Epoka University

Human Rights and Humanitarian Interventions (PIR 443)

A Reader

By
Dr. Islam Jusufi

Epoka University
Department of Political Science and International Relations
Tirana, Albania
September 2018

Contents

Preface

This Reader brings together materials related to human rights. More specifically, it is related with the materials on the course "Human Rights and Humanitarian Interventions" (PIR 443), taught at Master of Science program in the Political Science and International Relations at Epoka University.

Lecturer

Dr. Islam Jusufi,
Lecturer and Head, Department of Political Science and International Relations
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E-mail: ijusufi@epoka.edu.al.
Web: www.epoka.edu.al.
Personal website: http://ijusufi.epoka.edu.al.

Islam Jusufi, PhD: Lecturer and Head at the Department of Political Sciences and International Relations at Epoka University, Tirana, Albania. Studied Politics at University of Sheffield and International Relations at Universities of Amsterdam, Bilkent and Ankara. He held fellowships at the Wilson Centre, Washington DC; EU Institute for Security Studies, Paris; ERSTE Stiftung, Vienna; UNESCO, Paris; Centre for Policy Studies, Budapest; and NATO, Brussels. His research interests relate to international, European and Balkan politics and security studies.

Assignments

Essay (value: 15%): Each student will prepare an Essay. It should be: a. original, b. related to a topic covered in the course, and c. applied to Albania. Deadline for delivery of Essay (two days before the start of the mid-term exam week). Essays should be between 800-900 words, uploaded to Turnitin.

Presentations (value: 10%): After the mid-term exam period, students will present their essays. All presentations will be presented in seminar format. No power point. 10 minutes of oral presentation.

Evaluation format for Essays:

Name of student	Content (out of 50 points)	Organization (out of 10 points)	Mechanics - Language (out of 10 points)	Citations and References (out of 10 points)	Style of writing (out of 10 points)	Format (out of 10 points)	TOTAL (100 points)

Evaluation format for Oral Presentations:

Category	Scoring Criteria	Total Points	Score
Organization (10 points)	The type of presentation is appropriate for the topic and audience.	5	
	Information is presented in a logical sequence.	5	
Content (45 points)	Introduction is attention-getting, lays out the problem well, and establishes a framework for the rest of the presentation.	5	
	Technical terms are well-defined in language appropriate for the target audience.	5	
	Presentation contains accurate information.	10	
	Material included is relevant to the overall message/purpose.	10	
	Appropriate amount of material is prepared, and points made reflect well their relative importance.	10	
	There is an obvious conclusion summarizing the presentation.	5	
Presentation (45 points)	Speaker maintains good eye contact with the audience and is appropriately animated (e.g., gestures, moving around, etc.).	5	
	Speaker uses a clear, audible voice.	5	
	Delivery is poised, controlled, and smooth.	5	
	Good language skills and pronunciation are used.	10	
	Visual aids (if not visual aids), the posture is effective, and not distracting.	5	
	Length of presentation is within the assigned time limits.	5	
	Information was well communicated.	10	
Score	**Total Points**	**100**	

Syllabus and Slides

EPOKA UNIVERSITY
FACULTY OF ECONOMICS AND ADMINISTRATIVE SCIENCES
DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL RELATIONS
COURSE SYLLABUS

<table>
<tr><td colspan="9" align="center">COURSE INFORMATON
Course Title: Human Rights and Humanitarian Interventions</td></tr>
<tr><td>Code</td><td>Course Type</td><td>Regular Semester</td><td>Lecture</td><td>Recit.</td><td>Lab.</td><td>Credits</td><td colspan="2">ECTS</td></tr>
<tr><td>PIR 443</td><td>B</td><td>7</td><td>3</td><td>0</td><td>-</td><td>3</td><td colspan="2">6</td></tr>
<tr><td colspan="3">Lecturer and Office Hours</td><td colspan="6">Dr. Islam Jusufi (ijusufi@epoka.edu.al), E-101</td></tr>
<tr><td colspan="3">Teaching Assistants and Office Hours</td><td colspan="6">Ms. Ajsela Toci (atoci14@epoka.edu.al), E-320</td></tr>
<tr><td colspan="3">Language</td><td colspan="6">English</td></tr>
<tr><td colspan="3">Compulsory/Elective</td><td colspan="6"></td></tr>
<tr><td colspan="3">Classroom and Meeting Time</td><td colspan="6"></td></tr>
<tr><td colspan="3">Description</td><td colspan="6">The course explores the concepts of humanitarian interventions and human rights, and various critiques of these concepts. It explores the foundations, origins and contemporary challenges in the interplay between human rights and humanitarian action. The course will seek to understand the tensions and dilemmas between the protection of state sovereignty and international humanitarian interventions and the promotion of human rights. The choice to intervene in the affairs of other sovereign states remains the most controversial cases in the field of international relations. The first part of the course introduces students to classical and contemporary approaches towards the relationship between human rights and humanitarian action. The second part of the course examines underlying principles, concepts, practices and methods of protection. The third and the last part of the course uses case studies to examine specific interventions, case by case.</td></tr>
<tr><td colspan="3">Objectives</td><td colspan="6">The course aims to introduce the students to the current academic and political debate about humanitarian intervention in the context of evolving notions of human rights, and to provide the students with an understanding of basic concepts such as human rights, humanitarian intervention, and responsibility to protect. It further aims to encourage the students to think critically and analytically, to improve students' verbal and nonverbal skills and to introduce them to the sector that offers a lot of employment opportunities for the graduates of the international relations.</td></tr>
<tr><td colspan="9" align="center">COURSE OUTLINE</td></tr>
<tr><td colspan="3">Weekly lessons</td><td colspan="6" align="center">Topics</td></tr>
<tr><td colspan="3">1</td><td colspan="6">a. Course introduction, overview of texts, and expectations.
b. Practice of criticizing human rights records of countries.</td></tr>
<tr><td colspan="3">2</td><td colspan="6">Introduction to Human Rights and Humanitarian Interventions.

<u>Must readings</u>:
Donnelly: pages: 7-23.
Holzgrefe: pages: 15-52.</td></tr>
<tr><td colspan="3">3</td><td colspan="6">History and Politics of Humanitarianism and its relationship with human rights.

<u>Must readings</u>:
Donnelly: pages: 254-273.
Barnett (Humanitarianism Transformed).</td></tr>
<tr><td colspan="3">4</td><td colspan="6">Human Rights and Humanitarian Movements: individual actors and NGOs.

<u>Must readings</u>:
Palmieri (An institution standing the test of time).
Bugnion (André Durand).
Chandler (The Road to Military Humanitarianism).</td></tr>
<tr><td colspan="3">5</td><td colspan="6">Human Rights and International Relations: institutional foundations of the humanitarian</td></tr>
</table>

	system. Must readings: Forsythe: pages: 3-49.
6	**Key Interveners and Their Policy Preferences.** Must readings: Stedman (The New Interventionists). Clark (Iraq Has Wrecked Our Case for Humanitarian Wars). Krasner (An Orienting Principle for Foreign Policy).
7	**Preventive Diplomacy, Early Warning, and Media.** Must readings: Livingston (Clarifying the CNN Effect). Strobel (The CNN Effect). United Nations Charter. Chapters VI and VII.
8	**Strategy and Intervention.** Must readings: Betts (The Delusion of Impartial Intervention). Fearon (Neo-Trusteeships and the Problem of Weak States).
9	**The Responsibility to Protect.** Must readings: Stahn (Responsibility to Protect). Kersten (Does Russia have a 'responsibility to protect' Ukraine?). Mamdani (Responsibility to Protect or Right to Punish).
10	**Seminar I: The case of Bosnia.** Must readings: Srebrenica Report. 1999. Optional: Watch: Srebrenica. A Cry from the Grave. Youtube. Watch: While America Watched: The Bosnia Tragedy. Vimeo.
11	**Seminar II: The case of Kosovo.** Must readings: Roberts (NATO's 'Humanitarian War' Over Kosovo). Posen (The War for Kosovo: Serbia's Political-Military Strategy). Optional: Watch: Kosovo – War in Europe. Youtube. Watch: The Death of Yugoslavia. Youtube.
12	**Seminar III: The cases of Somalia and Congo.** Must readings: Klarevas (Trends: The United States Peace Operation in Somalia). Optional: PBS (Ambush in Mogadishu). Watch: Somalia. Good Intentions, Deadly Results. Youtube. Watch: Ambush in Mogadishu. Youtube.

