



## **VIT CHENNAI MODEL UNITED NATIONS 2017**

### **STUDY GUIDE**



**UNITED NATIONS GENERAL ASSEMBLY – DISARMAMENT &  
INTERNATIONAL SECURITY COMMITTEE**

**“Measures to prevent exploitation of  
Responsibility to Protect”**

## **NOTE FROM THE EXECUTIVE BOARD**

It is indeed a great honour to welcome you all to the United Nations General Assembly Disarmament and International Security Committee at VITC MUN 2017. We congratulate you on your decision for being a part of the UNGA DISEC. The executive board will leave no stone unturned to assure quality debate in the committee and the crisis situations will definitely test your intuitive and will further lead to the development of your analytical skills.

To the veterans of MUN, we promise you a very enriching debate that you've never experienced before and to the newcomers, we are really excited to be a part of your maiden voyage.

Responsibility to Protect is an agenda with a fairly wide scope. The study guide just gives the gist of the agenda and does not exhaust it. Also, any point mentioned in the study guide cannot be used to substantiate the speeches of the delegates.

You are the representative of the country allotted to you and we believe that you will put in wholehearted efforts to research and comprehensively grasp all aspects of the diverse agenda. All the delegates should be prepared well in order to make the council's direction and debate productive.

Reuters, Government Reports, UN reports shall be considered as credential proofs in committee while any further reports from Regional/International News Agencies shall be considered as persuasive proof.

Delegates will be allowed to bring laptops, tablets or any other electronic devices to the council but will not be allowed to access internet when the lines of communication will be closed. We, however, will appreciate delegates bringing hard copies of their research.

In the end, have fun in the committee and make yourself comfortable without getting intimidated by your Executive Board and fellow delegates which shall ensure better flow of debate. Feel free to contact us in case of any doubts or discrepancies.

**Samarth Kapur**  
**Chairperson**

**Soumyajyoti Bhattacharya**  
**Vice Chairperson**

**Anandita Misra**  
**Director**

## **INTRODUCTION TO DISEC**

The Disarmament and International Security, the first committee of the United Nations General Assembly is responsible for matters concerning world peace, disarmament and seeks out solutions to problems relating International Security. Under the UN Charter, all members of the United Nations participate in the proceedings of the General Assembly and are entitled to one vote each. Like the other committees of the General Assembly, the resolutions of DISEC are not binding in nature but of the most powerful it is the committee which sends some recommendations to the Apex Committee, United Nations Security Council. The sessions of the first committee of General Assembly are held every year in the months of September, October. The 71<sup>st</sup> session of the United General Disarmament and International Security was held at the UN Headquarters in the month of September.

## **A BRIEF HISTORY AND INTRODUCTION OF THE RESPONSIBILITY TO PROTECT**

The concept of protecting human lives and preventing large scale massacres can be traced back to a long time. The International Red Cross was established in the 18<sup>th</sup> century and through the years many other organizations have been established with the aim to prevent the people from being suppressed or abused. After World War II the UN resolution 260 of 9 December 1948 adopted the convention on the Prevention and Punishment of the Crime of Genocide as a direct response to prevent the horrors of the Holocaust from happening again. The Wars in Indochina in the 1960s and 70s was also a turning point in the development of the Responsibility to Protect. Young people all over the world witnessed the atrocities that happen during a war, and the first televised famine in Biafra helped to further spur commitment to humanitarian work.

The modern turning point of “Responsibility to Protect” (R2P) was the 1994 genocide in Rwanda. Edward Luck, the special advisor to the UN Secretary General on R2P traces the story back to World War II with the killing fields in Cambodia, along with the slaughter in the forests of Srebrenica after the genocide in Rwanda. The 20<sup>th</sup> century was riddled with scars of violence, going really all the way back to the Holocaust, and succeeded in creating a stain so terrible in human history that left a legacy of targeted mass violence carried out by one population against another.

