



HUMANITARIAN INTERVENTION WITHOUT SECURITY COUNCIL AUTHORIZATION: LEGAL JUSTIFICATION THROUGH THE DOCTRINE OF ABSOLUTE NECESSITY

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Received: 14th April, 2026 Accepted: 11th May 2026	The number of humanitarian crises and mass atrocities in the world has brought the debate on the legality of humanitarian intervention in situations where the United Nations Security Council is unable to intervene due to the veto power of its permanent members. This paralysis of the institutions is of great concern in terms of protection of vulnerable groups against genocide, war crimes, ethnic cleansing and crimes against humanity. The main issue in this secerio is the legal and ethical problem that arises if the international community is not able to act efficiently in the event of a humanitarian crisis because it is not possible to formalize the authorisation process in the UN Security Council, thus undermining the purpose of the creation of the UNSC and R2P. The paper has explored the legal basis of humanitarian intervention without the authorisation of the Security Council using the doctrine of absolute necessity. The research was based on Constructivist Theory which explains how the international norms have influenced the state behaviour and interpretation of international law. A qualitative study was used. The secondary sources consulted for data collection were textbooks, peer-reviewed journal articles, policy reports, newspapers and international news publications. Content analysis was used to analyse these materials and determine key debates and new legal interpretations. The results showed that despite the conventional model of international law, which focuses on the sovereignty of states and the authorisation of the Security Council, the increasing humanitarian crises and the institutional constraints of the Security Council have prompted the academic debate of limited legal flexibility via the doctrines of necessity to respond to the immediate humanitarian threats. The paper also confirmed that the humanitarian norms are still a challenge to the strict application of non-intervention in the internal affairs of the countries in international law in the context of their change.. The paper suggests that there should be more explicit legal provisions and international agreement on emergency humanitarian intervention in cases where collective security measures are not able to react in time through reforming the UN and it's Security Council in addition to revisiting international protocols to make international law be in synergy with contemporary challenges

Keywords: Humanitarian intervention, responsibility to protect, doctrine of necessity, international law, security council veto.

INTRODUCTION

Humanitarian intervention is a term that describes the use or threatened use of coercive action, often military, by a sovereign state or group of states to prevent or stop mass atrocities in another state, typically when the state's territorial government is unwilling or unable to protect its citizens. On the other hand, the mandate given by the Security Council is the paradigm of collective security,

where coercive force is sanctioned by the United Nations apparatus as a tool of maintenance of international peace and security and, consequently, the perpetrators of actions are not accused of being illegitimate and political opportunistic. The so-called doctrine of absolute necessity, commonly popularly termed in legal scholarship as necessity is an exceptional justificatory reason whereby a state would argue that the only available



option is to go outside of existing rules in order to safeguard a paramount interest that amounted to grave threat. In the modern controversial order, the most conspicuous cases that may arise are those situations when the specter of atrocity is big, but the Security Council is handicapped by the politics of veto making, it is a so-called legitimacy lacuna between the moral imperative to save and the legal institution created to curtail the use of force. The veto is a structural barrier that generates pressure on the alternative courses of action when the Council is unable or unwilling to intervene, even though it continues to analyse the veto restraint and atrocity dynamics as a structural impediment (Nanda, 2020).

In this context, the academic discussion has recently raised the question of whether the concept of necessity can be considered as a legal instrument that lies between the humanitarian necessity and the extralegal intervention. Traditionally, necessity has been interpreted as a condition that negates wrongfulness, and therefore as a strictly limited, massively conditioned defense and not a blank cheque to act coercively. Modern doctrinal texts stress that necessity is the exception: it presupposes a serious and imminent threat, the indispensability of the act under contestation as the only means and the impossibility of the answer to cause a serious and imminent threat to the fundamental interests of third parties or to the international community. However, the key debate is still on whether the same logic can be grafted in *jus contra bellum*, the set of rules that govern the use of force. The study of necessity by Kajtar, in the context of security, indicates that there is a strong aversion to introducing the doctrine into the prohibition-on-force regime, and that the idea of necessity as an acceptable reason is apparently attractive to the concept, but is legally inoperative when the underlying principles are explicitly set up to prevent unilateral decisions of emergency (Kajtar 2021).

However, the controversy remains due to the fact that humanitarian crises can hardly be considered clean: evidence is scattered, time is limited, and political motives are not homogeneous. Thus, necessity arguments tend to become equity arguments, that is, arguments about the purpose of the law and the humanitarian objectives, to avoid the choice between doing nothing and violating the fundamental norms. This makes absolute necessity an effective analytical tool: it shows how legal actors aim to maintain the system as a whole at work struggling with its lack of functionality.

The proposed paper, therefore, places Humanitarian Intervention without Security Council Authorization in the three-part conflict between legality, legitimacy and institutional impotence. It questions the extent to which necessity based reasoning should go and also queries whether or not there are some limits that can be imposed on exceptionalism to ensure that it is not solidified into precedent. The recurring theme of 'workaround' approaches to a veto deadlock, including veto-restraint propositions and reconsideration of institutional functions, is driven by the very existence of a veto deadlock, but also leads to renewed advocacy of unilaterally intervening under the guise of the last resort (Nanda 2020; Upadhyay & Mehrotra 2025).

