



THE MILITARY INVOLVEMENT IN HUMANITARIAN INTERVENTION: AN ANALYSIS BASED ON THE UNITED NATIONS (UN) CHARTER

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Abstract: Does humanitarian intervention necessarily involve military intervention within the purview of the United Nations (UN) Charter? This paper argues the existence of military involvement within the UN Charter's purview. The concept of humanitarian intervention is noble. This noble humanitarian approach may not always involve military forces. However, over the history of humanity, military involvement has appeared to be an inevitable humanitarian intervention phenomenon. In this paper, qualitative methodology has been adopted for data collection and analysis. In the contemporary literature, the increased trend of military involvement has triggered philosophical debate regarding humanitarian intervention's nobility. In this context of contemporary literature, this paper has attempted to analyze military involvement within the broader purview of humanitarianism through classical and liberal schools of thought. Finally, this paper's key findings revealed a manifestation of noble cause and discriminatory motives of different actors for the military involvement in humanitarian intervention.

Keywords: *Humanitarian intervention; military intervention; human rights; international law; the UN Charter; International Relations*

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INTRODUCTION

Humanitarian intervention, an action undertaken by an organization or state or coalition of states to alleviate extensive human suffering, has generated an academic debate from Classical¹ and Liberal² Schools of thought regarding the issue of using military forces and state sovereignty. The term 'humanitarian intervention' lacks clarity from conceptual and practical viewpoints, as identified by scholars and policy practitioners (*Trim & Simms, 2011*). Throughout humanity's history, a humanitarian emergency had existed either due to natural

¹ Classical Theories of International Relations edited by Clark and Neumann (2016).

² A Brief Understanding of Liberal Theory in International Relations by Binu Joseph.

calamity or human-made disaster, as observed by Salvatici (2020), and others. A response to such an emergency had come in different forms of assisting the affected people. Over the years, the forms of humanitarian response have been transformed due to various socio-politico-economic motives that occurred from purely humanitarian purposes to military domination (Sullivan, 2008). In the realm of humanitarian intervention, the involvement of military forces has led to a philosophical confusion as scholars and practitioners have different conjectures and disciplinary perspectives (Ticktin, 2014). This confusion exists due to the blurred distinction between the altruism and motive, in case of a military involvement for any humanitarian intervention.

The literature of humanitarian intervention reflects a wide range of 'perspective' that has emerged as a relatively new term in the context of humanitarianism. According to Scheffer (1991), the humanitarian intervention involves a state or states or the international community for delivering humanitarian support once the affected group of people falls under ignorance, abasements, and other forms of marginalization. These acts of human sufferings may be conducted either by non-state actors or state actors or by both. As a noble responsibility for discharging assistance for eradicating the sufferings of affected people, the international community may have the scope to intervene in a situation where a government is either unable to protect or unwilling to protect its people. Humanitarian intervention initiates the debate between the concept of state-sovereignty and a state's responsibility to protect its people. This type of intervention further challenges the legal involvement military forces questioning very fundamental aspects of state-sovereignty that has been endorsed in the UN Charter³. Referring to the Human Rights Watch World Report, Heinze (2006: 20) has observed a redundancy of using military forces in humanitarian intervention. Williams and Pearlman (2019) further argue regarding the indiscriminate use of military forces that do not support military forces as an inevitable humanitarian intervention tool. However, over time, military forces have become the prime component of humanitarian intervention. However, there are debates over who can authorize such intervention. The UN Charter has prohibited aggression on another state's internal affairs, but Chesterman (2001) argues that the United Nations Security Council (UNSC) has the authority to make an exception to the charter if a situation arises that threatens world peace and security. Chesterman's argument is further complimented by Welsh's (2004) preference that identifies the UNSC as a deciding authority for such intervention. However, Ayoob (2002) views that the international community's military involvement, including the UNSC and other entities, is motivated by either national interest or humanitarian obligation or both.

