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The African Union Charter and ECOWAS Humanitarian Intervention in Liberia: The Behaviouralist Perspective

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Abstract

How do political rivalry, ethnicity and other structural tensions in a given country pose regional, sub-regional and even international security threat? What triggered Economic Community of West African States' (ECOWAS) armed response to the Liberian crisis? The slow escalation of Liberia's two civil wars (1989-96 and 1999-2003) illustrates how this observation stimulates the basis of comparative studies of Africa's sub-regional humanitarian missions within the AU Charter. This paper argues that ECOWAS protocols connect Humanitarian Intervention (HI) to the emerging norm of responsibility to protect (R2P) and assess the extent to which ECOWAS leaders saw the Liberian mission more as R2P than a mere interference in the internal affairs of a member-state. It examines the basis for humanitarian intervention (HI) in Africa's sub-regional institutions, identifies AU instruments and ECOWAS protocols that sanction HI. The theoretical analysis is explored in relation to ECOWAS intervention mission in Liberia and we explain the mission within the behaviouralist theory. Indeed, the Liberian crisis took place decades ago but its uniqueness as the first major "interference" of an African sub-regional body in the internal affairs of a member state justifies its study. Library Content Analysis will be the main research technique.

Key Words: Behaviouralism, African Union Charter, Library Content Analysis, Constitutive Act, International law principles, Protocol on Mutual Assistance, Responsibility to Protect, Liberia, Charles Taylor.

Background of Study

In April 12 1980, Samuel Doe, a former Master Sergeant in the Armed Forces of Liberia (AFL) violently toppled the government of William Tolbert after food price riots. He became the first indigenous Liberian President of non Americo-Liberian ancestry. Before him, indigenous Liberian tribes had been excluded from power since the country was founded by freed American slaves in 1847.On assuming power, he established the People's Redemption Council with a majority of non Americo-Liberians. He later became power-drunk and became intolerant of opposition. He promised a return to civilian rule in 1985 but the election which gave him a narrow victory was marred by wide electoral frauds.

Charles Taylor, who had left Doe's government due to corruption charges began to gather disgruntled young Liberians, mostly from Nimba County and formed the rebel group, National Patriotic Front of Liberia (NPFL) in Ivory Coast. His intention was to rid Liberia of Doe, a notoriously corrupt and abusive President. His guerrilla movement, the NPFL, invaded Nimba County on 24 December 1989. In July 1990, Prince Yormie Johnson, Taylor's ally and a former NPFL fighter, split and formed the Independent National Patriotic Front (INPFL). Both rebel groups intensified the campaign against Doe. Johnson's NPFL took control of parts of Monrovia in a swift. The battle for the soul of Monrovia between the rebels and the remnants of Doe's AFL left Monrovia in ruins. Many civilians left as refugees for to neighbouring countries and thousands were massacred as the warring factions turned against each other. While the NPFL controlled the eastern outskirts; INPFL controlled the north and west. Doe's AFL controlled the immediate surrounding areas of the executive mansion (Duyvesteyn, 2005: 29).

In August 7 1990, ECOWAS Standing Mediation Committee (SMC) established the Economic Community Monitoring Group (ECOMOG), a military observer monitoring group, to help stop *'gross and systematic violations of human rights, with grave humanitarian consequences'*. The ECOMOG force, initially made up of some 4,000 troops from Nigeria, Ghana, Guinea, Sierra Leone and Gambia arrived Monrovia on 24 August 1990 to halt factional fighting in Monrovia (BBC, 1998). In November 1990, ECOMOG managed to seize control of Monrovia and installed a transitional government after ECOWAS leaders carefully observed individual behaviours of the principal actors in the conflict. NPFL and INFPL which controlled different parts of the country rejected the interim government arrangement and refused to recognise it. Taylor set up his own government and appointed ministers. All cease-fire agreements collapsed due to resumed fighting between various factions.

The continued fighting and the massacre of civilians exposed the gross weaknesses of the international system and exacerbated rifts between sovereignty and HI. Yet the intervention represented a radical shift: human rights norms require intervention because a commitment to human rights also implies a commitment to authoritative action, even action of a military nature (Power 2002, 446). ECOWAS

did not obtain prior UNSC authorisation before troops were deployed in Liberia. Rather, it invoked the principle of "humanitarian intervention", and its security protocols.

Research Methodology

Our preferred methodology is Library Content Analysis. It is a methodology in the social sciences for presenting an unadulterated account of events that happened in the past but has historical relevance. According to Elo & Kynga (2008: 108), this method does not only provide an alternative technique to research, but also allows the researcher to test theoretical issues to enhance understanding. It is an unobtrusive research method that does not require lengthy interviews, or surveys, rather it allows the researcher to use library sources to conduct analytic studies. With this method, we are able to study the Liberian crisis, an even that happened long time ago but reflected new developments in society. ECOWAS intervention in Liberia represents a turning point in the conduct of regional humanitarian interventions. We adopted library content analysis to present an objective account of the event that shaped a new trend in society. The study holds value and lessons for political scientists, historians and researchers who want to study the transition between pre- Westphalia of 1648 and post-cold war interventions.

Introduction

The concept of national sovereignty which was established with the Treaty of Westphalia of 1648 has long constituted the principal legal and political barrier to the concept on Humanitarian Intervention (HI). Before then, the notion of sovereignty was abused and one of the unintended consequences was the gradual growth of absolutist government- the ruler personified the sovereign. HI is an old concept that gained currency after the Cold War. There are many contemporary cases of HI in Africa such as Mali, Darfur, etc but this paper will be focusing on the intervention in Liberia by the Economic Community of West African States Monitoring Group (ECOMOG), a multilateral armed force established by ECOWAS.

The ECOWAS mission in Liberia happened many decades ago but its study is relevant in two profound ways: it exemplified the transition between the old and new modes of interve ntion and; it stimulated academic discourse regarding the legalities and/or justifications for sub-regional interventions. According to Jenkins (2005:15), not only was the use of force [by ECOWAS] in Liberia the first of its kind by a sub-regional "economic Community", but also the lack of initial UN authorization and the subsequent UN response provide the significant precedent for future interventions by humanitarian -motivated regional organizations. Indeed, it is the first major attempt at a regional security initiative by an African sub-regional organisation.

The establishment of ECOMOG did not conform to the constitutional legal requirements of ECOWAS. The Standing Mediation Committee, the body that established ECOMOG at its meeting in Banjul, Gambia on 6–7 August 1990, lacked legal force. However, the arguments used to establish ECOMOG had more solid grounds in politics than in law. The Defence Protocol's guidelines were ignored but ECOMOG was justified largely on humanitarian grounds (Adebajo, 2002:64). The mission was without initial UN authorisation and therefore, technically *"illegitimate"* due to articles 53 (1) and 2(4) but was *"legitimized"* by the Security Council via resolution 788 of 1992.

