

Commentary

## **THE (IL)LEGALITY OF HUMANITARIAN INTERVENTION**

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The question of the legality of humanitarian intervention has often been posed by scholars and international lawyers over the years. Humanitarian intervention has been defined by Fernando R. Teson as “the proportionate transboundary help, including forcible help, provided by governments to individuals in another state who are being denied basic human rights and who themselves would be rationally willing to revolt against their oppressive governments.”<sup>2</sup> For the purpose of this article the term “legitimate” is used to describe both a socially and morally accepted action, even if this action is not necessarily supported by the law. The term thus refers to the ‘reasonableness’ of an action regardless of the legal status. The use of the term “legal” aims to represent an action or a norm being in accordance with the law or allowed by the law.

The issue of the legality of the humanitarian intervention arose from the fact that the use of force is forbidden under international law (with some exceptions discussed below). Moreover, the issue/argument of state sovereignty can be largely applied by states to counter the legality of humanitarian interventions. Nevertheless, from a moral standpoint, interventions can be considered an important tool in the protection of human rights. Considering the legality of humanitarian interventions, there appears to be a conflict between the sovereignty of the state and the protection of human rights. The absence of a legal framework that regulates and defines humanitarian interventions has created a degree of uncertainty as to the limits of state sovereignty and the urgent need for action to stop grave human rights violations. Therefore, the legality of the humanitarian intervention itself has come into question. This article will discuss the extent to which this type of intervention can be considered legal and operating under international law. Moreover, it will show if and under which conditions a state can choose to turn to the use of force.

### **I. The Humanitarian Interventions under the UN Charter**

#### **I.1 The Illegality of Humanitarian Interventions**

Articles 2(4) and 2(7) of the United Nations Charter can be invoked when addressing the illegality of humanitarian interventions. According to art. 2(4) of the United Nations Charter “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

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<sup>2</sup> Fernando R. Teson, *Humanitarian Intervention: An Inquiry into Law and Morality 2-nd edition*, (New York: Transnational Publishers, Inc. Irvington-on-Hudson:1997) paragraph 2, page 5.

of the United Nations.”<sup>3</sup> By means of this article, the U.N. Charter protects the sovereignty and the territorial integrity of the states and determines that any interference/intervention from an outside party can be viewed as illegal. Art. 51 serves as an exception to the rule providing the right to self-defence in case of an “armed attack”.<sup>4</sup> Based on these articles it can be argued that humanitarian interventions are restricted and illegal. Also, James Pattison states that there is no sufficient state practice to assume that there is an established customary international law to allow unauthorised humanitarian interventions. Therefore, humanitarian intervention violates art. 2(4) and can be legal only if authorised by the Security Council.<sup>5</sup> Still, the Security Council can be restricted under Article 2(7) to provide such authorisation.<sup>6</sup>

The language of Article 2(4) can be viewed as either open to interpretation or having a strictly fixed meaning. It is also plausible to assume that, if interpreted with a fixed meaning, it is too idealistic to forbid all use of force unless in self-defence situations. Teson’s interpretation of article 2(4) gives three cases where the “use of force is banned”: “a) when it impairs the territorial integrity of the target state; b) when it affects its political independence; or c) when it is otherwise against the purposes of the United Nations.”. As a result, he argues that humanitarian intervention does not fall within these categories.<sup>7</sup>

The legality of humanitarian intervention can also be questioned if we address it in relation to the domestic jurisdiction protected under article 2(7) of the U.N. Charter<sup>8</sup>. It is of significant importance that the state has the autonomy and right to conduct its affairs without outside interference. The sovereignty of the state, however, is limited to some degree by international law. This restriction can be effective if the state abuses its power and infringes upon the protection of human rights. According to Fernando R. Teson “when the rule of international law regulates an issue, it automatically ceases to be a matter of exclusive domestic jurisdiction for the states formally bound by the rule.”<sup>9</sup> Therefore, international law can become flexible, even to the extent that it can touch upon matters that we might normally consider to be under the jurisdiction of domestic law. In this way, if a state violates the human rights of its citizens, its right to domestic jurisdiction is overshadowed by the duty of the international community under international law to stop these violations.

