

The Principle of Non-Intervention in the Age of Humanitarian Crises

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ABSTRACT

The research critically examines how non-interference principles conflict with the emerging norm of Responsibility to Protect (R2P) in international law systems. International actors have started to reconsider their duty to protect citizens through intervention because state sovereignty as the foundation of international order has failed to prevent rising numbers of mass atrocities and humanitarian crises. Through a doctrinal and qualitative approach, this study examines major international legal documents and two case studies (Libya and Syria), along with academic research, to determine the legal and normative validity of humanitarian intervention and R2P. The research aims to analyze how international law enables states to maintain sovereignty while fulfilling their humanitarian intervention responsibilities through the R2P framework. The research examines three elements, which include the legal basis of non-intervention principles, humanitarian intervention ethics, and also R2P operationalization through United Nations and other key international organizations. The research also explores the issue of operationalizing R2P, including selectivity, political manipulation, and inconsistency in state practice. The research demonstrates that while R2P offers an attractive normative framework for responding to mass atrocities, its enforcement is thwarted by geopolitical interests and the lack of binding legal status. The findings of the research demonstrate a clear need for reform of the international legal system and a more robust institutional commitment to balancing state sovereignty with humanitarian obligations, thereby conducting interventions within a legal, consistent, and accountable framework.

Keywords: International Law; Non-Intervention; Humanitarian Intervention; Responsibility to Protect (R2P); International Human Rights

INTRODUCTION

The legal principle of non-intervention was first formulated in the context of international law during the early modern period because the notion of state sovereignty

prohibited any form of intervention by foreign authorities within the territorial bounds of a state (Jackson, 2007). This principle was recognized in the United Nations Charter in Article 2, Section 7, and greatly aids in the preservation of global peace and stability alongside respect for national dominion and autonomy (United Nations, 1945). Historically, or in a post-colonial context, this principle serves as legal protection for states emerging from imperial rule to safeguard themselves from overt foreign control and political supremacy (Corten, 2005; Orford, 2011).

Nonetheless, evolving international human rights law and growing international concern for humanitarian issues after World War II have increasingly challenged the rigid non-interventionist stance. The Holocaust, the 1994 Rwandan Genocide, the Darfur crises, and more recently the Syrian civil war have further exemplified the tragic outcomes attributable to steadfast respect for sovereignty in the face of large-scale human suffering (Power, 2002; Weiss, 2020). In reaction, the world has gradually tended toward accepting the principle of the “duty to intervene” in highly dehumanizing situations, which eventually resulted in the 2005 World Summit adoption of the Responsibility to Protect (R2P) doctrine (United Nations General Assembly, 2005). Previous research has mainly examined the moral validity and legal basis of R2P (Evans 2008, and Bellamy 2009) through its development as a humanitarian standard, yet researchers have not thoroughly examined its irregular application in real-world situations. The research provides an original analysis which examines non-intervention and R2P principles across different political systems by studying Libya and Syria to understand how power dynamics affect humanitarian interventions. The research stands apart from other studies because it examines UN political selectivity through doctrinal legal analysis. This connects theoretical international law principles with their actual implementation.

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Research Problem or Question

This geopolitical void, filled with gaps in international doctrine, creates a paramount paradox: how can abiding by the principle of non-intervention, which safeguards state sovereignty, be harmonized with humanitarian intervention and the obligation of the global community to intercede in cases of mass atrocity crimes? The issue is even more troubling because interventions, military or otherwise, have historically been unpredictable, selective, and politically driven. For instance, NATO's intervention in Libya in 2011 was celebrated by some as a bold step towards averting mass killings, while others derisively condemned the NATO action as exceeding the UN mandate and creating a failed state (Bellamy, 2011; Bhatt & Joshi Associates., 2024). Conversely, the absence of any meaningful action from the international community in Syria, despite the colossal suffering of civilians, demonstrates the failures of collective resolve and legal enforcement (Thakur, 2016).

Hence, the primary research questions steering this examination are:

How permissible is the principle of non-intervention in relation to the evolving norm of humanitarian intervention in international law, particularly with regard to the Responsibility to Protect (R2P)?