According to the International Commission on Intervention and State Sovereignty (ICISS) (2001:16), intervention for human protection purposes, including military intervention in extreme cases, is supportable when major harm to civilians is occurring or imminently apprehended, and the state in question is unable or unwilling to end the harm, or is itself the perpetrator. Intervention in the affairs of a sovereign nation is normally forbidden in international law, but the international community (represented by the ECOWAS mission in Liberian) may undertake group intervention in a sovereign nation *"solely to protect civilians from further harm."* This is the basis in which the ECOMOG mission in Liberia was mainly justified by ECOWAS leaders.

ICISS set out the conditions under which a humanitarian military intervention could be lawfully undertaken: only in extreme circumstances for *"human protection purposes"* and only if the mission satisfies the six *"principles of Military Intervention."* In addition to the critical element of right authority – which can authorize a military intervention, an intervention should be in pursuit of a just cause, proportionate, and a reasonable prospect of success (2001:32). Almost all of the principles were satisfied in the Liberian case. As at the time of problem, Doe remained the President of Liberia and he actually requested for assistance. In a letter addressed to the ECOWAS Standing Mediation Committee on 14 July 1990, he said: 'it would seem most expedient at this time to introduce an ECOWAS Peace-keeping Force into Liberia to forestall increasing terror and tension and to assure a peaceful transitional environment (Weller, 1994:61). ECOWAS Standing Committee accepted Doe's request purely on *"humanitarian protection purposes:"* presently, there is a government in Liberia which cannot govern and contending factions which are holding the entire population as hostage, depriving them of food, health facilities and other basic necessities of life (Weller, 1994:72). Contemporary state practice and scholarly opinion largely agree on the justifiability of HI either when the government of a sovereign nation engages in acts of brutal repression and persecution against its population; or when a sovereign nation fails to deal with a situation to the extent that it amounts to aggression or a breach of, or threat to international and/or regional peace and security.

The mission was plagued with resentment, political and tactical calculations between the Anglophone and Francophone members. They were motivated by competing interests: domestic security, a desire to exert greater influence over the region, and pursuit of a better standing within the international community. With its influence and relative resources, Nigeria, was promoting itself as a sub-regional hegemon and advocated a collective effort to restore stability. In particular, Burkina Faso and Ivory Coast questioned the political and legal basis of the intervention. The Liberian crisis, they rationalised, was an internal problem which did not require regional military intervention. This argument was as unconvincing as it was tenuous. It was from Ivory Coast that Taylor's NPFL invaded Liberia and Burkina Faso provided logistics and personnel assistance to NPFL. Burkina Faso's President Blaise Compaore, Taylor's friend vehemently opposed ECOWAS's decision to intervene.

While the ECOWAS mission provides one relatively healthy example of sub-regional intervention planning, there are elements of it that went horribly wrong. President Doe's abduction at ECOMOG headquarters and ECOMOG's failure to protect him from the rampaging Johnson's INPFL was a weakness that greatly undermined the mission's credibility (Adebajo, 2002:78). However, the Liberian case could be acknowledged as a milestone in regional peacekeeping in Africa. It prevented murderous rebels from seizing power in Liberia and played a major role in pulling Liberia back from the brink.

As it is, in Africa, given over many years of history of dictatorship and a tradition of *'sit-tight-syndrome'*, it was no surprise that the noble principles of non-interference and sovereignty became the basis and context for vicious political leadership and in the extreme, gross human rights violations. Africa has had its fair share of tyrants and the OAU earned the sobriquet, *"Africa's dictators club"*. Harsh appellation, perhaps, but evidence of OAU's let-downs hardly points to a counter argument. Amin, Obote, Mobutu and Bokasa, for example, may be individuals, so it would be unfair to tarnish a continental body with that lone brush, but their collective behaviour has been atrocious enough to sense a pattern. Between 1960s and 1980s, majority of African chiefs of state were either assassinated, involuntarily left office through coup d'état or other forms of violence.

Using Idi Amin to illustrate a point, President Museveni of Uganda had used the occasion of his maiden address to the Ordinary Session of Heads of State and Government of the OAU in July 1986, in Addis Ababa, Ethiopia, to decry the irrationality of condoning mass murder due to the notion of non-interference in the internal affairs of member States. The president's words bear quoting in detail, for they reveal something about the misunderstanding of the meaning of sovereignty:

Over a period of 20 years, three quarters of a million Ugandans perished at the hands of governments that should have protected their lives (…) I must state that Ugandans (…) felt a deep sense of betrayal that most of Africa kept silent (…) the reason for not condemning such massive crimes had supposedly been a desire not to interfere in the internal affairs of a Member State, in accordance with the Charters of the OAU and the United Nations. We do not accept this reasoning because in the same organs there are explicit laws that enunciate the sanctity and inviolability of human life (Museveni, 1986).

Museveni's statement was in the context of his strong condemnation of *'Africa's Dictator's Club'* represented by OAU. He was reflecting the views of most Africans including the few genuine Africa's chiefs of state who thought it was wrong to exploit non-interference and sovereignty principles for ignoble purposes. OAU failed to outline any bold program for tackling human right abuses or the rampant violence that was, in part, a by-product of deepening morally-deficient and illegitimate political leadership that defined the continent. AU broke new grounds and upheld that the international community has a responsibility to intervene in crisis situations where States fail to protect its population. This normative milieu was remarkably different from what Africa witnessed during the OAU era. As one of its cardinal objectives, Article 3 (h) of the Constitutive Act, the AU would seek to *"Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments."* As one of its principal principles, *the AU* declared in article 4(h), that it had the right *"to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity."* 4(j) provided for the *"right of Member States to request intervention from the Union in order to restore peace and security"*. These provisions represent AU's bold initiatives to overcome the apparent weakness of the international order.

A very crucial and contested issue in article 4 (h) cited above concerns the extent of AU's legal obligations in pursuance of this principle. The UN Security Council (UNSC) is the only international organization with the right to decide on intervention and enforcement action. Article 53 of UN charter unambiguously states: The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council. Thus, two questions come to mind here: One; has article 4 (h) of AU's Constitutive Act granted the continental body legal powers than the UN Charter is able to grant regional organizations with respect to interventions? Two, even with UNSC's authorisation, can such interventions be legal under international law, given the provisions of Article 2 (7) of the UN Charter? Upholding the territorial integrity of UN member states, article 2(7) prohibited the right to *"intervene in matters which*

are essentially within the domestic jurisdiction of any state." The above questions situate how AU wished to deal with the situations that might compel intervention.

