



AITCHISON COLLEGE

MODEL UNITED NATIONS CONFERENCE VI

Special Political and Decolonization Committee



GENERAL ASSEMBLY

Topic Area A: The Legitimacy of the Russian Occupation and Claim to Crimea

Introduction

The Crimean crisis is an international dispute over control of the Crimean Peninsula. The major stakeholders are the states of Russia and Ukraine. Until February 2014, Crimea was administered by Ukraine, but currently, control rests in the hands of the Russian Federation, a status which is not recognized by the United Nations.

Crimea has had a rather unique status in the post-Soviet era. It remained formally a part of Ukraine but has enjoyed a high level of regional autonomy. It has its own legislative body and constitution and after the collapse of the Yanukovich government, it named its own prime minister. It still contains a high percentage of ethnic Russians, and as mentioned previously, is still home to the strategically important naval base of Sevastopol. The presence of a large Russian military force in the region is not a new situation either recently or historically.

Demographics of Crimea:

Crimea has an ethnic Russian majority and a minority of both ethnic Ukrainians and Crimean Tatars. Prior to the crisis, Crimea was considered an autonomous parliamentary republic within Ukraine, with its own constitution that was in line with the laws of Ukraine. The capital of the autonomous republic is the city of Simferopol, located in the center of the peninsula. The city of Sevastopol is a separate administrative unit and is considered a city with special

status, like the Ukrainian capital city of Kiev. The Russian Federation has organized this entire territory as the Crimean Federal District.



The latest census of 2001 showed that Russians comprised 58.32% of the population, Ukrainians 24.32%, Crimean Tartars 12.1%, Byelorussians 1.4%, Tartars 0.54%, Armenians 0.43%, Jews 0.22%, Greeks 0.15%. Few in number but still visible in their culture are Karaites and Kymchaks. About 77% of Crimeans claim Russian as their native language. Overall, the Russian ethnicity, commonly referred to as the Russian 'speaking population' constitute a majority in Crimea as well as in eastern Ukraine.

Background to the Crimean Crisis:

Crimean History:

Crimea was brought into the Russian empire along with most of ethnic Ukrainian territory by Catherine the Great in the 18th century. Russia's Black Sea naval base at Sevastopol was established soon afterwards.

More than 500,000 people were killed in the Crimean War of 1853-56 between Russia and the Ottoman Empire, which was aided by Britain and France. The conflict reshaped Europe and was a step on the road to World War One.

After the October Revolution ended the Russian Empire in 1917, Crimea briefly found itself a sovereign state. However, it was quickly thrust into the Russian civil war, where it became a base for the White Army. In 1921, the peninsula, with a Muslim Tatar majority, became part of the Soviet Union. During WW2, Crimea was occupied by Nazi Germany, and the port city of Sevastopol was almost destroyed in the fighting. The Tatars were deported by Soviet leader Joseph Stalin at the end of the war for allegedly abetting the Nazis. It is reported that half of the Tartars died in their exile. The 1991 fall of the Soviet Union also brought the return of the Crimean Tatars, the native hosts of the land. Crimea only became part of Ukraine when Soviet leader Nikita Khrushchev gave the peninsula to his native land in 1954.

The port city of Sevastopol is home to the Russian Black Sea Fleet and its many naval personnel. Russia kept its half of the Soviet fleet, but was shaken in 2009 when the pro-Western Ukrainian President Viktor Yuschenko warned that it would have to leave the key port by 2017.

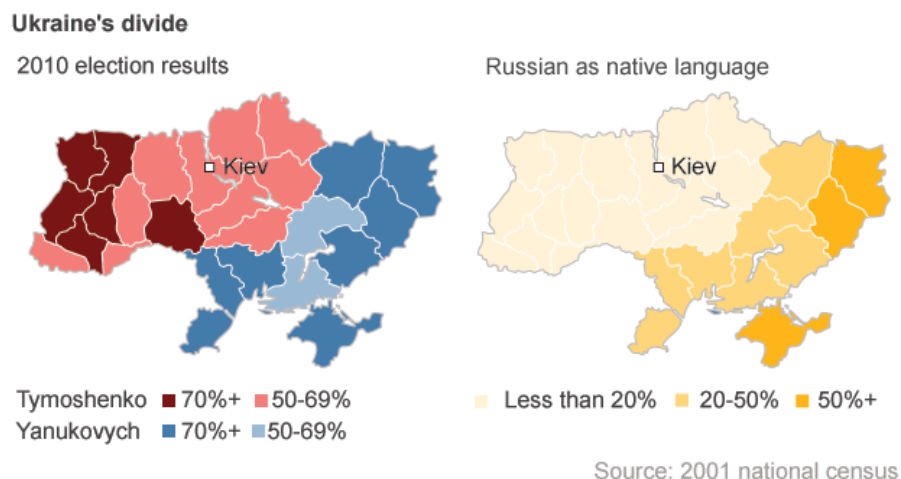
Shortly after pro-Russian Viktor Yanukovich was elected president in 2010, he agreed to extend the Russian lease until 2042 in exchange for discounts on Russian gas supplies.

Russia's Black Sea base in Sevastopol gives Moscow access to the Mediterranean. Ukraine's fleet, carved out of the same Soviet fleet as Russia's, is also based there.

Ukrainian Revolution

The crisis unfolded in the aftermath of the Ukrainian Revolution of February 2014. Ukraine had been, for years, plagued by currency devaluation, an inability to secure investment from public markets, lack of economic growth, corruption, and mismanagement. Because of this, President Yanukovych attempted to establish closer ties with the European Union (EU) and Russia in order to bring in the capital necessary to maintain Ukraine's quality of life without affecting the local population drastically. One of these measures was an association agreement with the European Union which would provide Ukraine with funds contingent to several reforms in almost all aspects of Ukrainian society and break its economic ties with Russia.

Yanukovych, at first, thought the conditions to be reasonable but ultimately refused to sign the agreement considering it too austere and detrimental to Ukraine. Besides that, EU demanded the release of Yulia Tymoshenko (Yanukovych's opponent in the 2010 presidential elections), who was in prison after being convicted of embezzlement and fraud during her time as Prime Minister from 2007 to 2010, as a pre-condition of the association agreement with the European Union. Therefore, Yanukovych signed a treaty with Russia instead, which sparked unrest in Kiev that ultimately led to violent clashes between protestors and law enforcement agencies. The treaty assured that Russia would buy \$15 billion in Ukrainian bonds, and discount gas prices to Ukraine by one-third.



The demographics of Ukraine are such that one-third of the country speaks Russian as its native language, and in practice even more use it day-to-day. The Russian-speakers mostly live in one half of the country; the Ukrainian-speakers live in another. It's not just that Ukraine has two halves that predominantly speak different languages. They have different politics – and different visions for their country. The Russian-speaking, pro-Russian eastern half of Ukraine was active in its support for Yanukovich, who is from that part of the country. The pro-E.U.-deal protests were mostly in the Ukrainian-speaking, western half. That's also the half that voted overwhelmingly against Yanukovich in 2010.

The protests, termed as Euromaidan, began on the night of 21 November 2013 with public protests in Maidan Nezalezhnosti ("Independence Square" in Kiev) demanding closer European integration. The reasons of the protests soon broadened, with much hue and cry for the resignation of President Viktor Yanukovich and his government setup. Violent dispersal of protesters on 30 November generated much hatred in the local populace, thus attracting many more protesters. By 25 January 2014, the strikes had been fuelled by anger on large-scale government corruption and a disdain for human rights in Ukraine.

The protests reached a peak during mid-February. On 18 February, the deadliest clashes of Euromaidan started after the parliament rejected demands that the Constitution of Ukraine be reverted back to its pre-2004 form, which would reduce presidential authority. Both live and rubber ammunition was used by the rebels and police, in multiple locations in Kiev. The fights continued through the following days, in which the vast majority of casualties took place. On the night of February 21, protesters at Maidan vowed to go into total armed conflict if Yanukovich did not resign by 10:00 PM. Subsequently, the riot police withdrew and Yanukovich and many top government members fled the country the next day. Protesters gained control of the presidential administration and Yanukovich's private estate. The next day, the Verkhovna Rada (Ukrainian parliament) ordered that Yulia Tymoshenko be released from jail, impeached Yanukovich and set up a new pro-European interim government setup.

Yanukovich, however, was not impeached according to the impeachment process as specified by the Constitution of Ukraine (which would have involved formally charging the

president with a crime, a review of the charge by the Constitutional Court of Ukraine, and a three-fourths majority vote – i.e. at least 338 votes in favor – by the Rada); instead, the Verkhovna Rada declared that Yanukovich "withdrew from his duties in an unconstitutional manner" and cited "circumstances of extreme urgency" as the reason for early elections. The vote was supported by all present in the Ukrainian parliament, 328:0 (of the 447 deputies). The United States and the European Union immediately recognized the new government of Ukraine, but Russia condemned it as an unconstitutional coup d'état.

The Russian Presence in Ukraine

According to the 1997 Black Sea Fleet Agreement between Russia and Ukraine, the number of armed Russian personnel present in Crimea could not exceed 25000. The number of Russian troops increased gradually as the crisis developed. On 26 February 2014, Russian President Vladimir Putin ordered urgent military exercises to test the combat readiness of his armed forces across western Russia. From that day onwards, there were reports that pro-Russian militia had established checkpoints surrounding the city of Sevastopol. Soldiers were seen patrolling Simferopol International Airport and Sevastopol International Airport, while Western and independent media reported Russian troop movements in Crimea, including Russian military helicopters moving into the peninsula and Russian Army trucks approaching Simferopol, the Crimean capital.

Crimea saw a sudden increase in armed presence, with militiamen dressed in camouflage but lacking any distinctive markings appearing all over the region. President Putin denied that Russian troops stationed in Crimea left their barracks, claiming these men were "pro-Russian local self-defence forces". The presence of Russian troops is acknowledged by new Crimean leader Sergey Aksyonov.

