



Interventionist Actions to Safeguard Essential Liberties and Their Implications for National Sovereignty

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Abstract

One of the established transnational strategies employed to shield both individuals and collectives from oppression and infringement is external intervention under humanitarian pretexts. Nevertheless, such initiatives, purportedly aimed at upholding fundamental entitlements, can engender profound repercussions on the autonomy of sovereign entities due to the opacity surrounding their execution and jurisdictional demarcations. The precarious nature of weaker states exacerbates their exposure to foreign influence, often justified under the premise of safeguarding essential freedoms. This reality incites critical discourse on the legitimacy of such engagements, their operational constraints, and the rationale behind selective implementation across different geopolitical landscapes.

Keywords:external intervention; national autonomy; fundamental entitlements; implications; juridical validation.

Introduction:

Consideration of governance structures, institutional authority, and the dominion of the state has been an enduring theme in the evolution of intellectual discourse. However, contemporary global shifts have precipitated the ascendance of alternative entities wielding influence commensurate with, or even surpassing, that of nation-states. The increasing entrenchment of states within supranational frameworks has compelled them to conform to externally dictated paradigms, often redefining their autonomous prerogatives.

Among the various mandates assumed by transnational institutions is intervention ostensibly aimed at upholding stability, fostering collective security, and shielding populations from systemic subjugation. While such engagements are

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framed as imperative to humanitarian imperatives, they are frequently championed by dominant powers leveraging institutional influence. Nonetheless, these actions, despite their purportedly benevolent rationale, often precipitate substantial ramifications, eroding sovereign jurisdiction and impinging upon the autonomous formulation of political and economic directives.

The conceptualization of sovereignty has undergone significant transformations, shaped by historical ruptures and doctrinal reformulations. Many theorists trace its contemporary articulation to the period of European fragmentation and power struggles culminating in the Treaty of Westphalia (1648), which delineated the foundational tenets of statehood and institutional legitimacy.

The aftermath of the Second World War witnessed a proliferation of such interventions, both in scope and intensity, bolstered by the institutionalization of global compacts such as the Universal Declaration of Human Rights. This necessitated the establishment of a codified legal infrastructure to regulate such engagements, ensuring they did not encroach upon national autonomy or subvert territorial governance.

In this vein, a critical inquiry emerges: **To what extent do external humanitarian actions recalibrate or infringe upon a state's sovereignty?**

This research seeks to dissect the repercussions of these interventions on national self-determination, interrogating their juridical justifications and their positioning within an evolving international hierarchy characterized by strategic contestations. Employing an analytical-descriptive approach, this study scrutinizes the interplay of variables inherent to the discourse, undertaking a rigorous examination of the nexus between humanitarian engagements and sovereign authority.

To address this inquiry, the study adopts a dual-faceted structure: First, an explication of the core constructs under consideration—sovereignty and intervention—followed by an evaluative analysis of the implications such interventions impose upon the autonomy of nation-states.



1. SOVEREIGNTY AND HUMANITARIAN INTERVENTION

For an extended period, the notion of state sovereignty has been intrinsically tied to the principle of non-intervention, affirming a state's exclusive prerogative to govern its affairs without external intrusion. However, this doctrinal position has undergone considerable transformation, largely precipitated by shifts within the international system. These global realignments have facilitated the emergence of new paradigms that challenge the conventional inviolability of sovereignty, particularly with respect to interventionist measures purportedly undertaken to safeguard fundamental human entitlements. This intersection of sovereignty and humanitarian imperatives necessitates a rigorous conceptual delineation.

FIRST REQUIREMENT: CONCEPTUAL FRAMEWORK OF NATIONAL SOVEREIGNTY

The construct of sovereignty has been the subject of extensive theoretical deliberation, with scholars and political theorists offering divergent interpretations regarding its scope and operational parameters. The disparities in definitional perspectives stem from distinct epistemological frameworks and ideological orientations, leading to an array of nuanced understandings concerning its legal, political, and philosophical dimensions. Consequently, sovereignty remains a fluid and contested construct, requiring meticulous analysis to elucidate its foundational principles and the extent to which it is susceptible to external modulation.

