internal Legitimacy of Humanitarian Intervention', The Journal of Political Philosophy, 7(1): 71-87.

Bull, Hedley (1966). 'The Grotian Conception of International Society'. In: Herbert Butterfield & Martin Wight (eds.), Diplomatic Investigations, London: Allen and Unwin.

Butler, J. Michael (2003). 'U.S. Military Intervention in Crisis, 1945-1994: An Empirical Inquiry of Just War Theory', Journal of Conflict Resolution, 47(2): 226-248.

Cassese, Antonio (2000). '*Ex iniuriaiusoritur*: Are We Moving Towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community?', European Journal of International Law, 10(1): 23-30.

Chesterman, Simon (2001). Just War or Just Peace? Humanitarian Intervention and International Law. Oxford: Oxford University Press.

Christopher, P. (1994). The Ethics of War and Peace: An Introduction to Legal and Moral Issues. New Jersey: Prentice Hall.

Coady, C. A. J. (2002). 'The Ethics of Armed Humanitarian Intervention', Peaceworks No. 45, United States Institute of Peace.

Crawford, C. Neta (2003). 'Just War Theory and the U.S. Counter terror War', Perspectives on Politics, 1: 5-25.

Finnemore, Martha (2003). The Purpose of Intervention: Changing Beliefs about the Use of Force. Ithaca, New York: Cornell University Press.

George, P. Robert (1999). In Defense of Natural Law. Oxford: Clarendon Press Oxford.

Grotius, Hugo (1625). *De jure belli ac pacislibritres,* Paris ('The Law of War and Peace' - full text translated in English is available on-line at http://www.lonang.com/exlibris/grotius/index.html).

Haar, Barendter (2000). Peace or Human Rights? The Dilemma of Humanitarian Intervention. The Hague: Netherlands Institute of International Relations Clingendael.

Harhoff, Frederik (2001). 'Unauthorized Humanitarian Interventions – Armed Violence in the Name of Humanity?', Nordic Journal of International Law, 70 (1-2): 65-119.

International Commission on Intervention and State Sovereignty (2001). The Responsibility to Protect. Ottawa: International Development Research Center for International Commission on Intervention and State Sovereignty (ICISS).

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

Kabia, John M. (2009). Humanitarian intervention and conflict resolution in West Africa: from ECOMOG to ECOMIL. Surrey: Ashgate Publishing Limited.

Kagan, S. (1989). The Limits of Morality. Oxford: Clarendon.

Kagan, S. (1998). Normative Ethics. Boulder, CO: Westview.

Kissinger, Henry (2001). Does America Need a Foreign Policy? Toward a Diplomacy for the 21st Century. New York: Simon and Schuster.

Knudsen, T. Brems (2009). The History of Humanitarian Intervention: The Rule or the Exception? paper for the 50th ISA Annual Convention, New York.

Köchler, Hans (2000). 'The Use of Force in the New International Order: On the Problematic Nature of the Concept of Humanitarian Intervention', paper presented at the international conference Interventionism against International Law: From Iraq to Yugoslavia, November 20, Madrid.

Lepard, Brian (2002). Rethinking Humanitarian Intervention: A Fresh Legal Approach Based on Fundamental Ethical Principles in International Law and World Religions. University Park, PA: Pennsylvania State University Press.

Lischer, Sarah Kenyon (2007). 'Military Intervention and the Humanitarian Force Multiplier', Global Governance, 13: 99-118.

Parekh, Bhikhu (1997). 'Rethinking Humanitarian Intervention', International Political Science Review, 18 (1): 55-74.

Parekh, Bhikhu (1997). 'Rethinking Humanitarian Intervention', International Political Science Review, 18 (1): 55-74.

Pogge, T. W. (1992). 'An institutional approach to humanitarian intervention', Public Affairs Quarterly, 6(1): 89-103.

Popovski, Vesselin& Nicholas Turner (2008). Legality and Legitimacy in International Order. Policy Brief November 2008, United Nations University.

Ramsbotham, Oliver and Tom Woodhouse (1996). Humanitarian Intervention in Contemporary Conflict. United Kingdom: Blackwell Publishers.

Reisman, W. Michael (1984). 'Coercion and Self-Determination: Construing Charter Article 2(4)', The American Journal of International Law, 78(3): 642-645.

Ryter, Marc-André (2003). Motives for Humanitarian Intervention and the International Community. Research Report No. 2(23). Helsinki: National Defense College.

Smith, Michael J. (2006). 'Humanitarian Intervention: An Overview of the Ethical Issues', Ethics & International Affairs, 12(1): 63-79.

Stoddard, Abby (2003). 'Humanitarian NGOs: Challenges and Trends'. In: Joanna Macrae & Adele Harmer (eds.), Humanitarian Action and the 'Global War on 177 Terror': A Review of Trends and Issues, London: Overseas Development Institute, Humanitarian Policy Group.

UN Charter (1945), Article ,39,42, 51 and 2(4).

UN Press Release (1999), SG/SM/6949.

Vattel, de Emmerich (1758). Principes de la loinaturelle appliqués à la conduite et aux affaires des nations et des souverains ('The Law of Nations or the Principles of Natural Law Applied to the Conduct and to the Affairs of Nations and of Sovereigns' - full text translated in English is available on-line at http://www.lonang.com/exlibris/vattel/).

Verwey, Wil (1992). 'The Legality of Humanitarian Intervention after the Cold War'. In: E. Ferris (ed.), A Challenge to Intervene: A New Role for the United Nations?, Uppsala: Life and Peace Institute, pp.12-36.

Walzer, Michael (1997, 2000). Just and Unjust Wars: A Moral Argument with Historical Illustrations (2nd and 3rd ed.). New York: Harper Collins.

Welsh, M. Jennifer (2002). 'From Right to Responsibility: Humanitarian Intervention and International Society', Global Governance, 8: 503-521.

Wheeler, Nicholas J. & Alex Bellamy (2001), 'Humanitarian Intervention and World Politics'. In: Steve Smith & John Baylis, The Globalization of World Politics, Oxford: Oxford University Press.

Williams, E. Robert Jr. & Dan Caldwell (2006). 'Jus Post Bellum: Just War Theory and the Principles of Just Peace', International Studies Perspectives, 7(4): 309-320.