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Armed Humanitarian Intervention and State Sovereignty: Contemporary Challenges and Case Studies in International Law

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Abstract

Armed humanitarian intervention raises a legal issue in public international law concerning its compatibility with the principle of state sovereignty as regulated by the United Nations Charter, in light of the evolution of this principle and the expansion of international human rights protection.

This study examines the possibility of reconciling armed humanitarian intervention with the principle of state sovereignty within the framework of public international law and the provisions of the United Nations Charter, relying on analytical, historical, and comparative methods.

Keywords: *Armed humanitarian intervention, human rights, sovereignty principle, states.*

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1-Introduction:

The evolution of values, concepts, and norms within comparative political systems has led to difficulties in unifying a set of material and moral values in international relations, including the relationship between human rights and state sovereignty after the end of the Cold War and the emergence of the new world order based on unipolarity.

Consequently, the concept of humanitarian intervention has become one of the key issues occupying the attention of international humanitarian law jurists, due to its significant impact on the future of the concept of sovereignty. At times, such intervention is used by major powers to pursue their own interests. To address this concern, its use must be regulated to ensure its legitimacy in accordance with the United Nations Charter.

As not all countries accept this principle, there is no universally agreed definition of it. Instead, there are only jurisprudential definitions. The first opinion defines it narrowly as: “Any use of force by one state against another to protect the citizens of the latter from death or serious harm. Intervention can also aim to protect the citizens of the state implementing it through the intervening party.”¹

In contrast, the second opinion offers a broader definition, stating that it is: “Implemented without resorting to force, extending to the possibility of diplomatic means provided there is a cessation of serious human rights violations.”² .

This paper seeks to analyze the tension between the principle of sovereignty and the doctrine of humanitarian intervention by examining its theoretical underpinnings and testing them against key contemporary cases, including Bosnia and Herzegovina (1992–1995), Libya (2011), Syria, Ukraine (2022), and the recent Israeli military operations in Gaza, which the International Court of Justice has characterized as acts amounting to genocide.

In light of the above, armed humanitarian intervention is considered a form of humanitarian intervention. This raises the question of the relationship between armed humanitarian intervention and the principle of state sovereignty under international law ?

To address this issue, the study adopts **analytical, historical, and comparative methods**, focusing on the relationship between armed humanitarian intervention and the principle of state sovereignty within the framework of public international law and the provisions of the United Nations Charter. The following cases have been selected – Bosnia and Herzegovina (1992–1995), Libya (2011), Syria (2011–present), Ukraine (2022), and the recent Israeli military operations in Gaza – **to examine the legal foundations of armed humanitarian intervention** and assess its application in diverse contexts of serious violations of international humanitarian law and human rights. These cases offer variation in

terms of implementing parties and the legal and political frameworks of intervention, and they have generated significant **jurisprudential and judicial opinions**, making them particularly suitable for analyzing the compatibility of armed humanitarian intervention with public international law.

The study is organized into three main sections:

- **Armed Humanitarian Intervention as a Mechanism to Protect Human Rights**
- **The Impact of Armed Humanitarian Intervention on the Principle of Sovereignty**
- **The Practical Dimension of Humanitarian Intervention: Selected Cases**

2. Armed Humanitarian Intervention as a Mechanism to Protect Human Rights

Armed humanitarian intervention is considered a means to mitigate serious human rights violations alongside other measures such as diplomatic pressure, sanctions, and others. The term “*right to intervene*” was first used during the Iraqi Kurdish crisis in 1991, and its usage expanded later with the proliferation of crises. This sparked debates around two issues that we will address in this section, relating firstly to the legitimacy of armed humanitarian intervention, and secondly, to the conditions adopted for armed humanitarian intervention.

2.1. Legitimacy of Armed Humanitarian Intervention

Determining the legitimacy of armed humanitarian intervention requires understanding both international jurisprudence on intervention (Sub-section One), and the stance of international jurisprudence towards this intervention (Sub-section Two).

