

## **The Applicability of Humanitarian Intervention and the Responsibility to Protect During Armed Conflicts: Russia-Ukraine War in Focus**

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### **Abstract**

**Purpose:** Humanitarian intervention and the responsibility to protect have been at the centre of debate in the UN, among states and civil societies. The failure of the International Community to use military force to intervene in the case of Syria and the ongoing atrocities in Ukraine has weakened the enthusiasm that was kindled by the authorized use of force in Libya. This paper aimed at critically examining the situation in Russia-Ukraine in order to propose a way forward for the protection of civilians in Ukraine through humanitarian intervention.

**Methodology:** To this end, the paper recalls the responsibility to protect bestowed on States and the International Community, evaluating the positive impacts of humanitarian intervention in Kosovo and Libya. Adopting a purely doctrinal research method, this paper questions why the international community is reluctant in using military intervention in the Russia-Ukraine situation in order to protect civilians, curb human rights violations and maintain peace and security.

**Findings:** The study found out that the fear to trigger war in the whole of Europe and the fact that Russia is a permanent member of the Security Council with veto power have weakened this enthusiasm to intervene.

**Conclusion:** The study concludes that there is necessity for humanitarian intervention to protect civilians in Ukraine by NATO and other States.

**Recommendation:** This study recommends the use of the majority voting system in decisions to apply humanitarian intervention instead of the veto system. The study also recommend that permanent members of the Security Council who are involved in gross violation of human rights like Russia should be suspended and eventually removed as a Permanent member if violations persist.

**Keywords:** *Humanitarian intervention, responsibility to protect, human rights, peace and security*

## INTRODUCTION

For the purposes of this paper, humanitarian intervention is defined as coercive action by states or organizations involving the use of armed force in another state without the consent of its government, with or without authorization from the United Nations Security Council (UNSC), for the purpose of preventing or putting a halt to gross violations of human rights. The birth of the doctrine of humanitarian intervention is associated with natural law and early International Law. The ‘Father’ of International Law Hugo Grotius (1583 – 1645) aspired to regulate international relations by introducing new political and moral standards, among others provisions concerning respect for sovereignty and contracted agreements. In order to promote international order, he further refined the ‘Just war’ doctrine stressing that wars were only allowed if based on specific legal reasons. In his opinion, a right to revolution existed in extreme cases of tyranny for the subjects of a prince. If in this context, the suppressed subjects asked for support from a foreign power, it might rightfully be given. So, his defense of humanitarian intervention was linked to the doctrine of Legitimate Resistance to repression and was ultimately based on the fact that a prohibition on the use of force was non-existing until the 20<sup>th</sup> century.<sup>1</sup>

States have the responsibility to ensure the full and equal enjoyment of human rights of all individuals on their territory or under their jurisdiction. This duty extends to all agents of the State including the military and the police. The responsibility has three dimensions: to respect, protect and fulfill human rights. The responsibility to protect obliges the state to take all necessary measures to prevent or put a stop to any violation of human rights by third parties including other individuals or groups. The state must also investigate, prosecute and punish violations of rights and ensure that victims/survivors have access to an adequate and effective remedy under domestic law. As an example, if the State is aware or reasonably should be aware that women are being raped or that children are being recruited into a guerilla group but does not take action to prevent and put a stop to such acts, it will have to fulfill its duty to protect.<sup>2</sup>

Though a State bears the primary responsibility to protect citizens in times of war, this responsibility is extended to other States and the International community under International Law especially where States concerned fail to protect the citizens. This therefore permits other States, Organizations and the International community to intervene to protect civilians in cases of massive human rights violations with the authorization of the United Nations Security Council (UNSC).<sup>3</sup>

The origin of the Responsibility to protect (R2P) principle is in the Report prepared by the International Commission on Intervention and State Sovereignty (ICISS) in 2001 entitled “A Responsibility to Protect”. This Report aimed to address difficult issues regarding gross violations of human rights on one hand and the principles of Non-Interference and Sovereignty on the other. The Commission focused on the responsibility of States to protect their own populations but

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<sup>1</sup> Mark, G.C. 2000. Humanitarian Intervention: Legal and Political Aspects. Copenhagen, Denmark: Danish Institute of International Affairs.p.11

<sup>2</sup> Sunil, S. 2007. Handbook for the Protection of Internally Displaced Persons. Geneva, Switzerland: Global Protection Cluster Group.p.19. Also available at: <https://www.refworld.org/docid/4790cbc02.html> Accessed: 24/08/2022.

<sup>3</sup> The International Commission on Intervention and State Sovereignty (ICISS) Report on Responsibility to protect, 2001. Available at: <https://www.globalr2p.org/resources/the-responsibility-to-protect-report-of-the-international-commission-on-intervention-and-state-sovereignty-2001/> Accessed: 16/01/2023

recognized that when a State was failing or unwilling to protect its own people, then the International Community had a responsibility to do so. This principle is aimed at the protection of the world's most vulnerable populations from the most heinous international crimes; genocide, war crimes, ethnic cleansing and crimes against humanity.<sup>4</sup>

Since 2005, Responsibility to Protect (R2P) has continued to evolve and gain traction. In his 2009 Report to the General Assembly, Secretary – General Ban Ki-Moon noted that there were three important elements of R2P. The first element is that R2P should be seen as ‘an ally of Sovereignty, not an adversary’ and that by seeking to fulfill a responsibility to protect States should recognize that they are strengthening their own sovereignty; the second element is that R2P should remain narrow and that the R2P principle is narrowly focused on the four crimes of genocide, war crimes, crimes against humanity and ethnic cleansing and should not be expanded to include less significant crimes or humanitarian disasters; The third element is that while the scope of R2P should be narrow, the response should be deep.<sup>5</sup>

From the above three elements, the secretary-general made reference to a wide range of support measure. He equally reiterated the fact that the primary responsibility to protect rests on the States, responsibility of the members of the International community to assist States concerned and thirdly where that State manifestly fails to protect its population, the International Community should take collective action in a timely and decisive manner. A deeper look at this pillar allows the possibility for the use of force for the purposes of protection under the UN Charter. The main purpose of humanitarian intervention is to curb human rights violations and protect citizens from massive destruction. This therefore draws to mind the fact that humanitarian intervention and the R2P play similar roles during armed conflicts and despite their disparities they should be seen as friends and not foes as they aim to achieve same goal. The use of this tool as a means to protect citizens has suffered setbacks because of the principles of Sovereignty and Non-intervention which is predominant in the world today echoed by article 2(4)<sup>6</sup> of the UN Charter.

