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# Is Humanitarian Intervention Legal The Rule Of Law In An

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The Responsibility to Protect

Humanitarian Intervention

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Ethical Demand and Political Reality

The Prohibition on the Use of Force in Contemporary International Law

The Ethics of Armed Humanitarian Intervention

Humanitarian Intervention in International Society

A Contemporary Legal Analysis

Humanitarian Intervention

Humanitarian Intervention and the Responsibility to Protect

Right of humanitarian intervention. Interplay between morality, law and politics

The Current Status of Humanitarian Intervention in Need of Legal Clarification.

Analysis of the Legal and Humanitarian Justifications for Intervening In Libya and the Inaction in Syria

Humanitarian Intervention

Towards a Theory of Regional Responsibility to Protect  
Humanitarian Intervention and Political Support for Interstate Use of Force  
Humanitarian intervention and international law  
The Ethics, Law, and Politics of Humanitarian Intervention  
Moral and Philosophical Issues  
Humanitarian Intervention  
The Oxford Handbook of the Use of Force in International Law  
NOMOS XLVII  
Intervention in Civil Wars  
Report of the International Commission on Intervention and State Sovereignty  
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A History of Humanitarian Intervention  
Humanitarian Interventions in Long 19th C  
Humanitarian Military Intervention  
Humanitarian Intervention and the Responsibility To Protect  
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The State versus the Individual  
Human rights and international security  
Human Rights and the Use of Force in International Law

A Fresh Legal Approach Based on Fundamental Ethical Principles in International Law and World Religions

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**SUTTON MIKAYLA**

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**The Responsibility to Protect** Oxford University Press

The Law against War is a

translated and updated version of a book published in 2008 in French (Le droit contre la guerre, Pedone). The aim of this book is to study the prohibition of the use of armed force in contemporary positive international law. Some

commentators claim that the field has undergone substantial changes arising especially since the end of the Cold War in the 1990s. More specifically, several scholars consider that the prohibition laid down as a principle in the United

Nations Charter of 1945 should be relaxed in the present-day context of international relations, a change that would seem to be reflected in the emergence of ideas such as 'humanitarian intervention', 'preventive war' or in the possibility of presuming Security Council authorisation under certain exceptional circumstances. The argument in this book is that while marked changes have been observed, above all since the 1990s, the legal regime laid down by the

Charter remains founded on a genuine jus contra bellum and not on the jus ad bellum that characterised earlier periods. 'The law against war', as in the title of this book, is a literal rendering of the familiar Latin expression and at the same time it conveys the spirit of a rule that remains, without a doubt, one of the cornerstones of public international law. From the Foreword by Bruno Simma 'Corten's book is weighty not just by its size, but above all through the depth and

comprehensiveness with which it analyzes the entirety of what the author calls the law against war, the jus contra bellum... Corten tackles his immense task with a combination of methodical rigour, applying modern positivism and abstaining from constructions of a lex ferenda, and great sensibility for the political context and the ensuing possibilities and limitations of the legal regulation of force.'  
Humanitarian Intervention  
 OUP Oxford

Examines the ethical, legal, and political dimensions of military intervention for humanitarian reasons.

**Humanitarian Intervention** GRIN

Verlag

Humanitarian

InterventionMoral and

Philosophical

IssuesBroadview Press

*Ethical Demand and*

*Political Reality* Dobbs

Ferry, N.Y. : Transnational

Publishers

Master's Thesis from the

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abstract: In this thesis,

the concepts of

Sovereignty, non-

intervention and

Humanitarian Intervention

will gradually be unveiled,

especially in subsequent

chapters. The cases of

Syria and Libya will serve

as watershed for the

theoretically unveiled

concepts. The principle of

State Sovereignty plays a

great role in the formation

of international law as it sets a basic foundation on which the international society is built. The natural supposition is that international order is best maintained if states respect one another's sovereignty by adhering to the norms of non-intervention in the internal affairs of other states. The modern idea of Sovereignty dates back to Ancient Rome in which all sovereign powers were bestowed on the Emperor. It was deemed an absolute, unified, inalienable power based

upon a voluntary but irrevocable contract.

*The Prohibition on the Use of Force in Contemporary International Law* Oxford University Press on Demand

The imperatives of sovereignty, human rights and national security very often pull in different directions, yet the relations between these three different notions are considerably more subtle than those of simple opposition. Rather, their interaction may at times be contradictory, at others tense, and at

others even complementary. This collection presents an analysis of the irreducible dilemmas posed by the foundational challenges of sovereignty, human rights and security, not merely in terms of the formal doctrine of their disciplines, but also of the manner in which they can be configured in order to achieve persuasive legitimacy as to both methods and results. The chapters in this volume represent an attempt to face up to these dilemmas in all of their complexity,

and to suggest ways in which they can be confronted productively both in the abstract and in the concrete circumstances of particular cases.