13	**Seminar IV: The cases of Ukraine, Crimea, South Ossetia, Syria.** <u>Must readings</u>: Trenin (The Ukraine crisis).	
	MID-TERM EXAM (is held in one of the weeks in the middle of the semester)	
	FINAL EXAM (is held in the weeks of 15-16 of the semester)	
Prerequisite(s)	Class attendance and participation; Essay; and seminars.	
Textbook	<u>Must readings</u>: Barnett, M. 2005. Humanitarianism Transformed. *(Available online).* Betts, R. K. 1994. "The Delusion of Impartial Intervention". Foreign Affairs 6: 20-33. *(Available online).* Bugnion, F. 2008. André Durand: the life of a traveller for the Red Cross, 1912-2008. *(Available online).* Chandler, D. 2001. "The Road to Military Humanitarianism: How the Human Rights NGOs Shaped A New Humanitarian Agenda". Human Rights Quarterly 23: 678-700. *(Available online).* Clark, D. 2003. Iraq Has Wrecked Our Case for Humanitarian Wars. Guardian. *(Available online).* Donnelly, J. 2013. Universal Human Rights in Theory and Practice. Cornell University Press: Ithaca. pages: 7-23; 254-273. *(Available online).* Fearon, J. and Laitin, D. 2004. "Neo-Trusteeships and the Problem of Weak States." International Security, Spring: 5-43. *(Available online).* Forsythe, D. P. 2003. Human rights in International Relations. Cambridge University Press: Cambridge. pages: 3-49. *(Available in the Library of the Epoka University).* *(Also, available online).* Holzgrefe, J. L. and Keohane, R.O. 2003. Humanitarian intervention: Ethical, Legal, and Political Dilemmas. Cambridge University Press: Cambridge. pages: 1-52. *(Available in the Library of the Epoka University).* *(Also, available online).* Kersten, M. 2014. 'Does Russia have a 'responsibility to protect' Ukraine? Don't buy it'. The Globe and Mail. *(Available online).* Klarevas, L. J. 2000. Trends: The United States Peace Operation in Somalia. The Public Opinion Quarterly 4: 523-540.	

	(Available online). Krasner, S. 2010. "An Orienting Principle for Foreign Policy". Stanford Policy Review. *(Available online).* Livingston, S. 1997. Clarifying the CNN Effect. *(Available online).* Mamdani, M. 2009. 'Responsibility to Protect or Right to Punish?'. *(Available online).* Palmieri, D. 2013. "An institution standing the test of time? A review of 150 years of the history of the International Committee of the Red Cross". International Review of the Red Cross 889: 1-26. *(Available online).* Posen, B. R. 2000. "The War for Kosovo: Serbia's Political-Military Strategy." International Security 4: 39-84. *(Available online).* Roberts, A. 1999. "NATO's 'Humanitarian War' Over Kosovo," Survival 3: 102-123. *(Available online).* Ryniker, A. 2001. "The ICRC's Position on 'Humanitarian Intervention," International Review of the Red Cross 842: 527-532. *(Available online).* Srebrenica Report. 1999. Report to the Secretary General Pursuant to General Assembly Resolution 53/35. *(Available online).* Stahn, C. 2007. 'Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?', American Journal of International Law 101: 99-120. *(Available online).* Stedman, S. J. 1993. "The New Interventionists." Foreign Affairs 72: 1-16. *(Available online).* Strobel, W. 1996. "The CNN Effect." American Journalism Review. *(Available online).* Trenin, D. 2014. The Ukraine crisis and the resumption of great-power rivalry. Carnegie Moscow Centre. *(Available online).* United Nations Charter. Chapters VI and VII. *(Available online).*
Other References	Optional readings: Barnett, M. 2001. "Humanitarianism with a Sovereign Face: UNHCR in the Global Undertow". International Migration Review 35: 244-277. *(Available online).*

Betts, R. 1980-81. "Surprise Despite Warning: Why Sudden Attacks Succeed," Political Science Quarterly 4: 551-572.
(Available online).

Borgen, C. 2014. 'Kosovo, South Ossetia, and Crimea: the Legal Rhetoric of Intervention, Recognition, and Annexation'. Opinio Juris.
(Available online).

Borgen, C. 2009. 'The Language of Law and the Practice of Politics: Great Powers, Small States, and the Rhetoric of Self- Determination in the Cases of Kosovo and South Ossetia', Chicago Journal of International Law 10: 1 – 33.
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Bowden, M. 2001. Black Hawk Down: A Story of Modern War. New American Library, NY.
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Coupland, R. 2001. "Humanity: What is it and how does it Influence International Law?", International Review of the Red Cross, Vol. 83: 969-989.
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Finnemore, M. and Sikkink, K. 1998. "International Norm Dynamics and Political Change." International Organization 4: 887-917.
(Available online).

ICISS. 2001. The Responsibility to Protect. Pages: 11-76.
(Available online).

Kaufman, C. 1996. "Possible and Impossible Solutions to Ethnic Civil Wars." International Security, Spring: 136-175.
(Available online).

Kennedy, D. "Reassessing International Humanitarianism: The Dark Sides".
(Available online).

Koh, H. 2013. Syria and the Law of Humanitarian Intervention. Part II: International Law and the Way Forward.
(Available online).

Krauthammer, C. 2003. To go to Liberia or not to go. Washington Post.
(Available online).

Macleod, C. 2010. "Towards a Philosophical Account of Crimes Against Humanity", European Journal of International Law, Vol. 21: 281-302.
(Available online).

Morgenthau, H. J. 1948. "The Twilight of International Morality". Ethics 2: 79-99.
(Available online).

Orford, A. 1999. 'Muscular Humanitarianism: Reading the Narratives of the New Interventionism'. European Journal of International Law 10: 679 – 711.
(Available online).

OSCE. 1999. Kosovo/Kosova: As Seen, As Told: An analysis of the human rights findings of the OSCE Kosovo Verification Mission October 1998 to June 1999.
(Available online).

PBS. 2001. Ambush in Mogadishu.
(Available online).

Posen, B. R. 1996. "Military Responses to Refugee Disasters," International Security 1: 72-111.
(Available online).

Thürer, D. 2007. "Dunant's Pyramid: Thoughts on Humanitarian Space". International Review of the Red Cross 865: 47-61.
(Available online).

UN Secretary-General. 2009. Implementing the Responsibility to Protect.
(Available online).

de Waal, A. and Omaar, R. Can Military Intervention Be "Humanitarian"?. MER187.
(Available online).

de Waal, A. 2007. No Such Thing as Humanitarian Intervention. Harvard International Review.
(Available online).

de Waal, A. 2012. How to End Mass Atrocities. New York Times.
(Available online).

Walter, B. 1997. "The Critical Barrier to Civil War Settlement," International Organization 1: 335-364.
(Available online).

Watch: Ambush in Mogadishu. Youtube.
(Available online).

Watch: Death of Yugoslavia. Youtube.
(Available online).

Watch: Kosovo – War in Europe. Youtube.
(Available online).

Watch: Somalia. Good Intentions, Deadly Results. Youtube.
(Available online).

Watch: Srebrenica. A Cry from the Grave. Youtube.
(Available online).

	Watch: While America Watched: The Bosnia Tragedy. Vimeo. *(Available online).* - References in Albanian and on Albania: Biberaj, Elez. Shqiperia dhe Shqipetaret ne udhen e rimekembjes. AIIS Library. Tirana. Rakipi, Albert. Weak States and Security. Koha Library. Tirana.
Laboratory Work	
Computer Usage	
Others	

LEARNING OUTCOMES AND COMPETENCIES

1	To demonstrate a comprehensive understanding of the interaction between humanitarian and human rights norms.
2	To demonstrate ability to critically assess the legal, moral and political arguments for and against humanitarian interventions.
3	To demonstrate ability to provide an overview of the history, issues, dilemmas and actors in humanitarian intervention.
4	To demonstrate ability to reflect on key cases in the field of humanitarian interventions.

COURSE'S CONTRIBUTION TO PROGRAM OUTCOMES
(Blank : no contribution, 1: least contribution … 5: highest contribution)

No	Program Learning Outcomes	Cont.
1	Having and using advanced knowledge and comprehension supported by textbooks including actual knowledge in political sciences and international relations literature, materials and the other scientific resources	5
2	Determining complex events and topics, making discussions and developing new suggestions in accordance with researches	5
3	Analyzing data, ideas and concepts of current political issues and international relations	5
4	Having knowledge and thought about actual topics and problems together with their historical, social and cultural aspects	4
5	Gaining IT skills to use computer and technology in order to reach actual knowledge	1
6	Improving skills of working together with the main social science disciplines and other disciplines which are related to Political Science and International Relations	3
7	Improving critical thinking and skills in making research independently	5
8	Developing solutions about the problems and conflicts which are common in national and international arena	5
9	Gaining skills to follow societal, scientific and ethic values during collecting, interpreting, conducting of data related to social and political developments	5
10	Knowing any foreign language enough to communicate with colleagues and understand actual researches and articles	4
11	Introducing those who are interested in politics and international events with the topics of Political Science and IR and teaching clearly the problems and the types of solutions	5
12	Improving skills for leadership and research and analyze capacity of those who is responsible with national and international ones	3
13	Having consciousness about human rights and environment	5

COURSE EVALUATION METHOD

In-term studies	Quantity	Percentage

Mid-term exam	1	30
Essay	1	15
Essay Presentation	1	10
Final Exam	1	35
Participation	1	10
Total		100
Contribution of in-term studies to overall grade		**65**
Contribution of final examination to overall grade		**35**
Total		100

ECTS (ALLOCATED BASED ON STUDENT) WORKLOAD			
Activities	**Quantity**	**Duration (Hour)**	**Total Workload (Hour)**
Course Duration (Including the exam week: 16x Total course hours)	16	3	48
Hours for off-the-classroom study (Pre-study, practice)	16	3	48
Assignments	27	1	27
Mid-terms	23	1	23
Final examination	23	1	23
Other	18.5	1	18.5
Total Work Load			**187.5**
Total Work Load / 25 (h)			**7.50**
ECTS Credit of the Course			**7.5**

PIR 443, Human Rights and Humanitarian Interventions

Dr. Islam Jusufi

Epoka University

Issues to cover today

- Introduction of course
- Review of course objectives
- Useful references and reading material
- Outline of subjects to be covered
- Assignments
- Other

Fact sheet

- Course Title: Human Rights and Humanitarian Interventions, PIR 443.

