Unilateral Humanitarian Intervention as an Exception to Article 2(4) of the United Nations Charter

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Abstract

For a period of time states were allowed to use force unilaterally, they were given wide discretion in this regard. This did not last long, because the United Nations Charter came into force in 1945 to restrict, that and to prohibit the interference in internal matters of sovereign states; however, its aim is not to eliminate war,1 but to limit it and this is according to Article 2 (4) of the Charter. Nevertheless, this Article is subject to two exceptions; the use of force in case of self- defense (Article 51), and the collective security by the Security Council under chapter VII. After the Cold War as the principle of State sovereignty began to decrease its importance among states, in particular the Western States, new claims for the exception in article 2(4) other than what is provided in the Charter arose, such as claiming the lawfulness of unilateral use of force to protect nationals abroad, expanding article 51 to include pre-emptive self-defense, or alleging the legality of pro-democratic invasion and claims for humanitarian intervention. Therefore, this research will analyze whether today states have a wide right to use force or not, it will discuss the Unilateral Humanitarian Intervention; as it is one of the most controversial subjects in relation to this issue.

Introduction

For a period of time states were allowed to use force unilaterally, they were given wide discretion in this regard. This did not last long, because the United Nations Charter came into force in 1945 to restrict, that and to prohibit the interference in internal matters of sovereign states; however, its aim is not to eliminate war,[1] but to limit it and this is according to Article 2 (4) of the Charter. [2] Nevertheless, this Article is subject to two exceptions; the use of force in case of self-defense (Article 51)[3], and the collective security by the Security Council under chapter VII, using force by the Security Council whenever it found that there is an attack or threat on the International Peace and Security[4]. After the Cold War as the principle of State sovereignty began to decrease its importance among states, in particular the Western States, new claims for the exception in article 2(4) other than what is provided in the Charter arose, such as claiming the lawfulness of unilateral use of force to protect nationals abroad, expanding article 51 to include pre-emptive

[1] M. Dixon and R. McCorquodale, Cases and Materials on International Law(OUP,4th ed ,2003)p521
[2] Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 892 UNTS 119
[3] Ibid, Article 51
[4] United Nations Charter, Chapter VII: Action with respect to threats to the peace, breaches of the peace, and acts of aggression

self-defense, or alleging the legality of pro-democratic invasion and claims for humanitarian intervention.[5] Therefore, this research will analyze whether today states have a wide right to use force or not, it will discuss the Unilateral Humanitarian Intervention; as it is one of the most controversial subjects in relation to this issue. However, the relevance of other claimed exceptions mentioned before are not denied, but due to space constrain it will only discuss the Humanitarian Intervention.

Humanitarian Intervention as a new exception to the Article 2(4)

One of the highly debatable claimed new exception to the Article 2(4) is humanitarian intervention, the controversy about this notion increased after the Cold War, when in certain cases the Security Council authorized the use of forces for protecting human rights, such as the case of Somalia(1992), Haiti (1994), Rwanda (1994), Bosnia(1994), and Sierra Leone (1997).[6] This acceptance by the International Community to the interventions of the Security Council in several cases post-Cold War is an evidence of the weakness of the notion of the State Sovereignty.[7] Consequently, the concept of humanitarian intervention which was considered an internal matter of sovereign state became more familiar, in some circumstances even without the authorization of the Security Council, such as the case of the Kosovo which is highly disputable.[8] However, prior and even after the Cold War, it was not states who claimed the lawfulness of unilateral humanitarian intervention; actually at first, scholars of international law claimed that rather than States themselves.[9] However, states generally agreed that the Security Council can intervene to end humanitarian catastrophes to keep international peace and security.[10] But still the unilateral use of force in case of humanitarian intervention was and is not agreed upon not among scholars and States.