It is true that diplomatic and economic sanctions have been meted on Russia but these seem not to have a deterrent effect on Russia who persists in her crusade to wipe out Ukraine except Ukraine adheres to its terms. Despite the effectiveness of the use of humanitarian intervention in the cases of Kosovo and Libya, the International Community has been reluctant in authorizing it in the case of Russia irrespective of the massive human rights violations going on in Ukraine. The question is, does the situation in Libya differ from that in Russia/Ukraine and Syria? This paper aims to critically examine the situations in Russia/Ukraine in order to propose a way forward for the protection of civilians in Ukraine through humanitarian intervention. To this end, the paper recalls the R2P bestowed on States and the International Community evaluating the positive results of humanitarian intervention in Libya and Kosovo.

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<sup>4</sup> Australian Red Cross. 2009. International Humanitarian Law and The Responsibility to Protect: A Handbook. Australia: Australian Red cross. P.11

<sup>5</sup> *Ibid.* pp.11,12

<sup>6</sup> “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 UN”

## **Justifications for the Applicability of Humanitarian Intervention as a Tool to Protect Civilians**

The justification for humanitarian intervention rests first and foremost with the argument that there is a moral duty to protect civilians from human rights abuses. That moral duty is derived from natural law, be it determined through religion or political philosophy. The right to life is an important concept of natural law and it provides the foundation of the justification for humanitarian intervention because the right to life is a universally accepted norm. All cultures, be they Islamic, Hindu, Buddhist, secular or Christian value the sanctity of human life. Similarly, it is difficult to think of any culture that welcomes drought, famine, disease, murder and malnutrition. It follows that humanitarian intervention which has its central aim the protection of life, is a moral obligation and right in the realm of International Relations.<sup>7</sup>

From a legal perspective, it is the UN Charter which provides the strongest justification for humanitarian intervention. Specifically, the Charter's preamble and Article 1(3),<sup>8</sup> Article 55,<sup>9</sup> and article 56<sup>10</sup> all speak strongly to the importance of human rights. Furthermore, article 2(4) which limits the use of force by one State against another, leaves room for international actors to engage in humanitarian intervention. Humanitarian intervention seeks neither a territorial change nor a challenge to the political independence of the State involved and is not inconsistent with the purposes of the UN. Rather, it is in conformity with the most fundamental peremptory norms of the Charter (to maintain peace and security). It is therefore a distortion to argue that it is precluded by article 2(4). Article 39 of the UN Charter further establishes that the Security Council may authorize the use of force in response to "any threat to the peace, breach of the peace or act of aggression".<sup>11</sup> Therefore, there is a framework in international law which gives priority to human rights and justifies the use of humanitarian intervention with the purpose to protect civilians during armed conflicts.

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<sup>7</sup> Joshua, M. 2012. "Humanitarian Intervention: An Exploration of Its Justification and Best Practices". Unpublished. Available at <https://www.e-ir.info/2012/01/30/humanitarian-intervention-an-exploration-of-its-justification-and-best-practices/> Accessed: 24/08/2022

<sup>8</sup> "To achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion".

<sup>9</sup> "With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the UN shall promote;

1. Higher standards of living, full employment, and conditions of economic and social progress and development.
2. Solutions of international Economic, Social, health and related problems; and international cultural and educational cooperation; and
3. Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

<sup>10</sup> "All members pledge themselves to take joint and separate action in cooperation with the organization for the achievement of the purposes set forth in article 55".

<sup>11</sup> Joshua, M., *op.cit.* footnote 9.

As good as the justification for humanitarian intervention presents for the purpose of protection, the practice has been subject to criticisms from States (especially African States) and Scholars<sup>12</sup> presenting the principle of Sovereignty as a strong backup. There has equally been issues of personal interest by intervening States/Organizations which cannot be waived. Others<sup>13</sup> have raised the damage caused by humanitarian intervention citing the cases of Kosovo and Libya and therefore perturb the use of this tool to protect civilians. As good as these criticisms may be, to throw away humanitarian intervention will be an error on the part of the International Community especially as it will serve as a message to dictators, tyrants and terrorists that the arm of international justice isn't long enough to reach them.

Apart from the main aim of humanitarian intervention being protection of lives, there is the need to overthrow repressive regimes of dictators. This is clearly seen in cases of Internal / Non-International Armed Conflicts which most often takes place between the government and organized armed groups.<sup>14</sup> Some of the human rights violations are perpetrated by the State through its forces. In such cases, the R2P by the State is watered down since the State itself is involved in the violation. In such a situation, there is need for external intervention to protect the citizens and overthrow repressive regimes as it was the case in Libya.

### **The Necessity for Humanitarian Intervention and the Responsibility to Protect**

The R2P is in many respects an evolution of the concept of humanitarian intervention introduced by the International Commission on Intervention and State Sovereignty (ICISS) in 2001. The assumption of the doctrine is the need for mutual support between States and a shared responsibility to protect populations from crimes of aggression and gross violations of human rights.<sup>15</sup> Following the 2001 Report, the R2P doctrine developed in a short period into three (3) different pillars. The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and the incitement of them; the International Community has a responsibility to encourage and assist States in fulfilling this responsibility; and finally, the International Community has a responsibility to use appropriate

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<sup>12</sup> Iain Atack in his article "Ethical objections to Humanitarian Intervention", considers intervention as threat to territorial integrity; Duncan Bell in his article "Humanitarian Intervention", stated that humanitarian intervention undermines the notion of State Sovereignty and offers a fundamental challenge to the stability of Post-World War II international system.

<sup>13</sup> Laszlo Valki in his article "Kosovo, International Law and Humanitarian Intervention", JSTOR, No.15,2001.p.2 stated that NATO's air campaign was not in compliance with the current international legal order because this order does not recognize the lawfulness of humanitarian intervention. Those who decided on the air attacks were not concerned with the question of legality.