Concurrently, necessity doctrine is limiting in practice and subject to additional scrutiny not only in the use-of-force context, but also by the courts, suggesting that necessity defenses in higher-stakes courts would be subjected to even greater scrutiny (Paddeu 2022). The research background in this way does not pose a question of intervention debate but rather a question of whether international law can also be credible (rule-guided) and responsive (humanity-protecting) in the case that the primary enforcement mechanism of international law is personised. The significance of the study lies in the fact that it traces the legal logic, identifies the normative risks of emergency jurisprudence and proposes a set of principles which would help distinguish between a humanitarian need of real necessity and the manoeuvre of optimal opportunism.

Statement of the Problem

Humanitarian intervention that lacks a United Nations Security Council sanction has become a question, once again, full of moralizing due to the probability of mass atrocity and the inability of the system to work in place drawing to a collision between the two. On the one hand the Charter model is based upon a taboo on use of force with strictly limited exceptions; therefore, unauthorised intervention is traditionally brought out as unlawful and disruptive of the system. Even bonafide unilateral humanitarian intervention has not yet solidified into a customary rule of action, and modern scholarship warns repeating such statements that institutionalises a doctrine that the Charter was meant to discourage (Heller, 2021). On the other hand, a veto standoff can be a complete deadlock at the most critical moment, when there is a lack of legitimacy, and powerful states will be tempted to make the first offer and then make up for it later. This is exacerbated by the lack of clarity about evidence (who is claiming that a massacre is imminent) and information



warfare and the politics of compassion (some crises are coalitioned, others are not). The other is accountability, as in the absence of Council approval, there is little ex ante review in the legal forum and ex post review is often delayed or politicised or jurisdiction blocked.

The overall effect is a reversion to the so-called compliance gap, where humanitarian objectives are stated, but in the longer term, civilian casualties can result, along with a change of regime and destabilisation. The suggested doctrine of absolute necessity does seem a desirable rhetoric of last resort in that way: the gateway to the bending of rules is small to avert a disaster. But the necessity plea is controversial and, according to modern doctrine, limited (not only in the standard use-of-force context, as is argued by Paddeu, (2022)). How do its thresholds work in operation in the event that necessity is extended to *jus contra bellum*? And who is the guardian of the boundary between taking care of strangers and seeking strategic gain on the pretext of humanitarianism? This situation is exacerbated by the fact that even when presented in the guise of humanitarianism, the logic of necessity is ill placed next to the Charter of collective-security bargain and it presents the danger of establishing an informal hierarchy in which the power of ability replaces the power of authority. If they are convinced that they have to intervene in the region by force, if this is really necessary, weaker states can read the precedent and understand that they can do it under a nice humanitarian cover, and that this will accelerate the process of norm fragmentation and mutual insecurity. Recent studies on the atrocity-prevention politics of the UN highlight both the role of repetitive Council impasse in drawing actors to alternative forums and alliances, but also reveal that workarounds can water down established standards and undermine accountability (Stensrud, 2024). Whether an unauthorised intervention can be excused or not is only the first element of the legal controversy, and what happens after the missiles begin to fly is who is in charge, who clears it up, who indemnifies the victims and what sort of legal responsibility is the one that would be attached to collateral harms when the first step is already outside the orthodox authorisation process.

Scholarship on the legality and legitimacy of knowledge of intervention has charted the path of the arguments advanced to justify the unilateral action, which typically combine legal, moral and strategic arguments, and the importance of peer-reviewed criteria to prevent abuse (Gasparyan, 2025). In practice, the absence of Security Council authorisation can hinder cooperation with

humanitarian actors, exacerbate access issues and create a polarization of local conflict dynamics; in doctrine, it places courts and academics in a tricky situation of determining whether necessity is a situational fact that negates wrongfulness or whether it is prohibited and must be avoided. This paper thus has a critical problem in the context of modern international order in a framework which is supposed to prevent force is used, but is faced with some repeated situations where restraint is used to allow butchering, when it is better to relax the rules and invite pillage. It is important to explain to the policymakers, judges and scholars who would like to get principled humanitarian protection in the modern times. It is on this basis that this paper was done to analyze such an intervention as the Humanitarian Intervention without Security Council Authorization: Legal Justification: The Doctrine of Absolute Necessity.

Objectives

- 1) examine the legal and normative framework governing humanitarian intervention in international law, particularly the requirement of authorization by the United Nations Security Council.
- 2) assess the limitations of the United Nations Security Council, especially the implications of veto power, in responding effectively to humanitarian crises and mass atrocity situations.
- 3) analyse the necessity and applicability of the Doctrine of Absolute Necessity as a legal justification for humanitarian intervention undertaken without Security Council authorization.

