

INTERVENTION AND SOVEREIGNTY WITHIN THE FRAMEWORK OF THE RESPONSIBILITY TO PROTECT



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Abstract:

This study centers on the "Responsibility to Protect" (R2P) as a contemporary principle formulated to address the fundamental challenge of reconciling national sovereignty with intervention under the justification of right of protection human rights. It explores the change in the responsibility of this protective duty from individual states towards the global community, acting through the UN to safeguard populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. Nevertheless, states do not easily waive principles enshrined in the UN Charter, such as sovereignty, non-intervention in internal affairs, and the ban on the use of power in international relationships. Consequently, it is relevant to investigate how a balance is hit in the intervention equation and to limit the procedure phase for its application

key words: International intervention; responsibility to protect (R2P); sovereignty.

ملخص: موضوع الدراسة يتمحور حول "مسؤولية الحماية" كمبدأ مستحدث في شكل جديد يتم تحت مسوغ حماية حقوق الإنسان انطلاقا بمعالجة مسائل أساسية تتعلق بالتوفيق بين السيادة الوطنية و التدخل، أين تم انتقال الحماية من طرف الدولة لحماية شعبيها إلى المجتمع الدولي من خلال الأمم المتحدة، لحماية السكان من الإبادة الجماعية و جرائم الحرب و التطهير العرقي و الجرائم المرتكبة ضد الإنسانية، غير أنه ليس من السهل للدول أن تتخلى على مبادئ نص عليه ميثاق الأمم المتحدة ، كالسيادة وعدم التدخل في الشؤون الداخلية للدول ، و حصر استخدام القوة في العلاقات الدولية ، وعليه يكون من المناسب النظر كيف وضع هذا التوازن في معادلة التدخل ، و مراحل إقراره.

الكلمات المفتاحية: التدخل الدولي؛ مسؤولية الحماية ؛ السيادة؛

.Introduction:

Humanity has long suffered wars and conflicts. Therefore, the concept of philanthropy is not a new phenomenon, but an old one with very old roots. However, it remains one of the most dangerous and inaccessible aspects of international law. This difficulty is exacerbated by the lack of clear criteria for adherence to the UN letter and the absence of a well -developed legal structure to govern the process, which makes it difficult to evaluate.

In a similar context, the application of this principle is not merely a recent occurrence. The world has witnessed numerous armed humanitarian interventions, such as when several European nations intervened in the matters of the Ottoman Empire under the guise of safeguarding the rights of minorities. These countries asserted that the Ottoman empire was oppressing the religious and ethnic minorities within its territories to inhumane treatment, notable examples being Tsarist Russia's intervention in Greece in 1830 and France's intervention in Syria in 1861 (Faisal, 2011).

Research suggests that intervention was often utilized from the early 19th century, rationalized by the safeguarding of religious minorities and the citizens of the intervening nations. The aim was to safeguard individuals irrespective of their gender or race, based on the premise that human rights have become an international issue of concern to the United Nations, which strives to halt violations within states. As a result of tragic events where civilians and unarmed people fell victim, the world has recorded interventions in various and diverse forms.

However, these interventions, which were based on humanitarian justifications and permitted the use of force to confront atrocities in a specific territory, have provoked global public outrage. It is contended that single states or coalitions of states lack the authority to interfere in the matters of other countries on behalf of the international community while pretending to promote new social values highlighting the importance of human rights.

Employing military force for humanitarian reasons has generated various theoretical and practical challenges in legal and political research, as it relates to the essential foundations of international stability. These consist of the concept of sovereignty, non-interference in a nation's domestic matters, and the principle against the use or threat of military force in international relations (Philip Alston, Euan MacDonald, 2008).

Sovereignty is the criterion that separates the state as a political and legal entity, and provides it authority to control its cases within its territory. The state alone is responsible for adopting laws, enforcing compliance and ensuring security, order and stability internally. At the same time, it is responsible for

defending the home country, protecting its safety, security and territorial integrity from external forces and ambitions. When considering the intervention action, we find that it directly collides with this principle.