The humanitarian intervention, within the purview of international law, typically refers to the threat of using force by a state or states or international organizations (Yoshida, 2013). No particular or standard delineation has been

³ Article 2 of the UN Charter.

found in the literature regarding the only definition of humanitarian intervention. This has prompted varying perceptions among scholars and practitioners regarding definition, scope, and other contextual peripheries of humanitarian intervention. Primarily, the purpose of such intervention is to protect the people of a particular state or community from widespread deprivation of internationally recognized human rights, including genocide and crimes against humanity (*Andonovska, 2019*). The use of force does not necessarily implicate a military intervention since using force or threat of using force can be projected through preventive diplomacy, economic sanction, and other means (*Murithi, 2009*). However, Schubert and Smith (*2007*) have anticipated that military forces' use would become an inevitable phenomenon in humanitarian intervention. Identifying the 'Peace Support Operations' (PSO) as an emerging trend of military involvement in humanitarian intervention, Pugh (*1998*) observed military involvement's inevitable existence for attaining the ultimate objective of a humanitarian intervention. According to Tom Woodhouse and Oliver Ramsbotham, narrated in the edited seminal work of Woodhouse, Bruce, and Dando (*2016*), increasing military involvement has been observed during the humanitarian interventions in the post-cold war era. Considering the philosophical debate, this paper attempts to rationalize the necessity of military involvement in the broader purview of humanitarian intervention that prioritizes the classical school of thought over the liberal school of thought in contemporary IR literature.

Research Objective: The purpose of this paper is to review the necessity of military involvement, within the overall purview of humanitarian intervention, from the perspective of the UN Charter.

Research Question: To what extent is military involvement necessary in humanitarian intervention within the context of the UN Charter?

Research Methodology: Complying with the paper's objective, this paper has followed qualitative analysis. The research has followed content analysis on both primary and secondary resources that facilitate the research's application with the abstracts of representative studies. A wide range of secondary resources has provided expert opinions and insights for the qualitative improvement of the analysis. While following content analysis on primary resources, the UN Charter, the Humanitarian Charter and different resolutions of the UNSC have proved particularly beneficial for consulting various aspects of humanitarianism regarding different articles and chapters of the UN Charter. Besides this primary source, this research has conducted a systematic and critical review of varieties of secondary resources that include related documents, policies, case studies, published articles, journals, books, periodicals, and other web-based resources. Considering the study's scope and purpose, the research method prefers inductive reasoning through Research Question to validating Research Hypothesis. The use of multiple sources has facilitated further scrutiny to avoid possible biases of different information. Various primary and

secondary sources have been accessed online through Google Scholar and the 'Web of Science' search engine.

AN INTROSPECTIVE STUDY ON HUMANITARIAN INTERVENTION

To understand the underpinnings of 'humanitarian intervention' in the context of international relations, it is necessary to investigate the defining parameters of two words: humanitarian and intervention. 'Humanitarian' is concerned with humanity that promotes human welfare (*Jones, 2016*). Ways and means of attaining such welfare are elaborate, exhaustive, and contentious (*Weiss, 2016*). However, in general terms, an action that is prompted for the betterment of humanity can be termed a humanitarian act. An intervention is an act of directing resources through coercive approaches or pacific settlement or a combination of both (*Kritsiotis, 1997*). Such intervention aims to contain or improve a deteriorating situation in a humanitarian disaster in the IR literature. Thereby, an intervention can be considered an act of interference to attain a humanitarian aspect's desired effect. In a broader sense, humanitarian intervention has been defined from classical and liberal perspectives by scholars that denote differences in insight. Classical and liberal definitions differ concerning theoretical aspects and practical implementation.

From the empirical understanding, as Tesón (*1988*) viewed, humanitarian intervention is the assistance rendered to an individual or group, or community who are being denied from their fundamental human rights. Tesón's view has further been complemented by Wheeler's (*2003*) understanding that points out such activities in the context of severe violation of human rights. While these scholars of classical school have been more focused on humane aspects, Orford's (*2003*) critical narrative prefers using force to protect human rights in a humanitarian intervention that places purpose of interest over morality. According to Knudsen (*1996*) and other scholars of the classical school of thought, humanitarian intervention necessitates using force. Other scholars from classical thought have also accepted Verwey's definition with the agreement of involving coercive and forcible measures mentioning that an intervention does not essentially implicate the use of military forces; instead, it may involve non-forcible military means such as political, diplomatic and economic pressure (*Miskel, 2000*). In contrast, liberal scholars have viewed an intervention from a humane perspective indicating that humanitarian intervention may take various forms ranging from mild and non-violent means through applying either use or non-use of force (*Kwakwa, 1994*). Referring to Kwakwa, other scholars from the liberal school of thought further prefer public criticism, media campaign, political reform, and other forms of non-military yet forcible means of intervention (*Harriss, Hunter, & Lewis, 1995*). Besides these thoughts, a few liberal school scholars have found a classical form of