Generally, humanitarian intervention whether collective or unilateral has always been arguable. Some scholars of international law opposed both kinds of humanitarian intervention, while others supporting the collective one, or the one authorized by the Security Council, but strongly refuse the unilateral intervention stating that ' a right of unilateral humanitarian intervention does not exist and is unlikely to develop'[11]. Other scholars, although consider the unilateral intervention illegitimate, they claim that it can be *morally justified.* For instance, Antonio Cassese who agreed that the unilateral use of force is unlawful, although, in his view if some conditions are met there might arise customary international law that allows states to intervene without the Security Councils' authorization when it is ineffective at the time

[5] F Tesón., Humanitarian intervention: An inquiry into Law and Morality (Transnational , 3rd ed, 2005)
[6] Ibid
[7] N. Krisch, Review Essay: Legality, Morality and the Dilemma of Humanitarian Intervention after Kosovo[2002]13 European Journal of International Law323,p331
[8] J. Stromsetch, Rethinking Humanitarian Intervention:the case for incremental change in J.L. Holzgrefe and Robert O. Keohane, Humanitarian intervention: ethical, legal, and political Dilemmas (CUP,2004) p246
[9] C.Gray, International Law and the Use of Force (OUP,3rd ed, 2008) P34
[10] F. Teso , aboven 5, 195
[11] M.I Byersan and S. Chesterman, "Changing the rules about rules?Unilaterla humanitarian intervention and the future of international law' in J. L. Holzgrefe and Robert O. Keohane, eds., Humanitarian Intervention: Ethical, Legal and Political Dilemmas (CUP, 2003). p178[11]

when there is 'large-scale atrocities' taking place by the Governments against their own people. He also was with the humanitarian intervention in Kosovos', even though he thought it was unlawful but morally justified.[12] Some others support the unilateral humanitarian intervention, but not without safeguards.[13]

Supporters of the unilateral humanitarian intervention gave different justifications, they base it on the UNCH Article 2(4) on interpreting *Travaux préparatoires*, or as being customary international law, even they go further justifying it as being *jus cogens* norm[14].Some argue that in case of ineffectiveness of the Security Council the unilateral use of force shall be allowed whenever needed to achieve the major aims of the UNCH.[15] This debate about the lawfulness and the basis of giving legitimacy to unilateral humanitarian intervention became wider in the case of NATOS' operation in Kosovo (Operation Allied Forces). The NATO forces intervened without the authorization of the Security Council, to end what was happening of humanitarian catastrophe of ethnic cleansing of the Muslim Albanians by the Government of Slobodan Milosevic.[16] Although, some claimed that NATOS' intervention was collective due to the participation of several states, but it was unilateral, because, it was not authorized by the Security Council.[17] The veto in the Security Council was the reason behind the unilateral operation of NATO.[18] Distinct justifications were given by NATO States especially the initial justifications did not refer to the unilateral humanitarian intervention; each member of the Allied forces gave different justifications from the others.[19] For example, France invoked implied authorization by the Security Council depending on the resolution 1199 and 1203 stating that 'the legitimacy of NATOS' action lies in the authority of the Security Council'[20]. While the United Nations officials invoked different justifications such as " Belgrade's brutal persecution of Kosovar Albanians, violations of international law, excessive and indiscriminate use of force.." ,[21]. In addition, they referred to the issue of flying refugees to other countries which threaten the regional peace and stability.[22] Finally, they said the operation was 'necessary to stop the violence and prevent and even greater humanitarian disaster'[23]. However, these justifications were not explicit about humanitarian intervention. The explicit justification on the unilateral humanitarian intervention was given by the United Kingdom; in March 1999 UK

[12] A. Cassese Ex iniuria ius oritur: Are We moving towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community? [1999]10 European Journal of International Law23
[13] Ibid p,187
[14] F. Tesón ,above n5, p193
[15] P. Morgan, Unilateral employment of Armed Force for the Protection of Armed Force [2007] 5 Journal of International Law and Policy 1
[16] C. Gray, above n 9, P31
[17] P. Hilpold, Humanitarian intervention is there a need for reaprisal? [2001]12 European Journal of International law 437
[18] M. Dixon, above n1, p524
[19] J. Stromsetch, above n8
[20] Ibid, p235
[21] IbidJ,p836
[22] Ibid
[23] Ibid, p835

official Jeremy Green stock[24] said that due to 'the overwhelming humanitarian necessity' NATOS' military intervention was 'legally justifiable'.[25] Furthermore, Belgium went further to argue that the Operation Allied Forces was a 'lawful armed humanitarian intervention' on the basis of interpreting article 2 (4) in particular the last paragraph of that article as long as NATOS' action did not violate the territorial integrity or political independence of Yugoslavia,[26] and declared that the operation was to preserve the *jus cogens* norms, such as the 'right to life and physical integrity'[27].