Amid this situation and in light of the growing convergence among members of the international community, which has highlighted the inability of a state to manage all its affairs independently, a fundamental shift has begun to affect the concept of sovereignty. It has come into competition with human rights principles, leading to a retreat from the absolute conception of sovereignty towards a more relative one. Given the increasing violations of human rights, international humanitarian intervention has been employed to stop them, and the United Nations has started to frame its resolutions in a manner that indicates a failure to protect human rights will negatively impact international peace and security.

This has presented a number of challenges in the international legal system on how to unite a state's right to protect its sovereignty and non-interference in their internal cases with the right of international society to intervene to stop human rights violations. Against this background, it became important for the international community to explore the basis for justifying humanitarian intervention, focusing on studying and analyzing the articles in the UN Charter. This was the "responsibility to protect" the (R2P) principle, and served as a bridge between intervention and state sovereignty, and established a new norm for collective international responsibility for protection. An international conceptual consensus has been reached that protection is not primarily a military case, nor is it fundamentally a conflict between state sovereignty and individual sovereignty. At the core of state sovereignty lies the obligation for each state to provide necessary protection for its population in accordance with its laws. However, if any state abandons its duty to protect its citizens—whether due to internal wars, insurrection, repression, state failure, or being unwilling or unable to halt or avert harm—the responsibility to protect those citizens must be borne by the international community.

This new concept revolves around the central point that a state's sovereignty is forfeit if it fails to protect its citizens. The idea of intervention by the international community has gained wide acceptance in cases where a state is incapable or not a break to protect its population. Under such circumstances, responsibility changes to the international community through the United Nations to help protect populations from genocide, war crimes, ethnic cleaning and humanity crimes. Western nations invoked the responsibility to protect the concept in various regions of the world to protect human rights.

The rationale for this study stems from a desire to explore and clarify the stages and methods of implementing the Responsibility to Protect principle. This will allow for an understanding of the changes that have occurred in the principles of international law related to sovereignty, non-intervention, and human rights,

and the extent of the international community's readiness to accept them to ensure the protection of human rights.

Problem Statement

How does the principle of responsibility to protect allow interference in states' sovereignty for humanitarian purposes?

To address this topic comprehensively, this study will employ several methodologies to explore all related aspects:

- **Historical Method:** To trace the evolution of all ideas related to the research topic and to follow the chronological development of the specific problem concerning the concepts of intervention and sovereignty within the R2P framework, which represents a topic of current and major concern for international public opinion.
- **Analytical Method:** This will be utilized by analyzing resolutions, concepts, and opinions relevant to the study's subject, in addition to international positions on the practice of humanitarian interventions.
- **Descriptive Method:** To describe humanitarian situations, particularly concerning the deterioration of human rights conditions, or the overstepping of Security Council resolutions and the rules of international humanitarian law and international human rights law by intervening states.

To address the key points of implementing the Responsibility to Protect principle, it is appropriate to divide this article into two main parts as follows:

- **First:** Intervention to Protect Human Rights as an International Responsibility.
- **Second:** The Stages and Legal Criteria for Implementing the Responsibility to Protect.

1. INTERVENTION TO PROTECT HUMAN RIGHTS AS AN INTERNATIONAL RESPONSIBILITY

In response to the international community's reaction when confronted with catastrophic human rights violations within states, a context wherein the challenge of reconciling intervention and sovereignty arises, the United Nations, following numerous meetings and international deliberations, introduced a new principle known as the **Responsibility to Protect (R2P)** (Ahmad, 2016).

Formally, this principle is designed to be compatible with the principle of sovereignty; that is, the responsibility incumbent upon a state towards its citizens has evolved to permit the delegation of sovereignty to the international community in cases where states are unable or unwilling to fulfill their responsibility (Massingham, 2009).

This new approach to sovereignty is a development necessitated by the evolution of humanity and the accumulation of its experiences. It represents a contemporary understanding of state sovereignty, which was previously an obstacle to intervention for human protection purposes (Hamadou, 2013). This concept was first declared by the **International Commission on Intervention and State Sovereignty (ICISS)** and was termed the "Responsibility to Protect," subsequently evolving through its embodiment in international actions according to specific, regulating elements.

