



# INTERNATIONAL HUMANITARIAN INTERVENTION TO MAINTAIN PEACE AND SECURITY IN AFRICA: THE CASES OF INTERVENTION IN LIBYA AND SOMALIA AS EXAMPLES

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## **Abstract:**

*The increasing focus on protecting rights and freedoms that are severely violated by states has led to the emergence of the concept of international humanitarian intervention as a mechanism for safeguarding international rights. Human rights have taken on international dimensions that transcend national borders. International intervention is legally justified through the United Nations Charter and international agreements, based on the principle that all peoples have the right to self-determination and sovereignty over their natural resources. Moreover, peace and security are the responsibility of the international community in ensuring and enforcing these rights.*

*The violations of human rights, individual freedoms, citizens' suffering, and developmental stagnation in Libya and Somalia—resulting from authoritarian regimes and internal and international conflicts—have led the international community to perceive these situations as threats to African peace and security. Consequently, intervention was deemed necessary under international legitimacy, specifically under the United Nations framework and through Security Council resolutions. This was evident in the intervention of the United States and its allies in Somalia under Resolution 794, issued on December 3, 1992, and the intervention of NATO and the United States in Libya under Resolution 1970, issued on February 26, 2011.*

**Keywords:** Intervention, International, Humanitarian, Somalia, Libya.

## **INTRODUCTION:**

With the establishment of the United Nations, the international community has witnessed a series of developments in the principles and concepts governing international relations, particularly with the expansion of the UN's mission and its increasing focus on protecting rights and freedoms that are subject to severe violations by states. This has led to the emergence of the concept of international humanitarian intervention as a mechanism for international protection, especially as human rights have transcended national borders and gained international dimensions, with intervention being one of the primary means of protection. This type of intervention has gained legal justification through the UN Charter and international agreements, based on the principle that all peoples have the right to self-determination, sovereignty over their natural resources, and the preservation of peace and security—responsibilities that fall upon the international community in ensuring and upholding these rights.

African countries are among the most affected by human rights violations, primarily due to authoritarian regimes and the outbreak of internal and international conflicts, leading to delayed development and increased suffering of citizens. As a result, African peace and security have been frequently threatened, or even entirely absent in some cases. Given the reality in certain African nations, the international community has deemed the situations in Somalia and Libya as threats to African peace and security, necessitating intervention under international legitimacy—specifically through the UN framework and Security Council resolutions. This was evident in the intervention of the United States in Somalia and NATO, alongside the United States, in Libya.



### **Significance of the Study:**

The importance of studying this topic stems from the international community's broader goal, particularly that of the United Nations, of intervening to maintain international peace and security in Africa and to prevent the use of armed force under international treaties. The UN Charter specifically grants international organizations and states the right to intervene in defense of human rights, minority rights, and the resolution of international conflicts. However, the precise definition of this right remains ambiguous, which has allowed certain global powers—especially the United States and European nations—to justify military interventions. Their involvement in Libya and Somalia under the pretext of maintaining African peace and security and protecting human rights necessitates an examination of the concept of international intervention in these two cases and the legitimacy of its application as a justification for preserving peace and security in Africa.

### **Research Objectives:**

This study aims to explore international humanitarian intervention for maintaining African peace and security by clarifying the legal conditions required for such interventions under the UN Charter and international treaties. Additionally, it will examine in detail the legitimacy of the use of military force by the United States and European countries in their interventions in Libya and Somalia, particularly in the context of maintaining African peace and security.

### **Research Problem:**

The use of military force in humanitarian intervention in Libya and Somalia under the guise of international legitimacy and for the purpose of maintaining African peace and security raises the following central research question: "How effective is international humanitarian intervention in maintaining African peace and security in Libya and Somalia?"

This question is further broken down into several sub-questions:

- What is the concept of international humanitarian intervention?
- What are its legal conditions according to the UN Charter and international treaties?
- To what extent was the intervention of the United States in Somalia and NATO in Libya legally justified?