- Course hours per week: Once a week, for 3 hours per week.

- Mid-term Exam: In the middle of semester.

- Final exam: At the end of semester.

Description

- Explore concepts of humanitarian interventions and human rights, and various critiques of these concepts

- Explore contemporary challenges in the interplay between human rights and humanitarian action.

- Understand the tensions between the protection of state sovereignty and international humanitarian interventions and the promotion of human rights.

- Introduce to classical and contemporary approaches towards the relationship between human rights and humanitarian action.

- Case studies to examine specific interventions.

Objectives

- Introduce to debates on humanitarian intervention in the context of human rights.

- Three concepts: human rights, humanitarian intervention, and responsibility to protect.

- Think critically and analytically, to improve verbal and nonverbal skills and to introduce to the sector that offers a lot of employment opportunities for the graduates of the IR.

Learning outcomes

- Understanding of the interaction between humanitarian and human rights norms.

- Assess the legal, and political arguments for and against humanitarian interventions.

- Overview of the history, issues, dilemmas and actors in humanitarian intervention.

- Reflect on key cases in the field of humanitarian interventions.

Biography, Islam Jusufi

- Lecturer at the Department of Political Science and International Relations of Epoka University
- Studied Politics at University of Sheffield and International Relations at Universities of Amsterdam, Bilkent and Ankara.
- Served as adviser to EU and UN.
- Fellowships at the Wilson Centre, Washington DC; EU Institute for Security Studies, Paris; ERSTE Stiftung, Vienna; UNESCO, Paris; Centre for Policy Studies, Budapest; and NATO, Brussels.
- Research interests relate to international politics, security studies and foreign aid management.

Office hours

- By appointment.
- Students are encouraged to use office hours to discuss reading materials, exams, presentations, as well as any other matter, including their future professional development.
- via email: ijusufi@epoka.edu.al.
- Office: E-Building, E-101.
- Assistant: Ms. Ajsela Toci (E320).

Readings

- Wide range of sources.

- Available on-line or in the Epoka Library.

- If students experience any difficulty accessing material, they should contact the instructor.

Must readings

- Barnett, M. 2005. Humanitarianism Transformed. (Available online).

- Betts, R. K. 1994. "The Delusion of Impartial Intervention". Foreign Affairs 6: 20-33. (Available online).

- Bugnion, F. 2008. André Durand: the life of a traveller for the Red Cross, 1912-2008. (Available online).

- Chandler, D. 2001. "The Road to Military Humanitarianism: How the Human Rights NGOs Shaped A New Humanitarian Agenda". Human Rights Quarterly 23: 678-700. (Available online).

Must readings - 2

- Clark, D. 2003. Iraq Has Wrecked Our Case for Humanitarian Wars. Guardian. (Available online)

- Donnelly, J. 2013. Universal Human Rights in Theory and Practice. Cornell University Press: Ithaca. pages: 7-23; 254-273. (Available online)

- Fearon, J. and Laitin, D. 2004. "Neo-Trusteeships and the Problem of Weak States." International Security, Spring: 5-43. (Available online)

- Forsythe, D. P. 2003. Human rights in International Relations. Cambridge University Press: Cambridge. pages: 3-49. (Available in the Library of the Epoka University). (Also, available online)

Must readings - 3

- Holzgrefe, J. L. and Keohane, R.O. 2003. Humanitarian intervention: Ethical, Legal, and Political Dilemmas. Cambridge University Press: Cambridge. pages: 1-52. (Available in the Library of the Epoka University). (Also, available online)

- Kaufman, C. 1996. "Possible and Impossible Solutions to Ethnic Civil Wars." International Security, Spring: 136-175. (Available online)

- Kersten, M. 2014. 'Does Russia have a 'responsibility to protect' Ukraine? Don't buy it'. The Globe and Mail. (Available online)

- Klarevas, L. J. 2000. Trends: The United States Peace Operation in Somalia. The Public Opinion Quarterly 4: 523-540. (Available online)

Must readings - 4

- Koh, H. 2013. Syria and the Law of Humanitarian Intervention. Part II: International Law and the Way Forward. (Available online)

- Krasner, S. 2010. "An Orienting Principle for Foreign Policy". Stanford Policy Review. (Available online)

- Krauthammer, C. 2003. To go to Liberia or not to go. Washington Post. (Available online)

- Livingston, S. 1997. Clarifying the CNN Effect. (Available online).

Must readings - 5

- Mamdani, M. 2009. 'Responsibility to Protect or Right to Punish?'. (Available online)

- Palmieri, D. 2013. "An institution standing the test of time? A review of 150 years of the history of the International Committee of the Red Cross". International Review of the Red Cross 889: 1-26. (Available online)

- Posen, B. R. 2000. "The War for Kosovo: Serbia's Political-Military Strategy." International Security 4: 39-84. (Available online)

- Posen, B. R. 1996. "Military Responses to Refugee Disasters," International Security 1: 72-111. (Available online)

Must readings - 6

- Roberts, A. 1999. "NATO's 'Humanitarian War' Over Kosovo," Survival 3: 102-123. (Available online)

- Ryniker, A. 2001. "The ICRC's Position on 'Humanitarian Intervention," International Review of the Red Cross 842: 527-532. (Available online)

- Srebrenica Report. 1999. Report to the Secretary General Pursuant to General Assembly Resolution 53/35. (Available online)

- Stahn, C. 2007. 'Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?', American Journal of International Law 101: 99-120. (Available online)

Must readings - 7

- Stedman, S. J. 1993. "The New Interventionists." Foreign Affairs 72: 1-16. (Available online)

- Strobel, W. 1996. "The CNN Effect." American Journalism Review. (Available online)

- Trenin, D. 2014. The Ukraine crisis and the resumption of great-power rivalry. Carnegie Moscow Centre. (Available online)

- United Nations Charter. Chapters VI and VII. (Available online)

Must readings - 8

- de Waal, A. and Omaar, R. Can Military Intervention Be "Humanitarian"?. MER187. (Available online)

- de Waal, A. 2007. No Such Thing as Humanitarian Intervention. Harvard International Review. (Available online)

- de Waal, A. 2012. How to End Mass Atrocities. New York Times. (Available online)

Optional readings

- Barnett, M. 2001. "Humanitarianism with a Sovereign Face: UNHCR in the Global Undertow". International Migration Review 35: 244-277. (Available online)

- Betts, R. 1980-81. "Surprise Despite Warning: Why Sudden Attacks Succeed," Political Science Quarterly 4: 551-572. (Available online)

- Borgen, C. 2014. 'Kosovo, South Ossetia, and Crimea: the Legal Rhetoric of Intervention, Recognition, and Annexation'. Opinio Juris. (Available online)

- Borgen, C. 2009. 'The Language of Law and the Practice of Politics: Great Powers, Small States, and the Rhetoric of Self-Determination in the Cases of Kosovo and South Ossetia', Chicago Journal of International Law 10: 1 – 33. (Available online).

Optional readings - 2

- Bowden, M. 2001. Black Hawk Down: A Story of Modern War. New American Library, NY. (Available online)

- Coupland, R. 2001. "Humanity: What is it and how does it Influence International Law?", International Review of the Red Cross, Vol. 83: 969-989. (Available online)

- Finnemore, M. and Sikkink, K. 1998. "International Norm Dynamics and Political Change." International Organization 4: 887-917. (Available online)

- ICISS. 2001. The Responsibility to Protect. Pages: 11-76. (Available online).

Optional readings - 3

- Kennedy, D. "Reassessing International Humanitarianism: The Dark Sides". (Available online)

- Macleod, C. 2010. "Towards a Philosophical Account of Crimes Against Humanity", European Journal of International Law, Vol. 21: 281-302. (Available online)

- Morgenthau, H. J. 1948. "The Twilight of International Morality". Ethics 2: 79-99. (Available online)

- Orford, A. 1999. 'Muscular Humanitarianism: Reading the Narratives of the New Interventionism'. European Journal of International Law 10: 679 – 711. (Available online).

Optional readings - 4

- OSCE. 1999. Kosovo/Kosova: As Seen, As Told: An analysis of the human rights findings of the OSCE Kosovo Verification Mission October 1998 to June 1999. (Available online)

- PBS. 2001. Ambush in Mogadishu. (Available online)

- Thürer, D. 2007. "Dunant's Pyramid: Thoughts on Humanitarian Space". International Review of the Red Cross 865: 47-61. (Available online)

- UN Secretary-General. 2009. Implementing the Responsibility to Protect. (Available online)

Optional readings - 5

- Walter, B. 1997. "The Critical Barrier to Civil War Settlement," International Organization 1: 335-364. (Available online)

- Watch: Ambush in Mogadishu. Youtube. (Available online)

- Watch: Death of Yugoslavia. Youtube. (Available online)

- Watch: Kosovo – War in Europe. Youtube. (Available online)

Optional - 6

- Watch: Somalia. Good Intentions, Deadly Results. Youtube. (Available online)

- Watch: Srebrenica. A Cry from the Grave. Youtube. (Available online)

PIR 443, jusufi, epoka university

References in Albanian and on Albania

- Biberaj, Elez. Shqiperia dhe Shqipetaret ne udhen e rimekembjes. AIIS Library. Tirana.

- Rakipi, Albert. Weak States and Security. Koha Library. Tirana.

Course Outline, Lessons 1-2

- Lesson 1: Course introduction, overview of texts, and expectations.

