LEGAL ASPECTS OF HUMANITARIAN INTERVENTION

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Abstract: *This paper considers legal aspects of humanitarian intervention through examination of basic international conventions and international customary law that regulates the use of force in international relations. It deals with the various conceptions and justifications of humanitarian intervention by using the examples of NATO intervention on FRY, Afghanistan, Iraq and Libya and tries to examine whether they were justified eider by the some international convention such as the UN Charter or by some international customary norm. It, also, touches the question of ethics of international interventions i.e. the use of force for humanitarian purposes. The use of force in contemporary international relations today is referred by the "Responsibility to protect" principles which provides the situations in which the military intervention could be justified.*

Key words*: legality, legitimacy, the use of force, intervention*

1. INTRODUCTION

Intervention in the domestic affairs of sovereign states by other sovereign state(s) is one of the 'hot' issues in international law today.[2] Dilemmas of humanitarian intervention are results of the collision of two major international law principles – principle of noninterference in domestic affairs of another state i.e. sovereignty and the principle of protection of human rights. Absence of intervention of international forces in Ruanda in 1994, and military intervention of NATO forces, first at Bosnia in 1995, and then in FRY in 1999, raised great debate about ethical, legal and political justification of humanitarian interventions.

The only remaining superpower in the post-cold-war period, put the individual at the center of interest, and, at least, formally rose human rights issue at the top of the agenda of international relations and law. After September 11, 2001 terrorist attacks on New York and Washington security of state gained more attention, again, and caused a great debate between supporters of national security and "protectors" of human freedom and privacy. The USA Patriotic Act was signed into law on October 26, 2001. That was the victory of US "hawks". The election of new President - Barack Obama at 2008 brought hope that fight against terrorism would not shadow fight for the protection of human rights. The world hoped that was the end of unilateral actions and the beginning of cooperation between states as more appropriate and efficient way of dealing with global security issues.

First question that is being asked in humanitarian intervention debates is: Is it morally justified to use force in humanitarian purposes? May it be used without approval of the UN Security Council? What should be done after the intervention to prevent repeating of the same

[2] Eric Adjei, *The Legality of Humanitarian Intervention*, 2005, http://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=1001&context=stu_llm, (February, 2013)

atrocities? These are some of the key questions we will try to answer in this paper or at least to throw some light on them.

Central position in this paper occupies the relation between humanitarian interventions and international law i.e. between legality and legitimacy (ethics) of the use of force for humanitarian purposes.

2. THE NOTION OF HUMANITARIAN INTERVENTION

Humanitarian intervention refers to: „the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied"[3]

This definition defines the subject (or subjects), object, cause, aim and character of humanitarian interventions.

Subject of humanitarian intervention is a state or a group of states. The important thing is that Holzgrefe as the subject of humanitarian interventions does not mention international organizations, not universal organizations such as United Nations or regional organizations like EU or NATO.

Defining state as the subject of humanitarian intervention opens another question: Do states have the obligation or it is their right to decide if and when they are going to intervene? We will deal with this question in the part of the paper related to ethics of humanitarian intervention.

Object of humanitarian intervention are states which widely and openly violate human rights of individuals that represent the victims in which protection and salvation intervention is taken. Fact that the victims are not the citizens of the intervening state or states is important element of the definition since it separates it from interventions aimed at protection of state's own citizens. This element is also used by many criticizers as an argument against the humanitarian intervention since the victims are "foreign" citizens and intervention would be carried out without the object's consent.

However, liberalism does not differentiate "our" from "their" citizens and a right to human rights entitles to every human being. This means that every human being should be protected and that it is justified and legitimate to undertake intervention for this end. Widespread and grave violations of human rights, according to this theory, represent sufficient cause for military intervention, when there are no other ways of stopping them. What cannot go unnoticed is that Holzgrefe refers to the *fundamental* human rights, and not liberal-democratic rights of citizens, that should be protected by military intervention.

Another ethical and legal question, which seems is of key importance, opens when we take into consideration the character of humanitarian intervention. As definition states, humanitarian intervention imply the treat or use of force on the territory of state which did not give the permission for that. Legal question that is posed here refers to the legality of the use of force. Does the use of force in humanitarian purposes must be approved by the UN Security Council, which would be in accordance with the Charter of United Nations, or the military intervention could be carried out without UN SC approval if the subject found it necessary? Beside this legal question there is, also, an ethical dilemma: Is it justified to use violent methods for humanitarian purposes and can human rights be protected by the use of force?

