



“Humanitarian intervention vs state sovereignty: balancing protection and respect in international law”

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ABSTRACT:

A fundamental principle of international law is the idea of state sovereignty, which ensures the equality and independence of all states. This approach, however, frequently conflicts with the legal and moral need for humanitarian intervention when governments fail to protect their citizens against serious human rights abuses including ethnic cleansing, war crimes, and genocide. The complicated connection between humanitarian intervention and state sovereignty is examined in this study, with particular attention to how international law aims to maintain a balance between maintaining territorial integrity and protecting human rights. The study analyzes important legal documents including the Responsibility to Protect (R2P) doctrine and the United Nations Charter. It also includes important case studies like Kosovo (1999), Libya (2011), Syria (2011–present), and Ukraine (2022–present). By using a doctrinal and analytical approach, the study examines whether humanitarian intervention can be justified legally without compromising states' sovereign equality. Although population protection is important, it comes to the conclusion that the legitimacy of international law continues to be questioned due to the absence of clear legal standards and the selective use of humanitarian intervention.

KEYWORDS: Humanitarian Intervention, State Sovereignty, Responsibility to Protect, International Law.

INTRODUCTION

Article 2(1)¹ of the United Nations Charter supports the doctrine of state sovereignty, which gives each state the authority to conduct its internal affairs independently of interference from other nations. As the international community relates to serious human rights crimes like genocide, war crimes, and ethnic cleansing, this idea becomes under more and more criticism. When a state fails to safeguard its residents, an ethical issue is raised on whether the international community should step in or preserve sovereignty. In humanitarian intervention, violence occurs in another state without that state's agreement in order to stop a lot of suffering. Although morally acceptable, it goes against Article 2(4)² of the Charter, which prohibits using force to maintain a state's political independence or geographical integrity. The Responsibility to Protect (R2P) theory was introduced in 2005 as a solution to this conflict, redefining sovereignty as a duty as opposed to simply control. It highlights that the UN is the vehicle through which the international community must act collectively when a state fails to protect its citizens. Despite this framework, acts remain to be politically motivated and selective, as demonstrated in Syria, Ukraine, Libya, and Kosovo. This study examines at how state sovereignty and humanitarian protection are balanced by international law, as well as whether intervention is allowed without affecting global peace and order. The current dispute between ethical principles and legal obligations highlights the need for stronger international standards. To protect both human rights and state sovereignty, it is important to improve responsibility, guarantee international authority, and stop the abuse of humanitarian excuses. The purpose of this study is to support emerging discussions about changing international procedures for legal accurate humanitarian action.

STATEMENT OF THE PROBLEM

Every state has the right to independently manage its internal affairs, as guaranteed by the principle of state sovereignty, which is signed in Article 2(1) of the UN Charter. But this idea frequently interacts with the moral and legal obligation of the international community to protect people from major human rights violations including ethnic cleansing, war crimes, and genocide. Article 2(4) of the Charter prohibits the use of force, and the use of humanitarian intervention to protect civilians puts at risk the legitimate boundaries of sovereignty. In order to resolve this conflict, the Responsibility to Protect (R2P) philosophy was created, whose perspective sovereignty as a duty rather than a privilege. However, its implementation has been inconsistent. While the humanitarian interventions in Kosovo (1999) and Libya (2011) were criticized for going beyond their legal authority, the inaction in Syria (2011–present) and violations of humanitarian justification in Ukraine (2022–present) suggest political influence and selectivity. Thus, the primary challenge is to identify an ethically and legally valid framework for humanitarian intervention that maintains the core idea of state sovereignty while protecting human rights.

¹ U.N. Charter art. 2(1).

² U.N. Charter art. 2(4).

RESEARCH OBJECTIVES

- To examine the moral and legal arguments for humanitarian action in accordance with international law.
- To examine how international law addresses humanitarian protection with respect for state sovereignty using recent case studies.

RESEARCH QUESTIONS

1. In what situations does international law allow humanitarian assistance without going against the idea of state sovereignty?
2. Is the Responsibility to Protect (R2P) theory a viable and legal framework for finding a balance between state sovereignty and humanitarian protection?
3. How do current problems like Syria (2011–present), Libya (2011), Kosovo (1999), and Ukraine (2022–present) highlight the difficulties international law has in achieving a balance between sovereignty and humanitarian protection?

LITERATURE REVIEW

1. *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* by Gareth Evans, Brookings Institution Press, 2008.

Gareth Evans introduces the idea of Responsibility to Protect (R2P) in this book, which reinterprets the concept of sovereignty. He believes that sovereignty includes protection of citizens from war crimes, ethnic cleansing, and genocide in addition to territorial control. In the event that a state fails to fulfill this obligation, the UN framework requires the international community to take collective action. Explaining the ethical and legal justification for action, the author emphasizes how crucial Security Council approval is to preserving legitimacy. Understanding how humanitarian protection and respect for state sovereignty can coexist is made possible by his work.

