المجلة الأردنية في القانون والعلوم السياسية

اسم المقال: مدى تأثير الحماية الدولية لحقوق الإنسان على حقوق الدول الأعضاء المرسخة في ميثاق الأمم المتحدة
اسم الكاتب: د. أحمد عارف الضلاعين
رابط ثابت: https://political-encyclopedia.org/library/10012
تاريخ الاسترداد: 2026/11/22 18:08 +03

الموسوعة السياسيّة هي مبادرة أكاديمية غير هادفة للربح، تساعد الباحثين والطلاب على الوصول واستخدام وبناء مجموعات أوسع من المحتوى العلمي العربي في مجال علم السياسة واستخدامها في الأرشيف الرقمي الموثوق به لإغناء المحتوى العربي على الإنترنت.
لمزيد من المعلومات حول الموسوعة السياسيّة - Encyclopedia Political، يرجى التواصل على info@political-encyclopedia.org

استخدامكم لأرشيف مكتبة الموسوعة السياسيّة - Encyclopedia Political يعني موافقتك على شروط وأحكام الاستخدام المتاحة على الموقع https://political-encyclopedia.org/terms-of-use

تم الحصول على هذا المقال من موقع المجلة الأردنية في القانون والعلوم السياسية جامعة مؤتة ورفده في مكتبة الموسوعة السياسيّة مستوفياً شروط حقوق الملكية الفكريّة ومتطلبات رخصة المشاع الإبداعي التي ينضوي المقال تحتها.

The Extent of International Protection of Human Rights Impact on Member States Rights Fixed in the United Nations Charter

Dr. Ahmad Aref Al-Dalaien
Associate Professor / Mutah University

Received : 01/10/2024
Revised : 10/12/2024
Accepted : 12/12/2024
Published : 30/09/2025

DOI: 10.35682/jjlps.v17i3.1221

*Corresponding author :

dalaien.a@mutah.edu.jo

Abstract

The article examines the relationship between state sovereignty and the United Nations (UN) role in protecting human rights. Although international treaties established human rights, the UN Charter provided a guarantee of the rights of its members. Thus, interference in state sovereignty should occur only to fulfil protection mandated by the Charter.

However, a contradiction arises in practice: there is no alignment between the legal protection of member states' rights and interventions aimed at meeting social necessities. The UN invokes the threat to international peace and security to justify intervention, often relying on non-Charter rules that diverge from the rights and protections guaranteed by the Charter. This approach undermines the UN's functional scope and lacks procedural compliance, shifting its interventions from a legal to a political nature.

A descriptive-analytical approach reveals that the UN's reliance on achieving objectives and addressing threats to peace as the basis for intervention creates a disconnect between member states' Charter-based obligations and the non-charter provisions aimed at protecting international human rights. The UN's reliance on practical intervention is inconsistent with Charter procedural norms.

The article calls for international legislators to establish the right to intervene in human rights matters explicitly. This would resolve the existing contradiction between the right of intervention and the rights of member states, integrating non-Charter rules with existing Charter provisions. Such a framework would ensure that international obligations for human rights and the Charter's restrictive provisions are considered an indivisible whole, thereby enhancing the legitimacy of UN interventions.

Keywords: State Sovereignty, UN Charter, Human Rights Intervention, International Law, Security Council, Peace and Security

مدى تأثير الحماية الدولية لحقوق الإنسان على حقوق الدول الأعضاء المرسخة في ميثاق الأمم المتحدة

د. أحمد عارف الضلاعين
كلية الحقوق/ جامعة مؤتة

تاريخ الاستلام: 2024/10/01
تاريخ المراجعة: 2024/12/10
تاريخ موافقة النشر: 2024/12/12
تاريخ النشر: 2025/09/30

الباحث المراسل:
dalaien.a@mutah.edu.jo

الملخّص

يتناول البحث العلاقة بين سيادة الدولة ودور الأمم المتحدة في حماية حقوق الإنسان. فبالرغم من أن المعاهدات الدولية أسست لحقوق الإنسان، فإن ميثاق الأمم المتحدة وضع ضمانة لحقوق أعضائها. وبالتالي، فإن التدخل في سيادة الدولة يجب أن يحدث فقط لتحقيق الحماية التي يفرضها الميثاق.

ولذا تثور الإشكالية إذ ينشأ تناقض في الممارسة: لا يوجد توافق بين الحماية القانونية لحقوق الدول الأعضاء والتدخلات لتلبية الضرورات الاجتماعية. حيث تستشهد الأمم المتحدة بالتهديد الذي يتعرض له السلام والأمن الدوليين لتبرير التدخل، وغالبًا ما تستخدم قواعد غير ميثاقية، والتي تنحرف عن الحقوق والحماية التي يضمنها الميثاق. يقوض هذا النهج النطاق الوظيفي للأمم المتحدة ويفتقر إلى الامتثال الإجرائي، مما يحول تدخلاتها من طبيعة قانونية إلى سياسية.

يكشف المنهج الوصفي التحليلي في البحث أن اعتماد الأمم المتحدة على تحقيق الأهداف ومعالجة التهديدات للسلام كأساس للتدخل يخلق فجوة بين التزامات الدول الأعضاء المستندة إلى الميثاق والأحكام غير الميثاقية التي تهدف إلى حماية حقوق الإنسان الدولية. إن اعتماد الأمم المتحدة على التدخل العملي يتعارض مع القواعد الإجرائية المنصوص عليها في الميثاق.

لذا ندعو المشرعين الدوليين إلى إرساء الحق في التدخل في مسائل حقوق الإنسان بشكل صريح. وهذا من شأنه أن يحل التناقض القائم بين حق التدخل وحقوق الدول الأعضاء، ودمج القواعد غير المنصوص عليها في الميثاق مع أحكام الميثاق القائمة. ومن شأن هذا الإطار أن يضمن اعتبار الالتزامات الدولية المتعلقة بحقوق الإنسان والأحكام التقييدية الواردة في الميثاق كلاً لا يتجزأ، وبالتالي تعزيز شرعية تدخلات الأمم المتحدة.

الكلمات المفتاحية: سيادة الدولة، ميثاق الأمم المتحدة، التدخل في حقوق الإنسان، القانون الدولي، مجلس الأمن، السلم والأمن.

Introduction

The United Nations (UN) utilises the terms "achieving goals," "threat to international peace and security," and "international general interest" to enforce respect for human rights. The United Nations Charter does not include a legal procedural system to protect human rights. Still, it establishes a legal channel for intervention in cases where a threat exists to its goals and general international interests. This way, it avoids criticism of no-jurisdiction and secures active legal and sanction procedures. Without a doubt, respecting human rights and fundamental freedoms constitutes one of the optimal goals of the United Nations from both philosophical and moral aspects. However, the issue of intervention to protect human rights undermines the UN's larger functional scope, with no regard for the balance between respecting internal jurisdictions and requiring member states to work in accordance with the charter's objectives. Thus, intervention becomes one of the policy tools used to impose illegal obligations, resulting in an autonomous international policy with distinct characteristics that distinguish it from the provision outlined in Article (2), Item 7. This implies changing internal jurisdiction from legal to political.

