

POSITION OF INTERNATIONAL LAW AND RELATED CONVENTIONS ON INTERNATIONAL INTERVENTION

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ABSTRACT

The views of international jurisprudence differed and varied opinions on the development of a clear and specific definition of intervention, as the strictness in defining the concept of sovereignty and its limits began to decline somewhat after many countries joined international organizations in line with considerations of international cooperation in the political, economic and military aspects, which was reflected in the opinion of Western and Arab international jurisprudence.

Indeed, while the international guarantees of human rights established by the relevant international conventions and conventions, including the guarantee that the international community can intervene to ensure due respect for these rights, have remained as a general principle out of practice during the first four decades of the life of the United Nations, the spectator's view is that the guarantee of "the possibility of humanitarian intervention" has recently become on the list of measures used to impose such respect.

The prevailing principle of states was the principle of sovereignty, but with the passage of time on these principles and the development of the international community, we find many abuses on the principle of state sovereignty, which threatened to collapse, and this is what made some believe that the new world order and unipolarity and opened the door to international humanitarian intervention or for the sake of democracy or minority rights or the fight against international terrorism.

As for the principle of non-interference in the internal affairs of states, although it is the cornerstone of international relations and a fundamental pillar in international law, the history of countries indicates that cases of interference are many, so we note that intervention is often a political practice that is not free from an assault on justice, but it may be in some cases a legal right, although its application leads to a violation of moral duties.

Keywords: International intervention - Public international law - International conventions - Sovereign rights - International treaties

1.Introduction:

International conventions and conventions were concerned with the dedication and protection of human rights, which considered that human rights are sacred and should not be violated, and these conventions also gave international dimensions of human rights, which countries cannot ignore or violate, thus creating new guarantees for human rights and fundamental freedoms, and opening the way for states, non-governmental organizations and international and regional organizations to recognize the right to humanitarian intervention, especially the United Nations, where the Security Council countries expanded in the field of maintaining international peace and security, by resorting to imposing measures And measures, whether military or non-military, in accordance with Chapter VII of the Charter of the United Nations within the framework of claims to protect human rights.

During the last decade of the twentieth century following the end of the cold war, the international system witnessed a decisive turning point, in terms of a set of transformations, changes and new challenges, which it produced at all levels, and which in turn strongly influenced the international relations because of the overlap of these transformations, within the framework of what was known as unipolarity led by the liberal Western camp.

The theory of humanitarian intervention, or the theory of intervention in favor of humanity, is considered one of the controversial theories of public international law, because it aims to protect the citizens of a State abroad through or without the use of force, whether in cases of international or internal armed conflicts and in cases of natural disasters as well, as well as in cases where States are attributed to gross and repeated violations of human rights.

Although there are many forms of intervention and its parties throughout the different periods of the history of international relations, the most controversial form of intervention in recent times is interference in the internal affairs of states for humanitarian considerations, and this pattern has taken the form of armed humanism embodied in the establishment of multinational armies to impose respect for human rights in different countries (humanitarian military intervention), and some have raised the issue of humanitarian intervention on the basis that it is not the interference of this state in the internal affairs of those countries, as much as it is a feeling. On the other hand, others believe that humanitarian intervention is only a justifying process that provides the cover of international legitimacy for the intervention of major countries - led by the United States of America - in the internal affairs of small countries, which is a violation of the principle of national sovereignty, and thus humanitarian military intervention does not depart from being a standard of power relations that govern the international situation, which explains the gaps in its application, selectivity and duality that govern even if it has an attractive moral cover.

1.1 Research problem:

If the idea of foreign intervention for humanitarian considerations dates back to the period that accompanied the emergence of international law, but it was not based on any legal basis, and despite that, foreign intervention was a prominent phenomenon in the post-Cold War world, especially with the increasing cases of human rights violations, and the emergence of regional and international crises, including violations of human rights, especially civilians, and then the international community witnessed more than one case of international humanitarian intervention in the post-Cold War phase, whether Collective intervention within the framework of the United Nations, such as the international intervention in northern Iraq in 1991, the international intervention in Somalia in 1992, the international intervention in Bosnia and Herzegovina in 1993, and in Rwanda in 1994, or a unilateral international intervention in the sense of international intervention outside the framework of the United Nations, such as the intervention of NATO in Kosovo in 1999.

1. What is the concept of international intervention? What are its motives and dimensions?
2. What are the patterns of foreign intervention and what is their relationship to other similar concepts?
3. How has historical and geostrategic status influenced the motives for international intervention in their internal affairs?

12 Assignments:

Through the research problem, the researcher has identified the hypotheses of the study as follows:

1. The failure of States to fulfill their duties towards their citizens, especially towards the fundamental rights and freedoms of individuals and groups, is a legitimate reason for interfering in light of the universality of human rights.
2. International intervention has become a tool in the hands of major powers in order to achieve political and economic goals of a humanitarian nature
3. Humanitarian intervention for the protection of human rights has an impact on the concept of absolute sovereignty of the State.
4. Humanitarian intervention under specific conditions and standards is an effective tool in achieving the protection of human rights.
5. International intervention in some countries has revealed the reality of expansionist dimensions and the quest for domination of economic resources.