Significance of the Research

In essence, this research seeks to illuminate the legal and policy debates concerning action and inaction involving sovereignty and humanitarian assistance in the 21st century. A thorough understanding of the concepts and normative frameworks of non-intervention and humanitarian intervention is relevant for international lawyers, international institutions, and policymakers involved in conflict prevention and crisis management. Although the R2P doctrine offers a normative structure attempting to reconcile sovereignty and protective obligations, its application has exposed glaring gaps and challenges of legitimacy—particularly regarding interventions carried out by dominant states under the label of humanitarianism (Evans, 2008; Sharma, 2021).

Additionally, this research will examine international legal frameworks, the practices of the United Nations, and legal decisions that influence contemporary understandings of these doctrines. It will also review recent case studies such as Libya and Syria to highlight the operational dilemmas and political conundrums that tend to dominate the normative landscape.

At the end of the analysis, this study aims to propose appropriate legal and institutional changes to enable international law to balance state sovereignty, access to critical human rights, and humanitarian assistance in times of crisis.

Literature Review

Overview of Relevant Literature

The discourse on the principle of non-intervention and humanitarian intervention reflects the ongoing struggle in international law between the reverence for state sovereignty and the defense of human rights. Classical international legal scholars, such as Grotius, emphasized the primacy of sovereign jurisdiction and authority (Brownlie, 2008). These post-Westphalian state relations continue to influence the interpretation of Article 2(7) of the UN Charter. However, throughout the 20th century, there was a normative shift acknowledging the international community's responsibility to prevent atrocities and respond to grave human rights abuses (Chesterman, 2001).

The core works of Tesón (2005) and Wheeler (2000), later expanded by Bellamy (2011), argue that sovereignty should depend on a state's capacity and willingness to protect its citizens. On the other side of the debate, Chandler (2006) and Corten (2016) contend that weakening the non-intervention principal risks legitimizing humanitarian pretexts for modern neo-colonial policies, which is equally dangerous. These ethical conundrums, immediately related to legal ones and the issue of self-determination, raise a fundamental question: how much is one's responsibility to act?

Key Theories or Concepts

This debate is informed by two dominant juristic doctrines. One is the view of traditionalists who, as international law positivist interpreters, believe in non-interference sovereignty as an anchorage maxim for order and legitimacy (Shaw, 2021). The second is the interventionist paradigm, which perceives sovereignty as responsibility—a principle encapsulated within the doctrine of Responsibility to Protect (R2P). R2P, which was embraced at the 2005 UN World Summit, states the international community has a subsidiary responsibility to intervene when a state candidly abuses its people through genocide, war crimes, ethnic cleansing, or crimes against humanity (ICISS, 2001; United Nations General Assembly, 2005).

Other concepts include just war theory, especially the criteria for *jus ad bellum*,

alongside the doctrine of humanitarian necessity, which sought to justify intervention in the absence of the Security Council's mandate (Murphy, 1996; Farer, 2003). These concepts, especially from legal and political perspectives, tend to provoke outrage because of the different interests of states and polarized responses from the Security Council.

Gaps or Controversies in the Literature

Lack of certain literature is evident. Initially, the norm of humanitarian intervention under the Responsibility to Protect principle has been accepted globally; however, its politicization during implementation raises issues of inconsistency and double standards vis-à-vis the principles of the UN Charter (Hehir, 2013; Welsh, 2019). For example, Libya was intervened within a short period of time, whereas in Syria, where there was also an ongoing humanitarian crisis, intervention was not carried out because the Security Council's geopolitical interests resulted in multiple vetoes of intervention resolutions (Thakur, 2016; Pommier, 2011).

Moreover, integrating Global South scholarship is scarce. This pertains particularly to the perspectives of Africa, Asia, and Latin America, who view humanitarian interventions as potential infringements on their sovereignty and instruments of Western hegemony (Acharya, 2011; Ayooob, 2002). The lack of representation leads to distortions in the perception of international law's legitimacy and consensus.

