

Forum: Human Rights Committee

Issue: Standardising the Rights of Nations to Intervene On Grounds of Humanitarian Security

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Introduction:

In the realm of global affairs, the standardisation of nations' rights to intervene on grounds of humanitarian security is a topic of profound significance. As Eleanor Roosevelt astutely noted, "Where, after all, do universal human rights begin? In small places, close to home." This sentiment encapsulates the challenge the world faces in striking a delicate balance between upholding human rights and respecting principles of state sovereignty. Remarkably, more than 135 million people worldwide require humanitarian assistance and protection due to conflicts and crises, according to the United Nations.

Debates surrounding humanitarian interventions have been robust and intricate, with a wide array of perspectives. As Kofi Annan once pondered, "If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violations of human rights that offend every precept of our common humanity?" This question underscores the ethical quandary confronting the international community. The Human Rights Committee has a unique opportunity to delve into this complex issue, meticulously examining diverse perspectives, regional dynamics, and legal frameworks. Through collaborative efforts and thoughtful analysis, the committee's goal is to chart a course towards the standardisation of interventions on grounds of humanitarian security, thus fostering a more just and secure world for all.

Definition of Key Terms

1. **Humanitarian Security:** the protection of individual safety, dignity, and well-being at both the national and international levels.
2. **Humanitarian Intervention:** The threat or use of military force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied.
3. **Domain Reservé:** The areas of State activity that are internal or domestic affairs of a State.
4. **Coalition:** An alliance for combined action, especially a temporary alliance of political parties forming a government or of states.
5. **State Sovereignty:** The legal authority and responsibility of an independent state to govern and regulate its political affairs without foreign interference.

Background Information

The customary international law concept of humanitarian intervention dates back to the 17th century, but it has been superseded by the UN Charter, which prohibited the use of force in international relations with the exception of two cases: UN Security Council action taken under Chapter VII of the UN Charter, and self-defence against an armed-attack.

The debate on humanitarian intervention has been ongoing in public international law since the 19th century. The first historical example that could be found, of which a state intervenes another on grounds of humanitarian concerns, was during the Greek War of Independence in the early 19th century. During the war, Britain, France and Russia intervened in a naval engagement at Navarino in 1827, in order to secure for the Greeks independence from the Ottoman Empire. Since then, there have been constant attempts for states to intervene in foreign affairs on humanitarian grounds, and the debate on humanitarian intervention has been ongoing for centuries.

Main Events in History

Vietnamese intervention in Cambodia (1978)

During the Vietnam War, Vietnamese and Cambodian communists formed an alliance against the U.S.-backed army in their respective countries. Despite their cooperation, the Khmer Rouge leadership in Kampuchea feared that Vietnam would eventually dominate them, thus deciding to launch attacks on Vietnam.

The Cambodian-Vietnamese war began when the Liberation Army of Kampuchea (now Cambodia) repeatedly attacked the southwestern borders of Vietnam, particularly the Ba Chúc massacre, which killed over 3000 Vietnamese civilians.

On 25th of Dec 1978, Vietnam launched a full-scale invasion towards Kampuchea and subsequently removed their communist government. Since Pol Pot (then leader of Kampuchea)'s government was responsible for the deaths of almost a quarter of the Cambodian population during the Cambodian genocide throughout 1978, Vietnam ended the rule of his government and therefore the genocide, thus the intervention can be classified as a case of humanitarian intervention.

NATO bombing of Yugoslavia (1999)

During the Kosovo War in Yugoslavia in 1999, NATO (North Atlantic Treaty Organisation) carried out an aerial bombing campaign against Yugoslavia. This campaign, starting from 24th of March and lasted until 10 June, was an important turning point in international views on the topic of humanitarian interventions. The campaign was prompted by the ethnic cleansing of Albanians by Yugoslavia, which drove them into neighbouring countries and had the potential to destabilise the region.

Before beginning the campaign, NATO had attempted to gain UN's approval for military action, but China and Russia opposed this, and declared that they will veto it if it is presented to the Security Council. NATO then launched its campaign without the UN's approval, stating that it is a humanitarian intervention and therefore justifiable. This sparked controversy internationally since the UN charter states that military force is to be used in only two circumstances: a decision by the Security Council under Chapter VII, and self-defence against an armed attack. The campaign meets neither of these.