Legal basis for unilateral humanitarian intervention

Generally there are three arguments about the legal basis of unilateral humanitarian intervention

Firstly, some argue that it is customary international law; others consider it is *jus cogens* norm. Thirdly, some justify it on the basis of the UN Charter Article 2(4). For each of these claims there does not exists enough evidence. Firstly, to argue whether a certain act is customary international law, there should exist two elements and these elements, as it is provided by the Article 38(1) (b) of the Statute of the International Court of Justice, customary international law is ' evidence of a general practice accepted as law'.[28] Thus, practice by state or the (objective) element and a belief of the obligatory nature of this practice or the (subjective) element are needed[29]. None of these elements is provided in the cases that are claimed to be precedents for humanitarian intervention.

Examples given by the supporters of this claim either are before or after 1945. Examples of the former period are the intervention by France in Syria (1800), Russia in Bosnia –Herzegovina and Bulgaria (1877-78), or U.S in Cuba (1898).[30] Examples of the later period, the intervention of India in Bangladesh 1971, Tanzania in Uganda 1979, which were not condemned by the International Community.[31] However, in all of these cases the justification was not humanitarian intervention. The intervention of India in Bangladesh in 1971 was not condemned, because India did not justify its intervention on human rights, but its justification was self-defense, the same with Tanzania, and the Vietnamese act in Cambodia was strongly opposed by the international community in spite of the 'barbarian' nature of the removed regime, the France representative described it as ' extremely dangerous' to claim to legitimacy of unilateral use of force to overthrow a Government due to its being 'detestable'.[32]

[24] Ibid
[25] Ibid
[26] Argument of Belgian before the International Court of Justice,10 May 199, at 7.Available ahttp://www.icj-cij.org(5March 2002)
[27] Ibid
[28] Statute of the International Court of Justice annexed to the Charter of the United Nations,1945,9 Int.Leg.510,522
[29] Y. Dinstine War Aggression and Self- Defense (CUP,5th ed, 2010) ,p94
[30] C. Gray, above n9,,p45
[31] A. D' Amato, The invasion of Panama was a lawful response to tyranny [1990]84American Journal of International Law516
[32] S.C.O.R. (XXIV), 2109th Meeting, Jan. 12, 1979, 4 in Ph. Morgan, ,above n15

Furthermore, others bring the Air Exclusion Zone in Northern Iraq in 1991, or the operation 'Safe Havens' as a precedent or as an example of state practice for unilateral humanitarian intervention.[33]. However, this claim is weak, because from the situation in the operation safe havens can be indicated that the doctrine of humanitarian intervention was not 'well- established 'as none of UK and France, who started the operation without the authorization of the Security Council, claimed the humanitarian intervention as legal justification for the operation.[34] Although, the UK later in 1992 said that the unauthorized intervention can be justified ' in cases of extreme humanitarian need', this claim was not in front of the Security Council, but on internal level.[35] In other words, it was only inside UK by the officials and the UK media.[36] Furthermore, in the Kosovo, the US did not invoke the operation no- fly zone by the UK and US as a precedent for humanitarian intervention, but it was UK that solely used this operation as a precedent. [37] Thus, this in itself makes the Operation No-Fly Zone more debatable. Even in the Kosovo unilateral humanitarian intervention was not invoked by the whole members of the Operation allied forces such as Germany and US.[38] Furthermore it was condemned by many states such as China, Russia, Belarus, Bulgaria, India, Brazil, Cuba, Costa Rica and Mexico; they stood against the existent of any right of unilateral humanitarian intervention.[39] Therefore, the confusion about invoking such a right and condemnations by States for such a right are evidence that it has not become a customary international law yet.[40]

Furthermore, there are other instance in which major humanitarian crisis occurred, but no state intervened to end them because it was considered as internal matters of Sovereign States such as the massacre of one million Armenian by the Turks 6 million Jewish by the Nazis.[41] In addition to that, during the Cold War major human right violations happened to the Ethiopians by their government or the murder of over 100,000 Kurds by Saddam Hussein's regime (1988-89). Even after the Cold War no state or regional organization intervened unilaterally or even collectively to end the murder of ten thousands of Hutus in Rwanda (1993).[42]