By 2 March, Ukrainian military bases in Crimea, including the 55th Anti-Air Defense and the 36th Ukrainian Coastal Defense units, were under the control of these unidentified soldiers. Sources claimed that the Russian parliament had already approved the initiation of cyber operations, similar to those used in 2008 in Georgia. This strategy was premised on the

objective of controlling military and government lines of communication. According to the website of Ukrainian telecom provider, Ukrtelecom JSC, unknown individuals had seized several Crimean communications facilities on Friday, February 28th, hence proving the above statement.

Ukrainian defence sources alleged that the commander of Russian Black Sea Fleet Vice-Admiral Aleksandr Vitko had issued an official ultimatum to all Ukrainian military servicemen to surrender by 05:00 (LST) 4 March 2014 or face a military confrontation. These allegations were denied by the Russian foreign ministry and a representative of the Black Sea Fleet headquarters. The deadline came and went without incident or attempt to storm.

March also saw increased Russian naval activity. On 14 March, the Russian amphibious assault ship *Yamal* landed troops, trucks and at least one armoured personnel carrier at Kazachaya bay near Sevastopol. Russian high-tech corporation Rostec claims that Russian troops used equipment from the company to capture a US MQ-5B drone over Crimea, after jamming radio controllers signals to the unmanned aircraft. The report says that the UAV "belonged to the 66th American Reconnaissance Brigade, based in Bavaria, thus spurring allegations about America being militarily involved as well. An unnamed Pentagon official denied the report on the basis that no US drone were flying missions over Crimea, and that the MQ-5B would be too basic and outdated to carry out such high-profile operation.

Probably the first deaths since the entry of additional Russian forces in Crimea took place on 18 March in Simferopol. One Ukrainian soldier and one pro-Russian soldier were killed and several wounded during an assault by unknown gunmen of the Ukrainian Army's Topographic Centre in Simferopol. Even though Crimean police later said that both the pro-Russian and Ukrainian forces had been fired upon from a single location, Interim Prime Minister Arseniy Yatsenyuk accused the pro-Russian soldiers of committing a war crime. On 19 March, Pro-Russian militiamen by sending protesting civilians ahead attacked the Ukrainian Navy's headquarters at Sevastopol, and captured Ukrainian Navy's commander-in-chief, Serhiy Hayduk. Right up till the end of March, constant clashes took place between these pro-Russian and Ukrainian soldiers, involving the use of Mi-24 and Mi-8 helicopters, battleships and submarines.

However, rather surprisingly, all Ukrainian army personnel who had been captured during the conflict in Crimea were released by the 2nd of April.

The takeover of Crimea and the open conflict in the Eastern Ukraine have made manifest the revival of Russia's ambition of return to the Soviet glory days, when it was the regional hegemon in the CIS area.

Even though Mr. Putin has persistently argued that Russia's motive for annexing Crimea was to protect the ethnic Russian population present there, certain proceedings at the Kremlin may be regarded as testament to the presence of imperialist intentions in this scenario. In the past decades Russia was content with silently supporting breakaway regions in the neighboring states, providing them with military and economic support. But in the wake of the Crimean crisis, the State Duma passed a law facilitating the integration of new territories to the Russian Federation. This law was subsequently used to incorporate two new federal states, Crimea and the city of Sevastopol in the Russian Federation. The passing of such a law right after the Crimean peninsula had seceded from Ukraine and unilaterally declared its independence proves that there are more than just humanitarian reasons for the intervention.

Most of the independent states that were created as a result of the breakup of the Soviet Union have consistently been tacitly supported by Russia, but never clearly given the option to join. This can be explained by the fact that integrating these regions lacking in natural resources and economically competitive industry would present very little financial rewards for Russia, and the redevelopment of their war-torn infrastructures could potentially be very costly. Conversely, their integration in the Federation would be a very clear act of expansionism, which may very well isolate Russia from the international community.

Russia's annexation of the Crimea constitutes a breakaway from those principles. However, it might also be noted here that the Crimea used to be one of the crown jewels of the Soviet Union, as well as a traditionally pro-Russian region, until Nikita Khrushchev decided to gift it to Ukraine. Many among the Russian population welcomed its return to the motherland.

Analysts argue that if Russia is allowed to carry out such imperial acts, a dangerous slippery slope might evolve. Will it try for eastern Ukraine, again with a large Russian-speaking population? What about Moldova's separatist eastern Trans-Dniester region where Moscow already wields pervading influence, if not outright control? What about Kazakhstan where in parts of the north of the country, Russians are the majority? What about EU-member Latvia where 26 percent of the population are Russian?

The 2012 Law 'On the principles of the state language policy' and the Crimean Reaction

On February 23, 2014, the second day after the flight of Viktor Yanukovich, while in session of the Ukrainian parliament a deputy from "[Batkivshchina](#)" party, Vyacheslav Kyrylenko moved to include in the agenda a draft that would repeal the 2012 Law "On the principles of the state language policy". The motion was carried with 232 deputies voting in favor, the draft was included into the agenda, immediately put to a vote with no debate and approved with the same 232 voting in favor, making Ukrainian the sole state language at all levels. Repeal of the 2012 Law "On the principles of the state language policy" was met with great disdain in Crimea, populated by a Russian-speaking majority and Southern and Eastern Ukraine provoking waves of anti-government protests, ultimately culminating with the Crimean crisis.

A few days later, on March 1, 2014, the acting President of Ukraine, Oleksandr Turchynov, vetoed the bill effectively stopping its enactment. The veto did little to address the unfolding crisis, perhaps because it came too late.

Timeline of the Crisis

Feb. 25: Pro-Russian protesters take a stand in Crimea. Yanukovich's former chief of staff is wounded by gunfire and hospitalized.

Feb. 26: Amid clashing protesters in Crimea, Putin orders military exercises in western Russia. Secretary of State John Kerry vows \$1 billion in loan aid to Ukraine.

Feb. 27: Yanukovich surfaces in Russia, appearing for the first time since fleeing Ukraine. Russian jets are on standby in case of combat.

Feb. 28: Armed men in Russian military uniforms take control of key airports in Crimea. Russian marines surround a Ukraine coast guard base in Sevastopol. Obama warns "there will be costs" for Russian military intervention in Ukraine.

March 1: Ukraine's parliament asks for an emergency meeting with the U.N. Security Council. The Ukraine government calls on Russia to put a stop to the "provocations" in Crimea.

March 2: Armed men in trucks and armored vehicles surround a Ukrainian military base in Crimea. Putin tells President Obama that use of force on Russia's part would be a response to provocations from Ukraine.

March 4: In Kiev, Kerry offers the \$1 billion loan guarantee and technical experts to help recover assets, referring to the billions reported to have been funneled out of the country by Yanukovich. Putin says he has no intention to "fight the Ukrainian people."

March 6: Crimea's local parliament, which largely supported Yanukovich, voted to join Russia and scheduled a referendum for March 16 to do that or enact more autonomy from Kiev.

Obama seeks visa restrictions and economic sanctions on Russians who have been involved in military action in Ukraine. The House Foreign Relations Committee calls on Obama to enact financial and trade sanctions against Russia.

March 16: Residents of Crimea, up to 60% percent of whom are Russian, were given a choice of either joining Russia or opting for more autonomy from Ukraine under the 1992 constitution. The status quo, in which Crimea is a semi-autonomous region of Ukraine, was not an option. They voted overwhelmingly (96% in favour) to join Russia.

March 17: President Obama announced new sanctions Monday against seven Russian officials. The sanctions focus on the individual personal assets, but not companies that the officials may manage on behalf of the Russian state.

March 18: Putin signs treaty absorbing Crimea into Russia, the first time the Kremlin expands the country's borders since World War II. Kiev says the conflict has reached a "military stage" after a Ukrainian soldier was shot and killed by gunmen who stormed a military base in Simferopol, the first such death in the region since pro-Russian forces took over in late February.

March 19: Pro-Russian activists, apparently Crimean self-defence forces, overtake Sevastopol base without using violence.

March 20: EU leaders condemn Russia's annexation of Crimea. EU and US extend the list of individuals targeted for sanctions.

March 21: Russia backs off from tit-for-tat sanctions after US targets Putin's inner circle and EU adds 12 names to sanctions list. Ukraine says it will never accept loss of Crimea while Moscow signs a bill to formally annex the peninsula.

March 22: Soldiers take control of Ukrainian airbase in Belbek, as Novofedorovka naval base is seized by pro-Russian activists. Crimea celebrates joining Russia.

March 24: Leaders of the Group of Seven nations, meeting without Russia, agree to hold their own summit this year instead of attending a planned G8 meeting and to suspend their participation in the G8 until Russia changes course.

March 25: OleksandrTurchynov, Ukraine's acting president, orders troops to withdraw from Crimea after Russia seized and annexed the peninsula.

March 27: UN General Assembly approves a resolution declaring Russian annexation of Ukraine's Crimea illegal.

March 29: Ukraine's presidential race begins with former Prime Minister YuliaTymoshenko and billionaire confectionery tycoon Petro Poroshenko registering as hopefuls. Former heavyweight champion VitaliKlitschko pulls out of the race, giving his backing to Poroshenko and urging Tymoshenko to do the same.

March 31: Russian troops partly withdraw from Ukrainian border in the south region of Rostov in Russia, following talks between Russia's foreign minister and his US counterpart. Meanwhile, Russia's Prime Minister Dmitry Medvedev visits Crimea, promising funds and pay rises.

April 1: NATO announces it is suspending "all practical civilian and military co-operation" with Russia.

April 2: Ukraine's ousted president admits he was "wrong" in inviting Russian troops into Crimea and vows to try to persuade Moscow to return the peninsula.

April 6: Pro-Russian activists seize control of government buildings in the eastern cities of Donetsk, Luhansk and Kharkiv, calling for a referendum on independence. Ukraine authorities regain control of Kharkiv buildings on April 8 after launching an "anti-terror operation".

April 11: Ukraine's interim prime minister offers to give more powers to the eastern regions, as pro-Russia separatists continue to occupy buildings in Donetsk and Luhansk.

