



Review Paper

Humanitarian Intervention: A New Perspective

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Abstract

Humanitarian intervention is a much debated topic in international law. Military action taken by the states solely for the protection of human rights against the other state highlighted a tension between the concepts of state sovereignty and protection of human rights proclaimed by the UN charter. To overcome this tension principle of responsibility to protect was formulated which demands that international community has the responsibility to react in instances of human right violations taking place in any state. Starting from humanitarian intervention to the formulation of principle of responsibility to protect this article examines how far the R2P is successful in addressing the problems faced by the humanitarian intervention and whether its established as a legal norm of international law with particular reference to the Libya humanitarian intervention as a case study.

Keywords: Humanitarian intervention, protection, human rights, international law, UN.

Introduction

Humanitarian intervention is the topic of much debate and controversy in international law. It means a military action taken by the states for the protection of the citizens of the other sovereign state whose government is involved in human right violations of its own citizen whether a state or group of states can lawfully take military action in violations of human rights of its own citizens¹. The question whether such actions are lawful under the international law has divided the scholars on the doctrine legal permissibility². During 1990s the concept of humanitarian intervention culminates as a controversial legal issue of public international law³. It raised a challenging question to the states that how should it react towards instances of grave human right abuses. Severe violations of human rights took place in many states and international community failed to respond towards it⁴. The most notable instance of human right violations took place in Somalia in 1993, Rwanda in 1994, Bosnia in 1995, Kosovo in 1999 and genocide in Darfur (Christopher C. Joyner, The Responsibility to protect' Humanitarian Concern and lawfulness of Armed Intervention). The response of international community against such violations of human rights were not only inadequate it also bring into question the incapability of UN as a peacekeeper and protector of human rights when tried against the impenetrable and limits of state sovereignty (Christopher C. Joyner, The Responsibility to protect' Humanitarian Concern and lawfulness of Armed Intervention). In these instances the concept of humanitarian intervention highlights the tension between two universal concepts that is the protection of human rights and principle of non-intervention (Marco de Souza, Humanitarian intervention and the responsibility to protect). A situation which arises under the need to intervene for protecting human rights against the

sanctity of state sovereignty make the concept of humanitarian intervention morally, ethically, politically and legally contentious (Christopher C. Joyner, The Responsibility to protect' Humanitarian Concern and lawfulness of Armed Intervention). Sanctity of state sovereignty made the issue of humanitarian intervention much debatable as it is deemed by a group of scholars as an assault on state sovereignty⁵.

Principle of State Sovereignty: For maintaining international peace and security the fundamental principle of international law is state sovereignty which has given the right to states to exercised absolute jurisdiction within its territorial borders irrespective of interference of any sort by the other states in its internal matters (Article 2 (1), 2(4) of UN charter). Thus imparting a corresponding duty of non-intervention on other states. The theory on humanitarian intervention highlighted the tension between the two basic principles of international law creating two groups of thoughts on the issue.

Non-interventionist is those who uphold the principle of state sovereignty in all circumstances while rejecting the intervention on even humanitarian grounds (Marco de Souza, 'Humanitarian intervention and the responsibility to protect'). Wolff and Hegel belongs to this group of thought, who expound the analogy between states and individuals by making a strong argument to the effect that, individuals are ordained by law to respect others domain, similarly states are under their respective duty not to interfere in other's territory and internal matters⁶. This approach protected the states international legitimacy and unquestioned moral authority irrespective of its treatment towards its own citizens (Marco de Souza, 'Humanitarian intervention and responsibility to protect'). Similarly Communitarians were another group of thought advocating non-intervention unlike

absolute non interventionists (Marco de Souza, 'Humanitarian intervention and responsibility to protect). Welder defended non-intervention of state through principle of 'communal integrity' which results in the establishment of the state through a political union between the government and its people while involving political processes determined by 'co-operative activity' 'association and mutuality' and shared experiences⁷. Thus a 'basic fit' exist between a people and its government which brings the tyranny caused by the government against its own people within purely domestic matter of the state excluding the foreigners from interfering on this charge (Marco de Souza, Humanitarian intervention and responsibility to protect). Even if the states institutions are oppressive the basic fit standard makes a state 'presumptively legitimate' giving protection against non-intervention (Marco de Souza, Humanitarian intervention and responsibility to protect). However the communitarians agree that the basic fit standard is violated by the state in instances of mass deportation, enslavement and genocide (M.Walzer, Just and unjust Wars). In such instances the state's legitimacy is lost making the armed intervention imminent by the foreign armies(Marco De Souza, Humanitarian intervention and responsibility to protect). However the communitarian are objected on the ground that the states atrocities may fall short of mass deportation, mass enslavement and genocide though even in such situation state is to be considered morally illegitimate and oppressive to its people right⁸.