Research on sovereignty as a major component of the State distinguishes it from other organizations makes it a supreme authority combined in the hands of the State alone. In this context, Professor Jean Dabin defines it as "a sovereign State against individuals and private and public groups living or operating within it, In the supreme society in which individuals and groups are subject to State authority."¹

Professor Joe Verhoeven defines it as "the supreme quality of authority that does not accept or compete with an other superior authority"²This definition indicates that the notion of sovereignty has no difference about its supreme on all authorities in the state and Its sphere is State-specific and could not be waived.



There are conflicting views about the pattern of sovereignty and the limits of its release. Is it absolute and unrestricted? Political, economic and political developments have given another dimension to this concept and no longer in the first form it was. In fact, we can distinguish between two different perspectives in the definition of sovereignty:

Trend One: The traditional understanding of sovereignty is predicated on the premise of absolute authority, asserting that a governing entity wields unrestricted power, free from external constraints. Under this paradigm, sovereign jurisdiction is regarded as paramount, obligating all individuals within its domain to adhere to its mandates without exception. Nonetheless, this entrenched notion has experienced considerable erosion due to significant political and economic transformations, particularly throughout the past century. The acceleration of cross-border interactions, the expansion of international governance structures, and the rise of influential transnational actors have collectively contributed to a redefinition of state autonomy. These developments have progressively diluted the notion of sovereignty as an immutable construct, compelling a reassessment of its practical applicability in an increasingly interconnected global framework.

Trend tow: more modern conceptualization of sovereignty situates it as an intrinsic attribute of political authority, fundamentally intertwined with statehood and governance. Within this framework, sovereignty is conceived as the legitimate exercise of power by a central governing body, confined strictly within the state's territorial demarcations. This perspective underscores the state's exclusive right to enforce legal, administrative, and political control over its internal affairs without external interference. On the international stage, this interpretation maintains that a sovereign entity retains full autonomy, unrestricted by external mandates or supranational directives. It is posited that a state, while engaging with globally recognized principles and diplomatic conventions, remains fundamentally independent in shaping its foreign relations and strategic alliances without being subordinated to any overarching international authority³.

We conclude from the foregoing that the concept of absolute and unlimited sovereignty has become difficult to exist in an international community integrated under international law. which requires States to deal flexibly with the requirements of this new reality, Despite these changes, the State and its



institutions have remained steadfast and reserved a significant degree of sovereignty. s political, economic and social power and ability to influence the international arena.

Through an analysis of various conceptualizations, sovereignty can be characterized by several defining elements:

- **Supreme and Indivisible Authority:** The governing entity holds the highest level of control within its recognized borders, exerting influence over all institutions and entities under its jurisdiction. This dominance is non-transferable and remains solely within the purview of the state, ensuring that no external force can encroach upon its prerogatives.

- **Unrestricted Decision-Making Power:** Sovereignty embodies the unrestricted capacity of a governing body to enact policies, formulate legal frameworks, and implement governance mechanisms without external oversight. The foundation of this principle rests upon the independent will of the ruling authority, free from any imposed constraints or obligations beyond those voluntarily accepted.

- **Comprehensive Territorial Reach:** The state's authority extends uniformly across all individuals and entities within its legally defined territory. Every subject under its governance is obliged to comply with its directives, reinforcing the centralized nature of legislative and administrative control.

- **Integral to Statehood:** The existence of sovereignty is a fundamental prerequisite for state legitimacy. Without it, a political entity cannot function as an autonomous unit. Although certain organizations or groups may wield localized influence, their authority does not equate to sovereignty, which remains an exclusive attribute of a fully recognized governing structure.