April 12: Pro-Russian gunmen take over the police station and security services building in the town of Slovyansk, 60 kilometres from Donetsk where pro-Russian rebels take over the police headquarters. The separatists also seize a police HQ in Kramatorsk.

April 13: Ukrainian special forces fail to dislodge pro-Russian gunmen in Slovyansk. One Ukrainian officer and one pro-Russian activist are killed in the operation. Meanwhile, the separatists seize the city council buildings in Mariupol and in Khartsyzsk.

April 14: Putin and Obama confront each other during telephone talks. EU foreign ministers agree to expand the list of those hit with sanctions for their role in the Ukraine crisis.

April 15: Putin declares that Ukraine is on the brink of civil war. Politicians in Moldova's Transdnestr region call on Moscow and the UN to recognise its independence.

April 16: Ukrainian troops turn back from Slovyansk while a pro-Russian group seizes the town hall in Donetsk.

April 17: Ukrainian troops repel an overnight attack in Mariupol, killing three assailants. Around 200 people then demonstrate in the town against Kiev. Putin acknowledges that Russian forces were deployed in Crimea during the March referendum on joining Russia, but says he hopes not to have to use his "right" to send Russian troops into Ukraine. Lavrov announces in Geneva a deal has been reached with Ukraine, the US and the EU to "de-escalate" tensions in Ukraine.

April 18: Pro-Russian groups say they will not be moved from occupied buildings until the government in Kiev, which they see as illegitimate, is also removed. Russia condemns talks of more sanctions. Ukraine's interim government pledges broad independent governance and says the Russian language will be given a "special status" in the country.

April 20: A deadly gunfight in an eastern Ukrainian town shatters a fragile Easter truce, with Russia declaring it is "outraged" at the return to violence in the crisis-hit former Soviet republic.

April 21: Protesters in Luhansk pledge to hold their own local referendum on autonomy on May 11.

April 22: In Kiev, US Vice President Joe Biden says Russia faces "isolation". Washington orders 600 soldiers to Poland and the ex-Soviet Baltic states. Ukraine orders a military operation against pro-Kremlin separatists to resume.

April 23: Russia says it will respond if its interests are attacked in Ukraine.

April 24: Ukraine's military launches an assault on Sloviansk. Up to five rebels are killed, according to Kiev. Special forces seize back control of the town hall in the port city of Mariupol. Putin says deployment of military in east Ukraine by the Kiev authorities is a crime

that will "have consequences. The Russian army starts new exercises at the border with Ukraine.

April 25: Ukrainian Prime Minister Arseniy Yatsenyuk accuses Moscow of seeking to trigger a "third world war". The Ukrainian military launches an offensive for a second day to besiege Slovyansk while rebels vow: "We will not surrender the town." Western powers led by US President Barack Obama warn that Russia faces fresh sanctions. They stress that a presidential poll scheduled for May 25 is "essential" to stabilise the country. Seven OSCE military observers are detained in Slovyansk.

April 26: Yatsenyuk shortens a Vatican trip, saying Russian warplanes violated Ukraine's airspace. Russia denies the claim.

April 28: The West imposes new sanctions on Moscow. Russia vows "painful" response. NATO says no sign of a Russia \troop pullback claimed by Moscow. Russia assures US it will not invade Ukraine.

April 29: Russia warns sanctions could harm Western interests in Russia's lucrative energy sector, and denies it has troops in eastern Ukraine.

April 30: Kiev places its armed forces on "combat alert" against a possible Russian invasion, and admits police are "helpless" to stop rebels over-running eastern towns. The IMF approves \$17bn aid package for the beleaguered Ukrainian economy.

May 1: About 300 pro-Russian fighters seize the prosecutor's office in Donetsk. Conscription is reintroduced for all Ukrainian men aged 18-25.

May 2: The bloodiest day since the new government came to power. At least 10 die in fresh army assault on Slovyansk. In the southern city of Odessa, 42 die when clashes between pro-Russian fighters and pro-Ukraine supporters culminate in a massive blaze. Russia declares the Geneva peace plan dead and calls an emergency UN Security Council meeting. US President Barack Obama warns of further sanctions if Moscow's actions prevent a planned May 25 presidential election in Ukraine.

May 3: Slovyansk rebels free OSCE inspectors after a Kremlin envoy intervenes. Fierce gunfights rage around Slovyansk and nearby towns as the military seeks to retake control.

May 4: Kiev vows to expand "anti-terrorism" operations. Yatsenyuk launches a probe into Odessa deaths.

May 5: A fresh assault begins on Slovyansk. The interior minister says more than 30 rebels are killed. Four servicemen are also killed. Russia warns Europe's peace is at risk. UN chief Ban Ki-moon offers to mediate personally as the West launches new diplomatic push.

May 6: Russia rejects a German-led move for a new peace meeting. Germany says Ukraine is on the verge of war.

May 7: In a surprise announcement, Putin calls for rebel independence referendums to be pushed back and endorses Ukraine's planned presidential election. He says Russian troops pulled back from border. The new overall toll from Ukrainian military operations stands at 14 servicemen dead.

May 8: Rebels vow to press on with referendums despite Putin's call. Russia conducts military exercises, test-fires several missiles, and says nuclear capabilities are on "constant combat alert." NATO says there is no sign of a Russian troop pull-back.

May 9: Putin flies to annexed Crimea after overseeing a display of military might in the Red Square where he paid tribute to Russia's "all-conquering patriotic force." Clashes break out in Mariupol that the interior minister says leave 21 dead.

May 10: France and Germany threaten to step up sanctions against Russia if the May 25 election is disrupted and urge Kiev to cease "offensive" operations before the vote.

May 11: "Referendums" are held in the provinces of Luhansk and Donetsk. Fighting is reported around Sloviansk as rebels try to retake TV tower.

May 12: Pro-Russia activists declare resounding victory in a twin referendum on sovereignty for eastern Ukraine. The provinces of Donetsk and Luhansk voted on Sunday to secede from Ukraine. Russian gas giant Gazprom gives Ukraine until June 3 to pay \$1.6bn for natural gas. The EU ramps up sanctions on Moscow.

May 13: Seven Ukrainian soldiers killed in rebel ambush in the deadliest single loss of life for the military since the start of the uprising.

May 14: Ukraine hosts "national unity" talks based on an OSCE roadmap but rebels are not invited.

19 May: Russia's President Vladimir Putin says he has ordered troops near Ukraine's border to withdraw, but Nato says there is no sign they have pulled back.

22 May: Rebel attack on checkpoint in Volnovakha, east Ukraine, leaves 14 soldiers dead.

26 May: Russia says it is "open to dialogue" with President-elect Petro Poroshenko but insists military action against separatists must stop.

26-27 May: Ukrainian army launches "anti-terrorist operation" to oust separatists occupying Donetsk airport. Combat jets, helicopters and airborne troops deployed and at least 40 separatists killed.

25 May: Ukraine holds presidential election but most polling stations in east remain closed. President-elect Petro Poroshenko vows to bring "peace to a united and free Ukraine."

30 May: Ukrainian forces will continue their offensive against rebels until peace and order are restored in the east, interim Defence Minister Mykhailo Koval says.

3 June: Nato pledges to bolster its defence capabilities in response to Russian actions in Ukraine, but says it will stick to a key agreement with Moscow.

4 June: Separatist rebels take two Ukrainian military bases in the eastern region of Luhansk as fighting continues near the rebel-held town of Sloviansk. US President Barack Obama condemns Russian "aggression" in Ukraine while speaking in Warsaw to mark 25 years since the fall of communism in Poland.

5 June: Leaders of the G7 industrial nations urge Russia to begin talks with the new leadership in Kiev to end the crisis in eastern Ukraine.

6 June: Russian President Vladimir Putin and Ukrainian President-elect Petro Poroshenko call for a quick end to the bloodshed in eastern Ukraine.

20 June: President Poroshenko announces a 15-point peace plan and declares a week-long truce.

21 June: The US imposes sanctions against seven pro-Russian leaders in Ukraine.

23 June: Rebels agree to observe the ceasefire proposed by the government until 27 June, but say they will not disarm until government troops leave the east.

24 June: A Ukrainian military helicopter is shot down in the east, killing nine people, as the UN estimates more than 420 people were killed in eastern Ukraine between April 15 and June 20.

25 June: Russia's parliament cancels a parliamentary resolution authorising the use of Russian forces in Ukraine. EU leaders welcome the move but warn of more sanctions if Russia does not do more to de-escalate tensions in Ukraine.

27 June: The EU signs an association agreement with Ukraine, along with Georgia and Moldova, in what President Petro Poroshenko describes as the most important day in the country's history since independence in 1991.

5 July: Rebels abandon strongholds in the north of Donetsk region, apparently fleeing south to the regional capital in the face of a government offensive.



Legality

Intervention:

Opinion against the intervention revolves around the fact that the UN Charter imposes via Article 2(3) the compulsion upon nations to settle international conflicts by peaceful means. Article 2(4) instructs members against using force or the threat of force against another state's territorial integrity and political independence. The use of force is however permitted in a situation where the UN Security Council has authorized such action to maintain or restore international peace and security or where a state exercises its inherent right of self defense as recognized in Article 51. However, as the Russian takeover of Crimea has occurred without even a single trigger being pulled in the direction of Russia, the intervention cannot be treated as a typical case of self defense.



Furthermore, it has been argued that Russia is in abrogation of the 1975 Final Act of the Conference on Security & Cooperation in Europe (Helsinki Accords) which requires its signatories to respect each other's territorial integrity as inviolable and to avoid the act of threatening to use force. Such resolves were echoed in the 1994 Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the NPT (the Budapest Memorandum) and the 1997 Treaty of Friendship, Cooperation & Partnership between Ukraine and the Russian Federation. Further, Ukraine holds Russia in contempt of the Black Sea Fleet Agreements and the 1999 agreement between the Cabinet of Ministers on the Use of Airspace of Ukraine and of Airspace Over the Black Sea, which places caps on Russian troop levels in Crimea and mandates prior approval of Ukrainian authorities before making any troop movements. Lastly, Russia had no UNSC authorization in the Crimean matter.

