

HUMANITARIAN INTERVENTION BETWEEN LAW AND POLITICS¹

Zoran Jordanoski LL.M

Faculty of Law “Iustinianus Primus”, Skopje,
jordanoskizoran@gmail.com

ABSTRACT

Taking action by some countries or organizations, in order to protect civilians from the massive violations of the human rights of their government can be defined as a humanitarian intervention. The definition and determination of humanitarian intervention is at a crossroad between the moral and ethical aspects of humanitarian intervention and international law because taking a unilateral use of force under international law is prohibited. The political aspects of the humanitarian intervention are also important. The subject of this article is to review the legality of the humanitarian intervention in terms of international law and its political dimension. This research focuses on humanitarian interventions performed without approval of the UN Security Council, including humanitarian disasters that were not prevented, through which we will answer the question related to the legality of the humanitarian interventions performed without the approval of the UN Security Council and the political controversy related to them.

Key words: Humanitarian intervention, human rights, use of force, legality, international law.

INTRODUCTION

After the end of the Second World War, the establishment of the United Nations and adoption of the Universal declaration on human rights, as well as the concretization of the fundamental human rights by the adoption of the

¹ professional paper

International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, clearly set the focus of International law on human rights issues, placing it among its priorities. However, despite the large number of international documents that guarantee human rights, we are still witnesses of its violations by some countries.

Regarding the conceptual determination of humanitarian intervention, there are authors who define it as “the use of armed forces to protect the citizens of the state against which they intervene, and only when that intervention is performed without the authorization of the UN”.² A broader definition is that “humanitarian intervention includes the use of coercive measures, military or other, for protection of any person, regardless of their citizenship or the authorization of the UN.”³ According to the broadest definition “humanitarian intervention signifies an action for giving humanitarian aid for those whose survival depends on this aid.”⁴ This inequality in the definitions was resolved by Damrosch who defined humanitarian intervention as “a use of force in the event of genocide and other atrocities, but at the same it could be defined as delivering food and medicines to the poor population.”⁵

Since, it has been generally accepted that humanitarian intervention means direct intervention in the internal affairs of another country, it is clear that there is no room for humanitarian assistance or other coercive measures when defining humanitarian intervention. Also, humanitarian intervention can be applied equally in armed conflicts (external or internal) or peacetime and it can be performed with or without approval of the UN. According to this, the best definition to describe humanitarian intervention is a use of force by a country/countries or organization against another country’s without its consent in order to prevent massive and systematic violations of human rights during an armed conflict or peacetime, regardless UN approval of the intervention.

² Verwey, Will D., *Humanitarian Intervention in the 1990s and Beyond: An International Law Perspective*, quoted in: Pieterse, Jan Nederveen, ed. *World Orders in the Making: Humanitarian Intervention and beyond*. New York: St. Martin’s, 1998. Print. p. 190

³ Lepard, Brian D. *Rethinking Humanitarian Intervention: A Fresh Legal Approach Based on Fundamental Ethical Principles in International Law and World Religions*. University Park, PA: Pennsylvania State UP, 2002. Print. p. Xi

⁴ Lepard, p. 267

⁵ Damrosch, F. Lori, *Changing Conceptions of Intervention in International Law*, quoted in Reed, Laura W., and Carl Kaysen, eds. *Emerging Norms of Justified Intervention: A Collection of Essays from a Project of the American Academy of Arts and Sciences*. Cambridge, MA: Committee on International Security Studies, American Academy of Arts and Sciences, 1993. Print. p. 91

Therefore, the unilateral humanitarian intervention performed without UN authorization is one of the most complex issues in International law. In this situation, there is a conflict between two essential concepts, the concept of sovereignty and the concept of human rights. Because the humanitarian intervention usually involves the use of force, it opens a question of its legality under the International law and then it opens a large number of political dilemmas.

LEGALITY OF HUMANITARIAN INTERVENTION

Having in mind the sources of the International law, the issue about the legality of humanitarian intervention performed without authorization of the UN Security Council can be analyzed using International treaty and customary law.