Matthew Green in his article titled "To what extent was the NATO Intervention in Libya a Humanitarian Intervention?", E-International Relations, 2019.p.3 stated "It should be noted that NATO intervening under the umbrella of responsibility to protect involves the 'responsibility to help to protect populations'. This critically involves all of the citizens that are based within the State. Yet, throughout the intervention, NATO fundamentally failed in this duty to protect. This was evident from the reports of rebel opposition groups torturing individuals based upon their skin colour".

<sup>14</sup> A good example is the case of Libya where Gadaffi's regime was targeted since he was the main violator of the human rights of his citizens. Unfortunately, he died in the process and there was a regime change that brought considerable calm at least to an extent in Libya

<sup>15</sup> Fiammetta, B. 2015. "The Responsibility to Protect doctrine: Between criticisms and inconsistencies". Journal on the Use of Force and International Law. Vol. 2. No. 2. pp.224, 225



diplomatic, humanitarian and other means to protect people from these crimes. Thus, if a state is manifestly failing to protect its population, the International community must be prepared to take collective action to protect these people in accordance with the UN Charter. In other words, the R2P doctrine includes;

1. The responsibility to ‘prevent’ gross violations of human rights;
2. The responsibility to ‘react’ when this type of crime is perpetrated through a gradual series of means going from persuasion to military intervention; and
3. The responsibility to ‘rebuild’, that is, responsibility for restoring the damage caused by the military action, ensuring a durable peace and promoting the rule of law.<sup>16</sup>

This structure has been progressively strengthened for more than a decade through a series of documents. The 2004 Report, “A more Secure world: Our shared Responsibility”<sup>17</sup>, enhanced the notion of human security, gathering together poverty, disease and environmental decay with international and civil conflicts, as well as terrorism and International Criminal Organizations. The 2005 Report, “In Larger Freedom: Towards Development, Security, and Human rights for All”, encourages States to conceive the R2P as a basis to legitimize a collective action against genocide, ethnic cleansing and crimes against humanity. Paragraph 139 of the 2005 World Summit Outcome (WSO) calls for a responsibility of the International Community through the UN to adopt diplomatic, humanitarian and other pacific measures pursuant to Chapters VI and VII of the UN Charter in order to assist populations from the aforementioned crimes.<sup>18</sup> In this context, according to the document, States should also be ready to undertake collective action promptly and firmly through the Security Council in accordance with the Charter. However, in cases of armed intervention, this should be done after a case-by-case analysis and in cooperation with the relevant regional Organizations when peaceful means have proven inadequate and national authorities have manifestly failed in protecting their population from genocide, war crimes, ethnic cleansing and crimes against humanity.<sup>19</sup>

In 2009, the UN Secretary General’s Report, “Implementing the Responsibility to Protect”, underscored that the worst tragedies afflicting humanity in the last century were not circumscribed into a particular region of the world. In this report, the R2P doctrine is conceived of an attempt to find a solution to those types of situations and it was described as an ally of sovereignty.<sup>20</sup> The 2010 Report of Secretary-General Ban-Ki-Moon, “Early Warning, Assessment and the Responsibility to Protect”, while recognizing the efforts made by the UN in the field of

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<sup>16</sup> *Ibid.* p.226

<sup>17</sup> Report of the Secretary – General’s High-Level Panel on Threats, Challenges and Change, “A More secure World: Our shared Responsibility”, 2004. Available at: <https://www.un.org/peacebuilding/content/more-secure-world-our-shared-responsibility-%E2%80%93-report-high-level-panel-threats-challenges-and> Accessed: 16/01/2023

<sup>18</sup> UN General Assembly, 2005 World Summit Outcome, Global Centre for the Responsibility to Protect, 2005.para 139 Available at: <https://www.globalr2p.org/resources/2005-world-summit-outcome-a-60-l-1/> Accessed: 16/01/2023

<sup>19</sup> UN General Assembly , UNDOC A/59/565, 2 December 2004, UN general Assembly, UNDOC A/RES/60/1, 24 October 2005

<sup>20</sup> UN General Assembly, “Implementing the Responsibility to Protect, The 2009 General Assembly Debate: An Assessment”. Global Centre for the Responsibility to Protect. 2009. Available at: <https://www.un.org/ruleoflaw/blog/document/report-of-the-secretary-general-implementing-the-responsibility-to-protect/> Accessed: 16/01/2023

information, assessment and early warning, called on UN bodies to increase the flow of information from the peripheral centres to headquarters. The management and the increase of the information flow is, according to the report, one of the key aspects to ensuring a timely intervention in the framework of the R2P.<sup>21</sup> The UN General Assembly held a Plenary Meeting on the R2P and the prevention of Genocide, war crimes, ethnic cleansing and crimes against humanity on 23 – 24 June 2022 as part of the formal agenda of its 76<sup>th</sup> session. The debate constituted the fifth time that the general assembly formally considered R2P.<sup>22</sup> During the meeting, 61 UN member States, one observer mission and the European Union spoke on behalf of 91 countries. This year's debate was the first meeting since the General Assembly adopted Resolution 75/277 on 18 May 2021.<sup>23</sup> With the adoption of this historic resolution on R2P since 2009, member States decided to include R2P on the Annual agenda of the General Assembly and formally requested that the Secretary-General report annually on the topic.<sup>24</sup>

## **MILITARY INTERVENTIONS AND THE RESPONSIBILITY TO PROTECT: PAST CASES**

Military interventions are done in the framework of peacekeeping as currently understood by the UN and carried out under the context of UN Security Council mandates involving states, regional economic communities and a range of International actors. Chapter VII of the UN Charter allows for military actions to be authorized by the Security Council including those carried out by Regional Organizations. As the UN has no inherent war – fighting capacities, military interventions need to be devolved to States, coalitions or regional organizations that have the armed capacities.<sup>25</sup> This section will focus on two important cases of humanitarian intervention; The Case of Libya and Kosovo.

