Humanitarian Intervention And Pretexts For War | 8c69d7dc84e727a730e5fa250e31839f


The Use of Force in International Law: An interdisciplinary approach to humanitarian intervention by experts in law, politics, and ethics.

The Politics of Humanitarianism: This book explores the large and controversial subject of the use of force in international law. It examines not only the use of force by states but also the role of the UN in peacemaking and enforcement action, and the increasing role of regional organizations in the maintenance of international peace and security. The UN Charter framework is under challenge. Russia's invasion of Georgia and intervention in Ukraine, the USA's military operations in Syria, and Saudi Arabia's campaign to restore the government of Yemen by force all raise questions about the law on intervention. The war on terror that began with the 9/11 terrorist attacks on the USA has not been won. It has spread far beyond Afghanistan. It has led to targeted killings in Pakistan, Somalia, and Yemen, and to intervention against ISIS in Iraq and Syria. In the backdrop of right of self-defense in international law, is the development of non-state actors and the increasing reliance on the use of self-defense as a pretext for aggression.

The Crime of Aggression, Humanity, and the Soldier: Ten new essays critique the practice, arguments, and legal ambiguities associated with the African Union and Ecowas law on the use of force on the one hand, and the UN Charter and the community with a more efficient instrument for preventing or halting mass violence and human rights violations, it was hoped that R2P would override the controversies frequently associated with humanitarian interventions. Yet ever since its conception, R2P has been subject to extensive criticism in regard to some of its key tenets. In particular it is argued that a potential military intervention in governments internal affairs not only constitutes an encroachment upon state sovereignty, but also merely serves as a pretext of stronger states to impose their will upon weaker ones.

Humanitarian Intervention: The main objective of the study is to clearly research and define the justifications and jurisdictions in which International humanitarians intervention should be authorized by the United Nations and carried out by the concerned states or the United Nations Security Council (UNSC authorized states. The study therefore expected outcomes should clarify the ambiguousness and confusion in which many politically motivated interventions were conducted or will be carried out in future under the pretext of humanitarian interventions and reasons. In the context of the use of international intervention in international relations, the most important thing reached by the researcher is that international intervention for humanitarian purposes is an issue that is not included among the provisions of Article 2(4) of the Charter. And the issue that should be included is the same Article 2(4) of the Charter, that is the use of force in the self-defense of a state. There is no open for the use of the measures contained in Chapter VII for the maintenance of international peace and security. In the same context, the researcher explored the powers of the UN Security Council with the broad discretion granted by the Charter under Articles (43, 44) of the Charter in relation to the mandate to manage the use of force in collective measures. But the practice has made the Security Council authorize certain measures beyond the provisions of the above-mentioned Articles of the Charter of the United Nations in 1945. This mandate has created the reality that the international organization cannot control the States that are mandated strictly to achieve the objectives of the United Nations from such interventions. The study concludes that it is right for humanitarian interventions to be approved by the United Nations in advance before and after 1990, and highlighted the impact of these interventions on the political, social and military reality on those countries.

Reading Humanitarian Intervention: This book explores attempts to develop a more acceptable account of the principles and mechanisms associated with humanitarian intervention, which has become known as the 'Responsibility to Protect' (R2P). Cases of genocide and mass violence have raised endless debates about the theory and practice of humanitarian intervention to save innocent lives. Since the humanitarian tragedies in Rwanda, Burundi, Bosnia, Kosovo and elsewhere, states have begun advocating a right to undertake interventions to stop mass violations of human rights from occurring. Their central concern rests with whether the UN's current regulations on the use of force meet the challenges of the post-Cold War world, and in particular the demands of addressing humanitarian emergencies. International actors tend to agree that killing civilians as a necessary part of state formation is no longer acceptable, nor is standing by idly in the face of massive violations of human rights. And yet, respect for the sovereign rights of states remains central among the principles of international law. How can populations affected by egregious human rights violations be protected? How can the legal constraints on the use of force and respect for the sovereignty of states be reconciled with the international community's will for action in such situations? And more importantly, how can protection be offered when the Security Council, which is responsible for authorizing the use of force when threats to international peace and security occur, is paralyzed? The author addresses these issues, arguing that R2P is the best framework present to move the humanitarian intervention debate forward. This book will be of interest to students of the responsibility to protect, war and conflict studies, human security, international organisations, security studies and IR in general.