Treaty Law

The UN Charter is the most important international agreement, which has to be taken into consideration when it comes to resolving the legality of humanitarian intervention. It is necessary to determine, whether the UN Charter contains provisions that justify or exclude humanitarian intervention as there are some provisions in the UN Charter which prohibit the use of force. Despite the UN Charter, there are many international agreements, conventions, resolutions and other documents that are regulating issues related to human rights, which are important in terms of resolving the legality of humanitarian intervention.

The most important provision regarding the legality of humanitarian intervention is the provision of Article 2 (4) of the UN Charter which states that "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."⁶ Furthermore, the Article 2 (7) of the Charter contains provision which forbids interference in the internal affairs of the states, except in a situation when the UN applies coercive measures in accordance with Chapter VII of the UN Charter. Hence, the question is whether taking humanitarian intervention without UN Security Council approval is a violation of the Article 2 (4) of the UN Charter or the humanitarian intervention are excluded from this prohibition.

⁶ United Nations Charter, 26 June 1945. "International Court of Justice." *Basic Documents* / . N.p., n.d. Web. 29 June 2016. Article 2(4)

The supporters of humanitarian intervention doctrine state that the prohibition on the use of force given in the Article 2(4) of the UN Charter does not apply to the humanitarian interventions for several reasons. According to Reisman and Mc Dougal, Article 2(4) of the UN Charter does not contain provisions that completely prohibit the use of force. The use of force is only prohibited when used for certain illegal purposes. Humanitarian intervention is not prohibited in the Article 2(4) of the Charter since, its goal is not a territorial change or threatening the political independence of the state in which the intervention has been taken and it's against the purposes of the UN."⁷ In that manner, Lilich states that "the humanitarian intervention taken by the states cannot be determined as incompatible with the purposes of the UN Charter, because it can improve one of the purposes of the organization. Such intervention may be contrary to the Article 2(4) only if it is against the territorial integrity or the political independence of the state in which the intervention occurs."⁸

On the other hand, those opposing to humanitarian intervention emphasize that it is a violation of the territorial integrity and political independence, stating that it is inconsistent with the principles of the UN. According to Shen, the territorial integrity cannot be interpreted only in terms of loss of territory or part of it, as the political independence cannot be understood only in terms of retaining the power of the current political establishment. These two terms are "broad enough to include the political integrity of the state, its dignity and sovereignty to manage its internal and external affairs without any foreign influence."⁹ "The territorial integrity cannot be observed separately from the political independence and the UN goals, while the political independence and territorial integrity cannot be understood in the correct manner without taking into consideration the principles of sovereign equality of states, non-interventions and peaceful disputes settlements and other relevant provisions of the UN Charter, especially those stated in the Chapter VII of the UN Charter."¹⁰

⁷ Reisman, Michael, and Myres S. McDougal. *Memorandum upon Humanitarian Intervention to Protect the Ibos*. New Haven?, quoted in Lilich, Richard B., ed. *Humanitarian Intervention and the United Nations*. Charlottesville: U of Virginia, 1973. Print. p. 177

⁸ Lillich, Richard B., *Humanitarian Intervntion: A Reply to Ian Brownlie and Plea to Constructive Alternatives*, quoted in: Moore, John Norton, and Wolfgang Friedmann, eds. *Law and Civil War in the Modern World*. Baltimore: Johns Hopkins, 1974. Print. p. 236

⁹ Shen, Jianming, *The Non-Intervention Principle and Humanitarian Interventions under International Law*, *International Legal Theory*, vol. 7(1), 2001. Print. p. 26

¹⁰ Jianming, p.27

Akehurst has a similar opinion, stating that the territorial integrity and the political independence have far wider meaning than simple occupation, secession or a change of the government and that “each humanitarian intervention is a temporary violation of the territorial integrity and the political independence of the state against which the intervention is taken.”¹¹

According to those who support humanitarian interventions, when determining the legality of humanitarian intervention, other documents that should be taken into consideration beside the UN Charter are the Convention on the Prevention and Punishment of the Crime of Genocide, The Universal Declaration of Human Rights and the Geneva Conventions of 1949. Although none of these documents contain provisions regarding humanitarian intervention, the provisions in all of these documents “require the member states to take certain actions to prevent violation of the human rights and indirectly support the legality of the humanitarian intervention.”¹² Namely, they consider that the Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide obliges Parties to prevent and penalize genocide, which creates a legal possibility for states to use a military force if it’s necessary to prevent genocide.