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<sup>3</sup> Article 2 (4) of the *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <https://www.refworld.org/docid/3ae6b3930.html> [accessed 1 October 2019].

<sup>4</sup> Article 51 of the *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <https://www.refworld.org/docid/3ae6b3930.html> [accessed 1 October 2019].

<sup>5</sup> James Pattison, *Humanitarian Intervention and the Responsibility To Protect: Who Should Intervene?*, Published to Oxford Scholarship Online: May 2010, page 5.

<sup>6</sup> *Ibid.*, page 6.

<sup>7</sup> Fernando R. Teson, *Humanitarian Intervention: An Inquiry into Law and Morality 2-nd edition*, (New York: Transnational Publishers, Inc. Irvington-on-Hudson:1997) paragraph 2, page 150.

<sup>8</sup> Article 2 (7) of the *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <https://www.refworld.org/docid/3ae6b3930.html> [accessed 1 October 2019].

<sup>9</sup> Fernando R. Teson, *Humanitarian Intervention: An Inquiry into Law and Morality 2-nd edition*, (New York: Transnational Publishers, Inc. Irvington-on-Hudson:1997) paragraph 2, page 137.

## I.2 The Legality of Humanitarian Interventions

The state is responsible for protecting its citizens. But, what happens if it is unable to do so, or if the state is the one that is responsible for the gross human rights violations? In these circumstances, the international community should get involved. In theory (analysing the situation from a moral point of view), if, for example, a state is unable to provide security for its citizens, an international actor that has pledged for the protection of human rights has to assist the host country in fulfilling its duties. The international actor can, for instance, be the United Nations or another state. Similarly, if the government of a state is the one infringing upon the rights of its citizens, the international actor arguably has the moral (and maybe even legal) duty to protect the people using all the necessary means (which might include the use of force). The failure of the international actor to protect the people of a state that has violated fundamental human rights, amounts to its own inability to fulfil the duty to protect human rights, which can severely deteriorate its credibility. Moreover, its inability to protect the people can derive directly from its legal system, creating a dilemma between its moral duty and legal restrictions. The moral component of humanitarian intervention appears to be clear, however, the legal aspect of the question raises more issues.

Since there is no defined legal system that deals with humanitarian interventions, the assessment of its legality becomes difficult. Article 2(4) of the UN charter forbids the use of force, however, there are two exceptions that can be considered: the right of self-defence<sup>10</sup> and the “threat to the peace, breach of the peace, or act of aggression”.<sup>11</sup> If humanitarian interventions are only legal with the UN Security Council’s authorisation, then it has to be analysed when and how such authorisation would be possible. This is important in order to determine in what circumstances humanitarian interventions can become legal under international law. As article 39 of the UN Charter allows the Security Council to determine a threat, Articles 41 and 42 govern what measures can be applied to deal with that threat.<sup>12</sup> While article 41 sets out the peaceful ways to resolve an issue without the use of force, article 42 provides the actions that might be taken to restore peace and security in the event that the measures provided in article 41 were not effective. Article 42 goes as far as stating that “such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.” This suggests that the Security Council can decide in favour of a humanitarian intervention if under Article 39 a threat is recognised, and force can be used as an action to stop that threat.

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<sup>10</sup> Article 51 of the United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <https://www.refworld.org/docid/3ae6b3930.html> [accessed 7 October 2019].

<sup>11</sup> Articles 39, 41, 42 of the United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <https://www.refworld.org/docid/3ae6b3930.html> [accessed 7 October 2019].

<sup>12</sup> Articles 39, 41, 42 of the United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <https://www.refworld.org/docid/3ae6b3930.html> [accessed 7 October 2019].

The Security Council has the right under article 39 of the Charter VII to decide what exactly can be considered a “threat to the peace, breach of the peace, or act of aggression”.<sup>13</sup> Accordingly, it can expand its interpretation and authorise humanitarian interventions.

