

INTERNATIONAL JOURNAL FOR  
**CONSTITUTION**  
& DEVELOPMENT OF LAW [**IJCDL**]

**ISSN. 3049-3579 (ONLINE)**

**2024**

**VOLUME 1 ISSUE 2**

This Article is brought to you for "free" and "open access" by the International Journal for Constitution and Development of Law. It has been accepted for inclusion in the Journal after due review.

-----  
To submit your Manuscript for Publication at International Journal for Constitution and Development of Law, kindly email your Manuscript at [ijcdl.official@gmail.com](mailto:ijcdl.official@gmail.com).

## **CONFLICT BETWEEN HUMANITARIAN INTERVENTION AND STATE SOVEREIGNTY**

Tejas Kulkarni<sup>1</sup>

### **ABSTRACT**

*Is it at all possible to resist evil without succumbing to the dangers of righteousness?*

Posed by Tzvetan Todorov, this question is completely relevant to the conflict of humanitarian intervention and state sovereignty. On the one hand, sovereignty is seen as a changing concept that adapts to the evolving nature of international law,<sup>2</sup> but on the other hand, it has been stated that the history of International Humanitarian Law is the narrative of shifting ideas of sovereignty.<sup>3</sup> The intertwining of developments in IHL's legal framework and the evolution of the concept of state sovereignty has had a considerable impact on one another. Historically, only conflicts between sovereign nations were governed by rules of war, but beginning in the 19th century, states began to agree on a number of humanitarian law treaties. The notion that regulation of international armed conflict can be regulated by the international law started getting numerous nods in its favor. Additionally, many institutions were set up at the international level to prosecute for the violation of these international humanitarian laws. This article explores the debate between the sect which supports humanitarian intervention and the anti-interventionists. By the use of real-life instances, it also tries to explain how this conflict has been addressed in various instances and what impact did it have on the ongoing debate. The paper ends by trying to predict the future of this debate. The paper revolves around the main premise that, since the development of IHL, the role of states has become seemingly limited, therefore, the states have to either accept or reject the evolution of the IHL and its consequential impact on their sovereign authority.

---

**KEYWORDS:** sovereignty, intervention, humanitarian, development, international law

---

<sup>1</sup>The author is a student of law at Symbiosis Law School, Hyderabad.

<sup>2</sup> A Clapham, National Action Challenged: Sovereignty. Immunity and Universal jurisdiction before the International Court of Justice, Hart Publishing, p. 305 (2003).

<sup>3</sup>R J Goldstone, International Judicial Institutions: The architecture of international justice at home and abroad, p. 14 (2009)

## INTRODUCTION

Often defined as a conflict of traditions, the battle between humanitarian intervention and state sovereignty is the greatest known conflict to exist in the sphere of international law. This derives its basis from the concept that every state is entitled to autonomy over its domestic affairs; meanwhile, this idea fights a constant battle with the fact that every individual has a right to basic freedoms which should not be imperiled at any cost. This debate takes the forefront when the concern relates to the involvement of United Nation (UN) for humanitarian purposes.

The *jus in bello*, commonly known as the laws of war, which have been recently started to be looked at as the laws of armed conflict or the international humanitarian law (IHL)<sup>4</sup>, earlier only dealt with the conflict between states; the internal violence and conflicts were kept completely out of the purview of these laws and were at the discretion of the concerned state.<sup>5</sup> This can be asserted via the fact that the laws which govern wars are in totality built upon the premise of ‘difference between inter-state relationships’; which also happens to be the cardinal basis of international law.<sup>6</sup> As a result of this, the intra-state matters, which were assumed to fall within the domestic ambit of states, were considered resistant to the international law.<sup>7</sup>

The dichotomy as between international and internal situations was “sovereignty-oriented.”<sup>8</sup> Post the second world war, when deliberations were made with regard to revising the Geneva Convention, the participating nations strongly opposed to it. They were totally against the proposal by the International Committee of the Red Cross (ICRC) to update the treaties to be applicable to both international as well as internal armed conflicts.<sup>9</sup> This was owing to the fact that such decisions were supposed to be “striking at the roots of national sovereignty.”<sup>10</sup>

The concept of humanitarian intervention into inter-state matters were specifically because the rationale of sovereign equality ‘rendered inconceivable, the idea that a sovereign could

---

<sup>4</sup>Rogier Bartels, *The Relationship between International Humanitarian Law and the Notion of State Sovereignty*, 23(3)JCSL, 461, 461-486, (2018).