SECOND REQUIREMENT: UNDERLYING NOTIONS AND REPERCUSSIONS OF EXTERNAL INTERVENTION

The increasing interconnectedness of nations within a shared international framework has fostered intricate interrelations among societies with diverse cultural and ideological foundations. One critical dimension of this global



integration is the recognition of universally applicable entitlements that transcend national affiliations. Historically, the protection of fundamental rights was perceived as an internal matter exclusive to sovereign entities. However, with the adoption of the Universal Declaration of Human Rights in 1948 and the subsequent proliferation of global conventions, this perspective shifted significantly. The growing influence of international institutions in safeguarding these rights further reinforced this transformation.

The concept of humanitarian intervention remains subject to considerable debate, largely due to the varying methods employed in its execution. There exists an ongoing discourse regarding whether such actions necessitate the use of direct military engagement or whether alternative,⁴ non-coercive measures should be prioritized. This debate extends to the legitimacy of interventionist approaches, the constraints imposed upon them, and their potential encroachment on national sovereignty.

While various interpretations of humanitarian intervention emphasize the imperative of preventing large-scale abuses, legal scholars have offered differing perspectives on its precise scope. One prominent definition, articulated by legal theorist Murphy, describes it as the deployment of military capabilities by one or more states against another, not for defensive purposes but as a means of halting severe transgressions against fundamental human rights. In this sense, the rationale behind coercive intervention is framed as a deterrent against egregious violations rather than a traditional exercise of military force for self-preservation or territorial defense.

In alignment with the broader framework of human security, non-violent mechanisms are generally prioritized, with the application of armed intervention reserved for extraordinary circumstances where diplomatic resolutions have proven ineffective. The nature and gravity of the humanitarian crisis at hand ultimately dictate the form and extent of external engagement. However, despite its intended purpose, humanitarian intervention continues to provoke complex legal and ethical concerns, particularly regarding its potential to undermine national sovereignty and interfere in the internal governance of states.



2- EXTERNAL INTERVENTION AND ITS IMPACT ON NATIONAL AUTONOMY

Humanitarian intervention has serious implications for States' sovereignty. States have always sought to demand rules that protect them from the consequences of such interference, ensure that their full sovereignty over their territory is safeguarded, guarantee their freedom of decision and prevent interference in their affairs.

FIRST REQUIREMENT: DIMINISHED NATIONAL STATE SOVEREIGNTY

Scholars present differing interpretations regarding the delineation of national sovereignty and its interaction with international legal frameworks. Domestic sovereignty, which pertains to a state's autonomous control over its internal governance, is often contrasted with its external sovereignty, which is subject to the broader constraints imposed by transnational legal instruments. The codification of international law has progressively redefined intergovernmental relations, contributing to a significant recalibration of the classical notion of absolute state authority.

From a historical standpoint, early sovereignty theorists established foundational principles that emphasized the supreme and unbounded nature of state power. Jean Bodin, for instance, articulated sovereignty as an indivisible authority unrestricted by any external legal constraints. Similarly, Jean-Jacques Rousseau asserted that the imposition of external legal mandates upon a sovereign state contradicted the very essence of political autonomy. These interpretations emerged during formative periods of state consolidation, long before the advent of globalized governance structures.

In contemporary discourse, however, the emergence of a new geopolitical paradigm has rendered the notion of impermeable sovereignty increasingly tenuous. Expanding economic interdependencies, environmental crises, and the liberalization of global financial systems have necessitated novel regulatory mechanisms that transcend national boundaries. As a result, the traditional



absolutist model of sovereignty has been progressively supplanted by a more fluid and adaptable framework, reflecting the realities of an interconnected world order⁵.

The international community has produced global organizations that have enabled all countries to be included in recognized institutions. In which binding resolutions are taken for all parties belonging to them, further more conflicts and wars Rather, it has come to be seen as a threat to human security as a whole, which places the State under legal responsibility vis-à-vis the international community, As a result, increasing focus has been placed on the principle of external intervention as an exception to traditional state sovereignty, effectively broadening the jurisdiction of international entities. This shift has prompted the exploration of new legal frameworks that accommodate an international order characterized by structural asymmetries.