- Lesson 2: Introduction to Human Rights and Humanitarian Interventions.

- Must readings: Donnelly: pages: 7-23. Holzgrefe: pages: 15-52.

Lessons 3-4

- Lesson 3: History and Politics of Humanitarianism and its relationship with human rights

- Must readings: Donnelly: pages: 254-273. Barnett (Humanitarianism Transformed).

- Lesson 4: Human Rights and Humanitarian Movements: individual actors and NGOs

- Must readings: Palmieri (An institution standing the test of time). Bugnion (André Durand). Chandler (The Road to Military Humanitarianism).

Lessons 5-6

- Lesson 5: Human Rights and International Relations: institutional foundations of the humanitarian system

- Must readings: Forsythe: pages: 3-49.

- Lesson 6: Key Interveners and Their Policy Preferences

- Must readings: Stedman (The New Interventionists). Clark (Iraq Has Wrecked Our Case for Humanitarian Wars). Krasner (An Orienting Principle for Foreign Policy). Krauthammer (To go to Liberia or not to go).

Lessons 7-8

- Lesson 7: Preventive Diplomacy, Early Warning, and Media

- Must readings: Ryniker (The ICRC's Position). Livingston (Clarifying the CNN Effect). Strobel (The CNN Effect). United Nations Charter. Chapters VI and VII.

- Lesson 8: Strategy and Intervention

- Must readings: Posen (Military Responses to Refugee Disasters). Betts (The Delusion of Impartial Intervention). Fearon (Neo-Trusteeships and the Problem of Weak States). Kaufman (Possible and Impossible Solutions to Ethnic Civil Wars). de Waal (Can Military Intervention Be "Humanitarian"). de Waal (No Such Thing as Humanitarian Intervention). de Waal (How to End Mass Atrocities).

Lessons 9-10

- Lesson 9: The Responsibility to Protect
- Must readings: Stahn (Responsibility to Protect). Kersten (Does Russia have a 'responsibility to protect' Ukraine?). Koh (Syria and the Law of Humanitarian Intervention). Mamdani (Responsibility to Protect or Right to Punish).
- Lesson 10: Seminar I: The case of Bosnia
- Must readings: Srebrenica Report. 1999.
- Optional: Watch: Srebrenica. A Cry from the Grave. Youtube. Watch: While America Watched: The Bosnia Tragedy. Vimeo.

Lessons 11-13

- <u>Lesson 11</u>: Seminar II: The case of Kosovo
- Must readings: Roberts (NATO's 'Humanitarian War' Over Kosovo). Posen (The War for Kosovo: Serbia's Political-Military Strategy).
- Optional: Watch: Kosovo – War in Europe. Youtube. Watch: The Death of Yugoslavia. Youtube.
- <u>Lesson 12</u>: Seminar III: The cases of Somalia and Congo.
- Must readings: Klarevas (Trends: The United States Peace Operation in Somalia).
- Optional: PBS (Ambush in Mogadishu). Watch: Somalia. Good Intentions, Deadly Results. Youtube. Watch: Ambush in Mogadishu. Youtube.
- <u>Lesson 13</u>: Seminar IV: The cases of Ukraine, Crimea, South Ossetia, Syria. Must readings: Trenin (The Ukraine crisis).

Evaluation and Assignments

- Mid-term exam   1   30%
- Essay   1   15%
- Essay presentn   1   10%
- Final Exam   1   35%
- Participation   1   10%

Evaluation and Assignments - 2

- Mid-term exam (30%).

- Essay (15%). 1000-1200 word essay. The topic should be one of the topics studied in the course and apply the same to a case. Essays are due two days before the start of the Mid-Term week.

- Presentations (10%): Presenting what has been learned from the essay. Each presentation should include 10 minutes of oral presentation and 10 minutes of Q&A session. Presentations are to be held in the weeks after mid-term week.

- Final Exam (35%).

- Class Participation (10%): The class combines lecture and discussion. Come to class prepared. You are expected to read materials assigned for each class. Your participation in class will be assessed and will figure into your final grade.

Q and A

- Students present themselves: bio and interests.

- Q and A.

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Practice of criticizing human rights records of countries

PIR 443, Human Rights and Humanitarian Interventions
Dr. Islam Jusufi
Epoka University

Introduction

- International relations are organized in series of practices that regulate its relations with third states.

- A major practice is "criticizing" human rights record of other countries.

- EU, US, UN are normative powers and criticizing countries on implementation of human rights values is a main practice.

Criticizing

- Criticizing is generated by differences between 'ought' and 'is'.

- Ideas matter.

- Normally it is expected that countries would prefer to avoid being accused of violating norms and that they may be criticized.

Practices Theory

- Practices are socially meaningful patterns of actions that are embedded in particular organized contexts.

- Acts of criticizing human rights records of other countries:

1. Production of annual human rights reports,

2. Human rights consultations and dialogues,

3. Financial assistance in the field of human rights,

4. Statements and declarations on human rights situation in third countries.

- These are practices because they are socially structured within a construct and reiterated regularly.

Why IOs are engaged in practices?

- International organizations are bureaucratic organizations with a degree of authority that comes from their expertise.

- They become powerful when they are engaged in specific practices.

- Practices of producing knowledge and expertise become powerful tools for actors to use in their interaction with each other.

Impact of practices

- Practices are determinants and causes of something else.

- Practices allow seeing what kind of role it provides to the actor in the space it is acting.

- Does it provide for limited international influence, or it provides it the ability to institutionalize cooperation, or it provides power to it to transform the normative stances in various parts of the world?

Relationship reflecting power of the other side

- Aim is to establish "common human rights community" where the spread of norms is sought not by being engaged against other countries, but also by involving the other.

- If the country is a weak, the approach features aspects of top down such as conditionality.

- If the country is a strong, the cooperation with these countries lacks conditionality, reflects the balance between security and freedom.

EU human rights policy

- Respect for human rights is a value common to all EU countries.

- Human rights guide the EU's action both inside and outside its borders.

- EU is perceived as authority that protects and promotes human rights values within its borders and outside.

- It is perceived as human rights normative power.

Human rights as 'essential element'

- EU's actions shall be guided by: democracy, rule of law, human rights, respect for human dignity, respect for the international law (Treaty of Lisbon).

- Since 1992, the clause on "essential elements" in all agreements signed with third countries has been included: respect for human rights constitutes an "essential element".

EU's annual human rights reports

- EU's annual assessment of the performance of the states according to a set of EU-defined criteria for good policies and institutions.

- They are practices making possible other, more specific practices. E.g. EU's dialogue on human rights with other countries.

EU's annual human rights reports - 2

- They assess countries, activate EU expertise and produce facts that shape discussions.

- They can be understood as a central mode of producing knowledge that feeds directly into how EU seeks to shape and guide its relations with other countries.

- The reports serve as a tool around which the debate on a country's human rights record is organized.

EU's annual human rights reports - 3

- EU releases every year an Annual Report on Human Rights and Democracy.

- Reports encompass two parts: a. thematic; b. geographical.

- The reports form main base where the criticism is delivered on human rights issues to third countries.

EU's annual human rights reports - 4

- It is important to consider whether the reports capture country specific features.

- The impression is that 'one size fits all' approach is being imposed.

- Nevertheless, the reports differs in criticism from one country to another.

- The reports do not need to factor in country context; as taking into account the context will dilute the principles of human rights.

EU's annual human rights reports - 5

- The reports are structured by detailed instructions.

- The main forum for debates is Working Group on Human Rights of the Council of the EU.

- The Council adopts the reports, which are drafted by European External Action Service, the foreign ministry of the EU.

Consultations on human rights

- Another practice of EU is to undertake human rights dialogues and consultations with third countries.

- These are highly structured dialogues and consultations held at the level of human rights experts from the capitals.

- Usually held on a regular bi-annual basis.

Consultations on human rights - 2

- The consultations are main base where EU delivers its positions and criticism on human rights issues to other governments.

- Their key function is to go after the issues that have dominated the human rights agenda of a certain country.

- The consultations have acted through questions, pressures, and discussions.

Consultations on human rights - 3

- They are used for persuasion and learning to diffuse human rights norms.

- They support socialization and empowerment of a country's bureaucratic elite.

- They played a role of socialization, pressures, networking, benchmarking and learning.

EU financial aid for improvement of human rights

- The EU has supported protection of human rights via funding mechanisms such as European Instrument for Democracy and Human Rights.

- Leverage gained from aid is limited.

- Aid conditionality has low chances to be effective in the field of human rights.

- Some countries have shown little interest in EU funds.

Conclusions

- There has been increase in the number of practices in the field of criticizing human rights records of other countries.

- Mere criticism does not produce a change.

- Practice of criticizing can not only be ineffective but also counterproductive.

- Ideas can produce outcome when it is combined with power.

Introduction to Human Rights and Humanitarian Interventions

PIR 443, Human Rights and Humanitarian Interventions

Dr. Islam Jusufi

Epoka University

Concept of human rights

- Human rights: rights of men, because they are human.

- How being human and having rights are related?

Being right and having a right

- Two senses: rectitude and entitlement.

- Rectitude: right thing to do.

- Entitlement: someone having a right. E.g. to have a right to vote is to be entitled to vote.

Four principal dimensions of practice of rights

- Exercise,

- Respect,

- Enjoyment, and

- Enforcement.

Special features of human rights

- Human rights being equal, inalienable, and universal.

