

Human Security as Analytical Contexts of Humanitarian Intervention in Application and Practice

War for Justice, War for State, or War for People

YU-TAI TS'AI, PHD*

SZU-HSIEN LEE

During the twentieth century, 35 million people died in all civil and international wars, but 150 million were killed by their own governments.¹ After 1945, inspired by the tragedy of the Holocaust, international society greatly expanded its rules on human rights, and the United Nations (UN) codified an increasing number of norms on international society. However, millions still perished at the hands of their own governments, and actions taken to halt atrocities proved inconsistent. In fact, in the late twentieth century, the emergence of international humanitarian intervention reflected a new value in international society. The traditional key criteria—including just cause, right authority, last resort, and proportional means—have been challenged by both proponents and opponents of intervention.²

*Dr. Yu-tai Ts'ai is an associate professor at the Institute of Strategic and International Affairs, National Chung Cheng University, Taiwan, where he teaches international relations and security studies to graduate students. He has published several journal articles and books on human security, security studies, and the theory of international relations. His current research focuses on human security, nontraditional security, and international law. A Young Fellow at the Office of the President (Taiwan) in 2003 and a project assistant at the Office of the President (Taiwan) in 2004–5, Prof. Yu-tai Ts'ai earned his PhD in 2008 from the Department of Diplomacy at National Cheng Chi University (Taiwan). In 2010 he received the Study of the United States Institutes fellowship on US foreign policy from the US State Department and served as a visiting professor in the Department of Political Science, University of Florida.

Szu-Hsien Lee is a PhD candidate in the Department of Diplomacy, National Cheng Chi University, Taiwan. She has published several journal articles and book reviews on China studies, security studies, and the theory of international relations. Her current research addresses Sino-US relations, relations between the People's Republic of China (PRC) and Taiwan, and foreign policy of the PRC.

The North Atlantic Treaty Organization's (NATO) intervention in Kosovo in 1999 brought the controversy to its boiling point.³ Humanitarian intervention would not be considered a violation of the principle of nonintervention but an act directed towards upholding the nonintervention norm of civil society, which protects the freedom of individuals. Indeed, the contemporary controversy surrounding humanitarian intervention (i.e., the question of when the use of force is right or just) has become one of the more frequent, divisive, and heated discussions in international relations.⁴

To address this debate, the report of the International Commission on Intervention and State Sovereignty, the latter formed in response to Kofi Annan's question of when the international community must intervene for purposes of human protection, introduced the term *responsibility to protect* (R2P) in December 2001.⁵ R2P stresses that states have the primary obligation to protect their populations. Further, it emphasizes the responsibility of the international community to take timely, decisive action to prevent and halt genocide, ethnic cleansing, war crimes, and crimes against humanity when a state manifestly fails to protect its population.⁶ Humanitarian intervention as advocated by R2P, however, has rightly threatened the traditional rights of sovereigns. A conflict exists between R2P and other norms in the institution of sovereignty, such as noninterference and sovereign equality.⁷

Therefore, this article discusses the normative status of the concept of human security in international law, examining R2P against the backdrop of a wider discourse about the transformation of sovereignty, norms, and the legality of using force. It explains that R2P has become an accepted norm constitutive of the institution of sovereignty. To demonstrate the justifiability of regarding R2P as an emerging norm of international law, the article also examines whether one can regard the concept of human security as analytical contexts of humanitarian intervention in application and practice: war for justice, war for state, or war for people.

Human Security and International Law

The end of the Cold War and the accelerating pace of globalization have given rise to fundamental changes in many of the paradigms employed in the social sciences. Among the various new ideas that have emerged, *human security* has become something of a buzzword.⁸ In the mid-1990s, the concept of human security began to visibly influence and challenge

global politics, institutions, and governance.⁹ Security threats and the security environment in this post–Cold War period of globalization and technological advance have clearly changed.¹⁰

Obviously, the current approach is quite flawed, reflecting the inadequacy of traditional research tools employed in the field of international relations in the post–Cold War era. The belief that power remains the sole determinant of national interests, preferences, and actions is no longer a tenable approach to international politics.¹¹ Therefore, unlike current policies that emphasize the means of control, the human security approach concentrates on the safety and protection of individuals and communities, in addition to the traditional security concerns of the state. A comprehensive human security strategy would have to address competition over natural resources and improve the capacity of communities and governments to address the root causes of poverty and economic disparity by investing in education, health care, and basic infrastructure.¹² In other words, rather than a top-down approach, a bottom-up type of security becomes necessary—that is, only by ensuring the security of the individual can the state guarantee its own security.

