

Class: B.A.LL.B. 6th Semester
Subject Name: Public International Law
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INTRODUCTION: - Intervention in fact principally prohibited under the provisions of International Law. According to International Law no state has the right to intervene in the affairs of another state for the purpose of maintaining or altering the actual condition of thing. All members shall refrain in their international relations from the threat or use of force, against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the United Nations. So in this way when any state interferes in the internal and external affairs of other state, then as per International Law, it becomes a matter of intervention.

DEFINITION OF INTERVENTION: - In simple words intervention means to interfere directly or indirectly by one or more states in the internal or external affairs of another state.

Prof.L.Oppenheim : “Intervention is dictatorial interference by a state in the affairs of another state or the purpose of maintaining or altering the actual condition of things. Interference pure and simple is no intervention.”

Hans Kelson pointed out that, “International Law does not prohibit intervention in all circumstances. He further says that when one state intervenes in the affairs of another state through force, then as a reaction against this violation International Law permits intervention.”

TYPES OF INTERVENTIONS:- It can be accessed from the above view of different Jurists regarding types of intervention that there are so many types of Interventions. However some of them are as under:-

1. Military interference: It is done with military force.
2. Political Interference: is done by giving threatening information.

3. Dictatorial Interference: Is done in threatening tone.
4. Interference without right: It is done without any purpose & right.
5. Internal Interference: is done in interfering in the internal affairs.
6. External Interference: It is also done in interfering in external affairs.
7. Penal Intervention;
8. Subversive Intervention: is done by another state through exciting the people against the state.
9. Economic Intervention: is done by creating obstacles in the trade.

BASES OF INTERVENTION: - It is very much pertinent to mention here that what is the basis of doing of intervention and what type of interventions are valid under UNO Charter. However the following have been considered as the main basis of intervention:-

- i. On the basis of self defence
- ii) On the basis of humanity
- iii) for application of treaty rights
- iv) to stop illegal intervention
- v) to maintain balance of power
- vi) to protect individuals and their property
- vii) collective intervention
- viii) to protect International Law
- ix) at the time internal war.

All above basis of intervention have been recognised by the UNO except the followings :-

- i) for application of treaty rights.
- ii) to stop illegal intervention
- iii) to maintain balance of power
- IV) to protect individuals and their property.
- V) to protect International Law.

Despite all these the following types of intervention are in use and recognised:-

- i) **Intervention for self defence and self protection:** - Self defence and self protection is main traditional basis of intervention. The intervention for self defence is rather limited as compared to that self

protection. **Oppenheim says that** the use of power of intervention should have been made when it becomes necessary for self protection.”

A famous case, The Caroline-1841: In this case Mr. Webster declared that the necessity of self defence should be instant overwhelming and leaving no choice of means and no moment for deliberation. **Art. 51** of UN Charter provide that the right of intervention is still available. Under this the state has the right to individual and collectively protection. But this right is available only when: -

1. There has been attack on any state.
2. No step has been taken by the Security Council for international peace and security.

1. Intervention on the basis of humanity:- Every person on this earth has a right to live with human dignity. The state cannot devoid her of this right. If the state behaves her citizens with cruelty then it is violation of International Law of human rights. The action for intervention by UNO can be taken only in case when the degree of violation of human rights is such that it created danger for maintenance of International peace and security. The best example of such intervention is by UNO in 1991 in Iraq for the protection of Kurds.

2. Collective Intervention:- In Chapter 7 of UNO Charter the Security Council is empowered to take action of collective intervention. The collective intervention means just and legal base of Modern times. UNO can intervene for maintenance of world peace and security and to stop or avoid attack on the following conditions:-

i) When there is actual danger or possibility of danger for international peace and security.

ii) Actual attack has been made by the concerned state.

The use of such right was made by UNO in Korea in 1950, Kongo in 1961 and Iraq in 1991.

3. Intervention in case of internal war:- When in any state there is possibilities of Internal war, the intervention is considered as legal and

just basis because there are strong apprehensions of breach of International peace. Under this situation the Security Council can decision to take collective action under Chapter 7 of UNO Charter. **The action taken by UNO in 1961 in Kango is the best example of intervention. This action was taken to stop internal war.**

CONCLUSION: - It is absolutely fact that every state is entitled to manage willingly her own internal and external affairs and does not like interfere of another state. Similarly it is also the duty of the other state not to interfere in the internal and external affairs of any state. International Law also like this. The main motto of the Security Council is maintaining peace in all the member states.

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