<sup>5</sup>R Bartels, *Timelines, Borderlines and Conflicts: The Historical Evolution of the Legal divide between international and non-international armed conflicts*, 91 IRRC, 35, 65 (2009).

<sup>6</sup>JENNIFER M. WELSH, HUMANITARIAN INTERVENTION AND INTERNATIONAL RELATIONS, 45 (Oxford 2004).

<sup>7</sup>M N SHAW, INTERNATIONAL LAW, 1068-9(8<sup>th</sup> ed., Cambridge 2002).

<sup>8</sup>Prosecutor v. Tadic ICTY-94-1-A (2 October 1995).

<sup>9</sup> Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, 22 August 1864; updated on 6 July 1906 and 27 July 1929.

<sup>10</sup>ICRC, Final Record of the Diplomatic Conference of Geneva of 1949, Vol. II-B, 10 Federal Political Department Berne, 1963.

regulate through its own laws the antagonistic acts of the military forces of an enemy sovereign, and vice versa.<sup>11</sup> Apart from the abovementioned impact of sovereignty of states upon the foundation of International Humanitarian Law, it has also been inferred that the former had a significant impact on the development of the later.<sup>12</sup>

In the present contribution, the authors will discuss the conflict between humanitarian intervention and state sovereignty in vivid details. It begins by comprehensively explaining the meaning of the phrases 'humanitarian intervention' and 'state sovereignty' and lays down the provisions in the UN charter with regard to the said. Further, it moves on to explain the existing scuffle on the issue. Lastly, it analyzes the real-life instances where this debate had to take the forefront. The paper ends by critically analyzing the future of this debate.

#### REVIEW OF LITERATURE

1. The United Nation's Paradox: The Battle between Humanitarian Intervention and State Sovereignty:<sup>13</sup> This article deals with the history of UN and it's right to intervene in the matters of Human Right Violation. It focuses on the unorganized pattern opted by United Nations Security Council at the times of human rights violation. This paper lacks in explaining the meaning and importance of Humanitarian Intervention which authors have done in their paper.
2. Humanitarian Intervention: To Protect State Sovereignty:<sup>14</sup> This article explains what does humanitarian intervention and sovereignty means. It also focuses on the need of humanitarian intervention as and when required to safeguard the international peace and harmony. This paper lacks in providing case studies in detail which will be provided by the authors in this paper.
3. Humanitarian Intervention and State Sovereignty<sup>15</sup>: This article deals with the concept of sovereignty and its importance in the democratic country. It also talks about striking balance between Human Rights and Sovereignty along with the importance of intervention. This article specifically points out how the authorities can also abuse this

---

<sup>11</sup>R O'KEEFE, INTERNATIONAL CRIMINAL LAW, 124 (Oxford International Law 2015).

<sup>12</sup>M A Mayer, *New Developments in Humanitarian Law: A challenge to the concept of sovereignty*, 34 ICLQ, 267-83 (1985).

<sup>13</sup>Jennifer L. Czernecki, *The United Nation's Paradox: The Battle between Humanitarian Intervention and State Sovereignty*, 41(2) DLR, 391, 391 -407 (2003).

<sup>14</sup>Jasmeet Gulati and Ivan Khosa, *Humanitarian Intervention: To Protect State Sovereignty*, 41(3) DENV. J. INT'L & POL'Y, 397, 397 – 416 (2013).

<sup>15</sup>Mohammed Ayoob, *Humanitarian Intervention and State Sovereignty*, 6(1) IJHR, 81, 81-102 (2002).

power of intervention and its consequence. This paper lacks in talking about the crucial cases like Rwanda genocide which authors have incorporated in their article.

4. Making the Case for Humanitarian Intervention:<sup>16</sup> A Threshold in American Conflict Prevention and Management: This article talks about the concept of intervention and the contending theories. It primely focus on the cases where the intervention by United Nations were required but it came too late. This article lacks in covering the scuffle between the groups who supports intervention and those who doesn't support which the authors have covered in their paper.
5. Humanitarian Interventions and National Interests<sup>17</sup>: This paper talks about the importance of intervention in the sovereign states and how it's beneficial to safeguard the national interest at times of internal crisis. This paper lacks a critical angle towards the arbitrary and unorganized method of the UN Security Council towards the global humanitarian issues, which the authors have covered in their paper.