2.1.1 International Jurisprudence Stance on Intervention

Jurisprudence is divided into two directions, in favor and against intervention, as follows:

2.1.1.1 The Supporting Direction

Supporters of this view led to the formulation of the concept of “*Responsibility to Protect*” within the context of the emergence of a new international system seeking³ to provide better guarantees for the protection of human rights⁴.

In a solidarity-based international society, efforts are made to formulate a set of agreed-upon principles to legitimize armed humanitarian intervention.

2.1.1.2 The Opposing Direction

The opposing view of armed humanitarian intervention argues that states are governed by their national interests rather than principles⁵, norms, and altruism. Therefore, legitimizing

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armed humanitarian intervention as an exception to the prohibition on the use of force is not permissible, as it could lead to misuse. It is noted that states apply this principle selectively, based on double standards. An example of this is the delayed armed humanitarian intervention to protect Muslims in Bosnia and Herzegovina from genocide.

Additionally, the concept of a pluralistic international community poses an obstacle to reaching consensus on unified principles for armed humanitarian intervention. Such intervention often depends on the cultural inclinations of powerful decision-makers in shaping foreign policy decisions⁶.

From a legal-theoretical perspective, the absence of a universally recognized legal basis for armed humanitarian intervention underscores the persistent tension between the principles of state sovereignty and the protection of human rights. This tension highlights why interventions often lack a coherent normative framework and are subject to selective application by states, as determined by their political and strategic interests⁷.

2.1.2 International Jurisprudence Perspective on Intervention

The International Court of Justice (ICJ) has not issued a judgment under the name “*armed humanitarian intervention*.” However, it has indirectly dealt with the issue. For example: In the Corfu Channel case between the United Kingdom and the Republic of Albania in 1947, the ICJ considered that the claimed right of intervention by Britain was a manifestation of past power politics, which cannot be accepted in international law, regardless of flaws in the international order⁸.

In the case concerning the American hostages in Tehran in 1981, the ICJ stated that depriving humans of their freedom under harsh conditions constitutes a violation of the principles of the United Nations and the fundamental principles of the Universal Declaration of Human Rights.

In 1960, in the case concerning South Africa, the International Court of Justice rejected Ethiopia and Liberia's suit seeking to end South Africa's racial discrimination policy. However, it reversed this stance in the Namibia case in 1971, classifying racial discrimination as a violation of the principles and objectives of the United Nations Charter, a legal commitment for all states to respect⁹.

From a theoretical perspective, the International Court of Justice's cautious approach highlights the persistent tension in international law between state sovereignty and the protection of human rights. While the Court condemns clear violations of fundamental rights, it stops short of recognizing a general legal right to intervene militarily for humanitarian purposes. This explains why armed humanitarian

interventions often lack a coherent normative framework and may be applied selectively based on the political and strategic interests of states¹⁰.

2.2 Conditions Adopted for Armed Humanitarian Intervention

The crucial conditions for armed humanitarian intervention ensuring its legitimacy include the presence of a just cause (Sub-section One), Security Council approval for armed humanitarian intervention (Sub-section Two), ensuring that the intervention does not target the independence and territorial integrity of states (Sub-section Three), making armed humanitarian intervention the last resort (Sub-section Four), and finally, respecting the principle of proportionality in armed humanitarian intervention (Sub-section Five).

2.2.1 Presence of a Just Cause

Discussing the presence of a just cause is a rephrasing of the concept of *just war* initially introduced by Saint Augustine in the context of just war theory. The concept of a just cause includes instances of widespread ethnic cleansing. France failed in 1945 to include a proposal related to humanitarian intervention in cases where there is a "clear violation of basic freedoms and human rights threatening peace" in the United Nations Charter. After the September 11, 2001 attacks, there were discussions about granting the right to armed humanitarian intervention to confront weapons of mass destruction and terrorism. Currently, what is practiced is the existence of widespread genocide resulting in significant loss of life¹¹.