However in response to restrictive approach towards the principle of sovereignty the supporters of humanitarian intervention gave a liberal account of state sovereignty (Marco De Souza, Humanitarian intervention and responsibility to protect). The liberal theoretician supports the humanitarian intervention on ground of equality of human beings and well as their right to equal political treatment⁹. The rights possessed by human beings are not the result of any positive law, custom or agreement rather by virtue of their membership of human community (Marco De Souza, Humanitarian intervention and responsibility to protect). On this reasoning the liberalist asserted the right to humanitarian intervention by placing the individuals' rights apart from the state infrastructure which in their views is coercive while justifying the individuals' rights on the ground of humanity pertaining to certain universal rights to them which is inviolable even by the state (Marco De Souza, Humanitarian intervention and responsibility to protect). However some scholars argued that international society has not yet reached the level where we can expect the enforcement of individual rights apart from the state¹⁰. This view highlights the importance of state sovereignty and principle of non-intervention co-related to the fact that the individual rights are safe guarded effectively and they can achieve their aspirations in a state only when it is protected from external violence (Marco De Souza, Humanitarian intervention and responsibility to protect). This proposition is criticised by the cosmopolitan and liberals theorists on the ground that the state sole function is to safeguard its citizen fundamental rights, the argument that state sovereignty is inviolable will work only if it facilitates it

individual rights (Marco de Souza, Humanitarian intervention and responsibility to protect), however the state will lost its ground of inviolable sovereignty and rule of non-intervention if it get involved in violation of the rights of its own citizens which will affect its domestic and international legitimacy altogether (N. Wheeler, Saving Strangers). Thus the moral responsibility of the state is not only to grant and protects its citizen rights but rather give its assistance to the individual whose states might be involved in violation of their rights, this logic help in drawing the right of humanitarian intervention(Marco De Souza, Humanitarian intervention and responsibility to protect).

Humanitarian Intervention in Context of UN Charter Rules:

However parallel to the arguments for and against the right to humanitarian intervention it would be necessary to examine the legality of the right in international law. For this analysis the starting point shall be the UN rules on the use of force. Article 2(4) forbids the states from using force in their international relations against the territorial integrity and political independence of any state, or in any other manner inconsistent with the purposes of the United Nations. An exception to the article is right of self-defence under article 51 and actions authorised by Security Council under chapter 7 of the UN charter. For determining the legality of right of humanitarian intervention the question arises can such a right constitute an exception to Article 2 (4), further will humanitarian intervention would be justified if authorised by Security Council under chapter 7 of the charter(Marco DE Souza, Humanitarian intervention and the responsibility to protect). The answer to the question lies under ARTICLE 39 of the charter under which the Security Council is given discretion to determine the existence of threat to international peace and security, thus many views that it can authorised interventions in instances of humanitarian crisis¹¹. For instance UN intervention to quell human right abuses in Somalia, Rwanda, and Haiti upheld by international community showed that Security Council feel its responsibility to take joint military actions under chapter 7 to end human rights violations taking place in any country (Marco DE Souza, Humanitarian intervention and the responsibility to protect). Though few commentators argued that Security Council cannot take such action under chapter 7 mainly to end human right abuses¹². But without the Security council authorisation, resort to military means by the other governments to intervene in other state to end human rights atrocities would constitute a breach of article 2 (4) of UN charter(Christopher C Joyner, Responsibility to Protect). However controversy still continues to hover over instance of unilateral humanitarian interventions not formally authorised by Security Council. Exponents of legal right of unilateral intervention contends that such a right exist as a rule of customary international law and neither this right is incompatible with article 2(4) of the charter (Marco de Souza , Humanitarian Intervention and the responsibility to protect). However the opponents of this right contend that stability of international peace can be maintained by a rule that annul the recourse to humanitarian intervention¹³, further such a right