*The Ethics of Armed Humanitarian Intervention* Oxford University Press  
When can a state give political support to a military intervention in another state? The Government of the Netherlands commissioned an Expert Group to examine this complex, topical and time-sensitive question

and to consider whether it should press for international acceptance of humanitarian intervention as a new legal basis for the use of force between states in exceptional circumstances. This volume is the result of those efforts. The Expert Group was led by Professor Cyrille Fijnaut and consisted of Mr. Kristian Fischer, Professor Terry Gill, Professor Larissa van den Herik, Professor Martti Koskeniemi, Professor Claus Kreß, Mr. Robert

Serry, Ms. Monika Sie Dhian Ho, Ms. Elizabeth Wilmshurst and Professor Rob de Wijk. Their thorough analysis and recommendations offer important insights that can aid governments in formulating a position on political support for the use of force between states and humanitarian intervention. The volume also constitutes a useful tool for scholars and practitioners in considering these difficult and important issues.

### **Humanitarian Intervention in**

### **International Society**

IDRC

Essay from the year 2004 in the subject Politics - International Politics - Topic: Peace and Conflict Studies, Security, grade: 1,8, University of Edinburgh, 46 entries in the bibliography, language: English, abstract: Especially since the post-1945 era and the United Nations-establishment, international political theory has been concerned with the topic of humanitarian intervention and a

complex debate, touching principles of international society and our human existence, has emerged. It focuses on two levels: the traditional debate is concerned with the arguments for and against intervention in relation to the principles of sovereignty, non-intervention and non-use of force versus global human rights norms. The critical approach to humanitarian intervention moves beyond the classical debate and its limits in providing new aspects.<sup>1</sup> Additionally, the

international society recently has to deal with lots of problems. 9/11 and the war in Iraq have given rise to new challenges and terrorism prescribes a new and unique dimension for humanitarian intervention. This essay aims to provide a clearer understanding of current issues and the complex debate concerning humanitarian intervention. Due to lack of space it can only give a rough overview about the topic. Thus it first offers a definition of humanitarian

intervention and a brief historical overview about the UN. Secondly, it deals with the classical debate and related issues. The third section is concerned with critical approaches to and new ways of looking at intervention. The essay concludes by offering possible solutions to the debate. <sup>1</sup> The complexity of the debate has been perfectly expressed by Hoffman: "The very act of intervention and non-intervention and the justification offered tells us a great deal - about how we conceive of



ourselves, how we construct our identities and how we conceive of and construct the world in which we live.” (1993: 194)

A Contemporary Legal Analysis OUP Oxford

The debates surrounding humanitarian intervention and the responsibility to protect concern a series of central and interrelated issues in International Relations, international law, and political philosophy. These include the relationship between state sovereignty and human rights, the reasons

for state behaviour, the role and adequacy of the United Nations, and whether states have a moral and legal obligation to protect those beyond their borders. This major work provides a detailed and systematic understanding of these political, legal, and ethical debates surrounding humanitarian intervention and responsibility to protect as they have evolved since the 1990s. Divided thematically, Volume I considers more closely the politics of humanitarian

intervention, Volume II focuses on the international law on humanitarian intervention, Volume III considers the ethical issues, and Volume IV focuses explicitly on the responsibility to protect doctrine. This Major Work is designed to be a key reference for those interested in humanitarian intervention and the responsibility to protect from a wide range of fields, including International Relations, political science, international law, and

political philosophy.  
 Volume One: The Politics  
 of Humanitarian  
 Intervention Volume Two:  
 The International law on  
 Humanitarian Intervention  
 Volume Three: The Ethical  
 Issues Surrounding  
 Humanitarian Intervention  
 Volume Four: The  
 Responsibility to Protect  
 and Humanitarian  
 Intervention  
Humanitarian Intervention  
 SUNY Press  
 The extent to which  
 humanitarian intervention  
 has become a legitimate  
 practice in post-cold war  
 international society is the

subject of this book. It  
 maps the changing  
 legitimacy of  
 humanitarian intervention  
 by comparing the  
 international response to  
 cases of humanitarian  
 intervention in the cold  
 war and post-cold war  
 periods. Crucially, the  
 book examines how far  
 international society has  
 recognised humanitarian  
 intervention as a  
 legitimate exception to  
 the rules of sovereignty  
 and non-intervention and  
 non-use of force. While  
 there are studies of each  
 case of intervention-in