Kiyo Akasaka, at a seminar in Brussels, the UN Secretary General for Communication and Public Information, mentioned that the idea of R2P was not new with respect to states securing their own people, but the intervention of other countries was a new concept.

Following the NATO intervention in the former Yugoslavia in 1999, the legality of the intervention was questioned and so two years later, in 2001, the concept of R2P was first voiced, as a reaction to former UN Secretary-General Kofi Annan's initiative. In 2001 the Canadian government created the International Commission on Intervention and State Sovereignty (ICISS), that released in its report the Responsibility to Protect which advocates state sovereignty as a responsibility, and that the international community could use military intervention, as a last resort to prevent "mass atrocities". The African Union (AU) endorsed the idea and put in their founding charter of 2005 that "protection of human and people's rights" would be the primary objective of the AU and the right "to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity." would be enshrined in their charter.

At the World Summit in 2005, the member nations included the Responsibility to Protect in the final Outcome Document. The UN Security Council, in April 2006, reaffirmed the provisions of the paragraphs from the World Summit document, thereby formalizing their support of the R2P. Also, UN Secretary General, Ban Ki-moon released a report, implementing the Responsibility to Protect, which spoke about implementing R2P and its arguments were discussed at the 2009 UN General Assembly, resulting in Resolution (A/RES/63/308) which acknowledged the debate and Ban Ki-moon's report and proposed to the General Assembly to continue its consideration of R2P.

In Responsibility to Protect, the international community now has a tool that could prevent further mass atrocities. Breaking the cycle of violence is something that had been talked about for years and years, but with R2P the world now has a comprehensive systematic program to try to do something about it.

## **ROLE AND STANCE OF THE INTERNATIONAL COMMUNITY FOR THE ENFORCEMENT OF R2P**

### **Pillars to the R2P-**

A report published by the United Nations' Secretary General in the year 2009 characterized R2P as comprising of three pillars. Pillar one asserts and upholds the sovereignty of a state and its responsibility to protect its own citizens. Building on this, pillar two asserts that the international community has a role to play in supporting states in fulfilling this responsibility. Finally the third pillar suggests that if a state does not act in accordance with its responsibility then the international community may take action, through peaceful means at first, but with potentially more coercive measures if necessary.

### **Role of the International Community-**

The international community's responsibility to protect is to be achieved through primarily non-military means, such as developing a better 'early warning capacity', using 'appropriate diplomatic, humanitarian and other peaceful means' to protect populations with a focus on vulnerable states 'which are under stress' to prevent crises from breaking out and to help them 'build capacity to protect their populations.

The R2P doctrine as released by the International Commission on Intervention and State Sovereignty (ICISS) in its Report, and as adopted at the World Summit in the year 2005, lays bare that responding to mass atrocities, like a Rwanda or a Srebrenica, is not a false choice either between putting boots on the ground or doing nothing; it is not a zero-sum game. Rather, its significant achievement lies in the identification a string of actions ranging from preventing atrocities, to protecting populations should they occur, to rebuilding in the aftermath of the entire process. The ICISS report provides that 'prevention is the single most important dimension of the responsibility to protect' stating that it is high time for the international community to be doing more to close the gap between rhetorical support for prevention and tangible commitment

R2P necessitates collective obligations of the international community and national obligations of individual states. While these obligations are autonomous, there is a symbiotic relationship between the two sets of obligations. R2P relies heavily on the concept of peaceful 'coordinated actions' to be taken by the international community as a whole, and, should peaceful means prove inadequate, more coercive collective measures through the Security Council.

### **Change in stance post the Rwanda Genocide-**

Since the Rwandan genocide, the international community has started taking on greater responsibility in certain cases and circumstances where sovereign governments have not been able to fulfil their duties to provide for the security and wellbeing of their people

For decades, in accordance with the article 2.7 of the UN Charter, which emphasizes on the principle of non-intervention in matters that would fall under the domestic jurisdiction of any state, the international community had been hesitant even to speak about cases and circumstances in which people were suffering appalling human rights violations in an environment of impunity for the perpetrators. In recent years, though, there has been advancement from sovereignty as an absolute concept towards sovereignty as a responsibility to protect civilians and prevent mass violations and grave atrocities. However that too has not achieved much of a success with the situations in states Libya and Syria moving from bad to worse each passing day.