can have its acceptance only in moral choice of the states rather than its basis in positive law¹⁴. Regardless of these views one can add that interest of humanitarianism and maintenance of human rights at instance of states can never be achieved if law remains unclear. Although article 55 and 56 of the UN charter enjoined the member states to 'take joint and separate action' to ensure the 'universal respect for, and observance of human rights and fundamental freedoms'. Despite this explicitness a clash arises between the assurance of human rights and preservice of state sovereignty in instances where state is involved severe abuses of human rights of its own citizen(Christopher C. Joyner, The Responsibility to Protect). Can this situation be allowed thereby letting the people to die from violence under the protecting shield of state sovereignty? What if Security Council failed to act in such instances, should human right violations be allowed unnoticed due to the rule of non-intervention. The legal commentators on these questions underlying the concept of humanitarian intervention remained divided, the reason is the cardinal principle of state sovereignty of international law which demands non-intervention in state's affairs(Christopher C. Joyner, The Responsibility to Protect). It is further argued that international peace is best achieved by continued non acceptance of unilateral humanitarian intervention which is the principle goal of UN charter¹⁵. However to restrict the humanitarian actions to these instances explicitly authorised by security council under its chapter 7 powers posed a question that how international community shall respond to humanitarian crisis in any state, regarding which security council remain inactive. Thus states will definitely have recourse to use of force in situations where Security Council remain paralysed and will bring in doubt the credibility of international rule of law and UN(Marco de Souza, Humanitarian Intervention and the Responsibility to Protect), such as in cases of human rights abuses in Rwanda, Bosnia and Kosovo. The dilemma of unilateral humanitarian intervention needs to be resolved with the parameters of international law rather considering it as an assault on state sovereignty. This discussion has let the thinkers approach the principle of state sovereignty with a new thought rather than its traditional meaning in public international law.

Responsibility to Protect a New Approach to Traditional Concept of State Sovereignty

In order to find new political consensus on the question of humanitarian intervention, former Secretary General Kofi Anan posed a question to general Assembly, asking 'if humanitarian intervention is unacceptable assault on the sovereignty of state, how should we respond to Rwanda, to a Srebrenica, to gross and systematic violations of human rights?'¹⁶ In response to the question rose, ICISS (International Commission on intervention and state sovereignty) was set up by the Canadian government the commission purpose was to 'to build a new international consensus on how to respond in face of massive violations of human rights and humanitarian law'¹⁷. The commission released its report in year 2001, advancing the principle of Responsibility

to protect. The report sought to develop the concept of humanitarian intervention not as a right to intervene rather as a responsibility on parts of the state to protect the people at grave risk (Report of the International Commission on Intervention and State Sovereignty (ICISS), 24 (2002). The report strikingly emphasised that 'when the sovereign state has a responsibility to protect their own citizens from avoidable catastrophe ...but when they are unwilling or unable to do so, the principle of non-intervention yields to the international responsibility to protect (Report of the International Commission on Intervention and State Sovereignty (ICISS), 24 (2002). Responsibility to protect made the sitting government responsible for its action to their citizen internally as well as externally to the international community thus replacing the traditional notion of sovereignty as control with sovereignty as responsibility. It covers intervention not only to prevent human right abuses but also to rebuilding of societies affected by the state's atrocities (Report of the International Commission on Intervention and State Sovereignty (ICISS), 228-229 (2002). While keeping in view the inadequacy of actions against instances that had plagued 1990s, the key innovation of the report was to declare states' responsibility to intervene against the human right abuses in any particular state rather than wrangling on the question of the right to intervene¹⁸.

Responsibility to protect explicitly entails three key duties. First 'to prevent both the root causes and direct causes of internal conflict and other man-made crises putting population at risk'¹⁹. Second, a responsibility to react is triggered when responsibility to prevent fails to avert humanitarian crises (Responsibility to Protect, 81). Third, a responsibility to build requires 'full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt and avert' (Responsibility to Protect, 81). Thus the concerned is regarding the: 'interest of all those victims who suffer and die when leadership and institutions fail' (Responsibility to Protect, 2). The responsibility to protect has somewhat modified the traditional principle of non-intervention in instances of human right abuses. However before the report was written, security council authorisation to intervene in Iraq, Haiti and Somalia by declaring its domestic crises a threat to international peace and security showed that states domestic affairs was not out of bound to foreign intervention in certain instances²⁰. Thus consistent with that understanding concept of responsibility to protect remained adherent to the prevailing interpretation of international law, it did not authorise any single state to intervene in other state to stop human rights violations rather it meant that military intervention should be authorised by the Security Council. The report by highlighting the instances of Rwanda, Bosnia, and Kosovo and Security Council inaction in these instances emphasised that the council member's veto shall not stand in way of protecting human right abuses which amount to loosening its legitimacy if it fails to act in face of humanitarian crises. The ultimate purpose of the report was that responsibility to protect must prevail over the individual interest of the states in humanitarian crises requiring a collective

