Isiaka ALANI BADMUS[1]

HUMANITARIAN INTERVENTION AND THE PROTECTION OF CIVILIAN POPULATIONS

ABSTRACT

The author interrogates the critical question of whether forcible humanitarian intervention be legitimised in spite of clear contradiction to the classical norms of inter-state relations. Classical approach puts emphasize on the principle of sovereignty when governments become the perpetrators of human rights abuses of their citizens, or if states have collapsed into civil war, chaos, and disorder. The author examines this security debate by juxtaposing the age-old doctrine of humanitarian intervention *vis-à-vis* the imperatives of the concept of 'Responsibility to Protect'. The author argues that humanitarian intervention, due to the ambiguities and controversies surrounding its application, has become an anachronism, which ultimately led to the conceptualisation of Responsibility to Protect vulnerable populations. This approach is based on its concerns with human security as against that of the state and its relevance as arbiter to the longstanding discord between sovereignty and intervention.

Key words: humanitarian intervention, responsibility to protect, civilian populations, the African Union, the United Nations

POINT OF CLARIFICATION: SETTING UP THE PROBLEMS

If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity? These words credited to the former UN Secretary-General

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Kofi Annan, clearly reveals two fundamental facts. First, the controversies surrounding the issue of the right of humanitarian intervention in contemporary international relations discourse and, second, the conflict between the concept of state sovereignty and the moral duty to protect civilian populations at risk. These controversies have generated more heat among scholars of international relations and international law honouring different theoretical perspectives. The international system has witnessed significant changes since the end of the East-West Cold War and the binary oppositions between the two super powers. Among such changes are the metamorphosis in the nature of conflicts and the increasing challenges to the state-centric notion of international relations as postulated by the Treaty of Westphalia. Most of the contemporary conflicts are intra-state in nature where groups (non-state actors)[2] find solace in ethnicity, religion, etc as a rallying point to challenge the authority of the state in achieving parochial goals. As a result, states, especially in Africa, have lost their status as the sole custodian of the legitimate use of physical force in the territory they claim to control. Furthermore, African festering conflicts are of a regional and unregulated character and the state capacity to regulate the amount of weapons in the society is virtually non-existent. It is estimated that unarmed (civilian) populations constitute about 90% of the victims of such internal armed conflicts[3] that, more often than not, resulted in the collapse of state institutions and breakdown of law and order.[4] Thus, civilian populations become the principal targets and victims of intra-state wars while armed personnel utilise

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2   In this study, sub-state groups, sub state-actors, and non state-actors are used interchangeably. Non-state actors, according to Geneva Call, are "any armed actor with a basic structure of command operating outside state control that uses force to achieve its political or allegedly political objectives". See Geneva Call, 2005. *Armed Non-State Actors and Landmines.* Geneva: PSIO, vol.11. [Online]: Available at http//www.geneva call.org/resources/testi-publications/gc-ansal-oct05.pdf 12/01/2007.

3   Weiss Thomas, *Military Civilian Interactions: Intervening in Humanitarian Crisis.* Rowman and Littlefield Publishers Inc., Lanham, Maryland: 1999, p. 1. Shawcross expatiates on this issue when he contends that: "by the mid-nineties, the International Committee of the Red Cross judged that the human costs disasters–mostly man made, were overwhelming the world's ability to respond. There were fifty-six wars being waged around the world; there were at least 17 million refugees and 26 million who lost their homes…", see Shawcross Williams, *Deliver Us from Evil.* Simon and Schuster, New York, 2000.

4   Shawcross Williams, *Deliver Us from Evil,* Ibid, p. 280.

"starvation, slaughter, and various civilian and military technologies to expel or kill civilians, including demonstration killings and maiming."[5]

Doubtless, the killings of, and the various atrocities committed against, the vulnerable (civilian) populations in war situations represent the violation of the fundamental rights of these people and simultaneously create and induce devastating humanitarian crises. This unfortunate development has thrown up a critical challenge to the world community because since the beginning of the 21st century, the respect for the fundamental human rights has occupied the centre stage of international society and, as such, states have now entered into various international and regional treaties in which they are obliged towards other parties to such treaties to uphold and protect and ensure protection of the fundamental rights of their citizens.[6] The respect for, and the protection of, human rights certainly attribute to the classical principles of international norms and rules of inter-state relations that put premium on the sovereign equality of state, which ultimately formed the bedrock of the UN Charter. Based on this assumption, it is held that states are duty bound only to the international treaties that they are agreed to. Additionally, the UN Charter, in Article 2(7), outlaws states from interfering in the domestic affairs of any other state and also abhors the use of force in international relation as contained in Article 2(4) of the Charter, (except authorised by the UN Security Council (UNSC) under Chapter VII or in self-defence or collective self-defence (Article 51)],[7] But when the simmering incompatibilities between states resulted to international dispute, the International Law and International Humanitarian Law legal frameworks are relied upon in ensuring civilian populations protection. These basic principles, championed by the UN Charter, are also reflected in the Charters of the various regional organisations across the world of which the African Union (AU) is not an exception. In the specific case of the AU, Article 4 of its Constitutive Act deals with the issue of state sovereignty and the principle of non-interference.

Despite the fact that the UN Charter emphasises the potency of 'non-interference in the internal affairs' and 'non use of force in international

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5 Meron Theodor, "The Humanisation of Humanitarian Law", *American Journal of International Law,* vol. 94, 2000, p. 276.

6 Badmus, Isiaka Alani, *The Causes of Forced Displacement and Refugee Rights in West Africa: Any Lesson from South Asia?*. Research Proposal Submitted to the Calcutta Research Group's Winter Course on Forced Migration, Calcutta, India, 2008, p. 1.