There also remain serious conflicting divisions within the Security Council between Western countries that see atrocities as a threat to international peace and security, and nations such as China and Russia which agreed to the World Summit Outcome Document and supported Resolution 1674 but which still consider and promote the sovereignty argument above R2P.

Role of the international community with respect to the implementation of the Responsibility to Protect thus still remains ambiguous and not very well defined with conflicting opinions and contrasting views.

A few questions still stand unanswered. When are the events observed in a given country of such gravity as to trigger an international response? What is the trigger point to legitimize the use of force?

## **CASE STUDIES**

### **RWANDA**

The Rwandan Conflict, often termed as the Rwandan Genocide, was one of the conflicts which opened dialogue regarding a universal set of principles considering Humanitarian Intervention following UN indecisiveness regarding the same, which caused the loss of a million lives and destabilised a developing region for decades to come. Hence, to debate about R2P and Humanitarian Intervention, it is necessary to understand the Rwandan Conflict. Following is a timeline for the same:

**January 1961:** The Tutsi monarchy is abolished.

**July 1, 1962:** Rwanda gains its independence.

**1973:** Juvénal Habyarimana takes control of Rwanda in a bloodless coup.

**1988:** The RPF (Rwandan Patriotic Front) is created in Uganda.

**1989:** World coffee prices plummet. This significantly affects Rwanda's economy because coffee was one of its major cash crops.

**1990:** The RPF invade Rwanda, starting a civil war.

**1991:** A new constitution allows for multiple political parties.

**July 8, 1993:** RTLM (Radio Télévision des Milles Collines) begins broadcasting and spreading hate.

**August 3, 1993:** The Arusha Accords are agreed upon, opening government positions to both Hutu and Tutsi.

**April 6, 1994:** Rwandan President Juvénal Habyarimana is killed when his plane is shot out of the sky. This is the official beginning of the Rwandan Genocide.

**April 7, 1994:** Hutu extremists begin killing their political opponents, including the prime minister.

**April 9, 1994:** Massacre at Gikondo - hundreds of Tutsis are killed in the Pallottine Missionary Catholic Church. Since the killers were clearly targeting only Tutsi, the Gikondo massacre was the first clear sign that a genocide was occurring.

**April 15-16, 1994:** Massacre at the Nyarubuye Roman Catholic Church - thousands of Tutsi are killed, first by grenades and guns and then by machetes and clubs.

**April 18, 1994:** The Kibuye Massacres. An estimated 12,000 Tutsis are killed after sheltering at the Gatwaro stadium in Gitesi. Another 50,000 are killed in the hills of Bisesero. More are killed in the town's hospital and church.

**April 28-29:** Approximately 250,000 people, mostly Tutsi, flee to neighbouring Tanzania.

**May 23, 1994:** The RPF takes control of the presidential palace.

**July 5, 1994:** The French establish a safe zone in the southwest corner of Rwanda.

**July 13, 1994:** Approximately one million people, mostly Hutu, begin fleeing to Zaire (now called the Democratic Republic of the Congo).

**Mid-July 1994:** The Rwanda Genocide ends when the RPF gains control of the country.



The Rwandan Genocide is a reminder that genocide can happen in any country and is, unfortunately, something for which we must always be watchful. It was also one of the earliest motivations behind a thought, which eventually led to formation of the R2P doctrines in the UN World Summit Outcome Document in 2005.