### **The Case of Libya**

The UN Security Council adopted Resolution 1973 of 2011 which authorized a No-Fly zone, supported by South Africa and other African non-permanent members of the Security Council.<sup>26</sup> A no-fly zone is essentially a predetermined section of airspace in which military forces revoke access to all other aircraft.<sup>27</sup> Such was the instrumental military logic of the Libyan intervention, where NATO airstrikes combined with militia uprisings to destroy the regime in the cause of protecting civilians. Popular opinion holds that the entire operation was conceived by the Permanent members of the Security Council with the ultimate objective of dislodging Gaddafi and

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<sup>21</sup> *Ibid*.p227

<sup>22</sup> UN General Assembly, “ Summary of the 2022 UN General Assembly Plenary Meeting on the Responsibility to Protect”. Global centre for the Responsibility to Protect. July 2022. Available at:

<https://www.globalr2p.org/publications/summary-2022-r2p-debate/> last accessed: 16/01/2023

<sup>23</sup> UN General Assembly, Resolution 75/277 (The Responsibility to Protect and the Prevention of Genocide, war crimes, Ethnic Cleansing and Crimes against humanity) A/RES/75/277. Global Centre for the Responsibility to Protect. 2021. Available at: <https://www.globalr2p.org/resources/2021-unga-r2p-resolution/> last accessed: 16/01/2023

<sup>24</sup> <https://www.relief-web.int/report/world/summary-2022-un-general-assembly-plenary-meeting-responsibility-protect>. Accessed: 24/11/2022

<sup>25</sup> Garvin, C. 2016. Peacekeeping Interventions in Africa. Mozambique: Friedrich Ebert Stiftung. P.9

<sup>26</sup> <https://press.un.org/en/2011/sc10200.doc.htm> Accessed: 16/01/2023

<sup>27</sup> *Ibid*

secure regime change under UN cover. But civilians especially those in Benghazi in the node of the uprising were saved.<sup>28</sup>

### **The Case of Kosovo**

On March 24 1999, the North Atlantic Treaty Organization (NATO) started its intervention with the declared aim of preventing more human suffering in Kosovo. NATO's intervention in the conflict over Kosovo was perceived as a 'humanitarian milestone', 'a precedent for the future', and a turning point in international responses to mass crimes and consequently in the global order. The Kosovo intervention gave rise to the hope that it marked a new era of enforcement of human rights. As a result of these expectations and interventions, formative influence on political and academic debates, many conferences, plenary discussions, newspapers, articles and other publications remembered and reassessed NATO's Operation Allied Force on the occasion of its anniversary. Operation Allied Force did indeed initiate new trends in military reactions to armed conflicts and mass violence.<sup>29</sup>

The intervention has been broadly categorized as a humanitarian military intervention by academics since the objective was to save citizens of the target State who were threatened by a violent emergency.

### **The Cases of Non-Intervention**

Faced with humanitarian crises like those taking place in Russia-Ukraine, Syria, Mali, Cameroon, the International Community has been doing its best to handle these crises. Much still remains to be done in order to protect the citizens of these countries and the efforts of the International Community seems to be short-lived and failing to provide adequate solution. The International Community has the responsibility to protect civilians in times of war especially when the States in question are unable or unwilling to do so. There is therefore the need for a greater step to be taken in order to ensure a halt to human right violations in these States especially in Ukraine where diplomatic and economic sanctions have failed to deter Russia.

The humanitarian intervention in Libya in 2011 and by contrast the prolonged inertia of the International community vis-a-vis the Syrian crisis have revived the debate on the question whether the R2P is becoming a rule or principle of International Law. The failure of the International Community to respond to the atrocities occurring in Syria has dampened some of the early enthusiasm kindled by the authorized use of force in Libya.<sup>30</sup> The International Community has been applauded for its intervention in Kosovo and Libya. It however failed to intervene in the case of Syria and Cameroon. The situation in Cameroon today is under control as the intensity of the fight and human rights violations have greatly reduced though much still remains to be done for there to be normalcy. There is need for intervention in the Russia-Ukraine war to curb human rights violations and destruction of property.

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<sup>28</sup>Garvin, C., *op.cit.* footnote 25. p.11

<sup>29</sup> Thorsten, G. 2019. "A Humanitarian Milestone? NATO's 1999 Intervention in Kosovo and Trends in Military Responses to Mass Violence". Peace Research Institute Frankfurt (PRIF).p.1

<sup>30</sup> Francesco, F and Christine, B. 2013. "Responsibility to Protect, Humanitarian Intervention and Human Rights: Lessons from Libya to Mali". Transworld. Working Paper 15.p.3



## The Case of Russia-Ukraine War

After months of threatening military maneuvers and negotiations in bad faith, on 24 February 2022, Russia launched an all-out assault on Ukraine. European leaders and the European parliament have condemned this unprovoked and unjustified military aggression in the strongest possible terms as it grossly violates International Law. During the first month of fighting, Ukrainians repelled many Russian attacks, conducted counter – offensives and liberated some areas especially around the capital Kyiv. On 2 March 2022, the UN General Assembly adopted a resolution reaffirming Ukraine’s sovereignty and territorial integrity with a broad majority.<sup>31</sup>

The war has left thousands of Ukrainian civilians dead and injured and cities partially razed down. According to the UNHCR, more than 5.2 million refugees mostly women and children have fled to neighboring countries. In addition, as of 23 June 2022, the International Organization for Migration estimated that more than 6.2 million people have been internally displaced. The EU and its allies within and beyond NATO have adopted hard-hitting sanctions aimed at causing severe damage to the Russian economy. The conflict has become Europe’s worst security crisis since the end of the Second World War.<sup>32</sup>

From the commencement of Russia’s violation of International Law in Ukraine, there have been discussions on how the International Community can respond to the crime of aggression committed by Russia. As the situation aggravates with Russia’s indiscriminate bombings, it was clear not only the crime of aggression had been committed but others like genocide, crimes against humanity and war crimes. The Prosecutor of the International Criminal Court opened an investigation into the situation in Ukraine on the basis that there is reasonable belief that Russia has and is still committing crimes against humanity and war crimes.<sup>33</sup> On 2 March 2022, Karim Khan, the Chief Prosecutor of the International Criminal Court (ICC), announced that he was opening an investigation of all ‘past and present allegations of war crimes, crimes against humanity or genocide’ committed during the war in Ukraine. Days earlier, his office announced that it already had ‘a reasonable basis to believe international crimes had been committed. This investigation is the first launched by Karim Khan and it may be the most important the ICC has ever undertaken. It has received strong international political support with 39 countries having referred the Ukraine situation to the office of the prosecutor for investigation. But the court finds itself in a difficult position.<sup>34</sup>

As Russia’s atrocities over Ukraine persists, there is need for the R2P Ukrainians from these heinous crimes; genocide, crimes against humanity, ethnic cleansing and war crimes. Popular opinion holds that the situation warrants military intervention and fingers are pointed at NATO to realize it. Notwithstanding, the Western powers have resisted military intervention and Zelensky’s plea for the declaration of a No-fly zone. Attempts by both States to resolve the issue through a dialogue were unsuccessful. It appears there is a fear of escalation if military intervention is used.