Building on the foregoing, establishing a just cause for armed humanitarian intervention also requires careful consideration of the principles of necessity and proportionality. Legal scholars emphasize that such intervention should be undertaken only after non-military measures have been exhausted, and only when the humanitarian crisis is both severe and imminent. This framework aims to prevent the exploitation of the concept of a just cause for political or strategic purposes rather than for the genuine protection of human rights¹².

2.2.2 Security Council Approval for Armed Humanitarian Intervention

The Security Council plays a central role in authorizing armed humanitarian interventions, which is reflected in the following actions:

- Authorizing military intervention for humanitarian purposes by one or more member states, such as in Resolution 794 concerning armed intervention in Somalia¹³, and Resolution 940 concerning armed intervention in Haiti¹⁴.
- Exercising United Nations oversight through peacekeeping units assigned to protect civilians, as demonstrated in Resolution 770 concerning Bosnia¹⁵.

2.2.3 Respect for State Sovereignty and Territorial Integrity

The United Nations Charter explicitly emphasizes these two principles in Article 2, namely the respect for the sovereignty of states and the prohibition of threats or use of force against their territorial integrity or political independence¹⁶.

Concerning territorial integrity, the Security Council has consistently reaffirmed this principle in multiple resolutions. For instance, Resolution 1973, adopted on 17 March 2011 regarding Libya, explicitly reaffirmed “a strong commitment to the sovereignty, territorial integrity, and national unity of Libya” (paragraph 21).¹⁷

This reaffirmation follows the precedent set by Resolution 2625 of 1970, which declared that “there is no interpretation permitting or encouraging any action, regardless of its nature, that would fully or partially threaten the political unity of any sovereign and independent state with a government representing its entire population and governing a defined territory.”¹⁸

From a comparative perspective, the reaffirmation of state sovereignty and territorial integrity in United Nations resolutions illustrates the persistent tension in international law between the principles of non-intervention and emerging norms of humanitarian protection¹⁹. While resolutions such as 1973 authorize limited action under specific circumstances, they simultaneously emphasize that intervention must not undermine the fundamental sovereignty of states. This balance shows that international law, in practice, attempts to reconcile respect for state independence with the need to respond to severe humanitarian crises. Nevertheless, the thresholds for action often remain subject to interpretation by powerful states and the Security Council, reflecting the political dimensions inherent in humanitarian intervention²⁰.

2.2.4 Armed Humanitarian Intervention Should Be the Last Resort

This condition requires that all non-military international measures be exhausted before resorting to the use of force. Some critics argue that strict adherence to this principle may result in unnecessary loss of life among those in need of protection. However, it has been contended that this requirement is consistent with the principles of the United Nations Charter, which emphasizes the use of peaceful means to resolve conflicts prior to resorting to military action.

From this perspective, the principle of last resort constitutes a fundamental safeguard to prevent the misuse of armed humanitarian intervention. It requires that all peaceful and non-military measures be exhausted first, thereby reinforcing the notion that the use of force should remain exceptional and strictly necessary. Nevertheless, legal scholars²¹ note that, in practice, determining whether non-military options have indeed been exhausted often depends on the discretion of powerful states and the Security Council, which may lead to selective application. This highlights the inherent tension between adherence to legal principles and the effective response to urgent humanitarian crises

2.2.5 Respect for the Principle of Proportionality in Armed Humanitarian Intervention

The principle of proportionality is a cornerstone of international law, requiring that the legitimacy of an action be assessed by balancing the intended objective, the means employed, and the method of implementation²².

while also taking into account the potential consequences. In the context of armed humanitarian intervention, the scale and duration of the intervention must be strictly limited to what is necessary to achieve the humanitarian objective²³.

Accordingly, the principle of proportionality represents a fundamental safeguard against the excessive use of force in armed humanitarian interventions. Legal scholarship has emphasized the need to carefully calibrate the scale, intensity, and duration of such interventions in order to achieve the intended humanitarian objectives without causing unnecessary harm to civilians or the state's infrastructure. However, in practice, the assessment of proportionality often depends on the discretion of intervening states and international bodies, which may result in variations in its application across different cases²⁴.