As a matter of fact, in 1994 the United Nations Development Programme's *Human Development Report* presented a new way of thinking about the integration of security issues and globalization, defining human security according to seven dimensions: personal, environmental, economic, political, community, health, and food.¹³ Moreover, it adopted a “people-centric” security concept as its focus instead of the traditional state-centered concept.¹⁴ This new emphasis on human security supplements the traditional notion of security and represents the emergence of a new paradigm. Human security accentuates the individual's rights and interests, often ignored by the international community. Real security entails the protection of individuals from such threats as disease, hunger, unemployment, political oppression, and environmental degradation.¹⁵ As a multilevel, wide-ranging concept, it includes both the traditional and nontraditional elements of security, not only serving as a blueprint for solving human problems but also offering solutions that midlevel powers can put into practice.¹⁶ Moreover, human security has been used to define a foreign policy agenda promoted by Japan as freedom from want and by Canada, Norway, and members of the Human Security Network as freedom from fear.¹⁷ Annan has pointed out the three

pillars of this wider concept of human security: freedom from want, freedom from fear, and freedom to live in dignity.¹⁸

The value of human security was adopted by the International Commission on Intervention and State Sovereignty, whose report noted the context of this concept in international relations and international law.¹⁹ The commission's position on human security became part of the foundation of R2P and the new framework for debates on humanitarian intervention.²⁰ Even though humanitarian intervention prompts much debate, international law plays an important and beneficial role as a means of human security.²¹ One way of approaching the relationship between human security and international law involves examining the use of law as an instrument to further this agenda—establishment of the International Criminal Court, for example. Others can be discerned in several areas of international law—most obviously refugee law, humanitarian law, and human rights.²²

In terms of human security, the individual has gained greater prominence within the field of international law since the 1990s. Now encountering challenges, the traditional state-centered model of international law is giving way to a more people-centered orientation. In traditional studies, international law has primarily concerned itself with regulating relationships among states and their rights and duties, seemingly to the exclusion of the individual.²³ Only states (and possibly international organizations) are subjects of the law.²⁴ Therefore, the individual is an “object,” not a “subject.” International law operates on the individual indirectly, through the state, which has international responsibility. Thus, any rights granted by or obligations imposed by international law proceed through exercise of a right held by the state of which the individual is a national.²⁵

With the end of the Cold War, though, international society recognized that the individual should be adopted as a juristic entity. In the absence of citizenship, the individual has no legal significance in the international arena. For instance, both the Permanent Court of Justice and the International Court of Justice have adopted this position.²⁶ Obviously, the cases of humanitarian intervention promote a direct link between individuals and international law.²⁷ This article argues that although the neorealist/statist view of security insists that “the idea of security is easier to apply to things than to people,” ultimately the key argument holds that

state security is for individual security.²⁸ In the conception of human security, the primary referent of security is the individual.²⁹ Similarly, international law reflects acknowledgement of the worth of a person as the essence of all law.³⁰

Although it seems that human security reflects the conflict between state sovereignty and the principle of nonintervention, one can best approach it as analytical contexts of humanitarian intervention in application and in practice. Further, it provides us with a coherent framework to rethink the impasse of the current state-centric strategies for preventive conflict through its relevance to people, the state, and war.

The Evolution of Humanitarian Intervention

Since the sixteenth century, the international community has generally practiced humanitarian intervention. In the first half of the twentieth century, human rights and state sovereignty collided, the latter usually winning the confrontation. After the Cold War, however, a number of humanitarian interventions occurred, including the war in Kosovo, ostensibly fought for humanitarian reasons. Evidently, the contest between individual rights and state sovereignty seems poised to take a new form.³¹ UN peacekeeping operations have since occurred in such diverse places as Afghanistan, East Timor, the former Yugoslavia, Liberia, Rwanda, and Somalia. On the one hand, proponents of humanitarian intervention suggest that a new norm of humanitarian intervention is evolving, sometimes attributed to a change in the general consciousness of individuals. On the other hand, opponents and critics argue that humanitarian intervention is subject to political manipulation and that the use of force is always a poor way of promoting long-lasting peace and justice. They assert that states must avoid overintervention with the use of force against the territorial integrity or political independence of any state.³²

Over the past three centuries, these norms have become clearer and have generated discussion in two areas of international law: a general and consistent practice of states and states of similar international acts over time. Table 1 depicts the evolution of humanitarian intervention.

