Introduction
This study attempts to locate humanitarian intervention in international relations within the context of the Just War Theory. The work has been undertaken in order to analyze whether a normative paradigm like the Just War Theory informs humanitarian intervention decision making and, if so, to what extent. In order to test the strength of the Theory in explaining and judging occurrences of humanitarian intervention in the real world, the study also engages in a comparative case study of East Pakistan and Kosovo.

Rationale:
The researcher has undertaken this particular study primarily because of an interest in the ethics of war and humanitarian intervention. Humanitarian intervention involves the crossing of state borders that violate the twin principles of sovereignty and territorial integrity, which international law as well as the United Nations Charter duly protects. The motive of such an undertaking is to avert human rights violations that might be taking place within a state and demands international action. In this context, the researcher is keen to analyze whether the Just War paradigm offers not only legitimacy, but also policy guidance in carrying out humanitarian interventions on the ground. The post cold war period witnessed a marked rise in humanitarian political interventions as international organizations, states and non-state actors sought to respond to humanitarian emergencies.

The comparative case study method that studies East Pakistan and Kosovo, focuses on the political decisions of actors involved in the policy making process of the intervening state or organisation, as well as the target state. Given that, the chief purpose throughout the study is to establish the proposition that normative paradigms do inform states’ policy choices in course of any humanitarian intervention in the real world. The researcher aims to arrive at this particular position by knitting together various stated official positions, which fall within the Just War categories, during the Indian intervention in East Pakistan and NATO’s intervention in Kosovo. This exercise would also enable the researcher to test the explanatory power of the Just War theory.
The Just War Theory:
The concept of Just War was first mentioned in Homer’s *Iliad* that narrates incidences that occurred during the final year of the epic Trojan War. The Greek hero, Achilles, after killing Hector, son of the Trojan King, Priam carried his body back to the Greek tents. Yet during the night, Priam visited Achilles’ tent in order to plead for his son’s body, so that he could carry out the last rites. Achilles, moved by the aged king’s suffering, agreed to give the body of Hector and in course of the conversation between him and Priam said, “Thy son, old sire is given back as thou wouldest and lieth on a bier, and with the break of day thou shalt see him thy, self as thou carriest him. Thou shalt mourn over thy son as thou carriest him to Illios, and many tears shall be his due, as justly thy action in a Just War”. Though the seeds of Just War thought were shown here, any serious attempt at conceptualizing the idea into concrete theoretical principles was made in the 4th century A.D. by Saint Augustine. Moved by the brutalities committed by the Greeks during the siege of Rome in 410 A.D, he resorted to writing on the principles of a Just War, where certain rules and values were to be followed by Christians and non-Christians alike, in any act of war. He wrote that the act of killing in order to fend off enemies of one’s state, or to save fellow human beings from suffering at the hands of a brutal enemy was necessary, but was to be carried out within certain norms of war behaviour. Other thinkers besides him, like St.Thomas Aquinas, Grotius, Vattel, Paul Ramsey and Michael Walzer, in one way or another, codified thinking on Just War through the ages, and succeeded in establishing, not only a coherent body of Just War thinking, but also certain postulates that limited extremities in war. The first chapter of this study traces the trajectory of Just War thought and its relevance to humanitarian intervention policy.

In brief, Just Wars are limited wars in which ‘the act of killing’ is not without limits, but within certain rules of warfare. The focus of a Just War is on justice (*justum bellum*) in any act of war. This is why it is important to limit the actions in war, as well as have justifiable causes that exhibit certain elements of nobility. The Just War Theory has

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1 Homer, *Iliad* (London: Wordsworth Classic, 1995), p. 346. The Iliad is a story of a war in which heroism and compassion rose above the sinister futility of the destructive power of conflict, to the glory of the valiant human spirit of the heroic and often tragic Mycenaean age.

2 Saint Augustine, *City of God* (Book XII).
evolved two streams of thought in judging the act of war. These are the *jus ad bellum* (recourse to war) and the *jus in bello* (conduct in war).

The *jus ad bellum* (recourse to war) has six principles. They are:

1. **Just Cause:** Any recourse to war must be buttressed by a cause that is justifiable and not espousing any selfish interest of a state or an individual. The Just War Theory recognizes two reasons as cause enough to go to war by a state or an international organization. These two causes are:
   
i) Self Defence.
   
ii) Protection of human rights.

2. **War is declared by a Competent Authority:** The right to declare war lies in a state or an international organization. This right is not available to any individual, unless such an authority is reposed on him by a state or an organization of international stature.

3. **Right Intention:** The declaration of a war must be motivated by the two reasons cited in the Just Cause criteria. There must not be any hidden intent of self-aggrandizement by a state, or an international organization, in war.

4. **Force must be the Last Resort:** While considering war or intervention in a state, the intervening state must exhaust other means that could right the wrong that is taking place within the target state. That includes diplomacy, sanctions, be it economic or military, and the threat to use force. Only when such engagements do not bring about the desired result, should the decision to war be undertaken. To put it succinctly, any decision to war cannot be abrupt as it involves the taking of lives. A process of innovative maneuver in which the target state is given a chance to undo its disruptive policies, must be invoked.

5. **Proportionality of Ends:** The end result of war must bring about some positive results in the target state. It should not be the case that the war or intervention leaves the target state worse off, than it was, before the war.
(6) Probability of Success: The intervening state must be sure of success when it has taken the decision to use force for self defense or undoing human rights abuses. Any failure could be fatal.

The second aspect of the Just War Theory, which is equally important, is *jus in bello* (conduct in war). It has two criteria. They are:

(1) **Proportionality of Means:** The means employed in war or intervention must not be such that it negates the good that the war or intervention brought about in the target state.

(2) **Discrimination and Non-Combatant Immunity:** War is always between declared armies, air-force and navy of states concerned. Citizens, who are not combatants in war, must be not be targeted. Civilian areas within the target state must also be avoided, not only by the armies, but also by the air force of the intervening state. It may be noted that the air force has come to occupy an important place in warfare today.

This research will attempt to study the connecting link between the Just War Theory and humanitarian intervention in contemporary times. Before explaining why these two concepts have been interlinked, it is pertinent to refer to the concept of humanitarian intervention, which has come to occupy an important place in international relations.