For instance, NATO interventions in Bosnia and Herzegovina and Libya demonstrated differing degrees of adherence to the principle of proportionality, with some operations exceeding what was strictly necessary to address the humanitarian crisis, while others observed it more rigorously. This divergence highlights the ongoing challenge of ensuring that interventions remain both effective and legally justified under international law, taking into account the political and cultural differences among the acting states and the broader international community²⁵.

3. The Impact of Armed Humanitarian Intervention on the Principle of Sovereignty

Armed humanitarian intervention has influenced the principle of sovereignty, which states have unanimously accepted in international law. This impact will be discussed in this section by examining the scope of sovereignty (Sub-section One) and then the erosion of sovereignty standards (Sub-section Two).

3.1 Scope of Sovereignty

According to traditional theory, sovereignty is the right of a state to act freely, both domestically and internationally, without external compulsion. Under the Westphalian system of 1648, the state enjoyed a reserved space to exercise its powers without interference from any other authority, encompassing both customary and treaty obligations within its jurisdiction. However, evolving international circumstances have led to the emergence of global regulation, gradually reducing sovereignty in its absolute form.

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Globalization has further transformed the scope of sovereignty, shifting the concept from absolute to relative. Consequently, the principle of non-intervention has evolved from a rigid interpretation to a more flexible approach. Article 2(7) of the United Nations Charter underscores the practical difficulty in clearly delineating matters that fall exclusively within the national jurisdiction of a state, reflecting the tension between state sovereignty and international legal obligations²⁶.

3.2 Transition of the Principle of Non-Intervention from Rigid to Flexible Interpretation

The principle of non-intervention is a cornerstone of international relations, applying universally irrespective of a state's political or economic system. Initially regarded as an inflexible norm with no exceptions, it has gradually evolved into a more flexible principle, capable of adapting to changing international circumstances²⁷.

While weaker states historically invoked non-intervention to resist external interference in their domestic affairs, the growing recognition of international human rights has necessitated a more nuanced approach. Certain issues that were once considered solely within a state's domestic jurisdiction are now subject to international oversight and protection, highlighting the tension between the traditional understanding of sovereignty and emerging norms of humanitarian intervention under international law²⁸.

3.3 The Impact of Armed Humanitarian Intervention on the Principle of Sovereignty

The collapse of traditional sovereignty standards has manifested in both the global human rights sphere (Sub-section One) and the elevation of imperative rules of international law over domestic laws (Sub-section Two).

3.3.1 Global Human Rights

Globalization has led to a functional shift in the role of the state, which now operates within a global legislative and economic system, relinquishing the traditional absolute concept of sovereignty in favor of human rights. This shift gained momentum after 1991, with the emergence of the new world order.

Referring to international legal texts, the Universal Declaration of Human Rights of 1948, the two International Covenants of 1966, and other related international conventions, these steps have reduced the international community's tolerance of human rights violations as purely internal affairs. Consequently, armed humanitarian intervention is considered permissible to safeguard these rights²⁹.

Initially, a faction of jurisprudence argued that certain rights and freedoms fall outside the reserved sphere of the state, thus requiring protection in both peacetime and wartime, as reflected in Article 4 of the International Covenant on Civil and Political Rights of 1966 and Article 15 of the European Convention on Human Rights. In contrast, the opposing faction maintains that all human rights, irrespective of their legal classification, remain within the international jurisdiction, rather than solely under the domestic authority of the state³⁰.

Based on the foregoing, different legal traditions and schools of thought offer divergent interpretations of the balance between state sovereignty and the protection of human rights. In Anglo-American jurisprudence, greater emphasis is often placed on individual rights and the permissibility of limited international intervention to safeguard fundamental freedoms³¹. In contrast, European civil law approaches tend to prioritize state sovereignty, considering human rights protection primarily a domestic responsibility, subject to international oversight only in exceptional circumstances. This theoretical divergence underscores the ongoing debate within international law regarding the conditions under which armed humanitarian intervention can be justified, and highlights the challenge of establishing universally accepted principles that reconcile state independence with global human rights standards³².