2. *Ex Injuria Jus Oritur: Are We Moving Towards International Legitimation of Forcible Humanitarian Countermeasures?* by Antonio Cassese, 10 Eur. J. Int'l L. 23 (1999).

Antonio Cassese critically investigates the possibility that changing international practice can legitimize humanitarian intervention without UN authorization. His analysis of the post-Cold War interventions makes the case that, notwithstanding their moral appeal, they are nevertheless prohibited by Article 2(4) of the UN Charter. Accepting humanitarian action on a unilateral basis could undermine global stability and the UN Security Council's authority, the author believes. In highlighting the ongoing ethical and legal conflict between upholding state sovereignty and safeguarding human rights, his work is important.

3. *Saving Strangers: Humanitarian Intervention in International Society* by Nicholas J. Wheeler, Oxford University Press, 2000.

He examines a number of case studies, such as Kosovo, to show how ethical requirements can clash with the rule of law. Although humanitarian intervention may have moral justification, the author notes that it is often affected by political agendas and lacks consistent legal legitimacy. The challenge of making sure that humanitarian goals coincide with legal behavior as defined by the UN Charter is highlighted by Wheeler's work.

4. *Principles of Public International Law* by Ian Brownlie, 8th ed., Oxford University Press, 2008.

Ian Brownlie provides a traditional view of international law that places a strong emphasis on the value of state sovereignty and prohibits on using force. Article 2(4) of the United Nations Charter is violated, he claims, when humanitarian assistance is carried out without the express consent of the UN Security Council. Commitment to non-intervention is crucial for preserving world peace and shielding lesser states from being dominated by more strong ones, the author emphasizes. The idea that moral principles by themselves cannot replace the legal limits set by international law is supported by Brownlie's perspective.

5. *Just War or Just Peace? Humanitarian Intervention and International Law* by Simon Chesterman, Oxford University Press, 2001.

Simon Chesterman examines humanitarian intervention's legitimacy and legality in considering current international law. He discusses about how ethical interventions must yet respect to the law in order to maintain global order. In order to prevent humanitarian intentions from being exploited for political ends, the author contends that only UN-approved interventions can be legitimate and legal. He emphasizes the necessity of a rule-based system that preserves state sovereignty and human rights protection in his conclusion.

RESEARCH METHODOLOGY

This study uses a doctrinal and analytical method of study to investigate the connection between state sovereignty and humanitarian action, focusing on legal principles, case law, and international organizations. Apart from primary sources like the United Nations Charter, specifically Articles 2(1) and

2(4), UN Security Council Resolutions, and relevant International Court of Justice (ICJ) opinions, the research is primarily based on secondary sources like books, scholarly publications, and academic articles. To analyze legal provisions, concepts, and significant case studies like Kosovo (1999), Libya (2011), Syria (2011–present), and Ukraine (2022–present), a qualitative approach is deployed. By addressing differences and selective practices, the study aims to determine how international law maintains a balance between humanitarian protection and respect for sovereignty. This approach offers an organized framework for assessing the difficulties, efficacy, and validity of humanitarian action according to current international law.

CHAPTERISATION

CHAPTER 1: EVOLUTION OF HUMANITARIAN INTERVENTION AND STATE SOVEREIGNTY

1.1 Historical Development of State Sovereignty in International Law

The principle of sovereignty has traditionally been the foundational element of international law. Its contemporary interpretation finds its origins in the 1648 Treaty of Westphalia³, which firmly established the principles of sovereign equality and non-interference in domestic matters. These principles were later enshrined in the United Nations Charter of 1945⁴, particularly in Article 2(1), which guarantees sovereign equality among states, and Article 2(4), which prohibits the threat or use of force against the territorial integrity or political independence of any state.

In the early twentieth century, sovereignty was often regarded as absolute, granting states unconditional autonomy over their internal affairs, including their treatment of citizens. However, the horrors of World War II necessitated a rethink of this concept. The establishment of the United Nations, alongside the Universal Declaration of Human Rights (1948)⁵ and the Geneva Conventions (1949)⁶, signified a shift from sovereignty as mere control to sovereignty encompassing responsibility.

This transformation introduced a dual character: sovereignty not only guarantees independence and equality among states but also imposes a duty to safeguard fundamental human rights. Consequently, sovereignty can no longer be invoked as a justification for gross human rights abuses, thereby giving rise to the debate over humanitarian intervention.