LITERATURE REVIEW

Humanitarian Intervention: Humanitarian intervention is still one of the most debatable concepts in the ambiguous areas between the international law and international relations because it stands in a precarious place between sovereignty, the use of force, and the need to protect human life. It is important to note that the concept is not treated in a homogeneous way in the contemporary scholarship before any operational definition is considered. Rather, the latter writers highlight various elements of the concept, depending on the priorities of humanitarian motivation, the use of armed force, non-consent or non-approval by the Security Council. According to Ten Have (2021), in general terms, humanitarian intervention is what organisations or states or even alliances of states do to reduce human suffering on the territory of a sovereign state. Heller (2021) then



further restricts the definition of unilateral humanitarian intervention as the use of armed force by a state or states without the authorisation of the United Nations Security Council, and with the primary purpose of preventing mass atrocities in a third state.

Likewise, humanitarian intervention is one of the controversial concepts of use of force that are closely linked with the legality of intervention and the duty to protect and therefore is discussed in the wide framework of the *jus ad bellum* discussion by Gill and Tibori-Szabo (2023). Behaviourally and policy-wise, the 2024 commentators on armed humanitarian intervention consider it as a military intervention carried out without the consent of the state of intervention, the primary goal of which is to prevent the civilian population from suffering from serious maltreatment. Similarly, humanitarian intervention, as introduced by Jakobsen (2025), is a coercive intervention of one state or a number of states on humanitarian grounds, which entails both the power-political and the normative aspects of humanitarian intervention. The definitions taken together suggest that humanitarian intervention typically is coercive intervention (usually military) that is directed at the end of massive human suffering or atrocity crimes in another state, particularly where that state is unable or unwilling to provide the protection.

Despite these helpful formulations, there is a conceptual lacuna. Other definitions are too broad, such as non-military humanitarian assistance, while others are too narrow to make humanitarian assistance an "unauthorised armed force. What is therefore required is a definition that would best define the legal, moral and operational aspects of the term without reducing it into routine relief work or outright projection of power. Humanitarian intervention can be understood in this paper as an unusual intervention of an external state, an alliance of states, or other international actor-usually by the use of coercion and often by use of military force, and usually without the full consent of the territorial state-with the main aim of averting or stopping genocide, crime against humanity, ethnic cleansing, war crimes or any similar large-scale human suffering in case the territorial state is found to be clearly failing in its protective role. A definition like this is desirable because it does not lose the basic humanitarian purpose, the controversial nature of force and it reflects the ongoing debate in international law today between the sovereignty of the state and the security of vulnerable groups.

United Nations Security Council: The United Nations Security Council (UNSC) is at the centre of the global

order architecture in that it is the organ, which is tasked with questions of war, peace, enforcement and collective security of the most critical level. Before its definition, however, it is important to note that even scholars do not define the Council exactly the same way, but each one of them emphasizes on a different institutional characteristic, such as power, authority, responsibility, legality, or the ability to enforce. Marxsen (2024) introduces the UNSC as the key player in the international peace and security processes in which it is crucial as a part of the larger peace-and-security-system. According to Nesi (2025), it is considered to be one of the main bodies of the United Nations that has the major duty to maintain the international peace and security. Van den Herik (2024) introduces an additional institutional layer to the situation by stating that the Council is a power politics forum yet it is limited by the UN Charter and the international law. As Maluwa (2024) sees the UNSC not as a politically distinct zone, but as a zone of law creation or production, the question of the norm-generating nature of the UNSC by resolutions and practice emerges. Similarly, Ola (2023) considers the Council as the body vested with the power to make binding decisions in cases of threat to peace, violation of peace or aggressive action under Chapter 7 of Chapter VII.

These definitions are helpful, but they leave a conceptual gap between them, one defines the legal authority of the Council, the other the political character of its operation, and neither rewards the mixture of law, power, and institutional responsibility that is characteristic of the modern Council. The United Nations Security Council is the key enforcement and decision-making body of the United Nations, whose legal mandate is to maintain international peace and security, whose politics is based on unequal great power privilege, and whose institutions have the power to take binding action that influences the behaviour of states, as well as the formation of international law (Marxsen, 2024; Nesi, 2025; van den Herik, 2024; Maluwa, 2024; Ola, 202).

Legal Justification: Justification by law is a key postulate of legal reasoning since it defines why an act, interpretation, or decision that may seem *prima facie* wrongful, can be nonetheless considered lawful, authorised or justifiable in a legal order. The latest scholarship does not decrease the concept to one formula, but, rather, makes legal justification a mixture of permissibility, reason giving, and normative authorisation. According to Coca-Vila, justification in high sense refers to a state where an actor is presumed to have acted within the law, in which the actor has been granted a right



or privilege to act, and must be permitted to do so by others (2024). Dsouza (2024) defines justification as a supervening defence which does not extinguish the apparent wrong initially, but provide further grounds which put a block on the prima facie offence to the legal conviction.

Paddeu and Waibel (2022) introduce justification in the international law by the doctrine of necessity, which argues that justification makes the conduct all things considered permissible and lawful due to the ability to prevent a greater harm. Based on the interpretation of the law, Urbina (2024) claims that legal justification remains based in the end on normative reasons, and that only normative reasons will allow one to justify interpretive choice properly. Equally, Rotolo and Sartor (2023) introduce justification as the rationale why a legal claim or decision ought to emerge victorious over rival claims as the rationale why justification has to be connected with structured legal argumentation and the legal obligation to provide reasons to the public.