Russia has profoundly relied on the justification of acting on humanitarian grounds to protect Russian minorities outside its borders. Article 12 of the Ukraine-Russia Friendship Treaty, which specifically requires the safety of Russian origin ethnic minorities provides Putin with some legal cover for its actions. The same excuse was utilized by the US to intervene in Panama and Grenada and by NATO in Kosovo. NATO's argument against Russian use of the precedent of Kosovo to intervene in Ukraine is that Kosovo was different owing to the many human lives that were lost before NATO intervention.

This argument has been denounced by Putin on the ground that it means that nations should wait for the slaughter of innocents before intervening. To what extent the threat to Russians existed however, is a matter of speculation. This is similar to the question of the Russian violation of the Black Sea Fleet agreements which Russia claims to have not broken maintaining that its force deployments adhere to the troop caps. However, the Russian argument of 'protecting nationals' also has its flaws. On a factual level, Russia has not presented credible evidence that ethnic Russians living in Crimea have actually been targeted by pro-Ukrainian nationals. If they were targeted, one would have expected Russia to allow monitors from the Organization for Security and Co-operation for Europe (OSCE) to visit Crimea and assess the security situation. However, rather than allow them in, Moscow has "stopped OSCE military observers from entering Crimea." Meanwhile, as Russia holds Crimea off limits, it encourages the OSCE to visit the rest of the Ukraine.

Another sound reason that Russia uses to uphold its actions is the fact that Yanukovych was ousted by means of a coup d'état and that the legitimate president of Ukraine has called upon Russia to stabilize Ukraine. Undoubtedly, as mentioned above, the impeachment of Yanukovych did not follow the precincts of the Ukrainian Constitution and he technically remains the head of state as he was elected to power via elections declared fair by Western monitors themselves. Russia made this argument on 4 March 2014 before the United Nations Security Council, where Russia's Permanent Representative to the United Nations, Vitaly Churkin, presented a photocopy to the Security Council of a letter dated 1 March 2014 allegedly signed by Victor Yanukovych requesting Russian military intervention in Ukraine to restore law and order. However, the letter itself has not been made public nor has it been open to public scrutiny. Mr Yanukovych never himself admitted to having authored the letter or requesting a Russian invasion of Crimea. Thus, its authenticity is easily questionable.

Some analysts believe that another problem with this justification of Russia is that, generally in case of civil war, neither of the parties are allowed to invite foreign powers to intervene. International law, however, lacks a precise definition of civil war (and when it is "merely" internal disturbance). While Additional Protocol II requires internal armed conflicts to be of certain intensity and "a responsible command, such control over part of the territory as to enable them to carry out sustained and concerted military operations, and the ability to implement the Protocol". This requirement speaks only to the application of the Additional Protocol II and is not necessarily a general definition of civil war. But the rationale behind the prohibition of interventions to civil wars is that the factions are neither effective nor stable and intervention in support of one party would violate principle of self-determination of the nation to decide its own political future. To that end, Russian intervention is done for non-effective

and unstable government and is violating the principle of self-determination of the Ukrainian people. Even though Crimea has a large degree of autonomy, the Constitution of Ukraine is the basis of it. And when Ukraine was in a period of civil war, Yanukovich's appeal to Russia for help was not in line with Additional Protocol II.

Application of the Responsibility to Protect (R2P) Doctrine:

To justify Russia's recent incursion into Ukraine, its President Vladimir Putin alongside others in the Kremlin have invoked the "responsibility to protect" (R2P). Russia's reliance on R2P is understandable, but analysts argue that it is an attempt to cloak aggressive action through the mantle of humanitarian intervention.

R2P has three pillars. First, each individual state has the primary responsibility to protect its populations from genocide, war crimes, crimes against humanity, and ethnic cleansing. Second, the international community should encourage or assist states to exercise this responsibility. And finally, the international community has the responsibility to use appropriate diplomatic, humanitarian, and other peaceful means to protect populations threatened by these crimes. When a state manifestly fails in its protection responsibilities, and peaceful means are inadequate, the international community must take stronger measures including the collective use of force authorized by the UN Security Council under Chapter VII.

First and foremost, then, Ukraine—not Russia—has the primary responsibility to protect its citizens from large-scale atrocities such as genocide, crimes against humanity, war crimes, and ethnic cleansing. Nowhere, in any of the news coming out of Russia or Ukraine, do we hear about these kinds of atrocities. If anything, we hear that ethnic Russians in parts of Ukraine feel discriminated against, especially with respect to the use of the Russian language. The 2012 Law 'On the principles of the state language policy' (mentioned above), passed after the overthrow of Ukrainian President Viktor Yanukovich, for example, removed Russian as one of the official languages of Ukraine. Yet, as reported in several media outlets, this law has already been rescinded. In other words, Ukraine appears to be neither unable nor unwilling to protect its population from crimes that might lead the international community to invoke R2P. In fact, the pro-Ukraine protesters, many of whom

were ethnic Russians, appeared to be driven by a desire to forge closer ties to the West and its emphasis on human rights and democratic principles.

Second, the international community, through the European Union and the International Monetary Fund, has already been assisting Ukraine, which faces some daunting financial hurdles. Ukrainian officials insist that without \$35 billion in loans, it faces certain default, so the government in Kiev, as a condition precedent, has recently committed to urgent anti-corruption reforms. Economic troubles, it goes without saying, can exacerbate underlying political and ethnic tensions, so this assistance is wholly consistent with R2P's emphasis on economic and social justice as a way of preventing conflict. Thus, Russia cannot claim that it is propping up a government on the verge of economic collapse.

Third, and finally, the use of force must always be a last resort. Put simply, appropriate diplomatic, humanitarian, and other peaceful means must be employed first. Many diplomatic efforts have been attempted in the last several days, most recently in Paris where an attempted face-to-face meeting between the Ukrainian foreign minister and his Russian counterpart failed to materialize. But even if Moscow claims that diplomatic efforts have been tried and found wanting, there is the final section of this last R2P pillar staring Mr. Putin in the face: the use of force, with the exception of self-defense, must be authorized by the UN Security Council, which was not the case here.

Crimean Referendum and Secession:

Ukraine and the United States hold that the Russian annexation of Crimea does not comply with the fundamentals of international law as the referendum violated the domestic laws of Ukraine and was unconstitutional. However, it can be argued that the Ukrainian president possesses the power under Article 137 part two of the Ukrainian constitution to suspend the legal acts passed by the Crimean government based on their inconsistency with Ukrainian laws. This can be done by asking the Ukrainian Constitutional Court to rule on the law's constitutionality. Crimea's act of secession was indeed declared unconstitutional, but the

circumstances leading up to the decision bring into question the validity of a decision where the judiciary was coerced into adopting this course of action. This is happening in an environment wherein serious questions have been raised over the independence of the Ukrainian judiciary.

International law does not contain any major prohibition regarding the willful separation of areas from a nation, terming it as a right to self-determination. In fact, The United Nations International Court of Justice handed down an advisory opinion in 2010 saying unambiguously that the unilateral declaration of independence is in accordance with the international law. But there is an exception to this. If the people are able freely to participate in governance and are not being oppressed as a group, then these actions of secession are not lawful. This was made clear by the Canadian Supreme Court in its advisory opinion in the secession of Quebec. That Court's view was clear: the people of Quebec were not denied meaningful access to government to pursue their political, economic, cultural and social development and so the people of Quebec do not enjoy a right at international law to effect the secession of Quebec from Canada unilaterally.

Ukraine also has cause to reject the legality of its dismemberment at the hands of the people of Crimea. Article 73 of the Ukrainian Constitution is unequivocal: "Alterations to the territory of Ukraine shall be resolved exclusively by the All-Ukrainian referendum." Crimea did not allow the rest of Ukraine's 44m people to weigh in on the fate of the peninsula. USA and European states reject the plebiscite stating that it was held while Russian troops occupied Crimea.



Moreover, another legal issue with the referendum is that the only available choices to those who participated in the referendum were to either join Russia as a federal subject or restore the 1992 Crimean constitution, which would grant greater powers to the Crimean parliament including the power to establish relations with other states. Crimeans did not therefore have the option to keep the then-applicable status quo.

In addition, there is evidence that the 97.5% of voters that Russia initially claimed opted for secession did not accurately reflect voter turnout. Besides irregularities such as a 123% turnout in Sevastopol, a sizeable Crimean Tatar minority boycotted the vote. According to Mustafa Dzhemilev, the former head of the Mejlis of the Crimean Tatars, "the actual voting turnout was at no more that 30%." There is one viewpoint that simply puts the episode as follows: "Under Article 2 of the UN Charter the forceful acquisition of territory is illegal. This is clearly what happened in relation to Crimea. It doesn't matter what the result of the so-called referendum was, or what the will of the Crimean people may have been. Russia used force against the territorial integrity of Ukraine."

With regards to the UN, thirteen members of the United Nations Security Council voted in favor of a resolution declaring the referendum invalid, but Russia vetoed it and China abstained. A non-binding United Nations General Assembly resolution was later adopted by

a vote of 100 in favor vs. 11 against with 58 abstentions, which declared the referendum invalid and affirmed Ukraine's territorial integrity.

Other Possible Russian Motives for Intervention:

Regional Hegemony:

Some analysts have argued that the annexation of Crimea and activities in southern and eastern Ukraine are tactical moves that fit into a larger strategy related to Putin's ambitions for the Eurasian Economic Union – an economic bloc that will include Russia, Kazakhstan and Belarus, with Armenia and Kyrgyzstan now in the process of joining. This theory posits that, without Ukraine, the Eurasian Economic Union project cannot succeed; so Putin must either have a loyal government in Kiev prepared to join, or bring the Russophone regions of Ukraine into the union as part of Russia or as an 'independent state'.

This theory starts from a kernel of truth: Putin does view the Eurasian Economic Union project as a key foreign-policy priority. However, it is far from clear that he still harbored hopes of bringing Ukraine in as a member. The Russian elite had long ago come to view Ukraine as unreliable owing to its volatile domestic politics. Even Yanukovich's government, which leaned more towards Russia than to the West, had not taken up Putin's offer of membership. Russia offered substantial incentives just to prevent Ukraine from signing an Association Agreement with the European Union – a total of \$15 billion, including a discount on the price of Russian gas and a bond-purchase deal agreed in December 2013.