- Human rights are equal rights: one either is or is not a human being, and therefore has the same human rights as everyone else.

Special features of human rights - 2

- Human rights are inalienable rights: one cannot stop being human, no matter how badly one behaves or how barbarously one is treated.

- They are universal rights.

Human capabilities and Human Rights

- "Human capabilities": Links between rights and capabilities.

- Leading proponents simply do not present capabilities as a ground for human rights.

- Capabilities are a way to operationalize the enjoyment of human rights, not ground for their substance.

Universal Declaration

- The Universal Declaration specifies minimum conditions for a dignified life, a life worthy of a human being.

- Human rights as a self-fulfilling moral prophecy: "Treat people like human beings and you will get truly human beings."

Human rights and governance

- Human rights shape political society.

- They shape human beings.

- They help to realize the possibilities of human nature, which provided the basis for these rights in the first place.

Human rights and governance - 2

- Human rights are constitutive no less than regulative rules and practices.

- Human rights constitute individuals as a particular kind of political subject: free and equal rights-bearing citizens.

Human rights as social practices

- Human rights are not just abstract values such as liberty, equality, and security.

- Human rights are particular social practices to realize those values.

- A human right thus should not be confused with the values underlying it.

Definition of HR

- Human rights are:

a) the minimum set of goods, services, opportunities, and protections that are widely recognized today as essential prerequisites for a life of dignity, and

b) a particular set of practices to realize those goods, services, opportunities, and protections. No more. But no less.

Analytic and Substantive Theories

International normative consensus on the rights:

- Universal Declaration,

- International Covenant on Economic, Social and Cultural Rights and

- International Covenant on Civil and Political Rights.

Analytic and Substantive Theories - 2

Historically, most human rights advocates and declarations have made foundational appeals:

- American Declaration of Independence appealed to divine donation;

- Universal Declaration makes foundational appeal to "the inherent dignity . . . of all members of the human family."

Must Readings for this week were:

- Donnelly: pages: 7-23.

- Holzgrefe: pages: 15-52.

History and Politics of Humanitarianism and its relationship with human rights

PIR 443, Human Rights and Humanitarian Interventions

Dr. Islam Jusufi

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Recent major humanitarian disasters

- Rwanda, 1994; Bosnia, 1992-1995; Kosovo, 1999.

- Syria, 2013-present.

- Ukraine, 2014-present.

- Myanmar, 2017-present.

Measures taken?

- What states did in these cases?
- What should the states have done?
- Did they have legal right to do so?
- Did they have a moral duty to intervene?
- What should states do if UN refuses to authorize a military intervention?
- What measures should be taken to prevent similar catastrophes in the future?

Definition of humanitarian intervention

- "Threat or use of force across state borders,

- by a state (or group of states),

- aimed at preventing or ending grave violations of human rights of individuals other than its own citizens,

- without the permission of the state within whose territory force is applied".

Definition of humanitarian intervention - 2

Two actions are excluded:

1. non-forcible interventions such as threat or use of economic, diplomatic, or other sanctions; and

2. forcible interventions aimed at protecting or rescuing the intervening state's own nationals.

Nationality of those aided is relevant: Humanitarian interventions are about saving strangers.

Theories of justice of humanitarian intervention

- <u>Utilitarianism</u> (is just if it saves more lives than it costs).

- <u>Natural law</u> (human beings have certain moral duties by virtue of their common humanity; obligations go beyond national borders).

- <u>Social contractarianism</u> (just if citizens of a state would consent to them).

Theories of justice of humanitarian intervention - 2

- Communitarianism (justified when it is a response to acts that shock the moral conscience of mankind).

- Legal positivism (just if they are lawful; if they are enacted according to accepted procedures).

Legality of humanitarian intervention

- According to Statute of the ICJ, international norms are legally binding if they are incorporated in:

a. international conventions (UN Charter and Human Rights conventions);

b. international custom.

Classsicists: Arguments against the legality of humanitarian interventions under UN Charter

- Article 2(4): "[a]ll states . . . refrain in their international relations from the threat or use of force against the territorial integrity and political independence of any state."

- Article 2(7): "[n]othing in the present Charter shall authorize the UN to intervene in matters which are essentially within the domestic jurisdiction of any state."

- ICJ: Corfu Channel Case; Nicaragua v. US.

Legal realists: Arguments for legality of humanitarian interventions under UN Charter

- Article 2(4) forbids the threat or use of force only when directed against the territorial integrity or political independence of any State; Humanitarian intervention does not result in territorial conquest.

- UN Charter permits unauthorized humanitarian intervention where the Security Council fails to realize one of its chief purposes – the protection of human rights.

Legal realists: Arguments for legality of humanitarian interventions under UN Charter - 2

- Article 39 (Charter VII): Security Council may authorize the use of force in response to "any threat to the peace, breach of the peace or act of aggression."

- Article 2.7 concludes: "this principle shall not prejudice the application of enforcement measures under Chapter VII."

Legal realists: Arguments for legality of humanitarian interventions under UN Charter - 3

- Cases: The UN's interventions in Liberia (1990), northern Iraq (1991), southern Iraq (1992), Somalia (1992), Rwanda, (1994), Haiti (1994), Sierra Leone (1998).

- What is considered to be "essentially within the domestic jurisdiction of any state" may change over time.

Humanitarian intervention: Legal or illegal under UN Charter?

- Grounds for interventions: systematic violations of civil liberties; threat to regional peace.

- The Charter's drafting history and Security Council practice support the legal realist contention that UN-sanctioned humanitarian interventions are lawful exceptions to the Charter's general prohibition.

Human rights conventions

- States are not free to treat their own citizens as they wish.

- Most states are signatories to human rights conventions that oblige to respect the human rights of the citizens.

- HR conventions permits the UN Security Council to authorize humanitarian interventions by its members.

International customary law: realists

- Existence of a customary right of unauthorized humanitarian intervention.

- Practice in the 19th and 20th centuries established such a right; a right that was "neither terminated nor weakened" by the establishment of UN.

- This right remains: "only its limits and not its existence is subject to debate."

International customary law: realists - 2

- Cases: US in Dominican Republic (1965); India in East Pakistan (1971); Vietnam in Kampuchea (1978–93); Tanzania in Uganda (1979); ECOWAS in Liberia (1990–95); Britain, France, and US in Iraq (1991); ECOWAS in Sierra Leone (1998); NATO in Kosovo (1999).

Classicists on customary law

Classicists contest this view:

- Pre-UN humanitarian interventions (Britain, France, and Russia in Greece [1827–30]; France in Syria [1860–61]; Russia in BiH and Bulgaria [1877–78]; US in Cuba [1898]; Greece, Bulgaria, and Serbia in Macedonia [1903–08, 1912–13]) were insufficient to establish a customary right of humanitarian intervention.

Classicists on customary law - 2

- Such a right was not exercised in face of greatest humanitarian catastrophes of pre-UN era: plight of Ottomans and of Armenians (1914–19), starvation of 4 million Ukrainians by the Soviets (1930s); massacre of Chinese by Japanese (1931–45); extermination of 6 million Jews by Nazis (1939–45).

- No evidence that the international community considered such a right legally binding.

Classicists on customary law - 3

- It lacks two attributes of a binding international norm: general observance and widespread acceptance.

- Highly selective exercise of right of unauthorized humanitarian intervention.

- No intervention done in number of cases: Indonesia; Nigeria; Sudan; Rwanda; Burundi; Ethiopia; Myanmar.

Classicists on customary law - 4

- Weak precedents in behavior of the European Great Powers in the Ottoman and Chinese Empires in 19th and 20th centuries.

- These interventions were restricted to protecting co-nationals or coreligionists; impose preferential treatment for Westerners or Christians.

Interventions during Cold War

- Systematic violations of human rights. However, limited interventions with humanitarian intent.

- Security Council reflecting this understanding, undertook no humanitarian interventions during the Cold War.

- Exceptions: India's intervention in East Pakistan, Tanzania's intervention in Uganda, Vietnam's intervention in Cambodia.

Post-Cold War: 1990s

- Limited humanitarian exception emerged in 1990s: Iraq, Bosnia, Kosovo, Haiti, etc.

- Has it become binding international norm with general observance and widespread acceptance?

General observance?

- Intervention is framed as "right" of states and not as an "obligation" requiring action.

- Inherent in conception of "right" is element of "selectivity" in exercise of that right.

- However, selectivity of its exercise is no barrier to its being a customary international law.

Widespread acceptance?

- Task of showing that a right of unauthorized humanitarian intervention is widely accepted is difficult.

- Long list of UN General Assembly resolutions rejecting such a right argues strongly against this claim. E.g. In 1999 body passed the denunciation of NATO's intervention in Kosovo.

Summary of legality

- Legal realism: Legal.

- Classicist: Illegal.

- Predominant view: if states are unable to protect the liberties of their citizens then the duty to safeguard the rights goes to international community.

- Considerations of morality, legal authority, and self-interest interact in decisions to intervene and in judgments of legitimacy of intervention.

Self-Determination and Nonintervention: Morality

One view:

- Self-determination is the right of a people to become free, and non-intervention is the principle guaranteeing this right.

- Obligation is to respect the autonomous choices of other political communities.

- A state is self-determining even if its citizens struggle and fail to establish free institutions.

Self-Determination and Nonintervention: Morality - 2

- States that violate human rights of their citizens violate their international obligations. These offenses, however, do not authorize foreign states or international organizations to intervene.