1.3 Importance of the study:

The importance of the study is evident in both practical and academic terms, in practical or applied terms, the study clarifies the factors that push the occurrence of foreign intervention on the continent of Africa in general and on Libya in particular, and therefore the importance of the study highlights the fact that it analyzes the reality of international security and its vision of foreign intervention in Libya, and the position of international charters and organizations on international intervention, as well as the importance of the study stems from the presentation of its results that can benefit the relevant authorities in foreign intervention in some countries and mechanisms to avoid and deal with it.

At the academic level, the study tries to fill the deficit in this type of studies, especially those related to internal affairs, as Arab libraries need this type of studies to be modern and keep pace with contemporary events.

1.4 Objectives of the study:

This study aims to achieve a number of the following objectives:

- 1- Identify the compatibility between international intervention and the principles of legitimacy and national sovereignty.
- 2- Identify the international position on international humanitarian intervention.
- 3- Identify the relationship between historical and geostrategic status and the motives of foreign interference in it.
- 4- Identifying the nature of foreign intervention, and presenting its patterns, motives and similar terms.

1.5 Study Methodology:

Since the study depends on analysis and evaluation, the researcher relied on the descriptive analytical approach to be able to describe the nature of the relationship of international intervention in Africa, and analyze the phenomenon of foreign intervention in Africa in general and Libya in particular, and the descriptive analytical approach helps in evaluating and analyzing the extent of the impact of the Arab revolutions, especially the Libyan revolution, on the claims of countries and peoples to obtain their right to self-determination and the repercussions of this in the occurrence of international intervention and its impact on the sovereignty of the state, in addition to the previous approach The researcher relied on another approach, which is the modern institutional approach, which is based on the study and analysis of political and legal institutions, the institution has its composition, internal structure, operations, and its own standards, which grow and develop, and enter into relationships, and include roles and units are not rigid, but are taking interaction and movement.

2. The concept of foreign intervention

The principle of non-intervention in the internal affairs of States is one of the fundamental principles of contemporary international law, but the broad interpretation of Chapter VII of the Charter of the United Nations, and the consequent expansion of sources of threat to international peace and security, has made it possible to bypass this principle. ¹

²Jurisprudence has differed. In defining the concept of international intervention between those who defend a narrow concept of humanitarian intervention, which can only be done through military action and the use of armed force, and those who defend a broad concept of international intervention, as they believe that intervention can also be done through the use of military force can also be done by other means such as political, economic, diplomatic and other pressures.

2.1 Definition of foreign interference

¹ Mohamed Saharawi, *International Humanitarian Intervention under the New International Order*, Alexandria, New University House, 2016, p. 72.

² Haneen bint Abdullah bin Muhammad Al-Zadjali, *International Intervention for Humanitarian Considerations, An Applied Theoretical Study*, Master's Thesis, Cairo University, Faculty of Economics and Political Science, 2018, p. 55.

The definition of foreign intervention provides us with a comprehensive framework for the idea of external influence on the interior, which refers to many issues and problems, including the decline in the content of the absolute sovereignty of States (3), the increasing spread of power quantitatively and qualitatively, especially to non-State actors, the growth of interdependence, the increasing exposure of States to the outside world, which can reach the stage of dependency in some cases, and other issues (4)

In this sense, the concept of foreign intervention is more broad, and includes several concepts such as subordination, international intervention to spread democracy, intervention by international organizations to restructure the economic policies of States, the role of third parties in conflicts, international intervention for humanitarian calculations, etc., and here it should be distinguished between intervention from mere entry into foreign relations (5)

2.1.1 The broad concept of foreign intervention

The proponents of this trend tend to the idea of expanding the definition of the concept of foreign intervention, to the extent that it is considered synonymous with all forms of state behavior in its foreign relations, and therefore it falls within the scope of these forms of behavior coercive acts taken by a state against another state, whether these acts take the form of economic, diplomatic, cultural, informational up to the military, which allows the state or more advanced countries to contribute more to the formation and formulation of the value system of the other party or For third parties (6)

According to the broad concept of foreign intervention, there are those who believe that foreign intervention is the act of a state interfering in the internal and external affairs of another State with the aim of compelling it to carry out or not to carry out an act ⁷.

Others have gone in his definition of foreign intervention as "a state is exposed to the internal or foreign affairs of another state pressured to commit to follow a certain policy or to refrain from implementing a certain policy, and this intervention appears in multiple forms, most notably diplomatic, economic and military intervention", and the American writer Robert Jackson argues that there is a classic perception of foreign intervention that means "a sovereign state (a group of sovereign states) or an international organization with an intervention involving the threat or use of force or any other means of coercion, in the internal affairs of an independent State against the will and desire of the Government of that State (8)

3Manal Mahmoud Saleh, The Concept of State Sovereignty in the Light of Contemporary International Developments, PhD Thesis, Cairo University, Faculty of Law, 2011, p. 42.