Additionally, empirical legal study of the consequences of foreign intervention is largely absent. There is a plethora of literature explaining the legality or moral justifications for intervention, yet far less examining the impact of such interventions on the enduring improvement of human security and governance structures (Paris, 2014; Roberts, 2020). Hence, the gap between legal theory and its practical applicability is widening.

RESEARCH METHOD

This study employs a qualitative legal analysis approach to critically examine the normative and doctrinal dimensions of international law regarding the principles of non-intervention and the Responsibility to Protect (R2P). The research follows a doctrinal legal design, which focuses on studying and assessing legal rules and principles, and precedents that exist within international treaties and United Nations (UN) resolutions, and International Court of Justice (ICJ) decisions. The research uses critical legal theory to study how the UN Security Council's power dynamics and political alliances and organizational systems affect its ability to carry out humanitarian interventions. The research analyzes R2P implementation through a

comparative case study of Libya (2011) and Syria (2011–present). This reveals distinct approaches to R2P application based on their geopolitical settings.

The research gathered information through primary and secondary data collection methods. The first category of primary sources consists of UN documents which include resolutions and reports together with treaties like the UN Charter and Geneva Conventions, and judicial opinions from the ICJ and International Criminal Court (ICC). The research drew on information from peer-reviewed journal articles and academic books, and think-tank analyses which appeared between 2015 and 2024. The analysis of data used legal interpretation together with critical content analysis which examined relevant legal texts and Security Council voting patterns, and scholarly arguments. The study concentrated on three main areas which included UN Charter provisions interpretation (Articles 2(4), 2(7), and 51), R2P development and implementation, and legal foundations for state and institutional actions. Through this approach researchers can study how international law manages state sovereignty against humanitarian duties. It examines how these rules undergo challenges and modifications during their application.

RESULTS & DISCUSSION

Presentation of Findings

The legal and political scrutiny of recent humanitarian crises indicates a puzzling gap in the principles of non-intervention and Responsibility to Protect (R2P). While the R2P doctrine has gained traction at the normative level, its operationalization remains uneven and often influenced by the strategic interests of powerful states within the United Nations Security Council (UNSC).

1. Libya (2011)

In Libya, the UNSC unanimously adopted Resolution 1973, authorizing “all necessary measures” to protect civilians from breaches under Gaddafi’s military undertakings (UNSC, 2011). This marks the unprecedented case of the UNSC performing R2P to warrant militaristic intervention. The resolution was legally grounded under Chapter VII of the UN Charter and pityingly, Libya was distraught for her failure to pay minimal compassion to her citizens (Bellamy & Williams, 2011).

Post-intervention outcomes nonetheless drastically underperformed expectations. NATO's operations were condemned for exceeding the protection mandate by imposing regime change, leading to questions regarding too much reliance on humanitarian pretext (Kuperman, 2013). A number of nations, including China, Russia, and members of the African Union, expressed skepticism towards any further interventions under R2P, citing this as a precedent.

2. Syria (2011–present)

The ongoing humanitarian catastrophe of the Syrian conflict, with over half a million civilians killed and millions displaced, has not received any coordinated military intervention on the grounds of R2P. Several resolutions were put forth by the UNSC, but the control conflict between Russia and China led to their vetoing the proposed action (Thakur, 2016; Hehir, 2019). Even in the presence of overwhelming documented war crimes and a dire humanitarian situation, the absence of legally binding treaties resulted in a failure to act.

This example marks the inability to impose norms of humanitarian intervention due to the sheer interest-based volatility within the Security Council. As shown in *Table 1*, the comparative analysis between Libya and Syria underscores the inconsistency of R2P implementation due to political selectivity and lack of enforcement.