[3] J. L. Holzgrefe, *The Humanitarian Intervention Debate*, in J. L. Holzgrefe and Robert O. Keohane, *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, Cambridge University Press, 2003., pp. 18.

We will discuss now the definition of humanitarian intervention put by Fernando Tesón. He criticizes Holzgrefe's definition and makes new criteria for humanitarian intervention. According to him humanitarian intervention is "the proportionate international use or threat of military force, undertaken in principle by a liberal government or alliance aimed at ending tyranny or anarchy, welcomed by the victims, and consistent with the doctrine of double effect"[4]

For this definition we can conclude that the subject of intervention, in this case, is not any state or group of states, but the liberal-democratic state or alliance of them. They have a duty not only to respect human rights but also to promote them and make other states do so. In this role they are, however, constrained by the doctrine of double effect. What does it mean? The doctrine of double effect is taken from the theory of just war and implies that the intervening states are led by the good intentions and that good achieved through intervention exceeds the costs of intervention. Since humanitarian interventions cause and innocent victims this doctrine provides that the act in which innocent people get injured permitted only if: act has good consequences i.e. intentions of subject are good (subject has no intention of killing innocent people); and if good consequences overcome bad ones.

On the other side, object of intervention according to Teson, are tyrannies and anarchies[5], that means, the states which do not have legitimacy of authority because they do not fulfill their basic function of protecting human rights of their own citizens. Because of this they cannot be protected under the international law. At the same time, this is the argument that Teson uses to neglect the argument of opposition that state sovereignty and integrity cannot be breached because, supposedly, the international law guarantees it to them. However, as he states, collapse of state legitimacy and un-liberal and un-democratic regime in this states is necessary but not sufficient condition for humanitarian intervention.

Teson believes that universality of human rights create an obligation for all to respect them, and to promote and save victims of tyranny and anarchy under certain conditions and with reasonable cost. Aim of intervention is to eliminate essential injustices that have leaded, at first place, to the human rights violations. He establishes the right of humanitarian intervention, the right of providing help to the victims in certain circumstances and use of military force when it is the only way of doing so.

Use of force is the common element of all definition of humanitarian intervention but the special contribution of Teson is in introducing proportionality as one of the basic elements of definition, as the necessary criteria for the humanitarian intervention to be legitimate. War is justified when, and only when, it is carried out with the purpose of protection humans and in accordance with the principle of proportionality and doctrine of double effect.[6] That is not only political criteria but very feature of humanitarian intervention.

By the analysis of above mentioned humanitarian intervention definitions we tried to reveal some key aspects of humanitarian interventions and to point out to the complexity, controversies and some ethical, legal and political dilemmas of humanitarian interventions. We will deal with these dilemmas in the sections that follow.

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[4] Fernando Tesón, "The Liberal Case for Humanitarian Intervention", in J. L. Holzgrefe and Robert O. Keohane, *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, Cambridge University Press, 2003., pp. 94

[5] *Ib*., pp. 97. Teson define anarchy as the state of minimal government i.e. as the complete absence of social order which inevitably leads to a Hobbesian war of all against all. Tyranny lies at the other extreme of the same continuum and it is manifested through "too much" of government.

[6] *Ib.*, pp. 99

3. ETHICS OF HUMANITARIAN INTERVENTION

Ethics of humanitarian intervention is especially important when it comes to the justification of certain violent actions of states or their alliances in other states and when they are not completely in accordance with international law. In that cases many authors, first of all liberals, point out the difference between legality and legitimacy so that actions which are not legal, or not completely legal, could be presented as legitimate and morally justified. However, questions of legality and legitimacy should not be separated since law is "not written in stone". Legal norms should be changed and transformed constantly so they could appropriately fit the conditions of more and more complex reality.