**Humanitarian Intervention:**

The concept of humanitarian intervention espoused by none other than Saint Augustine, has come to occupy an important place in international relations thinking for the last decade or so, mostly due to the phenomenal rise in the culture of human rights and human freedom. The end of the cold war also made theorists and policy makers investigate its abrupt end, especially with regard to the internal affairs of the Soviet Union. Most of them concluded that this sudden breakdown of the Soviet system came about due to the lack of a human rights culture within it. The end of the balance of power system between the US and the USSR at the systemic level also enabled international organizations (IO) and non governmental organizations (NGOs) to shift the focus of
world politics from the concept of realpolitik, which regards states as the most important actors, to humanitarian issues, notwithstanding the continuing importance of states in dealing with them. This normative shift, especially in the post cold war period, brought about an intense focus on issues of humanitarian concern, that have always been part of the arguments of Just War thinkers though the ages. Along with that line of thinking, humanitarian intervention as a state activity started entering policy debates at both the national and international level. But what exactly is humanitarian intervention?

The concept, humanitarian intervention, in international relations consists of two words, ‘humanitarian’ and ‘intervention’. The word ‘humanitarian’ originates from the word ‘humane’ which according to the Oxford English Dictionary means ‘showing concern and kindness towards others’. Humanitarian in itself means ‘someone who helps people who live in very bad conditions or receive unfair treatment’. The word intervention is a sequel to the word ‘intervene’ that implies the act of ‘becoming involved in a situation in order to stop or change it’. Intervention, to be precise, means the act of intervening to improve or control a situation. Analyzed in the light of the above statements, humanitarian intervention is a noble act that states undertake, because they are concerned about the sorry state of affairs that citizens of another state might be undergoing due to various reasons. In international relations, humanitarian intervention denotes more or less the same attributes, which the meaning of the words depicts. It is an activity that is premised on the idea that human dignity, which is undermined by the repressive action of a state or any other group, has to be redressed by international action involving the use of force.

In the domain of international relations, John Vincent defines intervention “as an activity undertaken by a state, a group within a state, a group of states or an international organization, which interferes coercively in the domestic affairs of another state.”

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define humanitarian intervention as a forcible action without the prior invitation or the consent of the target state's government for the specific purpose of protecting fundamental human rights.⁶

During the cold war, the interplay of power politics had a strong influence on state behaviour. As a result, states and international organizations, whose membership was dominated by states, hesitated to intervene in internal crisis, solely on the ground that every region of the world was entangled with superpower politics, and any act of intervention could trigger off a major war. The Vietnam War of the late 1960s and early 1970s that involved both the US and the USSR, gave enough evidence of the direction intervention in internal affairs of another state could take, for both the intervening state and the target state. The US had to leave Vietnam, not only because it was failing to control an embroiling situation within Vietnam, but also due to the loss of American soldiers' lives and financial burden that a prolonged war was proving to be.

The 'power and interest' criteria of realism also influence states' decision to respond to a humanitarian crisis.⁷ States arguably intervene in situations where certain self interests, that meet their national agenda, are at stake. Given the overpowering influence of domestic factors in foreign policy of a state, the policy makers involved in taking decisions to intervene are naturally influenced by factors that enhance their own state's national interest. They have to cater to domestic public opinion, and the actors involved in implementing decisions to intervene, are men and women of the defense establishment of states, who from a very young age are taught to think in terms of national interest. As such, these men and women have certain interests in mind that affect the country they serve more, besides the value of 'humanitarianism', for which they might be laying down their lives in another state. In fact, national interest, coupled with humanitarian motives, adds teeth to an intervention aimed at saving lives in another state. Chapter II of this


study, that analyses the Indian intervention in East Pakistan, explains the beneficial effects of an intervention, where the stakes for national interest of the intervening state are quite high, in its use of force.

**The Linkage Between Just War Theory and Humanitarian Intervention:**
The act of intervention in the internal affairs of another state is not new, but it has taken on a greater urgency in recent years after the end of the cold war. The increase in international awareness about human rights abuses across the world, especially after the advent of the internet and information revolution, have changed the way people respond to crisis across their borders. The 'CNN effect', as seen in the Somalia case of 1993, where cable television channels showed pictures of bloody clan warfare within Somalia, could generate public pressure that the US policy makers could hardly ignore and hence, they intervened in Somalia. But then, humanitarian intervention for all its noble virtues is problematic, when one looks at it through the prism of international law. The UN Charter, formulated as it was in the immediate years after the end of World War II, left its mark on the allied powers that conceptualized the idea of the UN. These powers were determined to make 'the use of force' and the 'crossing of borders' absolutely difficult for any state in the near future. Articles 2(4) and 2(7) categorically points out that no member states of the UN have the right to threaten with the 'use of force' the sovereignty and territorial integrity of another state. It is also argued in international relations circles till date, that the concept of humanitarian intervention is best left ambiguous, and not given the stature of an international law, as that could lead to its misuse. Great Powers, in the absence of a higher regulating authority in an anarchic international environment, under the guise of humanitarian intervention, could invade weaker states, in order to extend their sphere of influence. This had been the case during the cold war. Both the US and USSR tried to exert their power in Asia and Europe alike, by creating pockets of strategic influence. While the US dominated countries of Western Europe, the USSR succeeded in maintaining its hold over countries of Eastern Europe. In 1979, South Asia witnessed Great Power politics when the US and the USSR fought each other in the region, over Afghanistan.
With the end of the cold war, a new phase started in the evolution of the international humanitarian system. The post cold war period witnessed an increase in intra-state warfare that demanded outside intervention, in order to save lives. It also created the space for third party intervention as the fear that any intervention would end up in an all out war between two power blocs, was removed from the structure of the international system. It was, however, realized that in the absence of regulations, humanitarian intervention undertaken across the globe acted without any internationally accepted guidelines, and without accountability on the part of the countries, which intervene, outside of the UN mandate. It was recognised then that the Just War Theory provided certain criteria that could act as a guide, especially with regard to unilateral interventions, and that, it also offered certain norms to judge the nature of any particular intervention. The crossing of borders without the UN mandate is in most cases looked upon as a violation of international law. Humanitarian intervention naturally involves the crossing of borders, if lives are to be saved, and the criteria of Just War Theory provide a kind of legitimacy to any intervention.\(^8\) Just War theorist, Paul Ramsey also indicated, “Military intervention in the cause of justice is among the rights and duties of states unless and until supplanted by a superior government”.\(^9\)

To put it briefly, Just War Theory is not a single theory, but rather a broad tradition of ethical reflection on organized violence and ways to prevent it. Moreover, the idea of humanitarian intervention flows, not from power and interest, but from responsibility. Hence, the Just War Theory as laid down by Saint Augustine advocates wars for the sake of justice, and not for power gains, and it holds relevance in judging present day humanitarian intervention that are mostly undertaken to undo human rights violations.