Problem Statement

The issue at hand pertains to the United Nations (UN) branches' consistent application of self-interpretations of Article 2, Item 7, which involves elements of subjective assessment. The UN asserts that jurisdiction determines whether a matter is of international concern, as outlined in Article 2, Item 7. It regards the systematic violation of human rights as a legal basis for intervention. As a result, the UN takes on responsibility for determining the applicable legal rule and its specific interpretation in light of current circumstances. The contentious matter arises from the Security Council's perspective, as it considers human rights violations as a threat to international peace and security. Consequently, the Security Council exercises its authority under Chapter Seven to safeguard human rights. The discretionary nature of such decisions made by the Security Council raises numerous questions, given the ambiguous legal provision in the UN Charter that permits such interventions.

Study Significance

The UN's role in human rights protection is undeniable. Yet, the challenge lies in defining the scope of international obligations, which extend beyond the internal jurisdiction and state records outlined in Article 2, Item 7. When an international human rights agreement is established, the UN assumes authority, and its interventions for human rights do not conflict with the internal jurisdictions of its member states. However, the Charter does not allow for absolute restriction of state immunity in global commitments. State sovereignty cannot be divided into immune and non-immune segments, making UN intervention for human

rights at odds with existing international obligations. Thus, amending the UN Charter is necessary to harmonise international human rights protection with the rights of member states. The process of intervention involves three stages: first, human rights violations contradict UN goals and related international agreements; second, human rights are seen as a general international interest under Article 2, Item 7; third, human rights violations are considered threats to international peace and security.

Methodology and Structure

The researcher tackles the central issue of this study by using the 'black letter' methodology. The purpose of the 'black letter' methodology is to compile, describe, and analyse the legal rules of the UN Charter, as well as to comment on the significance of the legal issues affecting these rules, especially case law, to provide an overall perspective that enables a comprehensive understanding. Thus, this research aims to identify, analyse and reflect upon the main major issue, which will be addressed through research on four key topics. In the first topic, the author will examine the relationship between international human rights protection and state sovereignty, analysing Article 2, paragraph 7, of the UN Charter to determine how state sovereignty can be constrained. The second topic examines the Security Council's authority to determine threats to international peace and security as this authority extends beyond the will of individual member states. The third topic will explore the United Nations' endeavour to establish a fresh paradigm for intervening in state sovereignty. This will involve an examination of a legal argument characterised by its definitive and unchanging nature, grounded in Article 1, Paragraph 3, and Chapter 7 of the UN Charter. The fourth topic will scrutinise the role of the Security Council, particularly its authority, to determine whether an incident qualifies as a threat to international peace and security. It will analyse instances where deviations from these criteria constitute breaches of the Charter's provisions, leading to actions that encroach upon state sovereignty.

Legislative trends in defining legal relation between state sovereignty and international protection of human rights

This topic will be covered through two requisites:

The permissibility of restricting or non-restricting state sovereignty to protect human rights in light of interpreting Article (2) Item (7).

First :If one accepts that state sovereignty has to be restricted to face human rights violations[1] (Abu Heif, 2017), (Abu Al-Wafa, 2000), (Engström & Pegram, 2011) (The Oxford Handbook of International Security, 2018) then it is legal to practice

(1) Supporters of permissibility to restrict state sovereignty to protect human rights .

a certain right in accordance with charter provisions to defend the social international system that was inflected by violating an assault on a general public interest that the international law endeavors to defend and protect. Such a hypothesis might be based on the following considerations:

A: Article (2), Item (7) did not exclude human rights from international jurisdiction and confine them solely to the state. This Article aims to protect state sovereignty from the illegal actions of UN branches. The domain of the human rights system secured in the charter and relevant international agreements goes beyond the narrow expression of Article 2/7.

B: Article 2, Item 7 of the UN Charter does not clearly define a domain that conflicts with general international obligations, nor does it suggest that the domain of retained sovereignty is static. Instead, it is adaptable to the changing needs of the international community. This allows for the concept of internal jurisdiction to include intervention. It is crucial to distinguish between a state's sovereign immunity and its membership in the United Nations Charter. This distinction permits interference in internal affairs and imposes limits on state sovereignty in cases of violations against general international interests. Therefore, objections to the UN's right to intervene in unlawful actions are not justified under these circumstances.

C: Article 2, Item 7 of the United Nations Charter prohibits deviating from the principles of state immunity. This Article pertains explicitly to matters of internal jurisdiction and does not encompass broader international obligations. The goal of safeguarding human rights drives the intervention to uphold general international obligations and protect global interests, which limits state sovereignty.

D: The criteria for defining internal jurisdiction often led states to claim exemptions from international obligations, creating jurisdictional conflicts. This issue complicates the division of responsibilities in human rights matters, constraining the United Nations from fully utilising its Charter-mandated rights, particularly in the protection of human rights.

Second: The opposing view, advocating for intervention in state sovereignty to protect human rights, lacks objective criteria for defining these rights. This approach is often considered 'regional', as it is influenced by the specific legal, political, and cultural contexts of a region rather than being based on an international jurisdiction related to the interpretation of Article 2, Item 7 of the Charter. The Charter's provisions and actual interventions do not sufficiently demonstrate violations of international peace and security to warrant the imposition of sanctions under Chapter VII. This doctrine considers various factors, but its reliance on regional contexts over international jurisdiction raises questions about its alignment with the Charter's intent.

A: Human rights have a unique dual nature, distinguishing them legally and objectively from other international obligations. These rights, granted to

individuals within a state's jurisdiction, can be effectively realized only through state intervention. The UN Charter and international human rights agreements provide broad principles, but their application and enforcement depend on individual states, considering their unique political and economic contexts. Therefore, the UN's role is primarily to ensure legislative guarantees for human rights, while the responsibility for their actual fulfilment and protection rests with the states themselves.

B: Article (2), Item (7) of the mentioned content emphasises the need for a balanced legal framework that respects both internal and international jurisdictions of the United Nations (UN) and its member states. This framework should uphold the rights and obligations outlined in the UN Charter while also taking into account the concessions made by member states. While human rights are universally recognised and hold significant authority, they do not supersede a state's legislative power within its sovereign territory. The UN Charter does not establish international obligations that can override national sovereignty; instead, it outlines procedures for imposing sanctions in cases of violation.

C: Article 2, Item 7 of the UN Charter is intended to protect state sovereignty, but it is not ambiguous or subject to arbitrary interpretation. Sovereignty cannot be divided into immune and non-immune parts, and it should not be compromised simply due to international obligations. UN intervention in human rights matters often conflicts with charter obligations, as the Charter and relevant international agreements expect member states to cooperate with the UN in respecting and upholding human rights without infringing upon state roles. The Charter does not authorize the UN to regulate human rights issues, which are typically handled by state authorities through domestic legislation. Thus, it is not appropriate to transfer these rights entirely to the UN's jurisdiction, especially when there are no specific, binding regulations for the UN to follow in these matters.

D: The issue of intervention to protect human rights reflects the broader scope of the UN's authority without taking into consideration respect for state sovereignty and member states' obligations to work in compliance with Charter objectives[(2)] . This activity has emerged as a means of implementing non-binding obligations and establishing an international norm, separate from the specific criteria outlined in Article 2, Item 7. Consequently, this implies a shift in jurisdictional authority from a legal framework to a political one.