However, the interpretation of the provisions in these documents gives us a completely different perspective. In the Preamble of the Additional Protocol I of 1977, it is stated that “nothing in this Protocol or in the Geneva Conventions can be interpreted as legalization or authorization of any act of aggression or any other use of force inconsistent with the Charter of the United Nations.”¹³ The Article 89 of the same Protocol states that “in situations of serious violations of the Conventions or of this Protocol, the High Contracting Parties can act, jointly or individually, in co-operation with the United Nations and in conformity with the United Nations Charter.”¹⁴ In this manner, the Article 3 of the Additional Protocol II also provides that “nothing in this Protocol shall be invoked as a justification of direct or indirect intervention, for any reason whatsoever, in the

¹¹ Akehurst, Michael, *Humanitarian Intervention*, quoted in: Bull, Hedley, ed. *Intervention in World Politics*. Oxford: Clarendon, 1984. Print. p.105

¹² Geissler, Laura, *The Law of Humanitarian Intervention and the Kosovo Crisis*, Hamline Law Review, vol. 23(2), 2000. Print. p.328.

¹³ Additional Protocol I to Geneva Conventions, 8 June 1977, "Treaties, States Parties, and Commentaries - Additional Protocol (I) to the Geneva Conventions, 1977." *Treaties, States Parties, and Commentaries - Additional Protocol (I) to the Geneva Conventions, 1977*. N.p., n.d. Web. 29 June 2016. Preamble

¹⁴ Additional Protocol I to Geneva Conventions. Article 89

armed conflict or in the internal or external affairs of the High Contracting Party."¹⁵ Furthermore, the Article 8 of the Convention on the Prevention and Punishment of the Crime of Genocide provides that "any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for prevention and suppression of genocide."¹⁶

Analyzing these documents, we can draw a conclusion that all of them suggest that the protection of the human rights and the necessity of undertaking actions must be in accordance with the UN Charter, which clearly states that "the provisions of the UN Charter on the human rights neither explicitly, not implicitly give authorization for forcible materialization of the human rights - at least the right of unilateral humanitarian intervention."¹⁷

Customary Law

According to the Statute of the International Court of Justice, the International customary law is defined "as evidence of a general practice accepted as law"¹⁸. From the definition, we can conclude that the creation of new customary law contains two elements. First, there should be a practice among the subjects of the international law which will be generally supported and there has to be awareness that they are legally obligated (*opinion juris*). Hence, the customary law can be created in areas that are not covered by international agreements or in areas that already has some agreements. Therefore, the legality of humanitarian interventions has to be analyzed in the period before and after the Second World War.

In terms of the period before the Second World War, there are numerous arguments that the customary law for humanitarian interventions didn't exist. Even if we accept the claim that customary law existed, it is hard to believe that

¹⁵ Additional Protocol II to Geneva Conventions, 8 June 1977. "Treaties, States Parties, and Commentaries - Additional Protocol (II) to the Geneva Conventions, 1977." *Treaties, States Parties, and Commentaries - Additional Protocol (II) to the Geneva Conventions, 1977*. N.p., n.d. Web. 29 June 2016. Article 3

¹⁶ Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948 *Prevention and Punishment of the Crime of Genocide*. N.p., n.d. Web. 29 June 2016. Article 8

¹⁷ Donnelly, Jack, *Human Rights, Humanitarian Intervention and American Foreign Policy: Law, Morality and Politics*, Journal of International Affairs, vol. 37(2), 1984. Print. p. 318

¹⁸ International Court of Justice Statute., 26 June 1945."International Court of Justice." *Basic Documents* / . N.p., n.d. Web. 29 June 2016. Article 38 paragraph1 point 6

it would survive the adoption of the UN Charter (according to the principle *lex posterior derogat legi priori*).