James Pattison presents “three exceptions to the requirement for the Security Council authorisation.”<sup>14</sup>

1. When the state in question allows the intervention. In this way, the sovereignty of the state is not violated.
2. When the intervention is “undertaken by certain regional organisations”, providing the example of the African Union, as the article 4 of its Charter<sup>15</sup> allows interventions in severe situations. Nevertheless, it can raise the question of the intervention legality without the Security Council’s authorisation.<sup>16</sup>
3. “Uniting for peace procedure of the General Assembly.”- in case the Security Council is unable to decide, the General Assembly is able to provide recommendations.<sup>17</sup>

The legality of the humanitarian intervention can be addressed, from a human rights point of view, in reference to the IV Geneva Convention and the UN Charter. There is a state obligation under Article 1 of the IV Geneva Convention “to respect and to ensure respect for” international humanitarian law.<sup>18</sup> Furthermore, the additional Protocol to the Geneva Conventions stipulates that “in situations of serious violations [...], the High Contracting Parties undertake to act, jointly or individually, in co-operation with the United Nations and in conformity with the United Nations

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<sup>13</sup> Article 39 of the United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <https://www.refworld.org/docid/3ae6b3930.html> [accessed 3 October 2019].

<sup>14</sup> James Pattison, *Humanitarian Intervention and the Responsibility To Protect: Who Should Intervene?*, Published to Oxford Scholarship Online: May 2010, page 6.

<sup>15</sup> Article 4 of the CONSTITUTIVE ACT OF THE AFRICAN UNION, 11 July 2000. Available at: [https://au.int/sites/default/files/pages/34873-file-constitutiveact\\_en.pdf](https://au.int/sites/default/files/pages/34873-file-constitutiveact_en.pdf) [Accessed on 3rd of October 2019].

<sup>16</sup> James Pattison, *Humanitarian Intervention and the Responsibility To Protect: Who Should Intervene?*, Published to Oxford Scholarship Online: May 2010, page 6. As cited in: Badescu, Christina G. (2007). ‘Authorizing Humanitarian Intervention: Hard Choices in Saving Strangers’, *Canadian Journal of Political Science*, 40/1: 51-78.

<sup>17</sup> *Ibid.*, As cited in: *The Responsibility to Protect: Research, Bibliography, Background: Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre).

<sup>18</sup> Article 1 of the International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, available at: <https://www.refworld.org/docid/3ae6b36d2.html> [accessed 7 October 2019].

Charter.”<sup>19</sup> <sup>20</sup> Henceforth, it can be concluded that the states along with the UN are responsible to take action for the protection of human rights.

Separately from the Geneva Convention, the UN Charter contains elements that can support the legality of the humanitarian intervention. Therefore, article 1 of the UN Charter sets out the purposes of the United Nations, one of them being “promoting and encouraging respect for human rights and for fundamental freedoms [...]”. Additionally, articles 55 and 56 of the Charter do not only place emphasis on the promotion of human rights, but also on the pledge of UN-states “to take joint and separate action [...] for their protection.”<sup>21</sup>

One more issue that this paper would like to stress regarding the legalisation of humanitarian interventions, is that states might use it as an excuse for the infringement upon the sovereignty of other states in pursuit of their interests. Since the 1990s, a number of interventions took place, as for instance in Iraq, the Federal Republic of Yugoslavia, Rwanda, Libya, Liberia, Haiti, Sierra Leone and others.<sup>22</sup> Because some intervention cases did not have the consent from a recognised government (for instance, Iraq, Rwanda, Libya) and/or the intervention did not have a genuine humanitarian character, the legality of these interventions is controversial.<sup>23</sup>

### ***1.2.1 Non-intervention during Gross Human Rights Violations***

In some instances, the international community has the collective moral responsibility to intervene. Seumas Miller claims “the state not only has moral obligations not to harm citizens of other states, it also has moral obligations to assist and protect the rights of citizens of other states.”<sup>24</sup> According to Miller, “members of some group or community are collectively morally responsible” for not intervening in case of “serious wrongdoing or wrongful state of affairs” if (1) the wrongdoing is taking place, (2) “members of the community refrained from intervening, and (3) the member of the community would have prevented the wrongdoing.”<sup>25</sup>

The Rwanda case is an example where the decision not to intervene has come into question. Kenneth J. Campbell argues that the knowledge of the international community about the scope and

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<sup>19</sup> Article 89 of the International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, 1125 UNTS 3, available at: <https://www.refworld.org/docid/3ae6b36b4.html> [accessed 7 October 2019].