3.3.2 Primacy of Imperative Rules of International Law over Domestic Laws

Article 53 of the Vienna Convention on the Law of Treaties of 1969 defines imperative rules of general international law as follows: *“A peremptory norm of international law is a norm accepted and recognized by the international community of states as a whole, as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.”*

The notion of imperative rules of general international law emerged when discussing the priority of human rights issues in international law over domestic law. It emphasizes the necessity of international consensus concerning the content of these rules, in addition to the jurisprudence’s interpretation, as evidenced by the International Court of Justice’s ruling on the Convention on the Prevention and Punishment of the Crime of Genocide, stating that *“this Convention has been clearly adopted for humanitarian and civilized purposes, representing an obligation to the entire international system.”*³³.

The impact of armed humanitarian intervention on the deterioration of traditional sovereignty standards is evident in the widening scope of human rights at the expense of international sovereignty and the increased priority of rules of general international law over domestic laws³⁴.

The difficulty certainly lies in imagining an agreement that has this dual nature to a significant degree, as long as its purpose lies in protecting the existence of concerned human groups and, on the other hand, in affirming and adopting the minimum ethical principles. In such an agreement, the contracting states have no particular interests but only a common interest, specifically in achieving these lofty purposes that are the reason for the existence of

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this agreement. Therefore, we cannot speak in an agreement of this nature about individual advantages and disadvantages for states, or about maintaining the ideal contractual balance between rights and duties. The highest ideals that inspired this agreement provide, based on the joint will of the parties, the foundation and the measure for all its provisions.

In the case related to the implementation of the Convention on the Prevention and Punishment of the Crime of Genocide on June 11, 1996, the International Court of Justice reiterated its opinion by stating: “The principles of this Convention indicate that the United Nations’ intention was to condemn genocide and punish it as a crime under international law, constituting a denial of the right to existence for entire groups, a denial that shocks the conscience of humanity and inflicts serious losses on humanity. This contradicts ethical law, the spirit of the United Nations, and its goals... The first result arising from this concept is that the principles forming the basis of this agreement are principles recognized by the United Nations as binding on states, even without any contractual obligations. The second result is its universal character, whether concerning the condemnation of genocide or the cooperation required to rid humanity of this heinous plague.”³⁵ .

From a comparative standpoint, Anglo-American jurisprudence tends to emphasize the primacy of fundamental human rights over domestic constraints, allowing for limited international intervention to enforce *ius cogens* norms. In contrast, European civil law traditions generally prioritize state sovereignty, considering domestic law as the primary mechanism for rights protection, with international oversight invoked only in exceptional circumstances. This divergence highlights the ongoing tension in international law between respecting state independence and ensuring effective protection of universally recognized human rights³⁶.

4.The Practical Dimension of Humanitarian Intervention: Selected Cases

The evolution of the concept of humanitarian intervention in international law cannot be fully understood without examining practical experiences that have tested its legitimacy in contemporary conflicts. From a comparative legal perspective, several international cases have emerged as critical benchmarks for assessing the balance between state sovereignty, the protection of human rights, and the prohibition on the use of force. These cases include Bosnia and Herzegovina (1992–1995), Libya (2011), Syria (2011–present), Ukraine (2022), and most recently Gaza (2023–2025).

A comparative analysis of these situations reveals significant divergences in the legal justifications, authorization mechanisms, and outcomes of humanitarian intervention. While some cases demonstrate attempts to reconcile humanitarian imperatives with international legal constraints, others expose the selective and politicized invocation of humanitarian narratives. Examining these cases comparatively provides valuable insight into the extent to which humanitarian intervention adheres to established legal standards, as well as the

persistent risk of its misuse as a pretext for advancing geopolitical interests rather than genuinely protecting civilian populations.