Table 1. Key concepts in the evolution of humanitarian intervention

<i>Evolution of Humanitarian Intervention</i>	<i>Just War</i>	<i>War for State</i>	<i>Humanitarian Interventionism</i>	<i>War for People</i>
Time	Medieval	17th–20th Centuries	1990–94	1994–Present
Place	Europe	Colony	Balkans, Africa	Global
Executor	Pope	Empire	UN	UN
Call for/Fight for	Justice	National Interests	Peacekeeping	Responsibility to Prevent/React/ Re-build
Core Values	Morality	Power/Interests	Human Rights	Human Security
Purpose	Justice Punishing/ Prevention of Atrocities	Balance of Power Predatory/ Occupation	Peacekeeping	Against Genocide and Ethnic Cleansing
Theoretical Framework	Catholicism	Realism	Humanitarianism/ Collective Security	Human Security
Way to Intervene	Coalition/Force	Depend on Powers	Authorizing All Necessary Means to Protect Civilians and Civilian-Populated Areas	Multilateralism
Referent Objects	Catholic Security	National Security	People's Security	Human Security
Right to Intervene/ Right Authority	In the Name of the Lord	Depend on Powers	Authorization from the Security Council	Authorization from the Security Council
Source of Normative Power	Moral Constraints	Powers	Media/Public Opinion	International Legal Norms
Cases	Crusades	Greek War of Independence (1829)	Northern Iraq Operation (1991), Somalia Operation (1992)	NATO Air Strikes against Yugoslavia (1999), Libya Operation (2011)

Humanitarian Intervention–War for Justice

One can trace the source of humanitarian intervention to the work of the Roman statesman and philosopher Cicero (106–43 BC), who offered the theory of just war, affirming that government is ordained by God to preserve peace and maintain justice.³³ He, along with philosophers Saint Augustine, Saint Thomas Aquinas, Franciscus de Victoria, and Hugo Grotius, insisted that the just war tradition represented a moral and just instrument consisting

of two categories of criteria: *jus ad bellum* and *jus in bello*.³⁴ Humanitarian intervention serves as a way to prevent atrocities and punish unjust states. Collective action is the most important feature of the traditional just war.³⁵ Only recognized public authorities have the right to authorize the use of force.³⁶ Natural law and Catholic thought have strongly influenced the tradition, which describes the collected consensus of Western Christian culture on natural rights empowered in the name of the Lord.³⁷

After the holy wars of the seventeenth century (1618–48), Grotius—often referred to as the father of international law—sought to establish secular natural law as a basis for the medieval codes of chivalry. He incorporated *jus in bello* restrictions into just war criteria, believing that natural law undergirded the law of a nation.³⁸ With the development of the modern state system (1648), the nature of just war embedded a definite state bias, and national interest became increasingly prominent in the concept of justice.³⁹

Humanitarian Intervention—War for State

John Mearsheimer argues that states do not act in accordance with moral concerns, such as humanitarian violations abroad, and that international institutions do not exert significant influence on state behavior.⁴⁰ In other words, states emphasize the influence of the international system rather than human nature, claiming that this compels states to adopt a selfish attitude which curtails altruistic action, such as humanitarian intervention.⁴¹ Hence, Hans Morgenthau asserts that one cannot apply universal moral principles to the actions of states because humanitarian operations taken to halt or prevent violations against humans will create difficulties with a state's pursuit of national interests.⁴²

Obviously, it follows that a state has the authority to wage war only in pursuit of those interests. Former US secretary of defense Caspar Weinberger stresses that interests, not ethics, should serve as the key motivation behind Western intervention.⁴³ The cardinal tenets of US force employment are the existence of specific national interests and Cori E. Dauber's so-called threshold test of vital interest or zero casualties.⁴⁴ Citizens usually expect their state to act in the national interest and are reluctant to accept military casualties when national interests are not involved.⁴⁵

Humanitarian Intervention—War for People

Of the 111 conflicts that occurred between the end of the Cold War and the beginning of the twenty-first century, 104 were intrastate wars (95 purely civil wars and nine with foreign intervention); they involved more than 80 states and 200 nongovernmental organizations, as well as two regional organizations.⁴⁶ Martha Finnemore insists that since the end of the Cold War, states have felt pressure to intervene and protect their citizens rather than their own interests. Humanitarian action could take place for a variety of reasons. Compared to traditional just war, intervention could be considered a moral factor, but with the abolition of slavery in the nineteenth century and decolonization in the twentieth century, a new set of norms—“humanism”—emerged as a universal value.⁴⁷

The end of the twentieth century marked a shift in the nature of conflict. Large interstate wars were replaced by internal conflicts that produced huge civilian casualties. For example, the genocides in Rwanda, Bosnia, and Cambodia demonstrated colossal failures by the international community to prevent mass atrocities. Thus, near the end of the 1990s, one perceived a recognizable need to shift the debate to crisis prevention and response: the security of the community and the individual, not just the state, must become a priority for national and international policies.⁴⁸