- Citizens have no right to protection against bad government, and foreign states have no right and obligation to save people from their own government.

- People has no right to be rescued even from brutal, tyrannical government.

Self-Determination and Nonintervention: Morality - 3

Critics:

- Priority to be given to universality of moral claims.

- Severe human rights violations overcome presumption against intervention.

- When a government turns against its own people, we must doubt the very existence of a political community to which the idea of self-determination might apply.

Political factor – Cold War

- In Cold War, US and USSR appealed to "humanitarian" concerns largely as masks for geopolitical and ideological interests.

- Problem then was less too little intervention of a right kind than too much of a wrong kind.

- A pattern of superpower anti-humanitarian intervention, in places such as Guatemala, Hungary, Czechoslovakia, and Nicaragua, was well established.

Political factor – Post-Cold War

- International environment does not suggest such a blanket rejection.

- Partisanship remains serious problem, e.g. Iraq.

- Language of humanitarianism sometimes is a mask for great power domination.

- Interventions not authorized by Security Council may undermine respect for international law and order even if they have genuinely humanitarian motivations and consequences.

Changing Conceptions of Security and Sovereignty

- Formerly, national security and human rights were viewed as competing concerns.

- Challenges to legal positivist conception of sovereignty. E.g. 1975 Helsinki Final Act.

- No longer acceptance of continued national authority for implementing internationally recognized human rights.

- There is no moral view that human rights violations can not be tolerated.

When illegal intervention justified?

- UN SC has authority to authorize.

- What about actions not authorized by the Security Council? These still are generally considered illegal.

- Kosovo, Uganda: "illegal but legitimate";"legally prohibited but morally and politically authorized".

- Both "intentions" and "consequences" are important to consider.

- Consistency?: Desirable.

Must Readings for this week were:

- Donnelly: pages: 254-273.

- Barnett (Humanitarianism Transformed).

Human Rights and Humanitarian Movements: individual actors and NGOs

PIR 443, Human Rights and Humanitarian Interventions

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Outline of today

- Concept of Humanitarian action,
- ICRC,
- Geneva conventions,
- New humanitarianism.

CONCEPT OF HUMANITARIAN ACTION

What is humanitarian action?

- Assistance to those at immediate risk.

- Providing relief.

- Saving individuals but not to eliminate the underlying causes that placed them at risk.

Principles of humanitarian action

- "Principle of humanity" commands attention to all humankind and inspires a cosmopolitanism.

- "Principle of impartiality" demands that assistance be based on need and not discriminate on the basis of nationality, race, religious belief, gender, political opinions.

Principles of humanitarian action - 2

- Relief agencies are best able to perform their activities if they are untouched by state interests and partisan agendas.

- "Neutrality" involves refraining from any action that can benefit or disadvantage the parties to the conflict. Neutrality helps relief agencies gain access to populations at risk.

Principles of humanitarian action - 3

- "Independence" demands that aid should not be connected to any of parties involved in conflict or who have a stake in outcome.

- Principles of humanity serve to depoliticize humanitarian action and establish "humanitarian space"- a space insulated from politics.

- Politicization of humanitarianism a challenge.

Institutionalization of humanitarianism

- Humanitarianism certainly existed prior to the 1990s, but it was hardly institutionalized.

- There were limited number of agencies.

- After 1990s, humanitarianism became recognized field as there were more donors, deliverers, and regulators.

History of institutionalization

- Patriarch of modern humanitarianism: Henry Dunant.

- Dunant encouraged European elites to regulate the war and administer the wounded.

- This led to Geneva Conventions, which established international humanitarian law, and the International Committee for the Red Cross (ICRC).

ICRC - INTERNATIONAL COMMITTEE OF THE RED CROSS

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What is ICRC?

- International Committee of the Red Cross (ICRC), humanitarian institution based in Geneva.

- Established by Henry Dunant in 1863. Awarded Nobel Peace Prize.

- Four Geneva Conventions of 1949 and their Additional Protocols give ICRC mandate to protect victims of international and internal armed conflicts.

Victims under mandate of ICRC

- Victims include: war wounded, prisoners, refugees, civilians, and other non-combatants.

- It is granted access to the wounded, sick, and POWs (Prisoners of War).

- It does: camp visits, correspondence, and repatriation for prisoners of war, regardless of their country.

Why ICRC?

- Starting from 19th century, new weapons started to cause serious injuries.

- Army medical corps seemed powerless to cope with the injuries of war.

- There was need for third-party intervention to assist the sick and wounded.

- In 1875, during the Eastern Crisis, ICRC sent its first mission to armed conflict (Balkans) to deal with victims.

Growth of ICRC

- Initially, ICRC focused on 'big conflicts between the major European powers'.

- Later, it became open to other types of conflicts and other continents.

- Beneficiaries of its activities broadened from 'wounded military personnel in the field' to new categories of victims (political prisoners, civilians in occupied territories, hostages, missing people, children, and refugees).

GENEVA CONVENTIONS

What are Geneva conventions?

- Geneva Conventions (1949): treaties on treatment of civilians, prisoners of war and soldiers who are incapable of fighting.

- Conventions comprise 4 treaties, 3 additional protocols, establishing standards of international law for the humanitarian treatment of war.

- Geneva Conventions updated the terms of the first three treaties (1864, 1906, 1929), and added a fourth.

Protection provided

- Conventions regulates the conduct of armed conflict and seeks to limit its effects.

- Conventions protect people not taking part in hostilities (civilians, health workers and aid workers) and those who are no longer participating in the hostilities (wounded, sick and shipwrecked soldiers and prisoners of war).

Common Article 3

- Article 3, common to four Geneva Conventions, extended coverage to situations of non-international armed conflicts.

- It asks for humane treatment for all persons in enemy hands.

- Based on Article 3, ICRC requests access to persons in detentions.

Notion of Conventions

- Basic notion of Conventions is respect for life and dignity of individual.

- Those who suffer in conflict must be aided and cared for without distinction.

- Conventions require the medical mission to be respected and protected in all circumstances.

- Value of Conventions lies in greater evil they have helped to prevent.

NEW HUMANITARIANISM

Humanitarian Universalism

- An organization that has represented humanitarian universalism is ICRC.

- Humanitarianism is core of ICRC's nonpolitical outlook: "it makes no distinction between good wars and bad, between just and unjust causes, or even between aggressors and innocents."

Amnesty International

- Amnesty International, founded in 1961, with the aim of working for the release of "prisoners of conscience".

- Politics of the prisoners were irrelevant: what mattered was that they were held for their religious, political, or other beliefs.

- Amnesty campaigned against capital punishment and use of torture or inhuman punishment in all cases.

UN relief agencies and others

- UN established institutions for humanitarian aid: UN Relief and Rehabilitation Administration, UN International Children's Emergency Fund (UNICEF), UN High Commissioner for Refugees (UNHCR)

- The mandates of these institutions were explicitly humanitarian, not political.

- Others include: Save the Children Fund, Oxfam.

Humanitarianism during Cold War

- During Cold War, work of charities achieved high profile because of their universalist approach and political neutrality.

- They played role in providing aid where the international geopolitical divide prevented aid to be provided to those in need. E.g. Biafra crisis in 1968.

- It put the interests of people above the concerns of the East/West divide and provided aid against the wishes of governments.

Humanitarianism during Cold War - 2

- Aid agencies were instrumental in defying the indifference of governments (Ethiopian famine of 1984-1985).

- Relief aid was nonpolitical/did not seek to link aid to specific states or to dictate policy.

- Humanitarian relief was assumed to be given free of political conditions, delivered purely on the basis of need.

Move to new humanitarian approach

- Until early 1990s, ICRC had monopoly in definition and elaboration of humanitarian principles: provision of immediate assistance to victims of conflict (needs-based approach).

- Emerging new approach - "New humanitarian": greater commitment of solidarity and advocacy work for protection of human rights for "at risk" groups. (rights-based approach).

Move to new humanitarian approach - 2

- New approach calls for long-term assistance such as peace building, capacity building, empowerment, and development.

- This is termed a shift from "needs-based" to "rights-based" humanitarianism.

- It is humanitarianism that includes both "protection" and "assistance".

Move to new humanitarian approach - 3

- Human Rights Watch, AI, Oxfam, Save the Children, MSF are involved in both.

- Two solidarity principles were developed out of Biafra experience: First principle is "freedom of criticism" or "denunciation." Second principle is "right of intervention".

- "New humanitarian" principles challenged the ICRC work that depended on the consent of the parties in the area in which it worked.

"Neutrality" reconsidered

- Some advocates have called against "obsessive neutrality ingrained in UN personnel."

- ICRC was criticized for going by the book and its conservative "legalistic bias", "cautious, lawyerly neutrality".

- "humanitarian intervention cannot be impartial between the Serb militiaman and the Muslim civilian in Bosnia, or the machete-wielding Hutu and the Tutsi victim. The ICRC's doctrine of discretion and silence . . . has shaded into complicity with war crimes."

"Neutrality" reconsidered - 2

- Prioritization of neutral aid over political engineering is condemned by ICRC's competitors.

- "one cannot be at one and the same time the champion of justice and of charity. One must choose, and the ICRC has long since chosen to be a defender of charity."

- "I have my doubts . . . That being neutral is still at all possible, or indeed ethically just."

"Neutrality" reconsidered - 3

- New humanitarian NGOs see their role as engaged and radical one, aiming to fundamentally transform non-Western societies to tackle underlying causes of violence.