4Zidan Massad Abdel Rahman, United Nations Intervention in Armed Conflicts Not of an International Character, Cairo, Dar al-Kutub al-Qanoon, 2008, p. 72.

5Ahmed Al-Rashidi, Some Theoretical Problems of the Concept of Humanitarian Intervention, Cairo, Arab Organization for Human Rights, 1998, p. 45.

6Mukhled Al-Tarawneh, Military Humanitarian Intervention to Establish Democracy and its Legal and Political Dimensions, Journal of Law, Kuwait University, No. 4, Year 33, December 2009, p. 274.

⁷ - Amin Makki Madani, International Intervention and Security: Human Rights between Terrorism and Legitimate Defense, Arab Journal for Human Rights, 2003, No. 10, p. 114.

(8)Nebo Ridley Ngwe, The Rise and Decline of Humanitarian Intervention and Responsibility to Protect, The Journal of

On the basis of the foregoing, foreign intervention is the authoritarian insertion of a State into the foreign or internal affairs of another State, with or without right, with the aim of changing or preserving the existing conditions therein, compelling it to take or refrain from doing a particular act, using its influence, authority and means of pressure, thereby affecting the external independence and territorial and personal sovereignty of the State concerned.⁹

It should be noted that foreign intervention has internal and external contexts, and the internal contexts that generate and expand the scope of external intervention in many different areas, including political and economic crises with weak institutional capacities, political, economic and military dependence on the outside, as well as the high intensity of internal conflicts, all of which open the door to foreign intervention .¹⁰

The phenomenon of foreign intervention is a reflection of power relations in the international system, as the nation-state employs its power potential in the event that its political, economic and strategic interests are threatened in order to eliminate its sources. ¹¹

Contemporary international law does not like the idea of the right of humanitarian intervention, because it constitutes an attempt to resurrect the old colonial trend that allows intervention for ostensibly humanitarian factors, but the real goal of it is to impose hegemony and foreign interference in internal affairs. The concepts of sovereignty and frontiers do not constitute obstacles to the access of assistance to victims and may sometimes constitute an infringement of the sovereignty of the State concerned.¹²

2.1.2 The narrow concept of foreign intervention

The proponents of this trend have argued that foreign intervention is focused on the form of military intervention only, and therefore external or international intervention according to this trend is directed to the systematic use of force or coercion by one or more States or an international organization against another State.¹³

One of the definitions consistent with the broad definition of foreign intervention is that of some who have held that foreign intervention means "the use by one or more subjects of international law of political, economic or military means of coercion against the State or States to which gross and repeated violations of human rights are attributed with a view to inducing

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⁹Muhammad Abd al-Wahhab al-Saket, Studies in the Contemporary International System, Cairo, Dar al-Fikr al-Arabi, 1985, p. 116.

¹⁰Abdelkader Bouras, International Humanitarian Intervention and the Decline of the Principle of National Sovereignty, Cairo, New University House, 2009, p. 74.

¹¹Mohamed El-Sayed Selim, Ahmed Ibrahim Mahmoud, Stability in the International System: Trends in the Development of the International System in the Post-Cold War Era, Cairo, Strategic Report, 1991, p. 39.

¹²Hassanein Al-Mohammadi Al-Bawadi, The Invasion of Iraq between International Law and International Politics, Alexandria, Knowledge Foundation, 2005, p. 90.

(13)Ignacio Ramone., Wars of the twenty-first century are new fears and dangers. (Antoine Abu Zaid, the translators) Beirut: Dar Al-Tawnier for printing, publishing and distribution,2007, p90.

them to put an end to such practices¹⁴". However, it is jurisprudence that in the event of serious violations of the rights of citizens, foreigners or minorities in a State, it is necessary to call upon international and regional organizations to carry out the rescue mission and find just and peaceful solutions to such attacks on human rights.¹⁵

After this presentation of the different views that have been exposed to the concept of foreign intervention, it may be an assessment of the facts to say that the history of international relations predicts that cases of intervention were more than cases of non-income, whether in accordance with traditional international law or contemporary international law, and because the matter of foreign intervention for humanitarian purposes, as some jurists believe, is possible and justifies it legally and in fact, so the adoption of the broad concept of foreign intervention is more suitable for a number of reasons, which can be summarized as follows:

- The adoption of the narrow concept of foreign intervention could have been accepted in accordance with jurisprudence and the transactions of traditional international law, whatever the resort to force is permissible, but it is the one who knew the stage, but in light of the international transformations that accompanied the end of the Second World War and the emergence of the United Nations, it became unacceptable neither by custom nor by agreement, especially since what is stated in the Charter of the United Nations in the text of Article (2/4) ¹⁶ is of great significance in this regard.