The argument about HI in Africa draws attention to the apparent failure of the international community to respond effectively and articulately to the reprehensible humanitarian disasters that were witnessed in Somalia, Liberia, Sierra Leone, Darfur and other places. The failure may have been informed by the legality or otherwise of HI. But the legalistic argument has been interrogated:

If the assumption is accepted that international law is currently incapable of providing a clear legal position in respect of the lawfulness of humanitarian interventions, which we believe is a correct assumption, the question then remains what international legal theory can or should do to bring about clarification of the law (Harhoff, 2001:107).

Should international law's inability to provide *"a clear legal position"* on HI be viewed as a flaw in international law? It is important to understand that while state behaviours are supposedly in compliance with international law, its effectiveness cannot be judged in the sense of controlling or influencing state behaviour. Therefore, it is wrong to attribute to international law, an exclusive role in controlling state behaviour because, apart from legal guidelines, there are a variety of other factors that can influence state behaviour (Gray, 2008:25).

Article 53 of UN Charter clearly provides that regional and sub-regional organisations are not permitted to take enforcement action without the authorization of the UNSC. Yet, the unauthorised intervention by ECOWAS in Liberia can be viewed as part of new trends where human rights have been greatly recognised as matters of international concern. When it became clear that the UNSC was unwilling to take stronger measures against grave human right violations, ECOWAS chose to arrogate the responsibility to itself. The absence of a UNSC authorization put a question mark on the legality of ECOMOG operations but for member states, the operations may be illegal in the eyes of international law but the humanitarian disaster constituted legitimate grounds that could justify an exception to the rule.

Humanitarian Intervention and State Sovereignty: A Theoretical Overview

Whatever nomenclature one chooses to give ECOWAS/ECOMOG intervention in Liberia has not resolved the dispute of what exactly HI is. The unsettled dispute almost always points us to the legitimacy and legality of interventions in cases of established significant human rights abuses as guaranteed under international law. Therefore, it will be appropriate to attempt a definition of the concept based on a brief review of existing literature. The limited space at our disposal for this paper does not permit a comprehensive review.

The 1990s has been described as a decade of HI (Kaldor, 2007: 16) because the end of Cold War and the disintegration of former socialist bloc erased bipolar confrontation and so, the idea of intervention dominated international discourse. It has given rise to arguments over the need to bring citizens' fundamental human rights to the front burner as opposed to the need to defend state sovereignty. As Sammons (2003:120) stated:
Since the end of the Cold War, international law has come to recognise the permissibility of intervention in circumstances other than in response to a nation's external acts of aggression. This growth has focused primarily on the violation of basic human rights norms as a basis for intervention…Since then, the current consensus indicates that a state's violation of its citizens' most basic rights may permit intervention into its affairs.

Implied in Sammon's expression of *'New World Order'* above is the argument that before the two historical epochs, emphasis by states was more on sovereignty and order than the enforcement of human rights.
Quoting Professor Wil D. Verwey (1986), Kritsiotis (1998:1005) gave a legal perspective of HI in terms of the protection by a state or a group of states of fundamental human rights, in particular the right of life, of nationals of, and residing in, the territory of other states, involving the use or threat of force, such protection taking place neither upon authorisation by the relevant organs of the UN nor upon invitation by the legitimate government of the target state. Here, the lack of the consent of the state where the complex humanitarian disaster is happening is highlighted. Holzgrefe (2003:18) defines HI as 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. For purposes of clarification, Article 2 (7) of the Charter stated:

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Arguably, the UN charter deepens the controversy because it prohibits the international community from intervening but this prohibition only applies to *'matters which are essentially within the domestic jurisdiction of any state.'* Therefore, the competence of the *"state (or group of states)"* as Holzgrefe refers is, defined with reference to article 2(7) of UN charter. From Holzgrefe's definition, it is alright to intervene *"without the permission of the state within whose territory force is applied"* as long as the *"use of force"* is *"aimed at preventing or ending widespread and grave violations of the fundamental human*

rights of individuals", but what about the dispute over the types of action which the international community can perform with reference to the domestic jurisdiction of the state in whose territory the use of force is contemplated?

Reference to the *"domestic jurisdiction"* of an independent state presupposes a cautious approach mainly because the principles of sovereignty and non-interference prevent states with superior economic and military might from overwhelming small and weak states. The force and importance of the sovereignty and non-interference argument makes perfect sense but it fails to address the ethical dilemma. In his Millennium Report to the General Assembly in March 27, 2000 former UN Secretary- General, Koffi Annan set out the conceptual dilemma over HI and noted that the conservative and strict legal interpretation of state sovereignty might, in some circumstances, contrast with individual citizens' *"sovereignty*:"

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 offend every precept of our common humanity? (Annan, 2000:35)

Obviously, Annan was emphasising a norm where the principle of intervention should prevail over sovereignty when both principles conflict. Annan provided the philosophical underpinning for his thesis by arguing that the international community have a responsibility to intervene when *"organized mass murder and egregious violations of human rights,"* are being perpetrated. Member States of UN May not agree with all of Annan's opinion even though most of the grounds on which his explanations are premised are facts. Although the decision to intervene is based on Article 39 of UN Charter, the permanent members of UNSC have most influence and their willingness to approve is political and strategic.

Teson (2003:94) argued that HI 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. Teson pointed us to a situation where the proportionate international use or threat of military force do not translate to super powers imposing their desires on the governments of weak independent States .For him, the distinct value of the individual social life of independent states and their sovereignty must be respected and not breached just on the pretext of HI. It is instructive that Sunga(2006:44-5) cautions that the intervening states must not act out of any element of self-interest and that beneficiaries of intervention must not be nationals of the intervening state . As quoted in Holzgrefe (2003:26), Grotius (1925:584), a Dutch jurist argued: where a tyrant *"should inflict upon his subjects such a treatment as no one is warranted in inflicting,"* other states may exercise a right of humanitarian intervention. Holzgrefe clarified that the natural law notion

of *societas humana (the universal community of human kind*) is the basis of the right that Grotius described.
Similarly, Sommaruga (1997:24) stated that the basic premise of humanitarian action must be to relieve suffering and to introduce into situations of conflict fundamental values of humanity such as respect for life and human dignity. Therefore, given that the imperatives of HI is to save lives, it would be accepted that gross human rights abuses which may lead to the loss of lives, can legitimise intervention in an independent state. While international law prohibits interference, a plausible review of the complex dispute on HI has been offered. This offering, aptly conveyed by Teson 'has contributed in defining HI discourse:

No one disputes that international law prohibits the use of force generally. Yet the kinds of cases that warrant humanitarian intervention disclose other serious violations of international law: genocide, crimes against humanity, and so on… There are cases where whatever we do will end up tolerating a violation of some fundamental rule of international law. Either we intervene and put an end to the massacres, in which case we apparently violate the general prohibition of war, or we abstain from intervening, in which case we tolerate the violation by other states of the general prohibition of gross human rights abuses…The gross violation of human rights is not only an obvious assault on the dignity of persons but a betrayal of the principle of sovereignty itself (Teson, 2003:110)

From the context that Teson argued, non-intervention may be an accepted norm in international relations, but as Babic (2003:45) noted, intervention in the affairs of other states or nations is not a novel fact of social life. Events in foreign countries, particularly if they involve great suffering, can hardly remain simply as an internal matter. Therefore, intervention is permissible when there is an established case of governments grossly violating the human rights of their populations or when independent states have collapsed into civil war. Intervention within jurisdictions that fall within the internal affairs of an independent state could lead to abuse as the issues of human rights could be used as a pretext by *"interveners"* to pursue their national interests.

However, Wheeler (2001:33-7) noted that the four key obligations derived from the just war tradition must be present if HI must qualify as a legitimate action: a *"supreme humanitarian emergency"* where the degree of human rights violations is both obscene and shocking; all reasonable peaceful remedies have designed to prevent or stop; and a strong expectation that the intervention will lead to a positive humanitarian outcome. Sovereign states are expected to make governments see public offices as sacred opportunities for service, give every citizen a sense of ownership of their country's project, give meaning to human life and act as guardians of their citizens, security, but what happens if states massively violate the human rights of their population and treat sovereignty as a licence to kill? (Wheeler and Bellamy, 2009 556). HI could further damage the already

fragile issue of legality and legitimacy but the international community should not look on while governments perpetrate acts that are hideous to human conscience.

HI has been described in many ways in literature, but the models chosen in particular in Welsh (2006:3), Ajaj (1993: 217) and Walzer (2000: 107) are insightful. These documentary materials perceive HI in terms of a short-term use of force to exclusively re-establish respect for human rights, without affecting the political independence or the territorial integrity of the state in whose territory the abuse of basic human rights is perpetrated. Similarly, Stromseth (2003: 245), Tsagourias (2000: 21), Slater and Nardin (1986: 92) and Holzgrefe (2003:43) are among many scholars that have explored a wide range of issues that have altered the theory and notion of state sovereignty. They share the opinion that where a state commits acts of massive human right rights abuses and cruelty against its own population in such a way that individuals are heartlessly slaughtered; the international community will take the responsibility to undertake a collective intervention in order to protect the people from the state's savagery.

Ramsbotham and Woodhouse(1996: 23) enumerated four steps that permit HI whenever the state fails in its obligation to protect its population: Victim's right to protection and assistance, host government's duty to provide it, outside governments' duty to act in default, and outside governments' right to intervene accordingly. The *"four steps"* are not contradictory. Borrowing from the work of Tesón (1996) in his discussion of the contemporary meaning and relevance of sovereignty and its relationship to the constitution of international order, Maogoto (2008: 220) argued:

Current consensus indicates that a state's violation of its citizens' most basic rights may permit intervention into its affairs. Indeed international law today recognises, as a matter of practice, the legitimacy of collective forcible humanitarian intervention, that is, of military measures authorised by the Security Council for the for the purpose of remedying serious human rights violations.

What the above citation presupposes is that in recent decades, international system has acknowledged the justification of intervention in the domestic jurisdiction of an independent state under critical circumstances. Therefore, state sovereignty, which governments has used for centuries governments as cover to commit crimes against humanity, has become erased by the understanding that a crime against humanity is a crime against *"humaneness"* that violates general principles of international law. By the way, international law seems committed to respect for the sovereignty of states, to the protection of human rights, and to the maintenance of peaceful relations among states (Wilkins, 2003:36). Therefore, in order to stop crimes against *"humaneness,"* intervention in an independent state (without its consent) to deal with the threat of a humanitarian crisis caused by egregious violations of human rights of the people is permissible under international law.

Murphy (1996:8) described HI as a wide range of activities by governmental and non-governmental actors that seek to improve the status and well-being of individuals. Even if narrowed to the concept of protecting "human rights", the term potentially encompasses a broad array of political, social and economic rights. Improving the individuals' well-being also relates to their human rights but the dilemma is how intervention could take place without breaching the sovereignty of the state where intervention action is intended. Under this definition, ECOWAS mission in Liberia fit in properly because it was motivated by humanitarian rationales. As we have seen, for HI to be justified, the basis of action must be the desire to address total contempt for universal norms including human rights abuses. However, justification is different from the *"right"* of intervention. Right of intervention concerns the legal status of action while justification has to do with grounds for intervention.

A HI action might be considered justified even when it is clear that the intervener's self- interest could have been the motivation. If a nation intervenes when a state oppresses some of its citizens, it may be motivated by, say, revenge, or self-interest, but as long as it acts with the intention to stop the oppression, then this does not alter the justifiability of the act (Ellis, 2003:18). For example, Tanzania's intervention and overthrow of Idi Amin in Uganda (1979) may have stopped massive killing but President Nyerere acted on self-interest and facilitated the second coming of his ally, Milton Obote whose crimes against humanity was comparable to those of Amin. Obote was exiled in Tanzania after Amin seized power in a military coup in 1971. While in exile in Dares Salaam, Nyerere accorded Obote presidential privileges and treated him as the legal Ugandan Head of State and refused diplomatic recognition of Amin's regime. On October 9 1978, Amin sent Ugandan troops to invade and annex part of Kagera region, a Tanzanian territory which Amin claimed belonged to Uganda. Nyerere retaliated, recovered Kagera and took the war to Kampala in order to remove Amin's adversarial regime. If Tanzania's intervention was motivated purely by humanitarian considerations, perhaps Obote (President Nyerere's ally) might not have been allowed back to the presidency of Uganda. There is little doubt that Nyerere was motivated by humanitarian rationales but elements of self-interest were obvious.