- "humanitarian action is noble when coupled with political action and justice. Without them, it is doomed to failure."

"Neutrality" reconsidered - 4

- Award of the Nobel Peace Prize to MSF in 1999 was a statement in support of transition to rights-based humanitarian aid.

- Agency's founder Bernard Kouchner acknowledged the importance of the award: "MSF's work was political from the start. I hope the prize marks the recognition of a type of humanitarian work which fights injustice and persecution, in contrast to traditional organizations."

"Universalism" reconsidered

- It is now commonplace to read of humanitarian aid prolonging wars, feeding killers, legitimizing corrupt regimes, creating war economies, and perpetuating genocidal policies.

- Humanitarians have gone from being angels of mercy who can do no wrong to being seen as part of the problem.

- British Secretary of State for International Development: aid agencies have prolonged the conflict in Sudan.

"Universalism" reconsidered - 2

- Trend was highlighted by controversy over the delivery of aid to 2 million Rwandan refugees in camps in Tanzania and Congo in 1996.

- Aid agencies were condemned by human rights groups for saving the lives of "genocidaires" who would survive to reorganize and reinvade Rwanda to finish off the genocide.

"Universalism" reconsidered - 3

- New perspective is often termed the "Do No Harm" approach in which not providing aid to those in need is ethically defensible through the human rights.

- Short-term assistance is criticized for the potential long-term harm in fueling conflict.

"Universalism" reconsidered - 4

- Subjecting humanitarian aid to human rights conditions has, since the Rwandan crisis, become official positions in some governments.

- Attaching conditions to humanitarian relief brought into question the universal right enshrined in international law of every man, woman, and child to relief at times of disaster.

- "New humanitarian" approach of blaming the "undeserving victims" has led to support for sanctions and the refusal of aid.

Redefinition of humanitarianism

- Shift away from universalism and neutrality threw into question accepted framework of humanitarian assistance.

- Mitigation of human suffering is no longer priority for human rights-based humanitarianism.

- While withholding development aid until certain conditions are met is common practice, the application of this principle to humanitarian aid is a dramatic departure from traditional policy.

Redefinition of humanitarianism - 2

- Rights-based humanitarians argue that responding to crises by sending aid is excuse to avoid more vigorous responses.

- Humanitarian relief is seen as giving appearance of "doing something" in the face of a tragedy, while avoiding riskier political commitment.

- Rights-based humanitarians no longer defend basic level of humanitarian relief if this threatens to undermine broader human rights-based aims.

Must Readings for this lesson:

- Palmieri (An institution standing the test of time).

- Bugnion (André Durand).

- Chandler (The Road to Military Humanitarianism).

Human Rights and International Relations: institutional foundations of the humanitarian system

PIR 443, Human Rights and Humanitarian Interventions

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HR in national laws and in international law

- Even if human rights are known, they should be part of legal system.

- HR should be identified in laws.

- National constitutions are based on human rights.

- Initially human rights were part of national laws, and later became part of the international law.

Place of HR in IR

- Realism Theory looks to the states as basic unit of analysis (sovereignty and non-interference), rather than the individual.

- HR as liberal view projects the "individual" as a basic unit of analysis.

- Revolutionary developments happened in 20th century as regards HR.

International developments

- HR as basic notion of UN Charter; which was not the case in Covenant of League of Nations.

- Nuremberg and Tokyo trials.

- Intl Covenants on Civil and Political Rights; on Economic, Social, and Cultural Rights.

- UN High Commissioner on HR (1993)

- International Criminal Court.

- International criminal tribunals for former Yugoslavia and for Rwanda.

Regional developments

- Europe: European Convention of Human Rights; European Court of Human Rights.

- Western hemisphere: Regional treaty and supranational court.

HR internationalized

- HR not anymore only under domestic jurisdiction.

- States became responsible to international community for treatment of their citizens.

But inhumanity persisted in the world:

- Famine in China 1958 and 1962, claiming 30 million lives.

- 20th century: 50 million lives lost in wars and 170 million people killed by governments.

Gap between theory and practice

- "State" interests, not HR, seen as priority.

- States sacrificed HR for the sake of foreign policy (West supported repressive regimes) and development agenda (Asian countries).

- Small policy space left for HR due to intense inter-state competition.

- Gap between legal theory and political behavior as authorities simultaneously endorsed HR and violated.

Signs of change

- Growing international concerns for HR.

- State sovereignty undergoing transformation.

- HR standards institutionalized in IR (treaties, declarations, institutions, agencies, courts).

- Institutionalization generating pressures in favor of HR.

- Weight of HR institutions, influence of most powerful states, political theory, personal values as factors for staying power of HR.

Political theory and personal values

- Legitimacy of a government in a liberal democracy comes from respect to HR.

- Power can be exercised only in conformity of HR in a liberal democracy.

- This view found broad appeal in world as many states transit to liberal democracy.

Political theory and personal values - 2

- It led to accept international HR standards and international review of HR practices.

- European Convention of Human Rights, European Court of Human Rights, Universal review.

- Review needed as democracies violate HR.

- HR are broadly acknowledged, however, flaws happen in implementation.

HR as soft law vs hard law (court decision)

- Soft Law: Intl Treaties and resolutions.

- Soft law later become subject to review by courts that later become hard law.

- Court cases transform international HR principles into rules providing protection.

- With Strasbourg Court, issuing binding judgments on HR, we have hard law.

- Soft law/non-judicial action played important role in HR protection.

Dilemma between peace and justice

- Pursuit of peace in some occasions has overruled pursuit of legal justice.

- Prosecution of crimes sometime is not pursued due to political calculations.

- Truth and Reconciliation Commissions of South Africa vs International criminal tribunals for former Yugoslavia and Rwanda.

- Many governments remain authoritarian with no interest for advancement of human rights.

Internalization of HR

- International law educates people for HR standards.

- HR informs the domestic and foreign policies of states.

- Internalization of HR standards are important for HR protection, with courts sanctioning few violators.

Non-state actors' role in HR

- States share decisions with non-state actors.

- NGOs as real motor to increase attention to HR standards.

- NGOs push governments to pay attention to HR.

- In many cases, NGOs generate most effective pressure.

Multi-national companies (MNCs)

- MNCs have a role to play in HR.
- Often denying to enter to repressive markets. E.g. Pepsi refused to enter to Burma or Levi's refused to enter to China.
- Refusing to produce if child labor used.
- Profits overruling HR concerns in private sector.

What generated influence in changes seen in Albania in terms of HR?

- NGOs, national and international?

- MNCs?

- International Organizations?

- People?

- Political parties?

Sovereignty as social construct

- Sovereignty is not observable, but constructed by people.

- Controlling citizens was a matter of state only prior to 1945.

- State was supreme legal authority within its jurisdiction – absolute authority.

Westphalian System

- Modern sovereign state system is often called Westphalian system, after Treaty of Westphalia, signed in 1648.

- The Treaty of Westphalia enshrined status of sovereign states.

Sovereignty

Sovereignty with internal and external dimensions:

- Internally, it meant that no one within a state had the right to challenge the ruler's power;

- Externally, noninterference in the internal affairs of other states.

State's characteristics

- First, states possess sovereignty: supreme authority to enforce laws.

- Second, states govern with monopoly of instruments of violence in both domestic (police) and foreign policy (army).

- Third, states are territorial units dividing the Earth.

State as authority in HR protection

- It changes: pooled sovereignty, developments in science and technology, extension of HR to non-western world.

- Reality of state authority cannot be ignored despite progress made.

- State consent bedrock principle of international law.

HR as national matter and exceptions

- HR were considered as national matter rather than international matter.

- Four exceptions existed: 1. in war to allow neutral medical assistance to sick and wounded, and humanitarian quarantine to prisoners of war. 2. in peace rights given to foreigners, 3. protection to laborers, and 4. some protection to minorities.

Moving away from sovereignty

- States used their sovereign consent to establish international organizations (IOs) that restricted subsequent operation of state sovereignty.

- IOs limit operational independence of states.

- States started to share jurisdiction over HR issues with IOs.

- IOs try to get states to honor their commitments under international law.

Continuity and change in IR

- States remain principal actors.

- No emergence of world government.

- Non-state actors have not replaced the states.

- "State" as phenomenon continues to spread.

Changes in international system

- Two developments: development of system of sovereign states in Western Europe; and spread of that system to rest of the world.

- Until 1970s world was composed of a single system of sovereign states.

- Today the system continues to progress with rise of international organizations and non-state actors, giving way to establishment of fundamentally new system.

What is international system?

- System is set of interrelated rules.

- In domestic system there is: president, prime minister, government, parliament.

- International systems are less centralized.

- States are not only elements of international system.

- International system is pattern of relationships among states.

What is international system? - 2

- Systems produce consequences different from intentions of actors.

- Distribution of power among states helps to make predictions for behavior of states: geopolitics, alliances (enemy of my enemy is my friend), domino theory.

- Three levels of analysis: individual, state and international system.

"Individual" level of analysis

- Individual: it matters but not sufficient. E.g. leaders and their decisions.

- Common characteristics of individuals: human nature – evil within individuals as a source of war; but why some bad leaders do not go to war and some good leaders do?

"State" as level of analysis

- Do states go to war?

- Which type of states go to war? Democratic, communist, authoritarian?

- No war among liberal democracies.

- Democracies have fought against authoritarian regimes.