## **UKRAINE**

The crisis in Ukraine started on 21<sup>st</sup> November 2003, when then President Viktor Yanukovich decided to call off all preparations for the implementation of an association agreement with European Union. This resulted in mass protests known as Euromaidan in Ukraine. After months of protests, Yanukovich was ousted by the protesters in February 2014. Following this a lot of unrest enveloped in the Russian speaking regions of Ukraine. Russian Federation got involved in the issue stating that it was its “Responsibility to Protect” the Russian speaking minority in the region. Interventions by Russia finally lead to annexation of Crimea on 18 March 2014. Subsequently there was a lot of instability in the Donetsk and Luhansk regions of Ukraine.

Russian President Vladimir Putin, when asked about his agenda in Ukraine he stated that “any use of armed force in Ukraine would coincide with our interests to protect the people with whom we have close historical, cultural and economic ties. Protecting these people is in our national interests. This is a humanitarian mission.” Russia has always described its intervention in Crimea as a humanitarian project to bring stability in the region and has always tried to justify its action under the “Responsibility of Protect. However, some countries have argued that Russia uses the R2P narrative as a veil, as its actions are destabilizing a nation to have maintain its sphere of influence in Eurasia The case in Ukraine can be considered as a proxy civil war with one side receiving Russian Military support under the veil of the “Responsibility to Protect”

## **LIBYA**

In February 2011, there were mass protests staged by civilians in Libya to end the reign of Muammar Gaddafi. In response there were atrocities against the masses at the hands of government armed forces. Human Rights Watch stated that over the course of four days more than 233 civilians die and the government troops were following a “No mercy” policy. Civil Society Groups from around the world referred to the Responsibility to Protect through articles, calls for action and op-eds. Many civil societies called on the Government of Libya to halt the violence and, in the face of its clear reluctance to do so, demanded action from UN bodies, individual states and regional actors to protect the Libyan people.

Responding back to the calls of Innocent people Of Libya, there were condemnations from League of Arab States, the Organisation of the Islamic Conference and the African Union. The actions by these organisations were crucial for the international community to move forward with stronger measures to protect civilians. The African Union worked consistently to find a peaceful solution and expressly rejected the use of any external military force. In March, 2011 the African Union adopted a Roadmap for peace and clarified its readiness to deploy a monitoring mechanism as called for in the Roadmap. Individual States including the

United Kingdom, United States, Switzerland, Australia and Canada reacted to this humanitarian crisis and decided to impose sanctions, travel bans and freeze financial assets. The United Nations Security Council passed resolution 1970 which contained non-military measures to curb the rising tensions in Libya. However, resolution 1970 failed to halt the mass violence on protestors and thus Resolution 1973 was adopted. Germany, Brazil, India, Russia and China abstained from the vote. The Resolution sanctioned a no fly zone and the Security Council also wanted the member states to cooperate and take all necessary measures to protect civilians. Ban Ki-moon issued a statement saying “Resolution 1973 affirms, clearly and unequivocally, the international community’s determination to fulfil its responsibility to protect civilians from violence perpetrated upon them by their own government”. After resolution 1973 was passed in the UNSC, a coalition of States, including 15 NATO countries, Sweden, Jordan, Qatar, and the United Arab Emirates, participated in implementing the no-fly zone over Libya and took necessary steps to curb the situation. NATO’s mission ended in the month of October.

NATO did play a key role in implementing Resolution 1973 but it also came under scrutiny from some Member States and Civil Society over whether the organization had gone beyond its mandate from the Council by helping rebel forces in defeating Gaddafi’s army, thereby leading to regime change. There were some concerns raised that NATO aerial bombardments may have caused casualties and Human Rights Watch also detailed multiple civilian casualties resulting from NATO’s airstrikes.

## **KOSOVO**

Kosovo is a disputed territory that lies in South Serbia with ethnic Albanians being the majority. The region enjoyed a high degree of autonomy within the former Yugoslavia till 1989. After that the Serbian leader Slobodan Milosevic altered the status of the region, removed its autonomy and made it go under the direct control of Belgrade, the Serbian capital. The Kosovar Albanians opposed this move strenuously.