### **Research Methodology:**

Given the nature of this study, the research adopts a **descriptive-analytical approach** to examine legal texts (such as the UN Charter, international treaties, and legal opinions). This approach will help determine the legitimacy of the United States' intervention in Somalia and NATO's intervention in Libya.

### **Study Plan:**

To address the research problem, the study is divided into two main sections:

1. **The Concept of International Humanitarian Intervention for Maintaining African Peace and Security** (First Chapter)
2. **Case Studies of International Interventions** (Second Chapter)

### **Chapter One**

#### **The Nature of International Humanitarian Intervention as a Mechanism for Maintaining African Peace and Security**

International intervention is no longer limited to protecting the rights of minorities; it now encompasses the protection of individual rights to preserve international public order and achieve



humanitarian interests. Consequently, numerous treaties have been established to uphold human rights and prevent violations that undermine human dignity. As a result, international intervention for humanitarian reasons has gained legitimacy, allowing organizations and states to intervene to protect individuals' rights—an exception to the principle of non-interference in the internal affairs of states (1).

In this chapter, we will explore the concept of international humanitarian intervention (Section One) and the conditions necessary for such intervention (Section Two).

## Section One

### The Concept of International Humanitarian Intervention

The concept of international humanitarian intervention remains a subject of debate in international law, with legal scholars differing in its definition. In this section, we will attempt to define international humanitarian intervention (Subsection One) and explore its legal basis (Subsection Two).

#### First, Definition of International Humanitarian Intervention

Legal scholars have presented varying definitions of international humanitarian intervention or intervention for humanitarian purposes. Some have adopted a broad interpretation, while others have preferred a narrower approach (2).

##### A. The Narrow Definition of International Humanitarian Intervention

In general, international intervention is defined as "one state imposing its will on another state to compel it to act or refrain from acting in a way that is not mandated by an international treaty. (3)"

One of the key proponents of this view, legal scholar Brownlie, defines humanitarian intervention as "the use of military force or the threat of its use by a state, an armed group, or an international organization to protect human rights (4)." Similarly, legal scholar Talaat Al-Ghunaymi defines international intervention as "one state interfering in another state's affairs in an authoritarian manner, with the aim of maintaining or changing the existing situation." (5)

Based on this perspective, intervention is fundamentally coercive, as it involves imposing a will and enforcing compliance. One of the primary forms of intervention is humanitarian intervention, which occurs in response to state-perpetrated persecution of specific groups or minorities. This form of intervention is triggered when a state violates the fundamental rights of individuals residing within its territory—whether citizens or foreigners—through acts of oppression, persecution, or mass killings, necessitating international intervention to halt such violations (6).

Advocates of the narrow definition argue that humanitarian intervention is strictly limited to military action. That is, it refers solely to military intervention initiated by an intervening state, which publicly declares its humanitarian motives. Even though such intervention constitutes a violation of the sovereignty of the targeted state, it is often not justified by Security Council resolutions as required under Chapter VII of the UN Charter (7).

Additionally, proponents of this view assert that when intervention occurs without the involvement of the United Nations, certain conditions must be met, including:

- **Necessity:** Intervention should only take place after exhausting all peaceful alternatives.
- **Humanitarian Objective:** The intervention must be solely aimed at improving human rights conditions, while respecting the sovereignty of the target state and adhering to international law (8).

However, the primary criticism of this narrow definition is that it conflicts with the UN Charter, which prohibits the use of military force in international relations except under specific circumstances outlined in the Charter, such as self-defense or Security Council measures (9).

##### B. The Broad Definition of International Humanitarian Intervention



Supporters of the broad definition argue that humanitarian intervention is not exclusively linked to military force. Instead, it can take political, economic, or diplomatic forms (10). In their view, humanitarian intervention includes all measures that influence a state's affairs, even if they do not involve military force (11).

According to this perspective, humanitarian intervention is defined as: "An action by a state seeking to penetrate the exclusive domain of another state, either to assist in organizing its internal affairs, to replace its authority, or to impose a specific form of governance based on the intervening state's preferences (12)."

