

Social, Humanitarian, and Cultural Committee: Reconsideration of Responsibility to Protect (R2P)



JPHMUN 2013 Background Guide



Introduction

With the end of the Cold war, the United Nations has taken a more active role in organizing global relations in an increasingly interconnected international system. With this has come a stronger emphasis on human rights. Humanitarian intervention has become a more common and controversial practice in the realm of international relations.

The atrocities of Rwandan genocide of 1994 prompted the creation of the International Commission on Intervention and State Sovereignty (ICISS), a deliberative body funded by the government of Canada. The ICISS released the document *The Responsibility to Protect* (R2P) in 2001 and the UN adopted the R2P doctrine in 2005. Today, the global community is faced with the challenge of determining how and when to implement the R2P doctrine of humanitarian intervention, a dilemma that has become more pronounced in light of the citizen revolts across the Middle East, known as “The Arab Spring”. Humanitarian intervention challenges a state’s right to sovereignty, a fundamental norm of international relations (ostensibly) established by the Peace of Westphalia. R2P highlights the responsibility of a state’s government to its people. But R2P is a difficult doctrine, one that can only be implemented at considerable cost to the intervening states and, possibly, to the stability and structures of the international system itself. The challenge facing the committee is to discuss whether or not the application of the Responsibility to Protect doctrine should be reconsidered.

Background/Significant Events

Peace of Westphalia

The Peace of Westphalia (1648) brought an end to the Thirty Years War and established a new European order. As outlined by the treaty, the concept of state sovereignty provided the foundation of a new political order in which legally sovereign states had only the responsibility “to respect each other’s territorial integrity and to observe such international agreements and conventions as they had voluntarily entered into” (Parkeh).

The Peace of Westphalia established the sovereign state as the primary actor within its own borders, as well as in world affairs. Westphalia was not structured to cater to the rights of individuals but to those of governments, a focus that is under pressure today with the advancement of human rights (Makinda 5).

Though the Peace of Westphalia was significant in establishing the concept of state sovereignty, it was not applied to countries outside of Europe. The Europeans regarded most non-European states as too primitive and “uncivilized” to enjoy the protections of Westphalia. Eventually, the United Nations became crucial to protecting vulnerable states from the incursions of more powerful states. The countries which joined the United Nations were, in principle, granted the respect accorded to all sovereign states.

The United Nations Charter

The United Nations Charter (1945) recognizes all signatory states as sovereign. This grants the right of nations to be free from the interference of other states in their domestic affairs. However, it is important to note that the Charter asserts that state sovereignty can be overruled by the Security Council when the SC determines that a state’s actions are threatening to international peace and security. The protocol for the Security Council intervention in such circumstances is outlined in Article(s) 41 and 42 of the Charter.

The United Nations Charter defined a new international community based on a more inclusive global order. The Charter grants states sovereignty, which gives states the right to manage their domestic affairs as they see fit. The Universal Declaration of Human Rights (UDHR) may be in tension with this principle. The UDHR was signed by

most of the countries of the world, but the values it reflects are largely Western values, even though many states have defined the UDHR in ways that are preferable to them. Nonetheless, there are real tensions within the international community over how to define and prioritize human rights. Western states, for example, give priority to civil and political rights. Developing world states are more inclined to emphasize social and economic rights. These cultural and/or economic and political differences raise serious questions about how to consider the diversity of states when making decisions around human rights issues.

Humanitarian Intervention

Though there is no legal definition of humanitarian intervention, it is important to establish what is meant by the phrase in terms of this topic. Humanitarian intervention may involve the use of force by a state (or group of states) against another country in order to prevent potential grave violations of the human rights of citizens, “without the permission of the state within whose territory force is applied” (Holzgrefe 18).

It is important to note the many possible variations of humanitarian intervention. As defined by the UN Charter, intervention can include:

“complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations” (UN Charter)

Thus, humanitarian intervention does not require armed force. However, in circumstances where non-military tactics fail, the United Nations Charter provides the legal right to the Security Council to authorize the use of “air, sea, or land forces as may be necessary to maintain or restore international peace and security”.

Responsibility to Protect

Following the 1994 Rwandan genocide, the United Nations was faced with the fact that it failed to prevent the massacre of over 800, 000 people. In response to Rwanda (and other incidences of humanitarian catastrophe), the International Commission on Intervention and State Sovereignty published the *Responsibility to Protect Doctrine* (R2P) in 2001. It was later adopted by the United Nations’ General Assembly in 2005.