Largely, the concept of HI represents on one hand, the conflict between the notion of sovereignty and non-intervention given that intervention may potentially undermine the world order. But on the other hand, the pursuit of HI, human rights and peace are important and therefore, the principles of sovereignty, non-intervention in domestic jurisdictions of independent states and World order should not stop the international community from intervening in situations of crimes against humanity. Ellis (2003: 17-18) broadly defined HI in terms of any coercive interference in the affairs of a foreign state by an individual state or a group of states aimed to prevent the violation of the rights of the citizens of that

state. Coercive as he explained, is intended to change things against the will of the government of the state in question. Ellis is not alone in the use of the word *"coercion"* when defining HI. The Danish Institute of International Affairs (1999:11) defined HI as a coercive action by States involving the use of armed force in another State without the consent of its government, with or without authorization from the UNSC, for the purpose of preventing or putting to halt gross and massive violations of human rights or international humanitarian law. Pogge (2003:93) defined HI as a coercive external interference in the internal affairs of a sovereign state justified by the goal of protecting large numbers of persons within this state in the enjoyment of their human rights.

We begin the final segment of this section by pointing to the emerging norm of intervention in situations of egregious violation of human rights in Africa. As ECOWAS intervention has demonstrated, the emerging norm is based on the notion that sovereignty can no longer be an excuse to violate the fundamental human rights of the people. Based on the principles of HI as has been defined by various scholars, the international community is prepared to breach the principles of inviolability of state sovereignty and non-interference in critical situations. From the foregoing, it is clear that rather than the conservative interpretation that state sovereignty enjoyed since Westphalia treaty of 1648, it can now be construed in the light of the protection of human rights and international humanitarian law.

The basis for humanitarian intervention in the African Union Charter

Following the recommendations of the AU Executive Council, the Heads of State and Government, in their first extraordinary session in Addis Ababa, Ethiopia, on 3rd February 2003, adopted a number of changes to the Constitutive Act. The changes to the Act included three novel principles regarding AU's right to intervene in member states where peace and legitimate order come under threat. In stark contrast with the erstwhile OAU's principles of State sovereignty and non-intervention, the AU and its sub-regional organisations and arrangements have gradually been deviating from strict adherence to international law principles of non-interference, territorial integrity and sovereignty. The failure of the international community to respond appropriately and timely to avert humanitarian disasters in Africa in what (Powell & Baranyi 2005:2) referred to as the shattered illusions of a post-Cold War peace dividend ,encouraged the AU 'to search for new protection mechanisms'.

In early independence years, constitutional governments in Africa were routinely overthrown, while opponents of autocratic regimes were imprisoned or banished and, in some cases, physically eliminated (Udombana, 2001:1211). AU's emphasis on the notion of sovereignty as responsibility that in effect renders sovereignty conditional (Etzioni, 2005: 72) is a radical shift towards the prevention of egregious human rights violations. The idea of hiding under the principle of national sovereignty to assault humanity is one that Deng et al (1996: 33) found

interesting: a government that allows its citizens to suffer in a vacuum of responsibility for moral leadership cannot claim sovereignty in an effort to keep the outside world from stepping in to offer protection and assistance. Deng and his associates were simply stressing that sovereignty should be understood in terms of responsibility where the state is accountable to both the domestic population as well as the world community as opposed to sovereignty as a protection against external interference.

Unlike the provisions of Article II of the OAU which focused on sovereignty, decolonialisation and the promotion of international cooperation, the AU dedicated about six of its cardinal objectives to human right issues. The essence of AU's cardinal objectives, is captured in Article 3 (e), which seeks to encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights. Article 3 (f) provided for the promotion of peace, security, and stability on the continent, while 3 (g) summarises and integrates the arguments for the promotion of democratic principles and institutions, popular participation and good governance. The promotion of human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments is the core of Article 3 (7), while the promotion of co-operation in all fields to raise the living standards of African peoples and to work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent are the provisions of 3(k) and 3 (o) respectively. In its 2005 World Summit Outcome document, the UN General Assembly endorsed this emerging norm. They agreed that the international community has a *"responsibility to protect"* (R2P), a duty to intervene in when national governments fail to fulfil their responsibility to protect their citizens from genocide, war crimes, ethnic cleansing and crimes against humanity (UN,2005).

This endorsement strengthened AU's commitment to invoke R2P in the face of crimes against humanity with or without State's consent. Quoting Salim Ahmed Salim, former OAU) Secretary General, Landsberg (2004:124) provided a nexus between the responsibility of a state, regarding human rights issues and the idea of sovereignty: We should talk about the need for accountability of governments and of their national and international responsibilities. In the process, we shall be redefining sovereignty. The idea of *"redefining sovereignty"* is merely a call to move from a culture of indifference in the face of crimes against humanity to the one of national and international accountability. Similarly, former President Nelson Mandela of South Africa used the occasion of an OAU summit in Ouagadougou, Burkina Faso, in 1998 to advocate for paradigm shift: Africa, he told his fellow leaders, has a right and a duty to intervene to root out tyranny…we must all accept that we cannot abuse the concept of national sovereignty to deny the rest of the continent the right and duty to intervene when behind those

sovereign boundaries, people are being slaughtered to protect tyranny (Policy Advisory Group Seminar Report,2007:14)

In the light of our analysis so far, it is instructive that AU's primary points of departure has to do with its clear principles aimed at strengthening the respect for human rights, democracy and the rule of law. Member states accept that when human right abuses reach a state of total contempt even for universal norms, it cannot be excused by sovereignty arguments. It is on this understanding that the AU, in Article 4(h), endorsed the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity. Therefore, the provision was meant to override OAU's principle of non-interference in the internal jurisdictions of Member States.

ECOWAS Mission in Liberia: Behaviouralist Explanation

Behaviouralism was made popular by Charles Edward Merriam, Jr. (November 15, 1874 – January 8, 1953),a University of Chicago professor of political science who asserted the usefulness of looking at the actual behaviour of politically involved individuals and groups , not only the formal/legal rules by which those individuals and groups were supposed to abide (Grigsby,2009:13). Rather than emphasising how 'politically *involved individuals or groups'* adhere to legal and formal rules, this theory focuses on the importance of examining the political behaviour of those political individuals and groups.

What spurred ECOWAS mission in Liberia was the effective break-down of Liberia in 1990, following the attack by NPFL guerrillas, which threatened to destabilise the sub-region. The obvious need to ensure that all "politically involved individuals or groups" in the Liberian political crisis "adhere to legal and formal rules" led to the establishment of ECOMOG and deployment of troops purely for humanitarian reasons. The statement by Koffi Annan (below), though on a different context, sets the prologue for our analysis in this section.