intervention in liberal context as they indicate coercive means as an alternative in case of unavoidable circumstances ([Davidson, 2012](#)). However, scholars from the liberal school of thought opine that major international institutions' support remains obligatory for the recipients as they have either no choice or minimal option but to accept.

The humanitarian emergency requires a response to provide relief goods, medical supplies, or even military equipment. Davey, Borton and Foley ([2013](#)) have found such a response in a broader sense of either religious or military or purely humanitarian viewpoints. From a religious perspective, a humanitarian response comes from the charitable obligation of different religious beliefs ([Alger, 2002](#)). The tradition of 'zakat' in Islam is one such response offered to the underprivileged people from the religious obligation. A Christian idea of charity has been observed in particular geographical locations like Europe, North America and Africa. Indicating a complicated relationship between religion and geographic location, Thomas ([2000](#)) has expressed that such religious response usually appears charitable and ends in capitalizing an interest-based motive. In Europe, during various disasters and calamities, rendering humanitarian assistance had been recognized as a symbol of charity from Christian ideology. Nevertheless, rendering such assistance was limited within the religious purview once there had been conflicts between different religious values. During a series of religious wars between the Christians and the Muslims, often referred to as the Crusades, the provision of humanitarian assistance was confined within the respective religious groups ([Tyerman, 2018](#)). It implicates that the Christians in Europe were ready to provide everything available to them to win the war against the Muslims. On the other hand, the Muslims had been desperate for rendering whatever they had to win over the Christians in establishing footsteps in Europe. Though such assistance, during the Crusades, can be argued as a humanitarian intervention or not; scholars perceived a transforming notion of humanitarian intervention from humanitarian assistance ([Kayhan, Camela, & Al Moghabat 2018](#)). Keulman ([2018](#)) has further termed this transforming phenomenon as a merging trend of humanitarian intervention initiated from relief, aid, and other humanitarian assistance forms. As such, the 'Crusading Philosophy' of military intervention had experienced significant transformation primarily through the 'Grotius Concept' of individual freedom and human rights, and then through the ideology of Westphalia. With the emerging notion of humanitarianism at the beginning of the 20th century, humanitarian intervention becomes more prominent in safeguarding social justice and protecting human rights. In Africa, delivering humanitarian assistance was initiated as a noble gesture from the Christian Churches and ultimately ended in sectorial domination, which has been viewed by Smock ([1996](#)) as the foundation of 'imperialism' in Africa by the Europeans. Referring to the UK's military involvement and other western powers in the Nigerian Biafran War, Heerten ([2009](#)) has indicated that the Western role was more of attaining political gain than that of providing

humanitarian assistance. Thus, the essence of humanitarian assistance had been transformed from a purely noble gesture to the point of interest in the context of political interest.

The modern age of humanitarian intervention has begun with the end of the Cold War as the world has observed more numbers of humanitarian interventions after the cold war era (*Welsb, 2004: 11*). However, the concept dates back to the 17th century when Hugo Grotius introduced customary international law (*Brett, 2019*). The Dutch philosopher also significantly contributed to the evolution of human rights in the framework of humanitarianism. In the 18th and 19th centuries, the European expeditionary forces undertook the endeavor for searching new countries or localities. Wilkins and Nash (2008) argued that these voyages were undertaken to find to find new business opportunities, while Grove (2020) saw this as an opportunity for colonial expansion. European and American interventionist posture continued up to the early 20th century as some western powers intervened in different countries disguised in humanitarian motives. To give a few examples, the Belgium intervention in Congo (1960), the US intervention in the Dominican Republic (1965), French intervention in Central Africa (1978), Belgium and French intervention in Shaba Province (1978, the US intervention in Nicaragua (1970-1987) and in Grenada (1983) that is mentioned in various literatures (*Amer, 1994; Amer, 2007; Weiss, 2016*). Most of these interventions were politically motivated with the active involvement of military forces. Indicating this trend of military-dominated humanitarian intervention, Maxey (2020) has criticized these western interventions that violate the norm of state-sovereignty and adherence to the principles of non-interference.