It should be noted that Article 51 of the Charter of the United Nations represents an exception to the principle of the prohibition of force in international relations, as well as in cases of collective security (43/1), which the Security Council is mandated to assess and decide on the actions due to it in accordance with the requirements of Chapter VII regarding the possibility of the use of force.

In light of the enormous developments and the intertwining of their interests, the cheek in the broad sense has become the one that responds, and this reality strengthens the effects that can result from the implementation of political, economic, diplomatic and other means of pressure, leading to an end to gross violations of human rights without having to use military force and without raising the question of sovereignty.

The major powers have sought to intervene directly in the affairs of other countries, by working on the establishment of governments loyal to them in those countries based on their desires before they are based on the desires of the peoples they govern, and on the basis of this new international logic, each of the three major countries (Russia, the United States and Britain) went on their way towards intervening in various countries to ensure the establishment of such governments in them, or to work on their establishment, so Russia intervened in the affairs of Eastern European and Balkan countries. Britain intervened in Greece to enjoy a change in the system of meat in those States, Indonesia to prevent its independence from the Netherlands, the

¹⁴Crane Walker Istover, Is There Really Intervention for Humanitarian Purposes, Journal of International Politics, Cairo, Al-Harama Center for Political and Strategic Studies, No. 115, 1994, p. 335.

¹⁵Ahmed Abu Al-Wafa, International Protection of Human Rights, Cairo, Dar Al-Nahda Al-Arabiya, 2000, p. 72.

¹⁶Noam Chomsky, Rogue States, The Use of Force in World Affairs, translated by Osama Esper, Riyadh, Obeikan Library, p. 175.

United States intervened in the affairs of many Latin countries, and then in the affairs of Afghanistan, Iraq and others.¹⁷

Following the collapse of the colonial system after the Second World War (decolonization), it led to the emergence of dozens of new States on the international stage, and this system allowed the formulation of a new international policy, and then two main trends emerged as follows:

First, it seeks to establish and consolidate world peace as well as relations between States based on mutual respect for sovereignty, non-interference in internal affairs and the right to self-determination¹⁸.

The second trend is that it seeks to tighten tension in the international system and exert political and economic threats and pressure.

2.2 Relationship of foreign intervention to similar concepts

The term foreign intervention, like other concepts of international relations and international law, relates to some other concepts that may be similar to it, or sometimes intertwined, and accordingly there are a number of concepts or terms that are intertwined with the term foreign intervention, and perhaps the reason for the entanglement between all these concepts is due to the nature of international relations, international law and political science, and the nature of the relationship between the concept of foreign intervention and related concepts can be presented as follows:

2.2.1 Relationship of foreign intervention to the term deterrence and sovereignty

In this section, we explain the relationship between the term international intervention and the concept of deterrence, and we also try to present the relationship between international intervention and sovereignty as follows:

Foreign intervention and the term deterrence:

The concept of deterrence is one of the concepts of a military and strategic nature that is based on punishment and threat, and the term deterrence is the opposite of the concept of defense and resistance, the latter two concepts are based on military capability and not based on future intention only (19)

The concept of deterrence directly is the attempt of a party to discourage another party from doing an act that the first party believes may harm him, or finds it necessary to prevent the other party from thinking about doing something, or coming up with a certain behavior or behavior that could pose a threat to its interests, goals, location and status, and it should be noted that the concept of deterrence is not one of the modern concepts in military and strategic sciences, nor is it so in political and social life, and it does not differ Although the most obvious use of it is when there is a possibility that it will lead to a monopoly or a potential confrontation between two or more forces, it can be found even in daily practices or behaviour between individuals,

¹⁷Shaheen Ali Shaheen, International Intervention for Humanity and its Problems, Journal of Law, Kuwait University, No. 4, p. 260.

¹⁸Sufian Latif Ali, Abuse of the Veto in the UN Security Council, Beirut, Journal of Rights Publications, 2013, p. 186.

¹⁹Abdel Moneim Maher Younis, The Use of Force in Imposing International Legitimacy, Alexandria, Egyptian Library for Printing, Publishing and Distribution, 2004, p. 404.

groups and States²⁰.