<sup>20</sup> Anne Ryniker, *The ICRC's position on “humanitarian intervention”*, IRRC June 2001 Vol. 83 No 842, page 530. Available at: [https://www.icrc.org/en/doc/assets/files/other/527-532\\_ryniker-ang.pdf](https://www.icrc.org/en/doc/assets/files/other/527-532_ryniker-ang.pdf) [accessed 7 October 2019].

<sup>21</sup> Articles 1, 55, 56 of the United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <https://www.refworld.org/docid/3ae6b3930.html> [accessed 7 October 2019].

<sup>22</sup> See Weiss, T. G. (2016). *Humanitarian intervention* (Ser. War and conflict in the modern world series). Polity Press., Chapter One.

<sup>23</sup> Ibid.

<sup>24</sup> Meggle, G. (Ed.). (2004). *Ethics of humanitarian interventions* (Ser. Practical philosophy, 7). De Gruyter. <https://doi-org.vu-nl.idm.oclc.org/10.1515/9783110327731>, page 48.

<sup>25</sup> Idem., pages 51-52.

intensity of the genocide in Rwanda was substantial.<sup>26</sup> Yet, despite the knowledge and the capacity to stop the atrocities, the international community did not take a significant step to prevent or even stop the genocide.<sup>27</sup> The result of non-intervention amounted in the death of 800,000 people in only one hundred days.<sup>28</sup> The death of these people could have potentially been prevented with the timely and coordinated intervention of the international community. However, their decision of non-intervention turned devastating for the Rwandan population. The international community undertook the role of the passive bystander, ignoring the sufferings of the Rwandan population.

### *1.2.2 Responsibility to Protect*

Humanitarian intervention is thus controversial “both when it happens, and when it has failed to happen.”<sup>29</sup> Therefore, Responsibility to Protect (R2P) implies that only when preventive measures fail, military intervention is possible.<sup>30</sup> In this way, it highlights that force can be used only when other coercive measures are not effective. The R2P doctrine, ideally, aims to regulate state behaviour towards the humanitarian interventions. Besides seeking to limit the usage of the “humanitarian intervention” as an excuse for the fulfilment of national interests, it also aims to remind the international community about its responsibility to intervene when it is necessary.

A political obligation to put an end to violence is embodied in the R2P. It tries to close the gap between states’ responsibility under humanitarian law and human rights law, and the reality of grave human rights violations.<sup>31</sup> Resolution 60/1 (A/RES/60/1) acknowledges this responsibility to protect. Article 138 of Resolution 60/1 states that “each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”<sup>32</sup> Additionally, the article covers the notion of preventing “such crimes”.

Article 139 of Resolution 60/1<sup>33</sup> goes further by suggesting that the international community is also bound by the responsibility to protect. In a situation where the government fails to protect its citizens, there is a call for “collective action”. “R2P confers no legal obligation on states to act in the same way

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<sup>26</sup> Campbell, K. J. (2001). *Genocide and the global village*. Palgrave. <https://doi-org.vu.nl.idm.oclc.org/10.1057/9780312299286>, p. 76.

<sup>27</sup> *Ibid.*

<sup>28</sup> Rwanda genocide: 100 days of slaughter. (2019, April 4). *BBC NEWS*. Retrieved from <https://www.bbc.com/news/world-africa-26875506>. [accessed on 5/13/2020].

<sup>29</sup> International Commission on Intervention and State Sovereignty (2001). *The Responsibility To Protect*. Ottawa: International Development Research Centre. Available at: <http://responsibilitytoprotect.org/ICISS%20Report.pdf>, page 1.

<sup>30</sup> See *Idem.*, page 29.

<sup>31</sup> RESPONSIBILITY TO PROTECT. (n.d.). Retrieved from <https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml> [accessed 16 October 2019].

<sup>32</sup> Article 138 of the UN General Assembly, 2005 World Summit Outcome: resolution / adopted by the General Assembly, 24 October 2005, A/RES/60/1, available at: <https://www.refworld.org/docid/44168a910.html> [accessed 16 October 2019].

