**Forum:** The Security Council I

**Issue:** Reevaluating the extent to which states can conduct unilateral humanitarian interventions

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**Introduction**

Unilateral Humanitarian Interventions (UHIs), the practice of one or more nations conducting humanitarian interventions without supervision from the United Nations, aims to protect the populations of states that suffer from internal conflicts of potential or existing humanitarian threats. Although the legality and legitimacy of UHIs that are authorized by the Security Council have evolved to hold institutional positions alongside self-defense, the morality of such interventions remains controversial in the international community. Nations often conduct UHI operations without UN approval. Since UHIs that are approved by the Security Council are seldom put into question, this position paper will primarily focus on UHI operations without UN approval.

While supporters see UHIs as a necessary and legal step to ensure security in conflict-plagued regions, critics often assert that the act violates international law and question the general effectiveness of such. Previous cases of interventions have proven that UHIs could be ineffective in its goal of protecting people; in certain instances, it is merely a cover-up to forward the political interests of intervening nations. Countries have the opportunity to exploit interventions campaigns as they lack UN supervision (although governments still prioritize their interests in some interventions approved by the UN). Some of the political motives of the intervening nations include access to natural resources, geopolitical advantages, future political support from local governments, and more. Despite the flaws of unauthorized UHIs, they serve as the only alternatives to authorized interventions spawned in the Security Council. Nations are just as motivated to forward their political agenda within the Security Council as they are outside of it. This indicates that if certain proposed humanitarian interventions were to come in conflict with their interests, they would vote against no matter how reasonable the campaigns may seem. If the objecting state is a member of the Permanent Five (P5), their veto power can deny any possibilities for the suggested interventions to pass.

UHIs became a more prevalent subject of discussion towards the end of the Cold War. As humanitarian atrocities in Kosovo accompanied conflicts such as the Balkan Wars, countries intervened in international affairs that were decorated as “humanitarian” campaigns. In the modern world, the ambiguity of the term allowed for UHIs to be conducted to grander degrees. Globally, tracing the presence of a foreign state would be possible in most conflicts due to the excessive conductions of UHIs. As nations attempt and compete to gain more benefits from international locations, UHIs serve as a perfect excuse to assert influence into areas abroad.

To effectively evaluate the boundaries to which states can conduct UHIs, delegates need to understand the initial goals of UHIs compared to how states currently put it to practice. More importantly, delegates should consider the perspectives of both critics and supporters, thereby seeing the flaws and successes of UHIs. As the UN is designed to improve the living conditions for everyone, delegates should discuss the ethics of humanitarian intervention in crises as well.

**Definition of Key Terms**

**Unilateral Humanitarian Interventions**

Unilateral Humanitarian Interventions are military interventions conducted by a state or a group of nations to protect the human rights of the populace in another country. The rationale for such interventions relies heavily on the principles of Chapter VII of the UN Charter; the Charter calls for international response to threats of international peace. Although the UN explicitly stated in the UN Charter that the UN must first approve all forms of intervention, numerous states deliberately neglect this and intervene with in other nations’ affairs in UHIs.

**Unilateral**

Operations are unilateral when conducted by one or more states working towards similar goals during an intervention. In most cases, UHI operations are unauthorized by the UN. This indicates that such actions lack the supervision of the UN. One of the most prominent examples of unauthorized UHI is in the case of the North Atlantic Treaty Organization’s intervention in Kosovo. NATO member states acted upon the situation without Security Council authorization, making the intervention an unauthorized unilateral operation.

**Humanitarian**

Humanitarian action hopes to: “save lives, alleviate suffering and maintain human dignity during and after man-made crises and disasters caused by natural hazards, as well as to prevent and strengthen preparedness for when such situations occur”, as defined by the International Red Cross and Red Crescent Movement. The definition has been reaffirmed in UN General Assembly resolutions, ensuring its legitimacy as a baseline for what humanitarian actions strive to accomplish. However, many UHI operations, despite claiming to be humanitarian, have acted in ways that contrast with the supposed humanitarian nature of the actions.