If Putin was still hoping to bring all of mainland Ukraine into the Eurasian bloc, annexation of Crimea would be a questionable step, since it has removed from Ukraine two million citizens who would favor membership. And bringing the east and south in as an unrecognized statelet would be vetoed by Belarus and Kazakhstan.

Avenging the Sins of the West:

Putin, in a speech on 18 March announcing the annexation, offered an extensive critique of Western foreign policy, implying that Russia's actions were a response to these alleged sins. He said: 'our Western partners, led by the United States of America, prefer not to be guided

by international law in their practical policies, but by the rule of the gun ... They act as they please: here and there, they use force against sovereign states, building coalitions based on the principle "if you are not with us, you are against us". To make this aggression look legitimate, they force the necessary resolutions from international organizations, and if for some reason this does not work, they simply ignore the UN Security Council and the UN overall. This happened in Yugoslavia ... And then, they hit Afghanistan, Iraq, and frankly violated the UN Security Council resolution on Libya, when instead of imposing the so-called no-fly zone over it they started bombing it too.'

There is no doubting the depth of resentment in Moscow on these issues. Many in the West have cited a similar litany to explain Russian motives. However, such analyses remain unconvincing as explanations of behavior because they suggest that the situation in Ukraine itself was somehow immaterial to Russian decision-making. Russian resentment of the alleged sins of the West cannot explain why Moscow chose to take action in Ukraine.

Putin's Domestic Popularity:

Some analysts have claimed that Putin's actions were motivated by a need to shore up domestic support, following a weakening of his popularity. It is true that his approval rating had declined in 2013 to its lowest level since he first took office in 2000 – and that it has shot up since the annexation of Crimea in March. However, this explanation conflates the result of the president's actions with his motives.

Putin's popularity had already been boosted by the success of the Olympic Winter Games, held in Sochi in February, and by the fact that Russia topped the medals table. Even at their lowest point, his approval ratings would have been the envy of most Western leaders. Most importantly, since returning to the presidency in 2012 Putin has systematically dismantled the organized opposition through targeted repression. He has provided release valves for discontent by granting some liberalizing concessions, such as a return to mostly elected provincial governors. Putin has also reinforced discipline and loyalty among his supporters through a project of 'nationalization of the elite' – forcing the repatriation of assets and banning officials from owning property abroad.

No leader would shun an opportunity to consolidate their domestic popularity. However, before the Ukrainian crisis began, Putin faced no serious threat to his rule in the short to medium term; he enjoyed overwhelming popular support and elite loyalty, and faced no serious electoral challenges at the national level. It is implausible under these circumstances that he would have launched such a costly adventure purely in order to build domestic political support.

Questions Delegates Must Answer:

1. Can the overtaking of Crimea be termed as military intervention (under what terms) or imperialistic, aggressive expansion?
2. Can the Russian annexation of Crimea and the referendum held in Crimea be termed as legal or justifiable?
3. Was the overthrowing of Yanukovych legal and did it provide justification for Russia to involve itself in Crimea?
4. Is the fate of the Crimean peninsula decided by the legality of its position as a part of Ukraine, the relevant clauses in the UN Charter and the Rome Statute or the majority of the ethnicity of the Russian speaking population present in the region?
5. Are international law (including the Rome Statute), the UN Charter and the Ukrainian constitution really applicable given the current situation and the disregard of the Russian Federation for international pressure?
6. If Russia and NATO are stakeholders in Eastern Europe, then what could their interests be in the region regarding Ukraine?

7. Were the pro-Russian militants, responsible for violence in Ukraine, backed or sponsored by the Russian Federation in any way?
8. How can the international community deal with pro-Russia militants?
9. Under what category of non-State Military Organizations do the militants come into and how can the committee deal with them accordingly?
10. How can the conflicts taking place between the divided pro-Russian militants and the Ukrainian government be brought to an end?
11. How can the international community come to a diplomatic solution to diffuse the tensions between Moscow and Kiev?
12. What can be done to guarantee the protection of minorities and ethnicities in the Crimean peninsula regardless of whether Crimea goes to Ukraine or Russia?
13. Does Crimea ultimately return to Ukraine, or does it secede to Russia, or could it possibly become a sovereign nation and under what circumstances?

Topic Area B: The Application and Implications of Military Intervention in the United Nations

The UN has been deploying military personnel for service in peace operations since 1948 when the Security Council authorized the deployment of UN military observers to the Middle East to monitor the Armistice Agreement between Israel and its Arab neighbors.

UN military personnel can be called upon to:

- Monitor a disputed border
- Monitor and observe peace processes in post-conflict areas
- Provide security across a conflict zone
- Protect civilians
- Assist in-country military personnel with training and support
- Assist ex-combatants in implementing the peace agreements they may have signed

Why does the UN not have a standing reserve?

It takes considerable time to deploy troops and it is often asked why the UN does not have a standing reserve.

The UN can only deploy military personnel when there is a UN Security Council resolution authorizing them to do so. The Security Council will say how many military personnel are required, and then UN Headquarters will liaise with the Member States to identify personnel and deploy them. This can take time – perhaps more than six months from the date of the resolution.

As former UN Secretary-General Kofi Annan said, the UN is “the only fire brigade in the world that has to wait for the fire to break out before it can acquire a fire engine.” A standing reserve sounds logical, but it would be immensely costly to have a force of several thousand people on permanent standby. It would require training, accommodating, feeding, etc. and then might not even be used. Although it takes time, it is much more practical to

generate the military personnel once the go-ahead has been given. This also ensures we recruit personnel with the appropriate background, training and language skills.

Humanitarian intervention

“Humanitarian intervention,” the violation of a nation-state’s sovereignty for the purpose of protecting human life from government repression or famine or civil breakdown, is an old concept that has been given a new lease on life with the end of the Cold War. It is currently being practiced in Somalia and parts of Iraq, and has been discussed, with varying degrees of seriousness, with regard to Bosnia, Angola, Mozambique, Liberia, Zaire, Sudan and Haiti.

The concept of national sovereignty has long been the chief legal and political obstacle to military intervention in pursuit of humanitarian objectives. This principle of sovereignty was established in modern times with the Treaty of Westphalia of 1648, which brought an end to the Thirty Years’ War and a century of destructive religious conflict in Europe. Under the original formulation of this principle, the religion of the ruler was to be the religion of his or her subjects: Dissent was a privilege, not a right, and appeal to any authority higher than the ruler (such as the Pope) was not permitted. The benefit of the principle of sovereignty, and its corollary of non-interference in the affairs of another state, was the end to confessional wars. The negative result was the growth of absolutist government: Sovereignty was located in the person of the ruler. The idea that sovereignty resides in a people rather than a ruler was a product of nineteenth-century romantic nationalism, put into practice by leaders such as Bismarck, Garibaldi and Victor Emmanuel.

One of the sovereign rights accorded to a ruler was the right to declare war. The principle of sovereignty was applied by and for the powerful states (not, for instance, on behalf of Poland) and was never extended to territories and societies outside Europe. African and Asian nations (not nation-states) were invaded and conquered, sometimes in the name of civilization and humanitarianism. With the spread of the nation-state system to the world beyond Europe and North America, the principle of national sovereignty was extended as well.

In the recent period, the behavior of the Nazi regime in Germany posed a great challenge to the notion of national sovereignty because the principle of non-interference allowed practices that became genocidal. It was only when the Third Reich invaded other countries, submitted their populations to appalling abuses and threatened to dominate Europe that a coalition of states emerged to confront and defeat the Nazis. The contemporary debates

around intervention in Bosnia and even in Iraq reflect the same sort of hesitation to intervene when the main issue is a regime's treatment of its own subjects.

The United Nations was founded following the defeat of Germany and Japan, and one of its guiding principles was linking respect for human rights with world peace. This link was jettisoned, in practice, with the Cold War, but it informed the Universal Declaration of Human Rights and similar international instruments. The underlying rationale was that respect for human rights would be a check on arbitrary power, thereby allowing for the preservation of the principle of sovereignty and non-interference. The UN envisioned that sovereignty would be exercised by governments on behalf of the people, more or less democratically.

Sovereignty thus became the cornerstone of human rights legislation. Starting with the Universal Declaration of Human Rights, that legislation was binding on sovereign governments in their relations with their people. Sovereignty lost some of its absolute power to the extent that the UN was seen to reflect the community of nations and, as such, a higher authority.

Intervention Motives

Customary international law has always recognized a principle of military intervention on humanitarian grounds. The classic examples of nineteenth-century military "humanitarian intervention" occurred when Britain, France and Russia cited persecution of Christians in Muslim-ruled territories of the Ottoman Empire. Britain intervened in Greece in 1830; France sent a military expedition to Syria and Lebanon in 1860; Britain sent troops to Crete in 1866. The motives of European rulers were influenced by public opinion at home, but strategic interests also played a crucial role. The European occupation of Africa was spurred to a significant extent by pressure from Christian missionary societies to suppress the slave trade and idolatry, and to spread Christianity and "civilization." The philanthropic imperialism with which the European powers entered Africa was regarded as benign at the time, but history allows us to take a more skeptical view with regard to the interests at stake.

Nonetheless, the theoretical and legal debate was sophisticated. In a formulation that has rarely been bettered, W. V. Harcourt, writing in the mid-nineteenth century, described intervention as "a high and summary procedure which may sometimes snatch a remedy beyond the reach of law.... In the case of intervention as that of revolution, its essence is illegality, and its justification is its success."

European confidence in its "civilizing mission" was severely tested by the experience of fascism, beginning with the Italian invasion of Ethiopia in 1935. The alleged abuses suffered

by ethnic Germans were cited as a reason for the Nazi invasion of Czechoslovakia. The UN Charter was therefore drawn up in the context of extreme skepticism about “humanitarian” justifications for intervention. The Charter expressly prohibited the use of force, or threats of the use of force, by states except in self-defense. No article of the Charter, nor subsequent international legal instrument, makes reference to the use of force for humanitarian purposes.