Data Analysis Interpretation

Table 1. Comparative Analysis of R2P Implementation in Libya and Syria

| Aspect | Libya (2011) | Syria (2011–Present) | Interpretation / Key Observation |
|-----------------------------------|--|--|---|
| UN Security Council Action | Adopted Resolution 1973 authorizing “all necessary measures” to protect civilians under Chapter VII. | Multiple resolutions proposed but repeatedly vetoed by Russia and China. | Demonstrates inconsistency and selectivity in the Security Council's response mechanisms. |
| Nature of Intervention | Military intervention led by NATO forces | No military intervention; reliance on diplomacy and | Reveals dependency on political will rather than |

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|--|--|---|--|
| | justified under the R2P doctrine. | humanitarian aid only. | humanitarian necessity. |
| Outcome and Consequences | Regime change followed by instability, armed conflict, and weakened governance. | Prolonged civil war, large-scale displacement, and continued human rights violations. | Both cases expose R2P's operational weakness and inconsistency in application. |
| Ethical and Legal Debate | Praised for preventing imminent atrocities but criticized for exceeding mandate (regime change). | Criticized for inaction despite evidence of mass atrocities. | Highlights moral dilemmas of selective humanitarianism. |
| Implication for International Law | Set a precedent for using R2P to justify intervention under UN authorization. | Showed paralysis of the UNSC due to veto politics and lack of consensus. | Indicates need for reform in Security Council veto power and enforcement mechanisms. |

Source: Author's analysis based on UN documents and scholarly literature (Bellamy & Williams, 2011; Thakur, 2016; Welsh, 2019; Sharma, 2021).

Support for Research Question or Hypothesis

The absence of intervention and the politically motivated humanitarian intervention is fundamentally at odds within the context of the political architecture of the UNSC, from which the hypothesis stems. There is a gap between R2P's expectations and the realities of intervention due to the dominance of geopolitical interests over the implementation of geopolitically dominated humanitarian norms.

This emphasizes the reality that the decision-making procedures in international law, particularly those relating to the authorization of force, need to be restructured to effectively address the disconnect between legal practice and normative ideals.

Interpretation of Results

Upon implementation of the R2P framework and taking into account the analysis from the “Response” pillar of the triad R2P framework, it can also be noted in this study that the application has resided more in discourse than in execution and is prone to power politics. This is evident in the cases of Libya and Syria, which reveal that the use of humanitarian intervention is more unilateral and dictated by the international politics of superpowers, especially the P-5 members of the UNSC. For instance, in 2008, the crisis in Myanmar following Cyclone Nargis demonstrated this same pattern, as calls for humanitarian intervention under R2P were blocked by China and Russia, arguing that the situation was a domestic matter rather than an international concern (Weiss, 2020). This case highlighted how geopolitical alliances and veto power continue to undermine the operationalization of R2P even in dire humanitarian contexts.

In Libya, one could see the almost unique moment in history where the global community’s sympathy and political will simultaneously converged towards a single issue, which led to the almost instantaneous acceptance of interventionist policies. But later, NATO’s further military actions of changing the regime instead of merely protecting civilians brought lots of criticism and anger, especially from the so-called ‘anti-interventionism’ states. On the other hand, Syria has one of the worst humanitarian crises in contemporary history but possesses something that is even worse than a legal vacuum: the constant Chinese-Russian vetoes. This incredibly wide gap between these two extremes emphasizes the gap between attempts at providing assistance and the resistance wrought by the need not to intervene by stronger states and raises concerns regarding the international legal order and its ethical principles.

Comparison with Existing Literature

The findings correspond with current discussions about international law effectiveness for managing military interventions during humanitarian operations. The Responsibility to Protect (R2P) continues to advance as a norm according to some scholars, but its implementation remains weak in practice. Bellamy (2009) and Evans (2008) both emphasize that while R2P transformed global expectations surrounding mass atrocity prevention, it lacks concrete enforcement mechanisms to ensure compliance. The authors Corten (2016) and

Chandler (2006) present similar views about humanitarian intervention serving as a covert method to advance political, and strategic, and goals instead of authentic humanitarian purposes.

Ayoob (2002) and Acharya (2011) analyze R2P from their Global South perspective to show its unequal application and regional favoritism. The authors argue that irregular R2P application has created a system which allows neo-colonial powers to operate under the pretense of international legal authority. The Syrian conflict reveals this problem through P5 member states who placed their geopolitical interests above legal principles. This led to unprotected civilians and violated international norms (Thakur, 2016; Hehir, 2019).