## MEANING AND DEFINITION

### ***HUMANITARIAN INTERVENTION***

Humanitarian intervention has been one of the most hotly disputed topics among both theorists and practitioners of international law in the last couple of decades<sup>18</sup> Before we proceed, it is crucial to establish the meaning of humanitarian intervention.

There are four basic characteristics of humanitarian assistance, according to Sir James Pattison.<sup>19</sup> To begin with, the crux of humanitarian intervention is that it must always be a coercive military intervention that is carried out without the agreement of the state's relevant authority<sup>20</sup> It is this component of permission that distinguishes it from humanitarian assistance, which refers to relief work carried out mostly by foreign non-governmental entities with the state's proper consent and approval. Second, humanitarian assistance is to be carried out when there is "actual or imminent suffering" or "death."<sup>21</sup> Any such intervention after the occurrence has succumbed is not considered. Third, humanitarian intervention must have a humanitarian rationale, meaning that it should be carried out with the mission "to

---

<sup>16</sup> Jimam T, *Making the case for Humanitarian Intervention: A Threshold in African Conflict Prevention and Management*, 17 JHSN, 41, 41-55 (2008).

<sup>17</sup> Heidari Beni, *Humanitarian Interventions and National Interests*, 33(3) IJGR, 8, 8-21 (2018).

<sup>18</sup> *Supra* note 5, at 49.

<sup>19</sup> James Pattison, The Humanitarian Intervention Debate, 12(3) IJHR 15, 18 (2003).

<sup>20</sup> *Id.*

<sup>21</sup> Sir Adam Roberts, The United Nations and Humanitarian Intervention, 71, 76 (2004).

prevent, reduce or halt the actual or impending loss of life and the associated human suffering.<sup>22</sup> This implies that any intervention carried out in self-defense may not be considered humanitarian.<sup>23</sup> The use of force in humanitarian intervention is solely for the purpose of safeguarding human rights in another country.<sup>24</sup>

This is what distinguishes a humanitarian operation from a terror campaign. To put it another way, humanitarian assistance is primarily concerned with preventing the loss of life, whereas the war on terrorism is primarily concerned with eliminating the militant threat posed to the inhabitants of a target state.<sup>25</sup> Fourthly, humanitarian intervention is necessarily carried out by an external power<sup>26</sup>, implying that a state deploying force to defend its territory against rebels is not an example of humanitarian intervention.<sup>27</sup>

### ***SOVEREIGNTY***

Professor Henry Shue has argued that the concept of sovereignty in a state is a comparatively modern and unforeseen form of human organization, which is often cited as a significant limitation in the legality of humanitarian intervention.<sup>28</sup> .

It was developed on the European continent and has been heavily imposed on the rest of the world by Europeans. Political philosophers and legal scholars agree that the concept of sovereignty is complicated. The four fundamental features of sovereignty can be evaluated to gain a better understanding of it. It is, first and foremost, a power. This power could be vested in a single person or a group of people. The ethereal part of sovereignty is power, which is decorated with the concrete aspect in the shape of personnel and institutions.<sup>29</sup>

Second, certain contracts place this power in the government. To put it another way, an original contract is the foundation of sovereign power. It can be deduced that a sovereign authority is generated rather than born. Third, the sovereign's position is solely for the purpose of enforcing the sovereign's powers. The authority may take several forms, such as theocracy, autocracy, or even democracy, but the goal will always be the enforcement of sovereign powers, which is constant and intangible.

---

<sup>22</sup>*Id.*

<sup>23</sup>U.N. Charter, art. 51.

<sup>24</sup>Supra 15

<sup>25</sup>Supra 13

<sup>26</sup> Henry Shae, Limiting Sovereignty, 14-15 (2004).

<sup>27</sup>*Id.*

<sup>28</sup> Supra 20 p. 11

<sup>29</sup>C. E. MERRIAM, JR., HISTORY OF THE THEORY OF SOVEREIGNTY SINCE ROUSSEAU.