When looking at the relationship of the term foreign intervention with the term deterrence, we find two opposing concepts, deterrence is the opposite of intervention, which is that alarm that indicates the existence of danger whenever a country or a group of countries tries to interfere in the private affairs of the state concerned, or the threat or use of military force against it, and thus deterrence and resistance are in the face of foreign intervention, but deterrence remains the first step to resist foreign intervention, through which the use of force in exchange for force is waved, In the case of direct foreign military intervention, deterrence is therefore one of the means that States can use to counter the risks that threaten them, including the threat of foreign intervention.²¹

II. The relationship between foreign intervention and sovereignty:

The term sovereignty is an important term according to public international law, and although this term is ancient, but it was ambiguous and then began to become clear with the development of civilizations, and if sovereignty was absolute in the past, in the modern era it has become a relatively restrictive issue (22)

The emergence of the United Nations has played an important role in restricting the sovereignty of states in light of the limits set in the Charter of the United Nations, as these states were restricted to be committed to working to achieve the desired goals of this Charter, and contributed to the restrictions in making the Charter of the United Nations a supreme constitutional rule that enjoys supremacy and primacy over the constitutions of Member States. Sovereignty is a concept synonymous with independence, which is a characteristic or characteristic of the public authority under which no other authority is satisfied with it, and sovereignty is also a legal attribute that characterizes the state after the availability of its basic elements such as territory, people and borders²³, independence is a realistic situation () manifested through the state's functions in all competencies and fields, and therefore independence is a result of the availability of sovereignty, if the latter is absent, independence from the state is absent ²⁴ ().

But the Charter of the United Nations allows interference in the internal affairs of states, and it suffices to refer in this breakfast to Chapter VII of the Charter, or to refer to human rights charters that give the international community the right to intervene in the affairs of any country that violates what is contained in these charters. With regard to human rights or the maintenance

²⁰Sawsan Al-Assaf, Deterrence Strategy, The New American Military Doctrine and International Stability, Beirut, Arab Network for Research and Publishing, 2008, pp. 34-37.

(21)Alex J Bellamy, Matt McDonald, (September 2002). The Utility of Human Security: Which Human? What Security? A reply to Thomas & tow, Security Dialogue, Vol 33, Issue 3, P 375-377

²²Bertrand Badi, A Scholar of Sovereignty, States between Prevarication and Responsibility, translated by "Latif Farag", Cairo, Al-Shorouk Library, 2001, p. 121.

²³Othman Ei, Sovereignty in the Light of Contemporary International Law, Cairo, Legal Library, 2010, p. 85.

²⁴Hussein Hanafi Omar, Interference in State Affairs under the pretext of protecting human rights, Cairo, Dar Al-Nahda Al-Arabiya, 2005, p. 114.

of international peace and security (25).

The first pretext for violating the sovereignty of the state was what was known as humanitarian intervention, a principle that the major powers demanded should be adopted at the meetings of the 54th session of the United Nations General Assembly in 1999, during which it led an attack to modify the concept of state sovereignty in a way that opens the door to interference in the internal affairs of any state interested in violating human rights or practicing a policy of discrimination against any of the groups that make up its people.

Despite the paramount importance of non-intervention in public international law, it is noticeable that there are increasing instances of interference in the contemporary international order.

2.2.2 International intervention and related terminology

There are several terms related to international intervention, such as the term neutrality and the term exhaustion, as well as the concept of war, and in this section, we present the relationship between the term international intervention and those concepts as follows:

Relationship between the term neutrality and international intervention

The concept of neutrality represents a special legal system to regulate relations between warring states, and countries that choose to stay away from entering into the prevailing conflict between these countries, and neutrality is a state through which countries increase the maintenance of their peaceful relationship with all other countries, whether near or far, this principle can be continuous for a permanent period of time or a temporary period of time that the state or states are committed to implement what they adhere to, and therefore neutrality is one of the principles that ensure Through which the basics of respect for sovereignty and independence of the state (26)

Based on the above, it is clear that foreign intervention and the principle of neutrality represent two contradictory principles, as the principle of neutrality refers to the diplomatic behavior resorted to by independent states to prove that they are not interested in the conflict between two or more states, while foreign intervention refers to any action taken by a group of states or one state towards another state for certain reasons, and this does not require a dispute in one state or between two states in order to intervene, and the legal principle In this case, it is the principle of non-interference rather than the principle of neutrality, and international interventions represent the biggest obstacles facing the principle of neutrality, as weak countries resort to it to avoid the ambitions of major countries.

Second: The relationship between foreign intervention and rescue theory:

The theory of salvation in Islam is one of the theories that the main purpose is to protect Muslims from persecution or from captivity (27), and some jurists have gone so far as to decide

25 Mohamed Fouad Gadallah, *The Development of International Mechanisms for the Protection of Human Rights and the United Nations Human Rights Council*, Cairo, Dar Al-Nahda Al-Arabiya, 2010, p. 165.

26 Abdel Moneim Maher Younis, *The Use of Force in Imposing International Legitimacy*, Alexandria, Egyptian Library for Printing and Publishing, 2004, p. 404.