From this perspective, the essence of sovereignty is no longer understood in its absolute sense or viewed as control, but rather as a matter of **international responsibility to protect** (Evans, 2006). This implies that there is an authority higher than the state. If a state fails to control manifestations of human rights violations within its borders, this principle will be activated by the Security Council under Chapter VII of the Charter, in accordance with the provisions for military intervention in the concerned state (Ali, 2011).

It appears this doctrine did not achieve its current level of recognition without a strenuous journey through international forums, stations, and debates, which are too numerous to detail in this study. This process led to a transformation from "humanitarian intervention"—a concept the international community found unpalatable due to its conflict with sovereignty and non-intervention in internal affairs—into a new, widely adopted idea. It is therefore appropriate to reflect with some analysis on the following key points:

1.1. Balancing Intervention for Human Protection and the Principle of Sovereignty

Few would condone one state militarily intervening in another, particularly concerning the latter's treatment of its own citizens. In the absence of any treaty-based or customary legal foundation for military interventions by one or more states in the territory of another to end massacres and persecution of civilian populations based on their religious or ethnic affiliation, some have sought to establish the theory of "intervention in the name of humanity." This is founded on the assumption of a peremptory and binding legal norm—superior to national legislation and international agreements—which represents what has been termed the "**common law of humanity**" (Rougier, 1910).

Conversely, the principle of state sovereignty in representing its people in international relations serves as a symbol of national dignity, viewed as the ultimate embodiment of freedom, independence, and supreme authority over its territory and population, regardless of its adherence to human rights.

Without delving deeply into the origins of this concept, which emerged as a mechanism to protect human rights from potential violations, the concern for

sovereignty and the recognition of its fundamental duties were not solely attributed to the International Commission on Intervention and State Sovereignty (ICISS) (ICISS, December 2001). Following this, the Responsibility to Protect experienced swift advancements within the halls of the United Nations (Ahmad, Human Rights Protection from Humanitarian Intervention to the Responsibility to Protect, 2016), where we will seek to define this concept.

Progress on this principle continues; nevertheless, it is important to highlight that the **2005 World Summit Outcome Document** formally approved and acknowledged intervention under the Responsibility to Protect in instances of documented human rights violations.

Sub-branch One: Transition from State Sovereignty Intervention to Intervention for the Protection of Individual Sovereignty

The issue of human rights has progressively validated its universality, where every person is now equal to every other merely due to being part of the human family (Cohen, 2009). Due to the inadequate effectiveness of humanitarian intervention in providing protection and its challenging application, UN Secretary-General Kofi Annan raised his often-quoted question at the Millennium Summit: "...if humanitarian intervention is truly an unacceptable violation of sovereignty, how ought we to react to situations like Rwanda or Srebrenica—where there are severe and systematic breaches of human rights that compromise the very essence of our shared humanity?" (Massingham, 2009).

Furthermore, in his 2000 Millennium Report, Secretary-General Kofi Annan proposed a reconsideration of the issue of intervention and challenged the UN membership to resolve the tension between sovereignty and human rights, as these principles had remained an obstacle to achieving humanitarian protection (Fabri, 2008).

In the same context, the Secretary-General stated, "The concept of State sovereignty, in its essence and modern meaning, is undergoing a major transformation, not only because it is under pressure from globalization and international cooperation. **States must now be seen as instruments in the service of their peoples, and not the other way around.**"

Kofi Annan was the first to use and emphasize the expression "**sovereignty of the individual**" or "human sovereignty," considering it a concept of renewed awareness that is gaining increasing support. This is a result of the spread of individual rights and the right of every person to self-determination, as traditional concepts of sovereignty—namely, state sovereignty—no longer fulfill the aspirations of peoples in their pursuit of freedom (Massingham, 2009).

Analyzing this statement, we find that the Secretary-General treated the principle of sovereignty in such a way that if crimes against humanity are established, intervention becomes imperative to protect the sovereignty of the

individual. However, it is to be exercised through stages that will be addressed later in this study, with **armed intervention being the last resort**. Nevertheless, in the face of mass killing, it may be the one option that cannot be relinquished.