(2) " Security Council has to abide by its responsibilities to confirm that the state actions are a violation. The council Responsibilities are specified in provisions of Article 24, Items 1& 2. Therefore, it based its reaction on the bond between duty and the discretion. This is an obligation toward the violation which should be accompanied by material evidence which proves violation of Charter rules. ".

The researchers have observed that Article (2) (Ratib, 1996) (Ismael, 1982) (Hashim, 1951) (Al-Jalabi, 1970), Item (7) contains the legal justification for the UN to intervene in the internal affairs of its member states, in accordance with relevant provisions of the charter. Upon careful analysis of the Article, it becomes evident that its ultimate objective is to safeguard state sovereignty by preventing intervention unless specific objective conditions outlined in provision (39) are met.

In essence, the Article emphasises the UN and its subsidiary bodies' adherence to the principle of respecting state sovereignty[3] . with the exception of interference in the internal affairs of member states (Thirlway, 2022) . This principle is evident in the sequential and linguistic structure of the Article, particularly in the provision that states, "There is nothing in the charter that allows the UN…" while acknowledging the need to avoid oppressive measures outlined in Chapter 7.

The sequence outlined in Article (2), Item (7) pertains to the connection between internal jurisdiction immunity and the right of intervention. This legal provision combines two interests:

Firstly, it aims to safeguard the interests of member states, including their sovereignty and internal jurisdiction, by preventing any interference that contravenes the provisions of the charter. Secondly, it seeks to promote the private interest of attaining international peace and security by recognising the legality of intervention in accordance with the provisions of Chapter 7, as stated in Article (1), Item 3 [4] .

The provisions of Article 2, Item 7 in the UN Charter emphasize the preservation of state sovereignty, peace, and global security, placing a premium on the principle of sovereignty. Infringements upon sovereignty are thus viewed as exceptional. The core purpose of this Article is to deter intervention, upholding sovereignty as a guaranteed right. As a result, the intervention is legally rare and necessitates a strict interpretation within the jurisdictional framework, occurring only when protected interests outweigh the potential harm.

The assertion is made by comparing the intervention rule to the non-intervention rule and establishing that the former is exceptional; the charter's authors ensure that state sovereignty is prioritized as a significant legal matter for the state to exercise jurisdiction[5]. If the legislator had included the right of

---

([3]) " Having the legal basis for intervention in accordance with the provision of Article (2), Item (7) that correlates with those of Articles (25) and (39) doesn't exempt the UN from observing controls and restrictions to practice jurisdiction".

([4]) "Combining intervention with non-intervention in one Article implies a sequential indivisible relation. This means that non-intervention was identified in its final shape as exceptional. Therefore, legally, it won't be accepted except through the terms specified in chapter (7) and its correlation with reality as that generates a violation of Charter provisions".

([5]) "Adopting the provision of Article (2), Item (7) to get the right for intervention is considered exceptional. The end of the Article ascertains a legal fact which is consolidating Charter immunity

intervention as a general rule in a separate provision, it would have legally signified that sovereignty remains fundamental and the intervention right is a distinct rule with its elements and attributes(6).

The integration of interests under a single Article solidifies sovereignty as a fundamental UN principle, with intervention as a special right limited to extraordinary cases. Non-intervention inherently allows for intervention under certain conditions aligned with Charter objectives. This approach safeguards state sovereignty, permitting intervention solely in extraordinary situations in line with Charter mandates. Sovereignty thus serves as a crucial legal limit for jurisdiction. Hence, the right to intervene for human rights, as stipulated in Article 2, Item 7, is subject to two key conditions.

(1): The provision that states, "Nothing in the charter justifies..." is intended to uphold and honour the sovereignty of individual states and their respective entities.

(2): It is crucial to establish the necessary conditions and factors about personal and subject matter jurisdiction, which enable the United Nations (UN) to intervene to accomplish the unalterable objectives outlined in Article (1), Items (1, 2). This intervention is conducted to address matters within the jurisdiction of member states(7). This is demonstrated in the provision, "…. This principle does not suspend applying repressive measures, stated in chapter seven".

Article (2), Item (7) delineates the role of state identity in preventing unwarranted interference in its internal jurisdiction. It governs the relationship between the United Nations (UN) charter as a legal system and a specific legal entity represented by the state and its internal jurisdiction. If the legal system, as defined by the exception outlined in Article (2), Item (7), permits intervention, it

for the state while restricting this immunity in case intervention factors emerge. This implies that intervention right remains restricted with some warranties for the state. Therefore, such a right can never be considered independent to allow the UN trespass state sovereignly, a basic rule in Article (2), Item (7). The Item discloses jurisdiction of the UN bodies within the legal framework set for the requirements to protect international peace and security and to achieve the general international interest".

(6) "Having the legal foundation for intervention in accordance with the provision of Article (2), Item (7) that correlates with provisions of Article (25), (39), doesn't exempt the UN from observing controls and restrictions to practice jurisdiction. One of the legal trespass terms in executing provisions of Articles (41) and (42) is applying the decision withing the legitimate rights and within the clearly state provisions to achieve a limited goal which is restoring international peace and security".

(7) "This demonstrates that intervention right is an exceptional situation that contradicts with what is stipulated on in the original provision in sentence (1) Article (2), Item (7) in which non-intervention is the basic issue. So, protecting state sovereignty is the first to be protected. The last sentence reinforces this protection and calls for defending state sovereignty if violated by another state. If the legislator confined intervention right to availability of conditionsin which jurisdiction is achieved, provisions of Article (3), Item (4) and Article (25) affirm that".

must be carried out in accordance with regulatory rules that preserve the stability of state sovereignty, the rights of member states, and the safeguarding of international peace and security. If the UN is granted intervention authority, it must adhere to a set of restrictions and procedures to uphold these rights[8]. (Shalabi's, 1985), (Bothe, 2020) .

If the rationale for intervening in the domestic affairs of member states is deemed to be justified, it should be in support of state sovereignty. The exception described in Article (2), Item (7) can be analysed from an alternative perspective, proposing that intervention lacks legal justification unless there are established legal grounds that align with the jurisdiction exercised by the United Nations[9].

Controversial relationship between international protection of human rights and state sovereignty in light of objective interpretation of Article (2), Item (7).

The commitment to abide by the charter provisions and principles of general international law involves an undertaking to respect human rights and basic freedoms[10].

The objectives of the charter and the provision of Article (2), Item (7) are inseparable. Substantial and legal actions of the UN are based on a traditional legal base formed through intervention to protect human rights and a legal, contractual agreement with relevant international ones "The Oxford Handbook of International Security 2018". The legal impacts and commitments that determine internal jurisdiction in relation to the expansion of international ones are based on traditional regulations and agreements (Crawford, 2021). As for deterministic jurisdiction, a jurisdiction that does not relate to any traditional legal regulation or international agreement cannot be invoked against state members, except in cases where it is accepted, implicitly or explicitly, along with the consequences[11].

([8]) "If intervention is deemed nessary to impose the general legal system of the Charter and to secure jurisdiction functionality, Article (2), Item (7) provides the right to internal in the internal jurisdiction of member states through the power of law. Thus, the content of the provision of this Article emphasizes independence of internal affairs of state member that is not the responsibility of the UN according to the Charter ".