Legal scholar Abiew expands on this by defining humanitarian intervention as: "The use of coercive means by a state, a group of states, an international or regional organization, or a humanitarian agency, with the primary—or at least one of the primary—objectives being to stop gross human rights violations committed by ruling authorities or to alleviate human suffering during internal conflicts." (13)

Based on the aforementioned definitions, the broad interpretation of international humanitarian intervention—which includes economic, military, political, media, and cultural interventions—provides a more comprehensive understanding of the concept. This is especially relevant in light of the establishment of the United Nations (UN), which has criminalized the use of force in international relations, except in specific cases such as self-defense, as stipulated in Article 51 of the UN Charter (14).

Thus, in its broad sense, international humanitarian intervention allows all subjects of international law to intervene using political and economic means, alongside military measures, to protect the rights and freedoms of individuals without discrimination based on race, color, or gender.

## **Second, the Legal Basis for International Humanitarian Intervention**

The development of the international community in defending human rights and freedoms has led to limitations on the principle of state sovereignty over its territory (15). The protection of human rights has become a fundamental goal of international organizations, as reflected in documents such as the UN Charter, the four Geneva Conventions, and the two Additional Protocols to the Geneva Conventions, which link respect for human rights to the maintenance of international peace and security (16).

Accordingly, we will examine the legal foundation of international humanitarian intervention under the UN Charter and the Geneva Conventions.

### **A. The Legal Basis for International Humanitarian Intervention in the UN Charter**

The UN Charter serves as a legal foundation for international humanitarian intervention as a mechanism for achieving peace and protecting human rights. Several legal provisions within the Charter justify such interventions.

- Article 2(7) of the UN Charter states: *"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state, nor shall it require the Members to submit such matters for settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."*

This clause explicitly prohibits intervention in a state's internal affairs except in cases where Chapter VII applies, which allows for coercive measures to maintain or restore international peace and security (17).

- Article 51 of the UN Charter also provides a legal basis for intervention, stating: *"Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council*



*has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."* (18)

From the above, it can be concluded that Articles 2(7) and 51 of the UN Charter serve as legal justifications for humanitarian intervention. Moreover, the prohibition of armed force in international relations cannot be used as an argument against intervention if it is necessary to protect human rights—unless such intervention poses a threat to the territorial integrity or political independence of the targeted state.

## **B. The Legal Basis for International Humanitarian Intervention in the Four Geneva Conventions**

Upon reviewing the Four Geneva Conventions, no explicit legal provision permits intervention for humanitarian reasons during armed conflicts. However, the conventions establish a legal framework for the protection of individuals and entities during war (19), which serves as an indirect basis for humanitarian intervention.

- Common Article 1 of the Geneva Conventions states: *"The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances."* (20)

While this provision does not explicitly authorize intervention, it imposes an obligation on states to uphold and enforce the Geneva Conventions, both at the international and national levels.

- The Geneva Conventions also serve as a legal foundation for humanitarian intervention because they recognize a set of rights that must be protected during armed conflicts. These rights include:
  - Protection of civilians from physical coercion and aggression
  - Guaranteeing access to healthcare and medical aid

Violations of these rights and the failure to protect them can create a legal basis for international organizations and states that advocate for human rights to intervene in order to safeguard those affected. Thus, grave violations of human rights can serve as a legitimate basis for humanitarian intervention (21).

## **Section Two: Restrictions on the Principle of Humanitarian International Intervention**

The growing global interest in human rights, particularly after World War II, has impacted the principle of non-intervention in the affairs of sovereign states as a general rule. Several exceptions have emerged to limit this principle, the most significant of which include: exhausting diplomatic solutions before intervention, obtaining the approval of the UN Security Council, respecting human rights during the intervention, ceasing intervention once the protection objective is achieved, and adhering to the Geneva Conventions and their additional protocols regulating armed conflicts (22).

