

III UN AUTHORISED HUMANITARIAN INTERVENTION

- (i) There are occasions when a state commits such serious humanitarian abuses within its territory that it is in contravention of its international human rights obligations. While the point at which human rights violations committed within a state create a legitimate international interest is debatable, the crime of genocide because of its status as *jus cogens* is agreed by the majority of international lawyers to be a sufficient cause to justify the international community taking action.⁴
- (ii) The balance between the sovereignty of nations and the international obligation to protect human rights had shifted in the favour of human rights since Article 2(7) was included in the *UN Charter* in 1945. The Charter was itself during this period a significant instrument in strengthening human rights law and in initiating the declarations which led to the genocide declarations.
- (iii) Formal statements today frequently reflect ambiguity concerning the right of humanitarian intervention. An example is a statement by the Foreign and Commonwealth Office in 1986 that 'the best case that can be made in support of humanitarian intervention is that it cannot be said to be unambiguously illegal'.
- (iv) Two recent situations however have had a major influence on the development of the doctrine of humanitarian intervention. The first was Bosnia and its increasing impact on opinion throughout the mid-to-late 1990s. The second was Rwanda which put in stark relief both the ineffectiveness of the Genocide Convention and the shortcoming of the UN system; it had a strong impact on international opinion and on the development of international criminal law through the jurisdiction of the Rwanda Tribunal.