4.1 Bosnia and Herzegovina (1992–1995)

The conflict in Bosnia and Herzegovina following the breakup of Yugoslavia became a critical test for humanitarian intervention. The war was characterized by ethnic cleansing campaigns and systematic atrocities, including the genocide in Srebrenica, where over 8,000 Bosniak men and boys were killed³⁷.

The United Nations initially imposed arms embargoes and deployed peacekeepers under the UN Protection Force (UNPROFOR), but these measures proved inadequate in halting the violence. In response to escalating humanitarian crises, the Security Council adopted Resolution 770 (1992), calling for "all measures necessary" to facilitate humanitarian assistance. However, due to persistent Security Council deadlock, NATO launched airstrikes against Bosnian Serb positions in 1995 without explicit authorization³⁸.

This intervention raised complex legal questions. While NATO's actions were criticized as lacking a clear legal basis under the Charter, they were undertaken without an explicit and direct authorization under Chapter VII, relying instead on an expansive interpretation of prior Security Council resolutions³⁹.

many scholars argued they were morally justified to prevent further atrocities. The subsequent establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) reinforced accountability for violations of international humanitarian law and underscored the evolving acceptance of humanitarian intervention.

4.2 Libya: The Responsibility to Protect in Action (2011)

The uprising in Libya during the Arab Spring presented another test for humanitarian intervention. As Muammar Gaddafi's forces threatened to massacre civilians in Benghazi, the UN Security Council adopted Resolution 1973, authorizing member states to take "all necessary measures" to protect civilians. NATO subsequently launched a military campaign that led to the overthrow of Gaddafi's regime⁴⁰.

While the Libya intervention was hailed as a successful application of Responsibility to Protect, it also generated controversy over whether the NATO-led mission exceeded its mandate by pursuing regime change. Critics argue that the perceived misuse of Responsibility to Protect in Libya undermined its legitimacy, contributing to hesitancy in applying the doctrine in later crises such as Syria⁴¹.

4.3 Syria: The Paralysis of the International System

The Syrian civil war exposed the limitations of the current international legal framework for humanitarian intervention. Despite overwhelming evidence of mass atrocities, including chemical weapons attacks, the Security Council failed to authorize military action due to vetoes by Russia and China.

This paralysis has led to debates on whether unilateral humanitarian intervention without Security Council approval can ever be lawful. Advocates of such interventions point to the moral imperative to prevent genocide and crimes against humanity, while critics warn that bypassing the Security Council risks undermining the entire international legal order.

This selective paralysis contrasts sharply with other instances where humanitarian narratives were rapidly mobilized, reinforcing perceptions of double standards in the application of international law.

4.4 Ukraine: Misuse of Humanitarian Pretexts

The Russo-Ukrainian War in 2022 highlights another dimension of the humanitarian intervention debate: the misuse of humanitarian rhetoric. Russia justified its actions as protecting Russian-speaking populations in eastern Ukraine, a claim widely rejected by the international community as a violation of Article 2(4) of the UN Charter. This case underscores the danger of powerful states invoking humanitarian arguments to pursue strategic objectives, further complicating efforts to develop clear legal standards for intervention⁴².

4.5 Gaza: The Largest Mass Killing and Genocide Ruling in the 21st Century (2023–2025)

The Israeli military operations in Gaza during 2023–2024 have been described by many international observers and human rights organizations as one of the largest mass killings of civilians in the 21st century. Reports indicate that tens of thousands of Palestinians, including women and children, were killed, with critical infrastructure such as hospitals, schools, and residential areas systematically destroyed⁴³.

While Israel claimed its actions were in self-defense against Hamas, the scale of destruction and disproportionate use of force raised grave concerns about violations of international humanitarian law and allegations of war crimes⁴⁴. The blockade imposed on Gaza further exacerbated the humanitarian crisis, denying access to essential supplies such as food, medicine, and clean water.