In addition to this, Realists Luck (2012) and Welsh (2019) maintain that international law functions primarily within the boundaries established by institutional frameworks and political structures. The authors state that Security Council consensus dependency results in all humanitarian interventions serving great-power interests. This prevents the establishment of a single consistent approach to humanitarian action.

Implications and Limitations of the Study

Legal scholarship and global governance are clearly bound with the results of this study. These results, in particular, underscore the necessity of reform concerning the UN's decision-making processes, especially how it applies the veto right in situations involving mass atrocities. The self-imposed restraint on veto power suggested by France and Mexico should be revisited, particularly considering the standstill witnessed in Syria.

The increased leadership of regional bodies such as the African Union, which accepts the doctrine of "non-indifference," presents a more hopeful avenue for decentralized and faster-responding humanitarian action. These measures could alleviate dependency on a Security Council that is frequently paralyzed by political conflicts.

At the same time, the irregular application of R2P is helping build a more profound legitimacy crisis pertaining to international law, especially for countries in the Global South. There is an urgent need to enhance participation in the creation and enforcement of humanitarian standards in order to rebuild trust and provide more balanced interpretations of sovereignty and protection.

Noting that, this study has its own shortcomings as well. It undertakes a predominantly doctrinal and theoretical analysis without the direct input of those in power or other stakeholders directly impacted by the violence. Its Libya and Syria focus, incredibly telling in their own right, is also likely to fall short of the diverse experiences and legal frameworks other crisis-zoned countries like Yemen or Myanmar have to offer. Besides, the rapidly changing global political landscape means these findings, while timely, could turn irrelevant with the onset of new challenges.

CONCLUSION

Summary of Key Findings

This research analyzed the growing conflict between the norms of non-intervention and humanitarian intervention in international law concerning the Responsibility to Protect (R2P). Through studying Libya and Syria, it became evident that geopolitical interests and inconsistent enforcement bias hinder R2P's holistic execution, despite having a transformative legal and normative approach.

The UNSC-authorized intervention in Libya was celebrated as a success for R2P, but the aftermath paved the way for concerns regarding the misuse of humanitarian intervention for regime change. Alternatively, the inaction in Syria amidst human rights violations was equally troubling and exposed the politicization of the Security Council.

These findings illustrate that the framework of a normative consensus on the need for humanitarian intervention exists, but its implementation remains stifled by political partisanship, resulting in unreliable and inequitable intervention outcomes.

Implications for International Law

Overall, the absence of a defined international legal order creates a vacuum that is exploited by the selective policies of the UN Security Council and the volatile implementation of the Responsibility to Protect (R2P) doctrine. There are gaps that need to be addressed regarding the reformation of decision outputs of the Security Council and the general definition of sovereignty and humanitarian intervention. The idea of suspending veto powers when mass atrocities are committed is one promising avenue for reform, but it will require enormous political will and global collaboration.

It is equally important to understand the concerns of regions in responding to humanitarian crises. The principle of “non-indifference” as posited by the African Union may not completely replace the global order but provides the framework for more responsive regional and sub-regional approaches toward providing aid and mitigating suffering.

Recommendations for Further Study

This analysis can be expanded upon in a number of ways. To begin with, undertaking empirical research on the post-intervention consequences in the humanitarian intervention-impacted countries—for example, the reconstruction efforts, the human rights situation, and governance consolidation—will shed greater understanding on the effectiveness of R2P. This concern has largely been absent in scholarly literature. Also, Global South countries’ views/emphases should be included in the discourse, as their issues of sovereignty and neo-empire critically influence their responses to international intervention. Lastly, the study of regional subjects and their relation to UN intervention could include other paradigms of international law vis-à-vis domestic politics and broader political-legal framework shifts.

Final Thoughts

Of all contradictions that exist in the contours of international law, the conflict which stems from non-intervention and humanitarian intervention remains perhaps the most complex issue that law faces today. The gap between the normative pillar of R2P and its implementation on the ground demonstrates the problematic character of world politics. If R2P is to become a serious instrument of change, international law must seek a more satisfactory way to combine the principle of sovereignty with the reality of human rights abuse, and the international community must find respective solutions to the deadlock on the political chessboard in view of widespread suffering.

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