The issue further escalated and during 1998 it became an open conflict between the Serbian Military, police forces and the Kosovar Albanians. The death toll reported was 1500 and more than 400,000 had to leave their homes. The international community became deeply concerned about the escalating conflict, its humanitarian consequences, and the risk of it spreading to other countries. President Milosevic's had disregard for diplomatic efforts aimed at peacefully resolving the crisis.

On 28 May 1998, NATO set two major objectives with respect to the crisis in Kosovo, namely:

- to help to achieve a peaceful resolution of the crisis by contributing to the response of the international community;
- to promote stability and security in neighbouring countries with particular emphasis on Albania and the former Yugoslav Republic of Macedonia

As the situation kept worsening, on 13<sup>th</sup> October 1998, the NATO council authorised activation orders for air strikes. The move was considered necessary by NATO to make the Milosevic regime withdraw its forces from Kosovo. UN Security Council Resolution

(UNSCR) 1199, among other things, expressed deep concern about the excessive use of force by Serbian security forces and the Yugoslav army, and called for a cease-fire by both parties to the conflict. It was agreed, in addition, that the Organisation for Security and Cooperation in Europe (OSCE) would establish a Kosovo Verification Mission (KVM) to observe compliance on the ground and that NATO would establish an aerial surveillance mission.

The actions of NATO were appreciated by some Civil Societies and countries and some badly criticised them. It was concluded that “the NATO military intervention was illegal but legitimate” Some critics note that NATO did not have the backing of the United Nations Security Council meant that its intervention had no legal basis, but according to some legal scholars, "there are nonetheless certain bases for that action that are not legal, but justified."

## **YEMEN**

As per the latest estimate by the United Nations, more than 1,916 civilians have been killed in Yemen since March 26, 2015. The Secretary-General of the United Nations has repeatedly called on both the parties involved in the conflict, the Saudi led coalition, and the Houthis to abide by their obligation under international humanitarian law (IHL) to prevent civilian casualties and protect civilians. In contrast to this, reports suggest that there have been continuous blatant – IHL violations.

The facts are shocking to say the least: since March, 2015 more than 207 civilian installations have been destroyed. The virtual silence of the world and indifference to this conflict and its effects on the civilians of Yemen is alarming. The dire humanitarian situation presents a very grim image of Yemen with reports of sieges to prevent access of food and targeted airstrikes on markets and other aid vehicles. There are also allegations that this is being used as a military tactic. Both parties need to make a serious commitment to a ceasefire and end all violence in the region which is adversely affecting humanitarian conditions in the region.

The Islamic State of Iraq and the Levant (ISIL) and al-Qaida in the Arabian Peninsula (AQAP) are exploiting this security vacuum to extend their reach in the region. As a result, the fear of targeted attacks on minorities is very real. On 29 July, ISIL claimed responsibility for a car bomb that targeted the Al FaydhAlhatemy mosque in eastern Sana’a, attended by the Ismaili Shi’ite minority. The increased targeted killings lead to the possibility of larger communities joining the war by identifying with this targeted violence. The people of Yemen have always made determined efforts to resolve their differences ever since the uprising in 2011 through political dialogue. However, this resolve is now being seriously tested. On October 21, 2011, Resolution 2014 by the Security Council condemned the violations of

human rights in Yemen and encouraged an extremely inclusive process of transfer and transition of power, including holding the Presidential Elections earlier. This resolution explicitly reaffirmed the Yemeni Government's primary responsibility to protect its population

The parties to the conflict must remember their obligation under international humanitarian law to protect civilians. The international community has a responsibility towards the protection of populations from genocide, ethnic cleansing, war crimes and humanitarian crimes, and must increase its efforts to make sure that the responsibility is fulfilled adequately. This conflict also has implications on regional peace and security in the Middle East and the world can no longer afford to be indifferent towards this conflict.