Critics of military humanitarian intervention argue that this is no accident, that the doctrine of humanitarian intervention in customary law was so abused that it had become worthless. Advocates argue that the UN Charter is designed to restrict the use of force to self-defense and collective action in support of peace and human rights. The use or threat of force in pursuit of humanitarian goals, when sanctioned by the UN, is by this interpretation within the spirit of the Charter.

Over the last 40 years, a number of governments have justified unilateral military action with reference to the customary law of military humanitarian intervention in one form or another. Without exception, the international community has refused to recognize these actions as legitimate. Clear instances are Vietnam’s invasion of Cambodia and Tanzania’s invasion of Uganda, both in 1979. Related examples of military action ostensibly taken in defense of foreign nationals in the countries concerned include the US invasion of the Dominican Republic and the US-Belgian action in the Congo, both in 1964. In all these cases, the absence of UN sanction of the military action has been of paramount importance in the wider refusal to condone the actions as true cases of humanitarian intervention.

Military humanitarian intervention has recently undergone a revival in circumstances where national sovereignty has manifestly failed to serve the citizens of a given state. The most recent instances (Iraqi Kurdistan and Somalia) have been undertaken under the auspices of the UN intervention in Bosnia has been considered under a similar mandate.

If an abusive government such as Iraq or Sudan cites “sovereignty” to defend actions involving mass violations of human rights (or, in extremis, genocide), then it is clearly failing to exercise that power on behalf of the people to whom it is supposed to be accountable. When the US-led coalition states occupied part of the Kurdish area of northern Iraq, they were violating only the very debased form of sovereignty exercised by the Iraqi government.

UN blessing for such military actions has been crucially important, as is the fact that this endorsement be seen as the outcome of a genuine international consensus, and not the outcome of manipulation by one or more powerful countries. In fact, however, the UN is increasingly seen as a tool of the US. In Somalia, the international forces were routinely referred to as “the Americans” by both Somalis and foreigners. This confusion is dangerous. If UN resolutions, and even UN instruments such as the Universal Declaration of Human

Rights, are no longer seen to represent the collective will of the community of nations but rather the foreign policy concerns of Western states, sovereignty will again become a more plausible defense by abusive governments. It is no accident that the government of Sudan was the most outspoken opponent of US intervention in Somalia.

The legal status of military humanitarian intervention is thus problematic. There is an ideal form of such intervention that few would object to: when a governing power is so tyrannous that its crimes can be remedied only by external intervention, and the world community is united in demanding such action. The problem is that few if any cases of military intervention that cite this doctrine come close to the ideal.

Intervention in Practice

Humanitarian intervention can, in fact, take a variety of forms: material assistance (through relief aid), sanctions (coercive, non-military pressure to end abusive practices) and, finally, the dispatch of military forces to remedy a human disaster.

Intervention in the form of material relief is difficult and rarely done well. This fact is obscured by the uncritical publicity given to the efforts of relief organizations. Assistance given for the best motives can have counterproductive consequences. For example, generous aid to help refugees, just like other forms of aid, can be used to prop up an authoritarian government or to enrich elites. The list of major recipients of US aid in sub-Saharan Africa – Sudan, Zaire, Liberia, Ethiopia and Kenya, with Somalia receiving the highest amount per capita – scarcely testifies to success in promoting stability or long-term economic development.

In situations of conflict, assistance is even more problematic since it is likely to have strategic military significance. The large-scale provision of aid to Ethiopia in the mid-1980s helped to make possible counterinsurgency campaigns that were deeply damaging to the rural poor. Food aid has fed wars in Africa wherever it has gone. Both sides in most conflicts feed their armies, at least in part, from food aid, and armies use food to attract civilian populations to areas they control. The presence of Western relief agencies can give spurious humanitarian credentials to military operations designed to displace and impoverish rural communities.



Where relief programs in wars have been successful, they have been implemented in concert with attempts to address the strategic context as well. In 1989, Operation Lifeline played a key role in restoring a degree of normality to southern Sudan, devastated by war and famine. There was a simultaneous ceasefire brought about by internal political processes in Sudan. The ceasefire made it possible for rural people to return home, plant crops and herd their animals in confidence that they would not be attacked. Trade and labor migration also became possible. The economic benefit of these activities was far greater than the provision of relief, though the latter received much more international publicity.

How can the strategic context of a war-famine best be addressed? Sanctions (or the threat of them), censure at the UN, and other diplomatic and economic penalties can have dramatic effects. Operation Lifeline Sudan began just weeks after the US government threatened to withhold aid unless there was a breakthrough in stalled negotiations over aid delivery. In early 1993, three years of sustained diplomatic pressure on the military government in Sudan finally began to pay off when the government became more amenable to demands that it allow relief organizations access to most parts of the country. Unfortunately, such sanctions are rarely used, are not given the chance to work, are broken or are only attempted too late. In addition, many conventional interventions – sanctions are a case in point – actually contribute to human suffering. The embargoes imposed on Iraq, Serbia and Haiti in order to punish the rulers have caused immense hardship for ordinary people, including, at least in the case of Iraq, a sharp increase in infant mortality. In a case such as Somalia, with no central government, a mixture of sanctions imposed on the contending factions and encouragement of a political settlement is appropriate. This may appear obvious, but it is rarely applied thoroughly. Constructive diplomacy is equally vital. In Somalia, support for clan elders, humanitarian groups and women's groups pushing for a peaceful political settlement had been proving productive with the efforts of UN special envoy Muhammad Sahnoun. This was never given a chance to work, but even the attempts in this direction were

more than had been tried in comparable situations. In south Sudan, there has been almost no outside support for the efforts of local civic groups, notably the churches, to promote an alternative to the authoritarian leaders of the Sudan People's Liberation Army. One of the tragedies of the former Yugoslavia is the failure of the international community to support independent pro-peace initiatives within the various republics.

The deployment of UN peacekeeping forces can usually be classified as a diplomatic, rather than military, intervention. Peacekeepers are deployed with the consent of the combatant parties as part of a diplomatic process.



To sum up: Material relief or diplomatic interventions with humanitarian goals, not to mention coercive steps such as sanctions, are loaded with strategic significance and are difficult to implement. For these reasons, among others, they are rarely done particularly well. They fail because they are obstructed by warring parties, but also because of incompetence or mixed motives by the UN or other representatives of the international community. This is an essential point to grasp before considering the merits and demerits of military intervention in pursuit of humanitarian aims.

Military Intervention

The third level of humanitarian intervention – the use of military force in violation of sovereignty and in pursuit of humanitarian goals – is fraught with problems. It is never “clean” or quick. For these reasons, consideration of military humanitarian intervention should be subject to rigorous preconditions which have rarely if ever been met in practice.

- Military intervention, if acceptable at all, should be a last resort. Where military intervention is contemplated or implemented, there has always been a history of inept or damaging diplomacy and peacekeeping, and inadequate or incompetent relief programs by the international community. Alternatives, if tried, rarely have been tried properly. In every case in which military intervention has been tried or is contemplated, observers with detailed knowledge of the situation can point to missed opportunities and serious blunders.

Mean-spirited refugee policies often underlie crises that military intervention is supposed to resolve. The unwillingness of Turkey to host Iraqi Kurdish refugees prompted the crisis that led to military intervention in northern Iraq. Had Turkey responded as did Iran, with hospitality and a well-managed relief program, massive human suffering could have been averted. Similarly, US unwillingness to receive Haitian boat people is a key factor in US policy towards Haiti. The claim that “all else has failed” should therefore always be treated with skepticism. The conventional routes are always open, but they are often slow and fraught with complications. Diplomacy of this kind may appear a luxury when there is an urgent humanitarian crisis, but may in the long run be the most effective international response.

- There must be an accurate and independent evaluation of the scale and nature of humanitarian needs. In Africa, humanitarian crises are rarely as severe as the relief agencies and media make out. In the Sahel in the early 1970s, demographic investigations show that at most 100,000 people died; contemporary press reports put the figure in the millions. In Ethiopia in 1984-1985, the predicted death toll ranged as high as 6 million; most relief agencies claimed that 1-2 million died, but the scanty mortality figures available put the toll at probably about 500,000. Those in the relief business are familiar with such exaggeration, but it has always been considered bad taste to draw attention to it, for fear of sounding callous.

In practice, it is the media's assessment of the severity of a crisis that prompts action. Given the wildly inaccurate diagnoses of the severity of famines or refugee crises common in the media, this is deeply disturbing. Reporters and editors must pay much more attention to the reliability of their assessments of disasters.

It is important to accurately calibrate humanitarian emergencies for planning an appropriate response. If it had been true, as the UN claimed, that 2 million faced death by starvation in Somalia in December 1992, a military occupation capable of responding to such need would have been unobjectionable. The reality did not warrant the degree of panic displayed and manipulated. Relief agencies repeatedly confuse the efficiency of their own operations with the degree to which famine is being overcome. It is quite possible for relief to become more difficult just as a harvest is gathered in and the famine comes to an end. This is indeed what was happening in Somalia at the end of 1992.

This is not an argument for universal skepticism about impending disasters, but accurate intelligence is not a luxury. It is vital for effective emergency relief operations.

- The most important question concerning intervention is: Can military forces do the job? This covers several distinct questions. The first is whether the forces can remain militarily intact, sustaining a low, politically acceptable level of casualties. Most modern military forces are equipped for and trained to fight high-technology wars with the aim of securing a quick victory. Events in Somalia have demonstrated the inappropriateness of such equipment and training for humanitarian missions. Humanitarian intervention demands a different set of military skills. It is akin to counterinsurgency. The very few successful counterinsurgency campaigns – for example, the French in Morocco in 1910-1925 and the British in Malaya in the 1950s – were necessarily comprehensive and constructive. They stressed extreme patience, a high level of confidence between troops and people, and a military strategy that was an intrinsic part of an overall political and economic plan. At the time these two colonial campaigns were waged, furthermore, it was politically acceptable for intervening forces to sustain a relatively high level of casualties. Military commanders on peacekeeping missions almost always feel unduly constrained by the rules of engagement, which, for instance, prevent them from firing first. On the other hand, an aggressive and insensitive force can quickly alienate local people, as happened in Somalia. Radical changes in military doctrine and training will be needed if armies are to carry out humanitarian tasks. But the demands made upon Western armies by politicians and constituents at home for quick fixes and low casualties make the required changes difficult.