7 See Article 42 of the UN Charter that authorises the UNSC to use force "to maintain or restore international peace and security".

relations' principles, the dynamics of international politics and events in contemporary international system have made certain human rights norms (such as genocide, crime against humanity, murder, and torture), of a peremptory nature *(ius cogens)*, i.e. biding states whether or not they have consented thereto in a treaty, in this way undermining the non-interference provision in the UN Charter. Since the violations of these human rights norms *(ius cogens)* is regarded as a matter of international concerns, then, what is likely to happen when such rights are violated? What are the means available to the world community to save this severe situation? Thus, since human rights (especially *ius cogens*) are issues of international concerns, they raised the legitimate expectation that the international community to act to protect vulnerable populations when they become victims of human rights abuses by their own states or where the state is unwilling or unable to protect these people. As stated earlier, the UN Charter abhors the use of force in inter-state relations except in a situation where it has been openly authorised preceding to the action by the UNSC upon determining the existence of a threat to peace, a breach of peace or an act of aggression in terms of its Chapter VII powers, the doctrine of humanitarian intervention has often been advanced by states as a justification for military intervention in the absence of UNSC authority. Consequently, this paper interrogates the potency and acceptability of this fact and provides answers to these fundamental questions: Are there moral or legal rights or justifications for humanitarian intervention? Is humanitarian enforcement action (forcible intervention or unilateral intervention) outside of the Charter regime legally acceptable? What are the African perspectives on humanitarian intervention? What are the possibilities or yardsticks for humanitarian intervention which could inform governmental decision-making in a situation where the UNSC is unable or unwilling to intervene? Is the International Commission on Intervention and State Sovereignty's (ICISS) concept of the 'Responsibility to Protect' an appropriate point of departure in addressing the longstanding conflict among state sovereignty, human rights, and, by extension, humanitarian intervention? In what ways has the AU been effectively addressing this issue and balance the conflict between state sovereignty and human rights?

THE DOCTRINE OF AND CONTENDING ISSUES IN HUMANITARIAN INTERVENTION

The debate on humanitarian intervention has attracted scholarly attention since the 17th century as reflected in the works of Hugo Grotius and Alberico

Gentil.[8] The attention, in contemporary time, is particularly focus on this issue especially when such action is taken outside the UNSC mandate, i.e. non-consensual military humanitarian intervention. The practice is said to have started with the European states intervention in the Ottoman Empire to protect their nationals in particular, and minority Christian populations in general. The pre-Charter intervention practices were followed with more vigour after the adoption of the UN Charter in 1945, which is apparently in contradiction with the spirit and letters of the said Charter. These situations were witnessed in Southeast Asia when, in 1971, India militarily intervened in Bangladesh (then East Pakistan), also Vietnam invaded and dislodged Pol Pot's dictatorial government in Cambodia. In Africa, Nyerere's Tanzania intervention and ouster of Idi Amin in Uganda in 1979 lingers in our memories and very recently, precisely in 1992, the Allied Forces launched the military invasion, code-named "Operation Provide Comfort", in northern Iraq purposely to guaranteeing the fundamental rights of the Kurds minority ethnic group in the face of Saddam Hussein's persecutions. As it stands, this practice is at variance with the UN Charter and, more often than not, the intervening states advance the doctrine of humanitarian intervention as justification for such action. The doctrine of humanitarian intervention and the various arguments put forward to support its legality and legitimacy have become a subject of hot debate among scholars and by extension states, the source of which is rooted in the observed apprehension between the values of ensuring respect for human rights and the potency of the sovereignty, non-interference, and self determination principles as enshrined in the UN Charter which are regarded as fundamental in maintaining global peace and security.[9] The situation becomes more confusing going by Peterson's[10] assertion that while the UN Charter regime stipulates instruments for ensuring protection and enforcement of world peace and security (especially Article 2[4] and Chapter VII), such

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8   Meron Theodor, "Common Rights of Mankind in Gentil, Grotius and Suarez", *American Journal of International Law,* vol. 85, 1991; see also Ramsbotham Oliver, "Humanitarian Intervention, 1990–1995: A Need to Reconceptualise?", *Review of International Studies,* vol. 23, 1997, p. 446.

9   Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects.* Report submitted to the Ministry of Foreign Affairs, Copenhagen, Denmark, 7 December, 1999, pp. 14–15.

10   Peterson Frederick, "The Façade of Humanitarian Intervention for Human Rights in a Community of Sovereign Nations", *Arizona Journal of International and Comparative Law,* vol. 15. 1998, pp. 872-879.

mechanism is completely lacking in the same Charter for the protection of human rights.

The current debate revolves around the argument whether the traditional concept of state sovereignty precludes international intervention as supported by many developing countries,[11] while the developed countries in the West championed the thesis that the development in human rights norms and international humanitarian law has completely discredited and modified the classical perspective on state sovereignty because human rights are now issue of international concerns, which puts primacy on the individual's rights and that the concept of sovereignty can no longer be used by government to escape sanction in case of gross violations of the rights or from shirking their duties and obligations concerning the respect to the protection of vulnerable populations in internal conflict situations.[12] It is indubitable that the UN Charter abhors the world body from intervening in the domestic affairs of any state but since the end of the Cold War, the UN has adopted a quite number of resolutions that apparently broadening the definition of the threat to international peace and security purposely to have the benefit of the right of intervention for humanitarian goal in responding to crises even of domestic nature.[13] In this context, it is affirmed by some scholars[14] that the UNSC has the legal rights to either intervene or authorise intervention by a group of states or a regional

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11   It should be recalled that many Middle East and Asian countries questioned the universality of human rights especially during the preparatory conferences to the 1993 Vienna conference on Human Rights because in their views, fundamental human rights always reflect the ethical and moral standards of the western world. See: Duke Simon, "The State and Human Rights: Sovereignty versus Humanitarian Intervention" *International Relations,* vol. XII, no. 2, 1994.

12   On this issue, the Danish Institute of International Affairs Report argues that the developments in international law from the Universal Declaration of Human Rights (1948) to the Convention on the Rights of the Child (1989) have reduced and discredited the practical relevance of Article 2(7) of the UN Charter concerning the protection of human rights, see Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects.* op. cit.

13   O'Connell, Marry Ellen, "The United Nations, NATO, and International Law", *Human Rights Quarterly,* vol. 22, 2000, pp. 68-69.

14   These scholars include Murphy, 1996; Gordon, 1996; Greenwood, 1993; and Teson, 1997. See: Murphy, D. Sean, *Humanitarian Intervention: The United Nations in an Evolving World Order.* University of Pennsylvania Press, Philadelphia, 1996; Teson Fernando, *Humanitarian Intervention: An Inquiry into Law and Morality.* 2nd Edition, Transnational Publisher Inc, Irvington-on-Hudson, New York, 1997; Gordon Ruth,

organisation in a target country purposely to ensuring the protection of the citizens of such state from violation of their fundamental rights as recognised in international law.

Though opinion differs on this stand,[15] it is contend that "UN-authorised military humanitarian interventions over the past decade reflect an emerging consensus in the international community that respect for fundamental human rights is now a matter of international concern. At the same time, however, the instances of the Security Council inaction or lack of timely action in the face of humanitarian crises over the same period show that this 'international concern' is often outweigh by political and structural obstacles." Such obstacles include, lack of political will among member states, cold relations especially among the five permanent members, the use of veto, and inconsistent action on the part of the permanent members.