<sup>31</sup> Topical Digest. 2022. “Russia’s war on Ukraine: Background”. European Parliamentary Research Service. P.1

<sup>32</sup> *Ibid*

<sup>33</sup> <https://www.ijss.org/publications/strategic-comments/2022/the-international-criminal-courts-investigation-in-ukraine> last accessed: 16/01/2023

<sup>34</sup> *Ibid*

But the question is if the International Community should fold its arms and watch Russia commit this mass atrocities in Ukraine.

True to say, the International Community through the UN has meted a number of diplomatic and economic sanctions on the Russian government and individual members of the regime but all these seem not to have a deterrent effect on Putin and his cohorts. There is need for military intervention to curb the human rights violations in Ukraine and possibly a regime change in Russia. It's time for the International Community to act in order to put an end to this disastrous war and the way forward is military intervention to protect civilians and curb human rights violations and fingers are pointing at NATO.

### **The Case of Syria**

Syria is currently undergoing deep civil turmoil. The crisis a real turning point in Syria and world affairs. It has turned into a defining moment for relations between Russia and the United States. The Syrian government is at the very least a *defacto* ally of the Russian Federation. However, the United States regards Syria's Head of State, Bashar Al-Assad as a violator of fundamental human rights and wishes to see him removed from power.<sup>35</sup>

The Syrian civil war also known as Syrian uprising is an ongoing armed conflict taking place in Syria. It actually began in the early spring of 2011 within the context of Arab Spring protests with nationwide protest against President Bashar Al-Assad's government, whose forces responded with violent crackdowns.<sup>36</sup> Soon the situation went out of control and the conflict gradually became an armed rebellion. There were protests, civil uprising, defections and armed insurgency until October 2011. There was escalation between November 2011 and March 2012 when there was ceasefire attempt with Kofi Annan's Peace Plan for Syria in April to May 2012. Fighting however renewed between June-July 2012 and the battles of Damascus and Aleppo continued in July-October 2012. In 2013, Hezbollah entered the war in order to support the Syrian Army.<sup>37</sup>

Millions of deads were recorded in Syria with displaced persons and refugees yet no attempt was made by the International community to intervene. Proposals to refer the situation to the ICC for prosecution were vetoed by Russia and China. Despite the havoc caused in Syria, there was no humanitarian intervention to curb the human rights violations. The United States was the only power that intervened to assist the rebel forces. It is a chilling figure that 191,369 men, women and children reported killed in Syria between March 2011 and the end of April 2014.<sup>38</sup> In 2021, 1271 civilians including 299 children, 134 women and 104 victims of torture were killed in Syria.<sup>39</sup>

### **The Case of Cameroon**

The crisis in the Anglophone regions in Cameroon started as a sit-down strike by Lawyers and teachers on 11 October 2016 and rapidly escalated into secessionist political conflict that is

<sup>35</sup> Eric, E. 2012. "Humanitarian Intervention and Syria". Barry Law Review. Vol. 18. Issue. 1.p.1

<sup>36</sup> Maria, D. 2016. "The Syrian Crisis, The Gross Violation of Human Rights, The Extended Use of Chemical Weapons and Their destruction, and the Refugees: Is there any end in this Vicious Circle?". Unpublished. pp.297

<sup>37</sup> *Ibid*p.298

<sup>38</sup> <https://relief.web.int/report/syrian-arab-republic/127/civilians-including-299-children-134-wmen-and-104-victims-torture>. Accessed: 30/08/2022

<sup>39</sup> *Ibid*

threatening the unity of the country. According to Human Rights Watch's (HRW)<sup>40</sup> field research at least 4000 civilians have been killed by government forces and armed separatists fighters since 2016 in the North West and South West Regions as separatists seek independence for the country's minority Anglophone regions. Attempt by the government to resolve the issue through the organization of a Grand National Dialogue failed. With the casualties recorded and the failed National Dialogue, there was need for intervention to curb human rights violations especially as there had been some economic and diplomatic sanctions on the State especially from the United States of America. However, presently there is calm though uneasy as there are still some cases of violation. The researcher holds the view that though much remains to be done for absolute peace to be restored in this case, humanitarian intervention isn't necessary anymore as it may instead reignite the war.

### **HINDRANCES TO HUMANITARIAN INTERVENTION**

The UN Charter contains a general prohibition on the Use of Force. This prohibition is embodied in article 2(4) of the UN Charter.<sup>41</sup> Scholars and governments generally maintain that the Charter allows for only two exceptions to this rule, that is, the response to an armed attack (Article 51)<sup>42</sup> and the other is when the Use of Force is authorized by the Security Council to maintain or restore international peace and security (Article 42).<sup>43</sup>

Article 2(4) doesn't contain a general and comprehensive prohibition on the use of force. It merely regulates the conditions under which force is prohibited but allows exceptions beyond the two mentioned in the Charter (Articles 42<sup>44</sup> and 51<sup>45</sup>). Over the years, governments and legal scholars have argued that force can be lawfully used to protect and rescue nationals abroad; free people from a colonial domination; fight terrorism, or protect people from gross violations of human rights.<sup>46</sup>

### **The Principle of Sovereignty and Non-Intervention**

A fundamental principle of International Law is that a state can generally control all activities within the territory over which it has sovereignty. Outside of this territory, a state is generally

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<sup>40</sup> <https://www.hrw.org/world-report/2022/country-chapters/cameroon> Accessed: 16/01/2023

<sup>41</sup> 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

<sup>42</sup> Article 51, UN Charter, 1945 "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

<sup>43</sup> Article 42, UN Charter, 1945 "Should the Security Council consider that security measures provided for in article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such actions may include demonstrations, blockades and other operations by air, sea or land forces of members of the UN".