Sub-branch Two: The Meaning of Intervention in the Context of the International Responsibility to Protect

To clarify this principle, the UN Secretary-General advocated for a comprehensive definition of intervention that encompasses a range of actions from the most humanitarian to the most forceful. He called on the Security Council to recognize when human intervention is required and advocated for the broadening of the intervention concept to encompass the protection of individuals from genocide and abuses (ICISS, December 2001).

A detailed analysis of the linguistic dimensions and the outcomes of the "responsibility to protect" concept in a thorough review and the resulting documentation from the world summit indicates a shift in the viewpoint of the international community regarding global peace efforts.

The term "protection" carries a significant meaning in contrast to "intervention," implying a sense of duty in carrying out the action. The distinction is that intervention occurs due to the instability of the nation, which cannot ensure the safety of its citizens, while protection involves establishing stability and guaranteeing safety for the country's people (Rima, 2021).

After the creation of the **International State Intervention and Sovereignty Commission** (ICISS) in September 2000, which published its report a year later named "The Responsibility to Protect," considerable efforts were undertaken to tackle the essential clash between the right of sovereignty and the international community's duty to safeguard civilians. The report presented several new ideas and advocated for a shift in the understanding of sovereignty towards the concept of sovereignty as responsibility. In this context, viewing sovereignty as responsibility implies: a) The state is responsible for safeguarding its citizens' safety and well-being. b) State officials are accountable for their actions. c) National governments are accountable for their citizens domestically and the global community via the United Nations (ICISS). The obligation to ensure safety can be described as: "The primary duty for safeguarding its citizens lies within the state itself." When a population experiences severe harm due to civil conflict, rebellion, oppression, or state failure, and the state is either unwilling or unable to address the situation, the doctrine of non-intervention creates an international obligation to safeguard that population.

The Responsibility to Protect can be characterized as: "The main duty for safeguarding its citizens rests with the state itself." When a population faces severe damage due to internal conflict, insurgency, oppression, or state collapse, and the state involved cannot or will not stop it, the principle of non-intervention

gives way to the international obligation to protect. The responsibility then transfers to the international community, particularly to the Security Council.

Therefore, the core of sovereignty should not be seen as dominance but rather as a global obligation to safeguard. This implies that there is a power above the state if, through its incapacity or oppression, it causes human rights violations within its borders. This new conceptualization will be actualized through military intervention within the concerned state. However, it presents a formally more aggressive structure, omitting the word "intervention" and imposing responsibilities on military action through the use of the word "protection". Nevertheless, the "responsibility to protect" the concept represents a significant step that breathes life in these longtime obligations, especially supporting the concept of responsibility between states and the international community to make these commitments on the ground.

Sub-branch Three: international consent to the norm "responsibility to protect"

The world leaders formally adopted the principle after heads of state and government asked him at the world summit of **the United Nations General Assembly in September 2005** (General Assembly, 2005), where the Member States agreed with the details of the responsibility to protect.

In the view of many observers of the 2005 World Summit outcomes, the extensive debate aimed at clarifying and enshrining this innovation should lead to "Responsibility to Protect" being considered a **"new norm of collective international responsibility for protection."** The report also stated the principle of "sovereignty as responsibility," emphasizing respect for human rights as a fundamental principle in international relations. This has given the R2P greater specificity and clarity, marking a genuine turning point in its crystallization.

A detailed examination of paragraph 138 in the report reveals that states indicated their agreement to "take on that responsibility" and to behave accordingly. The international community's role is to motivate and help nations in meeting this duty when suitable, as well as to aid the United Nations in creating an early warning system.