Thus, in a situation of humanitarian crisis and the UNSC is paralysed to take action under the forces of such political and structural obstacles identified above: Is the unilateral intervention by a state or a group of states against another state to prevent gross and widespread violations of fundamental rights without the UNSC authorisation as the case of the North Atlantic Treaty Organisation's (NATO) intervention in Kosovo legal and legitimate? This is a very difficult question that one should not expect a straight forward answer. On this issue of legality of unilateral intervention, two schools of thought are extant,[16] First,

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"Humanitarian Intervention by the United Nations: Iraq, Somalia, and Haiti", *Texas International Law Journal,* vol. 31, 1996; Greenwod Christopher, "Is there a Right of Humanitarian Intervention?", *The World Today*, vol. 49, 1993.

15   In this context, Ero and Long argue that in scholarly writings and state practice, there is no unanimity of opinion on a legal right to humanitarian intervention and that it is safe to accept the fact that "the UN has shown itself willing to take enforcement action in the last resort to assist victims of a humanitarian emergency where there was no existing government (as in Somalia) or where the existing government refused to consent to UN action despite the scale of emergency (as in Iraq).", see Ero Comfort and Long Suzanne, "Humanitarian Intervention: New Role for the United Nations?" *International Peacekeeping,* vol. 2, 1995.

16   Though Duke argues for the third perspective and contends that there are "three broad approaches to the issue of the legality of humanitarian intervention: the restrictionists, who argue that humanitarian intervention is a violation of territorial integrity and political independence of the state; those closer to the natural law tradition, who argue that such intervention is permissible under the UN Charter since the UN has made an explicit commitment to the protection of human rights and such use of force falls below any threat to the territorial integrity of the state; and finally those who accept

those supporting unilateral intervention argue that the development in international human rights law and the UN Charter had fundamental and radical impacts on international law. The school argues from the 'deontological moral standpoint',[17] that it is the human being, people, individual, as opposed to the state as the basic unit of analysis and concerns of international legal system; implying that nation-states get their legitimacy and even authority from people's will. In this context, sovereignty (in all its connotations) is not an inherent right of the states, rather derives from individual rights. Thus, this upholds the supremacy of human rights when in conflict with the state sovereignty. Supporting the above assertion, Teson[18] asserts that:

"The human rights imperative underlines the concept of state and government and the precepts that are designed to protect them, most prominently Article 2(4). The rights of state recognise by international law is meaningful only on the assumption that those states minimally observe individual rights. The UN purpose of promoting and protecting human rights found in Article 1(3) and by reference in Article 2(4) as a qualifying clause to the prohibition of war has a necessary primacy over the respect for state sovereignty. Force used in defense of fundamental human rights is therefore not a use of force inconsistent with the purposes of the UN".

While this approach favours human rights over any idea of state sovereignty and, by extension positive international law, the other school argues against such intervention, upholds the positive international law position and maintains that Article 2(4) of the UN Charter was "meant to be a watertight prohibition against the use of force and any customary right of unilateral intervention which may have existed was extinguished by the UN Charter." The writers that favour this approach contend that though certain fundamental human rights are now matters of international concerns but the protection of such rights does not warrant the use of force without the UNSC

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humanitarian intervention provided it is conduced in a collective manner that expresses the will of the international community." Duke Simon, "The State and Human Rights: Sovereignty versus Humanitarian Intervention", op. cit.

17   The deontological theory puts premium on the actor's moral intentions and takes precedence over the consequences of the action, "it is common to define deontological theory as 'agent-centered', i.e. as placing emphasis on an agent's moral motives, and allowing principles and precepts to override the consideration of consequences."

18   Teson Fernando, *Humanitarian Intervention: An Inquiry into Law and Morality.* 2nd Edition, op. cit., p. 174.

authorisation and in a situation where there is conflict between two or more values of the UN Charter peace must always prevail.[19]

In a nutshell, the three strands, concerning the legality and legitimacy of humanitarian intervention, that emerged from this debate are aptly captured and well summarised by Harhoff[20] with special emphasis on NATO unilateral action in Kosovo, thus:

"1. The affirmative position, which asserts–on various grounds–that humanitarian interventions are indeed both legitimate and lawful under international law and that the Kosovo intervention, accordingly, has a sufficient legal basis;

  2. The legalist position, which adversely denied the lawfulness of resort to armed force beyond the accepted special cases–regardless of the purpose–and therefore rejects the legality of the Kosovo intervention; and,

  3. The reformist position which holds that international law is currently unable to provide a clear position on the legality of humanitarian interventions, and in the absence of such clarity, *accepts* the possibility that humanitarian interventions after all might be considered lawful under certain conditions and therefore, focuses on the attempt to identify these conditions and reform the law."

Many legal pundits adhere to the positive argument that completely discards the right of forcible/non-consensual humanitarian intervention because, according to them, while it is true that state is under obligation to ensure respect for fundamental human rights and ensure the protection of such rights, there is no legal right in international law to use force to ensure such compliance. Thus, they reject NATO intervention and labelled it as 'illegal' since such action lacked UNSC authorisation. It should be recalled at this juncture that a purely legalistic argument is analytically deficient and inadequate to analyse both the legality and legitimacy of forcible humanitarian intervention because such analysis will fail to consider the legitimacy of such intervention. This is because the whole issue of legitimacy is based on moral and political considerations, though legal consideration should not be ruled out since they may have fundamental political consequences. In this context, to

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19 Builder Richard, "Kosovo and the 'New Interventionism': Promise or Peril?" *Journal of Transnational Law and Policy,* vol. 9, 1999, p. 161.

20 Harhoff, "Unauthorised Humanitarian Intervention: Armed Violence in the Name of Humanity?", *Nordic Journal of International Law,* vol. 60, 2001, p. 69.

determining the justification for a particular humanitarian intervention, it has to be based on certain fundamental criteria such as:

"…The overall respectability and legitimacy of the countries involved in a given action, the procedures and the modalities of the action, whether the action enjoys the explicit or implicit support of a considerable number of countries and international organisations, whether the action is deemed necessary and proportionate, etc."[21]

In this context and supporting the Danish Institute of International Affairs Report's position that the legal analysis is just only one flank in any evaluation of a particular instance of humanitarian intervention is Richard Falk. With particular reference to NATO unilateral intervention in Kosovo, Professor Falk has this to say:

It is correct that normal textual readings are on their side, and that the Charter system cannot be legally bypassed in the manner attempted by NATO. Yet it is equally true that to regard textual barriers to humanitarian intervention as decisive in the face of genocidal behaviour is politically and morally unacceptable, especially in view of the qualifications imposed on the unconditional claims of sovereignty by the expanded conception of international human rights.