Case study of war for people: NATO air strikes against Yugoslavia (1999). The most controversial intervention to date involved NATO air strikes against Yugoslavia in 1999.⁴⁹ UN Security Council Resolution 1160, adopted on 31 March 1998 in reference to Kosovo and acting under chapter 7 of the UN Charter, imposed an arms embargo on the Federal Republic of Yugoslavia (FRY). The Security Council deplored the violence that the Serbian police force used against peaceful demonstrators in Kosovo as well as terrorist acts of the Kosovo Liberation Army.⁵⁰ Six months later, Security Council Resolution 1199, adopted on 23 September 1998 after the recall of Resolution 1160, demanded that the Kosovar and Yugoslav parties end hostilities in Kosovo and observe a cease-fire. In the meantime, the Security Council decided that, should the parties not comply with the concrete measures demanded by this resolution and its predecessor, it would consider further action and additional measures to maintain or restore peace and stability in the region. Additionally, Security Council Resolution 1203, adopted on 24 October 1998 after the recall of resolutions 1160 and 1199, demanded that

the FRY (Serbia and Montenegro) comply with previous resolutions and cooperate with NATO's and the Organization for Security and Co-operation in Europe's verification missions in Kosovo. Resolution 1203—affirming the possibility of taking action in the event of an emergency to ensure safety and freedom of movement—passed by a margin of 13 to one.⁵¹ China and Russia abstained, neither of them favoring the use of force. China also opposed a resolution that would pressure the internal affairs of the FRY, and Russia noted that the resolution had not taken into account favorable developments in Belgrade.

Afterward, the United States, Canada, and France stressed that the FRY was in violation of legal obligations imposed by Resolutions 1199 and 1203. From 24 March to 10 June 1999, NATO attacked Yugoslavia. In the interim action, at the 3,989th meeting of the Security Council on 26 March 1999, the Russian Federation submitted a draft resolution, demanding that the council reject any insistence on the immediate cessation of the use of force against the FRY and called for the urgent resumption of negotiations. Rather than adopt this draft resolution, the Security Council passed Resolution 1244 on 10 June 1999, after recalling resolutions 1160, 1199, 1203, and 1239. In other words, the council authorized an international civil and military presence in Kosovo (then part of the FRY) and established the UN Interim Administration Mission in Kosovo.⁵²

Significantly, NATO's use of force against Yugoslavia in March 1999 marked the first time since the founding of the UN that a group of states had explicitly justified bombing another state in the name of protecting a minority within that state (table 2). Moreover, the action lacked explicit authorization from the Security Council and was condemned by some council members as a legislative flaw and flagrant breach of international law.⁵³ However, at that time, other members such as Malaysia and Bahrain publicly supported NATO's intervention. Evidently, NATO used the terms *morality* and *genocide* to justify an illegal initiative because the illegal act produced results more in keeping with the intent of the law and morality than no action at all.⁵⁴ This view opens up the possibility that action might be warranted but illegal, a position that has been directly invoked to describe NATO's action in Kosovo.⁵⁵ With regard to the case of Kosovo, Bruno Simma observes that

“humanitarian interventions” involving the threat or use of armed force and undertaken without the mandate of the authorization of the Security Council will, as a matter of principle, remain in breach of international law. But such a general statement cannot be the last word. Rather, in any instance of humanitarian intervention a careful assessment will have to be made of how heavily such illegality weighs against all the circumstances of a particular concrete case, and of the efforts, if any, undertaken by the parties involved to get “as close to the law” as possible. Such analyses will influence not only the moral but also the legal judgment in such cases.⁵⁶

Table 2. A new norm of intervention authorized by the Security Council in the 1990s

Actions	NATO Air Strikes against Yugoslavia (1999)
UN Security Council Resolution	Resolution 1244 adopted on 10 June 1999 after recalling Resolutions 1160, 1199, 1203, and 1239. NATO used Resolution 1199 to advance its internal planning for air strikes.
Debate of the Security Council	The United States, Canada, and France stressed that the FRY was in violation of legal obligations imposed by Resolutions 1199 and 1203.
Outcome	The council did not adopt Russia’s draft resolution to end the use of force against the FRY.
Significance for New Norm	The first time since the founding of the UN that a group of states explicitly justified bombing another state in the name of protecting a minority within that state.
Significance for Humanitarianism	The Kosovo event proves that if a country cannot make an effective defense for its ill behavior—which will lessen its international legitimacy, even in light of the principle of sovereignty—the international community will find it difficult to avoid intervention.