([9]) " The exception reflects that intervention has, as it is restricted by certain elements of jurisdiction. Putting these restricting elements aside denies legal rights of member states, especially that of internal jurisdiction. Overriding any element is a violation of non-intervention and an expansion of its concept which constitutes an exception of practicing jurisdiction with reference to chapter seven provisions".

([10]) " The literal interpretation of Article (2), Item (7) does not help understand the intention of international legislator in identifying the concept and limitation of international jurisdiction. Provision (3) of human rights in the Charter is generic, not specific. Article (2), Item (7) distinguished two legal systems: state sovereignty and international jurisdiction which was interrelated. Overlapping between internal and international jurisdictions stems from international commitments in the field of human rights which cannot be applied except through internal jurisdiction, in other words, the sovereign state. Thus, it is impossible to absolutely separate state sovereignty and achievement of UN goals with respect to human rights"

([11]) "There are two viewpoints regarding this issue: one assures that states don't abide by anything except by what is stipulated on in the Charter regarding determined obligations relevant to

Thus, the intervention that is done to execute a traditional regulation or agreement leaves direct impacts, which can be invoked for the binding quality they derive from the stated sources.

According to this concept, Article (2), Item (7) did not allow deviation from the UN charter concerning immunity, as it was short of issues of internal jurisdiction that did not involve general international obligation[12].

According to Article 2, sovereignty is contingent on international conventions and agreements. Based on that, there is no justification for limiting international jurisdiction to some instances rather than others, as this would repeal the principle of plenary equality between the two jurisdictions. What ensues is that the UN is allowed to interfere in the reserved rights of the state because the Charter does not consider state sovereignty to be a greater power than international obligations, as per the Charter's provisions and procedures, which align with the UN's objectives. Therefore, the interpretation of Article (2), Item (7) should be understood within the integrative concept of the Charter. The two jurisdictions are interrelated. The first, the internal, can be achieved whenever the international will does not impose the general international obligation.

In contrast, the second can be achieved by restricting internal jurisdiction in the interest of the general international community. The UN, henceforth, only intervenes in the negative case, which is a matter of internal jurisdiction, and never intervenes in the positive one. Thus, the protection of human rights should be excluded from the preserved rights of the state because the goal of intervention is to protect general international interests[13] .

The UN's right to intervene for human rights protection is debated, as it lacks objective basis and complete legal coherence. Interventions often fail to strike a balance between the harm caused by human rights abuses and the damage inflicted by punitive actions against states. Such interventions, while legally sanctioned, pose unjustified risks, as seen in Somalia, Iraq, Rwanda, and ex-Yugoslavia, where goals were not met and UN authority was misused. The controversial nature of intervention decisions renders them increasingly

protection of human rights; the other stems from a legal foundation that human rights are among the UN objectives and that eventually gives it the right to achieve such a goal through legal and material methods found in the Charter, among which are: search, investigation, condemnation, and issuing penal decisions"

([12]) "One can deduce from the provisions of the Article that internal jurisdiction is protected unless restricted by a general international obligation. The state can't disavow general international obligations".

([13]) "This was specified in the Fourth Article of international covenant concerning political and civil rights, which permits suspending dome rights in special cases to take account the sovereignty of the state".

questionable in terms of legality over time, thereby undermining their legitimacy.

In practising the right of intervention, the international community should not only be satisfied with imposing sanctions but also maintain an equilibrium between the violation, the motive behind it, and the purpose of inflicting it. Intervention to protect human rights involves both political and strategic dimensions, yet often lacks a commitment to human rights principles. Such an act overlaps between military objectives and humanitarian work, granting unilateral authorisation to use military power. (14)

Article 2, Item 7 of the UN Charter protects state sovereignty, considering human rights a key goal but not a measure of sovereignty or jurisdiction. Interventions often lack solid legal grounds and vary in approach. Legal justifications are necessary for interventions, as the Charter permits actions against states that threaten the integrity of others (Articles 2 and 4) but do not equate human rights with state sovereignty. States may relinquish some sovereignty for the sake of international interests, peace, and security. This has legal implications for jurisdiction and Chapter 7 provisions, as jurisdiction under Article 24, Item 2 is a legal action in the public interest that is critical to achieving Charter objectives. (15)

human rights protection in the concept of peace and international Including security

The Charter's protected interests are grounded in legal frameworks, with human rights defined by international agreements and treaties. While the Charter safeguards the rights of member states by specifying these frameworks, interventions in their internal affairs are only justified to uphold the provisions of the Charter. However, there is a misalignment between the legal protection of states' rights and interventions for social needs that align with the Charter's goals. The international protection of human rights, as outlined in the Charter, limits the rights of member states through non-Charter regulations, diverging from explicit provisions in the Charter. Thus, the role of rights protection in

(14) "Human intervention to protect human rights mostly leads to counterproductive results. In most cases, it does not achieve humanitarian objectives but augments military repression in the name of the objectives for which a certain decision was taken. Some reports indicated that about half of the money assigned for humanitarian purposes were spent to achieve military goals. In addition, using military power as an excuse for humanitarian action leads to killing civilians and to the destruction of general and private properties".

(15) "Article (24), Item (2) affirms that jurisdiction is an obligation based on authority of the general council reflected in provisions of authorization and chapter (7). Relating this authority to objectives and principles through jurisdiction system does not aim at transferring authorities to the general council and eventually to completely separate itself from member states, but to link jurisdiction to objectives and principles. In light of this concept practicing jurisdiction ascertains the legal nature of the Charter, member states' rights, and the duties assigned for it. Jurisdiction is an extension to achieve aspired goals of Article (1), Items (1, 2, 4, 5, 7)".

shaping member states' rights, as established in the Charter, gains importance (K, Ibsen, United Nations, and the International Law, 2017).

The UN resorts to intervention to achieve its objectives and to prevent threats to peace. It is a means to find a legal justification for imposing non-chartered international obligations to respect human rights. (16)

The UN and Security Council's interventions modify Charter responsibilities, particularly under Article 2's Items 1, 4, 7, and 39, changing legal regulations and the original purpose of these provisions. Chapter Seven, originally intended to address global peace and security threats, is now often used for punitive actions without sufficient jurisdictional evidence. This shift creates new international obligations, making peace and security central to new human rights regulations not explicitly detailed in the Charter.

The UN's intervention in domestic affairs for the protection of human rights has established a new legal framework, integrating individual rights within the context of Chapter 7. This approach redefines international peace and security by linking violations of individual rights with specific obligations on offending countries. The UN's focus on protecting individual rights in internal matters has led to the development of a new theory by the General Assembly and the General Council. This theory recognises the relationship between human rights and the maintenance of international peace and security. Deviations from human rights agreements by states are viewed as breaches of Article 2, Item 4 of the UN Charter, which threatens the regional peace and political independence of member states, thereby justifying sanctions under Chapter 7. (17)

The process of safeguarding human rights is employed to execute the decisions made by the General Assembly regarding the dispatch of investigative committees, as well as the decisions made by the General Council in accordance with the provisions outlined in Articles 41 and 42 of Chapter 7 (Engström & Pegram, 2011). These decisions aim to impose sanctions on the state that has violated human rights and establish the legal and collective right to intervene (Al-Majthoob, 2014) (Alwan, 2020) (Daqqaq, 1992) (Keslen, 1975).