This is probably why Harhoff[22] concludes that "contemporary international law is currently unable to provide a answer to the question of whether or not unauthorised armed interventions for humanitarian purposes are unlawful". This is because the recognition of the protection of fundamental human rights as a matter of international concerns by both the international humanitarian law and human rights law is probably sufficient to provide moral right and even moral obligation to intervene in internal conflict situations, while it may be illegal without the UNSC authorisation. Therefore, Harhoff contends that NATO intervention may be regarded as part of the evolving customary law principle, and as such should not be discarded outrightly as purely illegal. Hence, the legitimacy of forcible humanitarian intervention is likely to be judged and determined purely on the basis in which the intervening state(s) follow international humanitarian law and human rights law's principles in its/their conducts and whether their is orals and political

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21 Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects.* op. cit, p. 24.

22 Harhoff, "Unauthorised Humanitarian Intervention: Armed Violence in the Name of Humanity?" op. cit.

justifications for its/their actions which, undoubtedly affect the determination of legitimacy. Going by this assertion, as forcible intervention that maximally protect the vulnerable populations may be considered as legitimate though its legality is still in doubt as the case of the NATO's Kosovo intervention illustrates. The criteria justifying the legitimacy of forcible intervention have been advanced by its proponents which can be summarised as follows:

1. Massive violations and breaches of the fundamental human rights amounting to crime against humanity by state itself or their support, or connivance, or as a result of the state collapse that incapacitated the government to stop these atrocities;

2. UNSC is paralysed and unable to take action due to the exercise of veto or antagonistic politics among the five permanent members;

3. There is a clear indication that military option serves the situation better in the context where all the peaceful means to achieve solution have been explored and exhausted and brings nothing.

4. A group of states, as opposed to a single state, intervention with the sole objective of halting the atrocities and violations of human rights with the acceptance or at least non-opposition of the majority of the UN member states.

A possible solution to this seemingly intractable dilemma between legal and moral consideration has been proposed by Rytter[23] who argued that interventions like the one in Kosovo should not be justified in legal terms, but that an emergency exit from international law, justified solely on moral grounds, should be recognised in *ad hoc*, extreme cases only: "This leaves open the door for intervention in extreme cases of human suffering, but at the same time avoids jeopardising the existing, hard-earned international legal order and the central role of the Security Council."

AFRICAN PERSPECTIVES ON HUMANITARIAN INTERVENTION

Africa is, undoubtedly, the world's poorest continent and at the same time in distress in many respects. This is due to its long period of colonial subjugations and exploitations (both human and material). The Europeans came with the impression that colonialism is benevolent because, according to them, it was to transform the traditional African society into a modern one and

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23   Rytter, J. E, "Humanitarian Intervention Without the Security Council: From San Francisco to Kosovo and Beyond", *Nordic Journal of International Law,* vol. 60, 2001, p. 158.

laid the solid foundation for the continent's socio-economic and political developments in the western way and bring the benefits of Christianity to the colonised people. All the virtues of colonialism were portrayed to the local populations as part of European humanitarian missions in Africa. Unfortunately, the negative consequences of such activities have made Africans and many other colonised people in different parts of the world to be cautious of the external assertions of such benevolence or humanitarian protection. The brutal and degrading historical account of colonialism has larger effects on the Africans' conceptualisation of, and thinking on, the twin concepts of intervention (either for humanitarian objective or other goals) and state sovereignty. Intervention has a squalid history on the African continent because it is considered as the foundation of the continent's socio-economic and political backwardness. This explains for the African states hostilities towards any idea of modification through the rewritten of the well-established rules and norms of non-intervention enshrined in the UN Charter. This is premised on the fact that non-intervention principle as contained in the UN Charter is considered by the smaller and less developed African countries as a potent weapon in dealing with bigger, powerful, and more aggressive states. In *addendum,* preference for the continued application and relevance of non-intervention by African states is understandable taking cognisance of the fact that these states have just emerged from the shackles of colonial misrule so they need a conducive, stable, non-antagonistic environment with the overall goal of facing the gargantuan tasks of nation-building.[24] Truly, states entangled in developmental crises require a conducive space to effectively pursue these goals and in a manner consistent with respect for human rights and fundamental freedoms.

In addition to Africa's bitter experience with colonialism, the negative impacts of the twin forces of neo-colonialism and Cold War have continued to shape Africa's perspectives on intervention. For example, the immediate post-independence Congo witnessed constant Belgium intervention and Brussels partiality in the internal Congolese war by supporting one party to the conflict, has impacted negatively on the Congolese society to date. Furthermore, aside from maintaining military bases in Africa, France has continued to dominate and intervene politically and militarily in the internal affairs of its former colonies, as its activities in the Central African Republic, the Comoro Island,

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24   Badmus, Isiaka Alani, "What Went Wrong With Africa?: On the Etiology of Sustaining Disarticulation of the African Nation-State", *Law and Politics in Africa, Asia, and Latin America* (Hamburg), vol. 39, no. 3, September, 2006.

etc illustrate. This has equally raised suspicions on Paris when it comes to intervention and dents Paris' credibility as an impartial arbiter in African crises which apparently explains Africans scepticisms towards France's *Operation Turquoise* as politically motivated rather than on humanitarian grounds during the Rwanda genocide in 1994.

Another negative dimension of the Cold War on Africa lies in the face of disregard, by the super powers, to Africa's territorial integrity when ideological issues were at stake. In this context, Angola became the battle ground for ideological supremacy between the super powers; a situation that made the country to loose control of its territory to foreign powers with fatal consequences to the Angolan society.[25] Apart from this, the Cold War also led to the creation and proliferation of armed insurgent groups with the supports of super powers to challenge the national constituted governments which became fashionable in inter-state relations. The dismaying legacies of such activities continuing to scar many people in the less developed societies across the world, including Africa. The result of the above situation is that:

The benevolent and self-assured image which the mature industrialised democracies of the West have of themselves is viewed with different eyes elsewhere. It cannot necessarily be taken for granted that whatever emerges from their individual or collective councils is always guided by the best of intentions. These countries have their interests too, and history counsels caution and scrutiny.[26]

Aside from the foregoing, Africa is, economically, politically, and militarily, a weak continent; ushered in and integrated into the international system in an exploitative and unequal exchange terms. Since African states are financially and economically not buoyant enough, it is not hard to fathom the compelling reality that, it will be difficult, if not impossible, to defend and guarantee their territorial integrity and political independence through military means. In this setting, international law and the well established rules/norms of international relations become the potent instruments in the hands of these less powerful countries to guarantee this much needed protection and ward off external aggressions. This is the reason why the Organisation of African Unity (OAU), the forerunner of the AU mandated its member states to accept and

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25 Badmus, Isiaka Alani, "Beyond the African *Cerberus*: The Post Savimbi Angola", *Nigerian Forum,* vol. 24, nos.1 and 2, 2003.