Norm of humanitarian intervention has got different dimensions during the cold war and in the post-cold war era regarding the use of force in military involvement. Scholars and practitioners argued about military forces' legitimate involvement in humanitarian intervention (*Chomsky, Barsamian, & Zinn, 1997*). In the cold war period, world politics revolved around two major superpowers (the USA and the USSR) that used to dominate world affairs. Humanitarian aspects had been ignored as countries were not interested in involving in such an issue with the fear of getting trapped in the rivalry into the rivalry of either of these two superpowers (*Schmidt, 2013*). As a result, humanitarian intervention had been deeply constrained to avoid confrontation either with the US-led NATO block or the USSR-led WARSAW block. States did not act as part of the international community unless they had attained consent from their aligned blocks. Military intervention had been mainly in low profile in fear of falling prey to the opposing side (*Hoffmann, 1998*). However, during the cold war era, state sovereignty had been respected among the states and within the NATO and WARSAW block. With the departure of the USSR, bi-polar world politics had shifted to unipolar world politics. At the same time, individual states had come out of the shadow of bipolar world politics. With the former USSR's breakup, democratic ideology prevailed over communism that focused more on

humanitarian issues. The international community could raise a stronger voice on the humanitarian aspect as some individual states took the initiative to uphold human rights. Despite the significant transformation from bi-polar to unipolar world politics and initiative from states and the international community to uphold the humanitarian issue, military intervention had appeared as a definite tool for humanitarian intervention (*Voeten, 2007*). The world has experienced an upward trend of military intervention in the post-cold war era. The first humanitarian intervention in the post-cold war era was the Iraq invasion by the US-led coalition forces in 1991. Though the fall of Saddam Hussain was viewed as a relief for the USA and its allies, the intervention was demonstrated as an urge to restore the human rights of Iraqi people. Since then, states and the international community have conducted several humanitarian interventions where military forces had been the prime movers (*Von Hippel, 2004*). The increasing trend of military involvement in humanitarian intervention has raised the legacy and legitimacy of such intervention (*Hopf, 2005*). Evolving norms related to human rights and the use of force have sparked normative and empirical debates over the legality, legitimacy, ethics of using military forces to respond to human rights violations. In the context of such debates, scholars and practitioners argued over the application of humanitarian intervention, questioning when to intervene, who to intervene and how to intervene, and finally whether such intervention is effective or not (*Macfarlane, Thielking, & Weiss, 2004*).

THRESHOLD CRITERIA FOR HUMANITARIAN INTERVENTION

Humanitarian intervention is by-default humane and universal, rather than interest-biased. Therefore, such intervention should be launched only in extreme circumstances with strict adherence to customary international laws prohibiting state-sovereignty and non-interference. In international norms, an intervention is carried out with the authorization of the UNSC. A resolution approved by the UNSC gives the international community the mandate to intervene in a particular humanitarian crisis. Here, the UNSC acts as credible and legitimate stature for authorizing any humanitarian intervention. A state-initiated and executed intervention, without the approval of the UNSC, lacks a legal justification for conducting the intervention. In case of any intervention without the approval and consent of the UNSC, the overall involvement is likely to be questioned as intervening power gets involved in 'pick and choose' approach (*Weiss in Ayoob 2002, 86*). Credibility and legitimacy are compromised once the national interest of concerned coalition state or international community prevails over noble humane intentions. The threshold step of any humanitarian intervention usually starts through diplomatic negotiation, continues through economic sanctions and other coercive diplomacy tools, and finally ends with the military intervention (*Fixdal & Smith, 1998*). Regarding the

mode, type, and means of intervention, scholars and practitioners of humanitarianism have different understandings while defining the intervention's threshold level. Preferring military intervention before economic sanctions and other kinds of interventions, *Skocpol and Finegold (1982)* have opined that the absence of an initial robust approach would make futile the nobility and the international community's overall objective's involvement. Considering the institutional framework of the UNSC, Evans (*2004: 82*) has established a set of threshold criteria for humanitarian intervention that are:

- The scale of the crisis must encompass either mass atrocities or the inability to maintain law and order.
- The purpose of the intervention must be humanitarian.
- There should be multilateral action to diminish the incidence of national agendas.
- Military intervention should be a last resort, only instigated when diplomatic talks and economic sanctions have failed.
- Force should be proportional, not excessive, to ensure a better outcome than harm.

The essence of the threshold criteria mentioned above has been further explained in the literature of Attack (*2002*) who supports humanitarian intervention as a responsibility to protect (R2P) the affected communities. The R2P is a doctrine which was recognized by the members of the UN in 2005 for protecting people from the gross violation of human rights⁴. The R2P Doctrine, related to the protection of human rights, is particularly essential for the humanitarian literature since the UN Charter confirms safeguarding the fundamentals of human rights that has been further elucidated in different chapters of the UN Charter (Article 1 of Chapter I, Article 12 of the Chapter IV, Article 55 of the Chapter IX, Article 62 and 68 of the Chapter X and Article 76 of the Chapter XII). However, Newman (*2013*) has criticized the UN for not doing enough to protect human rights, within the purview of R2P. Such involvement of the UN was observed in Rwanda, Kosovo, Libya, and elsewhere once the UNSC authorizes its humanitarian intervention resources. Referring to Somalia's mass starvation during the civil war and atrocities of Haiti, Holzgrefe and Keohane (*2003*) contradict with Newman's argument expressing that R2P does not address all issues within the framework of the UN Charters. Pattison (*2011*) observed the same by referring to Gaddafi's threat to his community. Therefore, Chapter VII that deals with the international peace and security is trapped between the R2P and the state-sovereignty notion. Ayoob (*2002: 87*) have termed such standoff as an indicative politics between interest and nobility of different actors, states, or coalition. The other peripheral issue of threshold

⁴ The Report of the International Commission on Intervention and State Sovereignty (ICISS)

criteria is the limitation of R2P regarding the international community's involvement and human rights violations through the use of force. In such discourse, the use of military force remains arguable, demanding the legal existence of military involvement. While the responsibility to protect the affected community remains a moral obligation for the international community, their use of force and human rights violations to other communities calls into question the legitimacy of such intervention. In the case of military intervention in the name of humanitarian perspective, human rights violation of the rest of the community remains a significant concern identified by Bellamy (2005: 33) while referring to the humanitarian crisis in Iraq. Humanitarian interventions are supposedly incited on behalf of benevolent interest (Newman, 2002). Therefore, the greater good for the affected community remains futile if the broader community cannot reap the benefit from an intervention.

The other threshold criteria for humanitarian intervention are the legal authorization by the UNSC and the acceptance of legitimacy either by the affected community or by the part of the international community not involved in it. The involvement of Acemoglu's (2005) powerful states and weaker states merits a state's existence based on economic and political stability. As intervention usually takes place by powerful states or coalition in weaker states' affairs, such intervention has been termed as 'Trojan Horse' by Bellamy (2005), terming the UNSC initiated intervention as legal yet not legitimate. On the other hand, military intervention becomes redundant if the situation can be solved without using force with all parties' consent to the conflict. Again, the use of force sometimes appears inevitable despite the absence of a legal consent by either a local or regional or international actor as has been experienced during the Kosovo crisis (Auerwald, 2001). In such a case, moral obligation supersedes the legal aspects. However, the use of force does not always necessarily mean the military involvement, since the threshold criteria of using military in any humanitarian intervention have been viewed as the last resort (Pugh, 1998: 341). Here, ways and means of attaining humanitarian objectives remain vague and obscured in the context of motive and purpose. Referring to the R2P document and other policy guidelines, theorists and practitioners have preferred specific parameters (the Three Pillars Theory of R2P)⁵ for humanitarian intervention that have been further identified by Acharya (2013) and specified by Bellamy (2005). This scholarly review supports the UNSC-initiated threshold criteria wherein both military involvement cases happen to be the last preference for a humanitarian intervention. The use of military forces marks the imperative approach in the threshold of human rights abuses, over the rights of state sovereignty.