Accordingly, the main restrictions on humanitarian international intervention can be summarized as follows:

### **First: The Principle of Non-Intervention in the Internal Affairs of States**

The Charter of the United Nations emphasizes that the principle of non-intervention in the internal affairs of states is a fundamental principle of international relations. Article 2, Paragraph 7 of the Charter states:

*"Nothing in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or require the Members to submit such*



*matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."*

From this provision, it is clear that the independence of states in their internal affairs falls outside the jurisdiction of the United Nations, and the organization has no authority over sovereign states (23).

However, upon reviewing the UN Charter and international resolutions, it becomes evident that the organization is granted the right to intervene in internal affairs only in the following cases:

- The application of enforcement measures under Chapter VII of the Charter, as stipulated in Article 20/7.
- When a state requests the United Nations' intervention due to its inability to enforce the rule of law.

Thus, it can be concluded that the principle of non-intervention cannot be used as a justification for rejecting intervention in a state's internal affairs when fundamental and compelling reasons necessitate such action (24).

### **Second: The Principle of Sovereignty as a Restriction on Humanitarian International Intervention**

The principles of non-intervention in internal affairs and sovereign equality are among the cornerstones of international law, as reaffirmed in the UN Charter. States uphold these principles to resist any interference in their internal affairs. However, with the evolution of international relations and the expansion of international law, the scope of international rights has grown at the expense of national rights. This has legitimized the role of international organizations in monitoring human rights conditions in any state. Consequently, states can no longer invoke non-intervention or sovereignty principles to justify human rights violations and the suffering of their populations (25).

### **Third: The Jurisprudential Debate on the Legitimacy of Humanitarian International Intervention**

Legal scholars are divided into two main views regarding the legitimacy of humanitarian international intervention:

#### **A. The Opposition to the Legitimacy of Humanitarian Intervention**

Opponents argue that a state's sovereignty over its entire territory must remain free from foreign interference, even when intervention aims to prevent gross human rights violations. They believe that any form of intervention constitutes a breach of state sovereignty, even if the affected state consents to it (26). Their argument is based on the 1907 Hague Convention, which prohibits the use of force to compel a state to pay its debts.

Additionally, they argue that humanitarian intervention is often used as a pretext for political and strategic interests rather than genuine human rights concerns. Since there is no universally agreed-upon definition of human rights, allowing intervention on such grounds could open the door to colonial ambitions disguised as humanitarian efforts (27).

Thus, proponents of this view reject intervention for human rights protection, regardless of the approach taken. However, with the evolution of the international community, state sovereignty is no longer an absolute legal principle that allows governments to act without accountability. Sovereignty has become a relative concept, and states can no longer use it to justify human rights violations (28).

#### **B. The Support for the Legitimacy of Humanitarian Intervention**

Supporters of humanitarian intervention argue that, despite the principles of sovereignty and non-intervention, humanitarian intervention remains a permissible exception to the general rule of non-intervention. This interpretation is derived from Article 2, Paragraph 7 of the UN Charter, which allows for humanitarian assistance and support (29).





Their argument is based on the premise that human rights are fundamental principles enshrined in the UN Charter and various international agreements, including the Universal Declaration of Human Rights. These commitments obligate states to uphold and protect individual rights. Consequently, human rights violations are no longer solely within the domestic jurisdiction of a state, and the international community has the right to intervene to safeguard and uphold these rights, recognizing individuals as subjects of international law (30).

From the previous perspectives, it can be concluded that humanitarian intervention is justified by the legal value recognized by the international community for human rights. This necessitates that any intervention be conducted under the supervision of the United Nations, ensuring the protection of these rights, rather than being entrusted to individual states. This principle was reaffirmed by the United Nations General Assembly Resolution of September 21, 1960, which prohibited all states from direct or indirect interference in the affairs of other states, regardless of the justification for intervention.

However, in cases where the United Nations or the Security Council is unable to achieve the humanitarian objective, and within the limits where the UN cannot effectively exercise its jurisdiction, states may be permitted to intervene for humanitarian purposes, provided that two conditions are met. First, the human rights violations must be so severe that they disrupt global peace. Second, any intervention measures must be immediately reported to the Security Council and must cease as soon as the Council is able to assume its responsibilities, to ensure that the intervention does not lose its legitimacy (31).