26 Stanlake, J. T. M. Samkange, "African Perspectives on Intervention and State Sovereignty", *African Security Review,* vol. 11, no. 1, 2002.

respect their inherited colonial borders in order to promote harmonious African international relations and eliminate conflicts among them. In this respect, the principle of non-intervention becomes fundamental and appealing.

As already adumbrated, the end of the Cold War has metamorphosised international relations in many respects. Since the withering away of the antagonistic politics of the Cold War era and increase in intra-state conflicts conditioned by the emergence of multiple social movements, armed groups, etc that are challenging the state, many African countries become threaten and as such compound the complexity of national insecurity and regime survival while human security came to the backburner, as the moves towards the full democratisation of the continent were crippled with coups and counter coups that litter Africa's political landscape with all their fissiparous tendencies,[27] Thus, the vital task of nation-building becomes daunting and thus, Africa's future looks bleak.

Therefore, this scenario compels Africa to rethink its position on the doctrine of intervention and prompted new type of reactions from the continent. The contemporary multiple challenges to Africa's nation-statism such as the protracted armed conflicts (both inter- and intra-state) with negative consequences of state failure, military rule, militarism, arm race and the emergence of war economies, forceful change of government, the contagion effects of internal cataclysms, etc, have recently gingered African states and their multilateral institutional frameworks (both continental and sub-regional) to depart from their classical non-interventionist postures.[28] The euphoria of the détente in East-West relations and the hopes that such warm relations would have on Africa were short-lived as many happenings on the continent illustrate.

In 1991, the world witnessed the fall of one of the Africa's most dictatorial regimes of Siad Barre in Somalia.[29] Thus, the post-Barre Somalia became highly unstable for the factional fightings that ensued among the various clan-

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27 Badmus, Isiaka Alani, "Africa: In Search of Security after the Cold War", *International Journal of African Studies* (Porto), vol. 11, 2008; Badmus, Isiaka Alani, 'Stabilising Nigeria: Small Arms and Light Weapons Control and Security Sector Reform", *Asteriskos: Journal of International and Peace Studies* (La Corunha, Galiza), Spain, vols. 8&9, 2009.

28 Madlala-Routledge, N.C, "Developmental Peacekeeping: What are the Advantages for Africa?", Being the text of the paper presented at the *African Defence Summit 2004, Midrand, South Africa,* 13 July, 2004.

29 On Siad Barre, read: Hussein, M. Adam, "Somalia: Personal Rule, Military Rule and Militarism", in Eboe Hutchful and Aboudulaye– Bathily (eds.), *Military and Militarism in Africa,* CODESRIA Book Series, Dakar, 1998, pp. 335–398.

based armed groups. The pervasive security situations led to complete breakdown of law and order and collapse of state institutions which induced humanitarian catastrophe. The failure of the Somali state to resolve the crisis and return to normalcy necessitated the UN intervention to save the unfolding humanitarian tragedy at the epoch and to re-establish functioning state machineries. Though, interventionist efforts bore fruits when it brought succour to the vulnerable people but these achievements were completely eclipsed by the inability of the UN to address the root causes and political aspect of the crisis. The UN attempt at *peace enforcement* became counterproductive, not only that it failed to secure peace in Somalia, it also made it difficult to have international consensus on, and undetermined efforts to rallying international supports to address other African crises, including the genocide in Rwanda in 1994. This apparently confirms the suspicions of Africans and the assertion that a badly planned and executed intervention can do more harm than good.

Furthermore, the need to insulate internal conflicts from spreading to other countries has been advanced as another cogent reason for external intervention in internal conflict situations. West Africa presents an interesting scenario. The civil war that wracked Liberia in the late 1980s demonstrates how internal conflict can assume international dimension at the perils of the neighbouring states. The fall of Samuel Doe's autocratic/personal rule[30] and the accompanied state collapse produced humanitarian tragedy of great proportion. The war soon snowballed into Sierra Leone, Guinea, and later Cote d'Ivoire with full potential to destabilise the entire West African sub-region. The Liberian tragedies compelled intervention from the Economic Community of the West African States (ECOWAS) with the primary objective of restoring law and order in the country and halting the *domino* effect of the conflict into other states within the sub-region.

While many African countries have experienced prolonged military rule that were favoured by the superpowers pursuant to their hegemonic interests, the collapse of communism, the disintegration of the Soviet behemoth, and the wave of democratisation that blew across Eastern Europe heightened the quest for multiparty democracy in other parts of the world. At the same time, African leaders resolved to bar any country whose government comes to office through a military takeover. In this respect, the Harare Summit of the OAU in 1999 is commendable for prohibiting illegal overthrow of government. Also in 1999 in

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30   On Personal rule, read: Jackson Robert and Rosberg Carl, *Personal Rule in Black Africa,* University of California Press, Berkeley, 1982.

Algeria, the Extra-Ordinary Summit of the OAU took a very strong anti-coup stance where they unequivocally rejected any unconstitutional change of government. While Benin took the lead in the attempt to democratise its political field,[31] other African countries followed. Dishearteningly, this resolution did absolutely nothing in averting coup in Cote d'Ivoire in 1999 where President Henri Konan Bedie was toppled.[32] Furthermore, in August 2005, Maaouya Ould Sid'Ahmed Taya was overthrown while the AU was completely paralysed in forcing the coupists to return to constitutional order. This contrasted sharply with the situation in Sierra Leone when the democratically elected government of Ahmed Tejan Kabbah was toppled by the Johnny Paul Koromah junta. A sub-regional leader, Nigeria through ECOWAS took action to restore the elected government.[33] The Nigeria/ECOWA action is predicated upon the simple logic that in Africa where democratisation is still *enfant*, civilian governments sometime feel insecure by the numerous armed groups operating within their territories, the overthrow of an elected government anywhere on the continent is rightly view by many as a threat to all African civilian administrations, institutional stability, and democracy.