Regarding the claim, that humanitarian intervention has originated as customary law after the UN Charter adoption and therefore it gives extensive interpretation of its provisions, it is necessary to analyze the two elements of customary law: the practice of countries and their awareness of legal obligations.

The practice of countries is often reflected by their activities and the actions taken in certain situations, but also their refrain from taking action. In order for a practice to be verified, it "has to meet the time criteria (frequency, consistency, permanence and continuity), then it must be unified and in the end it has to be general."¹⁹

In terms of time criteria, there aren't unified criteria on how many times an action has to be repeated in order to be accepted as a practice. This depends on the nature of the practice. Analyzing the past humanitarian intervention cases it can be concluded that this practice is established in terms of time criteria. This is because this practice already exists and it occurs more than four decades in continuity.

As a condition for the creation of customary law, the uniformity of a practice requires from the subjects of International law "in the same or similar cases to behave in the same way."²⁰ In order to determine the uniformity of the practice besides analyzing existing cases of humanitarian interventions, it is necessary to analyze the cases where the international community hasn't used this mechanism, although there were conditions for that. The question that arise here is why the international community didn't perform any actions to protect and stop violations of human rights in the period of apartheid in South Africa, the genocide and massive murders in Rwanda and Bosnia, the murders of hundreds of thousands of people in Indonesia or prevent the violation of human rights of the Kurds in Turkey. This practice directly shows that there is not only a lack of uniformity, but also there are double standards in the acts of the international community.

Regarding the generality of the rule, it is generally accepted that "it is necessary for the practice to be both widespread and representative."²¹ In terms

¹⁹ Janković, Branimir, Zoran Radivojević, *Međunarodno javno parvo . - 4. izmenjeno i dopunjeno izd.* Niš, Serbia: SVEN 2005. Print. p. 24

²⁰ Jankovic, Radivojevic, p. 25

²¹ The International Law Association (ILA) Report, International Law Association, London Conference 2000. Print. p. 23

of widespread of the practice, it is not required from all countries to participate in the creation of the custom rule, but it is necessary most of the countries that are affected by that issue to be included in that practice. In terms of representation, “the number of participating countries is not relevant, but it is important who those countries are.”²² Therefore, in this case all countries in the world are passive actors (as potentially endangered), while on the active side are those countries that have the capacity and resources to perform a humanitarian intervention. Analyzing the behavior of the subjects in the past interventions, it is clear that all passive actors, including countries such as Russia and China as one of the key actors in the international political scene, directly opposed the humanitarian interventions, which indicate that the practice is not generally accepted.

The creation of a belief that the countries are legally obliged with the established practice is the last element in the process of formation of customary law in terms of the awareness of the legal obligation. Also, while the positive feeling of legal obligation may contribute to the creation of customary law, the feeling that they are not legally obliged (opposite *opinion juris*) it’s an obstacle for creation of customary law.

In the field of humanitarian interventions, there are numerous situations where we can analyze the awareness of the countries for their legal obligation. For example, India as a country that has performed the first humanitarian intervention, although it notes some humanitarian aspects, has put its core of the intervention on the right to self-defense. The countries that have intervened in Cambodia and Uganda have also refused to invoke on the right of humanitarian intervention. They’ve justified their intervention as self-defense for the previous actions on their territories. This intervention resulted in overthrowing the actual government. In the case of the intervention in Iraq, the US and the UK used the Resolution 688 to justify their intervention, while only “France considered that there is no need of an approval from the UN for this intervention, and that the countries are originally entitled to intervene in the case of massive human rights violations.”²³ Also, in terms of NATO’s intervention in Yugoslavia, “while almost all NATO states made some mention of humanitarian motivations on

²² International Court of Justice, North Sea Continental Shelf Case, 1969, (Judgment), 20th February 1969, "International Court of Justice." *Cases /*. N.p., n.d. Web. 29 June 2016. Par. 74

²³ Blockmans, Steven. "Moving Into UN chartered Waters: An Emerging Right of Unilateral Humanitarian Intervention?" *Leiden Journal of International Law* 12.4 (1999): 759-86. Web. p. 777

their policy stances on Kosovo, the doctrine of humanitarian intervention was not generally invoked as such.²⁴ Only Belgium has noted that humanitarian action must be performed to end the violations of human rights whether it is approved by the UN Security Council or not.