A separate question is whether the military can accomplish the tasks at hand. Military assistance can help with relief logistics. There is a tendency to assume that escorting relief convoys is an end in itself. But food assistance is invariably a relatively small factor in

alleviating the hardship and death caused by famine. Most people die from epidemic disease, hence public health programs are the single most important factor in saving lives. Concentrating people in protected zones without adequate public health facilities inevitably facilitates the spread of communicable diseases and increases death rates. Moreover, people's self-help efforts are cumulatively more important than external aid. Undermining self reliance is disastrous under any conditions; enabling people to carry out economic activities is by far the most effective form of relief. If the troops confine themselves to protecting relief convoys and creating safe distribution zones, they may actually do more harm than good.

Military intervention has its own logic. The troops may go in because relief agencies call for them, but once there they follow commands from military structures, not relief agencies. Their operations are dictated by military strategy, which puts the security of military personnel as the first priority. This means that the troops will move slowly, with their own massive logistical backup. In Somalia, the early weeks of the intervention diverted transport resources and port space from the relief effort. In Bosnia, security of UN forces has often proved the paramount concern, and risks to European ground forces the critical factor militating against US air strikes. If the threat is in the form of guerrilla insurgency, commanders will adopt counterinsurgency "safe zones" which oblige people to abandon homes and farms and congregate in camps in order to receive relief. The troops may fulfill a narrow humanitarian mandate, but only at the expense of creating larger problems. Relief agencies must realize that military intervention does not make the job of fighting famine any easier; it merely makes it different.

- Military intervention does not necessarily address the strategic context of a disaster. The logic of military occupation and the demands of peacemaking and reconstructing a society are very difficult to reconcile. Foreign military commanders deal with local military commanders. This is their training and the requirement for protecting their troops. Intervention may thereby confer on local commanders a degree of legitimacy that is, in political or human rights terms, unwarranted. The alternative to negotiating with warlords is fighting, defeating and disarming them, and then creating a civilian administration under the protection of the intervention forces. Fighting a war of this sort is likely to be politically unacceptable to the international community and the countries sending the troops.

Is there a middle way? Can civil initiatives be nurtured under the umbrella of an intervention force, which keeps the warlords at bay in the meantime? The problem is that while the interventionary forces are there, they constitute the major factor in the political equation. When they are removed, the premises of negotiations change. Civil structures built up by an interventionary force are unlikely to survive the withdrawal of that force. Military intervention does not solve diplomatic problems; it merely changes the diplomatic agenda.

- Intervening military forces should strive for neutrality, and must be accountable. The case for military intervention is always made on the basis of the failure of diplomatic interventions. The governments that send troops invariably have sorry records on relief and diplomacy. The UN may be just as bad. As a result, the intervening forces are already a party to the tragedy when they arrive. It is a delusion to think they are neutral or above the fray.

Under all circumstances, intervening forces should be accountable. An independent body, consisting of representatives of the international and local community, should monitor the neutrality of and respect for human rights by the intervention forces. This body should work in the public realm and have the power to follow up complaints. Intervening forces should respect the Geneva Conventions and other laws of war. Indeed, propagating knowledge about international humanitarian law should be one of their tasks. In Somalia, the UN justified violations of the Geneva Conventions by claiming that its authority stemmed solely from the Security Council resolution authorizing them to take "all necessary measures" to capture or punish Gen. Muhammad Farah Aidid. Putting international forces above the Geneva Conventions is an extremely dangerous precedent that must be challenged.

The entry of international military forces represents a failure of the international community's earlier efforts. The UN's standing is lowest precisely where it matters most, where it has been most needed and has bungled the job. One reason for the UN Secretariat's support for intervention in Somalia was to cover its previous shameful record. The organization is now widely reviled by Bosnians and held in contempt by Cambodians and Iraqis. The UN has been unwilling to submit itself to independent or public scrutiny. A necessary component of any military intervention should be a thorough, public and independent examination of what went wrong beforehand.

Relief operations and diplomatic interventions should be done earlier and better than they have been in the past, so as to make military intervention unnecessary. No reasonable person could object to the idea that when a human rights or humanitarian emergency reaches a state of massive loss of life, sovereignty should not be an obstacle to international intervention. But situations of mass starvation or genocide do not happen overnight. They invariably follow from a history of culpable negligence or equally culpable complicity by the international community. Conventional solutions continue to be possible in most instances, but require more persistence, imagination and professionalism than is commonly brought to bear.

When military intervention does take place, for whatever reason, there are certain standards of independent verification of facts, accountability and human rights that must be respected. Above all, the international community must recognize that military intervention cannot solve humanitarian or conflict resolution problems; it can only alter them.

Commonly Cited Cases of Intervention

Libya

Military intervention was an essential part of the Arab Springs and was imposed by the UN in Libya as well. On 19 March 2011, under United Nations Security Council Resolution 1973 a multi-state coalition was formed so as to impose a military intervention in Libya. The United Nations Intent and Voting was to have "an immediate ceasefire in Libya that included an end to attacks on civilians, which it said might constitute crimes against humanity. The resolution was drafted in lieu of the Libyan Civil War and soon military operations began, with American and British naval forces firing over 110 Tomahawk cruise missiles, the French Air Force, British Royal Air Force, and Royal Canadian Air Force undertaking sorties across Libya and a naval blockade by Coalition forces. The French undertook air strikes against Libyan Army tanks and vehicles. The official names for the interventions by the coalition members are Opération Harmattan by France; Operation Ellamy by the United Kingdom; Operation Mobile for the Canadian participation and Operation Odyssey Dawn for the United States.

From the beginning of the intervention, the initial coalition of Belgium, Canada, Denmark, France, Italy, Norway, Qatar, Spain, UK and US expanded to nineteen states, with newer states mostly enforcing the no-fly zone and naval blockade or providing military logistical assistance. France and the United Kingdom initially largely led the effort, with command shared with the United States. NATO took control of the arms embargo on 23 March,

named Operation Unified Protector. On 24 March, NATO agreed to take control of the no-fly zone, while command of targeting ground units remains with coalition forces. The handover occurred on 31 March 2011 at 06:00 UTC (08:00 local time). NATO flew 26,500 sorties since it took charge of the Libya mission on 31 March 2011.

Fighting in Libya ended in late October following the death of Muammar Gaddafi, and NATO stated it would end operations over Libya on 31 October 2011. Libya's new government requested that its mission be extended to the end of the year, but on 27 October, the Security Council voted to end NATO's mandate for military action on 31 October.



Haiti

A similar intervention was due in Haiti after after opposition forces staged an armed rebellion against the elected president of Haiti, Jean-Bertrand Aristide in February 2004. The US, France and Canada supported this coup. George Washington had blocked economic and humanitarian aid to the country. The February 2004 rebellion, launched from training camps in the Dominican Republic, joined together the right-wing Convergence for Democracy, the pro-business Group of 184 and thuggish militia commanders close to former dictators. The rebel military force was small, but the Aristide government had no army and only weak police units. When the rebels captured provincial capitals, regional organizations sought a political solution to the crisis. The Organization of American States (OAS) and the Caribbean Community (CARICOM) urged the UN Security Council to send a multinational force to restore order, but a contingent of 50 US Marines as well as Canadian commandoes had by

then arrived in the capital, and efforts were already under way, led by Washington, to press the president to step down.

On February 29 2004, the day Aristide left the country and went into exile, the US and France finally agreed to UN action. The Security Council unanimously voted a resolution establishing a peacekeeping force in Haiti (MINUSTAH.) On March 9, the US hastily formed a handpicked "Conseil des Sages" that appointed Gérard Latortue, a wealthy Haitian-American businessman, as Prime Minister of the Interim Government of Haiti (IGH). The newly formed police, incorporating members of the rebel militia, attacked ousted President Aristide's supporters - mainly Haiti's urban and rural poor. MINUSTAH also played a role in this repression, failing to prevent police and right-wing violence. As the 2006 presidential election was approaching, the conservative Haitian elite pressed the police and peacekeepers to "get tough" in the slum of Cité Soleil. Shortly after, the head of MINUSTAH, Brazilian General UranoBacellar, took his own life under unexplained circumstances. Human rights investigations by Amnesty International, the National Lawyers Guild, and the University of Miami Law School have documented illegal arrests and detentions of Aristide's Fanmilavalas (FL) political party leaders and activists, including Gérard Jean-Juste, one of the most charismatic and well-known figures in Haiti.

On February 7 2006, Haiti held its first elections since former President Aristide was overthrown. After four postponements of polling days and more than a week of counting votes, Aristide protégé René Préval was declared the winner of the presidential vote. He attracted more than four times as many votes as his closest rival. However, it remains to be seen if the international community - the US, the UN, the EU and those countries with most influence within Haiti – will accept Préval as the popular choice and will not attempt to undermine him from without or within, as happened with his predecessor and ally Jean-Bertrand Aristide.

The Responsibility to Protect Act

The 'responsibility to protect' agreement was first elaborated in 2001 by a group of human rights leaders comprising the International Commission on Intervention and State Sovereignty. Under their mandate, the Commission took the responsibility of reconciling the international community's responsibility to deal with massive violations of humanitarian norms and ensuring respect for the sovereign rights of nation states.

It has 2 basic principles:

1. Inherent in the concept of sovereignty is a state's responsibility to protect its populations; and
2. If a population is suffering serious harm, and the state in question is unwilling or unable to halt or avert it, the responsibility to protect those people lies in the international community.