The genocide in Rwanda showed us how terrible the consequences of inaction can be in the face of mass murder. But … conflict in Kosovo raised equally important questions about the consequences of action without international consensus and clear legal authority …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? The inability of the international community to reconcile these two compelling interests … can be viewed only as a tragedy (Annan, 1999:2)

Despite the compromised nature of African political leadership, the greatest threat to the continent remains the awful lack of integrity and impartial concern for

public good. ECOWAS was established in 1975 as a channel for economic co-operation. In its original treaty, ECOWAS did not make any explicit proposals that can justify its intervention in Liberia, but it had documented mandates to this effect well before the Liberian crisis erupted. In 1976, its treaty on "Non-Recourse to Aggression" was signed followed by a *"Non-Aggression Protocol"* and *"Protocol on Mutual Assistance on Defence"* in 1978 and 1981 respectively. Article (2) of its protocol on mutual assistance on defence clearly stipulated that Member States declare and accept that any armed threat or aggression directed against any Member State shall constitute a threat or aggression against the entire Community. Article 3 clearly stipulated that: Member States resolve to give mutual aid and assistance for defence against any armed threat or aggression. The justification for the intervention is set out clearly in the preamble that set up the SMC to deal with the Liberian tragedy:

Gravely concerned about the armed conflict existing in Liberia and the wanton destruction of human life and property and the displacement of persons occasioned by the said conflict… the massive damage in various forms being caused by the armed conflict to the stability and survival of the entire Liberian nation; deeply concerned about the plight of foreign nationals, particularly citizens of the Community who are seriously affected by the conflict; considering that law and order in Liberia have broken down; [and the determination] to find a peaceful and lasting solution to the conflict and to put an end to the situation which is seriously disrupting the normal life of innocent citizens in Liberia; [and] convinced that the SMC established by the Authority of Heads of State and Government of ECOWAS at its Thirteenth Session held from 28 to 30 May 1990 in Banjul provides an appropriate mechanism for resolving the situation (ECOWAS, 1990) .

ECOWAS may have been initially established to pursue economic and social cooperation within the region, but if political and security issues which could affect economic stability within the community is not addressed, it is difficult to contemplate how the community could pursue economic goals. The Protocol on Non-Aggression, adopted at the Third Conference of Heads of State and Government of ECOWAS in Dakar, Senegal on 22 April 1978 and the Protocol on Mutual Assistance on Defence which was adopted in Freetown, Sierra Leone, on 29 May 1981 were informed by these economic and political considerations. The Protocol on Non-Aggression was signed on the understanding that it would be impossible for ECOWAS to attain its objectives of increased economic development and regional integration.in an atmosphere devoid of peace and harmony. The crisis affected regional trade and tourism, produced hundreds of thousands of refugees, and threatened to spill over into the Border States (Brown, 1999). The growing chaos in Liberia posed serious economic and social threats in the region. This security threat certainly influenced ECOWAS's decision to

intervene in Liberia in violation of the normative order as established under UN charter.

ECOWAS probably took the decision to halt urgent humanitarian disaster and without checking with the UN until later on. In November, 1992, the UNSC adopted Resolution 788, called for a peaceful solution to the conflict and imposed a comprehensive arms embargo on Liberia under Chapter VII of UN Charter. In what appeared to be a tacit endorsement of the intervention, UNSC actually *"commended"* ECOWAS's efforts at bringing a peaceful solution to the Liberian crisis. Clearly, what Resolution 788 have shown is that even the UN tacitly encourages military intervention (without its authorisation), provided it is humanitarian intentions. As Kioko (2003:821) concluded, it would appear that UNSC has never complained about its powers being usurped because the intervention were in support of popular causes and were carried out partly because the UNSC had not taken or was unlikely to do so at the time.

Regarding the dilemma of HI and particularly the ECOWAS intervention in Liberia, the question that has always been asked is: Should international law permit individual states or a coalition of states to intervene in a sovereign state to stop an egregious crime against humanity without UNSC endorsement? Part of the answer can be found in Farer (2003:55): to be sure, even at the doctrinal apogee, sovereignty never amounted to an unquestionable right of governments to do anything they pleased within their recognised space. Evans (2008:146) provided a clearer perspective to the debate: If the Security Council fails to discharge its responsibility in a conscience-shocking situation crying out for action, a concerned individual state or ad hoc coalition will step to deal with the situation urgently.

When ECOWAS justify its mission in Liberia, the sub-regional body is merely articulating values shared by the AU and UN. The establishment of ECOMOG may not conform to the constitutional legal requirements of ECOWAS but behind that legal argument is perhaps an inspirational human interest story which largely justified the intervention. Although human rights constitute real law supported by widespread demands for enforcement, the only UN organ with real enforcement power is the Security Council (Farer, 2003:66). Therefore, under UN charter articles 53(1) and 2 (4), ECOWAS mission was illegal but the Security Council commended ECOWAS for its efforts to restore peace, security and stability in Liberia (UN, 1991:274). The commendation could be viewed as an attempt to link ECOWAS's actions to standards of justice and acceptable behaviour. Some scholars defend states' practice, for example, the ECOWAS intervention, as an innovation in humanitarian law. For Greenwoods (1993:40), it seems that the law on humanitarian intervention has changed both for the UN and for individual states. It is no longer tenable to assert that whenever a government massacres its

own people or a state collapses into anarchy , international law forbids military intervention altogether.

In clarifying what is to be perceived as standards of justice and acceptable behaviour, Teson (2003:93) noted that a major purpose of states and governments is to protect and secure human rights, that is, rights that all persons have by virtue of personhood alone. Governments and others in power who seriously violate those rights undermine the one reason that justifies their political power, and thus should not be protected by international law. The crux of Teson's argument is that while sovereignty protects states from external meddlesomeness, the sovereignty principle should not be abused or used as an excuse by governments to grossly assault the human rights of their population.

For Krasner (1983: 2), norms are standards of behaviour defined in terms of rights and obligations. Krasner seems to suggest that international norm could be viewed in terms of rights and obligations accepted by the international community, represented as represented by ECOWAS in the Liberian crisis. Therefore, international norms represent the behavioural standards in terms of rights and obligations accepted by the international community.

Since the 19th century, a customary right to humanitarian intervention had been developed and linked to the Just War Theory. The just war tradition which was popularised by Hugo Grotius is a theory of comparative justice applied to considerations of war and intervention (Elshtain, 2001:1). As quoted by Holzgrefe (2003:26), Grotius stated: 'where a tyrant should inflict upon his subjects such a treatment as no one is warranted in inflicting" other states may exercise a right of humanitarian intervention. Like HI, it focuses on such moral principles as, the protection of innocents from brutal, aggressive regimes; and punishment for a grievous wrong doing which remains uncorrected (Brian, 2008). The idea behind this theory and its link to HI is that HI is justified where egregious human rights violations occur. Thus, governments are bound by the law and morals of human society, and therefore expected to treat their citizens in accordance with the principle of humanity, but also to owe same obligation to see that other states protect human rights of their population. This tradition, further explained in terms of substantial moral theory (Dworkin, 1978:84) essentially suggests that in circumstances where states has failed to protect the human rights of their populations, the principle of State sovereignty must be breached by the international community in order to act in the best interest of the people.