Notably, in early 2024, the International Court of Justice (ICJ) issued a landmark ruling characterizing the crimes committed in Gaza as acts of genocide under international law. This ruling represented a significant step in the legal recognition of atrocities committed against

Palestinians and highlighted the international community's responsibility to protect civilian populations. Nevertheless, the persistent deadlock within the United Nations Security Council has underscored the limitations of existing mechanisms for humanitarian intervention, despite the Council's recent adoption of Resolution 2803 (2025)⁴⁵, which establishes a "temporary international stabilization force" in the Gaza Strip to protect civilians, secure border areas, and implement disarmament measures in coordination with local authorities and neighboring states.⁴⁶

This comparative assessment examines selected instances of humanitarian intervention—Bosnia and Herzegovina, Libya, Syria, Ukraine, and the Gaza Strip—through a set of shared legal criteria: authorization by the United Nations Security Council, the presence of a legitimate humanitarian rationale, adherence to the principles of necessity and proportionality, and the extent to which humanitarian discourse is genuinely applied or politicized to serve strategic interests.

The analysis of Bosnia and Herzegovina and Libya reveals a critical legal divergence. NATO's intervention in Bosnia occurred without an explicit Security Council mandate, justified primarily on ethical and humanitarian grounds, whereas the Libyan intervention relied on formal authorization under Resolution 1973. Notably, the Libyan case demonstrates how exceeding the scope of an authorized mandate can undermine the legitimacy and credibility of humanitarian action.

The Syrian case, by contrast, exemplifies the paralysis within the system of collective international security, where large-scale humanitarian suffering did not trigger a sanctioned collective response due to the exercise of the veto for geopolitical considerations. Nevertheless, this scenario witnessed unilateral interventions by certain major powers, who themselves are permanent members of the Security Council, further intensifying the legal debate regarding the legitimacy and boundaries of such interventions. The Ukrainian case adds another dimension to the dilemma, highlighting the potential abuse of humanitarian justifications as a pretext for the unlawful use of force, contrary to Article 2(4) of the UN Charter.

Finally, the Gaza Strip illustrates the starkest inconsistencies in applying humanitarian intervention standards. Despite severe violations and the gravity of humanitarian conditions, and notwithstanding the International Court of Justice's identification of reasonable indications of acts potentially amounting to genocide, the absence of effective collective action underscores the selective and politicized nature of humanitarian intervention in contemporary international law.

5. Conclusion

Through this study, we conclude that the emergence of globalization in its various manifestations has led to a significant undermining of the Westphalian system, resulting in the decline of the traditional concept of sovereignty in favor of the concept of human security.

Armed humanitarian intervention still heavily relies on military intervention by the great powers, which has led these states to intervene according to their own interests. The "war on terror" and the accompanying double standards have undermined the concept of armed humanitarian intervention, as such intervention represents a return to old colonial practices in a new guise.

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The 2022 war in Ukraine and the unprecedented atrocities in Gaza underscore the urgent need for clearer legal frameworks to regulate such interventions and prevent their misuse.

We arrive at the following recommendations :

- There is a need to strengthen the adopted standards for unarmed humanitarian intervention to prevent its illegitimate use and ensure the resolution of crises through peaceful means.
- Discussions related to new reforms of the United Nations should include the topic of armed humanitarian intervention, focusing on establishing controls to avoid double standards in selecting areas for armed humanitarian intervention.
- There is a necessity to focus on preventing the military, political, and economic domination of the intervening state in the intervened areas after military operations have ended.

Furthermore, future research and legal scholarship should focus on developing operational criteria for armed humanitarian intervention, including standardized indicators for legitimacy, proportionality, and necessity. Establishing such criteria would provide states and international bodies with clearer guidance, reduce ambiguities in implementation, and contribute to a more consistent and predictable application of international humanitarian law. Strengthening international legal standards and mechanisms, ensuring accountability, and preventing double standards are therefore imperative to maintain the credibility of the international legal order.

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