Three core elements define what the R2P doctrine is. First, states and the international community have the responsibility to prevent atrocity crimes, which requires action to address both the root causes and direct causes of internal conflict and other man-made crises putting populations at risk. Second, states and the international community have the responsibility to react during situations of compelling human need with appropriate measures, including the use of force. Finally, states and the international community have the responsibility to rebuild in the aftermath of atrocities. This may mean providing assistance with recovery, reconstruction and reconciliation as well as seeking to address the causes of the conflict.

The ICISS report encompasses a well-measured and plausible justification to the acceptance of military intervention for human protection purposes. Foremost, less intrusive and coercive measures must be exercised before more coercive and intrusive ones are applied. However, in cases of extreme circumstances - those that "shock the conscience of mankind, or which present danger to international security" - use of force can be considered.

Six criteria were identified for defining when a situation is appropriate for military intervention: right authority, just cause, right intention, last resort, proportional means and reasonable prospects.

(1) Right Authority - The most appropriate body to authorize military intervention for human protection purposes is the United Nations Security Council. However, should the Council rejects a proposal or fails to take up a situation within a reasonable amount of time, alternatives are the following:

- A. the General Assembly can consider the matter during an Emergency Special Session under the "Uniting for Peace" procedure; and
- B. Regional or sub-regional organizations can act within their geographic jurisdiction, subject to their seeking subsequent authorization from the Security Council.

If those mechanisms fail to discharge their responsibility to protect in conscience-shocking situations, concerned states may not rule out other means to meet the gravity and urgency of that situation.

(2) Just Cause Threshold - In order for military intervention to be warranted, serious and irreparable harm must be occurring to human beings, or imminently likely to occur. Two broad circumstances provide justification.

- A. large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or
- B. large scale 'ethnic cleansing', actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.

(3) Right Intention - The primary purpose of the intervention, whatever other motives intervening states may have, must be to halt or avert human suffering. Right intention is better assured with multilateral operations, clearly supported by regional opinion and the victims concerned.

(4) Last Resort - Military intervention can only be justified when every non-military option for the prevention or peaceful resolution of the crisis has been explored, with reasonable grounds for believing lesser measures would not have succeeded.

(5) Proportional Means - The scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective.

(6) Reasonable Prospects - There must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction.

The responsibility to protect rightly increases the pressure to act when civilians are suffering. But it does not provide a practical guide to what should be done, which has to be case-specific and fully thought-through. This responsibility was not used in the conflict in Darfur from 2003 onwards, despite the large-scale civilian casualties: it looked unlikely that one-off strikes would have any effect, and no-one was prepared to intervene on a large enough scale to change the nature of the conflict.

The same has always been true of the Democratic Republic of Congo's dreadful and continuing wars. There was an attempt to invoke the responsibility to protect when cyclone Nargis devastated the Myanmar delta in 2008 and the government initially refused to allow in international aid workers, but this was rightly rejected as almost certain to make things worse.

One-off intervention did take place in Iraq in late 1998, after Saddam Hussein had refused yet again to co-operate with the UN inspectors. Cruise missiles pounded Baghdad for

several days; sadly, there was little or no evidence that this significantly changed Iraqi behaviour.

The 2011 intervention in Libya was justified by the responsibility to protect. It changed the regime, but the jury is still out on whether overall it saved civilian lives, during the conflict and since.

The precedents are however, not necessarily helpful. If the western powers are not trying to change the general military balance in Syria, it would be a leap of faith to believe that the regime would be shaken enough by a one-off batch of cruise missile attacks to change its overall behaviour, engaged as it is in a life and death struggle, with some powerful international support. But it is possible that it could be deterred from using chemical weapons again because the cost of doing so would be too high. That would be a worthwhile gain, and send an important message for humanity overall – even though it suggests that we don't really mind if the regime kills and maims civilians by conventional means.

Nevertheless the overall consequences for civilians need to be factored into the decision making, in the context of the current massive humanitarian disaster: more than 2 million Syrians have fled to neighbouring countries, and millions more inside Syria are desperately in need. However supposedly surgical the strikes may be, significant numbers of civilians are likely to be killed.



All too often the benevolent intentions of the doctrine are used to gloss over hard questions. Does R2P rest on an accurate understanding of the role of the United Nations and the international community in security? Does it reflect a proper understanding of the purposes of warfare? Does it align with the federal government's constitutional obligation and most basic duty: to provide for the common defense of the nation? Is it even an international normative principle—one that provides, as principles are supposed to do, consistent moral, political, and strategic guidance in most cases of international conflict involving civil wars and crimes of governments against their own peoples?

Let's take the U.N. question first. The United Nations was established in 1945 as a body of nations who recognize the sovereignty of other nations. Article 2 of its Charter states: "The Organization is based on the principle of the sovereign equality of all its Members." Nevertheless, it was also recognized from the beginning that there would be instances when the international community, operating through the United Nations Security Council, would be called upon to intervene (i.e., violate a nation's sovereignty) to restore international peace and stability.

Specifically, Chapter VI of the Charter empowers the Security Council to call upon "parties to any dispute, the continuance of which is likely to endanger the maintenance of international

peace and security” to resolve their differences through “negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.” If such efforts fail, Chapter VII of the Charter specifies that the Security Council may authorize additional actions to “maintain or restore international peace and security,” including “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.” If those measures failed, the Security Council is empowered to “take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.”

U.N. peacekeeping operations are grounded on this authority. Those operations now comprise a substantial portion of the work and resources of the organization. The most recent peacekeeping budget surpassed \$7.5 billion with the U.N. currently deploying nearly 100,000 uniformed personnel from various countries on 15 peacekeeping missions.

Over the last 60 years, additional international conventions and United Nations’ resolutions have also established norms and standards of international humanitarian law. These include the Geneva Conventions of 1949 and its subsequent Protocols. Although not sidestepping the respect for national sovereignty still embedded in the U.N. Charter (and thus the right of the Security Council to decide ultimately questions of international peace), these conventions and resolutions did quite consciously stretch the boundaries of old definitions of sovereignty. They not only diminished the legitimacy of national sovereignty but also broadened the scope of action that international bodies could take in defense of human rights and to protect against genocide and mass murder. It was always a balancing act, but there was inherent tension between the rights of national sovereignty—which the U.N. General Assembly and Security Council jealously protected— and the rights of individuals to protection—which were championed in such bodies as the Human Rights Council, the Office of the High Commissioner for Human Rights, and the human rights treaty bodies.

The resolutions on R2P ratified by the U.N. General Assembly in 2005 tried to overcome these tensions, but it still recognized the ultimate authority of the Security Council. Each state had a responsibility to protect its population, the resolution said, but collective action was to be taken “through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis....” In other words, only the Security Council could decide whether an intervention of the international community should be undertaken, which implied not only the rights of the veto of the Permanent Five (P-5) members (including the United States), but also that the universal humanitarian legal principles supposedly established by the R2P resolution were still subordinate to the principles of national sovereignty—to rights of the P-5 members in particular.

Why does this matter? Because it points to the fact that R2P is a mere aspiration, as opposed to a real principle of international norms or even law. R2P sometimes not only runs against the practices of Realpolitik (where national sovereignty still reigns supreme), but more importantly, it is at odds with a fundamental principle of the United Nations itself—namely, the ultimate legal deference to national sovereignty as decided by the national members of the Security Council. The Council may approve of the concept with respect to Libya but does not do so in Syria because certain members of the P-5 (namely Russia) object. In that difference is the ultimate weakness of R2P as a principle. The opposition of Russia to a Syria intervention, for example, reveals that no matter what Moscow may think about R2P as a principle, it will not adhere to it if it violates its national interests. Frankly, as a matter of principle, the United States as a P-5 member more or less does the same thing. Regardless of what the General Assembly may say, it is the actions of the Security Council that count in international peace and stability. If there is no consensus among the P-5 on how R2P should be followed, or subsequent observance of any agreement on it in practice, then it will never survive as a viable legal or normative principle of international order.

Now to the second question regarding whether the principle is consistent with the purposes of warfare. Civilians may be ultimately protected from further harm if a nation intervenes to overthrow a genocidal regime. But throughout history the purposes of war have always been mainly political—namely, as understood in just war theory, to counter an aggressor who is inflicting lasting, grave, and certain damage on a nation or community of nations, as a last resort that has serious prospects of success and won’t inflict more grave damage than the

aggressor. Woodward and Morrison argue that the R2P sanction of Libyan operation was “not taking sides” —a frankly preposterous notion. Clearly the sanction was aimed at Gaddafi’s regime, and that leader ultimately paid the price with his life, even if he was killed by his own people. Thus, the political purpose of R2P remains one of changing policy or even overthrowing a regime, even if we pretend we are not taking sides and only protecting civilians.

War is a blunt instrument. Civilians are inevitably killed no matter how hard we try to avoid it. Although estimates range widely from dozens to hundreds, civilians were inadvertently killed by allied forces in Libya, despite enormous efforts to spare them. Whether the operation saved more lives than would have been lost had there been no operation is an unanswerable question. However, it can be said that the concept of humanitarian warfare is an oxymoron; war may serve some morally justifiable purpose (self-defense, for example), but it is not a fit instrument for expressing one’s supposed humanitarianism. Given all the instability and violence that occurred in Libya since the military intervention, the question can rightly be asked whether they, too, should be put into the ledger counting the casualties of the intervention. If not, then the principle of R2P is but an empty statement of intent devoid of any real moral accountability.

Questions Delegates must answer

1. How does one define military intervention?
2. How does one define humanitarian intervention?
3. Are UN peacekeeping forces effective for intervention or should the UN mandate intervention by organizations such as the EU or NATO or even mandate unilateral intervention?
4. When is military intervention necessary?
5. Have past instances of implementing military intervention caused more damage than good and how can the UN learn from these examples?
6. Do any current situations in the world today merit military intervention?
7. How many levels of military intervention exist?
8. In what cases can military intervention be avoided and what can be used as an alternative?
9. How effective is the R2P in invoking military intervention?
10. How can the UN come up with a general framework for military intervention in future?
11. How can casualties and collateral damage be avoided in military intervention, if at all?