\(^8\) Protocol I, of the 1977, Additional to the Geneva Conventions of 1949 deals with the ‘wars of liberation’ declaring that Common Article 2 of the Geneva Conventions of 1949 includes ‘armed conflicts in which people are fighting against colonial domination and alien occupation and racist regimes in the exercise of their right to self determination’. Intervention in support of such movements of self-determination are justified but must be guided by certain norms.

The Cases of East Pakistan and Kosovo:

This research analyses the cases of Indian intervention in East Pakistan and NATO's intervention in Kosovo primarily because both these interventions are controversial with regard to their unilateral nature. In both cases, the UN was by-passed. Had the UN been the authority to sanction the interventions, and then there could have been an acceptance, with regard to their legality in international law. In both cases, the decision to intervene was taken by a single state or a regional grouping, which is not endorsed in the UN Charter. Both cases involved the crossing of state borders that violated the concept of sovereignty and territorial integrity. The researcher squarely places both cases within the Just War norm in order to critically analyze whether such normative paradigms possesses the ability to legitimize acts that might have other motives and intents, besides humanitarianism, in their decision to intervene. Both cases offer inferences that indicate the intricate balancing of both national interest concerns of the intervening state, as well as the worsening human rights conditions in the target state. The researcher, in course of the study, hopes to establish that, when it comes to decisions to use force in such political volatile situations as humanitarian interventions, there is the possibility that it could be partly motivated by humanitarian concerns. In such circumstances, Just War Theory offers a 'covering law' to guide actions to policy makers. In fact, it is also interesting to note here that the Just War theorists did not condemn the East Pakistan case, where certain national interests and power calculations by India were thought to motivate its intervention. It is pertinent according to the theory, to concentrate on the end result, and establish whether the intervention improves the human rights conditions in the target state. The Indian intervention in East Pakistan was not solely motivated by humanitarian concerns for the East Pakistani refugees. An opportunity to undermine Pakistan's stature in the region must have informed the calculations of the decision makers at New Delhi. But the post conflict situation in East Pakistan brought about representative democracy and better human rights conditions for the citizens. Thus, it is justifiable within the Just War Theory.

10 See Strobe Talbot, Engaging India: Democracy, Diplomacy and the Bomb (New Delhi: Viking, 2004), p. 11. Talbot argues that the 1971 crisis in East Pakistan was an opportunity seized by India to weaken its enemy, Pakistan and it overtly helped in bringing about the breakup of Pakistan.
It must also be noted that the East Pakistan case occurred during the cold war period when the structure of the international system was bi-polar. There was a danger that a regional conflict could invoke the super powers into intervening in the region, and it almost happened in the East Pakistan case. The US had used gunboat diplomacy when President Nixon sent the USS Enterprise into the Bay of Bengal.\(^\text{11}\) Despite that, the tilt of the USSR towards India saw a smooth transition of East Pakistan into a newly independent state of Bangladesh. Surprisingly, as seen in Chapter II of this study, the East Pakistan case qualifies as 'just' according to the Just War norms, more so, than the Kosovo case. Just War theorists proclaim this case as one of the finest examples of humanitarian intervention, though the normative parameters that might have influenced the Indian intervention, did not gain wide acceptance in the 1970s, as international order was dominated by the twin concepts of sovereignty and territorial integrity.\(^\text{12}\) Notwithstanding that, the Indian intervention could be justified in Just War terms as a case of humanitarian intervention in the present day discourse on the subject.

The Kosovo intervention took place at a time when there occurred a definite normative shift in international relations. With the collapse of the Soviet Union, the absolute focus on state security, and on means to further it took a back seat for some time, if not, for ever. The information revolution and the Internet also opened up vistas for the man on the street to gather information beyond the traditional channels. Kosovo offered an excellent empirical study for the Just War Theory. It was for the first time that NATO, a collective defense organisation, intervened into another state, with the stated objective of salvaging human rights violations of the Kosovar Albanians. Chapter III of this study analyses Kosovo in detail. The theory, with its fixed criteria for judging acts of war that transcends the limits of space and time and ascertains certain generalizations about humanitarian intervention, helped understand if this shift in international structure was more apparent than real, and whether Kosovo was a better example than East Pakistan. While comparing

\(^{11}\) Ibid, p.12.
the East Pakistan and Kosovo case in Chapter IV, it is established that the latter fails to a greater extent than East Pakistan, in qualifying under Just War terms.

The Ground for Comparison:
A comparative Study is always better for social science research as it enables a researcher to establish the validity and strength of a theory beyond time and space, in analyzing, explaining and predicting social science occurrences, whenever and wherever they occur. The act of comparison also helps in changing the particular to the general and in the process, enables the findings of particular phenomenon under study to gain wider acceptance.

Both East Pakistan and Kosovo offer strong grounds for comparison. Both interventions are unilateral interventions undertaken without UN sanction. Both cases are controversial as they involve the interplay of mixed motives, more reason for a normative paradigm like Just War Theory to be invoked. Humanitarian intervention must be informed, not only by hard-core calculations of realpolitik, but reflect the liberal ethos of saving strangers from state violence. Both cases are unique as they were the first of their kind in their eras, the East Pakistan intervention during the cold war period and NATO's intervention in Kosovo in the post cold war period, when the notion of 'human rights' was cited by representatives of India and NATO in the United Nations Security Council (UNSC), as one among the many justifications for the intervention. It could be argued that these two cases set a precedent for later cases of humanitarian interventions. Hence, the validity in judging them in Just War terms. Kosovo had more salience in Just War norms as during the course of the intervention, the NATO policy makers explicitly referred to the Just War principles as guiding action on the ground. That, however, did not undermine the East Pakistan case because concepts such as human rights and Just War had not gained credence during the cold war period. Hence, the Indian policy makers probably realised that to legitimize their intervention in the international sphere; it would be safer to invoke the norm of self-defense under Article. 51 of the UN Charter, as that
would make their case legally stronger. The Indian representative in the UN also called attention to the human rights section of the UN Charter.\(^{13}\)

The comparative method also enables the researcher to establish the ability of the Just War Theory to explain almost all inferences in both cases, as well as leave room for certain others, that cannot be set aside as 'outliers'. These 'so called' outliers are consequently significant for a reasonably sound understanding of the phenomenon of humanitarian intervention.

**Literature Review:**

There is a growing literature on Just War Theory and humanitarian intervention, especially published during the post cold war period with an increased focus on concepts like human security. In carrying forth this particular study, the researcher time and again, referred to the following books and articles, which proved crucial in understanding the concept of just war. The literature review is organised thematically.