action²¹. The commission accept the fact that Security council may at times fail to deliver in instances requiring prompt action in such situation the alternative responsibility than lie on the General Assembly, to take action under uniting for peace procedures and after it the regional organisations are called to react in instances of humanitarian crises subject to security council approval for its military actions (Responsibility to Protect). The ICISS report though suggested the alternatives in situation of Security Council deadlock however these alternatives in turn required Security Council approval for military action thus responsibility to react is mainly placed on Security Council. Even by suggesting the alternatives the report did not propose to deviate the Security Council role of authorising military action given in the charter.

Later in 2005 the world summit took place in United Nations where 170 heads of state for the first time formally discuss the report on Responsibility to protect²². It was endorsed by the world summit and was adopted by the general assembly the same year; however what was endorsed by the meeting in an outcome document represented a somewhat different version of the principle given in the original document²³. Like it merely assert 'a responsibility to use appropriate, diplomatic and other peaceful means ... to help protect population from, genocide, war crimes, ethnic cleansing and crimes against humanity'²⁴ rather than declaring the responsibility on part of the states to use coercive measures for protection of the people during humanitarian crises (Sara Mohamed, Taking Stock of the Responsibility to Protect). Assertion is only on the states willingness to take action in such instances i.e. the document says:

'We are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the charter, including chapter 7, on a case by case basis and in cooperation with relevant regional organizations, as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their population from genocide, war crimes, ethnic cleansing, and crimes against humanity (World Summit Outcome, G.A. Res).

The outcome document by restricting its statement to 'preparedness' showed a clear retraction from the duty explicated in the earlier drafts of the outcome document of the responsibility to protect by replacing the word responsibility with 'preparedness' (Sara Muhammad, Taking Stock of the Responsibility to Protect). The retraction from the responsibility to expression of willingness in instances of humanitarian crises has somewhat political connotation mainly because of opposition from the United States, thus responsibility was narrowed down to voluntary action rather than 'mandatory engagement' in instances of humanitarian crises²⁵. Moreover the outcome document narrow down the responsibility only to situations of genocide, war crimes, ethnic cleansing, rather requiring responsibility in instances of large scale loss of life as was given in the report of responsibility to protect by ICISS

(Sara Muhammad, Taking Stock of the Responsibility to Protect), and lastly it refused to comment if security council failed to take action in situation requiring prompt military measures Further it is said that the normative component of the ICISS original component was lost when later Security Council merely confirmed the outcome document which suggest sense of responsibility to take the coercive measures in instances requiring action rather than willingness of the international community to take coercive measures (Sara Mohammad, *Stan. J. Int'l L*, 48, 328 (2012).

The major criticism against the outcome document was the statement of preparedness, which seemed in contrast with the commitment of the responsibility to protect given in ICISS report. Further a decision that coercive action will be taken by Council on the determination of risk involved on case by case basis weakened the principle of responsibility to protect outlined in the original report. Crisis in Darfur can be cited as a case showing Security Council inaction and failure to take up the responsibility in face of mass atrocities. The outcome document endorsed by the Security Council did not demand strictly a sense of responsibility on parts of states to take coercive precautionary measures rather curtailing the responsibility to merely its choice of preparedness on case by case basis. Later in 2009 the Secretary General issue the report entitled 'implementing the responsibility to protect'²⁶. The report reiterated the principle of responsibility to protect and call on the Security council members to refrained from exercising veto in instances demanding responsibility to react in case of its inaction the responsibility of the General Assembly under the uniting for peace procedure (U.N. Secretary General, Implementing the responsibility to protect, 61-63 (Jan 12, 2009). In the same year the General Assembly adopted the resolution which merely took notice of the report and rather than endorsing the principle it decided to continue its consideration of the principle²⁷. All the above discussion highlight the fact that responsibility to protect as drawn out in original ICISS document was not adopted in its actual form by the Security council and General Assembly. The responsibility was accepted to the extent that states owes to its population to secure them from mass disaster however the international responsibility of states to react in such instances was left to states willingness. It failed to discuss the situation where states take unilateral action without Security Council authorisation. The adoption of the responsibility which is limited to states choice of willingness rather than bound by the legal obligation to react has reshaped the principle outlined in the original ICISS report which aims to avoid the instances like Rwanda, Kosovo, Bosnia in future.