1-2- The specific crimes to which the responsibility to protect principle applies

The leaders of nations and governments at the World Summit unanimously stated that the duty to safeguard populations pertains to these crimes:

- **Ethnic cleansing**
- **Crimes during wartime**
- **Removal of ethnic groups**
- **Atrocities against humanity and encouragement of such acts.**

Thus, this duty "rests with each individual state." They also concurred that the global community ought to support nations in meeting this obligation and enhancing their protective capabilities. They emphasized that the global community is ready to act collectively in a prompt and firm way, via the Security Council and in line with the UN Charter, if a state clearly fails to safeguard its citizens from these four identified crimes and violations (Hamadou, Responsible Sovereignty, 2013). The leaders convened at the 2005 global summit endorsed a commitment to the principle of responsibility to protect. Paragraph 139 of the same statement discusses the "responsibility to protect" that applies to the international community via the United Nations, which also bears the duty to employ suitable diplomatic, humanitarian, and peaceful methods, in line with Chapters VI and VIII of the charter, to assist in safeguarding populations from genocide, war crimes, and ethnic cleansing. In this context, he asserts: "We convey our willingness to undertake collective actions, decisively and promptly, via the Security Council, in accordance with the letter, including Chapter VII, on a case-by-case basis and in collaboration with pertinent regional organizations, as suitable." (Janina Barkholdt, Ingo Winkelmann, 2019). The aim of the responsibility to protect is to safeguard against the four gravest offenses: genocide, war crimes, ethnic cleansing, and crimes against humanity. Nonetheless, from a pragmatic viewpoint regarding sovereignty, the Security Council's stance on the responsibility to protect contains some ambiguity. In the majority of its resolutions, it continues to follow its traditional wording: "... Reaffirming Also Commitment to the Purposes of the Charter of the United Nations As Set In Article 1 (1-4) of the Charter, and to the Principles of the Charter As Set Out In Article 2 (1-7) of the Charter, including the commitment to the principles of political independence, sovereign equality, and territorial integrity of all states, while respecting the sovereignty of all states... These provisions prompt inquiry into how this stance can be reconciled with the "responsibility to protect," outlined in the ICISS report, and the principles of non-intervention and sovereignty enshrined in the UN Charter. To grasp how this responsibility was granted, it is essential to analyze the phases outlined by the International State Intervention and Sovereignty Commission (ICISS), which will be relevant to discuss in the study's second part.

2. THE STAPES OF APPLYING THE RESPONSIBILITY TO PROTECT

In this part of the study, we will examine the stages that must be respected and the criteria upon which the Security Council relies to issue a resolution permitting intervention in the sovereignty of a state under the principle of the Responsibility to Protect.

The International Commission on Intervention and State Sovereignty (ICISS) established procedures to be applied gradually according to stages related to this responsibility. This begins with precautionary measures, termed the **responsibility to prevent**. If these fail to achieve the desired results, the process moves to another stage, the **responsibility to react**, which includes various arrangements and measures before resorting to military action. This is followed by the **responsibility to rebuild**.

2.1. The Responsibility to Prevent

The objective of the Responsibility to Protect is to put an end to gross violations of human rights, based on the international consensus that protection is not primarily a military matter, nor is it fundamentally a conflict between state sovereignty and individual sovereignty.

It should be noted that the Commission posited that the Responsibility to Protect entails an accompanying responsibility: the **responsibility to prevent**. Therefore, prevention was broadly integrated into the R2P framework in the ICISS report. Prevention occupied a prominent place and received endorsement in the 2005 World Summit Outcome Document on R2P, which situated armed intervention within a continuum of measures where prevention was an essential part of the relationship between sovereignty and human rights (CLEAN, 2008).

Prevention is considered the single most important dimension of the Responsibility to Protect. It is impossible not to agree that "military interventions are costly, dangerous, and a limited tool for protecting security and human rights, whereas the preferred course of action is to adopt preventive measures and strategies" (J. Bellamy, 2009).

Prevention involves addressing the root and direct causes of internal conflict and other man-made crises that endanger populations. The Commission emphasized that the responsibility to prevent is no longer solely a national or local affair but a duty incumbent upon the entire international community (ICISS, December 2011). It also considers that effective conflict prevention requires knowledge of a situation's fragility, its associated risks, and an understanding of the available political measures capable of effecting change (Hassani, 2012). However, as there is no universal agreement on identifying the root causes of conflicts or distinguishing them from the direct causes of armed conflicts, the ICISS report identified four types of measures to prevent both root and direct causes of conflict.