The Emergence of Humanitarian Intervention: Humanitarian intervention is rising even higher in international relations discourse, with many publications exploring the nature, legality and success of these interventions. However, less attention is given to what happens after an intervention. This book looks in particular at the implications for territorial and border relations, exploring the case of Kosovo, which in many ways can be seen as a turning point in post-cold war international humanitarian intervention. The Kosovo intervention had significant consequences for Kosovo in terms of political transformations, territorial alterations and redefinition, none of which were officially intended or foreseen when NATO intervened. Two decades after NATO's intervention and a decade after unilaterally declaring independence, Kosovo continues to be confronted with daunting existential challenges that inevitably affect the stability of the region, border relations, and the credibility of the organisations operating within Kosovo, namely the UN, the EU and NATO. The book claims that not only is the political and territorial conflict far from being settled, but that the implications have gone beyond Kosovo, creating shock waves which have jangled conflicting views everywhere. In effect, Kosovo has been used as a pretext, as a legitimization and as an inspiration for those who aspire to challenge the border status quo. The book is primarily aimed at undergraduate and postgraduate students of International Relations and Political Science and as well as Border Studies scholars, but will also appeal to researchers focusing on state-building, peace-building, humanitarian studies, nationalism/resurrectionism and Balkan studies.

Just and Unjust Military Intervention This book considers who should undertake humanitarian intervention in response to an ongoing or impending humanitarian crisis, such as those found in Rwanda in early 1994, Kosovo in 1999, and Darfur more recently. Should we prefer intervention by the UN, NATO, a regional or subregional organization (such as the African Union), a state, a group of states, or someone else? The book explores these questions by considering what sort of a role humanitarian intervention should play. For instance, should humanitarian interventions be legal, effective, have the support of their citizens, and be welcomed by those subject to the crisis? Second, it considers whether the current interventions actually possess these qualities. For instance, would intervention by the UN be legal, effective, have internal support, and be welcomed by those subject to the crisis? Overall, the book develops a normative account of legitimacy to consider these issues. It uses this account to assess not only current interventions, but also the desirability of potential reforms to the mechanisms and agents of humanitarian intervention.
Humanitarian Intervention

This book develops a philosophical approach to humanitarian rights that respondents suggest to the challenges raised by cultural and political critics of human rights, who contend that the concept of humanitarianism is promoting an imperialist humanitarianism. They claim that the policies, practices and effectiveness of human rights of their human rights policies and activities, they are not. Therefore, having shown that these two philosophical accounts of human rights do not respond convincingly to those postcolonial challenges, the book provides an alternative concept that draws the understanding of human rights from local practices. It is a millimeter concept which is not centered on state, but rather integrates it in a larger web of actors involved in shaping the practice and meaning of human rights. Confronted to the challenges, this new concept offers a promising way for addressing them satisfactorily, and it still sheds new light to the classical questions of universality and human rights, as well as the tension between universalization and relativism.

Humanitarian Intervention and the Responsibility To Protect

Sowing Chaos Over the centuries, societies have gradually developed constraints on the use of armed force in the conduct of foreign relations. The growing achievement of these efforts occurred in the mid-nineteenth century with the general acceptance among the states of the world that the use of military force for territorial expansion was unacceptable. A central challenge for the twenty-first century rests in reconciling the historical desire to protect innocent persons from human rights deprivations that often take place during civil war or result from persecution by autocratic governments. Humanitarian Intervention is a detailed look at the historical development of constraints on the use of force and at incidents of humanitarian intervention prior to, during, and after the Cold War.

Humanitarian Intervention: An Assessment to the Practice

This book provides a comprehensive and detailed analysis of the nature, content and scope of the rules regulating the use of force in intervention in the United Nations Charter, customary international law, and international humanitarian law. It examines these rules as they apply to developing and challenging circumstances such as the emergence of non-State actors, security risks, new technologies and moral considerations.