International environment has certainly changed since Second World War and international society has been created. In these conditions it is absolutely necessary to cooperate and act multilaterally. Still, thing that stayed the same is the place of states. International society is composed of states and from those powerful depends if and when they are going to intervene. And they are, after all, driven by their own interest and not by the interest of all humanity and true care for the human rights of all people. In that sense, liberal argument in favor of humanitarian intervention looks a little bit naïve but provide a solid foundation for justification of certain actions taken by the powerful states.

After all, liberal conception of humanitarian intervention presupposes existence of some benevolent subject, state or alliance, which would be motivated especially by the care for human rights. But in the world in which we are living in, it is hard to find such a state since the states are not moral individuals or single units but a set of various individuals from which each of them have their own point of view.

4. INTERNATIONAL LAW AND HUMANITARIAN INTERVENTION

Enlightened by the experience of the Second World War and failures of the League of Nations, victorious states created a new international organization of universal character – Organization of United Nations. United Nations Charter is the basic document that regulates use of force in international relations and it is almost universally signed. On the other side, customary law, as the oldest source of law, emerges through the state practice, in one long and complex process which, at the end, results in the international customary norm emergence.

Authors differ in their belief whether the right of humanitarian intervention is already incorporated in existing international legal system and requests for its codification culminated during and after the NATO intervention on FRY. Still, till today only thing that has been formulated are political guidelines for humanitarian intervention in the case of approval as in the case of disapproval by the UN Security Council.

4.1. INTERNATIONAL CONVENTIONS AND HUMANITARIAN INTERVENTION

The most important international convention that regulates the use of force in international relations is United Nations Charter. UN Charter does not clearly establish the right of humanitarian intervention. Dilemma comes from the question can this right be inferred from the UN purposes or not.

The key of this Charter is contained in Article 2(4):

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."[7]

Since Vienna Convention on law of treaties contain the provision that states that international treaties shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose[8], above mentioned provision of the UN Charter clearly points out that the use of force outside state borders against another state is not permitted.

Charter contains two exceptions from this general exception of the use of force. These are the cases of self-defense and the cases of treat to peace, breach of peace and act of aggression when UNSC can bring a decision to undertake a military intervention. Obviously, there is not the case of humanitarian intervention and especially nit that one which would be taken without UNSC approval. Supporters of humanitarian interventions, however, problematized this interpretation by suggesting that provisions on the use of force could be differently interpreted. Michael Byers and Simon Chesterman describe this dilemma with the question: What if the rules about rules change or they are in the process of changing?[9] That mean, introduction of new interpretative rules. Treaties could become interpreted in some different "purposive" way which requires comprehensive research of the context of the treaty so that the will of the parties could be determined.[10] This will of the parties is in constant process of changing and evolving and provisions of international treaties should be interpreted in the way that coincidence with modern ambiance. According to this approach treaty provisions should not be interpreted in their ordinary, usual, meaning but in the meaning that corresponds to the new realities.

The best example of differences between these two approaches (textual and purposive) is the differences in interpretation of Article 2(4) of UN Charter between classicists and legal realists. Namely, classicists interpret Article 2(4) as if it prohibits the use of force for humanitarian purposes against every other state. On the other side, legal realists believe that humanitarian intervention, unless it results in territorial conquer and political subordination, is not prohibited by the Article. Also, second part of the Article 2(4), *"or in any other manner inconsistent with the Purposes of the United Nations"*, legal realists interpret as if the humanitarian intervention is completely in accordance with the UN Purposes i.e. permitted (although classicists object that this part of the Article of subsidiary character and not as if it introduces the right to use the force). And, at the end, unlike the classicists who believe that the use of force is permitted only in the case of the cross-border threat and breach of peace and security, legal realists differently interpret part of the Charter that refers to the UNSC approval of the use of force (Chapter VII), stating that it is related to the "threat to *peace*, breach of *peace* or act of aggression" and not just to the *international* peace which means that humanitarian intervention is, also, permitted inside other states if they breach or disturb the peace. Holzgrefe, for example, suppose that hitherto UN practice has shown that UN SC by himself has

[7] UN Charter. Available from: http://www.un.org/en/documents/charter/chapter1.shtml

[8] Vienna Convention on the Law of Treaties (1969) , Available from: http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

[9] M. Byers and S. Chesterman, "Changing the rules about rules? Unilateral humanitarian intervention and the future of international law", in J. L. Holzgrefe and Robert O. Keohane, *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, Cambridge University Press, 2003., pp. 177