<sup>33</sup> Article 139 of the UN General Assembly, 2005 World Summit Outcome: resolution / adopted by the General Assembly, 24 October 2005, A/RES/60/1, available at: <https://www.refworld.org/docid/44168a910.html> [accessed 16 October 2019].

that a treaty might, but it has created an emerging norm that acknowledges a political commitment to a collective approach towards preventing atrocities.”<sup>34</sup> Even if the R2P does not necessarily make the humanitarian intervention legal, it emphasizes the need for an action to stop human rights violations. Therefore, humanitarian intervention gains more legitimacy, despite its legality remaining uncertain.

## II. Case Studies

### II.1 Tanzanian Intervention in Uganda

The 1979 Tanzanian intervention in Uganda constitutes an interesting case of an “humanitarian” intervention, mostly because it was not intended as one, nor did Tanzania shield itself from the legal responsibility with the claim of protecting human rights in Uganda. It was a case of humanitarian intervention with the purpose of self-defence. After Ugandan attack on Tanzania in 1978, Tanzania launched a counterattack to repel the foreign invasion from its territory.<sup>35</sup> The Tanzanian counterattack was justified by the government as self-defence.<sup>36</sup> Under these circumstances, Tanzania did not stop at only repelling the attack, but, in 1979, Tanzania went further by striking Uganda itself. However, “the point of self-defence is to repel an attack, not to pursue an attacker.”<sup>37</sup> This suggests that Tanzanian interference in Uganda should be considered illegal.

Because the Tanzanian intervention was able to stop the cruelties in Uganda, Tanzania did not face any legal responsibility. Even though the country did not claim beforehand that the military intrusion was a humanitarian intervention, it was viewed by the international community as such.<sup>38</sup> Accordingly, the Tanzanian actions did not necessarily have a substantial legal ground, but they can be considered legitimate.

### II.2 Bosnia

The intervention in Bosnia by NATO in 1994 is an example of an authorised humanitarian intervention. Under article 39 of the UN Charter, the Security Council recognised that the situation in Bosnia and Herzegovina constituted “a threat to international peace and security” and in its Resolution 770 it authorised the intervention.<sup>39</sup> Resolution 770 shifted the Security Council to

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<sup>34</sup> Great Britain. Parliament. House of Commons. Foreign Affairs Committee. (2018). *Global Britain: the Responsibility To Protect and Humanitarian Intervention: government response to the committee's twelfth report* (Ser. Hc, 1719). House of Commons., page 6.

<sup>35</sup> Anthony Clark Arend and Robert J. Beck, *International law and the Use of Force*, (London and New York: Routledge:1993) page 123.

<sup>36</sup> *Ibid.*

<sup>37</sup> Jan Klabbers, *International law* Second edition, (Cambridge: Cambridge University Press: 2017) page 210. As cited in Gray, *Use of force*, at 121.

<sup>38</sup> See Burrows, N. (1979). *Tanzania's intervention in Uganda: some legal aspects*. *World Today: Chatham House Review*, /v35/p306-310, page 309.

<sup>39</sup> UN Security Council, Security Council resolution 770 (1992) [Bosnia and Herzegovina], 13 August 1992, S/RES/770 (1992), available at: <https://www.refworld.org/docid/3b00f16644.html> [accessed 10 October 2019].

approve the use of force. In addition, Resolution 836 clearly uses the term “use of force,” thus providing lawful base for the use of military force.<sup>40</sup>

The intervention in Bosnia had a strong humanitarian basis and can be considered legitimate even if the entire concept of humanitarian interventions might be considered illegal. Following the grave human right violations, the Security Council had to take a stronger approach, presumably because of the pressure by human rights protagonists it endured.<sup>41</sup>

### II.3 Grenada

The United States’ intervention in Grenada, ordered by President Ronald Reagan, is an example of a failed “humanitarian” intervention as it could not provide sufficient proof that would support the need for the intervention. The main purpose of the intervention was the evacuation and protection of American citizens in Grenada. Another claimed purpose was the expulsion of the Cuban influence from the state.<sup>42</sup> First of all, the effectiveness of the intervention in Grenada by United States can be questioned on the ground that there is no strong argument providing that the American citizens were threatened.<sup>43</sup> Second of all, the accusations of the Cuban Presence in Grenada, were also uncertain.<sup>44</sup> Therefore, considering that there is no proof suggesting that the US citizens or US itself as a state were in danger, the intervention in Grenada becomes illegal.