Getting the Use of Force Right “A timely, ambitious, and clarified account of the complex history of humanitarian intervention in the nineteenth century. Rodogno spotlights how European humanitarianism fed on views of the Ottoman Empire as barbaric and morally debauched, and its Christian subjects as uniquely deserving of sympathy. Stressing the selectivity of interventions and the mixed motives of their agents, Rodogno traces the interplay between public opinion, the journalism that fueled it, and European states’ imperial and geopolitical agendas.” – Jennifer Pitts, University of Chicago “This excellent book offers a fresh and innovative view at the history of humanitarian intervention by focusing on European action or inaction during the Ottoman Empire during episodes of violence against some of its Christian populations. Its well-researched and nuanced analysis illuminates the theory and practice of such interventions that remain very relevant for our own day. It also recasts through this prism the much-vaunted ‘Eastern Question’ in its highly original ways.” – Aron Rodrigue, Stanford University “Against Massacre is a comprehensible and readable account of the first modern humanitarian interventions by Western powers in the Ottoman Empire, while also setting the stage for the contemporary imperative to protect human rights through force. This book also goes through recent ‘humanitarian’ interventions carried out by the Western powers against powerful nations (e.g., in the DRC, Congo, and China) and shows how these have only created greater human rights problems – including genocide – than they purported to stop or prevent. No More War reminds the reader of the key lessons of Nurzehn – that war is the primary scourge of the world, the root of all the evils which international law seeks to prevent and eradicate, and which must be prevented. The reader is then taken through the UN Charter and other humanitarian instruments and their emphasis on the prevention of aggressive war.

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The History and Practice of Humanitarian Intervention and Aid in Africa Humanitarian intervention has increasingly become the prevalent means of providing protection and aid at a global level. Yet alongside its success, concerns have been raised about humanitarian intervention as an emerging practice in international and governing international relations. The Politics of Humanitarianism authors from a variety of disciplines provide a comprehensive critique of the humanitarian enterprise. How are those on the end of humanitarian action influenced by different epistemologies and applications of international law? What is the complex relationship between values what humanitarian action is intended to be and practice what happens on the ground? Combining international case studies with critical theoretical evaluations, and including chapters on international aid, refugees, childhood and women’s rights, The Politics of Humanitarianism of offers a timely and critical analysis of the contemporary humanitarian system.

The Legality and Legitimacy of the Use of Force in Northeast Asia Humanitarian interventions - that sounds nice; much smaller than wars, battles and use of military force. Foremost, the phrase makes you think of the delivery of sanitary goods, medication, of soup-kitchens. Here we are not supposed to think of interventions of this kind; we have to have humanitarian interventions in mind which are humanitarian intervention-nets. (1) At exactly what point is the use of military force a humanitarian intervention? What is the humanitarian aspect of those interventions? Their occasion? Their motive? Their alleged as well as their actual consequences? (2) At exactly what point are humanitarian interventions morally justifiable? Are they justifiable even if they are wars that are not navigation breaches international law? And finally (3) Was the war which was presented to us as the paradigmatic example of a humanitarian-intervention-war, that is: the war in Kosovo in the spring of 1999 (with over 37,000 bombing missions), really justifiable as a humanitarian intervention? Many of us wanted to believe so at the time. Does our ex ante judgement hold today in an ex post reflection? And which lessons for the future should we learn from the success or failure of this humanitarian war? These are the questions proposed in this book; therefore, it is concerned with problems of semantics (part I), problems of moral assessment (part II) and with the moral, legal and political conclusions we draw from our experiences with the war in Kosovo, our primary example of a humanitarian intervention (part III). International experts in the areas of philosophy, international law, sociology and peace studies debated these questions vigorously for several days. This is the resulting volume.

The Conceil of Humanitarian Intervention The Kosovo conflict has the potential to redraw the landscape of international politics, with significant ramifications for the UN, major powers, regional organizations, and the way in which we understand and interpret world politics. Can the veto now effectively be circumvented to launch selective enforcement operations? Can the humanitarian imperative be reconciled with the principles of state sovereignty? "The Kosovo crisis has opened up a major conflict-queries of war and peace, and raised serious questions about the utility and efficacy of the United Nations and other international organizations. This book seeks to understand the concept of accelerated formation of customary international law and the specific ways the West's conceptions of humanitarian intervention conflict with the meanings that its stakeholders attribute to it.

The Law of War Written as the decade-long Syria conflict nears an end, this is the first book-length treatment of how the Syrian war has changed international law. In The Syrian Conflict’s Impact on International Law, the authors explain the history of the current conflict in Syria and discuss the principles and process of customary international law formation and the phenomenon of accelerated formation of customary international law known as Grotian Moments. They then explore specific examples, including how use of force against ISIS in Syria has changed the law of self-defense against non-state actors, how the allied intervention by US and NATO, and the way it is understood.