⁵ Enhancing Protection Capacity: Policy Guide to the Responsibility to Protect and the Protection of Civilians (Page 09)

THE LEGAL AND LEGITIMATE NOTION OF MILITARY INTERVENTION

During the cold war period, the bipolar world order relied more on ideological value than humanitarian issues. Within the purview of humanitarian intervention, military involvement has experienced a significant transformation in the post-cold war era (*Shibusawa, 2016*). The Balkan crisis was such an example where the international community's intervention had been in the status quo due to the superpower's difference of perception regarding settling the ethnic issues. Though the Balkan crisis occurred immediately after the post-cold war period, indicating the event as a transition point of two distinct epochs (post-cold war and cold war), Kuperman (*2008*) has indicated the Balkan Crisis as a historical lesson. The Balkan crisis can be analyzed further through the philosophical perception of Hugo Grotius. Grotius philosophy of humanitarianism, which has been accepted as a customary dogma for years, has been ignored during the cold war era due to the politically inclined ideology of bi-polar order (*Brett, 2019*). However, Grotius's philosophy of humanitarian intervention, proposed in his three theories, experienced a paradigm shift in the post-cold war era as the perception regarding moral and ethical values has altered from the cold war ideology. According to Criddle's (*2015: 474*) claim, a state's intervention in another state's affair for protecting people from intolerable sufferings has been legitimized by Grotius's interventionist theories that validates the legacy of humanitarian intervention terming it to be a legal obligation for protecting humanity. However, none of the Grotius's theories essentially propagates military involvement violating the norms of IR. The Westphalian humanitarian concepts inherited the Grotius's philosophical legacy, which is also reflected in the UN Charter and the Humanitarian Charter⁶. In this regard, the articles of the UN Charter are particularly significant due to its dominant focus on the disputed issues like state-sovereignty and human rights violations. The varying explanation, existing in the different articles of the UN Charter, caused a disputed explanation regarding the military involvement in the humanitarian intervention (*Koh, 2017*). At one end, the UN is obliged to safeguard individual states' sovereignty, while on the other, the UN is determined to endorse the fundamentals of human rights⁷. According to the purpose and the principles of the UN Charter, the UN is organizationally obligated upholding the principle of sovereign equality of all its member states (Article 2 of Chapter I). This organizational responsibility may impede the UN while defending the human rights issues through military and other coercive approaches. Identifying this critical trend of military intervention, Kier and Mercer (*1996*) commented that a military intervention might lack legitimacy, even the intervention is a legal one. Conversely, a military intervention may not be a legal one, yet can be legitimate to serve humanity's purpose.

⁶ The Universal Declaration of Human Rights 1948.

⁷ The UN Charter.