## **SYRIA**

**March 2011:** On 18 March, security forces open fire on a protest in Daraa, killing four, in what activists regard as the first deaths of the uprising. Demonstrations spread.

**April 2011:** Security forces raid a sit-in in Syria's third-largest city, Homs.

**June 2011:** Police and soldiers in Jisr al-Shughour in north-eastern Syria join the protesters they were ordered to shoot, and the uprising claims control of a town for the first time.

**August 2011:** President Barack Obama calls on Assad to resign and orders Syrian government assets frozen.

**Summer 2012:** Fighting spreads to Aleppo, Syria's largest city and its former commercial capital.

**August 2012:** Kofi Annan quits as UN-Arab League envoy after his attempts to broker a ceasefire fail.

**March 2013:** After advancing in the north, rebel forces capture Raqqa, the first major population centre controlled by the opposition.

**May-June 2013:** Backed by thousands of Lebanese Hezbollah fighters, Assad's forces recapture the strategic town of Qusair from rebels, near the border with Lebanon.

**August-September 2013:** A chemical weapons attack in Damascus kills hundreds.

**October 2013:** Under international pressure Syria destroys its chemical weapons production equipment. The number of Syrian refugees registered with the UN tops two million.

**January 2014:** Infighting among rebels spreads.

**February 2014:** Peace talks led by UN-Arab League mediator Lakhdar Brahimi in Geneva end without a breakthrough.

**9 May:** Rebels withdraw from the old quarter of Homs in a significant symbolic victory for the government.

**13 May:** Mr Brahimi resigns as UN-Arab League envoy.

**3 June:** Syrians in government areas vote in presidential elections. Assad, one of three candidates, overwhelmingly wins with 88.7 per cent.

Isis seizes much of northern and western Iraq and declares a self-styled Islamic caliphate.

**3 July:** Isis takes control of Syria's largest oil field, al-Omar.

**19 August:** Isis releases video of beheading of American journalist James Foley, the first of five Westerners to be beheaded.

**23 September:** US-led coalition begins air strikes against Isis targets in Syria.

**January 2015:** UN estimates Syria's conflict has killed at least 220,000 people and uprooted nearly a third of the pre-war population of 23 million from their homes.

**26 January:** With the help of US-led air strikes, Kurdish fighters take control of Kobani.

**3 February:** Isis releases a video of captured Jordanian pilot Muath al-Kaseasbeh being burned to death in a cage.

**28 March:** The north-western city of Idlib falls to Islamist groups led by al-Nusra.

**30 September:** Russia begins launching air strikes in Syria in support of Assad's forces.

**14 November:** Seventeen nations meeting in Vienna adopt a timeline for a transition plan in Syria.

**18 December:** The UN Security Council adopts Resolution 2254 endorsing the Vienna road map.

**3 February 2016:** Indirect peace talks between the Syrian government and opposition in Geneva collapse after a few days.

**22 February 2016:** The US and Russia announce a partial ceasefire in Syria will start on 27 February.

**9 March 2016:** UN's Syria envoy says indirect talks will resume in Geneva on 14 March Syrian government forces retake Palmyra from Islamic State, with Russian air assistance.

**August 2016:** Turkish troops cross into Syria to help rebel groups push back so-called Islamic State militants and Kurdish-led rebels from a section of the two countries' border.

**December 2016:** Government troops, backed by Russian air power and Iranian-sponsored militias, recaptures Aleppo, the country's largest city, depriving the rebels of their last major urban stronghold.

**2 January 2017:** Syrian opposition halted peace negotiations in Astana, Kazakhstan, citing multiple government ceasefire violations.

**3 January 2017:** Syrian Army forces seize the Air Defense Battalion Base, near Hazrama, from Jaysh al-Islam militants in the Eastern Ghouta region of rural Damascus, during a counter-attack to the Islamist offensive.

**9 January 2017:** Syrian related media and U.S based journalists inform that a Special operation was carried out by U.S Anti ISIS forces in Deirez-Zor Governorate. The operation took place between Kabr village and Jazra town, ISIS fighters were captured.