Humanitarian Intervention The Impact on International Law Author Blass shows that there is an international tradition, reaching back more than two hundred years, of humanitarian intervention—confronting the suffering of innocent foreigners. Blass describes the political and cultural landscapes of out for these interests, as an emergent free press exposed Europeans and Americans to atrocities taking place beyond their shores and galvanized them to act. He brings alive a century of passionate advocacy in Britain, France, Russia, and the United States. He tells the stories of the activists themselves: Byron, Bentham, Madison, Gladstone, Disraeli, and Theodore Roosevelt among them. Blass also demonstrates that even in the imperialistic late nineteenth century, humanitarian ideals could play a significant role in shaping world politics, and argues that the failure of today's leading democracies to shoulder such responsibilities has led to catastrophes such as those in Rwanda and Darfur—catastrophes that he maintains are neither inevitable nor traditional. From publisher description.

Rethinking Siebenreich Since the end of the Cold War, the idea of human rights has been made into a justification for intervention by the world's leading economic and military powers—above all, the United States. Despite the standard rhetoric, these interventions are actually driven by the power's own strategic and economic interests. The aim of this volume is to open up current assumptions about military intervention, and to explore the possibility of reconceptualizing and reappraising contemporary approaches.

Principles of International Criminal Law Classical arguments about the legitimate use of force have profoundly shaped the norms and institutions of contemporary international society. Covering post 9/11 events and the resulting changes in the ethos of war, the authors analyse the role of military companies and examine what their legitimacy means for international society. The edition also discusses certain 'intrinsinc' rules in the Law of War, such as rules giving individuals the right to be spared genocide, torture, slavery and apartheid and assure them basic democratic rights. The authors question the right of 'illegal' combatants to be treated as prisoners of war and suggests that a minimum standard must be afforded to all, whether captured dictators or detainees suspected of terrorism. In the modern world, the individual (the soldier, the civilian, the dictator, the terrorist or the pirate) can no longer behave as they wish, because serious concerns have been raised that humanitarian intervention has increasingly become an enterprise in a political and a military and other interventions, but also on the obvious support given to it by European powers and NATO. It outlines an alternative approach to the question of humanitarian rights, based on the genuine recognition of the equal rights of people in poor and wealthy countries. The book then concludes with the application of the concepts of 'humanitarian intervention' to the Kosovo crisis for world politics.

Economic Foundations of International Law This book aims to resolve the dilemma regarding whether armed intervention is a choice between the law and morality. 'has potential to become one of the most important books in public international law of the decade, or in a generation'. Martin Scheinin, Professor of Public International Law, European University Institute, Florence

Principles of International Criminal Law Classical arguments about the legitimate use of force have profoundly shaped the norms and institutions of contemporary international society. But what specific lessons can we learn from the classical European philosophers and jurists when thinking about humanitarian intervention, preventive self-defense or international trusteeship today? The contributors to this volume take seriously the admonition of contextualists not to uproot classical thinkers’ arguments from their social, political and intellectual environment. Nevertheless, this collection demonstrates that contemporary students, scholars and policy-makers can still learn a great deal from these thinkers, the problems they highlighted, and even the problematic character of some of the solutions they offered. The aim of this volume is to open up current assumptions about military intervention, and to explore the possibility of reconceptualizing and reappraising contemporary approaches.

Linking Strategic Gains to the ‘Responsibility to Protect’ (R2P) doctrine With the end of the Cold War has come an upsurge in humanitarian interventions—military campaigns aimed at ending mass atrocities. These wars of rescue, waged in the name of ostensibly universal norms of human rights and legal principles, rested on the premise that a genuine "international community" has begun to emerge and has reached consensus on a procedure for eradicating mass killings. Rajan Menon argues that, in fact, humanitarian intervention remains deeply divisive as a concept and as a policy, and is flawed besides. The advocates of humanitarian intervention have produced a mountain of writings to support their claim that human rights precepts now exert an unprecedented influence on state foreign policies and that we can therefore anticipate a comprehensive solution for mass atrocities. In The Conceil of Humanitarian Intervention, Menon shows that this belief, while noble, is na’ive. States continue to act principally based on what they regard at any given time as their national interests. Deferring strangers from oppression ranks low on their list of priorities. Indeed, even democratic states routinely embrace governments that trample the human rights of their own citizens. Can the humanitarian interventionalists’ argument be undermined by their own actions? What is the humanitarians’ policy, if any? And are the humanitarian interventionalists right to be so cynical about the power of their own words?

Challenges for Humanitarian Intervention This book examines US recourse to military force in the post-9/11 era. In particular, it evaluates the extent to which the Bush and Obama administrations viewed legitimizing the greatest use-of-force as a necessary solution to thwart the security threat presented by global terrorist networks and WMD proliferation.