## Chapter Two

### Humanitarian International Intervention in Libya and Somalia to Maintain African Peace and Security

Humanitarian international intervention can occur through international organizations or individual states, using either non-military measures, such as political and economic means, or military measures, such as the use of armed force. This section will explore key practical cases of humanitarian international intervention in Libya and Somalia, as examples of interventions aimed at maintaining peace and security in Africa.

Since intervention through the United Nations is one of the most significant forms of humanitarian international intervention, and usually occurs in cases where international organizations fail to intervene or when legal international legitimacy cannot be obtained through the UN, we will focus on the main instances of UN-led humanitarian intervention in Somalia and Libya (32).

#### Section One: Humanitarian International Intervention in Somalia through the United Nations

Due to the deteriorating situation in Somalia and the grave violations of human rights and international humanitarian law—including mass killings, displacement, genocide, and war crimes against defenseless civilians, as well as the obstruction of humanitarian aid—the UN Security Council classified the situation in Somalia as a threat to international peace and security, warranting strict intervention to restore order.

Accordingly, the Security Council issued Resolution 794 on December 3, 1992, under Chapter VII of the UN Charter, to compel all parties to comply with its provisions (33). The resolution stated:

*"Recognizing the unique nature of the current situation in Somalia, and noting its ongoing deterioration, which requires an urgent and exceptional response, the Security Council determines that the magnitude of the humanitarian tragedy caused by the conflict in Somalia, exacerbated by obstacles to the distribution of humanitarian aid, constitutes a threat to international peace and security. Acting under Chapter VII of the Charter, the Security Council authorizes the Secretary-General and cooperating member states, in response to a proposal from a member state (the United States), to establish an operation aimed at creating a secure environment for humanitarian relief*



*efforts, using all necessary means as quickly as possible. It calls upon all member states capable of providing military forces or additional financial or material contributions to do so. Furthermore, the Security Council authorizes the Secretary-General and concerned member states to take necessary steps to unify the command and control of participating forces, as referenced in paragraph 8, under U.S. leadership." (34)*

This resolution granted the United States the authority to intervene in Somalia, using all necessary means to establish a secure environment for humanitarian relief operations and restore security for civilians. However, the resolution did not specify the scope of powers or the timeframe for the intervention.

The intervention began on December 9, 1992, with the participation of 20 Asian, African, and European countries, contributing troops, equipment, or financial support under the operation named "Restore Hope." The intervention forces managed to secure approximately 40% of Somalia, achieving widespread success in stabilizing population centers. Furthermore, a reconciliation conference was held under UN supervision on March 15, 1993, attended by 15 Somali factions (35).

During this phase, the UN Security Council issued Resolution 814 on March 26, 1993, approving the second UN operation in Somalia, which aimed to provide a comprehensive resolution to the Somali crisis. The mission included organizing elections, establishing state institutions, reviving the economy, creating a neutral security apparatus, and disarming armed factions.

However, the United States did not remain neutral in its disarmament plan, favoring President Ali Mahdi to legitimize his leadership in Somalia, as he was seen as aligned with American interests. This led to armed conflict between U.S. forces and General Aideed's forces, who refused to disarm. Additionally, the Somali National Alliance (SNA) and the Somali Congress forces were targeted by U.S. troops attempting to disarm them. Consequently, the UN mission in Somalia shifted from a humanitarian operation to a military conflict.

Following the killing of 12 American soldiers, the U.S. administration announced its decision to withdraw troops by March 31, 1994. Most Western countries followed suit, prompting the UN Security Council to scale down its forces in Somalia. Their mission was restricted to ensuring the delivery of humanitarian aid, resettling refugees, and assisting in establishing a Somali police force (36).

On November 4, 1994, the Security Council issued Resolution 954, ordering the withdrawal of international forces from Somalia, despite acknowledging that the situation in Somalia remained a threat to international peace and security (37).