**19 January 2017:** US airstrikes struck the former Syrian Army Sheikh Suleiman military base in western Aleppo now used by Jabhat Fatah al-Sham and the Nour al-Din al-Zenki Movement, killing more than 76 al-Qaeda fighters, including Abu Hasan al-Taftanaz, an al-Qaeda senior leader. Since 1 January, more **than 150 AQ members were killed by US airstrikes.**

**21 January 2017:** According to Government officials Hay'atTahrir Al-Sham rebels were bend to negotiate their surrender at two eastern Damascus suburbs.

**24 February 2017:** The Turkish-backed Free Syrian Army forces took full control of the city of al-Bab.

The Syrian Conflict has served as a benchmark example with respect to the agenda at hand and debate on the same on various international platforms. Hence, the detailed understanding of the same to come to terms with the various complexities of the issue is of utmost necessity, something which will be facilitated with the timeline provided above.

## **IRAQ**

The Conflict in Iraq was an extensive military and geopolitical campaign waged by western nations, particularly USA and UK, in their fight against the regime of Saddam Hussein. This entire conflict was legitimized because of apparent credible intelligence reports which pointed to presence of Weapons of Mass Destruction in Iraq, while also showing a history of violence against Shia and Kurdish minorities in Iraq from the Saddam Hussein government.

All of this gave the entire conflict a humanitarian edge, while allowing for multiple nations to call for a threat to national security from the hands of a “Dictatorial Despot”. What started as a warning from the Bush regime to call for a change in governance ended up into a conflict causing the loss of over a million lives, destabilising an entire region for centuries to come and changing the opinion of major political powers the world over.

The Conflict in Iraq not only achieved the establishment of a democratic process in Iraq, but also allowed for a judicially dictated execution of Saddam Hussein for his horrendous crimes. However, the political stability in Iraq has since been lacking, over a million lives have been lost in the conflict and the region has seen one of the worst humanitarian disasters in the last decade. While the proponents of the entire process are many, the extended 11 year long stay of Western allied armed forces in Iraq also has its dissidents. The later contingent argue that the war in Iraq was an unnecessary conflict waged on misused humanitarian grounds, calling for the questionability of the R2P. Delegates must take this conflict into account before discussing important issues pertaining to the same, because no conflict has shaped public opinion on a number of fronts, including humanitarian intervention, like Iraq has.

It must also be understood from the Chilcot inquiry in the UK into this conflict that misinformation causes misplaced conflict, and as delegates of the UN, this is something any discussion and documentation on the issue should focus on and try and safeguards for avoidance.

## **THE LEGALITY OF HUMANITARIAN INTERVENTION**

The legality of humanitarian intervention has been debated and discussed in international platforms since time immemorial. While the United Nations does serve as a body capable of making such decisions, occasions like Rwanda and Srebrenica have shown how the tied hands of a body due to international politics can often be the cause for concern when it comes to necessary intervention.

When the UN Charter was formulated at the end of World War 2 in 1945, it had distinct clauses against the involvement of state actors, political alliances and even the UN in general in matters of sovereign nature or even in bilateral conflicts which were not considered threats to international peace and security under Chapter VII of the UN Charter. These were further secured by Article 2[4], which is a general prohibition on the interstate use of force, and Article 2[7], which is a prohibition on the UN meddling in interstate affairs.

Humanitarian intervention is a general inference of the age old quote, "Prevention is better than cure". A general understanding is that prevention of great human atrocities is a must for any country or international body, like the NATO, which has military might and upholds certain particular principles. However, what must also be understood is that misusing humanitarian causes to intervene in sovereign matters to suit one's own political agenda is often a conflict noticed in international law, and giving unilateral moral policing a free reign can lead to civilisation harming disorders helping no humanitarian causes. The legality of said humanitarian intervention is hence, under question, because they tend to serve as a precursor to politically motivated conflict excused under a humane agenda.