27 Ibn Hajar, Ahmad ibn Ali ibn Hajar Abu al-Fadl al-Asqalani al-Shafi'i, *Fath al-Bari*, Sharh Sahih al-Bukhari, Beirut, Dar al-Maarifa, 1379, p. 145.

that carrying out the duty of rescuing Muslims may change the civil war plans, by coming to the aid of the besieged even if this results in not carrying out the original task entrusted to the Muslims, and in that the jurists say, "If the military of the Muslims enters the land of the Muslims or some of their gaps, the fear The people of the military on the people of the gap to not tolerate the enemy who came to them, the answer is for them to alienate and claim their invasion"

The rescue theory requires two main conditions:

The first condition: that the people of the gap are subject to destruction, and if they are able to defeat the enemies on their own, then there is no need for other Muslims to rise up to them.

The second condition: that there are no other Muslims who support them but do not want or are not able, in this case the Muslims heading to the invasion must rise to them first because of its survival and fighting enemies.

Some believe that the rescue of Muslims is provided on any condition, and then the theory of rescue is a way to protect the oppressed in their religion or those subjected to injustice and pay injustice for them, and the theory of rescue in Islam is concerned with the protection of Muslim minorities in countries with a non-Muslim majority, this and the theory of rescue depends on the principle of reciprocity as God Almighty says, "Whoever assaulted you, assault him as he assaulted you, fear God and know that God is with the pious (28)"

3. Types of foreign intervention

The basic principle underlying foreign intervention is the use of military force with a view to protecting human rights and preventing gross and flagrant violations of these rights.

There are several types of foreign intervention, foreign intervention takes different forms as there is indirect intervention as well as individual intervention and collective foreign intervention, as well as there is the explicit form and the implicit form of foreign intervention, and the internal and external form and foreign intervention may take the political and diplomatic form or the form of propaganda or cultural as well as economic and military.

The foreign intervention has motives and reasons, whether motives and reasons for security, ideological, financial and economic or motives and humanitarian reasons, and then we divide this section as follows:

The first requirement: foreign intervention in terms of forms of intervention.

The second requirement: foreign intervention in terms of the form of intervention.

1.3 Foreign interference in terms of forms of intervention or intervening parties.

Foreign intervention does not take a single picture, but its forms and forms vary according to the circumstances and circumstances in which it occurs, and here these images can be briefly clarified and then we address at length and explain these images.

The first is foreign intervention with the consent of the United Nations or one of its organs, for good reasons such as the protection of international peace and security. This may not always be acceptable, yet collective intervention through the United Nations has a greater impact and

more secure against the personal ambitions of a particular State. 29

This type of intervention is regulated by Chapter VII of the Charter of the United Nations, one of the most important issues of which are those relating to violations of human rights and international humanitarian law.

The second picture is the image of intervention with the consent of the intervening state, and this is at the request of the intervening state to help it confront the intervention of another country, as happened when the internationally recognized Government of National Accord in Libya in 2020 asked for Turkish intervention to help it repel the attack of the rebel force in its attack on Tripoli, supported by Egypt, the UAE, Saudi Arabia, Jordan and France.

The third is intervention in defence of humanity, to protect a citizen of a State from serious violations of their fundamental rights by the Government or other armed groups³⁰.

1.1.3 Individual intervention

There are other forms of foreign interference in the affairs of states, but not for reasons related to humanitarian issues, but for other reasons such as defending the country's nationals in other countries, or defending the rights of the state such as debt payment or intervention in the event of a civil war, or intervention against intervention, and all these interventions may be collective or unique, explicit or direct through diplomatic means or in hidden and indirect ways, and the most dangerous picture in the types of foreign interventions is that intervention that takes the form of supporting opponents or Supporting a military coup... etc (31)

In the following, we present in detail the patterns or forms of foreign interventions in terms of its forms, objectives, forms, motivation, causes, or in terms of theories that explain it, and therefore we will determine it in collective intervention and individual intervention

The fact that foreign intervention in its collective and individual forms is in its entirety an illegal act, from the premise that the general principle in international relations according to the Charter of the United Nations is non-interference in the affairs of other countries, and we can clarify the differences between both collective intervention and individual intervention means in theory the immersion carried out by a state alone and for its own account in the affairs of another state, and with the aim of this intervention to achieve goals that may be economic, military, political and non- This is one of the objectives in order to achieve the special interests of the State making the intervention and which is contrary to the interests of the intervening State.³²

It should be noted that according to the views of jurists, the original individual intervention is an illegal act, because it is directed against the independence of the intervening state in its

²⁹Ahmad Al-Rashidi, previous quote, p. 55.

³⁰Mohamed Suleiman Abdullah, Mechanisms and Problems of the Implementation of International Humanitarian Law, Khartoum, Dar Al-Saddad Press, 2006, p. 100.

³¹Ahmed Abu Al-Wafa, International Protection of Human Rights within the Framework of the United Nations and Competent International Agencies, Cairo, Dar Al-Nahda, previous reference, p. 42.

³²Sameh Abdel Qawi Al-Sayed, International Intervention between Legality and Illegality and its Repercussions on the International Arena, Alexandria, New University House, 2012, p. 305.

affairs, and it violates the principle of the obligation of states to respect each other's rights, and that states that allow themselves to interfere in the affairs of others if this is consistent with their interests, and this confirms that states cannot resort to intervention in some cases, which must be exceptional circumstances, when their safety is threatened.