East Pakistan, Cambodia,  
 Uganda, Iraq, Somalia,  
 Rwanda, Bosnia and  
 Kosovo-there is no single  
 work that examines them  
 comprehensively in a  
 comparative framework.  
 Each chapter tells a story  
 of intervention that  
 weaves together a study  
 of motives, justifications  
 and outcomes. The  
 legitimacy of  
 humanitarian intervention  
 is contested by the  
 'pluralist' and 'solidarist'  
 wings of the English  
 school, and the book  
 charts the stamp of these  
 conceptions on state

practice. Solidarism lacks a full-blown theory of humanitarian intervention and the book supplies one. This theory is employed to assess the humanitarian qualifications of the cases of intervention analysed in the book, and this normative assessment is then compared to the moral practices of states. A key focus is to examine how far humanitarian intervention as a legitimate practice is present in the diplomatic dialogue of states. In exploring how far there

has been a change of norm in the society of states in the 1990s, the book defends the broad based constructivist claim that state actions will be constrained if they cannot be legitimated, and that new norms enable new practices but do not determine these. The book concludes by considering how far contemporary practices of humanitarian intervention support a new solidarism, and how far this resolves the traditional conflict between order and justice in international society.

Humanitarian Intervention and the Responsibility to Protect BRILL

From its sweaty beats to the pulsating music on the streets, Latin/o America is perceived in the United States as the land of heat, the toy store for Western sex. It is the territory of magical fantasy and of revolutionary threat, where topography is the travel guide of desire, directing imperial voyeurs to the exhibition of the flesh. Jose Quiroga flips the stereotype upside down: he shows how

Latin/o American lesbians and gay men have consistently eschewed notions of sexual identity for a politics of intervention. In *Tropics of Desire*, Quiroga reads hesitant Mexican poets as sex-positive voices, he questions how outing and identity politics can fall prey to the manipulations of the state, and explores how invisibility has been used as a tactical tool in opposition to the universal imperative to come out. Drawing on diverse cultural examples such as the performance

of bolero and salsa, film, literature, and correspondence, and influenced by masters like Roland Barthes, Walter Benjamin and a rich tradition of Latin American stylists, Quiroga argues for a politics that denies biological determinism and cannibalizes cultural stereotypes for the sake of political action. Right of humanitarian intervention. Interplay between morality, law and politics Walter de Gruyter During the 1990s, humanitarian intervention

seemed to promise a world in which democracy, self-determination and human rights would be privileged over national interests or imperial ambitions. Orford provides critical readings of the narratives that accompanied such interventions and shaped legal justifications for the use of force by the international community. Through a close reading of legal texts and institutional practice, she argues that a far more circumscribed, exploitative and

conservative interpretation of the ends of intervention was adopted during this period. The book draws on a wide range of sources, including critical legal theory, feminist and postcolonial theory, psychoanalytic theory and critical geography, to develop ways of reading directed at thinking through the cultural and economic effects of militarized humanitarianism. The book concludes by asking what, if anything, has been lost in the move

from the era of humanitarian intervention to an international relations dominated by wars on terror. The Current Status of Humanitarian Intervention in Need of Legal Clarification. Analysis of the Legal and Humanitarian Justifications for Intervening In Libya and the Inaction in Syria Routledge  
2.1. Order and justice Humanitarian Intervention Bloomsbury Publishing  
This book explores attempts to develop a

more acceptable account of the principles and mechanisms associated with humanitarian intervention, which has become known as the 'Responsibility to Protect' (R2P). Cases of genocide and mass violence have raised endless debates about the theory and practice of humanitarian intervention to save innocent lives. Since the humanitarian tragedies in Rwanda, Burundi, Bosnia, Kosovo and elsewhere, states have begun advocating a right to undertake interventions

to stop mass violations of human rights from occurring. Their central concern rests with whether the UN's current regulations on the use of force meet the challenges of the post-Cold War world, and in particular the demands of addressing humanitarian emergencies. International actors tend to agree that killing civilians as a necessary part of state formation is no longer acceptable, nor is standing by idly in the face of massive violations of human rights. And yet,

respect for the sovereign rights of states remains central among the ordering principles of the international community. How can populations affected by egregious human rights violations be protected? How can the legal constraints on the use of force and respect for state sovereignty be reconciled with the international community's willingness and readiness to take action in such instances? And more importantly, how can protection be offered when the Security

Council, which is responsible for authorizing the use of force when threats to international peace and security occur, is paralyzed? The author addresses these issues, arguing that R2P is the best framework available at present to move the humanitarian intervention debate forward. This book will be of interest to students of the responsibility to protect, war and conflict studies, human security, international organisations, security

studies and IR in general.  
*Towards a Theory of  
 Regional Responsibility to  
 Protect* Bloomsbury

Publishing

The question of humanitarian intervention's legality remains unanswered to date. This book offers a new approach to the legality issue by combining legal theory and international law. With humanitarian intervention, hard choices still have to be made by the international lawgiver. *Humanitarian Intervention and Political Support for Interstate Use of Force*

NYU Press

This work addresses the question of whether the use of military force by the United States in order to stop serious violations of human rights is legally and morally justifiable.