[33] C. Green wood, International law and the NATO intervention in Kosovo [200] 49 International and Comparative law Quarterly 926
[34] C. Gray,above n9, p37
[35]Ibid
[36] Ibid, p36
[37] Ibid, p49
[38] J. Sromsetch, above n8
[39] Belarus, India and the Russian Federation: Draft Resolution S/1999/328 (26 March 1999) ,Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 892 UNTS 119
[40] P. Morgan, above n15, p 3
[41] J.L. Holzgrefe, The Humanitarian intervention debate .in J.L.L Holzgrefe and Keohone , above n11,p45
[42] Ibid

Unilateral humanitarian intervention as a *jus cognes* norm

Others claim that human rights are *jus cogenes,* consequently, humanitarian intervention is, even if it was not before 1945 it is after that time.[43] Thus they claim that certain human rights can override the Charters' provisions on the prohibition on the use of force. However, state practice does not support that, although, there might be some cases in which states considered certain human rights as norms that cannot be derogated from. But, still there is not enough evidence supporting that they considered it. It also was not considered as *jus cogens* even before the 1945 as subsequent prohibition of the unilateral use of force by the UNCH are evidence on that.[44]

The legal nature of unilateral humanitarian intervention

Some argue for a *narrow* reading for article 2(4) to justify humanitarian intervention.[45]In other words, they justify the humanitarian intervention on the basis of the provisions of the UN Charter article 2 (4), in particular the last part of this article. [46]

This provision prohibits any unilateral use of force by member states without the authorization of the Security Council and it is considered as the ' principle of the prohibition of the use of force' by the ICJ and it is a 'corn stone of the United Nations Charter'.[47] Furthermore, it is customary international law and it is agreed that the prohibition against the unilateral use of force is *jus cognes*[48].Therefore, claiming the legality of unilateral use of force on the basis of article 2(4) cannot be accepted, and it was refused by the international Court of Justice when it was advanced by UK in the Corfu Channel case[49]. This provision is very clear; it prohibits the use of force except in case of self –defense or the collective security by the SC under chapter VII. In addition, the main purpose of the UN is to keep international peace and security and to prevent the ' scourge of war'[50] , therefore this article can be seen as reflecting this purpose as it aims at restricting the use of force and it came to *reinforce* that not to *restrict* it, consequently any allegation to other exceptions will run counter to the purpose of the UN.[51]

[43] This was claimed by Belgium in the case of Kosovo
[44] C. Gray, above n9,35
[45] A.C Arend and R J. Beck, International Law and the Use of Force, Beyond the UN Charter Paradi(Routledge,1993)a p,134
[46]Article 2(4) of the UN Charter provides that:
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.
[47] Case Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America), Merits, Judgment, ICJ Reports 1986
[48] Y. Dinstine,, note 28,p105 see also L. Henkin, The Invasion of Panama Under International Law: A Gross Violation [1991] 29 Columbia Journal of Transnational law 293
[49] Corfu Channel case (UK v Albania) (Merits) [1949] ICJ Rep 41
[50] The preamble of the UN Charter, aboven2
[51] I. Brownlie and C. Apperley,' Kosovo Crisis Inquirey: Memorandum on the International Law Aspects', [2000]878 International and Comparative Law Quarterly 884

The current position of Unilateral Humanitarian Intervention in the International Law

Today, human rights are no longer internal matters of states, in particular, after the Cold War when the principle of states sovereignty began to decrease its importance.[52] Till now even after Kosovo it cannot be said that there exists a right of unilateral humanitarian intervention, certainly neither according to the UNCH Article 2 (4) nor as a *jus cogenes* norm, or as a Customary International Law. Customary international law needs a wide spread acceptance, this has not been achieved even in the case of Kosovo; because, the Allied forces were not unified in their justifications, they were *polarized*.[53] However, after the Kosovo the perception of the international community toward this notion has changed, and it can be said that Kosovo is the start of humanitarian intervention to become customary international law; because the Security Council refused a resolution condemning the NATOS' action makes the unilateral humanitarian intervention more controversial[54]. Furthermore, the cases of humanitarian intervention are strongly related with morality; therefore, it will be difficult in cases of humanitarian catastrophe such as what happened in Kosovo to deny the intervention.[55] As in the case of Kosovo could be said that there was no self-interest of the major powers and it was ' probably the first war that has not been waged in the name of "national interests" '[56], thus it was not a 'bad precedent'[57] .