Individual foreign intervention is a voluntary act issued by the state alone, and this intervention is prejudicial to the internal affairs or foreign affairs of another state without a legal basis, which detracts from the freedom of the latter partially or completely, and that without this individual intervention, the state would have intervened in choosing to conduct its affairs, and also be individual intervention by a major country such as the United States of America in the affairs of a weak or less powerful state such as Libya, with the aim of hegemony or Control or extension of its influence in order to achieve its own interests and goals, and there are examples of forms of foreign intervention in its individual form, such as the Soviet intervention in Afghanistan, and this pattern is characterized as an individual intervention carried out by one country at the time, the "former Soviet Union", and this intervention was without authorization by the United Nations, meaning that it was outside the umbrella of the United Nations, because the Soviet Union considered the Afghan issue an internal issue based on the request that was made The then Afghan Government of the Soviet Union called for intervention to preserve the legitimacy of the existing Government.³³

2.1.3 Collective intervention

There has also been individual intervention by a single State, but there is also collective intervention by several States, and this intervention has a more severe and dangerous impact than individual intervention, especially on the security and safety of the international community.

It is the intervention carried out by a group of countries whose interests coincided and their goals were united at a certain time against the affairs of another state or countries in order to achieve the common interests behind this illegal act according to international law jurists, and the difference between it and individual intervention lies in the number only, as the individual intervention is from one country only and with one goal, while collective intervention is by more than one country participating in at least one goal, and each country has other special goals her

Intervening States resort to legitimizing this intervention by persuading friendly States and States within their sphere of influence to intervene collectively in the affairs of the State they wish to target, because the general principle of interference in the affairs of States is no longer legitimate in the rules of contemporary international law.³⁴

As we have given examples of individual intervention, we will address the Libyan case as an example of collective intervention in 2011:

³³Ralph Ma Janous, *The Problem of Afghanistan*, translated by Peter's Cross, Raphael, Cairo, Dar al-Fikr al-Arabi, 1980, p. 290.

³⁴Abdel Fattah Abdel Razzaq Mohammed, *The General Theory of Intervention in Public International Law*, 1st Edition, Jordan, Dar Al-Dijla, 2009, p. 60.

On 19 March 2011, a NATO-led multi-nation coalition began a military intervention in Libya to implement United Nations Security Council Resolution 1973 in response to events during the Libyan civil war. The intention and vote of the United Nations was to implement an "immediate ceasefire in Libya," including an end to the current attacks against civilians, which it said could constitute crimes against humanity. He imposed a ban on all flights within the country's airspace – a no-fly zone – and tougher sanctions on the regime of Muammar Gaddafi and his supporters.

The U.S. and British navies fired more than 110 Tamahawk cruise missiles, while the French Air Force, RAF and RAF Canada flew sorties across Libya and coalition forces imposed a naval blockade. The aircraft launched airstrikes on Libyan army tanks and vehicles, the intervention did not use foreign infantry forces.

The Libyan government's response to the campaign has been woefully ineffective, as Gaddafi's forces have been unable to shoot down any NATO aircraft despite the country possessing 30 heavy SAM, 17 medium SAM batteries, and 55 light SAM batteries (a total of 400 to 450 launchers including 130 to 150 SAM-6 launchers and some K-33OSA-9 launchers), and 440 up to 600 short-range air defense weapons, designations. The official interventions of coalition members are Operation Hamatna for Operation France, Operation Ilamy for Operation United Kingdom, Operation Mobile for Canadian Contribution and Operation Odessa Dawn for Operation United States. Italy initially opposed the intervention but then offered to participate in the operations on the condition that NATO take command of the mission rather than individual countries (France specifically). With this condition later met, Italy shared its bases and intelligence with the Allies.

2.3 Intervention in terms of form

Humanitarian intervention is linked to the provision of humanitarian aid, as well as military intervention for humanitarian purposes in its deterrent or injunctive aspect, and is often carried out by a UN resolution. It is usually divided into a unilateral "humanitarian" intervention by a particular State in a second State to protect its nationals, or a collective humanitarian intervention within the framework of a Security Council resolution with the growth of ethnic, racial and political conflicts within the same State.

1.2.3 Models of international intervention

I. The explicit or implicit model of intervention:

The intervention is explicit and public in the event that the state officially declares it through its official and informal institution, which allows the intervening state to practice it without regard to the opinion of others or without regard to the opinion of the intervening state in its affairs and its consent, and this type is in many and varied forms and forms, but the implicit intervention or what is also known as "hidden" is often the intervention of a state in the affairs of another state in order to achieve its goals, which makes its intervention hidden, and often results from hidden interference. Bad and harmful effects because it occurs without the

knowledge of the authorities of the intervening States (35).