Thus, despite some successes in humanitarian aid, refugee resettlement, and reopening institutions and schools, the UN ultimately failed to achieve a political settlement and restore stability in Somalia. The UN Secretary-General at the time admitted that the UN had failed to impose peace, emphasizing that without the willingness of warring parties, peace could not be enforced (37).

Nevertheless, the UN intervention significantly improved the humanitarian situation in Somalia (39). However, it failed to achieve its primary objectives as outlined in the mandate of the second UN operation in Somalia.

Regarding the legality of the UN intervention, its basis lies in Security Council Resolutions 733 and 814, which justified the intervention and provided it with international legitimacy. This intervention also marked the first time the Security Council authorized the use of force to ensure the delivery of humanitarian aid (40).

## **Section Two: International Humanitarian Intervention in Libya through the United Nations**

Similar to the Arab Spring uprisings in Egypt and Tunisia, a popular revolution began in Libya on February 15, 2011, against the rule of Muammar Gaddafi. In response, the Libyan government used excessive military force, under direct orders and incitement from Gaddafi, committing aggressive





acts and crimes against humanity against civilians. This was strongly condemned by the Arab League, the African Union, and the Organization of Islamic Cooperation (41).

On February 25, 2011, the UN Security Council dispatched an international commission to investigate serious violations and assess the situation in Libya. Based on the commission's report and the Arab League's request, the United Nations, through the Security Council, took non-military measures against Libya under Resolution 1970, issued on February 26, 2011. The resolution, which was unanimously adopted, called for:

- An immediate cessation of violence, respect for human rights and international humanitarian law, protection of foreign nationals, and facilitation of humanitarian aid within Libya.
- An arms embargo, prohibiting the direct or indirect sale or transfer of weapons to Libya.
- A travel ban on 16 individuals, including Muammar Gaddafi.
- Freezing of financial assets and economic resources owned by Gaddafi abroad.
- Referring the situation in Libya to the Prosecutor of the International Criminal Court (ICC) for investigation (42).

Due to Libya's failure to comply with Resolution 1970, and the increasing violence and rising civilian casualties, the Arab League issued Resolution 7298 in March 2011. In this resolution, the League held the Security Council responsible for Libya's deteriorating situation and called for urgent international intervention to impose a no-fly zone, establish safe zones, and stop Gaddafi's regime from committing murder, displacement, and violations of international humanitarian law. This compelled the international community to act in defense of the Libyan people.

In response, the UN Security Council adopted Resolution 1973 by a majority vote, at the request of Libya's UN representative. The resolution authorized urgent military intervention in Libya to protect civilians. On March 19, 2011, immediately after the resolution's adoption, a military intervention was launched, led by the United States, France, and the United Kingdom. The international coalition bombed Libyan forces advancing toward Benghazi, imposed a no-fly zone, and weakened Gaddafi's military capabilities. The intervention continued until the fall of Gaddafi's regime (43).

Although Resolution 1973 was legitimate in principle, as it was tied to civilian protection, Libya's territorial integrity, and human rights, it contained several flaws, including:

- **Unregulated use of military force:** The resolution authorized military intervention without clear oversight or restrictions from the UN, leaving room for political agendas and international interests to take precedence. This became increasingly evident over time.
- **Overstepping NATO's mandate:** While the resolution authorized a no-fly zone and humanitarian aid, NATO exceeded its mandate by bombing civilian sites and Libyan government facilities. This was due to the vague wording of the resolution, which did not specify which parties were responsible for executing the mission or impose clear limitations on their actions.

Despite the criticism surrounding Resolution 1973, it remains the legal basis for the UN Security Council's intervention in Libya, executed through NATO and the United States. The resolution provided legitimacy for the necessary measures to protect civilians, as it would have been unacceptable for the international community to stand idly by while the Gaddafi regime committed mass killings and atrocities.

Moreover, the resolution's clear reference to Chapter VII of the UN Charter reflects the international community's determination to act, as stated in the resolution's wording: "*take all necessary measures.*" Additionally, the Libyan crisis evolved into an international concern, compelling the global community to intervene (44).