There is, however, a conceptual gap: some definitions are oriented towards the issue of liability protection; others are oriented towards the interpretation or institutional rationalization of the concept; and a more coherent approach can be adopted. In this work, legal justification is employed as a concept referring to the principled legal argument with which an act, claim or decision, which appears to be illegal or otherwise dubious, is legitimated as lawful, defensible or otherwise acceptable to a recognised legal system on higher normative, doctrinal or public-interest grounds (Coca-Vila, 2024; Dsouza, 2024; Paddeu and Waibel, 2022; Rotolo and Sartor, 2023; Urbina, 2024).

Doctrine of Absolute Necessity: It is also due to the fact that the doctrine of absolute necessity takes up a central place in the modern international legal discourse because it deals with those exceptional cases when the strict following of an already existing legal duty would place an essential interest in serious danger. In present day scholarship, however, the doctrine is not regarded as an independent and settled law; rather it is more frequently subsumed under the overall plea of necessity or depicted as a highly restrictive set of last resort criterion both in international law and human rights law. For Paddeu (2022), necessity is a special plea that comes into play when a necessary interest is at stake because of a serious and imminent threat, when the action in question is the only means of avoiding that threat, and when the defence is limited so as not to lead to abuse. This concept is further developed in the article by Paddeu

and Waibel (2024), in which a state may act against an international duty, provided that it does so to avert an 'essential interest' from a 'serious and imminent threat' while inflicting only 'competing harm' to a 'minor degree'. The treatment offered by Shchokin (2023) locates necessity as a condition that excludes wrongfulness in the international responsibility which highlights its usage as a legal get-out-of-jury in an emergency. O'Meara (2021) suggests that necessity is considered in terms of forces and indicates a state that restricts lawful defensive measures, and must be established by showing that the use of force is necessary in lieu of convenience.

In the human-rights arena, van Steenberghe (2025) mentions the language of absolute necessity, which implies a requirement of force – and in particular lethal force – that is a last resort. All these definitions have merit but none of them has filled a conceptual void; some have focused on the responsibility of the State, some on self-defence, some on the regulation of force in the light of human-rights, but none of them has integrated the common sense of justified departure in exceptional circumstances. As a result, the doctrine of absolute necessity, defined in this study, is a unique legal principle, according to which a breaking of an international obligation might only be seen as justified when an essential interest is faced with a grave and imminent threat, there is no less harmful lawful option available, and the chosen action is closely limited to that which is indispensable in averting that threat (O'Meara, 2021; Paddeu, 2022; Paddeu and Waibel, 2024; Shchokin, 2023).

Theoretical Underpinning

The study is based on the Constructivist Theory of International Relations which assumes that norms, ideas and common values have a predictive power on state behaviour and the evolution of international law. The constructivism approach, which is mainly associated with the works of Alexander Wendt, particularly his 1999 book on the Social Theory of International Politics, states that the international system is socially constructed by collective beliefs and normative patterns that influence the manner in which states view the world and respond to world events (Wendt, 1999). The main idea behind this assumption is that the international politics is not controlled by material power or strict legal principles only but also it is influenced by the changing norms and moral expectations under the rules of which states act.

Humanitarian intervention and the Responsibility to Protect (R2P) are seen in this context as new international rules, challenging the doctrine of absolute state



sovereignty. Constructivism argues that the behaviour of the state can change as new values of humanitarianism are incorporated in the international institutions as well as interpretation of the law. The idea has a direct connection to the present research since humanitarian intervention absent Security Council authorisation often implies the normative assumption that the international community has a moral duty to stop genocide, war crimes, ethnic cleansing, and crimes against humanity when sovereign states prove incapable of doing so (Evans and Sahnoun, 2001, p. 892). The constructivist theory can, in this way, be a positive analytical tool to explain the evolution of international legal practices and understandings of sovereignty and intervention, in the name of humanitarian protection (Wendt, 1999; Peez, 2022). Moreover, constructivist theory postulates that international norms are developed during a series of norm creating, diffusing and institutionalising processes whereby ideas pushed by powerful players gradually transform to be the accepted standard of conduct in the international system. Other scholars, such as Martha Finnemore and Kathryn Sikkink, have demonstrated that norms shape the nature of states' interests and what they consider acceptable conduct in international politics (Finnemore and Sikkink, 1998). Remarkable to humanitarian intervention, the emergence of the R2P doctrine in the year 2001 by the International Commission on Intervention and State Sovereignty (ICISS) explains how normative concepts can change the conventional legal understandings of sovereignty and intervention. The doctrine emphasizes on the fact that sovereignty comes with the duty of ensuring that the populace is not subjected to mass atrocities and in cases where a state has failed to carry out this duty, the international community can take up that role through collective action (ICISS, 2001).

Constructivism, thus, describes how humanitarian intervention has come to be widely accepted as a form of moral and legal reaction to violations of human rights on a mass scale, despite the lack of official authorisation by the Security Council in the face of political considerations, like the veto. As regards the present paper, the theory offers the conceptual basis for the analysis of the developing nature of the normative justification of humanitarian intervention in the context of urgent humanitarian crises, in which institutional processes do not act. Finally, constructivism highlights the impacts of changes in international norms and humanitarian values on the use of international law in dealing with the current global security issues.