The bombing, killing about 1,000 members of the Yugoslav security forces in addition to between 489 and 528 civilians, continued until the withdrawal of Yugoslav armed forces from Kosovo and the establishment of the United Nations Interim Administration Mission in Kosovo, a UN peacekeeping mission. Because of the legality issues regarding the campaign, many started to question the legitimacy of the intervention, making the subject of humanitarian intervention an even more compelling foreign policy issue.

The Impact

After the Cold War, there has been a massive increase in humanitarian interventions worldwide, and the subjects of these interventions expanded beyond only religiously and ethnically similar groups to encompass all people. Until this day, the topic of humanitarian intervention is still a heated and controversial topic of discussion internationally.

Current Situation

The international community faces significant challenges in determining when and how to intervene on grounds of humanitarian security. Differing opinions exist regarding the legality, legitimacy, and effectiveness of such interventions. While some argue for a robust framework to authorise interventions, others emphasise the importance of respecting state sovereignty and non-interference principles.

Despite mostly agreeing that interventions should be undertaken multilaterally, there are still ambiguities over which particular agents should act in response to mass violations of human rights. There have been constant questions of effectiveness, conduct and motives of the intervener. While some insist that the use of force in humanitarian interventions is crucial for resolving grave human rights violations, criticisms view humanitarian interventions as a mode of liberal imperialism that acts against the sovereignty of states. Neither side could convince the other, resulting in a much-divided current state on the topic of humanitarian interventions.

Legality Issues

The formation of a regime regarding humanitarian intervention faces difficulties because of the relevant international framework devised by the UN Charter (UNC). In particular, the idea of humanitarian intervention conflicts with the sovereign equality of states, the obligation to settle disputes peacefully, and the prohibition of the use of force (Chapter VII) and the principle of non-intervention in the domain *reservé* (reserved domain) of states.

With the broad prohibition under the UNC, the right to self-defence has often been brought up in conjunction with humanitarian interventions as a potential valid and legal reason for a country to use force on humanitarian grounds. One example would be Vietnam's involvement in Democratic Kampuchea (now Cambodia) in 1978. However, the cases which use self-defence to justify the use of force usually have other intentions, the humanitarian aspect is merely an add-on.

State Sovereignty

The sovereignty of states is both historically and currently at the heart of the international legal order. The concept of sovereignty functions as both a ban on the use of force and the prohibition of intervention, as it entails the freedom of individual states to independently shape their internal order and external relations. Humanitarian intervention is therefore in direct conflict with this, since an intervention always implies forcible interference against the will of the lawful government that is affected, irrespective of the motive of the action. Thus, the controversy lies within the question of whether or not human rights could outweigh state sovereignty.

There are vastly different views on whether human rights are inherent features of human society or require a consensus of the agents that are subjected to it. The former naturalist view could potentially provide a justification for individual states to intervene in foreign affairs, whereas the latter consensualist view is more focused on reaching on agreements amongst states whether a particular human right is accepted, and as a result, whether its violation may justify a forcible interference in another state.

Legitimacy

Controversy arises from concerns about potential misuse of interventions, unintended consequences and the absence of clear criteria to determine the

legitimacy of a humanitarian intervention. Critics state that these interventions could be used as a pretext for powerful nations to advance their own interests or engage in regime change under the guise of protecting population. Some sceptics also argue that interventions may lead to unintended consequences, such as further destabilisation, prolonged conflicts, or violations of the rights of the very people they aim to protect. There are too many uncertainties in an intervention, much less an intervention on humanitarian grounds.

Moreover, the lack of clear and standardised criteria for determining the legitimacy of interventions adds to that controversy, as different interpretations and assessments of crises and risks can lead to varying justifications for interventions. Resolving the controversies surrounding the legitimacy of humanitarian intervention requires careful deliberation, robust international dialogue, and the establishment of clear criteria and mechanisms to assess the severity of crises and the legitimacy of interventions, while considering the long-term implications and potential risks involved.