However, including the protection of human rights in the concept of peace and international security is manifested through the following considerations:

(16) "This is why the UN resorts to the term of objectives and threat to international peace to impose respect for human rights. The Charter did not put a procedural legal system to protect these rights, so the legal support for decisions of human bodies are threat of peace and general international interest by which the UN avoids criticism and secures efficacy of legal and penal procedures in this field".

(17) "Threatening regional peace and political independence by a state against another gives the rights for the general council to inflict chapter seven sanctions in accordance with Article (24) provision and eventually take punishment measures in compliance with of provisions of Article 41 and 42".

(1) Consolidate the rule that human rights violations are the substantial factor in threatening peace stipulated in Article (2), Item (4), in addition to expanding the domain of using Article 39 of Chapter 7 despite the absence of the motive behind jurisdiction practice.
(2) Abdicate the pro forma decision on peace and international security concepts and take human rights violations as a major source for implementing sanctions.

The fact that there was no event cited as having violated peace and international security to justify protecting these rights suggests that the UN still has the authority to define what world peace entails and how it should be understood on both practical and moral levels. The condition of violating the provision of Article (2), Item (4), vanishes if the UN decides that the act of the state does not violate international obligations towards human rights. This will exclude recourse to provisions of Articles (39, 2) and Items (4, 7) and will also exclude relating objectives and principles to jurisdiction. This way, the UN utilises its authorities to serve purposes and objectives not stipulated in the chapter by highlighting human rights violations, linking them to the concept of security and international peace. Accordingly, both the General Assembly and the Security Council adapt themselves to the modification and issue a decision that becomes legal, as human rights violations have been proven.

Based on the determination that the event is a breach and a danger to peace, the consequence contradicts the UN's role in attaining peace as outlined in Articles (1), Item (3), Article (2), and Items (4, 7, 24, 39). Here, one can observe the rationale for integrating the safeguarding of human rights with the notion of peace and global security, even if it means sacrificing established regulatory components. The UN makes decisions using the justification of providing humanitarian assistance and enforces legally binding international obligations on member states to uphold human rights despite the lack of a legal foundation for such obligations. Therefore, enforcing a legally binding judgement that upholds human rights necessitates the nullification, alteration, or substitution of an existing legal regulation, resulting in legal consequences. Therefore, the decision regarding human rights is regarded as a legislative measure that alters the notion of peace and global security, and it must be implemented along with its corresponding responsibilities. This is evident in two aspects:
On the one hand, establish specific protocols that must be followed by the states of interest, as well as any other states where peace and global security are at risk. On the other hand, the state members' inability to prevent the exercise of legal international jurisdiction permits intervention, as provided for in the Charter. The concept of peace and international security is expanded to encompass intervention in a country's internal affairs, disregarding the protection of states as outlined in the Charter.

The new authority granted to the UN in general and the Security Council, in particular, to impose obligations to respect human rights negates the idea of

self-jurisdiction in the presence of an executive body that attempts to protect the international community and maintain peace and interrelations (M, 2019).

The modification of incorporating human rights protection into the concept of peace and international security manifests itself in blocking reasons for legal intervention without relying on real events considered to be a threat to peace and international security. This implies that the Security Council establishes new legal rules defining the conditions under which Chapter 7 can be applied. These new rules themselves change the nature and content of existing legal provisions.

Consolidating effective protection of human rights at the expense of state **(7)** legal protection fixed the provision of Article (2), Item

Interference in a state's jurisdiction by the UN must follow the principles outlined in Article 2, Item 7, and Article 39, which together focus on maintaining peace and international security. The Charter sets criteria that allow the UN, particularly the Security Council, to impose sanctions on member states, which are essential for fulfilling its responsibilities and objectives. This enforcement mechanism is activated when member states acknowledge the UN's authority and adhere to the regulations under Article 24. The legal and objective conditions should, however, be taken into consideration before any intervention is undertaken. Researchers assert that the Charter compels UN branches to adhere to its provisions for jurisprudence, particularly those outlined in the aforementioned Articles. From this viewpoint, the UN should not deviate from its established legal jurisdiction.

Disagreement exists among researchers regarding the jurisprudential view that any engagement with the UN automatically creates legal grounds for exercising jurisdiction. While member states might be unable to contest this through Article 1, Item 7, such prevention is not a rule in international issues[18] (Golland- Debbbas, V, 1994).

The expanding jurisdiction of the UN, especially the Security Council, at the cost of state internal jurisdiction, necessitates a reevaluation of Article 2, Item 7. Security Council decisions, often under the guise of human rights protection, frequently involve sanctions against states, as outlined in Chapter 7. However, these decisions sometimes label cases as threats to peace based on significant and systematic human rights violations, relying on personal and political assessments rather than procedural rules outlined in Chapter 7 or established legal and objective criteria. This presents a contradiction between Chapter Seven's provisions, which grant the Security Council intervention rights, and the

([18]) "According to provisions of the Charter, to which members states are committed, this is specifically confined to the violation of Charter provision and to its non-commitment and the assault on regional safety and political independence of any member state. Analysis of Lockerbie case. For more details check".

principles that restrict the use of force in international relations, except in cases of systematic human rights violations.

As a result, the UN possesses the authority to exercise jurisdiction by issuing specific decisions in human rights-related cases and to develop legal methods for their application, along with mechanisms to monitor and prevent violations.

Accordingly, the state is subjected to the authority of the general assembly through its investigatory committees, as well as to the authority of the Security Council, which imposes sanctions as it sees fit in accordance with Articles (41 and 42) and is subjected forcefully to the jurisdiction of both the general assembly and the Security Council, suggesting that the state has accepted the two authorities legally. The jurisdiction should be subjected to a fixed, specified rule and special considerations for the authority given to the Security Council in compliance with Chapter 7. This authority is obligated not to take any legal action against any state unless there is a threat to peace and international security[19] (Al-Anani) (Kelsen, 1946).

Such an act by the UN in the field of human rights provides a new traditional legal rule in which actual protection of human rights outweighs the state legal protection fixed in the provisions of Article (2), Item (7).

The new rule for intervention weakens the concept of internal jurisdiction. It is considered a legal system separate from Charter provisions, void of any actual event that threatens peace and international security. This rule does neither belong to the general system of the extant Charter nor does it belong to the interest protected in compliance with provisions of Articles (1), Item (3), (2), Item (4), besides Articles (7) and (39).

Consequently, the Security Council's intervention, which is based on its jurisdictional authority, is no longer confined to the limits of application or the actual event; it is the Council's individual decision to use its non-conditional authority that implies emptying Article 39 of its objective elements. The result will be intervention in the state's internal jurisdiction under the guise of protecting human rights. It was done without any evidence of the presence of any event that threatens international peace, as stated in Article 2, Item 7.

This way, the Security Council gives itself the authority to violate the territorial sovereignty of a state without providing any objective evidence that international security is at risk. The researchers believed this was reflected in the implicit and open agreement of member states to abide by this kind of jurisdiction. They showed positive and negative responses to the decisions issued against the state, hence approving intervention.