METHOD AND MATERIALS

This research is of a qualitative type. The secondary literature was used as the source of data, such as textbooks, peer-reviewed journal articles, newspapers, governmental publications, and reports published by international news sources. The following sources were used as sources of information and academic knowledge on humanitarian intervention and international law. The data collected were then thoroughly analyzed and interpreted with the content analysis method to reveal the most important themes, patterns and arguments concerning the legal justification of humanitarian intervention without the United Nations Security Council authorization, based on the doctrine of absolute necessity.

RESULTS AND DISCUSSION

The legal and normative framework governing humanitarian intervention in international law, particularly the requirement of authorization by the United Nations Security Council

Since the doctrine of humanitarian intervention raises the central question in the international law on world order - is the use of force in the territory of another state lawful in the main purpose of saving civilians in the country affected by mass atrocities? - it continues to be a highly contentious issue in the international law. In modern legal theory, the analysis is based on the United Nations Charter that describes the use of force as being generally illegal under Article 2(4) except those that are performed by the Security Council under Chapter VII or those that are carried out in self-defence in accordance with Article 51. As always, the recent literature shows that humanitarian intervention is not a free standing and separate exception to the Charter prohibition because the motive is benevolent or morally imperative (Hensley et al., 2024). According to Gill and Tibori-Szabo, the contemporary discourse of humanitarian intervention would, however, have to be placed in the context of the *jus ad bellum* paradigm, where lawfulness is not only a matter of the humanitarian feeling but also a recognised legal framework, especially that of the Security Council authorisation (Gill 80 and Tibori-Szabo 2023).

In a similar argument, even if unilateral humanitarian intervention is truly such an intervention, it is not yet lawful in terms of the existing logic of the international law because there is no customary exception that allows states to use force outside the Council approval to stop atrocious actions only to put an end to them



(Heller, 2021). The evolution of normatives of the Responsibility to Protect (R2P) underpins this legal position as it did not abolish the Charter system, but functioned within the Charter system. The general political understanding of R2P is that every State has the primary responsibility to prevent genocide and war crimes, ethnic cleansing and crimes against humanity, and that the international community as a whole should encourage, assist and, in extreme cases, act together through the United Nations in the event of failure to do so by the State, using the United Nations as the forum for such action (Rosen & Rosen, 2025). The recent juridical interpretation of R2P by Luk shows that the doctrine did not create a new right to unilateral armed intervention, but rather, atrocity prevention and response became part of the institutional legitimacy of collective security, and the final say on the legality of using coercive military force remained with the Security Council (Luck, 2023).

In that sense, the legal system is restrictive and purposive: restrictive in that it strives to prevent abuse, predatory wars and discriminatory interventions under the pretense of rescue operations; purposive because of the awareness that sovereignty is not a voucher of mass-murder. (Uzuncayir, 2024). As a result, the normative model changes the sovereignty of absolute control to the responsible authority, but without the demise of the procedural protection of the Charter. This is why, even in situations of severe humanitarian emergency, the need of Security Council authorisation is the legal condition to which the validity and legality of forcible humanitarian intervention are attached (Svcevic, 2024).

At the same time, the requirement for authorisation has become one of the most common normative frustrations in modern international law, as the organ with the responsibility of maintaining peace is vulnerable to political stasis, arbitrary invocation and the veto of the permanent five. This paradox exposes the gap between legalism and humanitarian need. On the one hand, the Security Council is justified by the fact that it is the only legitimate force: the internationalisation of responsibilities is provided, force is placed under multilateral control and assists in distinguishing between protection and predation (Wiener, 2025). On the other hand, the idea of strictly adhering to rules of authorisation has come into question in the context of recurrent impasse in atrocity cases, and experts have begun to question whether it can actually threaten the humanitarian agendas the system was designed to support, in practice (Evans, 2024). Any lawful reform that would enable the humanitarian intervention without the approvals of the Security Council will not be

a mere moralist appeal or a piecemeal practice, but a real reconstitution of the meaning of the Charter, the law on the use of force and perhaps alternative institutional endorsement, which can be achieved through action being mediated by the General Assembly under the "Uniting for Peace" system (Akande & Johnston, 2021). But even this offer is a controversial one, in that it tries to hold back collective legitimacy and to unleash the Council monopoly of coercive reactions.

More recent literature on R2P also suggests that the doctrine is at a critical turning point: the normative promise is continually reiterated, but the operational performance is constantly undermined again because of the impact of political interests (Gallagher et al., 2024). Rhetorical commitment is not enough, however, to make R2P work in the future: Institutions need to overcome the selective nature of their responses and rebuild trust after Libya, and they need to respond consistently to populations at risk (Gallagher, 2024). Hence, legal and normative scheme of the humanitarian intervention is characterized by a dual movement. First, it opposes a wide-ranging unilateral licence to intervene since this licence would disrupt the prohibition of the use of force, undermine the sovereign equality, and encourage the abuse of power by dominant states. Second, it acknowledges that, if there are mass atrocity offenses that are ongoing, there is no way to completely separate legality from legitimacy, and institutional incapacitation leads to inaction. What emerges is an architecture that is not strictly formalist nor overtly permissive: it is a suspicious architecture that allows coercive humanitarian protection but is the rule rather than the norm only with collective authorisation (Hauck et al., 2024). This, in actual practice, implies that the Security Council would continue to serve as the main point of legal humanitarian intervention despite the fact that its veto system tends to block the normative desire of civilian protection in a timely manner (Cai et al., 2024). It is, in particular, this ambivalent relationship between humanitarian need and institutional authorisation which remains to keep the debate alive, both in the academic and practice (Peter, 2023).