Conclusion

We applied the behaviouralist approach to undertake empirical investigation of the political actors and their activities in the Liberian crisis. Our analysis focused on the political struggle of the activists and ECOWAS' intervention pursuing political reforms on social equality and human freedom. In justifying this study, we are

aware that there are many contemporary cases of humanitarian intervention in Africa, but the focus of this paper is on "intervention" by a "sub-regional" body and West Africa is the area of interest. At the continental level, the first time an African multinational force was deployed to help resolve an armed internal conflict in Africa was in 1981.Then, the OAU Pan-African Peacekeeping Force was established in response to a civil war in Chad. Thus, the Liberian case was the first time a sub-regional body was involved in crisis management in West Africa. It served as an important example of a paradigm shift in external intervention – "interference" in the internal affairs of an independent state by a sub-regional organisation. Second, the ECOWAS initiative has drawn attention to the conservative interpretation of the principle of non-interference in the internal affairs of independent states. With the development, African political leadership has become more aware of the security threat that internal conflicts can pose to regional and international peace.

This paper does not welcome any attempt to expunge the principle of non-interference and sovereignty from international law. That can be taken for granted. But it is wrong to hide under an otherwise well intended doctrine to commit mass murder. This is a crime against humanity and such criminality cannot be excused by the inviolability of state borders. The principles of sovereignty and non-interference should not be turned to reckless impunity. Impunity is both the cause and symptom of dictatorship, eroding confidence in the government and public authority, leading to contempt for international and humanitarian laws.

No doubt, HI remains a contentious and an unsettled concept in international relations. But it is obvious that interventions in sovereign states, for example, ECOWAS mission in Liberia, was a legitimate and morally justifiable approach since force was the only option to stop the senseless killings by the warring factions. Based on empirical evidence, the ECOWAS intervention in Liberia was justifiable without UNSC endorsement. Even the *R2P* report approved by the UN supports intervention on humanitarian grounds in the absence of UNSC authorisation.

Africa has witnessed some of the worst instances of human right violations often perpetrated in the context of domestic political crisis. Some of these crimes were committed while the international community maintained culpable silence. For example, the failure of the UN to act during the 1994 Rwandan genocide, in which nearly one million people were killed, despite a 2,500-strong UN peacekeeping mission presence caused widespread international condemnation and a re-evaluation of international norms in HI (Centre for Conflict Resolution, 2007:13).In response to UN's failure to halt or intervene in situations of gross human rights, Article 4 of AU's Constitutive Act of 11 July 2000 provided for intervention in the territory of a Member State and for the right of a Member State to request such intervention, in cases of crimes against humanity. While the

provision may challenge the normative framework on the principle of non-interference and non-intervention, it is a response to the UN's acknowledged failure to... prevent and subsequently to stop Genocide [in Africa or anywhere else] (UN, 1999:3).

This paper has examined the right of intervention in the framework of AU, the main objectives and motivations underlying challenged OAU's principled stance on respect for territorial sovereignty and non-interference. Understandably, the implementation of the right of intervention will most probably be fraught with problems; nonetheless, the provision underlines the fundamental values underpinning the AU and the serious measures that member states are willing to undertake in order to guarantee these basic protections to African population.

Finally, lessons learnt: In spite of the stories of schisms, egos and disagreements on issues, insights into the workings of ECOWAS' SMC during the Liberian crisis and the collaboration of those who orchestrated the campaign to stop the war show how vital it is for member states to work together. Strengths of diversity were pulled together to restore peace and order in Liberia. The story of cooperation across linguistic and cultural block is one which inspires hope and courage to defeat Anglophone/ Francophone rivalry.

References

Adebajo A (2002). Liberia's Civil War: Nigeria, ECOMOG, and Regional Security in West Africa: A Project of the International Academy. London, Lynne Rienner Publishers.

Ajaj A (1993). Humanitarian Intervention: Second Reading of the Charter of the United Nation. Arab Law Quarterly, 7 (4): 215-236.

Annan K (1999). Two concepts of sovereignty. The Economist, 18 September Accessed on 25/10/12 from www.kentlaw.edu/.../XTwoconceptsofsovereignty-KofiAnnan.pdf

Annan K (2000). We the peoples: the role of the United Nations in the twenty-first century: Report of the Secretary-General

Babic J (2003). Foreign Armed Intervention: Between Justified Aid and Illegal Violence in Jokic A (ed). Humanitarian Intervention: Moral and Philosophical Issues. Lancashire, Thomas Lister Ltd.

Bassiouni M (2000). The Normative Framework of International Humanitarian Law - Overlaps, Gaps and Ambiguities. Intl. Law Studies Series. US Naval War College, 75: 1-56

BBC (1998). World Africa ECOMOG: peacekeeper or participant? Accessed on 2/11/12 from http://news.bbc.co.uk/1/hi/world/africa/55719.stm

Brian O (2008). War in Zalta E (ed). The Stanford Encyclopedia of Philosophy. Fall edition). Accessed on 30/10/12 from http://plato.stanford.edu/archives/fall2008/entries/war/>.

Brown N (1999). ECOWAS and the Liberia Experience: Peacekeeping and Self Preservation: A US Department of State Report Centre for Conflict Resolution (2007). Africa's Responsibility to Protect: Policy Advisory Group Seminar Report Somerset West, South Africa 23 and 24 April.

Deng F, Kimaro S, LyonsT, Rothchild D, and Zartman W (1996). Sovereignty As Responsibility: Conflict Management in Africa. Washington, Brookings Institution Press.

Dworkin R (1978). Taking Rights Seriously. London, Duckworth.

Duyvesteyn I (2005). Clausewitz and African War: Politics and Strategy in Liberia and Somalia. London, Frank Cass.

ECOWAS (1990). First Session of the Community Standing Mediation Committee Banjul, 6 - 7 August: Decision A/DEC.1/8/90 on the ceasefire and establishment of an ECOWAS ceasefire monitoring group for Liberia.

Ellis A (2003). War, Revolution, and Humanitarian Intervention in Jokic, A (ed),Humanitarian Intervention: Moral and Philosophical Issues.

Elo S , Kyngas H (2008). The qualitative content analysis process. J. of Advanced Nursing 62(1):107–115.