Intervention

Intervention indicates for one or multiple states’ use of force within another sovereign nation to protect people under humanitarian threats. Although the UN prohibits intervention without UN authorization, states continue to violate the articles of the UN Charter that proclaims so.

**UN Charter**

After the devastating events of World War II, the UN Charter was signed by fifty states in San Francisco on 26 June 1945. It served to provide the basis for the international legal system regulating the use of force. Critics claim that Article 2(4) and Article 51 disprove the legitimacy and legality of UHI; which shows why UHI should be prohibited entirely. However, previous cases have shown that the regulations set within the Charter prove to be ineffective towards responding to modern threats to international peace and security. Thus, the current regulations set by the UN fail to achieve their purpose.

**State Sovereignty**

State sovereignty is the concept of the absolute power by which a state is governed by solely itself. Any interference with such would be considered a violation of state sovereignty as defined by the UN Charter. Critics of UHI assert that interventions breach the state sovereignty of the nation that its affairs are being intervened in. However, the international community has gradually undermined the use of state sovereignty as a reason to reject humanitarian intervention with the introduction of the Responsibility to Protect.

**Responsibility to Protect (R2P)**

The phrase Responsibility to Protect is a phrase that was created by the International Commission on Intervention and State Sovereignty in 2001. The phrase states that the UN and its member states have an obligation and a political commitment to protect the people from human rights violations. These human rights violations include genocide, war crimes, ethnic cleansing, and crimes against humanity. In order to fulfill this obligation, nations are permitted to intervene with force if such situations were to occur. This idea was created in response to the humanitarian atrocities in the 1990s that the UN failed to address.

**History & Developments**

**The North Atlantic Treaty Organization (NATO) and Kosovo**

The 1990s was a period of violence and turmoil within the former Yugoslavia located in the Balkans. After Kosovo declared its independence from Yugoslavia in 1991, ethnic tensions between the Serbians and Kosovar Albanians rose. This led to eventual open conflict between the Serbian military and forces against the Kosovar Albanian forces. Serbian forces launched a brutal crackdown on opposing forces, causing the deaths of over over 1,500 Kosovar Albanians and displacing 400,000 people. Eventually, NATO gave President Milošević an ultimatum- halt the crackdown on Kosovo Albanians or deal with impending airstrike threats-which was rejected. The involvement of NATO in Kosovo serves as one of the most prominent cases of unilateral humanitarian interventions unauthorized by the UN.

**NATO Involvement**

Once the internationally brokered peace talks failed, NATO launched continuous airstrikes on Yugoslavia for 78 days until the capital Belgrade finally yielded. During the bombings, Kosovo Albanian civilians were caught in the bombings. Numerous casualties occurred during the duration of the bombings, and hundreds of thousands of Kosovar Albanian refugees poured into neighboring countries seeking shelter. The operation eventually stopped when Serbian president Slobodan Milošević agreed to withdraw from Kosovo.

**Backlash**

While NATO achieved its goal of stopping the oppression of Kosovo Albanian citizens that was orchestrated by President Milošević, the acts of NATO were arguably worse. The legality and legitimacy of the intervention was put into question by the international community due to the violation of the UN Charter. NATO did not adhere to Chapter VII of the UN Charter, in that the intervention lacked the backing of the Security Council. More importantly, the ethics of the intervention faced tremendous criticism. Critics claimed that the death and destruction caused by the reckless bombings infringed upon the human rights of the Kosovar Albanians. In response, NATO claimed that the operation was for the protection of the Kosovar Albanians from further persecution. Additionally, NATO member states advocated for new legal rights to intervention in order to preserve the principles of peace in the UN Charter. The moral and legal ambiguity of the first NATO intervention remains even to this day.