Limitations of the United Nations Security Council, especially the implications of veto power, in responding effectively to humanitarian crises and mass atrocity situations.

The UN Security Council as the key mechanism created during the post-1945 period to ensure the international peace and security is ideally the key institutional arena to deal with the situations of humanitarian crisis and mass



atrocities which endanger the population of civilians. However, experience shows that there has been a continuous conflict between the legal and political plausibility of the Council. The most important obstacle, the veto power, of the five permanent members, that allows one state to veto any coercive or preventive action regardless of the scale of humanitarian loss (Cohen et al., 2024). This form was initially to ensure the involvement of great powers but, in modern atrocities, it has rather a paralytic effect than protection. While the Council is the centre of the Responsibility to Protect, the capacity to fulfil this role has been continually undermined by geopolitical competition, selective participation and disagreements among the permanent members on whether a particular crisis would constitute a threat to international peace or violence would be diminished by coercive action (Welsh, 2021).

In practice, the veto power has resulted in delayed, diluted, or "rhetorical" responses to the threat of genocide, crimes against humanity, ethnic cleansing, or war crimes, while the Council is working out the language, mandates and strategic interests (Alene et al., 2023). Through his study, Trahan goes on to show that not only does the use of veto hamper the prompt action, but also the credibility of the Charter as permanent members are able to pursue the politics of alliances or political agendas without any immediate legal consequences (Trahan, 2020).

The consequences are dire. To start with, veto politics institutionalise choosy engagement, in such a way that similar crises are not treated equally based on the parties and the permanent member that feels that its interests are at stake. Second, the failure to use deterrence by paralysis means that the message to the offenders is that they can avail of diplomatic protection. Third, recurring stalemates undermine the faith in multilateralism and calls upon alternatives to fora, which may be General Assembly projects, informal diplomacy, or unilateral strategies (Mihr & Pierobon, 2023).

In extreme Council division, Dayal argues, the task of atrocity prevention is not about successful leadership, but about substantive workaround strategies, which is an institutional underperformance not a success. The real problem is not failure, however, but the ability to be inactive during the presence of morally urgent crises, which is permitted by the system of the Council. In humanitarian crises, delay is rarely a benign occurrence and can mean more deaths, more displacement, and more impunity. The veto not only has a negative impact on efficiency, but also on the normative legitimacy of the

Council as the guardian of international peace and civilian security (Duman & Rakipoglu, 2025).

In addition to the veto, the security council is also restricted on the agenda control, lack of consistent political will, as well as follow-through weakness even in cases of action. Despite the need for speed, accuracy and sustained effort in humanitarian crises, the Council more often than not engages in a long negotiation, diluted solutions, and terms of speech that are geared to the political security of the great powers rather than the protection of populations (Gorlick, 2024). Jarvis demonstrates that atrocity prevention is progressively influenced by the contestation about whether human rights abuses ought to be viewed as the issues of international peace and security, and indicates the response issue of the Council starts at the earlier phase of framing and agenda recognition (Jarvis, 2023). Some crises are therefore not only silenced, but also re-packaged or pushed aside in a procedural manner in order to make the real action meaningful. In some instances, the Council's unparalleled enforcement power is to some extent compensated by elected members, ad hoc meetings in Arria-formula or by bullying of smaller states, but this will never be able to compensate for the power of the Council.

While small states and elected members can help to reinforce the norms of atrocity prevention and maintain a pressure on the Council, they cannot individually overcome the structural asymmetry that is established by the permanent member privilege (Stensrud & Mennecke, 2024). The result is a system that has civic loyalty to protection, along with a system structure that is still conducive to sovereign politics of power. Furthermore, implications of veto power go much further than non-action: they lead to disunity of responses, undermining early warning, and a tendency towards humanitarian action being based on ad hoc coalitions instead of collective security that can be anticipated. It weakens the legality of the law, as those who respond will have less justification for their actions in the form of visible collective authorisation, and the legitimacy of the law, as the populations and broader audiences who are affected will feel the Council is partisan and politically enslaved (Sinclair, 2024). This is because, according to Welsh, the Security Council and other United Nations institutions have not always been able to turn responsibility into action, which is why it may be necessary to balance the powers of the Security Council with other institutions in the United Nations (Welsh, 2021).



However, the very fact that such propositions have been made serves to highlight the severity of the issue in question, since it constitutes an acceptance that the Humanitarian needs that the Council currently has to address are beyond what its current framework can handle. In effect, the veto renders the Council a de facto legal path to collective protection, and the biggest obstacle to its timely delivery. One of the most serious gaps in the modern peace and security system is the rapidity of the atrocity crimes, and the Council's unwillingness to make the decision that the lives of the civilians depend on (Cai et al., 2024).