([19]) " According to this, the Security Council jurisdiction and sanction procedures were founded on legal bases included in the provision of Article (39). Consequently, the council's duty is limited to applying Charter's provisions to the violating state when in actuality there has been a threat to international security. Such a thing consolidates the opinion that the Security Council can't issue penal decisions against any state unless there is an actual threat to peace. For more details, check "

Individual rulings of the International Court of Justice in the Lockerbie case affirm the above-mentioned point. The judge, Weermantry, confirmed the peremptory nature of Security Council decisions, which the court could never review. He said, "The decision on any case by the Security Council is correct according to Chapter 7. It is not a case that the court can look into" [20] (Bowett, 1994).

The Judge, Oda, confirmed in his statement that "The Security Council decision concerning jurisdiction practice was correct and could never be easily appealed against" (Reports, 1992).

Hence, judges' rulings align with the widening UN practices, specifically those of the Security Council, regarding its actions to protect human rights in compliance with jurisdictional authorities[21] (Bailey, 1975).

It is noteworthy that the UN consolidates a new rule to interfere in state sovereignty through a fixed legal pretext in compliance with Article (1), Item (3), and Chapter 7. It endeavours to actualise this will through actual intervention, putting the state under its control. This, in turn, constitutes a new arguable role for the UN as it emasculates the personal and territorial identity of the state at the geographical level. At another level, the new development reduces the legal protection afforded to member states, as stipulated in Article 2, Item 7.

Reducing the rights of member states fixed in the charter

Examining the relationship between the rights of member states and the defence of human rights requires an examination of UN authority in accordance with Charter provisions and waivers in particular areas. This involves the existing legal relationship between the UN's right to interfere in a state's internal jurisdiction and the legal status of member states as outlined in the Charter. This understanding requires explaining the regulatory foundations of Article 39, Article 2, Article (2), and Item (7) to evaluate the legitimacy of UN actions and their impact on the rights of member states.

Examining such a relation between the Articles mentioned above should be studied in light of these facts:

- Recognizing the UN's right to intervene in the internal jurisdiction of member states to restrict their rights.
- The right of the UN to intervene to protect human rights should be interpreted within the objective and procedural rules that govern jurisdiction.

([20]) " The Charter specified certain conditions to legalize authorities and practices of the Security Council. Such things were fixed in Article 91), Item (1) and Article (2), Items (4, 7) besides Articles (24, 39). These should be respected when the council exercises its authorities to secure legal peace for member states, thus widening such authorities. For more details check: "

([21]) " On limitations of Security Council authorities"

- The UN has the right to impose obligatory decisions because it maintains the legal authority based on Articles 24, 39, and 51.

Based on the facts above, the relationship between the UN's right to interfere to protect human rights and the rights of member states is subject to the legal system specified in the Charter. Article 39 is a legal extension of the exception stipulated in the provision of Article (2), Item (7), in which member states frankly acknowledge the right of the UN to interfere in their internal jurisdiction in accordance with the terms specified in the provision of Article 39, which might have an expandable interpretation in two domains:

First domains: The UN's legal dimension in achieving its objectives and the general international interest in relation to human rights.

Second domains: The concept of threat to peace and international security and its objective elements.

Articles 39 and 1, along with Item 3 of the UN Charter, do not provide clear criteria for defining threats to peace and human rights, granting the Security Council broad authority without specific guidelines. This lack of clarity affects the balance between the UN's intervention rights in the context of human rights and the rights of member states. The Security Council can issue legal decisions under Article 1, Item 3, in cases identified as threats to international peace, potentially limiting the ability of member states to prevent intervention.

However, the Council's decisions are influenced by moral factors with legal consequences. When substantive elements for human rights protection are present, it restricts the UN from achieving its objectives and exercising jurisdiction, marking an end to the Security Council's discretionary authority. Recognizing an event as a peace threat due to human rights violations must be based on a legal framework. Any deviation by the Security Council from these elements constitutes a breach of the Charter's provisions on its jurisdiction and authority under Chapter 7. Thus, the Council's actions can be seen as an infringement on state sovereignty, internal jurisdiction, and the rights of member states as stipulated in the Charter[(22)] (Abdul Hameed, 1987) (Shiab, 2008).

Human rights are pivotal in international decision-making, requiring a balance with the rights of member states under the UN Charter while addressing violations. Limiting state sovereignty and imposing sanctions for human rights violations should not entirely undermine the principle of state sovereignty. The Charter upholds state sovereignty within the UN framework, ensuring a balance between states' rights and responsibilities and aligning with global interests. Prioritising peace and international security, human rights protection must be governed by legal norms that respect the rights of member states. The Charter's authority should be effectively asserted to achieve these goals.

(22) " Regarding the principle of non-intervention"

Intervening to protect human rights represents the UN's unilateral legal enforcement, focusing on member state rights not explicitly defined in the Charter as specific legal rules. Recognising human rights protection as a key UN objective, such interventions should not contravene the Charter's fundamental principles. This approach emphasises the importance of respecting established norms while pursuing human rights objectives within the UN's mandate(23) .

Without any specific controls, the UN may be partially violating the Charter by separating state rights from general legal objectives. The UN, when discussing issues of human rights violations, sending investigative committees, and issuing sanctions, faces two compelling cases in favour of intervention to protect such rights. These are:

(1) Positive adaptation that involves the compatibility of intervention with relevant principles and international agreements and interests.

(2) Negative adaptability that involves reducing the rights of member states fixed in the Charter and overweighing objective criteria and relevant international agreements over the original rights fixed in the Charter.

In the preceding discussions, it was noted that the UN Charter needs to be reviewed to avoid the UN's unilateral legal role in human rights protection, thereby establishing a balanced relationship between objectives and human rights as stated in the Charter(24).

The current legal situation theoretically separates the charter's objectives and general international interest from the rights of member states. It is based on the inadequacy of existing rules with a legal foundation to fulfil the UN's duty of protecting human rights. As an intervention to protect these rights aims to achieve general international interest, which is the execution of charter objectives,

(23) " On December 31, 1992, in session No. (3046) held at the level of heads of states and governments, the security council discussed the issue of intervention to protect human rights and its relation to peace and international security. It attempted to correlate intervention to Charter objectives permitting interference in internal jurisdiction. At the end of the deliberation, a communique was issued in the name of Security Council with the following: council members believe that new international conditions which emerged entrusted the council with new responsibilities to protect peace and international security to promote democracy and to create legal responsive sovereignties. The members noticed that the UN responsibilities have been broadened the last few years. Monitoring elections, securing respect for human rights, and refugees repatriation became an inseparable part of the efforts exerted by the council to settle regional disputes. No wars and military disputes among states is not a guarantee for protecting peace and international security; political and social instability constitutes a threat for peace. Therefore, it is necessary that UN member states as a whole should give this a priority to solve such disputes. "

(24) "Examples: committee on human rights, stemming from international covenant on civil and political rights, committee for eliminating racial discrimination, arising from international agreement to eliminate all forms of racial discrimination, committee against torture etc."

member states' rights and objectives are then determined through legal terms in the charter.

The international agreements regulating human rights are no longer confined to regulation and protection but also extend to reducing member state rights, as outlined in the Charter, and determining the scope of Charter protection. Consequently, such agreements retain a supreme chartered foundation. Thus, member states have a pure theoretical legislative value(25) .