1.2 Emergence of Humanitarian Intervention

The conclusion of the Cold War marked an increase in internal conflicts and humanitarian emergencies, prompting international action. The 1990s were pivotal in establishing humanitarian intervention as an emerging norm. Military interventions in Somalia (1992)⁷, Rwanda (1994), and Kosovo (1999) underscored the urgent need, yet also the complexity, of international efforts to prevent human suffering.

Humanitarian intervention refers to the use of armed force by one or more states without the consent of the affected state to halt or prevent severe human rights violations. Although morally compelling, such interventions challenge the legal framework of the United Nations Charter, which forbids unilateral use of force. This tension prompted the development of a more nuanced approach known as the Responsibility to Protect (R2P), which redefines sovereignty as a matter of responsibility rather than privilege.

1.3 The Responsibility to Protect (R2P) and Its Legal Foundations

The R2P doctrine is a landmark normative innovation in international law. It rests on three core principles: States have the primary responsibility to shield their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. The international community must assist states in fulfilling this obligation. When a state manifestly fails to protect its citizens, the international community is obliged to take collective action through the UN Security Council in compliance with the Charter R2P thereby endeavors to reconcile humanitarian imperatives with international legal legitimacy. Nevertheless, its implementation has been uneven and frequently shaped by political considerations and selective application.

CHAPTER 2: LEGAL FRAMEWORK AND CASE STUDIES ON HUMANITARIAN INTERVENTION

2.1 Legal Basis under the United Nations Charter

The United Nations Charter forms the legal underpinning for the prohibition of force and the system of collective security. Article 2(4) forbids the use of force against other states, while Article 51 safeguards the right to individual or collective self-defence. Under Chapter VII, the Security Council is

³ Treaty of Westphalia, Oct. 24, 1648.

⁴ U.N. Charter, June 26, 1945, 1 U.N.T.S. XVI.

⁵ Universal Declaration of Human Rights, G.A. Res. 217 A (III), U.N. Doc. A/810 (Dec. 10, 1948).

⁶ The Geneva Conventions (1949)

⁷ Intervention in Somalia (1992).

empowered to authorize the use of force as necessary to maintain or restore international peace and security.

However, the Charter does not explicitly recognize humanitarian intervention as a lawful exception. Consequently, humanitarian interventions require Security Council authorization to be legally valid. Without such authorization, interventions—even if morally justified—remain legally contentious.

2.2 The NATO Intervention in Kosovo (1999)⁸

It represented a critical juncture in the development of humanitarian intervention. NATO forces undertook military action in the Federal Republic of Yugoslavia to halt mass atrocities against ethnic Albanians, despite the lack of Security Council approval due to anticipated vetoes by Russia. While effective in ending the violence, the intervention contravened the UN Charter.

The Independent International Commission on Kosovo (2000) described the intervention as “illegal but legitimate,” raising the key question of whether moral obligations to prevent atrocities should take precedence over strict adherence to legality. This incident highlighted the urgent need for a legal doctrine reconciling these competing principles.

2.3 Libya (2011) and the Implementation of R2P⁹

Libya’s civil war posed a serious threat to civilians. The UN Security Council, under Resolution 1973, authorized all necessary measures to protect civilians, marking a significant invocation of R2P. Although initially regarded as a success, the mission evolved into regime change, resulting in long-term instability.

Criticism emerged that NATO exceeded its mandate, using humanitarian rhetoric as pretext for political ends. This case underscores both the strengths and vulnerabilities of R2P—it can prevent immediate atrocities but can also be misused, undermining legitimacy and future consensus.

2.4 Syria (2011–Present) and International Inaction¹⁰

The ongoing conflict in Syria starkly contrasts with Libya. Despite widespread human rights violations, the Security Council’s inability to act—largely due to vetoes by Russia and China—led to severe humanitarian fallout. This impasse illuminated the political constraints of R2P and the enduring primacy of sovereignty when major powers’ interests intersect.

Syria exemplifies the systemic challenges to effective humanitarian intervention and signals the pressing need for reform of the UN’s decision-making process, especially regarding veto powers during humanitarian crises.

2.5 Russia–Ukraine Conflict (2022–Present)¹¹

Russia’s military incursion into Ukraine in 2022, justified on purported humanitarian grounds to protect ethnic Russians in separatist regions, represents an abuse of humanitarian justification. Unlike Kosovo or Libya, this act is a flagrant violation of Article 2(4) of the UN Charter and was internationally condemned as aggression disguised as humanitarianism.

This case highlights the risks of misappropriating humanitarian language, threatening the legitimacy of genuine humanitarian intervention and international peace. It underlines the urgent need for clearer legal standards to prevent the exploitation of humanitarian norms for geopolitical objectives.