## Conclusion



After studying the topic of international humanitarian intervention in preserving peace and security in Africa (with Libya and Somalia as case studies), through research into international legislation concerning criminalization and punishment rules, international organization charters, foundational legal frameworks, international criminal rulings, and political issues in Africa—particularly in Libya and Somalia—we have derived key legal principles and conditions governing humanitarian international criminal intervention, along with the political considerations that underpinned the interventions in these two countries. This study has led us to several key findings and recommendations.

### First: Findings

- International humanitarian intervention is recognized as one of the justifications for the use of force in international criminal law. It serves as a mechanism for protecting humanity from genocide, crimes against humanity, and war crimes, based on Chapter VII of the UN Charter and international legal principles. Any action aimed at protecting human rights violated by states is considered permissible, even if it involves military intervention, provided that the use of force is the only viable means to achieve humanitarian objectives.
- Despite the absence of a specific legal provision explicitly permitting or justifying military intervention for humanitarian reasons, there is no legal standard defining the extent of human rights violations that justify intervention. Major powers conducting such interventions often use humanitarian concerns as a legal pretext for military action. However, international law emphasizes that military intervention should only occur after exhausting all other means and verifying their ineffectiveness in stopping serious violations of international law, customary law, and international humanitarian law.
- The legitimacy of the intervention in Somalia was based on a UN Security Council resolution that authorized the United States to intervene using all necessary means to establish a secure environment for humanitarian relief and restore security. However, no specific mandate or time limit was set for the intervention, which began on December 9, 1992, with the participation of 20 Asian, African, and European countries in the form of troops, equipment, or funding under the mission titled "*Operation Restore Hope*."
- The United States showed bias in its disarmament plan by favoring President Ali Mahdi, aiming to legitimize his rule as Somalia's leader due to his alignment with American interests. This led to direct conflict between U.S. forces and the forces of General Mohamed Farah Aidid.
- Although the UN achieved some success in its intervention in Somalia, it failed to establish political stability and restore security. The UN Secretary-General at the time acknowledged that the organization had failed to impose peace, emphasizing that without the willingness of the warring factions, peace cannot be enforced.
- The UN's intervention in Somalia was based on Security Council Resolutions 733 and 814, which provided international legitimacy for the intervention. It was the first time the Security Council had resorted to military force to ensure the delivery of humanitarian aid.
- The humanitarian intervention in Libya was based on UN Security Council Resolution 1973, which was adopted by a majority vote at the request of Libya's UN representative. The resolution called for an urgent military intervention to protect civilians. However, despite its legitimacy in relation to civilian protection, Libya's territorial integrity, and human rights, it had significant flaws:
  - The resolution authorized military intervention without establishing oversight or control by the UN, leaving room for political agendas and international interests.
  - The resolution called for a no-fly zone as a protective measure against Gaddafi's regime and to facilitate humanitarian aid. However, NATO exceeded its mandate by bombing civilian



sites and Libyan government facilities. This was partly due to the vague wording of the resolution, which did not specify the parties responsible for carrying out the mission or impose clear limitations.

○ Security Council Resolution 1973 formed the legal basis for international intervention in Libya by NATO and the United States. It was considered a legitimate justification for taking necessary measures to protect civilians, as it would have been unacceptable for the international community to remain passive in the face of mass killings and genocide committed by Gaddafi's regime.

## Second: Recommendations

Based on the key findings outlined in our study, we propose the following recommendations:

- A precise definition of *international humanitarian intervention* should be established to prevent misunderstandings and to close the door to states that misuse humanitarian intervention as a justification for military action under the pretext of defending human rights and maintaining international peace and security.
- Humanitarian intervention should not be limited to military force alone. It should encompass other non-military forms of intervention to address humanitarian crises.
- Legal provisions should be established to regulate humanitarian intervention, clearly defining the timeframe and circumstances under which it is legitimate. Any such intervention should be conducted under the auspices of the United Nations or an internationally recognized organization with UN approval.
- A specific legal framework and strict regulations should govern humanitarian intervention to prevent powerful states from using it as a pretext to manipulate and subjugate weaker nations.

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