

**CHALLENGING KANTIAN NON-INTERVENTION
THEORY UNDER HUMANITARIAN INTERVENTION**

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ABSTRACT

Background:

The question of humanitarian intervention is still important, although it might be considered today as out of date, having its apex in 1990's. Yet, the international community, since the Universal Declaration of Human Rights, is giving more and more attention to human rights protection. It is becoming a significant issue for states, regional, and international organizations to adopt adequate measures in order to defend and support human rights worldwide. Kantian moral and political theory is relevant for the current discussion regarding the recently developed concept of the 'responsibility to protect' and humanitarian intervention. As an aggressive response will always be controversial if considered as one of the means to peace and security, there is therefore a need for a benchmark and justification.

Considerations and conclusion:

The focus of the thesis is the relation between Kantian non-intervention theory and his concept of normative individualism. A study of Kantian moral and political theory leads to a conclusion that the ultimate end of international ethics and law is to support the development of human freedom by protecting human rights. The notion of normative individualism implies the conditionality of the principle of sovereignty regarded as responsibility. Therefore humanitarian intervention understood as 'the proportionate transboundary help 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' prevails over the non-intervention principle.

ABBREVIATIONS

ICISS	International Commission on Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
ICESCR	International Covenant on Economic, Social and Cultural Rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGA	UN General Assembly
UNSC	UN Security Council
WWII	Second World War

Works by Kant

G	<i>Groundwork for the Metaphysics of Morals</i> (1785)
LE	<i>Lectures of Ethics</i> (1775-1780)
MEJ	<i>Metaphysical Elements of Justice</i> (1797)
MM	<i>Metaphysics of Morals</i> (1797)
PP	<i>Perpetual Peace</i> (1795)
TaP	<i>On the Old Saw: That May Be Right in Theory But It Won't Work in Practice</i> (1793)

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