Applicability of the Doctrine of Absolute Necessity as a legal justification for humanitarian intervention undertaken without Security Council authorization.

Humanitarian intervention, which is not authorised by the United Nations Security Council, is one of the most debated questions of the modern international law since it causes a crucial question of right to protect human life and the law against the use of force. A doctrine that is often forgotten in this debate is that of absolute necessity, where the international community is facing a serious humanitarian crisis and the Security Council is unable to respond adequately (O'Connell, 2023). Necessity is typically perceived in the context of the international law as that situation which can help to excuse the wrongfulness of an act in case the action was the only way of protecting a vital interest against a serious and imminent threat (Paddeu & Waibel, 2024). The law of state responsibility is the basis of this principle, and it was traditionally understood in a very limited way to avoid its abuse as a precondition to commit illegal actions. However, scholars have focused more on the possibility of using the logic of necessity in situations where mass atrocities may be committed, and institutions that are supposed to protect civilians are not functioning effectively.

The issue of humanitarian intervention can only be addressed in the broader framework of the use of force in international law, based on the United Nations Charter, as Gill and Tibori-Szabo (2023) have noted. It assumes that the use of force can be justified either under the auspices of the Security Council of Chapter VII or under the principle of self-defence. Humanitarian intervention which is implemented even without the Security Council authorization is therefore legally disputable since it seems to bypass the collective security framework of the Charter (Svicevic, 2024). But humanitarian crises, such as genocide, ethnic cleansing, and crimes against humanity,

continue to exist and have generated a new academic interest in the doctrines that might justify an exception to a legal prohibition. As per Gasparyan (2025), there is a recent trend in legal debates to recognize the tension between formal legality of non-interference and moral responsibility to protect population groups from large-scale atrocities. In that regard the doctrine of absolute necessity is occasionally put forward as a normative argument that some extraordinary humanitarian situation may necessitate extraordinary legal treatment. However, the doctrine is not very popular because the idea of states making decisions under their own initiative when there is a need will undermine the stability of the international legal order and weaken the prohibition on the use of force (Lahmann, 2023). That is why many researchers caution against using the necessity as a general authorization for humanitarian interventions, but rather a very narrow concept that can only be applied in the most extreme cases (Paddeu & Waibel, 2024; Gill & Tibori-Szabo, 2023). It is necessary to consider the applicability of the doctrine of absolute necessity in the larger normative and institutional context of international humanitarian protection. Responsibility to protect framework (R2P) was specifically created as a means to balance the dilemma between sovereignty and humanitarian intervention by saying that the primary duty of the states is to ensure that its citizens are free of mass atrocity crimes whereas the international community has collective responsibility to act when states are not able to do the same. However, R2P did not establish a new right of unilateral action under law, it just reinforced the principle that collective action should be the norm of action of the Security Council of the United Nations. According to Jarvis (2023), operationalisation of R2P has been slowed down by continuous wrangles between the major powers on whether humanitarian crises are a threat to international peace and security. These disagreements often turn into vetoes or threat of veto, and are a major obstacle to effective action in the Security Council during extreme humanitarian crises. Gallagher (2024) states that the power of R2P is heavily dependent on "the degree to which international institutions will act in a consistent manner in the face of atrocity crimes. If these institutions do not do anything to counteract it, then the normative pressure on the other types of intervention is going to increase. In this regard, some scholars have suggested the doctrine of absolute necessity as a potential source of law and morality to justify limited humanitarian intervention in cases where the institutional inaction enables atrocities to persist unabated (Manohar-Reddy,



2025). However, the doctrine has its fair share of legal complications due to the fact that it entails the necessity of proving that intervention is the only possible course of preventing a looming humanitarian disaster and that the action implemented does not cause more damage than the damage it is designed to mitigate (Paddeu & Waibel, 2024).

Additionally, necessity-based intervention might blur the distinction between humanitarian protection and strategic intervention, thus providing a possibility to powerful states to justify coercive intervention in the name of humanitarianism (Wise et al., 2023). The doctrine of absolute necessity, therefore, may be useful in understanding the moral imperative of any humanitarian emergency, but it does not provide a clear answer as to whether or not intervention is possible without Security Council authorisation. Instead, it is a structural problem of the international system as a whole: the moral imperative to protect populations and the legal system that is supposed to regulate the use of force for the sake of international peace and stability (Gill and Tibori-Szabo, 2023; Jarvis, 2023).

MAJOR FINDINGS

Based on the discussion above, the following findings were highlighted:

1) In the current research, it is established that legal and normative framework of humanitarian intervention in international law is largely pegged on the United Nations Charter that limits the use of force to situations that are authorized by the Security Council or those that take place under the umbrella of self-defence. As a result, humanitarian intervention, that is performed in the absence of the approval of the Security Council, is a matter that is legally controversial, as it allegedly violates the very system of collective security, as well as the classical concept of state sovereignty.