The R2P doctrine identifies three key responsibilities of the international community when implementing humanitarian intervention: the responsibilities to prevent, to react and rebuild. When R2P is invoked to manage a conflict, the ICISS emphasized that minimally intrusive and coercive measures were to be taken. Minimally intrusive measure reflect a respect for sovereignty and place the international community in the role of assisting a failing state rather than simply policing international norms and values.

The ICISS report states: “it is more than high time for the international community to be doing more to close the gap between rhetorical support or prevention and tangible commitment” (ICISS, 19). The first role of the international community is to prevent a humanitarian catastrophe from beginning. As the ICISS notes, every sovereign state should be trying to avoid conflict within its borders. The international community has a responsibility to help countries achieve this goal. Provided that resources, such as non-governmental organizations (NGOs), are available to identify pending conflicts, it is up to the international community to respond with a preventative measures formula, and to muster the political will to carry out these measures.

A key component of *Responsibility to Protect* is the manner in which it approaches the concept of state sovereignty. The report argues that although states maintain the inherent right to sovereignty, this right entails a state’s responsibility to protect its population. In circumstances in which a state cannot or will not protect its population from harm, the right of sovereignty is forfeit and the obligations of protection fall to the international community. This approach means that “the searchlight is back where it should be: on the duty to protect communities from mass killing, women from systematic rape, and children from starvation” (Evans & Sahnoun, 3).

Though R2P was established to prevent atrocities before they take place, it is important to consider some of the practical problems involved in implementing the doctrine. First, R2P has been adopted at a time in world history when the United States is the single most powerful and dominant state in the world. Therefore, the resources to carry out effective humanitarian interventions are largely located in a single state or, more broadly, in the wealthy and relatively militarily powerful states of the Western world.

This real or potential dependence on the U.S. and its Western allies greatly complicates the use of the doctrine. The most obvious problem is the threat of Western imperialism. Western states may only agree to intervene in a situation if their own national interests are at stake or can be served. After an intervention and during the rebuilding process, whose values and objective will be served by that process: the preferences of the community that has been the object of the intervention or the interveners? As has been seen in recent conflicts, Iraq in particular, Western ‘assistance’ has not been successful in the long run. At least part of the reason for this is that the intervening Western states attempted to shape Iraq to serve their own interests, an approach that provoked considerable resistance from the Iraqis themselves. The Iraq example is tempered by the fact that it was not a “humanitarian intervention.” Even so, the example is still appropriate since the task of rebuilding a country after an intervention (whatever the motivation) is part of the R2P doctrine. What are the proper mechanisms to ensure intervention not only stops conflicts, but is beneficial for the citizens of the affected state in the long run?

Sovereignty

The maintenance of the historical understanding of sovereignty is a key argument against the modern expansion of humanitarian intervention. Though sovereignty has been a key source of national protection and international stability, it is important to consider how the norms and values of the international system have changed in the modern era. Since the Peace of Westphalia, states have become far more interconnected and communicative through institutions such as the United Nations, the International Monetary Fund (IMF) and the World Trade Organization (WTO). The spread of cultural, political and economic globalization makes it necessary for nations to cooperate more extensively in order to manage the world’s economic and political systems. Globalization requires states to make sacrifices of economic and political sovereignty. However, should this mean that states surrender their nominal independence from outside interference for the sake of the betterment of the international community? And how do we reconcile this “need” with the fact that many of the states that are most apt to demand that others sacrifice sovereignty are the same ones that cling most adamantly and uncompromisingly

to their sovereign rights and are often the powerful states of the Western world? When international institutions insist that weak states sacrifice their sovereignty, are they doing so on behalf of the more powerful states that dominate international institutions and that may have something to gain from weakening the principles of Westphalian state sovereignty?

The Current Situation

This section will provide background on some past conflicts in which humanitarian intervention was and was not carried out. It will also review current issues that the United Nations faces in relation to humanitarian intervention. It is important for the delegate to take note of the following events, and consider the various scenarios for conflict and humanitarian intervention. In addition, at present, the state of Syria is locked in an increasingly violent civil war. Delegates are encouraged to keep track of developments in that conflict. They should acquaint themselves with the debate within the international community over whether or not there should be a humanitarian intervention in Syria.