CHAPTER 3: CHALLENGES AND LIMITATIONS IN HUMANITARIAN INTERVENTION

3.1 Legal Ambiguity and Lack of Codification

It remains legally ambiguous due to lack of explicit codification. This ambiguity fosters inconsistent practices, often dependent on political considerations rather than clear legal criteria, inviting accusations of partiality and undermining legitimacy.

3.2 Political Manipulation and Security Council Paralysis

The Security Council’s veto mechanism frequently impedes timely humanitarian response. Political motivations and alliances dominate decisions, as epitomized by the Syrian crisis, weakening the effectiveness of humanitarian goals and the UN’s impartiality.

⁸ Intervention in Kosovo (1999).

⁹ Intervention in Libya (2011).

¹⁰ Intervention in Syria (2011–present).

¹¹ Ukraine Conflict (2022–present).

3.3 Selective Humanitarianism and Double Standards

Selective Intervention and Double Standards Humanitarian interventions often align with states' geopolitical interests, resulting in selective application. The contrasting responses to crises like Kosovo and Libya versus Rwanda and Syria exemplify this inconsistency, which undermines the credibility of international humanitarian norms

3.4 Threats to Sovereignty and International Stability

While preventing atrocities is a moral imperative, frequent or unauthorized interventions risk eroding sovereignty and setting precarious precedents. Such actions can encourage unilateralism, threatening the core principle of non-intervention and long-term international peace.

CHAPTER 4: RESEARCH GAPS, FUTURE IMPLICATIONS, AND RECOMMENDATIONS

4.1 Research Gaps

Despite R2P's normative developments, there is scant empirical research on its practical outcomes, particularly regarding post-intervention governance and sovereignty impacts. Also lacking is a universally accepted legal framework for determining when humanitarian interventions are justified.

4.2 Recommendations

Develop an internationally binding treaty establishing clear criteria for lawful humanitarian intervention. Security Council Reform: Advocate for a normative "responsibility not to veto" in mass atrocity situations. Preventive Diplomacy: Strengthen early warning, mediation, and peacebuilding to reduce intervention necessity. Accountability Mechanisms: Create independent bodies to monitor interventions and ensure alignment with humanitarian aims. Sovereignty-Responsibility Balance: Encourage domestic incorporation of R2P to bolster state accountability and self-protection capacities

CHAPTER 5: ANALYSIS AND FINDINGS

According to the analysis, international law continues to be a source of conflict between state sovereignty and humanitarian action. While sovereignty, as guaranteed by UN Charter Articles 2(1) and 2(4), guarantees independence and non-interference, it cannot excuse the ability in the face of serious human rights violations. The Responsibility to Protect (R2P) framework defines sovereignty as a duty to safeguard citizens, rather than just a right to govern, in an effort for a balance between these ideals. Nevertheless, real-world experiences reveal gaps. The intervention in Kosovo 1999 was morally correct but lacked legal certainty; the intervention in Libya 2011¹² was legal but politically abused; the Syrian crisis demonstrated complete inaction because of political vetoes; and the conflict between Russia and Ukraine demonstrates how humanitarian claims can be used to violate sovereignty.

Key Findings

Humanitarian intervention is not expressly permitted by any clear legal framework. Due to strategic and political considerations, R2P is applied inconsistently. Vetoes from the Security Council prevent effective humanitarian assistance. International belief can be undermined by the misuse of humanitarian objectives. To legally maintain a balance between protection and respect, a system that is both codified and responsible is required. Fundamentally, international law needs to develop into a framework based on legitimacy, cooperation, and true moral obligation that guarantees humanitarian protection without compromising state sovereignty.

CONCLUSION

The fundamentals of international law are still being tested by the conflict between state sovereignty and humanitarian intervention. While Article 2(1) of the UN Charter guarantees sovereignty, which protects states' equality and independence, it cannot be used as an excuse to remain discreet about major human rights violation, ethnic cleansing, or genocide. With the advent of the Responsibility to Protect (R2P) concept, which emphasizes that a state has a duty to protect its citizens from mass atrocities and that the international community must step in when it does not, the concept of sovereignty has evolved from one of authority to one of responsibility.

However, it is evident from the different implementation of R2P and the selective character of humanitarian interventions that political interests frequently place limitations on moral imperatives. The conflicting cases of Kosovo, Libya, Syria, and Ukraine show how, depending on their legitimacy and authority, humanitarian goals can either support or threaten international order.

International law must develop into a standard and responsible framework that respects state sovereignty and human dignity in order to maintain an equal balance. Real humanitarian involvement needs to be governed by open intent, legal authorization, and group decision-making. Only with such reforms

¹² Intervention in Libya (2011).

can the values of respect and protection survive peacefully, guaranteeing justice without compromising the sovereignty that preserves international stability.

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