The Legal Status of the Responsibility to Protect and the Case of Libya Crisis

The above discussion showed that Responsibility to protect did not succeed to emerge as a legally binding principle; its application in recent Libyan crisis is notable. Security Council decision to use military force against the Libya for securing

human rights violations was considered as success of the principle of the responsibility to protect (G.A.Res 63/308 330 (Oct 7, 2009). Libyan humanitarian intervention has given the indication that the principle can be practically relied on by the states if situation required. It would be good to discuss the justification requiring the application of the principle in Libyan crisis.

Continued human right violations by Gaddafi regime made Security Council to adopt SC resolution 1973 March 11, 2011, which imposed no fly zone in Libya and authorised the member states to use force for the protection of the civilians and enforcement of no fly zones²⁸. The resolution received 10 out of 15 favourable votes though Russia, China, Germany, Brazil and India refrained to vote²⁹. The adoption of the resolution 1973 by Security Council broke the stalemate witnessed by the world normally in situations of humanitarian crisis. It authorised the use of all necessary means to use force by member states to stop atrocities taking place in Libya however the resolution was not clear in terms whether the intervening states can use ground troops in Libya³⁰. This authorised action by the Security Council marked the adoption of the concept of humanitarian intervention unanimously³¹. It can be analysed that security council relied on the concept of responsibility to protect while adopting the resolution which required the member states to use force for protection of civilians however the concept was not specifically mentioned during the debates which led to the adoption of resolution by the states (Bruno Pommier, 'The use of Force to Protect Civilian and Humanitarian action). That action was termed as a 'just war' or a 'humanitarian war' in a European press on several occasions³². Because it was waged under the umbrella of UN forces for the very first time for the protection of the civilians and has acquired legality and legitimacy, in contrast such legitimacy was missing in Kosovo intervention by NATO forces, though given ex post facto (Bruno Pommier, 'The use of Force to Protect Civilian and Humanitarian action). At the same instant the humanitarian action in Libya was criticised by the group of commentators on the ground of having an ulterior motive of regime change in Libya which has taken place at the call and discretion of great military powers (Bruno Pommier, *International Review of the Red Cross*, 93 (884) 1068 (2011). Over the months it was clear that the coalition objective was the change of the Gaddafi government such as arming the rebellion its funding through a specially created funds through regime's frozen assets, systematic air campaign dismantling the army apparatus and giving of recognition to National Transition Council (NTC) its rebel movement (Bruno Pommier, *International Review of the Red Cross*, 93 (884) 1068 (2011). Though the objective emphasised in the SC resolution 1973 was the protection of the civilians who were under the threat of attack³³. The main criticism levelled against the Libya intervention was that the action was not purely humanitarian rather it has political aims as well. Similarly humanitarian action required elements of intention and impartiality, the intention must be purely humanitarian devoid of any military aims and impartiality demands that the protection and relief aspect of the

action must be impartial. These elements were missing in the operation conducted under the resolution 1973, and cannot be termed purely humanitarian (Bruno Pommier, 'The use of Force to Protect Civilian and Humanitarian action). These facts raised a question whether the intervention in Libya was a responsibility to protect? According to Indian ambassador to the United Nations, 'Libya has given a bad name to responsibility to protect' as well as NATO forces were accused by the Russian ambassador of bombing the civilians places in the name of protecting civilians³⁴. The former assistant Secretary General Marcel Boissard commented on the events. He said, 'The principle of responsibility to protect died in Libya, just as humanitarian intervention died in Somalia in 1992'³⁵.

Conclusion

The use of force against Libya by security council authorisation may be termed as an important step towards the confirmation of the principle however certain states strongly criticised the intervention as well. These states notably (Brazil, Russia, India, China, South Africa) called BRICS in a written letter dated 7 December 2011 to security council and general assembly make a demand to ascertain whether actions taken by the coalition forces in Libya are in line with the provision of resolution 1973 and 1970. These states while showing their dissatisfaction over the Libyan intervention also warned that any intervention in Syria affairs outside the frame work of UN charter shall be avoided. Such a strong reaction by these states cast a doubt on a first ever humanitarian action taken under principle of responsibility to protect (Bruno Pommier, 'The use of Force to Protect Civilian and Humanitarian action). The criticism levelled against the Libya intervention and strong position taken by the states against any such future intervention does not mean that concept is exhausted. Humanitarian crisis taking place in Syria is a new case in picture. Whether the world community will be ready to take a prompt action under the principle of responsibility to protect and witness a case alike Libya. The criteria of case by case basis and most importantly the willingness of the Security Council to act are the sole determining factors for the application of the principle so far.