These measures are **political, diplomatic, economic, and military**. All these procedures share a common essential feature: they aim to avoid resorting to direct coercive measures against a state, even if it is unwilling to cooperate.

2.2. The Responsibility to React and the Responsibility to Rebuild

Although the report stresses that prevention is the most important priority, it is perhaps unsurprising that some would call this notion counter-intuitive, or at least a veil to cover reality. The most controversial aspect of this principle is the **responsibility to react**.

Sub-branch One: The Responsibility to React

The "Responsibility to Protect" entails, above all, a responsibility to react to situations of compelling human need (ICISS, December 2011). When preventive measures fail to resolve or contain a conflict, and when the state is unable or unwilling to resolve it, it becomes necessary for members of the wider international community to take appropriate interventionary measures. These coercive measures can be political, economic, or judicial, and in extreme cases, they may escalate to military intervention (Welsh, 2014).

First - Reactive Measures without Military Action

The failure of preventive measures addressing root or direct causes to avert or contain a humanitarian crisis or conflict does not necessitate an immediate resort to military action.

According to the ICISS report, the failure of prevention to preserve or contain a humanitarian crisis or conflict does not necessarily mean the time and circumstances are right for military action. Instead, prudence dictates considering non-military measures such as economic sanctions and arms embargoes to protect the victims of war (ICISS, December 2011).

On the other hand, military intervention in the internal sovereignty of states and the conduct of military activities within their territory effectively displaces the internal authority and replaces it. It aims to address the specific problem or threat directly. However, due to the risks associated with the use of force, the prospect of military action has always raised far greater concern than the imposition of political, diplomatic, or economic sanctions.

It has been increasingly observed in recent years that the hardship inflicted upon civilian populations by such sanctions is often far from proportional to the desired effects on the capacity of the state's internal authorities to act within their territory, even though the use of coercive measures short of military force is the preferred method (Fahmy, 2007).

Theoretically, sanctions seek to reshape the balance of costs and risks. They are less costly and risky than military action but offer only indirect protection and can take many years to have the desired effect. In the meantime, they can cause serious harm to the civilian population, and their prospects for success are also somewhat limited (J. Bellamy, 2009).

On this basis, international sanctions prevent the ability of a state from dealing with the outside world, but do not physically prevent it from acting within its own borders. These measures aim to convince relevant authorities to make or abstain from making certain decisions.

In recent years, sanctions targeting leadership and security organizations responsible for gross human rights violations have emerged as an important alternative to the sanctions stipulated in Chapter VII of the Charter. These are often termed "smart sanctions." The Security Council now recognizes the need to exempt food and medical supplies from such UN sanctions.

Efforts to precisely target sanctions to minimize their impact on innocent civilians and increase it on decision-makers have focused on three different areas: **military, economic, and diplomatic** (ICISS, December 2011).

Confirming that military intervention is not the core basis of the R2P principle, former UN Secretary-General Kofi Annan noted that his mediation efforts in the Kenyan crisis following the disputed elections in late 2007 and early 2008 aimed at a peaceful settlement, as such a settlement is the true embodiment of the Responsibility to Protect (Hassani, 2012).

Second - Reaction using Military Intervention (in extreme cases only)

When non-military methods are incapable of protecting civilians at risk, it is wise for the Responsibility to Protect to advocate for the deployment of military force. This force can be used to protect the populations from attack or coerce the compliance of those responsible for civil abuse.

Military intervention should be the exception, not the rule, and a last resort to interrupt massacres, genocide and ethnic cleaning. In such cases, the intervention is justified if the state is the aggressor or accused of inaction, to end a violent crisis that threatens international peace and security. The Security Council may authorize member states to use effective force to protect civilians under Chapter VII and Article 42 of the UN Charter. Permanent members should refrain from using the veto in cases authorizing military intervention for civilian protection when such interventions do not affect their vital national interests (Ahmad, 2016).