[10] Purposive approach to the interpretation of international treaties was proposed by US delegation at the Vienna Conference on Law of the Treaties (1968-69) and was rejected. Today this approach is especially advocated by the US lawyers. USA did not ratify this Convention.

interpreted Chapter VII of the UN Charter as if it has had authority to approve the use of armed forces inside state borders in order to end grave violation of human rights and gives the examples of interventions in Somalia, Rwanda, and Haiti. He believes that this UN SC practice as well as the history of the UN Charter emergence strongly supports the attitudes of legal realists.[11] One of the leading legal realists Michael Reisman introduces into the debate the impact of non-governmental subjects on the governments to undertake humanitarian intervention in the cases of grave violations of human rights. He completely abolishes the distinction between legality and legitimacy since he supposes that the procedure cannot be the limiting factor of certain action if the majority of actors in the decision-making process consider that action as legitimate. That means that if it is hard to achieve consensus inside the UN SC about the humanitarian intervention undertaken because of the different positions on the question of human rights, unilateral action is permitted and without its authorization if the majority of member states consider it necessary in order to stop massive violations of human rights. In that sense, he justifies the NATO intervention in FRY. On the other hand, through the legal opinion of classicist, we can formulate two key questions for the future examination of humanitarian interventions. First, can humanitarian intervention be retroactively legalized? And second, do regional international organizations have the right to military intervene without the UN SC authorization?

Thomas Franck and Jane Stromseth consider intervention on FRY as retroactively legalized since the Resolution presented by the Russia, where the intervention was condemned and called for its immediate end, was rejected with 12 to 3 votes in the UN SC. At the same time, the Resolution 1244, which provides the imposition of military presence and UN civil administration, was adopted. On the other side, Byers and Chesterman NATO intervention on FRY see as absolutely illegal because it was undertaken without UN SC participation. They believe that the rejection of the Russian Resolution (against which voted 5 NATO members which were members of the SC in that period) and the adoption of Resolution 1244 did not, in any way, constitute the authorization for military intervention or made it legally valid.[12] Besides, UN GA adopted the Resolution in 1999 in which it refused unauthorized violent measures with all their effects as the means of political and economic pressure against any state.[13]

As one of the arguments for justification of NATO intervention on FRY, besides the fact that all authors consider it legitimate because of supposed grave violations of human rights, authors use the fact that it was undertaken by the regional organization whose membership consists of liberal-democratic states. However, is it sufficient for carrying out the military intervention to fulfill domestic state procedures or the liberal-democratic character of the intervening states should be proved by acting in respect of decision-making procedures in the United Nations?

Tom Farer and Alan Buchanan agree in opinion that NATO is a regional military organization created in order to defend its member states from an act of aggression.[14] That is an

[11] J.L. Holzgrefe, "The humanitarian intervention debate", in J. L. Holzgrefe and Robert O. Keohane, *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, Cambridge University Press, 2003., pp. 37-43.

[12] M. Byers & S. Chesterman, "Changing the Rules about Rules? Unilateral humanitarian intervention and the future of international law", in J. L. Holzgrefe and R. O. Keohane, *Humanitarian intervention: Ethical, Legal and Political Dilemmas*, Cambridge University Press, 2003, pp. 182.

[13] In favor of UN GA Resolution 54/172 voted 107 member states, 7 were against, and 48 abstained.

[14] A. Buchanan, "Reforming the law of humanitarian intervention", in J. L. Holzgrefe and R. O. Keohane, *Humanitarian intervention: Ethical, Legal and Political Dilemmas*, Cambridge University Press, 2003, pp. 166.

organization of collective defense which does not have the right to intervene in the internal affairs of another state in order to protect human rights and especially not without the UN SC approval. Farer believes that NATO military intervention on FYR cannot be justified neither by the referring to the Article 52 of the UN Charter, since the NATO is not a regional agreement or agency but regional military defense organization to which the provisions of Chapter VIII of the UN Charter cannot be applied.[15] Equally, it would be very dangerous to constitute such practice or rule since it would give the right to other international organizations, also, to intervene when they find it appropriate, without the authorization of the UN Security Council.

