

II SELF DEFENCE AND THE PROTECTION OF NATIONALS

- (i) State A has the right the right to expect its citizens to be protected within the territory of State B, which is itself under an obligation to protect foreign citizens on its soil. If that obligation is not met, State A may intervene to defend its own people.³
- (ii) State A's intervention is only legitimate if it is limited in its objective to the evacuation of its citizens and limited in duration and the degree of force used to that required to carry out the military operation effectively. This is in accord with the twin pillars of legitimate self-defence, namely necessity and proportionality. Arguably, if these conditions are met, the intervention is not fundamentally a threat to the territorial integrity or political independence of State B.
- (iii) There is increasing state practice and opinion to support the developing legitimacy of such operations. In modern military parlance these are known as 'Non-Combatant Evacuation Operations', or NEOs. Some of these will be carried out with the consent of the state concerned, as was the case when British forces entered Sierra Leone to evacuate UK nationals in 2000. At other times the military requirement for surprise, coupled with a general disintegration of effective authority within a state, may make it necessary not to consult with the state authorities (who in circumstances of civil discord verging on civil war, may not be easy to identify in any case).