<sup>44</sup> *Ibid*

<sup>45</sup> UN Charter, *op.cit.* Footnote 42

<sup>46</sup> Chantal De Jonge, Q. 2000. "Humanitarian Intervention: The Lessons Learned". Carnegie Endowment for International Peace.p.421

restricted to controlling activities of its citizens and vessels or planes registered in its territory. Sovereignty is the full right and power of a governing body over itself without any interference from outside sources or bodies. In political theory, sovereignty is a substantive term designating supreme authority over some polity. In International Law, the important concept of sovereignty refers to the exercise of power by a State.<sup>47</sup> The principle of Non-Interference in domestic affairs is a corollary of the principle of sovereignty. It is the UN Charter that establishes and oversees this fundamental norm of State relations.<sup>48</sup> The UN Charter does not explicitly spell out the principle of Non-Intervention as a rule governing relations between member States. It is rather implied in the statement of the principles of the UN.<sup>49</sup> For example, article 2(1) roots the organization on the principle of sovereign equality of its members and article 2(3) calls for peaceful settlement of International disputes.

The concept of sovereignty in International Law is an indispensable right of States. It has both legal and political content. It can be divided into two groups; namely internal and external sovereignty. Internal sovereignty is defined as the ability of a state to exercise legislative, executive and judicial powers on everything and everyone in its country whereas external sovereignty means a State's refusal of all impacts and limitations on its actions without its consent.<sup>50</sup>

These principles have been given utmost regard by the International community which have helped to minimize the interference by one State in others internal affairs especially for personal interest. It has equally acted as a hindering factor preventing other States from interfering in the internal affairs of other States even during armed conflicts. Dictators and Tyrants hide behind these principles to perpetrate massive human rights violations and the hands of the International Community is tied. Notwithstanding the value placed on the principle of sovereignty, it doesn't supersede that placed on human life.

This principle of Sovereignty is one of the reasons why the International Community has been unable to interfere in the Russia-Ukraine war irrespective of the fact that Russia is violating the sovereignty of Ukraine. Intervention in Russia is a categorical imperative especially as diplomatic and economic sanctions have failed to deter Russia from bombarding Ukraine. It is indisputable that if States and organizations are given a free hand to intervene in other States at any given human rights violation, there will be little or no respect for sovereignty.

### **The Veto System**

Beyond permanency itself, the veto power is probably the UN Charter's most significant distinction between permanent and non-permanent members. Article 27 (3) of the Charter establishes that all substantive decisions of the Council must be made with "the concurring votes of the permanent members". The veto has been addressed regularly during the annual working

<sup>47</sup> [http://envlaw.com.au/wp-content/uploads/handout\\_sovereignty.pdf](http://envlaw.com.au/wp-content/uploads/handout_sovereignty.pdf) Accessed: 16/01/2023

<sup>48</sup> Muge, K. 2005. "The Principle of Non-Intervention at the United Nations: The Charter's Framework and the Legal Debate". Centre for International Studies.p.15

<sup>49</sup> Article 2(4), UN Charter 1945. "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." The interpretation of this article makes the use of force illegal.

<sup>50</sup> Ebru, C.O. 2014. "The International Criminal Court Jurisdiction and the Concept of Sovereignty". European Scientific Journal. Vol. 10.p.10

methods debates and is among the topics most frequently raised in the context of almost all discussions of Council working methods.<sup>51</sup>

Permanent members use the veto to defend their national interests, to uphold a tenet of their foreign policy or in some cases, to promote a single issue of particular importance to a state. In the early years, the USSR cast most of the vetoes with a considerable number of these used to block the admission of a new member state. Since 1970, the US has used the veto far more than any other permanent member most frequently to block decisions that it regards as detrimental to the interests of Israel. The UK has used the veto 29 times, the first such instance taking place on 30 October 1956 during the Suez crisis. France applied the veto for the first time on 26 June 1946 with respect to the Spanish Question and has cast a total of 16 vetoes. China has used the veto 16 times with the first one on 14 December 1955.<sup>52</sup>

Since the end of the Cold War in 1991, new trends in the usage of the veto by the different permanent members have emerged. France and the UK have not cast a veto since 23 December 1989 (S/21048) when in tandem with the US, they prevented condemnation of the US invasion of Panama. China which has historically used the veto the least has become increasingly active on this front and cast 13 of its 16 vetoes since 1997. Russia cast 24 vetoes in this period whereas the US has resorted to the veto 16 times since the end of the Cold War. The use of the veto by Russia and China rose considerably since 2011 with the conflict in Syria accounting for the bulk of these. Since 2011, Russia cast 19 vetoes, 14 of which were on Syria. Eight of the nine Chinese vetoes during this period were over Syria and one was on Venezuela. The remaining Russian vetoes since 2011 were against two resolutions related to the conflict in Ukraine, one on the 20th anniversary of the genocide in Srebrenica, one on sanctions against Yemen and one on Venezuela. The US cast 14 vetoes since 2020 with all but two on Israel/Palestine issues.<sup>53</sup>

The veto affects the work of the Council in ways that transcend its actual use during voting. It is not unusual for a draft resolution not to be formally tabled because of the threat of a veto by one or more permanent members. This is difficult to document: a paper trail exists only if a draft is circulated as a Council document which in most cases occurs only when there is a reasonable expectation of adoption. On some occasions, however, the sponsor of a draft resolution may put it to the vote in the full knowledge that it will be vetoed to demonstrate symbolic support for an issue and to create a historical record of positions within the Council.<sup>54</sup>

In the run-up to the 2005 World Summit (following from the 2000 Millennium Summit), the High-Level Panel on Threats, Challenges and Change called on “the permanent members in their individual capacities to pledge themselves to refrain from the use of the veto in cases of genocide and large-scale human rights abuses”.<sup>55</sup> The permanent members of the Security Council have used the veto system to protect states where they have interest in. vetoes have equally been made even in situations where international crimes (genocide, crimes against humanity and war crimes)

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<sup>51</sup> <https://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php> Accessed: 16/01/2023

<sup>52</sup> *Ibid*

<sup>53</sup> *Ibid*

<sup>54</sup> *Ibid*

<sup>55</sup> *Ibid*



have been committed like in the case of Syria. This has watered down the effectiveness of the veto system.