But as mentioned before, genocidal conflicts which could not be solved by the UN due to earlier mentioned clauses and the inability of the Security Council to come to any conclusive decision was followed by 9/11, which caused USA to declare "jus ad bellum" or the Right to War on terrorism and use it as a precursor to launch a wide scale offensive on foreign soil, the likes of which had not been seen since the Cold War. This and an emerging possibility for conflict in the Balkans on ethnic grounds led to the Responsibility to Protect being unilaterally accepted by all member nations of the UN in the 2005 World Summit. Responsibility to Protect, or R2P, gave humanitarian intervention a universally accepted legal front. This has paved the way for nations to take drastic steps in conflicts like Libya and Syria, with the pillars of R2P being used in large scale drastic international interventions. This principle has also been effective in defining the legality of humanitarian intervention, even if the acceptance for the same has been divisive since its establishment.

While the proponents of R2P follow humanitarian intervention as their defining defence, the dissidents have their own legal arguments. It is essential to take cognizance of the fact that the R2P is a pre-emptory norm and NOT a law. A pre-emptory norm, also known as a 'Jus Cogens' or 'IusCogens' (Latin for compelling law) is a fundamental principle of International Law that is accepted by the international community of states as a norm from which no derogation is permitted. There is no clear agreement upon which norm ultimately becomes Jus Cogens, but it is generally accepted that Jus Cogens includes prohibition of slavery, maritime piracy, genocide and other such heinous crimes. As far as the R2P casting an illusion over progress is concerned, the intent with which the R2P is used in International politics certainly casts a pall over the notion of progress. Progress, according to the Merriam



Webster online dictionary is characterized by a movement forward. Often, what the implementation of the R2P does is stymie the progress of a nation.

All of this goes to show how Humanitarian Intervention, and hence, R2P is divisive with acceptance of its legality. Hence, the implementation of the same must be set in stone for the divisiveness to dissipate and clear doctrines to exist for determination of the same. Delegates should utilise legality to focus on solving the problems surrounding the same, as Humanitarian Intervention is a necessity, but misrepresentation and misuse of the same often results in a Global Calamity.

## REFERENCES

### Links:

<https://www.responsibilitytoprotect.org/index.php/crises/crisis-in-libya>

[https://www.hsfk.de/fileadmin/HSFK/hsfk\\_downloads/prif107.pdf](https://www.hsfk.de/fileadmin/HSFK/hsfk_downloads/prif107.pdf)

<http://www.e-ir.info/2014/03/08/revisiting-responsibility-to-protect-after-libya-and-syria/>

<http://www.nato.int/kosovo/history.htm>

<http://www.e-ir.info/2012/08/08/the-legal-basis-of-the-responsibility-to-protect/>

[https://en.wikipedia.org/wiki/Rwandan\\_genocide](https://en.wikipedia.org/wiki/Rwandan_genocide)

<http://www.reuters.com/news/picture/the-rwanda-genocide?articleId=USRTR3JZZT>

<http://blogs.reuters.com/global/2009/07/24/saviors-or-conquerors-un-mulls-responsibility-to-protect/>

### Documents:

The Responsibility to Protect a Framework for Prevention (Rosenberg).pdf by Sheri P. Rosenberg

Responsibility to Protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity by MunaNdulo

## **QUESTIONS for QARMA**

- Alternatives or modifications to the Responsibility to Protect
- Is there a defined threshold beyond which the Responsibility to Protect can be implemented?
- Should the legality of humanitarian intervention be questioned?
- Can a more defined set of principles be formulated with respect to humanitarian intervention?
- Should the UN further redefine their role with respect to the same?
- Was Rwanda a misstep with respect to response from the international community?
- How can response to humanitarian concerns be prevented from escalating into an all-out conflict between the world's major military forces?
- Should political alliances be more important than humanitarian need? How should the UN take a stance in this debate and subsequent processes?