It has been acknowledged that Africa has lost its relevance in the super powers' calculus in the post-Cold War period. This has marginalised Africa. One effect of this marginalisation is the increasing waning reticence of the international community in responding to Africa's protracted conflicts as was the case in Rwanda. The killings of the presidents of Rwanda and Burundi in 1994 and the planned genocide that followed in Rwanda clearly unveil this bitter fact, where the UNSC exhibited a lackadaisical attitude by reducing their force strength while the pleas for a robust intervention force to save civilian populations were neglected. This ugly situation is a setback for the continent and portends to African leaders the true position of their beloved continent in the evolving world system after the Cold War. This failure on the part of the international community became a big lesson for Africa the dangers inherent in relying on external powers for protection because the UN lackadaisical attitudes to the planned genocide in Rwanda showed that world's interest in

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31 Nwokedi Emeka, "Democratic Transition and Democratisation in Francophone Africa", *Law and Politics in Africa, Asia, and Latin America* (Hamburg), vol. 26, no. 4. 1993.

32 Badmus, Isiaka Alani, "Even the Stones are Burning: Explaining the Ethnic Dimensions of the Civil War in Cote d'Ivoire", *Journal of Social Sciences* (New Delhi), vol. 18, no. 1, 2009.

33 Badmus, Isiaka Alani, "The Quest for Security after the Cold War: Africa's Security Concerns" *Review of International Affairs* (Belgrade), vol. LIX, no. 1129, 2008.

Africa is unpredictable and unreliable as well. This assertion was also confirmed by the US lukewarm attitudes to save Liberians in their hours of need. Thanks to the Nigeria-led ECOMOG peacekeeping activities, the country would have been a ghost of itself by now.[34]

Thus, Rwanda, in the words of Stanlake[35] "demonstrated both the most compelling need for intervention on humanitarian ground and the most compelling failure to meet that need". It is on this note that he asserts further that "on Africa's agenda, therefore, must be the problem of how to ensure that action is, and can, be taken when needed".

THE RESPONSIBILITY TO PROTECT VULNERABLE POPULATIONS: THE GENESIS

The age-old debate on humanitarian intervention was brought back to life in the late 1990s in the wake of proliferation of internal conflicts in different parts of the world that induced complex humanitarian tragedies to vulnerable populations, while the international community (the UN in particular) has failed on a number of occasions to meaningfully address these human calamities as in Somalia, Rwanda, Bosnia, Kosovo, etc. The proximate background to the rekindle of interests in this debate can be traced to the acrimonies and worldwide condemnations that went with NATO 'unilateral' intervention in the Federal Republic of Yugoslavia in 1999 over the issue of the unfolding ethnic cleansing in Kosovo. NATO 'humanitarian war' in Kosovo was condemned by the majority` of the international community for, the legitimacy and legality of such action were questioned since it lacked the UNSC authorisation.

As noted earlier, NATO action raised concerns regarding the controversy surrounding the doctrine of humanitarian intervention and the UN inability to protect the vulnerable populations. In the particular case of NATO intervention in Kosovo, Kofi Annan[36] stated that:

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34   Badmus, Isiaka Alani, "Africa: In Search of Security after the Cold War", op. cit; see also Badmus, Isiaka Alani, "The Quest for Security after the Cold War: Africa's Security Concerns", op. cit; Badmus, Isiaka Alani, *Managing Arms in Peace Processes: ECOWAS and the West African Civil Conflicts.* CEAUP, University of Porto, Porto, Portugal, 2009.

35   Stanlake, J. T. M. Samkange, "African Perspectives on Intervention and State Sovereignty", op. cit.

36   Annan Kofi, "Two Concepts of Sovereignty', *The Economist,* 18 September, 1999.

"This year's conflict in Kosovo raised equally important questions about the consequences of action without international consensus... On the one hand, is it legitimate for a regional organisation to use force without a UN mandate? On the other, is it permissible to let gross and systematic violations of human rights, with grave humanitarian consequences, continue unchecked."

Annan comments acknowledge the conflict between the concept of state sovereignty and moral duty to protect populations at risk. Annan went on to challenge the international community to search for a different and ground-breaking mechanism to resolve the conflict between the two concepts, because, in his opinion if not; human being would look for peace, security, and justice elsewhere. He therefore challenged the world community to "find a common ground in upholding the principles of the Charter, and acting in defence of our common humanity."

The UN Secretary-General challenge to the world community compelled the Government of Canada to establish, in September 2000, an autonomous ICISS with a mandate to "contribute to building a broader understanding of those issues, and to fostering a global political consensus."[37] Composed of twelve experienced eminent personalities with high degree of integrity across the globe, the Commission was charged with the gargantuan task of "finding an alternative and less controversial approach to the discourse on intervention."[38] The principal objectives of the Commission include the need to abet:

1. facilitate protective intervention where it is appropriate, while relying on other approaches where intervention would be inappropriate or do more harm than good;

2. establish clearer rules, procedures, and criteria for determining when, how, and whether to intervene; and

3. ensure that intervention when it occurs is carried out efficiently, effectively, and for the purposes proposed.

Also central to the ICISS mandate is the task of considering the shortfalls of the previous intervention mechanism with the overall goal of preventing and at the same time inventing a new method to discourage such failures from

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37   Additionally, the Commission is to focus on "the appropriate international reaction to massive violations of human rights and crime against humanity, as well as address the question of preventive action through an international work programme of consultation and outreach", see the Commission website at http://www.iciss.gc.ca

38   see The Responsibility to Protect, Report of the ICISS at http://www.dfait-maeci.gc. ca/iciss-ciise/research-en-asp/

reoccurring. The failure of the internbational community in Rwanda was partly blamed on the lack of political will in the UNSC especially among five permanent members with devastating consequences on the ordinary citizens of that country. This is because there were differing perspectives on the justifications for intervention in the country at the epoch, while at the same time the concept of proportionality in response was also poorly defined.