Major Parties Involved and Their Views

The United Nations

The United Nations holds a complex and evolving view on the topic of humanitarian intervention. While the UN recognizes the need to protect populations from mass atrocities and human rights violations, it also upholds the principles of state sovereignty and the prohibition of the use of force. The UN's approach to humanitarian intervention is characterised by a case-by-case analysis, considering the severity of the situation, legitimacy, and the availability of diplomatic and non-coercive measures. The UN's stance is guided by the principles of the UN Charter and relevant resolutions, aiming to strike a balance between protecting populations and respecting state sovereignty.

The United States of America

The United States has historically supported a proactive stance on humanitarian intervention, asserting the responsibility to protect vulnerable

populations from mass atrocities and human rights abuses. In a speech to the United Nations in 2005, then-U.S. President George W. Bush stated, "If a government is unwilling to protect its own citizens, the international community must act." [*United Nations General Assembly, 2005*]. This reflects the U.S. position that intervention is necessary when national authorities fail to fulfil their obligations. Notably, the United States has been involved in several humanitarian interventions, including the intervention in Kosovo, Yugoslavia in 1999. The U.S. views such interventions as a means to uphold universal values and promote peace and stability, while recognizing the importance of respecting the principles of international law and garnering international support for interventions.

The United Kingdom

The United Kingdom holds a principled stance on humanitarian intervention, emphasising the responsibility to protect vulnerable populations from mass atrocities and human rights violations. The UK government has expressed its commitment to the Responsibility to Protect (R2P) principle, as Former UK Prime Minister David Cameron stated, "We should not stand by and let these things happen... It is not about invading countries; it is about working in partnership to help others build their own state and keep their own people safe." [*The Guardian, 2011*]. The UK has been actively engaged in humanitarian interventions, which demonstrates the UK's belief in the necessity of interventions to prevent mass atrocities and protect human rights, while also recognizing the importance of international cooperation and legitimacy in such actions.

The French Republic

France has been an advocate for humanitarian intervention, emphasising the need to protect vulnerable populations and uphold human rights. Former French President François Hollande stated, "France is a generous nation... Our responsibility is to intervene where human rights are threatened." [*The Guardian, 2012*]. France has been actively involved in various humanitarian interventions, such as its military intervention in Mali in 2013 to counter the threat of Islamist extremism [*Reuters, 2013*]. The country believes in the importance of collective action and international cooperation to address humanitarian crises and prevent mass

atrocities. France's stance indicates its pledge to promote peace, security, and the protection of human rights on the global stage.

People's Republic of China

China's view and stance on the topic of humanitarian intervention prioritise the principles of state sovereignty and non-interference in internal affairs. China has traditionally been cautious about external interventions that may be perceived as undermining these principles, and has expressed concerns about the potential misuse of interventions and interference in the internal affairs of sovereign nations by powerful states. As stated by Chinese Foreign Minister Wang Yi, "The affairs of each country should be handled independently by its people... Respect for sovereignty and non-interference in the internal affairs of other countries is a basic norm of international relations." [*China Daily*, 2019]. China's stance reflects its commitment to upholding the principles of national sovereignty, territorial integrity, and the rights of nations to independently address internal issues.

Russian Federation

Russia's view and stance on humanitarian intervention prioritise the principles of state sovereignty and non-interference in internal affairs. The country has expressed scepticism and reservations about external interventions, particularly those without a clear mandate from the United Nations Security Council. Russia has voiced concerns about the potential misuse of humanitarian interventions for political purposes and the infringement upon state sovereignty. Russian Foreign Minister Sergey Lavrov stated, "We advocate a consistent line in the strict observance of the UN Charter principles, respect for the sovereignty, independence and territorial integrity of states." [*TASS*, 2016]. Russia's stance reflects its commitment to upholding the principles of international law and maintaining the primacy of state sovereignty in addressing internal matters.

UN Involvement, Relevant Resolutions, Treaties and Events

The United Nations plays a crucial role in addressing interventions on grounds of humanitarian security. The Security Council holds the primary responsibility for

maintaining international peace and security, including authorising interventions under Chapter VII of the UN Charter. Additionally, the General Assembly, Human Rights Council, and other UN bodies contribute to the discourse and implementation of measures related to humanitarian security.