The transformation of sovereignty under the evolving global paradigm is evident, with certain scholars redefining it as a residual authority exercised by states within the confines dictated by international law. In this revised conception, sovereignty is no longer absolute but rather contingent upon legal stipulations established at the transnational level. This perspective challenges the classical notion of sovereignty as an indivisible and supreme authority, positioning it instead as a mutable construct shaped by the overarching framework of global governance.

The traditional construct of sovereignty appears increasingly misaligned with the evolving tenets of contemporary international law, as it struggles to conform to globally accepted legal standards. Philip Jessup asserts that modern international law has developed into a universally applicable system, influencing legal structures across all states⁶. Consequently, national authorities frequently modify their internal legal frameworks to align with these overarching principles.

This divergence in perspectives raises critical challenges regarding the scope of sovereignty, its interplay with international regulations, and the legitimacy of externally driven interventions. Proponents of absolute state authority argue that such interventions remain fundamentally illegitimate, regardless of the rationale presented at the global level. Their opposition is based on two primary arguments:



The first major argument against external involvement is its fundamental incompatibility with the doctrine of state autonomy and the principle of non-intervention in domestic affairs. Allowing such actions effectively fragments sovereign authority, redistributing control between national governments and external entities. This dilution of exclusive jurisdiction ultimately subordinates state prerogatives to an overarching international framework, wherein interventionist actors assume decision-making powers traditionally reserved for national leadership.

The second point of contention pertains to the validity of interventionist actions and the operational frameworks governing them. Critics highlight that the emerging global order, structured predominantly by influential powers, prioritizes the strategic imperatives of dominant actors rather than adhering to impartial principles. Consequently, the mechanisms regulating such engagements often reflect asymmetrical power dynamics, wherein interventions align with the geopolitical agendas of leading states rather than universally applied legal norms.

Despite these objections, the safeguarding of fundamental rights and liberties remains an essential function of national governance. When a state is unable or unwilling to uphold these obligations, it creates a vacuum that external entities may claim a responsibility to address. This rationale forms the core justification for transnational engagement in instances where internal governance structures fail to prevent systemic abuses against individuals and communities.

SECOND REQUIREMENT: HUMANITARIAN INTERVENTION BETWEEN DOUBLE STANDARDS AND INTERFERENCE IN STATE'S INTERNAL AFFAIRS

The challenges surrounding interventionist actions extend far beyond theoretical and legal dimensions, prompting pragmatic concerns regarding the impartiality of global institutions empowered to engage in protective measures. A critical issue arises in determining whether these entities apply interventionist policies equitably across all geopolitical contexts. This concern is particularly relevant to developing nations, which often find themselves disproportionately subjected to external interference while more powerful states remain insulated from similar scrutiny.



A prominent illustration of selective engagement is evident in the contrasting responses to crises in different regions. For instance, military coalitions, such as NATO and the United States, justified their intervention in Kosovo by citing the imperative to halt severe violations of fundamental rights. However, similar large-scale atrocities, such as those committed against the Rohingya population in Burma, did not elicit comparable action⁷. Likewise, long-standing grievances related to rights violations in Palestine have failed to prompt analogous interventionist responses. These inconsistencies rekindle the debate over whether intervention is a universal moral obligation or a strategic tool wielded selectively in alignment with geopolitical interests.

For sovereign states, external interference remains a matter of deep contention, particularly when dominant international narratives dictate the parameters of acceptable governance and fundamental rights. The prevailing global discourse, often shaped by Western paradigms, does not always align with the diverse political, economic, and cultural frameworks of other states. What is classified as an inherent right within liberal democracies may not hold the same significance or interpretation elsewhere, leading to accusations of ideological imposition and selective enforcement.