It could be suggested that humanitarian intervention can be allowed, however, as there is a danger of *abuse* especially by major powers it should be restricted, and there should be safeguards on it. Safe guards can include, for instance; the operation should be done collectively in other words, and there should be a coalition by several states or regional organization. As Cassese suggests this coalition should be among those states that have a strong economy and political power, none of them should be 'hegemonic' power over the others, and it is better to have the support of the majority of the members of the UN General Assembly.[58] The use of force should be the 'last recourse'[59], it should be proved that there is no self-interest of states; the case should be only for the purpose of ending humanitarian crisis.[60] The recourse of unilateral use of force should be in the case of ineffectiveness of the Security Council to end the crisis and the intervention does not cause threat to international peace and Security, it should be 'proportionate'[61], and be necessary to end the los of hundreds of human lives.[62]

[52] Cassese, above n 12, p26
[53] C. Gray, From Unity to Polarization: International law and the Use of Force against Iraq [2002]13 European Journal of International Law1, p13
[54] J. Stromsetch ,above n8, p242
[55] P. Hilpold,, above n18, p467
[56] Vaclav Havel. Kosovo and the End of Nation-State, N.Y. Rev.Books,June10,1999,at4,6 in Richard Falk, Kosovo World order and the Future of International law [1999] 93 American Journal of International Law847
[57] W. M. Reisman, Kosovo's Antinomies [1999]93 American Journal of International Law860
[58] Cassese, above n12,p 27
[59] This was suggested by the British Foreign Secretary in 2000 and was submitted to the UN Secretary General, 71 BYIL (2000)646 in Gray, above n9 p 50
[60] W.D. Verwey, Humanitarian Intervention Under International Law [1985]32 Netherland International Law357
[61] Ibid
[62] Ibid

Conclusion

In conclusion, currently in the International Community the only legitimate use of force is by the Security Council under chapter VII and the case of self-defense on the basis of the UN Charter. Despite that there is a possibility as Tesón says that the reactions to some alleged exceptions such as the humanitarian intervention seems to be lighter than claiming other exceptions such as the pro- democratic intervention, because the connection between morality and humanitarian intervention cannot be denied.[63] Although, democracy and humanitarian intervention are strongly related to extend that some authors suggest that liberal democratic can 'expand "humanitarian intervention" ' impose the ideology of liberal democracy in the invading state.[64] However, it is safe to say that general perception of international community has changed toward the notion of humanitarian intervention, although it does not exist as a right and it is unlawful according to the Charter of the United Nations. Thus, Kosovo can be seen as the future of unilateral humanitarian intervention as it is not 'the future itself '[65] future can tell more and the current situation of Syria might be a helpful in basing another element for humanitarian intervention, it might change the nature for humanitarian intervention, Possibly, it will not be only the doctrine as Christine Gray see it as the doctrine that is more likely to stay an issue that only writers ' are its keenest proponents'.[66] Generally, until now although there are claims of other exceptions to article 2 (4) States still invoke this article in order to give legitimacy to their acts.[67] Furthermore despite the claims 'No states has ever suggested that violations of article 2 (4) have opened the door to free use of force'[68] .Thus, from practice can be said that States do not have a wide discretion to unilaterally use force as the humanitarian intervention which can be considered as one of the strongest justification till now except in the case of Kosovo have not been explicitly invoked to justify the unilateral use of force, states prefer to use the self-defense as justification or to depend on the implied authorization by the Security Council and the unilateral use of force in most of the is cases is not welcomed by the International Community. Although it cannot be denied that there are some cases that states, in particular major ones, such as US and Israel acted unilaterally.[69]

[63] R. Janse, The Legitimacy of Humanitarian Intervention [2006]19Leiden Journal of International Law669,p689
[64] L. Henkin, The Invasion of Panama Under International Law: A Gross Violation, above n45
[65] T. M. Franck, Lessons of Kosvo, [1999] 93 American Journal of International Law 857, P 859
[66] C. Gray, above n 52,p51
[67] Y. Dinstin , above n 28, p 97
[68] O. Schareter in Y. Dinstine above n28 p 97
[69] P. Morgan, above n8, p2

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الملخص

لفترة من الزمن كانت للدول مطلق الحرية فى استخدام القوة بشكل أحادى، وكانت صلاحياتهم واسعة في هذا المجال ولكن هذا لم يدم طويلا ، اذ دخلت ميثاق الامم المتحدة في 1945 حيز التنفيذ لتقيد ذلك، ولمنع الدول من التدخل في الشؤون الداخلية للدول ذات السيادة . مع ان الامم المتحدة لاتهدف الى محو الحرب بل، تسعى الى تقيد صلاحيات الدول في هذا الشأن وهذا وفقا للمادة (2ف4) من الميثاق. مع ذلك استثنى من هذه المادة حالتين: وهما حالة استخدام القوة في حالة الدفاع عن النفس مادة(51) ، واستخدام القوة من قبل مجلس الامن الدولى تحت فصل السابع للميثاق متى ما وجد ان هناك خطر على الامن والسلم الدوليين .