**NATO and Libya**

Although the Security Council indeed authorized the NATO intervention in Libya, much of the conducted intervention was unsupervised. Therefore, the operation primarily carried through with the characteristics of UHIs. In February 2011, demonstrations against the Libyan dictator Muammar Qaddafi spread rapidly across the country. In response, the regime attacked the movement with lethal force, killing more than 100 people in just the first few days. Thus, a civilian rebellion began within Libya to overthrow the Gaddafi regime. However, the rebels quickly lost momentum and faced complete extermination if no external forces were to step in. In the characteristics framed by the western-European countries, Qaddafi threatened to conduct genocide operations to his oppositions, meaning that the lives of thousands and millions of civilians were at stake. To address the situation, the UN authorized an intervention operation conducted by NATO by March of 2011 to protect civilians and prevent a massacre.

**NATO Involvement**

The NATO intervention lasted for seven months. According to a Human Rights Watch investigation, at least 72 civilians were killed as a result of the NATO air campaign. This number starkly contrasted the reported claims of mass casualties from the Qaddafi regime. The intervention consisted of 14,202 strike sorties, which allegedly stoped potential cease-fire talks between the forces of the NATO and the Qaddafi regime. The death of Qaddafi on 23 October 2011 marked the end of the intervention, with the establishment of a democratic Libyan government.

**Aftermath**

Due to the lack of management and insufficient measurements towards combatting the remnants of Qaddafi supporters, the nation fell into civil war once again. Also, during the NATO intervention, it had been shown that the NATO-backed rebels were also committing crimes against civilians, which was prominent reasoning for the disempowerment of Qaddafi. Opposers of the intervention also stress upon the fact that cease-fire attempts were denied by NATO, which could have ended the war earlier than it lasted. On the other hand, supporters of the intervention assert that Qaddafi had genocidal tendencies and that the intervention had saved the lives of numerous Libyans. They also argue the intervention itself wasn’t at fault for causing the Second Libyan Civil War. It was the lack of action from the international community after the death of Qaddafi that led to the current situation in Libya.

**Morality and Legality**

The most controversial and essential discussion about UHI is on the topic of the morality and legality of the act. Understanding the rationale for why UHI has been endorsed by the international community in some instances but has been rejected in others will be of the utmost importance in developing a better system for interventions.

**Morality**

The moral argument for UHIs heavily correlates with Chapter VII of the UN Charter and also the Responsibility to Protect. Without UHI, responses to humanitarian atrocities would be drastically slower. The UN itself lacks the resources to adequately react to potential violations of human rights in conflict zones. Therefore, with the Responsibility to Protect, nations should intervene in internal conflicts that threaten the security of life and livelihood of the populace. Without unilateral humanitarian interventions, it would be nearly impossible for the UN to resolve issues with its current set of regulations. However, one must keep in mind that although nations morally should always adhere to the principles of UHI, many interventions result in the practice of asserting the intervening nation’s self-interest within the areas of conflict. Therefore, for future operations for intervention to reach their full effect, the lack of regulations must be addressed.

 **Legality**

When critics point out the flaws of unilateral humanitarian interventions, legality is the area of most criticism. Indeed, these interventions, in most cases, do not align with international law. However, because the international community lacks a way to punish any nation that does violate the UN Charter, the practitioners have faced no repercussions other than verbal condemnation. Supporters of unilateral humanitarian interventions argue that the current framework of international law is outdated and inadequate for resolving modern threats to the security of the world. They suggest that the current rules should be expanded upon to adapt to UHI and bring forth versatility.

**Geopolitics**

**NATO**

 NATO is one of the most prominent figures in the practice of unilateral humanitarian interventions. Being an organization that mostly considers the interests of western European countries (along with the United States and Canada), NATO has involved itself in numerous intervention operations. Following the end of the Cold War, the organization has become increasingly involved in foreign interventions, especially in the Mediterranean region. Some of NATO’s most notable interventions were in Kosovo, Afghanistan, and Libya. NATO interventions usually result in heavy civilian casualties and destructive aftermaths (although there may be no direct correlation between the interventions and the results), causing radical splits of opinions regarding the effectiveness of the interventions. NATO interventions generally aims to maintain peace and security within the Mediterranean region, therefore most of its conducted UHIs do follow the principle of the concept.