From this behavior of the countries during performing the interventions it can be concluded that one of the key elements in the process for creation of a customary law is missing i.e. the countries are not aware of their legal obligation. Also, analyzing the statements and behavior of other countries, such as Russia, China, India and many South American and African states, we can conclude that there is a negative *opinion juris* which by itself is an obstacle for creation of this customary law.

Therefore, we can conclude that there are still no conditions for humanitarian intervention to become an international customary law. This because, there is still non-uniformity of the practice, lack of general support, absence of awareness of legal obligation, and resistance of many of the countries in the world. According to this, humanitarian interventions performed without UN Security Council authorization cannot be based on the ground of International customary law.

POLITICAL DILEMMAS OF THE HUMANITARIAN INTERVENTION

The humanitarian interventions performed without authorization of the UN Security Council open numerous political dilemmas. Hence, the key question is whether this type of intervention is a back door to avoid the veto power of the UN Security Council permanent member states. Moreover, the double standards used in the decision making process whether to perform a humanitarian intervention or not, raises the question whether some countries are trying to achieve their geopolitical and national interests through the issue of human rights. All of these issues raise the further doubts of the sincerity and intentions of this type of interventions.

Based on the analysis of the related international documents, becomes obvious that they indicate that countries are obliged to intervene in case of massive violations of human rights under the UN Charter, using UN legal mechanisms. Hence, it is obvious that the only organization in the world which is authorized to approve the humanitarian intervention is the UN Security

²⁴ Portela, Clara, *Humanitarian Intervention, NATO and International Law*, Research Report 00.4, 2000. Print. p. 17

Council. In this regard is the statement of the former UN Secretary-General Kofi Annan, who already gave support on NATO intervention in Yugoslavia, however his position was that “not just in relation to Kosovo, that under the Charter the Security Council has primary responsibility for maintaining international peace and security - and this is explicitly acknowledged in the North Atlantic Treaty. Therefore, the Council should be involved in any decision to resort to the use of force.”²⁵

Having in mind the composition of the UN Security Council and the veto power of its permanent member states, some countries and organizations use it as an excuse to avoid and perform interventions without UN authorization. Therefore "in the Kosovo crisis for example, NATO avoided seeking Security Council approval for intervention, as they feared a veto by Russia and China."²⁶ Being feared of the eventual veto in the Security Council, NATO members doesn't required formal approval at all. They just take into consideration their own assets and interests to bring a decision to perform unilateral humanitarian intervention over Yugoslavia. In this way these countries put themselves over the world organization and International law.

The double standards when making a decision whether to perform a humanitarian intervention or not is another controversial issue. "The genocide in Rwanda in 1994 was completely ignored by the international community; the world stood by as people were systematically massacred"²⁷ or „when UN troops stood by as civilians were slaughtered in the town of Srebrenica in Bosnia in 1995“²⁸, are just a some cases of situations where the international community had an opportunity to intervene. To be more specific, there are some non-logical facts. "Some Western countries act with impunity towards the law while simultaneously punishing others to do the same."²⁹ Chomsky noted that "while Turkey participated in the NATO bombing of Kosovo; Turkey itself has

²⁵ United Nations. Secretary-General Kofi Annan. *Secretary-general deeply regrets Yugoslav rejection of political settlement; Says Security Council should be involved in any decision to use force*. UN. United Nations, 15 May 1999. Web. 29 June 2016.

²⁶ Chinkin, Christine M., *Kosovo: A "Good" or "Bad" War?* AJIL, 93 (1999) 4, p. 841, quoted in MacSweeney, Eoghan. *The Doctrine of Humanitarian Intervention: A Double Standard?* N.p.: n.p., 2002. Print. p. 5

²⁷ *Human Rights Watch, World Report 2000*, N.p., n.d. Web. 29 June 2016.