As a result, it is safe to conclude that the essence of sovereignty is found in power rather than authority. Finally, the sovereign authority is prohibited from acting in opposition to the sovereign power's goals. The 'rule of law' is another term for this element. As a result, the primary goal of sovereign power is to safeguard human life, which is also the major cause for the establishment of a state. As a result, it can be deduced that a sovereign has supremacy over the laws that it enacts, but not over the laws that it enacts. This argument has frequently been compared to Hans Kelsen's "Grundnorm."<sup>30</sup>

## THE SCUFFLE

The concept of "humanitarian intervention" has long been a reason for debate in both law and international affairs, and it continues to be so till date. This is mainly because the concept of humanitarian intervention is not universally accepted owing to the lack of commonly accepted definition for it. Humanitarian intervention is defined as an act of intervention based on humanity that supports a state's authority to exercise international control over another's state activities with regard to its internal sovereignty in the circumstances where their acts violate international law.<sup>31</sup>

The English School or 'International Society' approach towards International Relations has dominated debates concerning the efficacy and legitimacy of humanitarian action in recent years with major scuffle between solidarists and pluralist view on humanitarian intervention.<sup>32</sup>

There have been contradicting opinions on this issue since time immemorial. Solidarists believe that state sovereignty is not inherently antecedent to humankind and that universal solidarity exists among humans, whereas pluralists argue that state sovereignty and the non-interventionist norm are sacrosanct.<sup>33</sup> According to Solidarists, in case of extreme humanitarian emergency new norm of intervention has been created. Individual acts of intervention, on the other hand, are nonetheless considered unlawful by pluralists because they infringe the fundamental principal of non-intervention.

---

<sup>30</sup> Hans Kelsen, *General Theory of Law and State*, 123-24 (1945).

<sup>31</sup> Alexa J. Bellamy, *Humanitarian Responsibilities and Interventionist Claims in International Society*, 29(2) REV. INT. SER., 321, 326 (2003).

<sup>32</sup> Nicholas J. Wheeler, *Pluralist or Solidarist Conceptions of International Society: Bull and Vincent on Humanitarian Intervention*, 17(2) MJIS, 62, 74 (1992).

<sup>33</sup> *Id.* at 72.

**Four key concerns in this regard are mainly:**

- First, there is still a visible mismatch between human rights ideologies and ongoing human rights violations.
- Second, there is a significant discrepancy between what appears to be a non-interventionist norm and states' ongoing interventionist practices.
- Third, state sovereignty has a paradoxical normative aspect.
- Pluralists argue that interventionist rule of states is not morally acceptable in and of themselves since their *raison d'état* is to ensure safety and human behavior. The non-intervention rule, on the other hand, effectively controls and preserves the state even when it threatens and harms the security and welfare of its population. Particular states claim that major human rights violations justify an exemption to the non-intervention rule in some situations. In other circumstances, the same states will contend that their sovereign prerogatives preclude the use of force. Pluralists opine that sovereignty is often a weak state's only protection against a powerful adversary, and that interventionism is unconstitutional and illegitimate because it violates international society's fundamental values.
- Finally, pluralists reject both the factual and normative claims that a valid right is growing in customary practice in relation to humanitarian practices.

In distinction the solidarist believe that multitude societies can and do agree on substantial moral norms and that international community do have the moral responsibility to defend such values.<sup>34</sup> A solidarist international society, according to Hedley Bull, is one in which the states that make up the society work together to produce and enforce international law.<sup>35</sup> In such a society, the use of force will only be regarded legal if it is done in the name of enforcing the law.<sup>36</sup> The defense of a state against aggression (collective security) and the sustaining of society's moral purpose are examples of such law enforcement.

There are three major issues with which pluralists and solidarist are mainly concerned. Firstly, there is lack of accepted consensus in relation to what constitute a supreme humanitarian emergency. Second, there is no concurrence whether there is legal right to intervene in situation of extreme humanitarian need. Finally, there's the question of how

---

<sup>34</sup> Andrew Linklater, *The Transformation of Political Community*, 15(2) EIA, 166, 182 (2001).

<sup>35</sup> BULL, THE GROTIAN CONCEPTION OF INTERNATIONAL SOCIETY AND DIPLOMATIC INVESTIGATIONS, ESSAYS IN THE THEORY OF INTERNATIONAL POLITICS, 56 (London: Allen and Unwin, 1966).

<sup>36</sup> *Id.*, at 57

states and militaries should intervene.<sup>37</sup> As a result of this issue, the new emergence of legality and legitimacy of humanitarian intervention is at rise.