International agreements determine human rights, and the Charter determines sanction procedures. As charter terms involve the rights of member states and restrict them in some instances, sanctioning intervention to protect human rights contradicts the principle of legitimacy. Therefore, international legislators should interfere in such a case to determine the protection of human rights through explicit provisions to eliminate the contradiction between the right of intervention and human rights issues to merge the international non-chartered rule with the extant authorization to use chartered sanction procedures; and until the provisions fixed to impose international obligations towards human rights with chartered provisions that permit restricting member states rights become inseparable.

Conclusion:

The paper identified the difficulty of striking a balance between the sovereign rights of the member states and the intervention rights of the United Nations as part of its obligation to protect human rights. Particular attention has been drawn to the fact that, in practice, UN interventions often circumvent the procedural safeguards contained in the Charter, using as an alternative a broader objective, such as the maintenance of international peace and security. This discrepancy highlights the current system's inability to strike a proper balance between state sovereignty and international human rights commitments.

The paper recommends that the international legislator specify the scope of the rights of intervention to make their practice fully compatible with the legal provisions of the Charter; such selection criteria would remove the presently existing contradictions, establish a coherent legal framework, and increase the legitimacy of the interventions performed under the mantle of human rights protection.

Results:

1. The Contradiction Between the Right to Intervene and State Sovereignty: There are no explicit provisions that eliminate the state of contradiction between the right of intervention for considerations related to the threat to international peace and security and the rights of states enshrined in the Charter, as intervention is not subject to a rule of reconciliation between

(25) " When the UN embarks issuing condemnation decisions against human rights violations in accordance with relevant international agreements and impose sanction measures, it clearly decreases rights of member states".

respect for the internal jurisdiction of the state, contrary to what is stated in Article 2(7) of the Charter. This has resulted in shifting the issue of intervention from a legal character to a political one.

2. The Right to Intervene as a Discretionary Authority: The General Assembly and the Security Council have the authority to issue resolutions establishing the right of intervention for the protection of human rights, which are not explicitly provided for in the Charter. Intervention, as determined by the Security Council based on its discretionary authority, implies the right to encroach upon a state's territorial sovereignty, even when the situation upon which the necessity of intervention is based lacks an objective character, such as a situation resulting in an actual threat to peace and security. This necessarily means emptying Article 39 of the Charter of its objective elements, i.e., the absence of a causal link between the act constituting a threat to peace and the exception provided in Article 2(7) of the Charter.
3. UN Resolutions and Legislative Amendments to the Concept of Peace and Security: The resolutions issued by the United Nations based on the occurrence of serious violations of human rights take on a legislative nature by modifying the concept of international peace and security without being subject to the procedural rules required by the provisions of the Charter in .general, and Chapter VII in particular

Recommendations

After an analytical discussion of the topic of this study, the researchers would like to recommend:

1. To resolve the conflict between human rights intervention and the rights of member states as outlined in the UN Charter, international legislators require explicit provisions defining intervention rights. They should integrate non-chartered international rules with the authority for sanctioned Charter procedures. Provisions for imposing international human rights obligations must also align with Charter provisions that permit the restriction of member states' rights.
2. The concept of peace and international security should encompass the protection of human rights, with a new rule stipulating that human rights violations constitute substantial threats to peace under Article 2, Item 4. This rule should also broaden the use of Article 39 by defining responsibilities under Chapter 7.
3. There is a need to amend the UN Charter by establishing procedural laws for human rights protection, providing UN bodies with a legal basis for intervention in situations that threaten peace for the general international interest. This would ensure that interventions are legally sound, enabling effective legal actions and sanctions to be taken.

Notes

1) The Security Council must ensure that a state's actions constitute a Charter violation, as outlined in Article 24, Items 1 & 2. Its decisions should balance duty with discretion, requiring material evidence of Charter rule violations.
2) Legal grounds for intervention under Article 2, Item 7, along with Articles 25 and 39, oblige the UN to adhere to jurisdictional controls and restrictions. Implementing Articles 41 and 42 necessitates legal discretion, ensuring decisions fall within legislative boundaries to restore international peace and security. The conjunction of intervention and non-intervention in one Article suggests a nuanced relationship, making non-intervention exceptional and legally permissible only under Chapter 7's terms, correlating with actual Charter violations.
3) Article 2, Item 7's later sections recognise state immunity, limiting it when intervention criteria are met, thereby safeguarding state sovereignty. This arrangement implies that UN intervention cannot override state sovereignty, aligning with the Charter's goals of maintaining international peace, security, and general interest. Therefore, the UN's intervention rights are conditional and must respect established legal frameworks.
4) This underscores that the right to intervene is an exceptional circumstance, contrasting the non-intervention principle in Article 2, Item 7's first sentence. Protecting state sovereignty is primary, with the last sentence reinforcing this protection and defending sovereignty against violations by other states. The legislator limits intervention rights to specific conditions, as affirmed by Article 3, Item 4, and Article 25.
5) If intervention is essential for implementing the Charter's legal system and ensuring jurisdictional effectiveness, Article 2, Item 7 permits interference in member states' internal affairs through legal authority. However, the Article's provision emphasises that the independence of member states' internal affairs is not the UN's responsibility, according to the Charter.
6) Jurisdictional elements bind the exception to intervention. Disregarding these elements compromises the legal rights of member states, particularly in their internal jurisdiction. Overriding any element violates the non-intervention principle and broadens its scope, thereby constituting an exception to the exercise of jurisdiction under Chapter 7.
7) A literal interpretation of Article 2, Item 7 does not fully capture the international legislators' intent regarding international jurisdiction's scope and limits. The Charter's human rights provisions are broad and not specific. Article 2, Item 7 distinguishes two legal systems—state sovereignty and international jurisdiction—which are interconnected. The overlap between internal and international jurisdictions is due to international human rights commitments, which require implementation

through the exercise of state sovereignty. Therefore, state sovereignty and achieving UN human rights goals cannot be separated.

8) There are two viewpoints regarding this issue. One assures that states do not abide by anything except by what is stipulated in the Charter regarding determined obligations relevant to the protection of human rights; the other stems from a legal foundation that human rights are among the UN objectives and that eventually gives it the right to achieve such a goal through legal and material methods found in the Charter among which are search, investigation, condemnation, and issuing penal decisions.
9) One can deduce from the provision of the Article that internal jurisdiction is protected unless restricted by a general international obligation. The state cannot disavow general international obligations.
10) This was specified in the Fourth Article of the international covenant concerning political and civil rights, which permits suspending dome rights in special cases to consider the sovereignty of the state.
11) Humanitarian interventions to protect human rights often lead to unintended consequences, sometimes failing to meet their humanitarian objectives and even escalating military repression. Reports indicate that significant funds allocated for humanitarian aid are diverted for military purposes, and the use of military force under humanitarian pretexts can result in civilian casualties and property destruction.
12) Article 24, Item 2 of the UN Charter establishes that jurisdiction is an obligation tied to the authority of the General Council, as reflected in the provisions of authorization and Chapter 7. This authority is linked to objectives and principles through the jurisdiction system, not to transfer powers to the General Council but to align jurisdiction with objectives and principles. This approach ensures the legal nature of the Charter, the rights of member states, and their assigned duties, which extend to fulfilling the goals of Article 1, Items 1, 2, 4, and 5.
13) The UN uses terms like "objectives" and "threat to international peace" to enforce respect for human rights, as the Charter lacks a procedural legal system for their protection. The legal basis for decisions by UN bodies is framed as a threat to peace and general international interest, allowing the UN to avoid criticism and ensure effective legal and penal actions.
14) When a state threatens regional peace and political independence, the General Council has the right to impose Chapter 7 sanctions, per Article 24, and take punitive measures in line with Articles 41 and 42.
15) 15) This was stipulated in Articles (1), Items (1, 2, 7, 39) and Article 55 of the UN Charter collective intervention in compliance with the charter. For more details, check the book of Mohammed Al-Majthoob,