### **The fear of Escalation of war and heightened human rights violations**

The purpose of the UN is to save succeeding generations from the scourge of war and maintain international peace and security using different means and methods; peaceful methods and the use of force where necessary. The UN Charter in its article 51 permits the use of force in self-defense when there is a threat to peace or armed attack against a member State of the UN. This use of force can be individual or collective. The Security Council has been granted that mandate to authorize the use of force or military intervention in situations of gross violations of human rights in a particular State. It has used this mandate in a number of situations including the case of Libya where it authorized NATO to intervene in order to curb human right violations. There were however, additional casualties as a result of that intervention. The fighting equally intensified with the intervention of NATO that led to more human right violations.

There have been massive human rights violations in Ukraine perpetrated by Russia<sup>56</sup> but the International community/ Security Council has been reluctant authorizing NATO to intervene or declaring a no-fly zone over Ukraine for fear of escalation of the war. Many foresee the possibility of a third world war if the Russia-Ukraine war is not properly handled. It is this fear of escalation and heightened human rights violation that has been a hindering factor to military intervention in the Russia-Ukraine war to curb human rights violations.

### **The Aftermath of Humanitarian Intervention**

Many<sup>57</sup> who are against humanitarian intervention have as backup the after effects of humanitarian intervention. The cases of Libya and Kosovo are the two pertinent cases cited for their devastating effects after intervention. Libya's post-conflict transition however has been disrupted by armed militia groups and threatened by the conflict of interim leaders. The situation continues to have a negative impact on the living conditions and security of the local population and was aggravated by the high rate of gun ownership among the population in the absence of any disarmament and effective weapon control efforts.<sup>58</sup> There is human suffering and instability even after the execution of Gaddafi.

In Kosovo during the 11 weeks of Operation Allied Force, NATO's airstrikes killed about 758 people while approximately 2652 people had been killed or had disappeared in the course of the violent conflict prior to the intervention. After Belgrade had given in, NATO stopped its airstrikes on 10 June 1999. Thereafter, Yugoslavia's security forces left Kosovo and a UN interim

<sup>56</sup> <https://reliefweb.int/report/ukraine/new-report-un-human-rights-shows-shocking-toll-war-ukraine-enruuk>

Accessed:16/01/2023. The armed attack of the Russian Federation on Ukraine has led to a grave deterioration of the human rights situation in the country with thousands of civilians killed and injured, massive destruction to civilian infrastructure and housing, arbitrary detention and enforced disappearance, torture and ill-treatment, and conflict-related sexual violence, says the UN Human Rights report.

<sup>57</sup> Frank Ledwidge (Senior Fellow, Royal Air Force College and former British Intelligence Officer) and Rajan Menon, (author of "The Conceit of Humanitarian Intervention") in a debate titled "Humanitarian Intervention does more harm than good" stated that despite good intentions, humanitarian intervention invariably lead to instability, occupation and death of innocent civilians.

<sup>58</sup> Mitsuhsa, F. 2017. "Humanitarian Intervention in Libya: Is it Causing Internal War?". Hitotsubashi Journal of Law and Politics. Vol. 25. Issue 2. P.23.

administration was established. In February 2008, Kosovo declared its independence from Serbia.<sup>59</sup> Despite the casualties as a result of the intervention, normalcy returned as Kosovo gained independence from Serbia, thanks to NATO's intervention.

Some of the aftermath of humanitarian intervention cannot be overlooked. It was eminent in the case of Kosovo and Libya and lessons have been learned from these cases. There was increased number of casualties and instability that continued even after the intervention especially in Libya. This does not however erase humanitarian intervention as these casualties can be minimized through tactical interventions.

## CONCLUSION

Humanitarian intervention as seen above refers to a State or organization using military force against another State where there is human rights violations with the objective to protect civilians. This is normally carried out with the authorization of the UN Security Council. This R2P is bestowed primarily on States and then on the International Community where States are unwilling or unable to do so. The International Community under the auspices of NATO has used humanitarian intervention in a number of States which was applauded by many States and Scholars because of the ability to curb human rights violations and restore peace. This was eminent in the cases of Kosovo and Libya. Despite the effectiveness of humanitarian intervention, the International Community has been reluctant applying it in the case of Russia-Ukraine especially as other sanctions have failed to deter President Vladimir Putin. There is need to strip Russia off its veto power and intervene militarily. This will also permit the International Criminal Court (ICC) to prosecute Putin and his cohorts for all the international crimes committed in Ukraine. Thus, much still remains to be done by the International Community to make humanitarian intervention a reality in today's world as a tool to protect during armed conflicts.

## RECOMMENDATIONS

The veto system is a hindrance to humanitarian intervention. The researcher holds the view that the veto system should not be applicable in any decision to use military intervention instead the majority voting system should be used. This is because recent trends have shown that States which are permanent members of the Security Council will always veto in favour of their allies or States in which they have interest. This was eminent in the case of Syria where Russia and China vouch for Bassar Al-Assad. And today Russia, a permanent member of the Security Council is actually the violator of sovereignty and human rights of Ukrainians.

Also, serious sanctions should be meted on permanent members of the Security Council who are involved in gross human rights violation of their citizens or citizens of other states. The decision of the International Community to revoke Russia's membership from UN Human Rights Council is a step towards the right direction though much still remains to be done to stop President Putin from carrying out the mass killing in Ukraine. There is need to suspend and possibly remove Russia as Permanent member of the Security Council to avoid any kind of veto to decisions by the Security Council. It is therefore the opinion of the researcher that permanent Security Council members involve in gross violation of human rights should be suspended and possibly dismissed

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<sup>59</sup> Thorsten, G. 2019. "A Humanitarian Milestone? NATO's 1999 Intervention in Kosovo and Trends in Military responses to Mass violence". Peace Research Institute Frankfurt. P.1.

from the Security Council if such violations persist. This is so because the responsibility of the P5 is to ensure international peace and security.