**Just War Theory:**

Paul Ramsey's *War and the Christian Conscience* and *The Just War* \(^{14}\) are essentially credited with encapsulating Just War thought in the 20\(^{th}\) century. He argues that if oppressions are taking place in a state's neighbourhood, and the state has the ability to stop it with the use of force, then it must do so. Ramsey, however, is particularly concerned about the *jus in bello* criteria of discrimination and non combatant immunity. His chief worry is that nuclear weapons with the capability to wipe out an entire population with a single strike discredit any attempts at discrimination between combatants and non-combatants. In his analysis, the principle of discrimination has normative priority. Interestingly, Ramsey, who argues for UN sanctioned interventions, endorses unilateral interventions when multilateral institutions like the UN fail to stop human rights abuse within a state. Hannah Arendt's *On Violence* \(^{15}\), however, is sceptical about the ability of the Just War Theory to limit war behaviour. The author insists that

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\(^{13}\) The Indian intervention in East Pakistan has been thoroughly discussed in Chapter II of this study.


\(^{15}\) London: Allen Lane, 1970.
violence stems from very fundamental reasons that exist in a particular society, and in the process, as passions run high, it might be difficult to limit human behaviour in the course of battle. As violence terminology itself exhibits human qualities that are very different from those that exist in the normal course of life, it may require more than a normative paradigm like the Just War Theory to control war action.

Lupis De and Ingrid Detter express firm belief in the existence of certain rules to guide war behaviour in *The Law of War*. They deal quite extensively with Just War thought and recognize the human faculty of reason, and its ability to limit man’s behaviour, despite the violent nature of war. Fernando R. Teson’s *Humanitarian Intervention: An Inquiry into Law and Morality* suggests that the thread, which connects international law to humanitarian intervention, must be derived from a comprehensive theory of moral philosophy. Teson feels such an endeavour would help remove the ambiguities present in international law, dealing with the use of force. According to him, the principle of state sovereignty would automatically mean the protection of individuals of a state from aggression by other states. Yet the author points out that, when states commit human rights abuses against its own people, the basis upon which its sovereignty rests crumbles. Consequently, Teson argues that international law permits “the proportionate transboundary help, including forcible help, provided by governments to individuals in another state, who are being denied basic human rights and who themselves would be rationally willing to revolt against their oppressive government”.

D.P. Lackey’s *The Ethics of War and Peace* is a historical narrative on the ethics of war. The author critiques the criterion of discrimination, which might not work in instances, where civilians are involved in direct conscious cooperation with the combatants. In such circumstances, the enemy soldier cannot help, but kill them. He also draws attention to the concept of ‘double effect’ in Christian thought that overlooks the killing of civilians, when they come in the line of attack between two armies.

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Michael Walzer's seminal work, Just and Unjust Wars: A Moral Argument with Historical Illustrations deals primarily with the historical trajectory and significance of moral judgments on acts of war. Written during the years of the US war in Vietnam, this book focuses on J.S. Mill's argument on non-intervention. Walzer argues that any self-determination movement must be fuelled by support from within the population that demands it. Third party intervention must be the last resort, and a response to cases of supreme humanitarian emergency. The book also indicates that though Just Wars are limited wars governed by a set of rules, under conditions of military necessity, certain conducts that override the Just War norms are warranted. He also points out that to expect a singular motive in a state's decision to intervene is a political illusion. Mixed motives are a part of statecraft, and will always inform any state's decision to cross borders. Like Walzer, Jean Bethke Elshtain in Just War Theory brings home the fact that the Just War Theory is an alternative to the realist understanding of war. She argues that Just War touches both the deontological and consequentialist poles of moral reasoning, and squarely refuses to fit into the realist-idealist dichotomy. According to her, it appears nearly impossible to sustain a debate over war, peace and the use and abuse of violence, without recourse to categories lodged within or emerging from the Just War tradition.

A.J. Coates's Ethics of War dwells on the historical roots of the Just War Theory. The author weaves in the concept of 'justness' in almost all his arguments on the subject. He criticises Walzer's interpretation of Just War Theory, and the latter's apparent willingness to sacrifice a fundamental just war norm like non combatant immunity to military necessity, as well as the latter's pre-occupation with sovereignty and territorial integrity. In reply to criticisms by realist that concepts like Just War are mainly for the utility of powerful states to camouflage basic national interest agenda, he states that the Just War tradition has emerged prior to the origin of the sovereign state-system and thus, this criticism is not valid. He, however, admits the tendency of certain contemporary versions of Just War to endorse the status quo.

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Michael Ignatieff’s *The Warrior’s Honour: Ethnic War and the Moral Conscience* \(^{22}\) examines the ethics of war and its ability to regulate war behaviour, despite trying times. Being a liberal by affiliation, the author believes that human beings exhibit values of compassion and honour in war. However, despite being sympathetic to humanitarian interventions, Ignatieff questions the present day ‘traces of imperial arrogance’ that led the US to believe that it could stop long time clan warfare in Somalia within a few months, without following any norms of warfare. Having written the book just before the Kosovo war, Ignatieff is concerned about the failure of liberal interventionism to undo human sufferings, be it in Somalia, Rwanda, Congo or Iraq. Despite that, he remains committed to the concept of international rescue. Differing from the earlier books is James Turner Johnson in *Morality and Contemporary Warfare*. \(^{23}\) He defends the interplay of national interest and justice involved in a state’s decision to act. He suggests that demands of justice and order, national interest or of the international common good guide state action when it intervenes.

Karma Nabulsi’s authoritative book *Traditions of War: Occupation, Resistance and the Law* \(^{24}\) is a critical analysis of three contending philosophies of war, Grotian, Republican, and Martial. The author is concerned about the realist’s assumption that all states are identical units, without getting into any sociological influences and individual differences. The problem with realism, he states, is that it has a very crude idea of war as an inter-state conflict, ignoring any sophisticated analysis of intra-state or group warfare, that may not possess any state centered interest inclinations. The arguments in his book are mainly constructed, by drawing from intellectual history, political science, sociological theory and moral philosophy.

**Humanitarian Intervention and Just War Theory:**

The end of the cold war brought about a shift, from the absolute focus on state sovereignty to human security and in the process, interventions to undo human rights.

violations across borders, became an acceptable activity in international relations. The literature on interventions is vast and varied.

John Vincent's *Non Intervention and International Order*\(^{25}\) lucidly captures the question of non-intervention. He expresses deep scepticism about interventions undertaken by the UN. This line of argument, however, is not the sum of all his thoughts. He does express sympathy for the UN's concern about developments in Africa, especially with regard to human rights abuses in the continent's continuous history of civil war.