"International Regulation: Public Theory, Regional and International Organizations". Beirut: University House, 2014, 197-200; Alwan, Abdul Karim, Mediator in Public International Law, 4th, ed. Amman: Dar Al-Thaqafa Library, 2020, 28-30; Mohammed Daqqaq, International Regulation, fourth. Ed. Beirut: University House, 1992, 328-355 and Keslen, H. "The Law of the United Nation". London, 1975 p. 238.

16) Under the UN Charter, member states are bound to adhere to its provisions, specifically concerning violations, non-compliance, and actions that threaten regional safety and political independence. This is exemplified in the Lockerbie case, which highlights the interaction between the International Court of Justice and the Security Council. For an in-depth exploration, refer to V. Golland-Debbas's study in the American Journal of International Law (1994), focusing on the Lockerbie incident.

17) 17) According to this, the Security Council's jurisdiction and sanction procedures were founded on legal bases included in the provision of Article (39). Consequently, the council's duty is limited to applying the charter's provisions to the violating state when, in actuality, there has been a threat to international security. Such a thing consolidates the opinion that the Security Council cannot issue penal decisions against any state unless there is an actual threat to peace. For more details, check Al-Anani, Ibrahim. "International Organizations" p, 52; Kelsen, H., "Organization and Procedure of the Security Council of the United Nations". Harvard Law Review, 1946, Vol. 59, 1091-1127.

18) The charter specified certain conditions to legalize the authorities and practices of the Security Council. Such things were fixed in Article (91), Item (1), Article (2), and Items (4, 7) besides Articles (24, 39). These should be respected when the council exercises its authorities to secure legal peace for member states, thus expanding such authorities; for more details, see Bowett, D., "The Impact of Security Council on Dispute Settlement Procedures," European Journal of International Law, No. 5, 1994, pp. 88-82.

19) ICJ Reports 1992, (17) 129.

20) On December 31, 1992, in session No. (3046) held at the level of heads of state and governments, the Security Council discussed the issue of intervention to protect human rights and its relation to peace and international security. It attempted to correlate intervention to charter objectives permitting interference in internal jurisdiction. At the end of the deliberation, a communiqué was issued in the name of the Security Council with the following: The council members believe that the new international conditions that have emerged have entrusted the council with new responsibilities to protect peace and international security, promoting democracy and creating legal, responsive sovereignties. The members

noticed that the UN's responsibilities have been broadened over the last few years. Monitoring elections, securing respect for human rights, and facilitating refugee repatriation became an inseparable part of the council's efforts to settle regional disputes. No wars and military disputes among states are not a guarantee for protecting peace and international security; political and social instability constitutes a threat to peace. Therefore, UN member states as a whole should prioritise this to resolve such disputes.

21) Examples: Committee on Human Rights, stemming from the International Covenant on Civil and Political Rights; Committee for Eliminating Racial Discrimination, arising from the international agreement to eliminate all forms of racial discrimination; Committee against Torture, etc.

22) When the UN issues condemnation decisions against human rights violations in accordance with relevant international agreements and imposes sanction measures, it limits the rights of member states.

References

Abu Al-Wafa, A. (2000). *International Protection of Human Rights within the Framework of United Nations and Specialized Agencies.* Cairo: Al-Nahda Al- Arabiya.

Abu Al-Wafa, A. (2000). *International Protection of Human Rights within the Framework of United Nations and Specialized Agencies.* Cairo: Al-Nahda Al- Arabiya.

Abu Heif, A. (2017). *General International Law;.* Alexandria: Al-Maarif.

Al-Anani, I. (n.d.). *International Organizations.*

Al-Jalabi, H. (1970). *Principles of United Nations and Its Organizational characteristics.* Arab League circulations: Institute of Research and studies.

Al-Majthoob, M. (2014). *International Regulation: Public Theory, Regional and International Organizations.* Beirut: University House.

Al-Majthoob, M. (2014). *International Regulation: Public Theory, Regional and International Organizations.* Beirut: University House.

Alwan, A. K. (2020). *Mediator in Public International Law.* Amman: Dar Al-Thaqafa.

Bailey, S. (1975). *The Procedure of the United Nation Security Council.* Oxford Calendar Press.

Bothe, M. (2020). *Peacekeeping and International Law.* Routledge.

Bowett, D. (1994). *The Impact of Security Council on Dispute Settlement Procedures.* European Journal of International Law.

Crawford, J. (2021). *Brownlie's Principles of Public International Law.* Oxford University Press.

Daqqaq, M. (1992). *International Regulation.* Beirut: University House.

Engström, P., & Pegram, T. (2011). *Responsibility to Protect and the Coercive Enforcement of Human Rights.* l. RELX Group (Netherlands): In P. Engström & T. Pegram, SSRN Electronic Journa. Retrieved from https://doi.org/10.2139/ssrn.2004335

Golland- Debbbas, V .(1994) .*The Relationship between the International Court of Justice and the Security Council in Light of the Lockerbie Case* .American Journal of International Law.

H. Kelsen .(1946) .*Organization and Procedure of the Security Council of the United Nation* . Harvard Law Review.

Hashim, Z. (1951). *The United Nations.* Cairo.

Ismael, M. A. (1982). *Synopsis of International Organizations.* Cairo: University Book House.

K, Ibsen. (2017). *United Nations, and the International Law.*

K, Ibsen. (2017). *United Nations, and the International Law.*

Keslen, H. (1975). *The Law of the United Nation.* London.

M, R. (2019). *Universaller Menschenrechtsshulz and Voelkerrechtliches Gewaltverbot.* Kolen.

Mufeed Shiab .(2008) .*International Organizations* .(10 المجلد) Cairo: Al-Nahda Al-Arabiya House.

Ratib, A. (1996). *International organizations: A Theoretical and Empirical Study.* Cairo: Dar An Nahda Al-Arabiya.

Reports, I. (1992).

Ritterband. M .(2019) .*Universaller Menschenrechtsshulz and Voelkerrechtliches Gewaltverbot* .Kolen.

Sami Abdul Hameed .(1987) .*Laws of International Organizations* .Alexandria: The UN.

Shalabi's, I. (1985). *Origins of International Regulation.* Beirut: University House.

The Oxford Handbook of International Security. (2018). Oxford University Press, In Oxford University Press eBooks. Retrieved from https://doi.org/10.1093/oxfordhb/9780198777854.001.0001

Thirlway, H. (2022). *The Sources of International Law.* Oxford University Press.