Rwanda

In Rwanda in the spring of 1994, a historical conflict for political and economic power between members of the Hutu and Tutsi tribal groups became one of the worst genocides in modern times. Over 800,000 Rwandan citizens, most of them Tutsis, were brutally murdered over the course of just 100 days. During this time, more than 25,000 women were raped with the intent of spreading HIV. (Kayitesi-Blewitt, 2006, 318).

The United Nations was stationed in Rwanda during 1993-1994, in a mission called the UN Assistance Mission in Rwanda (UNAMIR). UNAMIR was present to oversee the implementation of a peace agreement between contending Rwandan political factions. The UN had information that Hutu leaders were planning a genocide directed against the Tutsi population. General Roméo Dallaire, a Canadian, was the commander of UNAMIR during this period. In his book *Shake Hands With the Devil*, Dallaire describes the events leading up to the genocide and offers explicit detail as to the positions taken by various UN member-states, including the United States and France (Dallaire, 2003, 515).

Dallaire was disturbed by the fact that, in his opinion, the U.S. wanted complete disengagement from Rwanda once its embassy staff had been safely evacuated. A cable issued April 15, 1994 provides evidence of the American position, stating that though the Rwandan crisis had evidenced a brutal conflict with little chance of resolution resolved by conflicting parties, peacekeepers were to evacuate (Berdal, 2005, 120).

The United States often plays a significant role in influencing UN activity, particularly the deployment of troops. Its membership on the Security Council and its military and economic strength add to its position of influence. The US has been known to condone and even precipitate international military action under circumstances in which nations' sovereignty or borders are challenged. In the case of Rwanda, whether the Americans were simply negligent or understood their self-interest as staying out of the conflict, they have since acknowledged their error. Former President Bill Clinton has stated that "the failure to try to stop Rwanda's tragedies" is one of "the greatest regrets of [his] presidency" (Berdal, 2005, 120).

France (another permanent Security Council member) also failed to act. It had a strong diplomatic connection to the ruling Habyarimana government, "involving the supply of arms and military expertise" to the regime (Berdal, 2005, 120-121). General Dallaire states that this weaponry was directly associated with the "outright intervention against the... insurgent force in October 1990 and again in February 1993" (Dallaire, 2003, 62). While the U.S. bluntly refused to intervene in Rwanda, the French approach consisted of inaction rather than a refusal to act. According to Dallaire, France "refused to accept the reality of the genocide and the fact that the extremist leaders, the perpetrators and some of their old colleagues were the same people" (Dallaire, 2003, 451). The General goes on to say, as it relates to France, "They showed overt signs of wishing to fight the Rwandan Patriotic Front," the Tutsi political party in Rwanda (Dallaire, 2003, 451). However, ultimately, the "face-to-face encounters with the reality of the genocide brought most of them to their senses" (Dallaire, 2003, 451). This passage suggests that the French were neither malicious nor callous in their failure to initiate UN Security Council action. Nonetheless, they knew of genocidal activity and failed to trigger the UN mandate embodied in the *Convention on the Prevention and Punishment of the Crime of Genocide*.

The UN was provided with the information of the impending catastrophe and the recommendation for intervention from its own force commander. Nonetheless, the UN failed to act on a timely basis in Rwanda. Dallaire's book chronicles, in graphic detail, the horrors of Rwanda in the spring of 1994. He argues strongly that much of this could have been prevented had the UN acted sooner and decisively (Sens & Stoett, 2005, 269).

Libya

On February 15, 2011, Fathi Terbil, a human rights activist and leader of public protests against the government of Libya was arrested in Benghazi, Libya. The police fired upon demonstrators who gathered to demand the release of Terbil. Forty people were killed by the gunfire (Kinsman, 84). These events set off a popular uprising against the government of Muammar Gaddafi. Despite the open violence against protestors, the rebellion spread throughout Libya quickly. Demonstrators were comprised of both peaceful protesters and young, violent rebels who began torching police cars and "dancing for the news cameras" (Kinsman, 84).

As Kinsman describes it, Gaddafi gave speeches that were "chillingly similar to radio broadcasts before the massacre in Rwanda" (Kinsman 84). Concerned by the Gaddafi regime's violence against civilians, "the Arab League called for the imposition of a no-fly zone over Libya to prevent Gaddafi's forces from waging slaughter from the air" (Kinsman, 84). The proof that Gaddafi intended to kill civilians on a massive scale was provided both by the thousands of casualties that had already been inflicted on the population by the military and Gaddafi's own words. These factors provided the basis of international intervention.