Treaties, Conventions and Resolutions

- ***The Genocide Convention (1948):***

This Convention, the first human rights treaty signed by the General Assembly of the United Nations, establishes the legal framework for preventing and punishing the crime of genocide, obligating states to prevent and respond to genocide, including by enacting relevant legislation and punishing perpetrators, “whether they are constitutionally responsible rulers, public officials or private individuals” (Article IV). This obligation, along with the prohibition of committing genocides, has been considered as norms of international customary laws and therefore binding on all States. However, the effectiveness of the Convention depends on how much individual states are willing to translate their commitments into solid actions.

- ***The Responsibility to Protect (R2P):***

Adopted by the UN General Assembly in 2005, R2P establishes the international community's responsibility to protect populations from mass atrocities. It encompasses three pillars: the responsibility of the state to protect its population, the responsibility of the international community to assist states in fulfilling their obligations, and the responsibility of the international community to intervene when states manifestly fail to protect their populations. Up until now, R2P-driven strategies have had a number of successes, including stopping the recurrence of violence in Kenya, the West African cases of Sierra Leone, Liberia, Guinea, Côte d'Ivoire and The Gambia, and in Kyrgyzstan.

- ***Chapter VII:***

This Chapter under the United Nations Charter allows the Security Council to take action in situations where there is a “threat to the peace, breach of the peace or act of aggression”. Chapter VII prohibits the use of

military forces except for decisions made by the Security Council or self-defence. This sets the background for all the controversies and disputes over the topic of humanitarian intervention. Having an extremely significant role in the argument on humanitarian security, Chapter VII still stands as a grounding rule for any actions wished to be taken on the topic of humanitarian interventions.

Events

- ***The United Nations Assistance Mission for Rwanda (UNAMIR):***

Established by the UNSC Resolution 872 on 5 October 1993, the mission was intended to assist in the implementation of the Arusha Accords (1993), which was meant to put an end to the Rwandan Civil War. Despite saving the lives of thousands of civilians in Rwanda, it is still generally regarded as a failure as it did not prevent the Rwanda genocide and the outbreak of fighting, due to the limitations of its rules of engagement.

- ***The United Nations Transitional Administration in East Timor (UNTAET)***

The mission, established on 25th of October 1999 until the independence of East Timor on 20th May 2002, aimed to solve the decades long East Timorese crisis in the area occupied by the Indonesian military. A mission directly administered by the UN, its responsibilities included providing a peacekeeping force to maintain security and order, and to facilitate and coordinate assistance to the East Timorese. After the independence of East Timor, most functions of the mission were passed to the East Timor government, marking an overall success to the mission.

Possible Solutions

Standardising Criteria for Intervention

Establishing clear and standardised criteria for humanitarian intervention can help ensure consistency and legitimacy. These criteria should take into account the severity of human rights violations, the scale of the crisis, and the likelihood of successful intervention.

Strengthening Regional Approaches

Regional organisations, such as the African Union and the Association of Southeast Asian Nations, can play a vital role in addressing humanitarian crises within their respective regions. The UN should support and collaborate with regional organisations to enhance their capacity for preventive diplomacy and intervention.

Enhancing Accountability and Transitional Justice

In cases where intervention is necessary, mechanisms should be established to ensure accountability for perpetrators of human rights violations. Transitional justice processes, including truth commissions and tribunals, can contribute to reconciliation, justice, and the prevention of future atrocities.

Diplomatic Negotiation and Mediation

Diplomatic negotiation and mediation should be prioritised as the primary means of resolving conflicts and addressing humanitarian crises. The UN, regional organisations, and relevant stakeholders should actively engage in diplomatic efforts to facilitate dialogue and reconciliation among conflicting parties, aiming to prevent the escalation of violence and the need for external intervention.

Strengthening International Law

The development and enforcement of international legal frameworks can contribute to standardising the rights of nations to intervene on grounds of humanitarian security. Efforts should be made to strengthen international human rights law, international humanitarian law, and the legal framework for the prevention and punishment of mass atrocities. States should be encouraged to ratify relevant treaties and implement their provisions effectively.

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