With respect to NATO’s intervention in Kosovo, Simma argues that the alliance made every effort to remain “close to the law” by scrupulously following and linking its efforts to the resolutions of the Security Council and by stating that the action taken was an urgent measure to prevent a larger humanitarian crisis.⁵⁷ Therefore, humanitarian intervention was neither a customary law nor legal norm at the time of NATO’s intervention in Kosovo. Yet, the significant international support afforded to NATO in 1999 suggests that the operation was “a potential harbinger of future legality” or that “norms had clearly changed.”⁵⁸

Case study of war for people: Libya operation (2011). Recent practice reflects the international community’s success in preventing atrocities by advocating R2P (table 3). On 26 February 2011, the Security Council put its overwhelming power behind protecting the Libyan people from the murderous regime of Mu’ammar Gadhafi. Resolution 1970, adopted by a 15-0 vote, condemned the use of force against civilians; deplored the gross,

Table 3. A new norm of intervention authorized by the Security Council in 2011

Actions	Libya Operation (2011)	Libya Operation (2011)
UN Security Council Resolution	Resolution 1970, 26 February 2011	Resolution 1973, 17 March 2011
Outcome	The Security Council emphasized the Libyan authorities' responsibility to protect its population.	The Security Council authorized member states to take all necessary measures, notwithstanding paragraph 9 of Resolution 1970, to protect civilians under threat of attack in Libya.
Significance for New Norm	The first time that the Security Council used the term <i>R2P</i> to intervene by changing the language of intervention from right authority.	The first time that the Security Council authorized member states to take all necessary measures, notwithstanding paragraph 9 of Resolution 1970, to protect civilians under threat of attack in Libya.
Significance for Humanitarianism	Again, the Libya event proves that if a country cannot make an effective defense for its ill behavior—which will lessen its international legitimacy, even in light of the principle of sovereignty—the international community will find it difficult to avoid intervention	A new interpretation for the relevance of sovereignty and human rights

systematic violations of human rights; and expressed deep concern at the deaths of civilians and the incitement to hostility by the Libyan government.⁵⁹ Thus, for the first time the Security Council used the term *R2P* to intervene by changing the language of intervention from right authority.⁶⁰ On 17 March 2011, the council adopted a new resolution—1973—this time with a 10-0 vote and abstentions by Brazil, China, Germany, India, and the Russian Federation, authorizing member states to take all necessary measures (notwithstanding paragraph 9 of Resolution 1970) to protect civilians under threat of attack in Libya.⁶¹ This vote proved much more problematic because the abstentions included two permanent council members and three strong candidates for permanent membership. Again, however, the Libya event reflects a new norm: a country's failure to make an effective defense for its ill behavior will lessen that nation's international legitimacy, even in light of the principle of sovereignty.⁶²

Conclusion

Thus, we see that states do not have an unqualified right to nonintervention by other states; rather, the right is conditioned by the state's meeting its own responsibility to protect its citizens. Failure to do so opens states

to the possibility of intervention; therefore, sovereignty is contingent upon the promotion and protection of human rights and can be suspended.⁶³ R2P reveals that matters of human rights in the UN system have usually been regarded as the concern of the UN Economic and Social Council, specialized agencies, and subsidiary organs such as the Human Rights Commission. The UN Charter affirms a principle of noninterference in the domestic affairs of a sovereign state; it also offers international cooperation in promoting human rights.⁶⁴ But the charter offers no guidance regarding when sovereignty must yield to protection against violations, genocide, ethnic cleansing, and massive abuses of human rights. However, current practice regarding R2P suggests that the Security Council has begun to play an important role in issues dealing with the international protection of human rights.⁶⁵

Considered a “bottom up” approach, human security is more applicable to the security problems we face today.⁶⁶ It has become a well-used tool in policy documentation and papers referring to the commitment of governments and organizations to conflict zones and developing countries.⁶⁷ Consequently, our central claim runs contrary to the stereotype of human security’s application and practice. This article has briefly charted the evolution of humanitarian intervention from the causes of war: just war, war for state, and war for people. It shows that although the state remains the fundamental purveyor of security, it still fails to fulfill its security obligations—and that is why the international community must shift the referent of security from the state to the individual (human security).⁶⁸ Therefore, we can regard the Kosovo and Libya interventions as cases of human security winning out over sovereignty and traditional security. The article has also hinted at a normative change that recognizes human beings as subjects of international law. Further, it suggests that international relations, in some measure, were a response to the changing quality of threats to individual human beings and to the evolving quality of the relationship between the state and the individual.⁶⁹

Notes

1. Catherine Lu, *Just and Unjust Interventions in World Politics: Public and Private* (Basingstoke, England: Palgrave Macmillan, 2006), 54.