Following the same line of argument is Hedley Bull in *Intervention in World Politics*.\(^{26}\) He reveals the conflict between order and justice, and the consequences to international order by individual attempts to promote justice. Bull is clearly not prepared to assert the priority of justice over order and points out that individual states have conflicting claims of justice. He is against humanitarian interventions because such a right, he argues, would jeopardize the rules of sovereignty on which the international system is based.

Anthony Clark Arend and Robert J. Beck in *International Law and the Use of force*\(^{27}\) support intervention when a state denies human rights to its own citizens. As such, the victims of repression are not in position to defend themselves, possessing lesser military muscle than the organized armies of states. The authors point out that in such circumstances, the only help that could come is from the third party. They base their propositions on intervention within normative concepts like right intent and just cause, and are firm in their belief that states can intervene in another's internal affairs, if there exist an overt culture of repression within its borders.

Adam Roberts' article “Humanitarian War: Military Intervention and Human Rights,”\(^{28}\) indicates the uncomfortable linkage between two contending concepts, sovereignty and humanitarian intervention. He is slightly sceptical as to whether the practices of states in

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\(^{28}\) *International Affairs* (London), vol. 69, no. 3, July 1993, pp. 425-49.
the post cold war period, that involves major uses of force in the name of humanitarianism, is reflective of an emerging consensus on the practice of humanitarian intervention. He points out that despite a positive attitude towards interventions; the UN Charter restricts interventions by the UN itself under Article 2(7) of the UN Charter. Roberts also states that the growing culture of human rights is responsible for the increasing enthusiasm for humanitarian interventions on the world stage. David Fisher, "The Ethics of Intervention,"²⁹ is more positive than Roberts about interventions by bringing out the importance of Just War principles, in providing an ethical framework for humanitarian interventions. The article concludes that policy makers guided by Just war thought, could, not only take mature decisions to intervene, but the theory also provides the much needed legitimacy, on the face of undermining the target state's sovereignty.

An exhaustive account of the history of intervention can be found in Sean D. Murphy's *Humanitarian Intervention The United Nations in an Evolving World Order.*³⁰ He situates the doctrine of humanitarian intervention, both in a theoretical and policy oriented perspective. The author indicates the considerable weaknesses in the United Nations as currently structured, for conducting interventions, be it on the policy or logistic level. He is critical of the UN Security Council, dependent as it is on a few major powers for economic and military support to accomplish any humanitarian tasks at hand. He points out that the domination of these powers in the decision making process of the UN Security Council, questions the legitimacy of UN decisions on humanitarian intervention.

Mark Weisburd in *Use of Force The Practice of States since World War II* ³¹ refutes the proposition put forward by realism, that there could be no effective legal limits on interstate war, and treaties that impose such limits, only reflect validity on paper and not in the real world. He points out through a case study method that the international legal system does place limits on inter-state wars, despite frequent non-enforcement of the rules of the UN Charter by member states.

Richard Haas in *Intervention: The Use of American Military Force in the Post Cold War World*\(^{32}\) points out the important role played by American military, in resolving conflicts in the post cold war world. Haas lays down the ground rules on how, and when to intervene, and is of the view that for a prudent intervention, it is necessary in purely military terms, to use force at the right moment, rather than carry on lengthy negotiations with the target state. He feels that the Just War Criterion of last resort is not feasible in war, if victory is its goal.

Nicholas J. Wheeler in *Saving Strangers Humanitarian Intervention in International Society*\(^{33}\) shares Haas's scepticism about force as last resort when he questions the contradiction between the moral imperative of speedy action if lives are to be saved, against the Just War requirement that force always be the last resort. The author feels that it is not wise to expect policy makers to achieve a halt to abuses through negotiations, while atrocities are carrying on the ground. He refutes the realist fear of hidden motives in any particular intervention, by suggesting that such a position completely ignores the possibility that a state's justification, grounded on abuse of human rights for using force against another, might correspond with its motivation, that state leaders might nurture a moral responsibility to defend human rights.

Jean Beathke Elshtain, "Just War and Humanitarian Intervention,"\(^{34}\) considers whether the Just War tradition offers a framework to deal with the issue of humanitarian intervention. She dwells on the ability of Just War thinkers to deal simultaneously with complex normative commitments, as well as pragmatic considerations, by weaving together the moral aspirations of a liberal thinker with strategic calculations of a realist. Elshtain argues that human motives and actions are always mixed, and that plurality of thoughts and principles are a constant feature of human political and moral life. She expresses concern at the misuse of the idea of Just War by Great Powers in legitimizing an intervention, which may be expansionist in character. Gareth Evans and Mohamed

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\(^{33}\) *Oxford: Oxford University Press, 2000.*  
\(^{34}\) *Ideas (North Carolina)*, vol. 8, no.2, 2001, pp 1-17.
Sahnoun, "The Responsibility to Protect,"\textsuperscript{35} takes a similar stand as Elshtain in placing faith on the Just War criteria in providing guidelines for any future humanitarian intervention. The authors focuses on the changing nature of sovereignty, from 'control' to 'responsibility', pointing out that states now have a duty to respect emerging notions of human security, and that they are accountable to a vigilant international community for any violations. As far as the practice of humanitarian intervention is concerned, the article insists that in order to avoid catastrophes like Rwanda, states rather than possessing a right to intervene, have a duty to intervene, in order to save lives.

**Indian Intervention in East Pakistan-1971:**

According to Michael Walzer and Nicholas Wheeler, the Indian Intervention is one of the best cases of humanitarian intervention till date, primarily because the post conflict situation in East Pakistan reflects a situation, where the political aspirations of the Bengalis are duly met. The Indian army after defeating the Pakistan army, exited quickly without trying to influence the political course of the fledgling country. Yet the intervention in itself proved controversial because it was of a unilateral nature, outside UN sanction. Interestingly, despite the pressure on India from using force against Pakistan, the relatively quick and widespread recognition of Bangladesh suggests that the states of the world were not prepared to dismiss it as an illegitimate entity, which itself implies a post adhoc rationalization of the intervention. Literature on the East Pakistan case is varied and exhaustive.

I.N. Tiwary in *War of Independence in Bangladesh*\textsuperscript{36} emphasizes the political implications of the East Pakistani crisis on both India and Pakistan. In East Pakistan's liberation, the author argues, Pakistan faces the consequences of an increased number of unemployed military and the movement’s spill over into other provinces of Pakistan. Whereas, India is successful in creating a weak and friendly neighbour, its support in the East Pakistan liberation movement kills any chances of solving the Kashmir problem.

\textsuperscript{35} *Foreign Affairs* (New York), vol. 81, no. 6, November-December 2002, pp. 99-110.