Solidarists believe that international society has come to a consensus on what constitutes a extreme humanitarian crisis and a justifiable intervention. The contemporary complex and challenging rights regime, which includes accepted and comprehensive humane behaviour norms, recognized state and non-state surveillance methods, and expanding recognition of international criminal culpability, provides proof of this. In the same way that this agreement has grown over time, state practice has evolved to a growing acknowledgment that there is a right to intervene in extreme circumstances.<sup>38</sup>

They argue that sovereignty is not a shield for human rights offenders to hide under. Rather, state authorities are in charge of ensuring the safety and well-being of their citizens.<sup>39</sup> Solidarists say that exceptional circumstances of human suffering warrant deviating from the rule of non-intervention.

Lastly, the fundamental source of contention between humanitarian interventionists and anti-interventionists is the need to establish a legal framework for supervision in order to give a clear decision-making mechanism. This is necessary to ensure that the intervention is not biased in any way. There is a demand for establishing monitoring and intervention standards depending on factors such as the type of violations involved and the degree of the use of force.

### **Protection of humanitarian intervention in UN charter**

Humanitarian intervention can also be termed as “*jus ad bellum*” with differing views on a states or group of states' ability to use force. The UN charter provides a clear answer to this question. States must refrain from using force in their international relations, according to article 2 paragraph 4, with certain exceptions set out in chapter 7. The Security Council may take military action if a threat to world peace and security arises. In addition, the chapter establishes the right to collective and individual self-defense.<sup>40</sup>

---

<sup>37</sup> Neba Ridley, *The Rise and Decline of Humanitarian Intervention and Responsibility to Protect*, 10(49) JISR, 121, 125 (2017).

<sup>38</sup> *Supra* note 33, at 182.

<sup>39</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 13, (2001)).

<sup>40</sup> Anne Ryniker, *Humanitarian Intervention, Legal and Political Aspects*, 4(1) DIIA, 527, 530, (1999).

Another possible cause for intervention can be accepted on the grounds of self-determination. Lastly, it is currently impossible to justify any states or group's right to take unilateral action or use force against a state that commits human rights violations or violates humanitarian law.

## CASE STUDIES AND THE FUTURE

One of the major roles of United Nation is to maintain the global peace and to do the same it has to intervene in the sovereignty of the nations as and when required. There are couple of instances where the United Nations has intervened to maintain the world peace.<sup>41</sup>

**A. Iraq (1991):** In the year 1991, Iraq started repressing its own people mainly Kurdish habitant and forced them to leave the country and migrate to the neighboring countries.<sup>42</sup> The United Nations Security Council considered this act of Iraq as a threat to the global security and passed Resolution 688. This resolution demanded Iraq to cease the repressive acts immediately and provide access to international relief organization to public in need.<sup>43</sup> While respecting the sovereignty of the state, the resolution didn't mention anything about chapter VII of UN Charter which authorizes security council to forcefully intervene in the matter of the state.<sup>44</sup> The purpose of intervention is to safeguard the international peace and to provide safe place to Kurdis. Hence, the intervention was done without harming the sovereignty of the state.

**B. Somalia (1992):** In the year 1992, the great humanitarian crisis happened in Somalia due to internal aggression. After weighing the magnitude of the humanitarian crisis, the security council passed Resolution 794.<sup>45</sup> In this resolution, they specifically mentioned chapter VII which allows the member states and the foreign organization to take all the necessary steps to secure the peaceful environment.<sup>46</sup> The security council gave 'regional instability' as the defense to the actions taken by them in Somalia. The counsel evidenced that both

---

<sup>41</sup> *Supra* note 12, at 398.

<sup>42</sup> Richard B. Lillich, *The Role of the UN Security Council in Protecting Human Rights in Crisis Situations: UN Humanitarian Intervention in the Post-Cold War World*, 3 TUL. J. INT'L & COMP., 1, 6 (1995).

<sup>43</sup> *Id.*

<sup>44</sup> Ruth E. Gordon, *Humanitarian Intervention by the United Nations: Iraq, Somalia, and Haiti*, 31 TEX. INT'L. L. J., 43, 49 (1996).

<sup>45</sup> *Supra* note 41, at 7.

<sup>46</sup> *Id.*

regional instability and internal instability can “produce severe and widespread human rights deprivations”<sup>47</sup>.

**C. Haiti (1994):** The United Nations again took a stance to stop the gross humanitarian crisis in the year 1994 when there was internal disruption in Haiti. The security council passed Resolution 940 to stop the social disruption caused due to state political affairs and the transfer of refugees to neighbor countries.<sup>48</sup> The resolution demanded the immediate return of the legally eliminated President and the restoration of the government of Haiti instead of military rule which had created the international tension and fear.<sup>49</sup> To this intervention, the UN gave the explanation that whenever there is political will, the UN has all the power to safeguard the human rights of the people.