While international agreements enshrine the principle that states should be free from external imposition, intervention has evolved beyond its conventional military connotation. In the modern geopolitical landscape, external influence manifests through more covert and indirect mechanisms, including economic coercion, diplomatic isolation, and conditional recognition of political legitimacy. Such non-military forms of interference disproportionately affect fragile states, where ruling entities may be compelled to comply with external pressures to secure international validation and sustain governance.

The stakes become even more pronounced when global powers engage in interventionist practices as part of broader strategic rivalries. In a world where international legal frameworks increasingly dictate intergovernmental relationships, sovereign actors face diminishing autonomy in foreign policymaking. The extension of legal oversight into domestic governance structures further constrains states, compelling them to align with international norms on rights protections, often at the cost of independent decision-making.



Nonetheless, the ambiguity surrounding intervention remains a central dilemma. The absence of a universally accepted framework leaves room for both unchecked violations and unjustified intrusions. While no state should be permitted to commit egregious offenses under the pretense of sovereignty, intervention must also be bound by clear, enforceable limitations to prevent exploitation. Ensuring the legitimacy of such actions requires the establishment of concrete safeguards, transparent oversight mechanisms, and unequivocal restrictions to prevent overreach and geopolitical manipulation.

Conclusion:

This study has led to several significant findings and proposals:

- The evolving geopolitical landscape has necessitated a redefinition of sovereignty, wherein international institutions now assume roles that were once exclusively within the domain of state authority, particularly in external affairs.
- While global entities advocate for protective intervention under the guise of safeguarding fundamental rights, there remains substantial contention regarding the legitimacy, scope, and effectiveness of such actions. This debate is further complicated by the absence of a clearly delineated legal framework that precisely defines the boundaries between sovereign prerogatives and the authority of external organizations.
- Despite divergent perspectives on the extent to which intervention should be permitted, there is a discernible pattern of diminishing national autonomy and increasing external influence over internal governance. This shift is evident in the prioritization of transnational legal instruments over domestic constitutional provisions.
- In an international order shaped by strategic interests and asymmetrical power dynamics, the selective application of interventionist measures underscores concerns regarding their true objectives. The absence of regulatory safeguards to prevent the misuse of intervention as a pretext for intrusion into sovereign affairs further exacerbates these concerns.



• Given the demonstrated inefficacy of global institutions in consistently enforcing protective measures, there is an emerging inclination toward rejecting interventionist practices altogether. This is particularly evident in high-profile crises such as the Gaza conflict, where international bodies have failed to uphold their stated mandate of rights protection.

Recommendations:

- Implement robust legal frameworks to shield state sovereignty from encroachments justified under the rhetoric of rights protection.
- Establish unambiguous criteria governing the legitimacy and scope of external intervention, ensuring that such actions are devoid of strategic exploitation or rhetorical justifications detached from genuine humanitarian concerns.

¹Boumediene Tashma, **Introduction to Political science Presented in the Study of Governance's Origins**, Algeria:Jusoor for publishing and distribution, 2014, p 72.

²Khadidja gherdaine, **Sovereignty in contemporary international law**, Magazine of Legal and Political Studies, Volume 4, No 2, June 2018, P 394.

³Boumediene Tashma, Op.Cit , p 86

⁴Muhammad Jared, **International Humanitarian Intervention as a Mechanism for Human Rights Protection: What Future Has the Principle of Sovereignty?**,Journal of Legal and Political Sciences, Volume 13, No 1, May 2022, P 23-28.

⁵Hendrik Spruyt, **The Sovereign State and Its Comeptitors: An Analysis of Systems Change**, Publisher: Princeton University of Press, 1994, P 31.

⁶Alwan Muhammad, **Public international law - introduction and sources**, Amman Jordan:Dar Wael for Publishing, 2007, p 38.

⁷Sidi LemineOmar Sheikh Mohammed, **The protected domain of the sovereign state in globalization era**, human rights and public liberties review, Volume 04, No 1, June 2019, P 23.

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