References

1. Anthony Clark Arend and Robert J. Beck, *International law and use of force: beyond the UN charter paradigm*, 131-135 (1993)
2. Marco de Sousa, *Humanitarian intervention and responsibility to protect; bridging the moral legal divide*, *UCL jurisprudence Review*, 16(1), 52 (2010)
3. Murphy, *Humanitarian Intervention: The united Nations in an evolving world order*, 202-212 (1996)
4. Christopher C. Joyner, *The Responsibility to protect' Humanitarian Concern and lawfulness of Armed Intervention*, *Virginia J of international Law*, 47(3), 689 (2007)

5. W. Michael Reisman, Sovereignty and human rights in contemporary international law, *AM.J.INT'L L*, **84**, 866 (1990)
6. JL Holzgrefe, The Humanitarian intervention debate in JL Holzgrefe and Ro Keohane (eds), *Humanitarian intervention: Ethical legal and political Dilemmas* (2003)
7. Walzer M., *Just and Unjust Wars: A moral argument with historical illustrations*, 212-214 (2000)
8. F.Teson, *Humanitarian Intervention: Inquiry into Law and Morality*, 81-88 (2005)
9. T.Nardin, *The Moral basis of Humanitarian Intervention*, *Eth & Int'l Aff*, **16(57)**, 66 (2002)
10. N. Wheeler, *Saving Strangers: Humanitarian intervention in international Society*, 11 (2000)
11. Teson, *Humanitarian intervention , An inquiry into the law and morality*, 74 (2005)
12. LF Damrosch, *Commentary on collective Military Intervention to Enforce Human Rights in LF Damrosch and Dj Schaffer (eds), Law and Force in the New International Order*, 219 (1991)
13. Bull H., *Intervention in world Politics*, 193 (1984)
14. Frank T and Rodley, *After Bangladesh, the law of Humanitarian Intervention by Military Force*, *AM J.int',L* **67** 290, 304 (1973)
15. Ian Brownlie, *International Law and use of Force by states*, 267-8 (1963)
16. Anan K., *We the people: The role of the United Nations in the 21st Century*, *Millennium Report*, **48** (2000)
17. *International Commission on Intervention and State Sovereignty (ICISS), The Responsibility to Protect :Report of the International Commission on Intervention and State Sovereignty*, **81** (2002)
18. Saira Mohamed, *Taking stock of the responsibility to protect*, *Stan.J.Int'l L*, **48**, 324 (2012)
19. *Responsibility to Protect*, **81** (2002)
20. *SC RES 940 (1994), SC Res 733 (1992), SC Res 688 (1991)*
21. Sara Muhammad, *Taking Stock Ofthe Responsibility to Protect*, *Stan.J.Int'l L*, **48**, 326 (2012)
22. *Daily press briefing by the office of the spokes-man for the secretary general*, 9June <http://www.un.org/News/breifings/docs/2005/db050706.doc.htm> (2005)
23. Thomas G. Weiss , *R2P after 9/11 and the World Summit* , *Wis INT'L L.J* , **24**, 750 (2006)
24. *World Summit Outcome ,G.A.Res.*, **60(1)**, 139 (2005)
25. CarstenStahn, *Responsibility to Protect: Political Rhetoric or emerging legal Norm?* *Am. J. int'L .L*, **101(1)**, 109 (2007)
26. *U.N.Secretory General , Implementing the responsibility to protect*, (2009)
27. *G.A.Res. 63/308 1* (2009)
28. *S.C. Res. 1973 2-5* (2011)
29. Bruno Pommier, *The use of Force to Protect Civilian and Humanitarian action :the case of Libya and beyond*, *International Review of the Red Cross*, **93(884)**, 1064 (2011)
30. *S.C Res 1973, 4, 8* (2011)
31. Stewart Patrick, *Libya and Future of Humanitarian Intervention*, *Foreign Affairs* (2011)
32. Micheal Walzer, *'Just and Unjust Wars: A Moral argument with historical illustrations*, (2006)
33. *UNSC Res, 1973, Para 4* (2011)
34. Natalie Nougayrede, *Regulerl'ingerence*, in *Le Monde*, (2011)
35. Marcel Boissard, *A responsibility to protect: A principle that is disposable and expendable*, in *Le Temps*, (2011)