Accordingly, we need to reference the ICISS report, which details particular criteria for military intervention aimed at humanitarian objectives :

- **a) Just Cause :** The Commission asserts that military intervention for the sake of human protection is warranted in two specific scenarios :

- Extensive loss of life, whether real or feared, with or without genocidal intentions, resulting from intentional state actions, government negligence, failure to intervene, or a situation caused by a failing state.
- Extensive ethnic cleansing, whether executed or feared, conducted through murder, forced relocation, terror tactics, or sexual assault. If one or both of these

criteria are fulfilled, we believe that the "just cause" aspect of a decision to intervene is met.

- **b) Right Intention :** The main aim of the intervention should be to stop or prevent human suffering. Any application of military force that is intended from the beginning to, for instance, change borders or promote a specific combatant group's assertion of self-determination is not justifiable. Changing a regime is not, by itself, a valid goal. A method to ensure the "right intention" standard is met is for military intervention to consistently be a collective or multilateral effort rather than a unilateral action by one nation.
- **c) Final Resort:** All diplomatic and non-military paths for preventing or peacefully resolving the humanitarian crisis must have been investigated. The duty to respond with military force can only be warranted after the duty to prevent has been completely fulfilled. This doesn't imply that every option must have been literally attempted and failed; frequently, there isn't sufficient time for that process to be completed. This indicates that there must be justifiable reasons to believe that, under all circumstances, the particular measure would not have been effective.
- **d) Proportional Means:** The scale, duration, and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective. The means must be proportional to the ends and commensurate with the initial provocation. The effect on the political system of the target country should be limited, again, to what is strictly necessary to accomplish the purpose of the intervention. While the precise practical implications of these constraints may be debated in each case, the principles underlying them are sufficiently clear. Interventions for human protection purposes under Chapter VII must be strictly bound by the rules of international humanitarian law and must avoid unforeseen impacts on the target state (BIAD, 2006). A fundamental difference from previous humanitarian intervention formulations is that proportionality is clearly declared and in unequivocal terms.
- **e) Reasonable perspectives:** Military intervention is defensible only if it has a plausible opportunity for success, meaning it should disrupt or prevent the atrocities or suffering that initiated the intervention. Military intervention cannot be justified if genuine protection is unattainable or if the outcomes of the intervention are expected to be more severe than the results of doing nothing. Specifically, a military operation cannot be justified if it is expected to initiate a broader conflict. There could be scenarios in which saving certain individuals may lead to an intolerable price—potentially sparking a broader regional conflict with significant nations. In those situations, no matter how harsh the reality, a coercive military intervention that is expected to fail is not warranted. For purely practical reasons, employing this precautionary principle would probably prevent military action against any of the five permanent members of the Security Council, even if all other criteria for intervention outlined here were satisfied. Imagining the

avoidance of a significant conflict or the fulfillment of the initial goal seems challenging if that action was undertaken contrary to the desires of any of them (ICISS, December 2011).

To include these proposals in international law, the Commission requested that these criteria be integrated into resolutions of the Security Council and General Assembly, declaring: "The above guidelines for permitting the use of force should be reflected in declaratory resolutions of the Security Council and the General Assembly."

Sub-branch two: The Responsibility to Rebuild

The duty to safeguard encompasses not only prevention and response but also ongoing support and reconstruction. This implies that if military action is taken due to a state's collapse or relinquishment of its ability and power to uphold its "responsibility to protect," there must be a sincere dedication to assisting in the establishment of enduring peace. This includes efforts to promote effective governance and long-lasting development. International personnel should collaborate with local authorities to recreate the conditions necessary for restoring public safety and order, aiming to transfer the responsibility and authority for rebuilding to these authorities.

One of the most contentious concepts linked to the responsibility to protect is the fundamental principle that the global community has the duty to reconstruct and aid nations and societies after safeguarding them from genocide or large-scale atrocities. When contemplating military intervention, the necessity for a strategy following the intervention is equally crucial. Military intervention serves as merely a means within a larger framework that seeks to prevent, escalate, disseminate, sustain, or recur humanitarian crises and emergencies. The objective of this strategy must be to aid in preventing the circumstances that caused military intervention from recurring or resurfacing. Planning for military intervention should consequently be based on the necessity of formulating a detailed strategy for the period following the intervention. This strategy primarily seeks to avert, amplify, distribute, sustain, or reiterate humanitarian crises and emergencies. Thus, the aim of this strategy must be to ensure that the factors prompting military intervention do not recur or resurface.