The United Kingdom and France pushed the Security Council to act, but the SC was hesitant to intervene. Nonetheless, ultimately, the SC decided to allow a limited intervention in Libya. Kinsman notes that the request of the Arab League for Security Council action was crucial in assuring Russia and China did not veto the resolutions. Though five nations (China, Russia, Brazil, India, and Germany) abstained from the final vote, the Security Council adopted Resolutions 1970 and 1973 which outlined necessary sanctions on Libya and authorized NATO to use "all necessary means" to protect Libyan civilians (Kinsman, 85).

NATO's responsibilities included "ensuring a ceasefire, finding a political solution in accordance with the Libyan people's legitimate demands, controlling the arms embargo and the no-fly zone, and protecting civilians" (Ayhan, 502). However, despite the limits placed on the NATO mission, the organization began to operate outside of its UN mandate. Observers reported that NATO carried out over 7,000 airstrikes, some of which directly targeted Gaddafi. NATO also armed the rebellion (Kinsman, 86).

The Libyan crisis exemplified a complication that is often inherent in non-international armed conflicts, namely the difficulty in identifying the different parties to the conflicts. The rebels were responsible for using force and capturing cities, undeniably putting civilian safety at risk. Provided that NATO openly supported Libyan rebels, there became growing concern for the protection of civilians. This led to two major criticisms of the NATO mission. First, NATO's inability to distinguish civilians from rebels (combatants and non-combatants). Second, the issue of threat to civilian safety by rebel and NATO forces (Ayhan, 502).

Despite the controversy of NATO's role in Libya, it is evident that its intervention was essential in saving civilians from a massacre instigated by the Gaddafi regime. However, the NATO coalition that intervened in Libya was very narrow, consisting of France-UK-US-Netherlands-Canada-Italy-Norway-Denmark (Kinsman, 86). This narrowness speaks to the unwillingness of states to intervene to protect civilians, but it also speaks to the fact that many other countries were highly suspicious of the true motives of the NATO interveners. Though the Security Council was able to establish a mission, the abstinence of states in voting demonstrates a lack of cohesion within the United Nations. Despite the adoption of R2P, nations still remain reluctant to support such missions. In addition, Russia and China were deeply angered by the extent of the NATO mission. They felt that NATO used the SC resolutions as an excuse to go far beyond what it was authorized to do. As a result, Russia and China have been adamant in their opposition to allowing any UN intervention in Syria.

Though the overthrow of Gaddafi can be considered a "successful intervention", Libya lost thousands of civilians throughout the civil war, and the

NATO air strikes (Huffington Post: Libya). Libya still remains politically unstable. Now armed, militias present a threat to the peace and security of Libya. However, it is important to consider that had NATO failed to intervene, the result might have been far worse and the loss of life may have been far greater.

Syria

Syrians were closely watching the Arab Spring. Inspired by the movement's success in Tunisia and Egypt, Syrian school children in the city of Daraa demanded change from their government. Young protesters began spraying graffiti that called for the fall of the Bashar al-Assad regime, resulting in the arrest of thirteen of the youth. Ultimately, the arrest and torture of the children, was the trigger for protests in Syria (Savage and Swift).

The Assad government responded to the protests by banning foreign media in the country and opening fire on the Syrian protests. Within two weeks of the conflict starting, the Syrian military carried out three massacres by firing indiscriminately upon peaceful protestors (Savage and Swift). However, despite the brutality of the regime's response, protests continued to spread throughout the nation.

The Syrian conflict continues today with no end in sight. After more than twenty months, the civil war has caused an estimated 40, 000 -70,000 casualties and driven over 200, 000 Syrians to neighboring countries. Roughly one million Syrians are considered internally displaced, and 2.5 million are in need of aid (BBC: Syria: The story of the conflict). Additionally, government forces have been reported to be abducting civilians at random throughout the country, with the intention of instilling fear in the general public. The estimated number of abductions range from 20, 000 to 80, 000 (The Guardian).

Though the Syrian government has attempted to keep the conflict sealed within its borders, modern day technology has enabled Syrians to report the conflict to the world. In addition to the use of mobile phones, protesters have risked their lives in illegally maintaining contact with foreign journalists to ensure the international community is aware of the many human rights violations that are occurring (Binyon). This has created outward pressure on the government to cease its violence. The information getting out of Syria has provided the international community with irrefutable pictorial evidence of

human rights violations. This information has increased pressure on the UN to launch an effective intervention in the Syrian civil war.