\textsuperscript{36} Varanasi: Navachetna Prakashan, 1971.
Sisir Gupta, "The Problem," concentrates on the reasons that lead to the East Pakistan crisis. According to him; the 1970 elections and the denial by the Pakistan government, due representation to elected candidates of the Awami League a seat in the National Assembly, exacerbated the situation.

Prabodh Chawla’s Bloodbath in Bangladesh gives an account of the repression of East Pakistani citizens carried out by the Pakistan army. The author documents incidences where women and children were brutally assaulted by the Pakistan army, especially in the countryside. He also focuses on the arrest of Awami League leaders, systematic killing of students and citizens sympathetic to East Pakistan’s independence, in order to vent out any dissent. Written in the same vein is Lawrence Ziring’s The Ayub Khan Era: Politics in Pakistan, 1958-1969 in which he insists that the authoritative tactics of President Ayoob Khan in dealing with East Pakistan’s political aspirations, provoked the Awami League leaders to demand autonomy and later on, complete independence. The author also draws attention to the tactics used by Zulfikar Ali Bhutto; the leader of the Pakistan People’s Party, in neglecting the Awami League’s legitimate claim as the majority party in the National Assembly after the 1970 elections, to form government.

In The Liberation War, Mohammad Ayoob and K.Subramanyam also focuses on the failure of the Pakistan political system in accommodating various regional and sectional voices. The top leadership mostly composed of elites from West Pakistan, dominated by the Punjab, was guilty of suggesting that West Pakistan was culturally and religiously superior to the other wing. The book indicates the growing political desolation of the East Pakistanis due to discrimination that led to the rise of the Awami League and the autonomy movement. Carrying forth the same thesis is Rounaq Jahan’s Pakistan: The Failure of National Integration. She points out that despite Muhammad Ali Jinnah’s idea of Pakistan as homeland for Indian Muslims; Pakistan failed to integrate the Bengalis into the political system. Instead, the military dominated by recruits from West

37 Seminar (New Delhi), vol.6, no.142, June 1971, pp 12-15.
Punjab, largely neglected East Pakistan. The Bengalis, the author states, were termed as latter day converts of Islam and lacked any strong cultural heritage. As a result, the East Pakistani society was alienated from the heartland of Pakistan. The book captures a growing political movement in East Pakistan, demanding more political representation and economic equality.

T.S. Franck and N. Rodley, "After Bangladesh: The Law of Humanitarian Intervention by Military Force,"\textsuperscript{42} deals with the Indian intervention in East Pakistan. The authors support the Indian intervention, despite the sovereignty rule that it violated, by crossing the international border between India and Pakistan. The authors point out that the Indian army saved the East Pakistan population from repression at the hands of the Pakistan army. Robert Jackson in \textit{South Asian Crisis India- Pakistan- Bangladesh}\textsuperscript{43} dwells on the Indian stand before the crisis. The author states that the Indian parliament blamed the current crisis on the failure of the Pakistani Government. The book captures in detail the arguments by India in the UN Security Council based, not only under Article. 51 of the Charter, but also the justice section of the Charter. Mizanur Rehman Shelly's \textit{Emergence of a New Nation in a Multipolar World}\textsuperscript{44} captures the alienation of the East Pakistani political elite from their West Pakistani counterparts, and the influence of the language movement, after Urdu was imposed on the East Pakistanis. He, however, feels India could ill afford to ignore any major upheaval in East Pakistan, given its proximity to India's vulnerable northeastern states. Moreover, the author reveals that India wanted to reduce the role of Pakistan as a political and military rival in South Asia. Written in the same vein is Henry Kissinger in \textit{The White House Years}.\textsuperscript{45} He explains that calculations of US national interest, which at that time advocated better relations with China, primarily motivated President Nixon from condemning Pakistan outright. He, however, is critical of the Pakistan political establishment's unflinching belief that India was involved in the events of East Pakistan. The author questions the validity of Pakistani intelligence reports that revealed Indian designs, behind the resistance and secessionist

\textsuperscript{43} New York: Praeger, 1975.
\textsuperscript{44} Dacca: University Press, 1979.
\textsuperscript{45} Delhi: Vikas, 1979.
tendencies of the East Pakistanis. The Pakistani leadership at that time, Kissinger argues, should have questioned the authenticity of those intelligence reports. Rather, both Yahya Khan and Bhutto pointed to the India-East Pakistani collaboration as one of the major justifications for the military crackdown in East Pakistan.

Deferring from the slightly critical edge of the last two books is Surjit Mansingh, *India's Search for Power Indira Gandhi's Foreign Policy 1966-82*. The author suggests that Prime Minister Indira Gandhi's decision to use force against Pakistan was a well-informed policy choice. Despite pressures, Mrs. Gandhi, the author points out, showed statesmanship in following the advice of General Sam Manneckshaw in intervening, after the monsoons were over. She is critical of President Nixon's policies during that time.

Leo Kuper, *The Prevention of Genocide* attempts to understand the important geographical, cultural, linguistic and economic disparities that existed between the two wings of Pakistan. He also focuses on the gradual polarization of the East Pakistani population as they started feeling like a colonial outpost of the West Pakistani government. With regard to the Pakistan army action, Kuper adds, that the brutality included the "additional horror of torture and extermination camps". In contrast, Vernon Hewitt's *The New International Politics of South Asia* is a critical analysis of India's intervention. The author states that India had always looked upon the existence of Pakistan as an irritant in South Asia and the East Pakistan crisis offered the Indian state an opportunity to undermine Pakistan militarily and settle old scores. J. N. Dixit in *Across Borders Fifty Years of India's Foreign Policy* also points out that the Indian decision to intervene was rather influenced by realism, than by any humanitarian concerns towards East Pakistani refugees. Defeating Pakistan in war, he reflects, would not only further India's calculations of an Indo-centric South Asia, but also establish a weaker and friendlier neighbour in its problematic northeastern border.

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NATO's Intervention in Kosovo:
Kosovo caught onto the imagination of policy makers, ethicists, military analyst and human rights activists, primarily because it was the first time that a purely collective defense organisation used force, with the stated motive of humanitarian concerns. It also bypassed the UN in its decision. Yet, the case is not without controversy as many questioned the credibility and intent of NATO in using force in the first place. With Kosovo, starts a whole series of new literature, starting with supporters of humanitarian intervention, to those who are starkly anti-interventionists. Kosovo brings forth compelling, yet, contrary views on the legitimacy of the use of force to salvage human rights violations.