Russia's attack on Ukraine has caused serious security issues in Europe and there is the fear among the European states that military intervention might trigger a third world war especially as China is an ally to Russia. There is need to confront these fears and military intervention launched in a manner that will curb fatalities. The researcher holds the view that the military strength of Russia cannot surpass that of the Western powers and intervention has a high probability of subduing Russia and put an end to the war.

To avoid post intervention instability, there should be the creation of a Demobilization, Disarmament and Reintegration commission to disarm rebels or organized armed groups and the setting up of Truth and Reconciliation Commission to reconcile societies especially in cases of Non-International Armed conflicts. This will help eradicate post intervention crisis and restore peace. The Security Council should equally deploy peacekeeping forces to carry out peacekeeping and peace building activities which will help restore peace.

The researcher holds the view that there is the necessity for the application of humanitarian intervention in the case of Ukraine especially as there is the need to protect civilians, curb human rights violations and put an end to the war. Lastly, there should be laid down criteria for humanitarian intervention to avoid disparities upon the occurrence of war. Exact circumstances that warrant intervention should be stated. For example, if sanctions prescribed in Articles 40 and 41 of the UN Charter have been exhausted to no avail then there should be intervention if human rights violations persist. There is therefore need to lay down modalities for intervention additional to the ICISS Report of 2001. When all other peaceful remedies have been exhausted and the commission of international Crimes (genocide, crimes against humanity, war crimes and ethnic cleansing) is still ongoing, military intervention should be the next option or should be considered a necessity. This will send a warning signal to terrorist /dictator leaders and will have a deterrent effect.

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### **REFERENCES**

- Atack, Iain. "ethical Objections to Humanitarian Intervention", *JSTOR*, Vol.33, No. 3, 2002
- Borgia, Fiammetta. 2015. "The Responsibility to Protect doctrine: Between criticisms and inconsistencies", *Journal on the Use of Force and International Law*. Vol. 2. No. 2, 2015
- Cawthra, Garvin, *Peacekeeping Interventions in Africa*, (Mozambique: Friedrich Ebert Stiftung, 2016)
- Christiansen, Mark. *Humanitarian Intervention: Legal and Political Aspects*, (Copenhagen, Denmark: Danish Institute of International Affairs, 2000)

- Coban-Ozturk, Ebru. “The International Criminal Court Jurisdiction and the Concept of Sovereignty”, *European Scientific Journal*, Vol. 10, 2014
- Drakaki, Maria., “The Syrian Crisis, The Gross Violation of Human Rights, The Extended Use of Chemical Weapons and Their destruction, and the Refugees: Is there any end in this Vicious Circle?”, *Unpublished*, 2016
- Engle, Eric., “Humanitarian Intervention and Syria”, *Barry Law Review*, Vol. 18. Issue. 1, 2012
- Francioni, Francesco and Bakker, Christine., “ Responsibility to Protect , Humanitarian Intervention and Human Rights : Lessons from Libya to Mali”, *Transworld*, Working Paper 15, 2013
- Fukutomi, Mitsuhsa., “ Humanitarian Intervention in Libya: Is it Causing Internal War?”. *Hitotsubashi Journal of Law and Politics*, Vol. 25, Issue 2, 2017
- Green, Matthew., “To what Extent was the NATO Intervention in Libya a Humanitarian Intervention?”, *E-International Relations*, 2019
- Gromes, Thorsten., “ A Humanitarian Milestone? NATO’s 1999 Intervention in Kosovo and Trends in Military Responses to Mass Violence”, *Peace Research Institute Frankfurt (PRIF)*, 2019
- [http://envlaw.com.au/wp-content/uploads/handout\\_sovereignty.pdf](http://envlaw.com.au/wp-content/uploads/handout_sovereignty.pdf)
- <https://relief.web.int/report/syrian-arab-republic/127/civilians-including-299-children-134-women-and-104-victims-torture>
- <https://reliefweb.int/report/ukraine/new-report-un-human-rights-shows-shocking-toll-war-ukraine-enruuk>
- <https://reporting.unhcr.org/ukraine-situation>
- <https://www.e-ir.info/2012/01/30/humanitarian-intervention-an-exploration-of-its-justification-and-best-practices/>
- <https://www.globalr2p.org/publications/summary-2022-r2p-debate/>
- <https://www.globalr2p.org/resources/2005-world-summit-outcome-a-60-1-1/>
- <https://www.globalr2p.org/resources/2021-unga-r2p-resolution/>
- <https://www.globalr2p.org/resources/the-responsibility-to-protect-report-of-the-international-commission-on-intervention-and-state-sovereignty-2001/>
- <https://www.hrw.org/world-report/2022/country-chapters/cameroon>
- <https://www.iiss.org/publications/strategic-comments/2022/the-international-criminal-courts-investigation-in-ukraine>
- <https://www.refworld.org/docid/4790cbc02.html>
- <https://www.relief-web.int/report/world/summary-2022-un-general-assembly-plenary-meeting-responsibility-protect>
- <https://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php>

<https://www.un.org/peacebuilding/content/more-secure-world-our-shared-responsibility-%E2%80%93-report-high-level-panel-threats-challenges-and>

<https://www.un.org/ruleoflaw/blog/document/report-of-the-secretary-general-implementing-the-responsibility-to-protect/>

Kinacioglu, Muge., “ The Principle of Non-Intervention at the United Nations: The Charter’s Framework and the Legal Debate”, *Centre for International Studies*, 2005

Matthewman, Joshua., “Humanitarian Intervention: An Exploration of Its Justification and Best Practices”. *Unpublished*, 2012

Qudraat, Chantal de Jonge., “ Humanitarian Intervention: The Lessons Learned”, *Carnegie Endowment for International Peace*, 2000

Report of the Secretary – General’s High-Level Panel on Threats, Challenges and Change, “ A More secure World: Our shared Responsibility”, 2004

Srivastava, Sunil, 2007. *Handbook for the Protection of Internally Displaced Persons*, (Geneva, Switzerland: Global Protection Cluster Group, 2007)

The International Commission on Intervention and State Sovereignty (ICISS) Report on Responsibility to protect, 2001

Valki, Laszlo., “Kosovo, International Law and Humanitarian Intervention”, *JSTOR*, No.15,2001