2) The study also confirms that the Security Council is crippled with deep-seated institutional limitations in responding effectively in situations that engage humanitarian crises, especially because of the veto privilege of the permanent members. This institutional anomaly frequently results in the establishment of a situation of political stagnation in the midst of a critical humanitarian emergency, which makes it difficult to implement collective action in a timely manner to prevent genocide, war crimes, ethnic cleansing and crimes against humanity and ultimately compromises the credibility and effectiveness of the international collective security machinery.

3) The research shows that the doctrine of absolute necessity has become a possible legal and normative basis for humanitarian intervention in the cases when the Security Council is paralyzed. The doctrine is highly contentious in international law, however, as its use could contribute to the weakening of the prohibition on the unlawful use of force if states were to determine which level of the humanitarian necessity is enough to justify the use of force.

4) Lastly, the research discovered that the existing legal framework are not in line with contemporary challenges and are inadequate to address current threats to humanity and requires urgent harmonization and reforms to be relevant to meet the original intent of the law

Conclusion

The paper addressed the legal and normative issues that are included in humanitarian intervention without the United Nations Security Council's authorization and whether the doctrine of absolute necessity can be a good legal justification in the case of a severe humanitarian crisis. The results showed that although the Charter of the United Nations gives a strict legal framework through the authorisation of a Security Council before any lawful use of force, the repetitive stalemate of the Council, especially due to the right to veto by its permanent members, has significantly helped to limit the ability of the international community to react timely to situations of mass atrocities. Timely intervention is an understatement as it is consistently unable to react at all. Moreover, this institutional hurdle has led to an increasing scholarly and policy debate on the extent to which there is room for manoeuvre in exceptional situations where populations are confronted with genocide, war crimes, ethnic cleansing, and crimes against humanity. The doctrine of non intervention in the internal affairs of member nations has been used repeatedly by state actors to commit gross human rights abuses and by the use of the doctrine in international law, the intended purpose of international laws, R2P and Humanitarian Intervention is defeated, in the sense that humanity must be protected from totalitarian dictatorships.

The study revealed that based on the Constructivist Theory of International Relations, the norms and values of humanitarianism in the international relations have increasingly affected the perception of states regarding sovereignty, intervention and international legal obligations. The paper has found that humanitarian protection principles, primarily the Responsibility to



Protect (R2P) responds to a transitional move in the international expectations, which states that the sovereignty means responsibility to peoples, and does not imply immunity against outside interference. However, the results highlighted the fact that the doctrine of absolute necessity is legally controversial and can hardly override the ban on the use of force in the Charter. The paper has therefore found that although humanitarian norms continue to attempt to redefine legal discourses, more tangible international legal norms and institutional change is required to ensure that humanitarian protection is balanced with the maintenance of international law and order, either by giving legal teeth to humanitarian intervention without the Security Council's authorization by a state Actor in extreme cases or by revisiting the veto powers of the Security Council to empower it to act promptly.

There is a need for all countries to prioritize the welfare, wellbeing, human rights and democratic dividends for their citizenry to avoid external humanitarian intervention. There is also a pressing need for a thorough overhaul of the United Nations Organization, especially the Security Council, to reflect the realities on the ground in the 21st century, to prevent genocide and gross human rights violations, and to have immediate humanitarian interventions. The days of claiming sovereignty and non-interference in the inter affairs of an independent nation and using it as an excuse for perpetrating genocide and gross human right violations are over as they can be external humanitarian intervention under the doctrine of absolute necessity.

RECOMMENDATIONS

The above findings and conclusion provided led to the following recommendations:

There should be a more clear definition of the conditions under which a humanitarian intervention may be initiated in the event of mass atrocities, in international law. The United Nations together with the international legal scholars and the member states are encouraged to come up with more accurate legal standards which would strike a balance between the sovereignty of the state and the moral duty of ensuring the safety of the vulnerable segments of the population. This would help lessen the confusion which has been an issue with international law and offer a more consistent approach in addressing genocide, war crimes, ethnic cleansing and crimes against humanity.

2) Pursuance of reforms meant to exclude the application of power of veto by permanent members of the United Nations Security Council should be done in case of mass

atrocities. A good measure to adopt is the creation of voluntary veto restraint programs, in which permanent members agree not to use the veto when there are serious grounds of genocide, crimes against humanity, war crimes or ethnic cleansing established. This would make the Security Council more credible, and would also enhance the capacity of the international community to act swiftly in response to humanitarian crises. Where this is not feasible, the veto can be completely eliminated when it comes to humanitarian interventions and international law can allow for the workability of such an intervention.

3) The global community ought to formulate accepted normative principles that give a clear picture of situations when the doctrine of absolute necessity can be invoked in case of humanitarian crises. These principles must also have strict limits like the demonstrations of impending mass atrocities, depletion of diplomatic and peaceful efforts, proportionality of employment of force, and accountability mechanisms after intervention. Setting up of these types of safeguards would aid in curbing the misuse of humanitarian justification but, at the same time, allow taking necessary action in situations where institutionalized means of protection are not effective in vulnerable populations.

4) The welfare, wellbeing, human rights and democratic dividends of all citizens should be the priority of all countries to prevent external humanitarian intervention.

5) A comprehensive reform of the United Nations, especially the Security Council, which should be brought into line with the realities of the world today in the context of prevention of genocide and gross human rights abuses, and the need for rapid humanitarian intervention.

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