Central to the Commission assignment is that the overall purpose of intervention in other state is to protect civilian populations at risk within the geographical confine of the state in question and "not for the purpose of self-defence, and not in order to address some larger threat to international peace and security as traditionally understood, but for the purpose of protecting people at risk within that state."[39] The ICISS was confronted with the task of transcending the old perception of "the argument about the 'right to intervene' [to] one about the 'responsibility to protect'" with the objective of addressing the perennial problems of political will and what can be generally referred to as the 'routinisation of conflict prevention'. Thus, human being protection and human security become the heart of the Responsibility to Protect concept. This new paradigm, therefore, questions the approach that consider it as the protection of state border and postulates the position that sovereignty in the context of this school of thought is anachronistic going by the dynamics of international politics in the post-Cold War international system. The Commission held and maintained the position that sovereignty is a responsibility to protect state citizens and not state border.[40] It is in line with this thinking that Evans[41] contends that: "it is owed by all sovereign states to their own citizens in the first instance [and] it must be picked up by the international community if the first-tier responsibility is abdicated, or if it cannot be exercised". Thus, the intrinsic benefits of the concept of Responsibility to Protect to humanity are aptly summarised by the Chairmen of the ICISS:

First, (the shift from the "right to intervene" to the "responsibility to protect") implies evaluating the issues from the point of view of those needing

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39 Evans Gareth, "Preventing Deadly Conflict and the Problem of Political Will." [On line]: Available at http//www.iciss.ca/report2-en.asp 24/10/2006; see also Evans Gareth, "The Responsibility to Protect: Revisiting Humanitarian Intervention", *Foreign Affairs,* vol. 81, November/December, 2002.

40 Andrew Mack, "Human Security in the New Millennium", *Work in Progress: A Review of Research Activities of the United Nations*, vol. 16, no. 3, Summer, 2002.

41 Evans Gareth, "Preventing Deadly Conflict and the Problem of Political Will." [On line]: Available at http//www.iciss.ca/report2-en.asp 24/10/2006.

support, rather than those who may be considering intervention... Second, this formulation implies that the primary responsibility rests with the state concerned. Only if that state is unable or unwilling to fulfil its responsibility to protect, or is itself the perpetrator, should the international community take the responsibility to act in its place... Third, the "responsibility to protect" is an umbrella concept, embracing not just the "responsibility to react", but the "responsibility to prevent" and the "responsibility to rebuild" as well.[42]

If sovereignty implies states' duty to protect their citizens, the question that is pertinent here is that under what circumstances can the international community intervene in state's domestic affairs to save vulnerable populations? In answering this question, we should not forget that the Commission was not interested in identifying/specifying circumstances under which the world community could intervene in domestic conflict situation. Instead, it maintained that the threshold for international action is conditioned on the failure of the concerned state/government to ensure preventive measures or inability or unwillingness. The Commission considered intervention/military action as an extreme measure "when all non-military alternatives for the prevention or peaceful resolution of the crisis have been considered, and there exist a reasonable belief that lesser measures would have unsuccessful" based on the six intertwining principles that need to be satisfied are: the just cause threshold, the precautionary principles (of right intention, last resort, proportionality means and reasonable prospect and the right of authority).[43]

FROM RIGHTS TO RESPONSIBILITIES: THE AFRICAN UNION AND THE PROTECTION OF VULNERABLE POPULATIONS

As already noted, the broadening of the concept of security especially in the post-Cold War era, the increase in intra-state conflicts[44] in different parts of the world, the challenges to the once indubitable state sovereignty and the increasing recognition of the imperatives of human security have had fundamental impacts on the contemporary international relations discourse,

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42 Evans Gareth and Mohammed Sahnoun, "The Responsibility to Protect." [On line]: Available at http//www.crisisgroup.org/home/index.cfm?id=2284&1=1 24/10/2006

43 Please read the Responsibility to Protect Document for detailed discussions on these principles.

44 These are regarded as 'post-modern' and 'network wars' in Africa, see The United Nations Research Institute for Social Development (UNRISD), *States of Disarray: The Social Consequences of Globalisation.* UNRISD, Geneva, 1995.

especially in the spheres of humanitarian affairs and international humanitarian law. The gargantuan tasks of effectively addressing the pervasive domestic conflicts of unregulated character and the need to bring succour to humanity by preventing and terminating the gross violations of their fundamental rights, especially the vulnerable populations and 'minors' (i.e. sanctity of human life) have had considerable influence on the current thinking on the security, sovereignty, and human rights discourses and, as well as impacted on the drafting of the various national, regional, and international instruments/conventions relating to peace and security across the world of which the AU is not an exemption. Since the OAU was formed in the heyday of the Cold War, its principles, objectives, and institutions were compelled to reflect the nature of the prevailing regional and international contexts in which it had to operate. Thus, the protection of state sovereignty became one of its Charter's provisions as contained in the non-interference principle and the condemnation of all forms of subversion against members of the organisation. The same principle of non-interference in the internal affairs of another member state is endorsed by the AU in its Constitutive Act[45] but with a caveat, that the AU has the right to "intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances namely, war, crime, genocide, and crime against humanity."[46] This major provision is considered important because the non-interference clause has, on many occasions, been used by many African dictators as a shield to commit atrocities while the OAU was incapacitated by the existence of the Charter's provision. Sesay's[47] observation is worth noting here:

"However, it was clear that in the early 1990s the principle was an anachronism, since at the global level, it was no longer sufficient for a state to invoke the non-interference principle to prevent international action, especially during humanitarian emergencies…"

In the same vein, in Article 4j, the AU member states have the right to 'request' the AU intervention in order to restore peace and security in any member state that is in crisis and disorder. This is a clear expression that the

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45 See Article 4g of the *Constitutive Act of the African Union.* [On line]: Available at http//www.africa-union.org 23/02/2003.

46 Article 4j *Ibid*

47 Sesay Amadu, *The African Union: Forward March or About Face-Turn?,* Claude Ake Memorial Paper, no. 3*,* Department of Peace and Conflict Research, Uppsala University, Uppsala, Sweden and Nordiska Afrikainstitutet*,* Uppsala, 2008, p. 19.

use of military force has been authorised by this provision. The position is well supported by the Protocol Relating to the Establishment of the Peace and Security Council of the AU that operationalised the AU's peace and security mandate.[48] The guiding principles of the Protocol, similar to the AU Constitutive Act, conform with the UN Charter, and the Universal Declaration of Human Rights and shows strong similarities to the norms and principles underlying the concept of the Responsibility to Protect. While the Peace and Security Council (PSC) protocol recognises the existence and the imperatives of the principles of non-interference, respect for the state territorial integrity, state sovereignty (as contained in Article 4e-h of the Protocol Relating to the Establishment of the PSC of the AU), it did emphasis the promotion and protection of fundamental human rights (Articles 3f and 4c of the Protocol Relating to the Establishment of the PSC of the AU). The AU document reflected the three basic tenets of the concept of Responsibility to Protect as postulated by the ICISS since it made provisions for: (1). conflict prevention (responsibility to prevent) (Articles 3b and 7b); (2). conflict resolution (i.e. responsibility to react) to conflict situations (Article 4b) and also focuses on (3). post-conflict peace-building and reconstruction, i.e. the responsibility to rebuilding (Article 6e and 7b) as well as the need for quick responses (i.e. humanitarian actions) in a situation of humanitarian emergencies in order to ensuring protection of vulnerable populations (Article 6f).