Planning for military intervention should consequently arise from the necessity of formulating a clear post-intervention strategy. This strategy mainly focuses on stopping, intensifying, disseminating, sustaining, or reoccurring conflicts and humanitarian crises. Accordingly, the goal of this strategy should be to help ensure that the causes that led to the military intervention do not recur or simply reappear.

A key role of an intervention force is to ensure fundamental security and safety for all residents, irrespective of their ethnic background or their connection to the former governing authority in the area. In post-conflict scenarios where

retaliatory murders or "counter-ethnic cleansing" frequently happen, groups that were once victimized retaliate against those linked to their former oppressors. It's essential for post-intervention actions to prepare for this scenario ahead of entry and to ensure adequate security for all residents, irrespective of their background, upon entry. In the post-intervention stage, the concept of a "guilty minority" does not exist; all individuals are entitled to fundamental protection of their lives and belongings.

A key challenge and significant concern to tackle in the post-intervention stage is the disarmament, demobilization, and reintegration of local security personnel. Reintegration often requires the most time to accomplish, but the overall success of the operation cannot be evaluated until everything is successfully finished. A necessary component is also the restoration of security and order in the country (Ahmed, 2020).

Regarding justice and reconciliation, in many cases, a country where military intervention has occurred may never have had a functional or uncorrupted judicial system, including courts and police. Arrangements for justice must be established during the operation, and judicial systems must be restored. The issue is simply that if the intervening force has a mandate to protect human rights, further violations should not occur.

A related issue is the return of refugees and the legal rights of returning ethnic and other minorities. Often, there is unequal treatment in the provision of essential services. Intervening authorities should, as quickly as possible, find a basis to end any coercive economic measures that may have been imposed on the country before or during the intervention, and to avoid prolonging comprehensive or punitive sanctions.

In our frank opinion, the committee's sequencing of these stages was consistent, sequential, and accurate. This serves to reconcile the principle of intervention with sovereignty. By strictly adhering to these standards, the committee addressed many conflicting concepts and disagreements about whether interventions are a right or a duty, whether they contradict principles or have legitimacy, etc. However, we are perplexed when we try to think practically about the possibility of activating and applying these principles before intervention in any country where human rights are violated, regardless of the country's size and status. Or will we witness the same double standards and selectivity that the international community has experienced before?

Conclusion:

If the responsibility to protect is a commitment by the international community to the world's most at-risk populations, it assures that they will be safeguarded from actual or looming significant loss of life, whether or not there is genocidal intent, or extensive “ethnic cleansing.”

In spite of the endeavors of the International Commission on Intervention and State Sovereignty and the noble intentions of individuals aiming to avert another Rwanda, they have proposed highly respectable stages for state sovereignty before resorting to military intervention, which they reserved for extremely severe cases.

This can be seen against the backdrop of the interventions that occurred in the 1990s, where vulnerable states expressed their fear and concern that the Security Council might transform from a mechanism responsible for maintaining international peace and security into a body for aggression against peoples and states. As a result of the criticism directed at humanitarian intervention for its conflict with the principle of sovereignty, the principle of the "responsibility to protect" emerged, which seeks to protect human rights without infringing upon state sovereignty.

And if we believe that the proper implementation of the responsibility to protect, according to the legal frameworks defined by the Committee on Intervention and State Sovereignty, will constitute a significant guarantee for protecting fundamental rights and freedoms of individuals and respecting the equal sovereignty of states, it also does not legitimize military intervention without a Security Council authorization.

On the other hand, a dilemma has been raised from the beginning by political and legal scholars about assigning this mission to the Security Council before amending the rules of the right to use the veto. The world often stands idly by due to its use, failing to issue resolutions that require intervention to stop human rights violations. The Security Council also does not have the right to introduce new rules into international law, given that its authority is primarily to maintain international peace and security and it operates in accordance with the provisions of the Charter.

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