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It finds that both views are sustainable by conventional accounts of the sources of international law; humanitarian intervention is at once legal and illegal. The paper then considers the implications of this for the idea of the rule of law in world politics.

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The debate suggests that humanitarian intervention is either legal or illegal depending on one's understanding of how international law is constructed, changed, and represented. Since these questions cannot be answered definitively, the uncertainty remains fundamental, and the legality of humanitarian intervention is essentially indeterminate.

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'Humanitarian intervention' involves the unilateral or joint use of armed force by a State or States against another State on such grounds as 'humanity', 'democracy' or 'human rights' and is based on the intervening State's own unilateral evaluation of the factual situation as well as its legality. The doctrine presupposes an exception to the general customary prohibition on the use of force in international relations.

Is Humanitarian Intervention Legal?

Therefore, as Sohn and Buergenthal said , humanitarian

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intervention is a legal right under customary international law. They have supported this point of view by "...various instances in which the powers have intervened to prevent a neighbor from continuing to commit such abuses as constituted a violation of the universally recognized and generally respected rules of decent state conduct".

The Legality of Military Humanitarian Intervention

The legality of humanitarian intervention is uncertain: it appears to violate the UN Charter on the use of force but recent practice by states suggests legal innovations which might permit it.

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This article considers whether humanitarian intervention is legal under international law. This is a common question but one that produces an uncertain answer: humanitarian intervention appears to contradict the United Nations Charter, but developments in state practice since 1945 might have made it legal under certain circumstances.

Is humanitarian intervention legal? The rule of law in an ...

The humanitarian intervention is a concept that is widely accepted, but is contradicted in the same time. The main issue that we are prepared to discuss is whether humanitarian intervention is legal under international law.

THE LEGALITY OF HUMANITARIAN INTERVENTION Dr.

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Luljeta ...

In pre-Charter law, there was some support for the consideration of humanitarian intervention as legal. Early recognition of the doctrine of humanitarian intervention as acceptable in international relations is widely attributed to the works of the 17th century Dutch author Hugo Grotius, also known as the Father of International Law.

Humanitarian Intervention: A Legal Analysis

In the realm of international affairs, humanitarian intervention has been defined as 'a deliberate incursion into a state without its consent by some outside agency, in order to change the functioning, policies, goals of its government and achieve affects that favour the intervening agency' (Vincent,

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Is Humanitarian Intervention Ever Morally Justified?

The doctrine of humanitarian interventions has not been generally accepted. In April 2000, the 133 states forming the Group of 77 + China explicitly rejected „the so-called “right” of humanitarian intervention, which has no legal basis in the United Nations Charter or in the general principles of international law.“

Humanitarian intervention - Wikipedia

The legal basis for the use of force is humanitarian intervention, which requires three conditions to be met: (i) There is convincing evidence, generally accepted by the

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Syria air strikes: The UK government's legal position in ...

So the strongest legal argument in favour of military strikes appears to be humanitarian intervention. This was the UK's justification in 1998 for military action against Serbia the following year...

Syria intervention: it may not be wise, but using force ...

Humanitarian intervention constitutes a calculated and uninvited breach of sovereignty (state rights) in the name of humanity (individual rights). Though humanitarian interventions do not necessarily require the employment of military force—as they could include, for example, the

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imposition of sanctions —the term refers normally to situations in which force (or the threat of force) is used.

Humanitarian intervention | Britannica

The second fundamental difference between the R2P and humanitarian intervention is the fact that the R2P is legal and sanctioned by international law while humanitarian intervention may be sanctioned by international law.

Humanitarian Intervention or Responsibility to Protect ...

The legal basis for the use of force is humanitarian intervention, which requires three conditions to be met: (i) there is convincing evidence, generally accepted by the international community as...

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The 'Doctrine of Humanitarian Intervention': and how it ...

Civil and political rights — Gross violations — Armed conflict — Conduct of hostilities — Humanitarian intervention — Armed attack Published under the auspices of the Max Planck Foundation for International Peace and the Rule of Law under the direction of Rüdiger Wolfrum.

Oxford Public International Law: Humanitarian Intervention

substantive legal regime to underwrite it. Humanitarian intervention is a means to prevent or stop a gross violation of human rights in a state, where such state is either incapable or unwilling to protect its own people, or is actively persecuting them. Many scholars identify the

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