The PSC, a standing decision-making organ in matters relating to the prevention, management, and resolution of deadly conflicts, is considered as a Collective Security and Early Warning Mechanism to ensure prompt, effective, and efficient responses to African conflicts. Article 7(f) of the PSC Protocol empowers the Council (i.e. the PSC) to endorse the mechanisms for intervention (i.e. the appropriate strategy to be employed) based on the decision of the AU African Heads of States and Governments (AHSG). Since the PSC is considered as the replica of the UNSC in peace and security issues, it becomes apparent that this provision presents the Council the golden opportunity to develop the fundamental principles which should form the basis of the AU AHSG's decisions to embark on intervention which is, expectedly, to be based on the ICISS principles. Furthermore, the AU Constitutive Act reaffirms the centrality of the UNSC as the sole custodian of international peace and security and seeks to build a close cooperation with the world body in matters relating to Africa's

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48   See: *Protocol Relating to the Establishment of the Peace and Security Council of the African Union.* Addis Ababa: The AU Secretariat. [On line] Available at: http//www.africa-union.org 16/07/2005

peace and security in order to secure the UN authorisation in case of humanitarian intervention. Under this circumstance, the AU can embark on intervention in a situation of extreme emergency, and later seeks the UNSC consent/approval (I.e. *ex post facto* authority), which is apparently one of the recommendations of the ICISS.[49] Since the AU is a continental organisation as oppose to individual state, humanitarian intervention by the Africa's institution in any of its member state in urgent case will definitely not be frown at. Instead, it will receive the approval of the UNSC going by Article 53 of the UN Charter that calls for close collaborations and increasing roles for regional institutions in matters relating to peace and security.

CONCLUDING REMARKS

What transpires from the discussions above is that the doctrine of humanitarian intervention, due to the ambiguities and controversies surrounding its application, has become anachronistic in contemporary security discourse. This scenario has led to the invention and conceptualisation of the concept of 'Responsibility to Protect' vulnerable populations in war situations and complex humanitarian catastrophe based on its relevance as an arbiter to the longstanding discord between state sovereignty and intervention. Undoubtedly, military action is always regarded as an extreme measure of last resort. But military intervention becomes inevitable in the face of states abdication of their primary responsibilities (either unwillingly or unable) to protect their citizens effectively or even when states become the perpetrators of such atrocities, then the threshold for intervention is reached.

The concept of 'Responsibility to Protect' is now gaining wider recognition and acceptance because it concerns with the security of the individual (i.e. human security) as against that of the state. Thus, the welfare of the people is considered as the primary unit of analysis in the concept of Responsibility to Protect thereby challenging the realist perspective on security. In addition, it reduces the risk of abuse because it clearly highlights the definable procedures and threshold for intervention by the global community.

Then intervention in the context of the Responsibility to Protect weaves the preventive, intervention, and post-conflict reconstruction efforts as a holistic task and in a continuum process. Preventive measures should precede

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49   Kindiki "The Normative and Institutional Framework of the African Union Relating to the Protection of Human Rights and the Maintenance of Peace and Security", *African Human Rights Law Journal*, vol. 3, no. 1, 2003, p. 97.

intervention to be succeeded by post-conflict reconstruction. What this implies is that, it offers durable and permanent solutions to devastating humanitarian crises and state failure. This represents a fundamental step to transcending the stark failures of the international community, especially in Rwanda, and other volatile areas across the globe in the 1990s, compound by lack of political will and what can be regarded as the 'routinisation of conflict prevention' and appropriate solutions to the new challenges facing the world community.[50] The concept of Responsibility to Protect presents a vent to bypass and circumvent the embedded legal constraints in the controversial doctrine of humanitarian intervention.

All said, the concept of Responsibility to Protect vulnerable populations and its inherent benefits is considered as an appropriate model for securing and achieving durable peace in Africa, a continent that is littered with conflicts. The Responsibility to Protect now forms the basis of the AU new security architecture as reflected in the various provisions of the AU Constitutive Act, the PSC Protocol, the creation of the African Standby Force (ASF), etc. Thus, what is germane for Africa is "to do the things necessary to ensure that local grievances do not become matter of domestic conflicts and that domestic conflict do not explode in matter of regional and broader international concern. This means, in particular, good governance, respect for human rights and a commitment to democracy and democratic processes."[51] It is in this context that the African countries have to place the AU's objectives over and above their parochial interests, and provide the much needed strong political will and commitments to ensure that the AU matches rhetoric with action.

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50 Evans Gareth, "Preventing Deadly Conflict and the Problem of Political Will." [On line]: Available at http//www.iciss.ca/report2-en.asp 24/10/2006

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Isiaka ALANI BADMUS

HUMANITARNA INTERVENCIJA
I ZAŠTITA CIVILNOG STANOVNIŠTVA

APSTRAKT

Autor postavlja pitanje da li se nasilnim putem može obezbediti pravni osnov za humanitarnu intervenciju uprkos tome što je ona u jasnoj suprotnosti sa standardnim normama odnosa među državama. U okviru klasičnog pristupa autor naglasak stavlja na princip suvereniteta kada vlast krši ljudska prava svojih građana ili u državama vlada građanski rat, haos i nered. Autor raspravu o bezbednosti postavlja suprotstavljajući staru doktrinu o humanitarnoj intervenciji i koncepciju "odgovornost za pružanje zaštite". On takođe iznosi stav da je zbog nejasnoća i kontroverzi vezanih za njenu primenu, humanitarna intervencija postala anahronizam i sledstveno tome dovela do nastanka koncepcije o odgovornosti za pružanje zaštite nezaštićenom stanovništvu. Ovaj pristup je zasnovan na brizi za ljudsku bezbednost nasuprot interesima države i njenoj ulozi arbitra u dugotrajnom nesaglasju između suvereniteta i intervencije.

Ključne reči: humanitarna intervencija, odgovornost za pružanje zaštite, civilno stanovništvo, Afričko jedinstvo, Ujedinjene nacije