²⁸ *Human Rights Watch, World Report 2000*

²⁹ McSweeney, p. 4

committed many atrocities against its Kurdish population."³⁰ In this case we have a serious question of the legitimacy of the intervention, i.e. what is the legitimacy of one country to require the other to refrain from certain actions on its territory, while it commits the same or similar violations of the human rights on its territory. The fact, that during the NATO intervention innocent civilians have suffered, "NATO itself committed serious violations of the humanitarian law as a result of the way it conducted its intervention."³¹ These double standards lead us to the conclusion that "the protection of the human rights in foreign countries through an intervention of a country was never the main goal of the country that intervened. The personal interests in terms of political, economic or ideological nature were always crucial, when deciding whether to intervene or not."³²

All these cases about avoiding the UN Security Council, the double standards, the method of performing humanitarian interventions and their effects, lead us to suspect in the sincerity and the good intention of these interventions. Maybe, if this practice didn't result with secession, loss of territory and endanger of the political independence of the countries over which the intervention were performed, perhaps it would have been justified and widely supported. But looking at the double standards set by the international community and the effects of the humanitarian interventions, we can conclude that the lack of the precise legal framework for their approval and implementation can only lead to their abuse by certain countries. Shabas was right when he noted that the humanitarian intervention is "slippery slope that threatens chaos,"³³ adding that the consequences of human intervention can also be serious as the consequences of any type of genocide. The fact that besides the serious violations of the International law, as well as serious violations of the International Military and Humanitarian law by the countries that performed a unilateral humanitarian interventions, there are no one initiated legal actions or

³⁰ Chomsky, Noam. *The New Military Humanism: Lessons from Kosovo*. Monroe, ME: Common Courage, 1999. Print. p. 13

³¹ *NATO/Federal Republic of Yugoslavia: "Collateral Damage" or Unlawful Killings?: Violations of the Laws of War by NATO during Operation Allied Force*. London, U.K.: Amnesty International, International Secretariat, 2000. Print. p. 2

³² Verwey, Will D., *Humanitarian Intervention in the 1990s and Beyond: An International Law Perspective*, quoted in: Pieterse, p. 182

³³ Schabas, William. *Genocide in International Law: The Crimes of Crimes*. Cambridge, U.K.: Cambridge UP, 2000. Print. p. 502

rendered a judgement. This shows the inability of the International community and the UN to sanction violations of the International law.

Therefore, from a political point of view, this behavior sends a message to the countries of the UN Security Council, but also to all countries in the world, that for some countries there are not restrictions for use of force and the decision for performing a humanitarian intervention depends on their valuation and goodwill for intervention. This undermines the main principles of the UN since its founding idea and goal was to prevent arbitrariness, conflicts and the unilateral use of force in the world.

CONCLUSION

Taking into consideration all of the above, we can conclude that according to International law, humanitarian interventions performed without the Council authorization of the UN Security are illegal and are also accompanied by many political controversies. The problem of not having clear mechanisms for the protection of human rights, when violated, leaves a lot of room for some countries to take action on their own. It is clear that the international community has the right and obligation for protection of human rights worldwide, but it also has the obligation to take appropriate measures and actions in order to prevent or stop its violation. Since, it is clear that the procedure to perform an intervention in the UN Security Council is complicated because of the veto power of the five permanent members and the humanitarian interventions performed without the UN approval comes into direct conflict with international law, it is necessary to create an appropriate effective system that will be in accordance with international law and will contribute to avoiding humanitarian disasters in the future. For this purpose it is necessary to redefine the role of the UN Security Council and decisions making process in the field of humanitarian interventions and protection of human rights, i.e. it is necessary to limit or restrict the right of veto power when it comes to interventions necessary to prevent massive violations human rights. Also, it is necessary to be defined clear and precise criteria when and in which cases the international community is obliged to intervene in order to prevent a humanitarian disaster. Only through clear legal framework for humanitarian interventions and precisely defined system for protection of human rights we will be enabled to prevent humanitarian disasters in the future, but also avoid the possibilities of manipulation with the humanitarian interventions for other purposes.