2. Mervyn Frost, “The Ethics of Humanitarian Intervention: Protecting Civilians to Make Democratic Citizenship Possible,” in *Ethics and Foreign Policy*, ed. Karen E. Smith and Margot Light

(Cambridge, UK: Cambridge University Press, 2001), 51; and Aidan Hehir, *Humanitarian Intervention: An Introduction* (Basingstoke, England: Palgrave Macmillan, 2010), 110–11.

3. Hehir, *Humanitarian Intervention*, 1.

4. S. Neil MacFarlane and Yuen Foong Khong, *Human Security and the UN: A Critical History* (Bloomington: Indiana University Press, 2006), 165–68; and Yu-tai Ts'ai, "The Emergence of Human Security: A Constructivist View," *International Journal of Peace Studies* 14, no. 2 (Autumn/Winter 2009): 15, http://www.gmu.edu/programs/icar/ijps/vol14_2/TSAI%20-%2014n2%20IJPS.pdf.

5. Kofi Annan, "Two Concepts of Sovereignty," *Economist* 352, no. 8137 (1999): 49. One can trace the development of the notion back to the Genocide Convention of 1948. In that same year, the UN General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide. For more detailed information, see Luke Glanville, "The International Community's Responsibility to Protect," *Global Responsibility to Protect* 2, no. 3 (June 2010): 287–306.

6. For a more extended discussion, see the International Coalition for the Responsibility to Protect, <http://www.responsibilitytoprotect.org/index.php/publications>, or the R2P Coalition, http://r2pcoalition.org/component/option,com_frontpage/Itemid.

7. Alex Chiang and Yu-tai Ts'ai, "A New Interpretation for the Relevance of Sovereignty and Human Rights: The Case of Responsibility to Protect," *Tamkang Journal of International Affairs* 15, no. 3 (2012): 42–43; and Glanville, "Responsibility to Protect," 287–306.

8. Yu-tai Ts'ai, "Emergence of Human Security," 19–33.

9. Gerd Oberleitner, "Human Security: A Challenge to International Law?," *Global Governance* 11, no. 2 (2005): 186, <http://www.uni-graz.at/gerd.oberleitner/OberleitnerHumanSecurityGlobalGovernance.pdf>.

10. Sabina Alkire, *A Conceptual Framework for Human Security*, Working Paper 2 (Oxford, UK: Centre for Research on Inequality, Human Security and Ethnicity, Queen Elizabeth House, University of Oxford, 2003), 10, <http://economics.ouls.ox.ac.uk/13003/1/workingpaper2.pdf>.

11. Yu-tai Ts'ai, "Emergence of Human Security," 19–33.

12. For more information, see 3P Human Security, "Policy Brief: Defining Human Security" (Washington, DC: 3P Human Security, 2011), http://3phumansecurity.org/site/images/stories/PolicyBriefs/human_security_overview.pdf.

13. United Nations Development Programme, *Human Development Report 1994* (Oxford, UK: Oxford University Press, 1994), 24–25, <http://hdr.undp.org/en/reports/global/hdr1994/chapters/>.

14. *Ibid.*, 24–33.

15. See notes 7 and 8.

16. Roland Paris, "Human Security: Paradigm Shift or Hot Air?," *International Security* 26, no. 2 (Fall 2001): 88, <http://aix1.uottawa.ca/~rparis/Paris.2001.IS.Human%20Security.pdf>.

17. The Human Security Network is a group of like-minded countries from all regions of the world that, at the level of foreign ministers, maintains a dialogue on questions pertaining to human security. It was founded in 1999 on the initiative of Canada and Norway. Members of the network include Austria, Canada, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, the Netherlands, Norway, Switzerland, Slovenia, and Thailand, with South Africa as an observer. See Hideaki Shinoda, "Human Security Initiatives of Japan," in *Facing Global Environmental Change: Environmental, Human, Energy, Food, Health and Water Security Concepts*, ed. Oswald Spring et al. (New York: Springer-Verlag, 2007); and Jürgen Dedring, "Human Security and the UN Security Council," in *Globalization and Environmental Challenges: Reconceptualizing Security in the 21st Century*, ed. Oswald Spring et al. (New York: Springer-Verlag, 2008), 605–20.

18. Kofi Annan, *In Larger Freedom: Towards Development, Security and Human Rights for All* (New York: United Nations, 2005), 5–6, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/270/78/PDF/N0527078.pdf?OpenElement>.

19. Barbara von Tigerstrom, *Human Security and International Law* (Portland, OR: Hart Publishing, 2007), 23.

20. *Ibid.*, 97; and International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Center of the International Commission on Intervention and State Sovereignty, December 2001), 12–15, <http://responsibilitytoprotect.org/ICISS%20Report.pdf>.

21. Von Tigerstrom, *Human Security and International Law*, 59.

22. *Ibid.*, 60–65.