The book argues for humanitarian intervention and the right to wage war in defense of human rights.

*Humanitarian intervention and international law*

GRIN Verlag

The book reconciles the conflicts and legal ambiguities between African Union and

ECOWAS law on the use of force on the one hand, and the UN Charter and international law on the other hand. In view of questions relating to African Union and UN relationship in the maintenance of international peace and security in Africa in recent years, the book examines the legal issues involved and how they can be resolved. By explaining the legal theory underpinning the validity of the AU-ECOWAS laws, the work provides a legal basis for the adoption of

the AU-ECOWAS laws as the frameworks for the implementation of the R2P in Africa.

*The Ethics, Law, and Politics of Humanitarian Intervention* Cambridge University Press

Ten new essays critique the practice armed humanitarian intervention, and the 'Responsibility to Protect' doctrine that advocates its use under certain circumstances. The contributors investigate the causes and consequences, as well as the uses and abuses, of

armed humanitarian intervention. One enduring concern is that such interventions are liable to be employed as a foreign policy instrument by powerful states pursuing geo-political interests. Some of the chapters interrogate how the presence of ulterior motives impact on the moral credentials of armed humanitarian intervention. Others shine a light on the potential adverse effects of such interventions, even where they are motivated primarily by humanitarian

concern. The volume also tracks the evolution of the R2P norm, and draws attention to how it has evolved, for better or for worse, since UN member states unanimously accepted it over a decade ago. In some respects the norm has been distorted to yield prescriptions, and to impose constraints, fundamentally at odds with the spirit of the R2P idea. This gives us all the more reason to be cautious of unwarranted optimism about humanitarian intervention and the Responsibility to



Protect.

Moral and Philosophical Issues Oxford University Press on Demand

This book looks at why it's so difficult to create 'the rule of law' in post-conflict societies such as Iraq and Afghanistan, and offers critical insights into how policy-makers and field-workers can improve future rule of law efforts. A must-read for policy-makers, field-workers, journalists and students trying to make sense of the international community's problems in Iraq and elsewhere, this

book shows how a narrow focus on building institutions such as courts and legislatures misses the more complex cultural issues that affect societal commitment to the values associated with the rule of law. The authors place the rule of law in context, showing the interconnectedness between the rule of law and other post-conflict priorities, such as reestablishing security. The authors outline a pragmatic, synergistic approach to the rule of law which promises to

reinvigorate debates about transitions to democracy and post-conflict reconstruction.

**Humanitarian Intervention** Penn State Press

A singular development of the post Cold-War era is the use of military force to protect human beings. From Rwanda to Kosovo, Sierra Leone to East Timor, and more recently Libya to Côte d'Ivoire, soldiers have rescued some civilians in some of the world's most notorious war zones. Could more be saved? Drawing on over

two decades of research, Thomas G. Weiss answers "yes" and provides a persuasive introduction to the theory and practice of humanitarian intervention in the modern world. He examines political, ethical, legal, strategic, economic, and operational dimensions and uses a wide range of cases to highlight key debates and controversies. The updated and expanded second edition of this succinct and highly accessible survey is neither celebratory nor complacent. The author

locates the normative evolution of what is increasingly known as "the responsibility to protect" in the context of the global war on terror, UN debates, and such international actions as Libya. The result is an engaging exploration of the current dilemmas and future challenges for robust international humanitarian action in the twenty-first century.

**The Oxford Handbook of the Use of Force in International Law** SIPRI Publication

This book investigates the

extent to which traditional international law regulating foreign interventions in internal conflicts has been affected by the human rights paradigm. Since the adoption of the Charter of the United Nations, foreign armed interventions in internal conflicts have turned into a common practice. At first sight, it might seem that state practice has developed in a chaotic fashion, however on closer examination, specific patterns emerge. The book charts these

patterns by examining the traditional doctrines of intervention and testing them against state practise. The book has two aims. Firstly, it seeks to clarify the current legal

framework regulating interventions in internal conflicts. Secondly, it plots the emergence of new trends and investigates whether they are becoming part of

positive international law. By taking this dual focus, it offers the first truly comprehensive examination of foreign interventions in internal conflicts.

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