4.2. INTERNATIONAL CUSTOMARY LAW AND INTERNATIONAL INTERVENTION

International Court of Justice defines international custom "as evidence of a general practice accepted as law"[16] which means that it has two important elements: material, which is manifested through the practice of states, and psychological, *opinio juris,* manifested through the conscious that rules are obligatory. According to this some authors think that today international customary law on humanitarian intervention exists while others contest this attitude, first of all, because of the absence of the second element - *opinio juris*.

Michael Byers and Simon Chesterman state that only if majority of states support and none of them or few of them oppose, desirable norm or changed norm can become an obligatory rule.[17] These authors believe that the second half of XX century is the history of non-intervention in humanitarian purposes and that the interventions were usually carried out with the consent of the UN SC or on the state appeal. First case of humanitarian intervention is mentioned in 1991 when the no fly zone was established in Northern Iraq and later the name "humanitarian intervention" was used to describe the military intervention on FRY in 1999. By examining the statements of their leaders before and during this interventions it is clear that states that intervene, also, did not have the intention to establish international customary law on humanitarian intervention without the authorization of the UN SC and that this "rule" was not accepted as mandatory by the majority of other states. The French Minister of Foreign Affairs and the British Prime Minister clearly said that the intervention on FRY represents an exception:

"*[T]he way in which we intervened is an exception, not a precedent. As much as possible, the framework established by the United Nations Charter in Chapter VII must remain the rule. If another exceptional situation arises, we'll take a look at it."* [18]

"*Under international law a limited use of force can be justifiable in support of purposes laid down by the Security Council but without the Council's express authorization when that is the only means to avert an immediate and overwhelming humanitarian*

[15] Tom J. Farer, "Humanitarian intervention before and after 9/11: legality and legitimacy", in J. L. Holzgrefe and R. O. Keohane, *Humanitarian intervention: Ethical, Legal and Political Dilemmas*, Cambridge University Press, 2003, pp. 73-74.

[16] Statute of International Court of Justice, Article 38(1b), Available from: http://www.icj-cij.org/documents

[17] M. Byers & S. Chesterman, "Changing the rules about rules? Unilateral humanitarian intervention and the future of international law", in J. L. Holzgrefe and R. O. Keohane, *Humanitarian intervention: Ethical, Legal and Political Dilemmas*, Cambridge Universitu Press, 2003, pp. 179.

[18] Interview with the former French Minister of Foreign Affairs Hubert Vedrine, *La „Lettre de la Rue Saint-Guillaume"*, No. 122-123, July 2001, p. 43, in J. L. Holzgrefe and R. O. Keohane, *Humanitarian intervention: Ethical, Legal and Political Dilemmas*, Cambridge University Press, 2003, pp. 239.

catastrophe. Any such case would in the nature of things be exceptional and would depend on an objective assessment of the factual circumstances at the time and on the terms of relevant decisions of the Security Council bearing on the situation in question."[19]

Also, after the NATO intervention, 133 states, members of the Group 77 of developing countries for two times brought the Declarations aimed at confirmation of illegality of unilateral humanitarian interventions under the international law which, also, means that we cannot speak of the "practice accepted as law".

"The Ministers...rejected the so-called right of humanitarian intervention, which had no basis in the UN Charter or in international law".[20]

On the other side, legal realist claim that there is continuity in undertaking the humanitarian interventions without UN authorization and rely on the states practices in XIX and early XX century i.e. before the UN system creation. Still, as classicists conclude, these interventions could not establish international customary law because they were motivated by some other reasons and they certainly did not outlast the UN system creation which established *jus ad bellum*. The fact is also that the UN SC, in order to act under the Chapter VII of the UN Charter, qualified the internal conflicts in which grave violations of humans rights happened as a threat to peace and security and not as human rights violations.