A.Pipa and S. Repishti, *Studies on Kosovo,*\textsuperscript{50} Miranda Vickers, *Between Serb and Albanian*\textsuperscript{51} Julie.A.Mertus, *Kosovo: How Myths and Truths Started a War* and Marc Weller, *The Crisis in Kosovo, 1989-99*\textsuperscript{52} are all thematically based on a historical narrative of Kosovo. These authors outline the history of Kosovo since the days of the Ottoman Empire. Pipa and Repishti focus on the emotive attachment that Serbia has towards Kosovo. This attachment stems from the Battle of Kosovo in 1389 A.D. when Serbia had made its last great stand against the advancing Ottoman Turks, and the subsequent Serbian defeat suffered at Kosovo, made a deep and lasting impact. Vickers argues that the real problem is the province's strategic position, which stops Serbia from giving it up. Kosovo borders Albania, which is militarily allied with Turkey against Serbia, and the mountains separating the Kosovo plain from Albania and Macedonia, offer a natural guard against any Albanian-Turkish attack. The book also documents the tension between these two communities and the continual repression of Albanian aspirations by the Serbs, which peaked during the rule of Slobodan Milosevic. Marc Weller solely concentrates on the presidency of Milosevic, whose policies of gradual alienation of the Albanian, starting with the revocation of autonomy in 1989, gave rise to a militant Albanian movement under the Kosovo Liberation Army (KLA). This period also caught the attention of the international community with regard to the human rights

\textsuperscript{50} New York: Columbia University Press, 1984.
\textsuperscript{52} California: University of California Press, 1999.
violations and provoked NATO to intervene in 1999. Julie A. Mertus, on the other hand, feels that the differences between the two communities were manufactured by politicians on both sides for their own immediate desire for power. The ethnic differences were overplayed and the Albanian elites used this sentiment to motivate the population to take part in a Serbian hate campaign.

Michael Mandelbaum, "A Perfect Failure,"53 is a powerful article that indicates the reasons why the NATO intervention could not qualify as a humanitarian intervention. Mandelbaum argues that after NATO intervened, more Albanians were killed and thousands fled their homes. The number was much less before the intervention. Given the rationale of humanitarianism for which NATO intervened, the author concludes that the intervention failed to avert the tragedy. It created an environment for further and more focused repression by the Serb army. Catherine Guicherd in "International Law and the War in Kosovo,"54 dwells on the legality of NATO's intervention. The unilateral nature of NATO's intervention, bypassing the UN, created a crisis, which critics points out, jeopardized the UN system. The author refutes this argument. She points out that the UN was unable to respond to the crisis due to the threats of a Russian and Chinese veto on any resolution that mandated use of force against Kosovo. Given that, an urgent situation was created in which the use of force by NATO was justified.

Adam Roberts, "NATO's 'Humanitarian War' Over Kosovo,"55 focuses on the uniqueness of the NATO campaign, pointing out that it was the first sustained use of armed force by the NATO alliance. It was the first time, a regional organization acting without UN authorization, had used a bombing campaign against a sovereign country, and that too, with the stated intent of ending human rights violations. He also reveals that it was the first time that victory was achieved without a single combat fatality to the intervening organization. Michael McGwire, "Why Did We Bomb Belgrade?"56 problematises NATO's humanitarian intervention by pointing out that it was more likely

that this was a war to salvage NATO’s credibility in the post cold war period. Kosovo provided it with humanitarian tragedy that could be averted by NATO’s use of force, and thus showcase its rationale for existence. Ivo H. Daalder and Michael O’ Hanlon, Winning Ugly NATO’s War to Save Kosovo is critical of NATO’s military strategy of gradual escalation, while conducting the intervention. They feel that such a strategy enabled the Serbian forces, not only to regroup in Kosovo, but also carry out violations on the ground with impunity. The authors, however, justify the use of force by NATO on humanitarian grounds, documenting widespread human rights abuses in Kosovo. They point out that there was good reason to believe that without intervention, things would have gotten worse in Kosovo. Daalder and O’ Hanlon also calls attention to Milosevic’s Operation Horseshoe for eradicating the KLA and engineering a fundamental shift in the ethnic balance in Kosovo. In contrast to that, Tim Judah in Kosovo: War and Revenge doubts the existence of Operation Horse as no evidence of its existence had been unearthed. Judah does point out that there was a major plan to crush the KLA and its support base among the Kosovar Albanians.

The anti interventionist are of the view that the intent of humanitarian intervention are always couched in certain self interest of the intervening states, and the selectivity involved in decisions to intervene records the fact that it is not a universal value. Leading the anti-interventionist camp is Noam Chomsky in The New Military Humanism Lessons from Kosovo and A New Generation Draws the Line: Kosovo, East Timor and the Standards of the West. Chomsky is highly sceptical of President Clinton’s proclamation that NATO was fighting for values in Kosovo, pointing out that the US continues to act in accordance with its own interest. He argues that humanitarianism has become a convenient weapon for the west to camouflage ulterior motives of hegemony. The author categorically states that instead of stopping the repression, NATO’s bombing perpetuated it. Tariq Ali in Masters of the Universe? NATO’s Balkan Crusade echoes similar concerns when he points out that there was nothing humanitarian in NATO’s war over

59 London: Pluto Press, 1999
Kosovo. It was virtually designed to boost NATO's credibility. The author points towards the post cold war power shifts that prompted the intervention.

With regard to the means of warfare that caused most of the controversy with regard to NATO's use of only air power, Daniel L. Byman and Matthew C. Waxman's "Kosovo and the Great Air Power Debate"\(^6\) encapsulates the euphoria that followed the war in Kosovo, conducted mainly by the air force. The authors refute the main thesis of many air power enthusiasts that Kosovo was won by air power alone. They point out that though air power played an important role in the victory, it was not the only factor. There were other strategic feelers like Serbian concern about regime instability, NATO's threat of a ground invasion, the Serbian army's inability to inflict any serious costs on NATO troops, and the lack of a Russian support that brought victory to NATO.

Michael Ignatieff in *Virtual War Kosovo and Beyond*\(^2\) argues that the NATO war was not successful in militarily overpowering the Serbian army. Instead, the impact of the bombing was felt more by civilians, and the direct bombing of civilian infrastructure influenced Milosevic to surrender. The author critiques the strategy of bombing from great heights that NATO followed in order to avoid any pilot casualty. The author suggests that such a strategy is against the morality of any combat as the risk free side does not face any consequences. Ignatieff also strongly states that the support of a use of force to defend human rights bespeaks of a self righteous invulnerability on the part of the intervening state and is not based on the reality of war.