The Syrian conflict has become increasingly complicated since March 2011. Multiple militias are now fighting the government and each other. Their loyalties break down along sectarian and ethnic lines. Both sides of the conflict are heavily armed (Binyon). Though Syrians are frustrated by the lack of assistance from the international community, intervention may further threaten the safety of civilians. Even more, the complexity of the civil war and the rise of many different factions means that any intervention would be a messy and drawn out affair.

In April 2012 the United Nations, in partnership with former Secretary-General, Kofi Annan, and the Arab League, presented a six-point proposal to guide Syria in ending the conflict through peaceful means. Unfortunately, the six-point plan failed to create any solution to the conflict (Binyon).

Russian-Syrian relations is arguably the greatest barrier to intervention at this point in time. Russia's alliance with Syria is over forty years old. If Russia supported intervention in Syria, it would risk its reputation for loyalty among its allies. Additionally, Russia maintains a large population and military investment in Syria. The chances of Russia breaking its alliance and agreeing to work with the West to intervene are very small. Russia is a permanent member of the Security Council, and therefore holds a veto over Security Council resolutions. So far, two resolutions put forth by the UN to assist Syria have been vetoed by Russia (Binyon). In addition, as noted earlier, Russia and China are angry over NATO's conduct in Libya and refuse to allow the West to intervene extensively in yet another Arab state. Both of these permanent members of the Security Council continue to support the concept of Westphalian state sovereignty.

The situation in Syria has reached a stalemate. Neither the government nor the militias seems capable of winning the conflict. Civilians have become stuck in the middle of intense fighting that has no end in sight. Kinsman argues that Assad shows no sign of weakening in his ability and determination to hold onto power. Therefore, his regime can only be deposed by force. Assad lacks any ability or intention to reform the regime, "and the young rebels seem unrelenting in their determination" to overthrow the government

(Kinsman, 88). However, as Tanjil Rashid discusses, the Assad government possesses heavy military power that the rebels do not.

Proposed Solutions

Given the reality of diversity in the international community, there is no cookie-cutter solution to humanitarian intervention. However, in light of the conflicts discussed above, it is important that the committees discuss dynamic approaches to humanitarian intervention. For example, many have suggested that intervention is the responsibility of regional bodies that share cultures similar to the conflicted nations. This provides a safeguard against the potential of Western imperialism. Further, delegates should consider the challenge in taking adamant, uncompromising stances on this issue. As the United Nations has proven, refusal to compromise leads to the inability to advance and create the cooperation necessary to protect international peace and security. Delegates should also be aware that many developing world governments are concerned that humanitarian intervention may be used by powerful states as a smokescreen behind which to conceal more sinister reasons for intervention. Therefore, delegates are encouraged to consider various suggestions in the process of the committee sessions.

Suggestions

The Social, Humanitarian, and Cultural Committee (SOCHUM) is the primary committee for the discussion of humanitarian intervention. SOCHUM is integrated with a series of committees throughout the General Assembly, including the Department of Political Affairs and Department of Economic and Social Affairs. Though resolutions drafted by SOCHUM are not legally binding, it embodies the value of working in cooperation with all willing nations and forming resolutions based on negotiation and compromise. Delegates are encouraged to investigate the ways in which SOCHUM has addressed the topic of R2P and the conflict in Syria.

Non-governmental organizations play an important role in humanitarian crises. Very often, NGOs are the first on ground to assist civilians who suffer from war. In addition, many organizations get information out from the state in conflict, educating the world on the human rights violations occurring. NGOs have an advantage, as they do not

represent state governments. Thus, they can provide great knowledge and insight. As a result, many NGOs work with the United Nations in monitoring committee progress, providing advice, and pushing for legislation and action. Delegates are encouraged to consider the impact of NGOs in the process of humanitarian intervention, and be prepared to discuss their state's policy on the role of NGOs in conflict.

Relevant documents delegates should consider when preparing for this discussion include the Responsibility to Protect Doctrine and the UN Charter. The United Nations website (un.org) and BBC news (bbc.org) are highly recommended for information on events that pertain to the topic of humanitarian intervention. The UN website covers the major international relations stories. The BBC is extremely useful for researching conflicts and your own state.

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