**D. Rwanda – 1994:** The case of Rwanda was different from the above explained three cases as the UN limited intervention in this dispute was widely discussed and criticized. There were gross genocide and civil conflicts even then the UN passed Resolution 918 without mentioning Chapter VII of the charter which means that UN restrict itself from not using forces to stop the human right crisis but just provide the aid to the displaced refugees and civilians.<sup>50</sup> The reason for the lack of support is not clear even today. The UN which used forces in case of Somalia, where it’s the internal dispute refused to use the peace force where the situation was worse. Later, France, who shares historical ties with Rwanda, intervened and control the situation within two months and later hand over to UN peace making committee.<sup>51</sup>

These were the few cases where UN has intervened in the sovereign states whenever there was acute humanitarian crisis. The interesting aspect that has to be look upon is the varied position of UN in similar situations. The actions of the security council seem not to be fair and adequate when it comes to provide protection to the civilians of the countries.<sup>52</sup> At times it used forces to control the situation whereas somewhere it refrained itself from doing such

---

<sup>47</sup> *Supra* note 12, at 401.

<sup>48</sup> *Supra* note 43, at 52.

<sup>49</sup> *Supra* note 41, at 51.

<sup>50</sup> FRANCIS KOFI ABIEW, THE EVOLUTION OF THE DOCTRINE AND PRACTICE OF HUMANITARIAN INTERVENTION, 194 (Kluwer Law International, 1999).

<sup>51</sup> *Id.*, 196.

<sup>52</sup> 21 SEAN D. MURPHY, HUMANITARIAN INTERVENTION, THE UNITED NATIONS IN AN EVOLVING WORLD ORDER, 321 (Procedural Aspects of International Law Series, 1996).

things. The lack of clarity in UN regulation is the biggest issue which the world is facing now.

The United Nation which was established post World War II to maintain international peace and to prevent further such wars need to look upon the actions taken by it. The UNSC is losing its credibility due to inconsistent behavior. The actions taken by UN in Haiti is too humanitarian then needed whereas the action in Somalia were largely ineffective and not credible.<sup>53</sup> Similarly, failure of UN in intervening between Russia-Ukraine War and Taliban – Afghanistan War show the disparity in the decision-making ability of the security council. At times when the world was witnessing the gross humanitarian crisis in Afghanistan, UNSC was sitting silently. Similar kind of attitude can be witnessed even during Russia-Ukraine war.

In order to make sure the smooth working of the organization, UN need to revise the provisions of Chapter VII and need to bring International Court of Justice to keep checks and balances on the action of UN over such situations. In future interventions, UN and security council need to bring some consistency among actions and should work to strike balance between humanitarian intervention and sovereignty of the state. In future we expect the removal of the concept “absolute” from the international debates.<sup>54</sup> Neither there will be absolute intervention nor absolute sovereignty, so that a balance can be made between the two extremes and UN can perform the functions it's instituted for.

## **CONCLUSION**

With the change in time, situation changes and hence the law. With the increase in global transactions and sovereign states, the international law has also evolved accordingly. One of the major issues that has to be dealt with the aid of the international law is the conflict between different countries involving armed forces and other such weapons.

In the year 1945, the United Nations was established to promote peace and harmony all across the world and to prevent the World War III. The UN Charter is made in a manner that it provides utmost respect to both the state sovereignty as well as human rights of people. There are instances where the UN security council failed to strike the balance between the both and the actions taken by the association came in question, hence affecting its credibility.

---

<sup>53</sup>W. Michael Reisman, *The Constitutional Crisis in the United Nations*, 87 AM. J. INTL. L., 83, 92 (1993).

<sup>54</sup>21 SEAN D. MURPHY, HUMANITARIAN INTERVENTION, THE UNITED NATIONS IN AN EVOLVING WORLD ORDER, 66 (Procedural Aspects of International Law Series, 1996).

There is a need to bring change in the manner United Nation works and a concept of checks and balances has to be incorporated so that the organization can do its job and can solve the existing scuffle between state sovereignty and humanitarian intervention to a great extent.

The issue whether the United Nations has enough power to interfere between the sovereignty of the state will continue even in the future. In the upcoming time, world is looking forward to strike the balance between the sovereignty and human rights and to make sure that this vision is well incorporated globally UN needs to take adequate measures.