Moreover, this case illustrates the state’s (Grenada’s) consent for the intervention. The US has tried to prove the legality of their interference in Grenada, namely: by stating that the Grenadian Governor General had provided an invitation.<sup>45</sup> However, John Quigley argues that an invitation by the Grenadian Governor General is a false fact, fabricated by the United States.<sup>46</sup> In this way, since there is no invitation provided by Grenada, the intervention can be considered as illegal.

Even though the invasion received overwhelming international disapproval, the United States would later claim that the intervention was necessary for humanitarian reasons. However, professors Anthony Clark Arend and Robert J. Beck are arguing that this “invasion should not be considered a proper example of humanitarian intervention” mainly because the Reagan Administration has

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<sup>40</sup> UN Security Council, *Security Council resolution 836 (1993) [Bosnia and Herzegovina]*, 4 June 1993, S/RES/836 (1993), available at: <https://www.refworld.org/docid/3b00f15330.html> [accessed 10 October 2019].

<sup>41</sup> Martin Binder, *The United Nations and the politics of selective humanitarian intervention*, (Cham, Switzerland: Palgrave Macmillan, 2017) page 114.

<sup>42</sup> Anthony Clark Arend and Robert J. Beck, *International law and the Use of Force* Anthony Clark Arend and Robert J. Beck, *International law and the Use of Force*, (London and New York: Routledge:1993) page 126.

<sup>43</sup> Mermin, J. (1999). *Debating war and peace: media coverage of u.s. intervention in the post-vietnam era*. Princeton University Press., page 37.

<sup>44</sup> *Idem*, page 39.

<sup>45</sup> Fernando R. Teson, *Humanitarian Intervention: An Inquiry into Law and Morality 2-nd edition*, (New York: Transnational Publishers, Inc. Irvington-on-Hudson:1997) page 210.

<sup>46</sup> Quigley, J. (1986). *The United States invasion of Grenada: Stranger than fiction*. University of Miami Inter-American Law Review, 18(2), 271-352., page 352.

never used humanitarian intervention as a justification.<sup>47</sup> Even so, it cannot be denied that the US argumentation for the intervention partially followed a humanitarian narrative.

### III. Conclusion

The question of legality of the humanitarian intervention remains widely open. The Responsibility to Protect aims to emphasise the commitment to stop and prevent mass atrocities. However, it does not necessarily mean that R2P makes the humanitarian intervention legal. Rather, it acknowledges the states' responsibility to intervene in cases of grave human rights violations, therefore strengthening its legitimacy.

The humanitarian intervention can still be interpreted as either legal or illegal. Based on articles 2(4) and 2(7) of the UN Charter it would, nonetheless, seem that humanitarian interventions are considered illegal.

Yet, one of the declared purposes of the United Nations, as set out in article 1(3) of the Charter, is that it establishes international cooperation in “promoting and encouraging respect for human rights and for fundamental freedoms”. Moreover, articles 55 and 56 of the Charter further highlight the promotion of human rights and pledges joint action of their protection. The IV Geneva Convention provides the responsibility of states along with UN to protect human rights. Therefore, if grave human rights violations are considered a threat to peace and security under article 39 of the UN Charter, humanitarian interventions can be authorised. Consequently, considering articles 1(3), 55, 56, and 39 of the UN Charter, and the IV Geneva Convention, humanitarian interventions can become legal. The presented cases further illustrate three justifications invoked when a humanitarian intervention can be considered legal: state consent, self-defence, and Security Council Authorisation.

Concluding that international law lacks a framework that deals with humanitarian interventions, the need for such a framework is eminent, as it would not only help to better define the limits of state sovereignty, but it would also acknowledge the need for immediate actions in the face of grave human rights violations.

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<sup>47</sup> Fernando R. Teson, *Humanitarian Intervention: An Inquiry into Law and Morality* 2-nd edition, (New York: Transnational Publishers, Inc. Irvington-on-Hudson:1997) page 210.