In case of any humanitarian intervention, the debate of legality and legitimacy plays a vital role in shaping up the humanitarian approach. Military involvement in a humanitarian intervention further obscures humanitarianism's overall notion (Luckham, 1971). Knudsen (1996) and Hehir (2012) observed the existence of the legality vs. legitimacy debate throughout the history of humanitarian intervention, while Buzan (2008) witnessed the meaningful existence of this debate in the post-cold war era due to an increased trend of military intervention. In the post-cold war era, the world experienced the first humanitarian intervention in 1991 as the US-led coalition force intervened in Iraq after Iraq had invaded Kuwait. The Iraqi invasion of Kuwait had been legitimized by the Iraqi government but not by most of the world (Weston, 1991). According to the UN Charter, Iraq's invasion of Kuwait was not legitimate since the invasion breached the norm of state sovereignty of an independent country without the consent of the UNSC (Kreps, 2019). Therefore, the UNSC had approved the use of force to restore the situation⁸. In this case, the military intervention by the US-led coalition force had legal approval by the UNSC and also attained legitimacy as Niblock (2004) has endorsed the world's consensus for taking a punitive measure of such misdeed of Iraq. The case of the US-led Iraq intervention in 2003 was quite different from the previous one that drew criticism from many countries and international bodies. The intervention with an allegation on Iraq for possessing weapons of mass destruction (WMD) failed to attain a legal mandate from the UNSC, and thereby lacked the moral reasoning of legitimacy (Gillespie, 2006). In the absence of a legal UNSC mandate, the UK-initiated and the US-led coalition force had found a legitimate cause of saving the Iraqi people from a state authority alleged for not complying with its people's usual humanitarian standard (Scott & Ambler, 2007). However, according to Asada (2008), the US-led coalition force failed to justify their legitimacy of intervention as WMD could not be found in Iraq. Thereby, the US-led Iraq invasion of 2003 had lacked both legal and legitimate mandate, while the coalition intervention of 1991 could attain both a legal verdict from the UNSC and consensus of legitimacy from the rest of the world. The US-led military intervention in 1991 had been inevitable from both legal and legitimate viewpoints, while the military intervention in 2003 was criticized for not complying with the Purposes and Principles of the UN Charter (Chouliaraki, 2005; Garey, 2020). Thus, a military intervention may not be necessary for attaining the desired objective of humanitarian intervention yet may be directed to establish a self-proclaimed legacy to serve self-interest.

CONCLUSION

The history of humanitarian intervention is intermingled with the international humanitarian system, an age-old issue. In humanity's history, the humanitarian

⁸ The UNSC Resolution 678

intervention had been impelled as a response to a humanitarian crisis. In response to such a crisis, humanitarian intervention has been universally accepted as a noble norm of protecting human rights. Defending human rights can be ensured through different tools of humanitarian intervention. Military involvement often has been used as a tool for humanitarian intervention. Once the military means is used as a humanitarian intervention tool, it initiates the debate between the legal and legitimate existence of using military power within the purview of the United Nations (UN) Charter. As humanitarian intervention has been universally accepted as a benevolent approach; therefore, such an approach may be enacted with a strict adherence to international norms so that no question arises regarding its motive and purpose. However, military power in a humanitarian intervention raised criticism regarding its motive of biased-interest over benevolent motives. Though the humanitarian intervention had been directed at securing a political agenda, the military power had been used as a tool for attaining that particular political agenda. Such use of military power generates the criticism regarding its necessity to attain greater good for any humanitarian intervention.

The criticism regarding the inevitability of military power also invites the debate between legal involvement and legitimate acceptance within the UN Charter's purview. Several humanitarian interventions have been observed in the post-cold war period where military involvements ignored either legal stature or legitimate acceptance. In the Iraq War of 1991, military intervention was inevitable as all other approaches had failed. Nevertheless, such was not the case for the Iraq War of 2003, protracted against customary legal and legitimate norms. If the Iraq War of 1991 is supported by the Chapter VII of the UN Charter, then the Iraq War of 2003 breached the norm of Article 2 of Chapter 1 of the UN Charter that proclaims the principle of state-sovereignty. Besides deviating from the UN Purposes and Principles (mentioned in Chapter I of the UN Charter), the Iraq invasion has also breached Articles 42 of the UN Charter that prohibits any use of force without the legal consent of the UNSC. However, non-intervention of military forces may not be successful always as has been observed during the Kosovo crisis, where humane factors superseded the legal binding of international norms. Thousands of innocent people of Kosovo had been trapped due to the international community's indecisiveness, which had failed to make a bold decision as the UNSC could not come to a common consensus for launching an effective military intervention. In the case of humanitarian intervention in Kosovo, the US-led coalition forces ignored the legal stature of the UNSC yet could save thousands of people while placing the morality-driven legitimacy over the legal condemnation of the UNSC. In the case of the Iraq War of 1991, the US-led military intervention was legal and legitimate. However, the Iraq War of 2003, the UK-initiated and US-led intervention on Iraq, lacked both legal and legitimate discourse despite of self-proclaimed legitimacy declared by the UK and the USA. However, the Iraq War of 2003 created much chaos in the international arena. The military

interventions in Iraq and Kosovo indicate how legal aspects and legitimate acceptance are being influenced by the noble cause and biased notion of different actors involved in humanitarian interventions.

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