II. Internal or external form of intervention:

Internal intervention occurs when the intervening state objects to the internal policy of the intervening state, as well as means the intervention of a state in disputed issues in another country, which is often and usually related to changing the constitution, as the intervention of foreign countries may be between the conflicting parties in one state, whether the intervention is in favor of the legitimate government or in favor of the revolutionaries, as happened in the Libyan case, or an attempt to change the political, economic or social.... etc., which is followed by the intervening state, but external interference or in the foreign affairs of countries occurs when a state intervenes in the relationship of another country with the aim of changing or directing it in a direction consistent with the objectives of the intervening state, and usually these relations are aggressive relations, such as what happened when the UAE intervened alongside Saudi Arabia in the aggression on Yemen and then the intervention expanded and became includes several countries that joined under an alliance called (the Arab coalition under the name of Decisive Storm) ().³⁶

Military intervention

According to the prohibition of the use of force (Article 2(4) of the Charter of the United Nations), the principle of non-intervention prohibits intervention through military means, because such conventional military interventions take the form of a military occupation of territory (occupation), a naval demonstration (naval blockade) or the confiscation of assets belonging to another State or its citizens (prohibition, arrest and detention of aliens or expulsion of foreign diplomats).

2.2.3 International intervention on its motives

First: Propaganda or (subversive) interference.

It is carried out by one state of activities by one state with the intention of influencing the situation in another state. They are usually conducted through radio or TV shows. Such interventions are prohibited, if they aim to provoke rebellion or civil strife of another state or are intended to assist illegal and violent activities (war) in general, as they are usually carried out by ordinary persons who are not prohibited by the principle of non-intervention and whose activity is to criticize the internal policy of another state, and especially this criticism is claimed by the facts and proofs provided by the intervening state, and it is difficult to follow the actions that condemn the state that supports this type of intervention.

Intervention through economic coercion.

The Charter of Economic Rights and Duties (1974) states that "external interference" by one state in the affairs of another state is prohibited "in any form whatsoever". This definition is too broad and generally unacceptable, in a way that would lead to the principle of non-

Ali 35Al-Ali, *International Intervention in Lebanese Affairs from the 1989 Taif Agreement to 2006*, Damascus: Rand for Printing, Publishing and Distribution, 2010, p. 18

³⁶ibid., p. 17.

intervention that prohibits any action that forces a state to something that does not take into account that states in the modern world are economically linked to each other in such a way that almost every country operates economically without its action automatically affecting other countries and thus may put it under pressure.

Identifying prohibited economic interventions, it may be useful to consider the motives of the state and determine the purpose of state action. However, motivation cannot be the only definite criterion; others are the intensity of the actions taken, the result already reached, the relationship between the means and the object, and because of the difficulty of determining where the pursuit lies between permissible economic pressure and prohibited intervention, different categories have been created in this area. According to the understanding of typical economic interventions: interference in trade, shipping and denial of access by land and water. However, the exact criteria for illegal economic intervention remain unclear due to the varying practices of States.

The end:

The definition of international intervention and the assessment of its legitimacy have been and continue to be the subject of doctrinal dispute and the subject of doubt on the part of many States, especially in the Third World.

The views of international jurisprudence differed and its opinions varied on the development of a clear and specific definition of intervention, as the strictness in defining the concept of sovereignty and its limits is declining somewhat after many countries joined international organizations in line with considerations of international cooperation in the political, economic and military aspects, which was reflected in the opinion of Western and Arab international jurisprudence.

Indeed, while the international guarantees of human rights established by the relevant international conventions and conventions, including the guarantee that the international community can intervene to ensure due respect for these rights, have remained as a general principle out of practice during the first four decades of the life of the United Nations, the spectator's view is that the guarantee of "the possibility of humanitarian intervention" has recently become on the list of measures used to impose such respect.

The prevailing principle of states was the principle of sovereignty, but with the passage of time on these principles and the development of the international community, we find many abuses on the principle of state sovereignty, which threatened its collapse, and this is what made some believe that the new world order and unipolarity and opened the door to international humanitarian intervention or for the sake of democracy or minority rights or the fight against international terrorism.

As for the principle of non-interference in the internal affairs of states, although it is the cornerstone of international relations and a fundamental pillar in international law, the history of countries indicates that cases of interference are many, so we note that intervention is often a political practice that is not free from an assault on justice, but it may be in some cases a legal right, although its application leads to a violation of moral duties.

The general principle in international relations is the illegality of interference in the internal or external affairs of States, as well as the non-use of force and the non-threat of force in accordance with Article II of the Charter of the United Nations in its fourth and seventh paragraphs, and each rule has an exception, there are already exceptional cases wearing the dress of legality in accordance with the Charter of the United Nations, such as intervention in the case of legitimate defense, such as intervention in the event of a response to aggression, such as international humanitarian intervention.

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