5. CONCLUSION

Before September 11, 2001 President of the USA George W. Bush stated that he had been against the use of American army for the peacekeeping and peace building operations and believed that USA should not be engaged in humanitarian interventions, with little exception, and that if some other Rwanda happens again he would not sent American troops but encourage United Nations to act.[21] After the September 11 attacks the mission of Bush administration became the fight against terrorism and intervention in all states that are thought were their supporters. Terrorism has become the primary threat to peace and all those states that supported the right of humanitarian interventions now as the primary goal have the fight against terrorism. Not one single state has launched an international intervention for humanitarian purposes after the terrorist's attacks on New York and Washington. Intervention on Afghanistan was qualified as the self-defense and the war against Iraq was the preemptive war i.e. intervention taken to neutralize the development of the weapons for mass destruction. This state of affairs disables formation of "normative consensus" (J. Stromseth) as well as the emergence of the treaty outside the UN system (A. Buchanan). What developed were more specific political guidelines for the UN intervention in the cases of states that support terrorism. Activities of the United Nations concerning international terrorism were marked by the set of the conventions, resolutions, reports and studies brought by various UN organs. All of them together predicted around 112 instruments related to international terrorism. September 11 terrorist attacks were condemned as threat to international peace and security and the right of states individual or collective self-defense, contained at the UN Charter, was strengthened.

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[19] British Prime Minister Tony Blair, Written Answer for House of Commons, 29 April 1999, *Hansard*, col. 245, *ib*. pp. 236-237.

[20] Ministerial Declaration, 23rd Annual Meeting of the Ministers for Foreign Affairs of the Group of 77, 24 September 1999, available at http://www.g77.org/Docs/Decl1999.html (5 March 2002), paragraph 69, *ib*., pp.184.

[21] Tom J. Farer, "Humanitarian intervention before and after 9/11: legality and legitimacy", y J. L. Holzgrefe and R. O. Keohane, *Humanitarian intervention: Ethical, Legal and Political Dilemmas*, Cambridge University Press, 2003, pp. 54.

New dilemmas that have arisen are gathered around the question: does the right of self-defense refer to one state attack on the other or it can include and the case of attacks of non-state actors across the other state borders? Different institutions gave different answers and the dilemma is still to be resolved. As we could see, until recently it has not been clear under which conditions military intervention could be taken, who could undertake it and for what purposes. New principle, that overcomes the dilemmas between the right and obligation to intervene, was offered in the form of the document "Responsibility to protect". The Canadian International Commission on Intervention and State Sovereignty was established in September 2000. The Commission had brought the report "Responsibility to Protect" which was presented to UN Secretary General Kofi Annan. It consists of an emerging norm, or set of principles, based on the idea that sovereignty is not a right, but a responsibility.[22] It was included in the Outcome Document of the 2005 World Summit through the two important articles.[23]

Put in a simple way R2P initiative relies on three "pillars"

1. A state has a responsibility to protect its population from mass atrocities (genocide, war crimes, crimes against humanity and ethnic cleansing)
2. If the state is not able protect its citizens, international community has a responsibility to assist it.
3. If the state fails to protect its citizens from mass atrocities and peaceful measures have failed, the international community has the responsibility to intervene through coercive measures such as economic sanctions. Military intervention is considered the last resort

These "pillars" are included in the UN SC Resolution 1674 (2006) and UN GA Resolution 63/308 (2009) after the debate about the UN Secretary General "Implementing responsibility to Protect" Report. First application of this norm could be found in the military intervention on Libya in March, 2011. The world economic crisis made it ever harder to provide necessary means for intervention, and not just justification. We will conclude this paper by stating this: *"By thinking, people evaluate that this world is faced with serious value problems. Politicians*

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[22] Iqbal, Zareen, "Democratic Republic of Congo (DRC): MONUC's Impending Withdrawal", *International Institute for Justice and Development*, April 29, 2010.

[23] Resolution adopted by the General Assembly, *60/1, 2005 World Summit Outcome, Available from: http://unpan1.un.org/intradoc/groups/public/documents/un/unpan021752.pdf*

Article 138 states: "*Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability."* And Article 139: "*The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.",*

are interested in power, and therefore pragmatic actions, and economists for economic growth and profit. Not taking into account moral and political issues of modern humankind burdened with inadequate answers, it is evident that the financial crisis in 2008 opened Pandora's Box from which all the bad things of the contemporary global economic system, especially global capitalism came out."[24]

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[24] Dragana M. Djuric, "From Crisis to Crisis?", *International Journal for economics and law*, Vol. 1, No. 1, FORKUP, Novi Sad, April 2011, pp. 36.