

ABSTRACT

The doctrine of humanitarian interventions has encapsulated crucial tensions in the international legal order between sovereignty and human rights and between the prohibition of the use of force and the protection of human dignity. At the same time, it raises questions of evidence in the formation of international law, as humanitarian justifications may be used in practice to cloak less altruistic foreign-policy objectives in dubious legality. On the face of it, international law is very clear on forcible actions. Article 2(4) of the United Nations (UN) Charter establishes a broad prohibition of the use of force, subject to two exceptions: collective and self-defense and actions authorized by the UN Security Council. The United Nations did not proscribe unilateral resort to force as a means of settling disputes. Unilateralism is therefore not a substitute for collective action under the UN Charter and may lead to more of such actions being taken in bad faith. In this study, chapter one introduces the research area by providing the background, the statement of the problem, objectives of the research, justification of the research problem, literature review, theoretical framework, hypotheses, methodology of the research, and the scope and limitations of the study and the Chapter outline. Chapter two looks at international law and the use of force in the humanitarian interventions. Discussion here is on prohibition on the use of force in international law, rules governing resort to force, humanitarian interventions and the UN Charter and State sovereignty in humanitarian interventions. The study also looks at the various exceptions to the use of force and the theory of collective security and collective interventions. Chapter three provides insight on unilateral humanitarian intervention. Here, the study discusses the case against unilateral humanitarian intervention and gives examples of some cases of unilateral humanitarian intervention. The cases include the NATO intervention in Kosovo in 1999, the Indian intervention in Bangladesh in 1971 and Tanzania's intervention in Uganda in 1979. In this chapter, I also look at the legal and policy objections to humanitarian interventions in the international system. Chapter four presents critical analysis of the study by providing the analysis of the interviews carried out. It also gives possible criteria for future interventions. Chapter five provides the conclusion and recommendation of the study. This chapter also provides suggestions on how to enrich the area of study in the future. Finally, we can argue that humanitarian military interventions once considered an aberration in international affairs, is now a compelling foreign policy issue. It is in the frontline of debates about when to use military force; it presents a fundamental challenge to state sovereignty; it radically influences the way humanitarian organizations and military organizations work; and it is a matter of death and life for thousands upon thousands of people. As a legal concept it will be argued that humanitarian intervention is incoherent - any 'right' of humanitarian intervention amounts not to an asserted exception to the prohibition of the use of force, but creates a gap in the enforceable content of international law. An intellectual trend can be observed in defending a norm of non-intervention in the affairs of other states. This can be seen in the rise of positivism in international law, more general commitment to sovereignty and to the state as a morally free entity.