23. Chiang and Yu-tai Ts'ai, "New Interpretation," 61–62.

24. P. O'Connell, *International Law* (London: Stevens, 1970), 106–7; and Malcolm N. Shaw, *International Law* (Cambridge, UK: Cambridge University Press, 2003), 222.

25. Julie Cassidy, "Emergence of the Individual as an International Juristic Entity: Enforcement of International Human Rights," *Deakin Law Review* 9, no. 2 (2004): 539–40; and Chiang and Yu-tai Ts'ai, "New Interpretation," 62.

26. Some conventions regard the individual as a subject of international law: American Declaration of the Rights and Duties of Man (1948), Convention for the Protection of Human Rights and Fundamental Freedoms (1950), Convention on the Elimination of All Forms of Racial Discrimination (1963), American Convention on Human Rights (1969), Convention on the Elimination of All Forms of Discrimination against Women (1979), African Charter on Human and People's Rights (1981), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), and United Nations Convention on the Rights of the Child (1989).

27. One can regard the Kosovo intervention as a case of human security winning out over sovereignty.

28. Barry Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era* (Boulder, CO: Lynne Rienner Publishers, 1991), 35.

29. Kanti Bajpai, *Human Security: Concept and Measurement*, Kroc Institute Occasional Paper, no. 9 (South Bend, IN: Joan B. Kroc Institute for International Peace Studies, 2000), 37.

30. H. J. Steiner and P. Alston, *International Human Rights in Context: Law, Politics, Morals* (Oxford, UK: Oxford University Press, 2000), 147–48.

31. Chris Brown, *Sovereignty, Rights, and Justice: International Political Theory Today* (Cambridge, UK: Polity Press, 2002), 135.

32. For more information, see Robert F. Gorman, "Introduction: Refugee Aid and Development in a Global Context," in *Refugee Aid and Development: Theory and Practice*, ed. Robert F. Gorman (Westport, CT: Greenwood Press, 1993), 1–11; Peter Macalister-Smith, *International Humanitarian Assistance: Disaster Relief Actions in International Law and Organization* (Dordrecht, Netherlands: Martinus Nijhoff, 1985), 15–18; John Prendergast, *Frontline Diplomacy: Humanitarian Aid and Conflict in Africa* (Boulder, CO: Lynne Rienner, 1996), 4–5; John J. Merriam, "Kosovo and the Law of Humanitarian Intervention," *Case Western Reserve Journal of International Law* 33, no. 1 (2001): 111–54; and Steve G. Simon, "The Contemporary Legality of Unilateral Humanitarian Intervention," *California Western International Law Journal* 24 (1993): 117–53.

33. Paul Christopher, *The Ethics of War and Peace: An Introduction to Legal and Moral Issues*, 2nd ed. (Upper Saddle River, NJ: Pearson Education, 1999), 37.

34. Virgil Hawkins, *The Silence of the UN Security Council: Conflict and Peace Enforcement in the 1990s* (Firenze, Italy: European Press Academic Publishing, 2004), 98–99. *Jus ad bellum* pertains to governing the resort to force and *jus in bello* has to do with governing conduct during war.

35. Joseph Boyle, “Traditional Just War Theory and Humanitarian Intervention,” in *Humanitarian Intervention*, ed. Terry Nardin and Melissa S. Williams (New York: New York University Press, 2006), 31–38.

36. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), 90–100.

37. Anthony Coates, “Humanitarian Intervention: A Conflict of Traditions,” in Nardin and Williams, *Humanitarian Intervention*, 62–71.

38. Grotius’s criteria for a just war were self-defense, the punishment of wrongdoers, the enforcement of legal rights, reparation of injuries, and situations without any possibility of valid arbitration. Hehir, *Humanitarian Intervention*, 31. See also Eileen P. Flynn, *How Just Is the War on Terror? A Question of Morality* (New York: Paulist Press, 2007), 12; and Larry May, Eric Rovie, and Steve Vine, eds., *The Morality of War* (Upper Saddle River, NJ: Pearson, 2005), 77.

39. Hehir, *Humanitarian Intervention*, 31–32; and M. Evans, *Just War Theory: A Reappraisal* (Edinburgh: Edinburgh University Press, 2005), 4.

40. John J. Mearsheimer, “The False Promise of International Institutions,” *International Security* 19, no. 3 (1994/1995): 5–49.

41. Hehir, *Humanitarian Intervention*, 61.

42. Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace*, 6th ed. (New York: McGraw-Hill, 1985), 9.

43. Nicholas J. Wheeler, “Introduction: The Political and Moral Limits of Western Military Intervention to Protect Civilians in Danger,” in *Dimensions of Western Military Intervention*, ed. Colin McInnes and Nicholas J. Wheeler (London: Frank Cass, 2002), 10.