**Significance of this Study:**
There is a substantial amount of literature on humanitarian intervention especially in the context of its ethical nature in the post cold war period. Various authors have engaged in analyzing the linkage between the Just War Theory and humanitarian intervention. Oliver Ramsbotham and Tom Woodhouse offer a brief epilogue of twelve humanitarian intervention principles and compare these to ten traditional Just War principles. But the

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authors do not provide a comprehensive linkage between the two and do little more than place both the list in two columns and point to the similarities. 63 Nicholas Wheeler also examines the linkage between the four criteria of Just War, namely, just cause, force as last resort, right authority, proportionality and humanitarian intervention decision, but his analysis is quite brief. 64 Stephen Garret in his book examines Just War Theory’s influence on humanitarian intervention, but concludes by stating that in current philosophical debates on humanitarian interventions, “Just War Theory lies quietly in the background”. 65 Murphy’s exhaustive and excellent book on humanitarian intervention points out the importance of the historical tradition of international law in setting notions that inform humanitarian intervention. He focuses on the writings of Hugo Grotius, Vattel, Kant and Mill and their influence on the development of humanitarian international law. However, though Murphy refers to the Just War Theory, he does not attempt to restate the theory in the context of contemporary challenges. 66 The literature review also gives the picture that despite the attention given to humanitarian intervention in the immediate aftermath of the cold war; very few authors have attempted to carry out a full fledged postulate by postulate analysis of the co-relationship between Just War Theory and humanitarian intervention.

This particular research will attempt to carry out a postulate by postulate analysis of the linkages between the norms of the Just War Theory and the reality of humanitarian intervention. An attempt has also been made to explain that probability of success and proportionality criteria of the theory could be mathematically calculated, given the technological military sophistication of today. Moreover, intelligence reports about the military strength of the target state are more or less precise due to the rapid advancement of information technology and hence, the success rate of an intervention can be ascertained early on by military strategists and policy makers of the intervening state. The

researcher in order to substantiate a theoretical study utilizes the comparative case study method and places all political decisions and the mode of war in both cases within each criterion of the Just War Theory. To the best knowledge of the researcher, such a detailed study has not been undertaken till date. Finally, this research not only focuses on the strength of the theory in informing humanitarian intervention decisions, but also identifies the lacunae in the theory, pertaining to understanding interventions and wars, especially for humanitarian purposes, in today's context. This research does not aim to refine the Just War Theory.

Research Questions:
1) Does the Just War Theory provide a normative framework for examining humanitarian intervention and if so, how?
2) To what extent does the Indian intervention in East Pakistan qualify as a humanitarian intervention in Just War terms?
3) Did NATO's intervention in Kosovo prove problematic to be justified in Just War terms, especially when it pertains to jus in bello principles?

Hypotheses:
1) Just War considerations, which attempt to reconcile order with justice, inform humanitarian intervention decisions.
2) The Indian intervention in East Pakistan prevented a 'humanitarian disaster' and therefore qualifies in Just War terms as a humanitarian intervention.
3) The collateral damage in NATO's intervention in Kosovo was outweighed by the benefits of the use of force and therefore is justified in Just War terms.

Methodology:
This research attempts to study the co-relation between a normative paradigm, the Just War Theory and humanitarian intervention, with the help of historical, deductive, inductive and analytical methods. This methodology of placing humanitarian intervention within the Just War framework is primarily aimed at understanding how far a normative theory, can inform policy decisions on humanitarian intervention at the international
level, that most international relations’ scholars declare to be the domain of realism. As the chief aim of social science research is to explain phenomenon whenever and wherever they occur, the researcher employs the comparative case study method that substantiates the theoretical study, by carrying out a detailed narrative of the Indian intervention in East Pakistan and NATO’s intervention in Kosovo within the Just War framework. The comparative method enables the researcher to test the strength of the Just War Theory and its ability to explain events in the real world across spacio-temporal dimensions. Though the methodology is primarily deductive, as inferences are deduced from a theoretical framework, the researcher also utilizes the inductive method in examining whether Just War principles guide’s intervention decisions in the above mentioned cases. Induction helps in understanding why and under what conditions these principles either succeeds, fails or are largely neglected in both the cases. The method of process tracing that provides the researcher with the necessary tool to study most inferences within the cases has also been invoked. This method enables an objective analysis of both cases within the theoretical framework, and also account for inferences, which significantly contradicts the main hypothesis that “Just War principles, which reconciles order with justice, inform humanitarian interventions”.

Research Design:
In conclusion, the methodology consists of the following research design in this particular study:

First, the kind of phenomenon that the researcher singles out for study and the theory that bears on various aspects of the phenomenon under study.

Second, specification of the elements and criteria that enters into the ‘controlled’ comparison of the phenomenon under study.

Third, the cases most appropriate for this study which consists of the Indian intervention in East Pakistan and NATO’s intervention in Kosovo.
Fourth, study the cases from the point of view of the Just War criteria, account for similarities and differences, variance in outcomes, correlation between the independent variable with the cases.

Finally, having examined the theory and its implications on the cases, the researcher concludes the study by drawing upon their findings on the nature and complexity of the phenomenon in question, in order to assess the theory.

Sources:
The study based its primary sources with regard to the Just War Theory on interviews with Just War theorists like Michael Walzer. With regard to the Indian intervention in East Pakistan, officials in the Indian government and academic experts especially from Bangladesh and Pakistan were interviewed. Official statements of the Indian and Pakistan government in 1971, UN documents were also examined. In NATO’s case, the researcher drew upon UN, NATO and the US Department of State documents and interviews with United Nation Mission in Kosovo (UNMIK) officials. Documents of human rights groups like the Human Rights Watch and Human Rights Dialogue had also been used quite extensively in analysing the NATO case. Secondary sources included books, articles in journals, media reports, and Internet sources.

Chapterization:
Chapter I- Just War Theory and Humanitarian Intervention.
This chapter deals with the historical backdrop of the Just War Theory and the evolution of the concept of humanitarian intervention. In addition, it also examines the significant linkage between the Just War Theory and humanitarian intervention as well as explains why this linkage is necessary and pertinent to any discourse on humanitarian intervention.
By placing the Indian intervention within the context of Just War principles, the researcher attempts to analyze whether the intervention is justified in the light of the Just War Theory.

Primarily focusing on the humanitarian dimensions of NATO's intervention in Kosovo, this chapter offers a detailed narrative of the Kosovo intervention and carries an indepth scrutiny of the case from the point of view of Just War.

Chapter IV: A Comparative Assessment of the Indian Intervention in East Pakistan and NATO's Intervention in Kosovo in light of the Just War Theory.
The fourth chapter is a comparative study of both cases in Just War terms. This chapter explains not only the similarities and dissimilarities of both cases, but also how they compare within the Just War Theory. The chapter explores almost every inference that both cases exhibit and concludes by establishing how both cases measured up to the Just War Theory.