**The United States**

 The United States, debatably the most influential nation in the international community, undoubtedly has countless national interests targeted abroad. In order to maintain its degree of influence and protect its interests, the US constantly conducts UHI operations overseas. For example, in order to combat the current Russian-backed Al-Assad regime in Syria, the United States provided weapons, training and intelligence support to the anti-government forces to "restore democracy.” As seen in Syria, the United States usually interferes in the name of democracy to protect its own interests, which often concerns little about preserving or establishing democracy.

**Russia Federation**

 As political opposition to the United States and many of the other members of NATO in many aspects of global affairs, Russia is prominent opposition to unilateral humanitarian interventions. Along with China, Russia had condemned the acts of UHIs in the Security Council. However, this does not indicate that Russia does not assert its influence internationally. Rather than having direct interventions, Russia’s allies are mostly pre-established governments. Therefore, Russia directly funds the governments, as seen in the case of Syria. Russia often uses the current limitations of the international law as an argument against UHI, although much of the nation’s foreign affairs contradict the values of the laws. Note that Russia opposes UHIs not because the country believes it is inherently immoral, but to limit the international influence that its competitors may establish.

**Previous Attempts to Solve the Issue**

 The morally and legally ambiguous nature of unilateral humanitarian interventions has caused little advancements to be made in addressing the problematic areas of the act. Although the UN may verbally condemn UHI operations because it deems harmful to the international community, it lacks the capacity to go beyond these criticisms. This is due to the lack of real authority and leverage that the UN have on member states. The UN itself has no power to sanction any nation as it relies on its member states to enforce the crafted resolutions. Furthermore, a formal process of revaluation to the extent to which states can conduct unilateral humanitarian interventions has also never occurred. Until a mechanism that for forces member states to abide by international law is found, little progress will be made.

**Relevant UN Treaties and Events**

* Creation of the UN Charter, June 26, 1945
* Creation of NATO, April 3, 1949
* NATO air strikes on Yugoslavia, March, 1999
* Responsibility to Protect (R2P) was adopted, 2005 World Summit
* Syrian Civil War, March 15, 2011
* NATO intervention in Libya, March, 2011

**Possible Solutions**

 One of the major flaws to unilateral humanitarian interventions is that there are no ways to keep the operations in check. Interventions then evolve into exploitative means for the intervening nations to act in their own national interests. Ultimately, the humanitarian aspect of these interventions is completely forsaken, leaving millions of people still under the inhumane treatments that were initially forced upon them. **Thus, there must be the creation of codified laws and guidelines** on what constitutes unilateral humanitarian interventions and the limitations of the intervening country.

 Regardless of the final consensus on the extent to which UHIs should be permitted, the collective agreement would be pointless without legal authority. Therefore, **there must be established consequences for neglecting the established codifications, which should be enforced**. This can be done through the collective efforts of member states to create an unbiased system of punishments if international law is breached. Regarding the enforcement aspect, relying solely on the UN would be ineffective. As stated in the previous sections, the UN lacks the authority to punish any nation. Therefore, a mechanism where individual countries can hold each other accountable must be established.

 This report reiterated and stressed multiple times that the UN holds no authority over member states, which contributes immensely to the problematic UHIs. Even when the UN identifies traits conflicting with the humanitarian cause of the interventions, it cannot take action upon them. **Thus, the UN must have the capability to obstruct the process of a UHI when deemed appropriate.** This doesn’t give absolute authority to the UN and also ensures that UHIs will serve its purpose. This solution also requires the consent of member states, which is crucial to this topic as a whole.

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