44. *Ibid.*, 11.

45. For example, regarding the US intervention in Somalia in 1992, people have demonstrated a pronounced unwillingness to accept a military operation when national interests are not involved. David Hendrickson, “In Defense of Realism: A Commentary on Just and Unjust Wars,” *Ethics and International Affairs* 11 (1997): 19–55.

46. Joseph S. Nye, *Understanding International Conflicts: An Introduction to Theory and History* (New York: Longman, 2007), 157–58.

47. Martha Finnemore, “Constructing Norms of Humanitarian Intervention,” in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter Katzenstein (New York: Columbia University Press), 153–85.

48. “An Introduction to the Responsibility to Protect,” International Coalition for the Responsibility to Protect, accessed 7 January 2013, <http://www.responsibilitytoprotect.org/index.php/about-rtop/learn-about-rtop>.

49. Chiang and Yu-tai Ts’ai, “New Interpretation,” 49.

50. See Security Council Resolution 1160.

51. See Security Council Resolution 1203, par. 9.

52. See Security Council Resolution 1244.

53. Nicholas J. Wheeler, “The Humanitarian Responsibilities of Sovereignty: Explaining the Development of a New Norm of Military Intervention for Humanitarian Purposes in Inter-

national Society,” in *Humanitarian Intervention and International Relations*, ed. Jennifer M. Welsh (Oxford, UK: Oxford University Press, 2003), 41–45.

54. Jun Matsukuma, “Emerging Norms of the Responsibility to Protect,” *Seinan Law Review* 38, no. 2 (2005): 106–18, <http://www.seinan-gu.ac.jp/jura/home04/pdf/3802/3802matsukuma.pdf>; and Thomas M. Franck, “Interpretation and Change in the Law of Humanitarian Intervention,” in *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, ed. J. L. Holzgrefe and Robert O. Keohane (Cambridge, UK: Cambridge University Press, 2003), 226.

55. Wheeler, “Humanitarian Responsibilities of Sovereignty,” 41–47.

56. Bruno Simma, “NATO, the UN and the Use of Force: Legal Aspects,” *European Journal of International Law* 10, no. 1 (1999): 6, <http://ejil.oxfordjournals.org/content/10/1/1.full.pdf>.

57. Ibid. See also A. P. V. Rogers, “Humanitarian Intervention and International Law,” *Harvard Journal of Law and Public Policy* 27 (2004): 725–36.

58. Hehir, *Humanitarian Intervention*, 93; N. Rodley and B. Cah, “Kosovo Revisited: Humanitarian Intervention on the Fault Lines of International Law,” *Human Rights Law Review* 7, no. 2 (2007): 278; and Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford, UK: Oxford University Press, 2000), 286.

59. See Security Council Resolution 1970.

60. Chiang and Yu-tai Ts’ai, “New Interpretation,” 59.

61. These measures include demanding an immediate cease-fire, ending violence and all attacks, creating a no-fly zone over Libya, authorizing all necessary means to protect civilians and civilian-populated areas, strengthening the arms embargo, imposing a freeze on assets owned by the Libyan authorities, and establishing a panel of experts to monitor and promote the implementation of sanctions. See Security Council Resolutions 1970 and 1973.

62. Chiang and Yu-tai Ts’ai, “New Interpretation,” 58–59.

63. Aidan Hehir, *Humanitarian Intervention after Kosovo: Iraq, Darfur and the Record of Global Civil Society* (New York: Palgrave Macmillan, 2008), 48–52.

64. See Charter of the United Nations, art. 2.7, preamble.

65. Matsukuma, “Emerging Norms,” 106–18.

66. This so-called bottom up (“people-centric”) approach implies a redirection of traditional security policies. Monica den Boer and Jaap de Wilde, eds., *The Viability of Human Security* (Amsterdam: Amsterdam University Press, 2008), 11.

67. Oliver P. Richmond, “Western Intellectual Roots of Human Security,” in *Human Security in East Asia*, ed. Sorpong Peou (London: Routledge, 2009), 39.

68. Commission on Human Security, *Human Security Now* (New York: Commission on Human Security, 2003), 2, <http://reliefweb.int/sites/reliefweb.int/files/resources/91BAEEDBA50C6907C1256D19006A9353-chs-security-may03.pdf>.

69. Yu-tai Ts’ai, “The Study of Diffusion and Practice of International Norms through the ‘Human Security’: The Case of ‘Responsibility to Protect,’” *Asian Social Science* 6, no. 2 (February 2010): 18, <http://ccsenet.org/journal/index.php/ass/article/view/5033/4172>.