بعد انتهاء الحرب البارد و تقليل أهمية مبدا السيادة بين الدول الغرب ، ظهرت استثناءات جديد للمادة (2ف4) غير الاستثناءات الواردة فى الميثاق، كاستخدام القوة من قبل الدولة لحماية رعاياه في الخارج ، او الادعاءات بشرعية التدخل لحماية النظم الديمقراطية و ادعاءات للتداخل الانسانى.

وهكذا في هذا البحث نحاول ان نحلل ما اذا كانت توجد في يومنا الحاضر للدول الحق في استخدام القوة بشكل احادي خارج الحالات الواردة في ميثاق الامم المتحدة، ونركز على التدخل الانسانى بعدها من ابرز هذه الاستثناءات و اكثرها محلا للجدل.

پوختە

بەر لە دروست بوونی ڕێکخراوی نەتەوە یەکگرتووەکان دەوڵەتەکان ئازادیەکی ڕەهایان هەبوو بۆ بەکار هێنانی هێز بەشێوەیەکی تاك لایەنە، وە دەستەلاتیان لەو ڕووەوە زۆر فراوان بوو، بەلام، هەر کە پەیماننامەی ڕێکخراوی نەتەوە یەکگرتووەکان چووە بواری جێ بەجێ کردنەوە لە ساڵی 1945 ئەم مافە بۆ دەوڵەتان وەك خۆی نەما. چونکە، یەك لە ئامانجە سەرەکیەکانی ئەم ڕێکخراوە بریتی یە لە کۆتکردنی دەسەلاتی دەوڵەتان لەبەکار هێنانی هێز، و قەدەغەکردنی دەست تێوەردان لە کاروباری نێو خۆی دەوڵەتانی خاوەن سەروەری، ئەمەش بەپێی ماددە (2ف4) لە پەیماننامەی ڕێکخراوەکە. هەرچەندە ئەم مادەیە دوو بەدەری هەیە لە ناو خودی پەیمان نامەکەدا کە بریتین لە: حاڵەتی بەکارهێنانی هێز بۆ بەرگری لەخۆ کردن بەپێی ماددەی (51) لە پەیماننامەی نەتەوە یەکگرتووەکان دا و حاڵەتی دووەم ، بەکارهێنانی هێز لەلایەن ئەنجومەنی ئاسایشی نێودەوڵەتی بەپێ ی بەندی حەوت لە پەیماننامەکە بەمەبەستی پاراستنی ئەمن و ئاسایشی نێودەولەتی .

بەلام لە دوای کۆتایی هاتنی جەنگی ساردە، وە بەکەم بوونەوەی بایەخی بنەمای سەرەوەری دەوڵەتان لە نێو وولاتانی ڕۆژئاوادا چەند بەدەرێکی تر بۆ ئەم ماددەیە لە دەرەوەی پەیماننامەی ڕێکخراوی نەتەوەیەکگرتووەکان سەریان هەڵدا . لەوانە بەکارهێنانی هیز لەلایەن دەولەتان بۆ پاراستنی هاوولاتیان لە دەرەوە ، بانگەشەکردن بۆ شەرعیەت دان بە دەست تێوەردانە نێو کاروباری نێوخۆی وولاتێك بەمەبەستی پاراستنی سیستمە دیموکراتیەکان ، و بانگەشەی شەرعی بوونی دەست تێوەردانی مرۆیی .

لەم توێژینەوەیەدا تیشك دەخەینە سەر دەست تێوەردانی مرۆیی تاك لایەنە وەك بەدەرێك لە ماددەی (2ف4) لە دەرەوەی پەیماننامەی ڕێکخراوی نەتەوە یەکگرتووەکان، بەو پێی یەی ئەم بەدەرە دیارترینیانە و جێگای مشت و مرێکی زۆرە لەسەر ئاستی نێودەوڵەتی.