Elshtain J (2001). The Third Annual Grotius Lecture: Just War and Humanitarian Intervention. American University Intl. Law Review 17 (1):1-25.

Evans G (2008). The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All. Washington D.C., The Brookings Institution.

Farer T (2003). Humanitarian Intervention and after 911: Legality and Legitimacy in Holzgrefe J L and Keohane R O (eds). Humanitarian Intervention: Ethical, Legal, and Political Dilemmas. Cambridge University Press, New York.

Gray C (ed) (2008). International Law and the USE of Force (3rd ed). Oxford, Oxford University Press.

Greenwoods C (1993). Is there a right of Humanitarian Intervention? The World Today 49 (2), February

Grigsby E (2009). Analyzing Politics: An Introduction to Political Science. Belmont, CA, Wadsworth.

Harhoff F (2001). Unauthorised Humanitarian Interventions – Armed Violence in the Name of Humanity? Nordic J. of Intl. Law 70: 65-119.

Holzgrefe J L (2003). The Humanitarian Intervention Debate in Holzgrefe JL and Keohane R O (eds). Humanitarian Intervention: Ethical, Legal, and Political Dilemmas.

International Commission on Intervention and State Sovereignty (2001). The Responsibility to Protect. Ottawa: International Development Research Centre.

Jenkins P (2005).The Economic Community of West African States and The Regional Use of Force. Retrieved on 9/02/13 from www.law.du.edu/forms/writing-competitions/documents/.../2.pdf

Kaldor M (2007) Human Security: Reflections on Globalization and Intervention Polity Press, Cambridge.

Kioko B (2003). The Right of Intervention under African Union's Constitutive Act: From Non-Interference to Non-Intervention. Intl. Review of the Red Cross, 85 (852): 807-825

Krasner S (1983). Structural Causes and Regime Consequences: Regimes as Intervening Variables in Krasner, S(ed). International Regimes. Ithaca and London, Cornell University Press.

Kritsiotis D (1998). Reappraising policy objections to humanitarian intervention.19

Michigan J. of Intl. Law

Landsberg C (2004). The fifth wave of pan Africanism in Adebajo A and Rashid I (eds). West Africa's Security Challenges: Building Peace in a Troubled Region. Boulder, Lynne Riener.

Maogoto J N (2008). Westphalian Sovereignty in the Shadow of International Justice? A Fresh Coat of Paint for a Tainted Concept in Jacobsen T, Sampford C, Thakur R (eds). Re-envisioning Sovereignty: The End of Westphalia? Aldershot, Ashgate Publishing.

Murphy SD (1996). Humanitarian Intervention: The United Nations in an Evolving World Order. Philadelphia, University of Pennsylvania Press.

Museveni Y (1986). Speech at the 22nd Ordinary Session of the OAU Assembly of Heads of State and Government, Addis Ababa, Ethiopia, July. Accessed on28/9/12

fromhttp://mail.newtimes.co.rw/news/views/article_print.php?i=14052&a=5181&icn Print

Pogge T (2003). Pre-empting Humanitarian Interventions in Jokic A

(ed). Humanitarian Intervention: Moral and Philosophical Issues. Lancashire, Thomas Lister Ltd.

Policy Advisory Group Seminar Report (2007). Africa's Responsibility to Protect. The Centre for Conflict Resolution, University of Cape Town, South Africa.

Powell K, Baranyi S (2005). Delivering on the Responsibility to Protect in Africa. Policy Brief, North South Institute. Accessed on 27/9/12 from www.nsi-ins.ca/english/pdf/responsibility_protect_ africa.pdf

Ramsbotham O, Woodhouse T (1996). Humanitarian Intervention in

Contemporary Conflict: A Reconceptualization. Polity Press, Cambridge.

Sammons A (2003). The "Under-Theorization" of Universal Jurisdiction:

Implications for Legitimacy on Trials of War Criminals by National Courts. Berkeley J. of Intl. Law 21: 111–143

Slater J, Nardin T (1986). Non-intervention and Human Rights. The J.

of Politics, 48(1) Feb: 86-96

Sommaruga C (1997). Keynote Speech in Humanitarian Action and Peace

Keeping Operations: Debriefing and Lessons: Report of the 1997 Singapore Conference. London, Kluwer Law International Ltd.

The Danish Institute of International Affairs (1999). Humanitarian Intervention: Legal and Political Aspects

Stromseth J (2003). Rethinking Humanitarian Intervention: The Case for

Incremental Change in (Holzgrefe JL, Keohane RO (eds). Humanitarian Intervention: Ethical, Legal, and Political Dilemmas.
Sunga LS (2006). The Role of Humanitarian Intervention in International Peace and Security: Guarantee or Threat? in Hans Köchler (ed). The Use of Force in International Relations: Challenges to Collective Security. Vienna, International Progress Organization.
Teson FR (2003). The Liberal Case for Humanitarian Intervention in Holzgrefe JL, Keohane, RO (eds). Humanitarian Intervention: Ethical, Legal, and Political Dilemmas.
Tsagourias N (2000). Humanitarian Intervention after Kosovo and Legal Discourse:
Self-Deception or Self-Consciousness? Leiden J. of Intl. Law, 13:11-32
UN (1991). The situation in Liberia: Repertoire of the Practice of the
Security Council. Accessed on 25/10/12 from www.un.org/en/sc/repertoire/8992/.../item%2002_Liberia_.pdf
UN (1999). Report of the Independent Inquiry into the Actions of the
UN during the 1994 Genocide in Rwanda, DOC .S/1999//1257,16 December
UN (2005) World Summit Outcome: High-Level Plenary Meeting: 14–16.
Accessed on 16/10/12 from http://www.un.org/summit2005/presskit/fact_sheet.pdf
Walzer M (2000). Just and Unjust Wars: A Moral Argument with Historical
Illustrations (3rd ed.). New York, Basic Books
Weller M (ed) (1994). Regional Peace-keeping and International Enforcement: The
Liberian Crisis, Cambridge International Documents Series, (6). Grotius Publications, Cambridge University Press
Welsh J (ed) 2006). Humanitarian Intervention and International relations.
Oxford, Oxford University Press.
Wheeler N (2001). Saving Strangers: Humanitarian Intervention in International Society. New York, Oxford University Press.
Wheeler N, Bellamy A (2009). Humanitarian Intervention in World Politics in John B, Steve S (eds).The Globalization of World Politics. Oxford, Oxford University Press.
Wilkins B (2003). Humanitarian Intervention: Some Doubt' in Jokic A (ed).
Humanitarian Intervention: Moral and Philosophical Issues.

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