LITERATURE

1. Blockmans, Steven. "Moving Into UN chartered Waters: An Emerging Right of Unilateral Humanitarian Intervention?" *Leiden Journal of International Law* 12.4 (1999): 759-86. Web.
2. Bull, Hedley, ed. *Intervention in World Politics*. Oxford: Clarendon, 1984. Print
3. Chomsky, Noam. *The New Military Humanism: Lessons from Kosovo*. Monroe, ME: Common Courage, 1999. Print
4. Donnelly, Jack, *Human Rights, Humanitarian Intervention and American Foreign Policy: Law, Morality and Politics*, *Journal of International Affairs*, vol. 37(2), 1984. Print
5. Geissler, Laura, *The Law of Humanitarian Intervention and the Kosovo Crisis*, *Hamline Law Review*, vol.23(2), 2000. Print
6. Janković, Branimir, Zoran Radivojević, *Međunarodno javno parvo . - 4. izmenjeno i dopunjeno izd.* Niš, Serbia: SVEN 2005. Print
7. Lepard, Brian D. *Rethinking Humanitarian Intervention: A Fresh Legal Approach Based on Fundamental Ethical Principles in International Law and World Religions*. University Park, PA: Pennsylvania State UP, 2002. Print
8. Lillich, Richard B., ed. *Humanitarian Intervention and the United Nations*. Charlottesville: U of Virginia, 1973. Print
9. MacSweeney, Eoghan. *The Doctrine of Humanitarian Intervention: A Double Standard?* N.p.: n.p., 2002. Print
10. Moore, John Norton, and Wolfgang Friedmann, eds. *Law and Civil War in the Modern World*. Baltimore: Johns Hopkins, 1974. Print
11. Pieterse, Jan Nederveen, ed. *World Orders in the Making: Humanitarian Intervention and beyond*. New York: St. Martin's, 1998. Print
12. Portela, Clara, *Humanitarian Intervention, NATO and International Law*, Research Report 00.4, 2000. Print
13. Reed, Laura W., and Carl Kaysen, eds. *Emerging Norms of Justified Intervention: A Collection of Essays from a Project of the American Academy of Arts and Sciences*. Cambridge, MA: Committee on International Security Studies, American Academy of Arts and Sciences, 1993. Print
14. Schabas, William. *Genocide in International Law: The Crimes of Crimes*. Cambridge, U.K.: Cambridge UP, 2000. Print

15. Shen, Jianming, *The Non-Intervention Principle and Humanitarian Interventions under International Law*, International Legal Theory, vol. 7(1), 2001. Print
16. The International Law Association (ILA) Report, International Law Association, London Conference 2000. Print
17. International Court of Justice, North Sea Continental Shelf Case, 1969, (Judgment), 20th February 1969, "International Court of Justice." *Cases /*. N.p., n.d. Web. 29 June 2016.
18. *Human Rights Watch, World Report 2000*, N.p., n.d. Web. 29 June 2016.
19. *NATO/Federal Republic of Yugoslavia: "Collateral Damage" or Unlawful Killings?: Violations of the Laws of War by NATO during Operation Allied Force*. London, U.K.: Amnesty International, International Secretariat, 2000. Print
20. United Nations Charter, 26 June 1945. "International Court of Justice." *Basic Documents /*. N.p., n.d. Web. 29 June 2016.
21. Additional Protocol I to Geneva Conventions, 8 June 1977, "Treaties, States Parties, and Commentaries - Additional Protocol (I) to the Geneva Conventions, 1977." *Treaties, States Parties, and Commentaries - Additional Protocol (I) to the Geneva Conventions, 1977*. N.p., n.d. Web. 29 June 2016.
22. Additional Protocol II to Geneva Conventions, 8 June 1977. "Treaties, States Parties, and Commentaries - Additional Protocol (II) to the Geneva Conventions, 1977." *Treaties, States Parties, and Commentaries - Additional Protocol (II) to the Geneva Conventions, 1977*. N.p., n.d. Web. 29 June 2016.
23. Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948 *Prevention and Punishment of the Crime of Genocide*. N.p., n.d. Web. 29 June 2016