"International system" as level of analysis

- Structure affecting the behavior of the states.

- Structure refers to distribution of power in the system.

- Process describing patterns of behavior of the units.

- Structure and Process interact, but structure changes more slowly than process.

- When structure is known the behavior of the state can be predicted.

Anarchic system of states

- Sovereign territorial state.

- Self-help system or state of nature.

- Legal: no common police enforcement of international norms and rules.

- Political: no monopoly and no hierarchy.

- Social: no sense of community.

Pillars of international politics

- Three pillars: Actors, goals and instruments.

- Each changing.

- <u>Actors</u>: rise in number and in strength of states and non-state actors with influence.

- <u>Goals</u>: threats change from security to economy to health to human rights.

- <u>Instruments</u>: military force not the only instrument; costly and less effective to use it. Interdependence, IOs play a role as well.

Indirect and direct protection of HR

- Indirect: through review mechanisms and diplomatic pressure.

- Direct: When UN Security Council is imposing measures; when Strasbourg court is issuing verdicts or European Court of Justice, or dispute resolution mechanism of WTO.

- It was states who established these mechanisms through pooled sovereignty in exchange for further democracy or prosperity.

Establishing HR

- First phase: Individuals have rights that public authorities must respect.

- Second phase: They are to be written in law.

- Third phase: HR to be defended via independent courts.

- Fourth phase: Which individuals should have recognized rights? (women, blacks?)

- Fifth phase: Who besides individuals have rights? (groups, animals)

Establishing HR - 2

- Sixth phase: whether rights should go beyond traditional rights (socioeconomic rights, cultural rights)?

- Seventh phase: where rights originate (God, natural law, construction)?

- Eight phase: what is best way to implement HR (courts, education)?

- Ninth phase: whether courts only can provide protection (classical liberalism) or diplomatic actions can add to HR protection (neo-liberalism)?

HR as a discourse in IR

- HR discourse was largely absent in international developments between 1845-1945.

- Exceptions included ICRC, Anti Slavery Society in London, or ILO.

- League of Nations was silent on HR.

HR as a discourse in IR - 2

- UN became more vocal on HR.

- Initially, states not enthusiastic about HR as they saw it limiting national discretion.

- 1941, Roosevelt's Four Freedoms speech (Freedom of speech, of religion, from want and from fear).

- Charter's article 55: "…the United Nations shall promote: … universal respect for, and observance of, human rights and fundamental freedoms for all without distinction …".

UN Charter and HR

- Charter came to be the first international treaty to recognize universal human rights.

- UN was not authority to ensure respect for HR.

- Charter did not allow Security Council to take actions as regards HR.

- Charter contained prohibition on UN interference in national domestic affairs.

- Much of subsequent years will be fight between HR and non-interference principle.

Prosecution of WWII crimes

- Nuremberg and Tokyo tribunals for prosecution of German and Japanese leaders.

- Individuals can be held responsible for HR violations of their own people.

- Crimes against humanity became solidified notion.

- Idea furthered that HR are valid in peace and in war times.

Universal human rights yes, but what were they?

- Charter recognized the existence of HR, but did not specify them.

- 1948 Universal Declaration of HR was to fill this gap.

- USSR, KSA, SA abstained; KSA remains the only country to abstain.

- Asian and African countries, as they were colonies, were absent in the debate.

Universal Declaration

- Declaration includes 30 principles.

- Non-binding recommendation of UN General Assembly.

- It took much time to turn it into enforceable treaty.

- 1966 - Intl Covenants on Civil and Political Rights and on Economic, Social and Cultural rights.

- Charter, Declaration, Intl Covenants, make up the Intl Bill of Rights.

Covenants

- "Self-determination" tops the list of rights.

- Economic and social rights part of Covenants.

- But, weak supervisory and enforcement mechanisms as states pursued to maintain their independence in policy making.

- Endorsement has gone to more than 140 states. However, compliance weaker than endorsement.

- States wish to maintain both: to be associated with HR values and to maintain independence.

Other HR conventions and treaties

- 1948 – Convention against Genocide
- 1951 – Convention on status of refugees
- 1953 – Convention on rights of women
- 1956 – Convention on abolition of Slavery
- 1961- Treaty on reduction of statelessness
- 1965 – Convention on racial discrimination
- 1973 – Convention against apartheid
- 1979 – Convention on discrimination against women
- 1984 – Convention against torture
- 1989 – Convention on rights of child

Conclusion

- We do not lack universal HR standards in both peace and war.

- There are also regional conventions and treaties and declarations.

- Individualistic vs communitarian HR values debate continues.

Must Readings for this lesson:

•Forsythe: pages: 3-49.

Key Interveners and Their Policy Preferences

PIR 443, Human Rights and Humanitarian Interventions

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INTERVENERS IN COLD WAR ERA

Cold War interventions

- Soviet Union troops in Europe in 1946.

- SU seeking bases in Turkey.

- Communist take over in Czechoslovakia in 1948.

- Berlin blockade of 1948.

US Containment policy

- US proposed to establish <u>containment</u> lines to limit the interventions from SU.

- It was offensive containment.

- Use of military power.

- Intimidating with the military attack.

- To prevent change in balance of power.

Containment policies

- Called for reducing Soviet influence over states in Eastern Europe.

- To make EE independent of USSR.

- "Modifying Soviet behavior".

- Changing incentives facing SU to demonstrate "undesirability" of Soviet policies.

Containment policies - 2

- Alliances established in Europe, Asia, the Pacific, and Latin America.

- European integration.

- Bretton Woods institutions.

- Foreign assistance.

Containment policies - 3

- Interventions: Iran, Guatemala, Congo, Cuba, Dominican Republic, Chile, Nicaragua, Grenada.

- Containment did not always succeed: Korean War ended in stalemate; West failed to intervene in Hungary; Castro's revolution was not reversed; US was defeated in Vietnam.

Containment was generously resourced

- Nevertheless, in the end, containment was a triumph.

- Expenditures for defense as a percentage of GDP increased from 5% to 13%.

- Containment also animated and legitimated American domestic policy.

US Truman doctrine 1947

- Support to free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.

- Providing military assistance to Greece and Turkey to contain Soviet expansion.

Korean War

- 1950 attack by North, supported by Soviets, to US-supported South.

- War lasting until 1953.

- 3 million lives lost.

- Korea divided into two: north and south.

Regional tensions

- 1953 coup in Iran.

- 1954 coup in Guatemala.

- Soviet support to national liberation movements in Congo and Cuba.

- 1956 Soviet intervention to Hungary.

- Local conflicts were put in global context.

Berlin Crisis 1961 and construction of Berlin Wall

- Military standoff leading to construction of the Berlin Wall.

- Berlin Wall: preventing East Berliners to go to West.

- Physical division of the city as a symbol of the split of the world.

Vietnam War 1955-1975

- US presence between 1965-1973 supporting South.

- Fears that fall of South would lead to spread of communism in Southeast Asia.

Arms race

- Competition over strategic arms.

- Involving both Conventional and nuclear weapons.

- 1949 breaking the US nuclear monopoly.

- Expansion in the quantity of weapons.

- Development of sophisticated delivery systems such as missiles.

Cuba Missile Crisis 1962

- SU secretly deploying missiles in Cuba.

- Withdrawing after tense negotiations with US.

- US withdrew its missiles from Turkey.

Emergence of new rivalry

- 1973 Arab-Israeli war.

- Soviet support to revolutionary movements: Success of 1970s revolutions in Ethiopia, Iran, Cambodia, Angola, Afghanistan, Nicaragua.

- 1979 Soviet intervention to Afghanistan.

- Reagan's position: large military spending – Star Wars; US interventions to Soviet-allied El Salvador and Nicaragua.

- Carter doctrine: willingness to use force to protect US access to oil resources in Middle East.

- Reagan doctrine: support anti-communist insurgents in Afghanistan, Angola, Nicaragua.

INTERVENERS IN POST-COLD WAR ERA

USA

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Democrats on humanitarian interventions

- It was Left (Democrats) that led the opposition to war in Iraq in 2003.

- But Left supported humanitarian interventions in Haiti, Kosovo.

- Afghanistan war in 2001 was an exception; it was retaliation against an overt attack.

Republicans on humanitarian interventions

- Right (Republicans) were building pressure to wage war in Iraq in 2003.

- Persian Gulf believed to have strategic significance for US.

- In Gulf Wars, critical American national interests were being defended and advanced.

- Criteria for intervention: strategic and moral necessity.

Neo-con view of humanitarian interventionism

- Neo-conservatives motivated by selective pursuit of their geopolitical goals.

- American social and economic model as ideal form to which all others must comply.

- Neo-cons call "distinctly American internationalism": US national interests and interests of humanity are indivisible.

UK

British Left

- Split in the British left over Iraq 2003.

- Long-standing divide between: those who are prepared to regard war as a legitimate instrument and those who have oppose it in principle.

- Within latter group, some came to be against intervention and some in favor.

British left - 2

- Before September 11, substantial agreement about principles of progressive foreign policy.

- Consensus to accept humanitarian obligations.

- Belief that it was right to act on promises of universal declaration of human rights.

- Willingness to use force to achieve these objectives.

British left - 3

- Interventions would have radical implications for state system as historically conceived.

- State sovereignty as means of protecting weak states from the predatory interventions of stronger rivals.

- Sovereignty as license for despotic governments to brutalize and oppress their citizens.

British left on Yugoslavia

- Yugoslav events convinced left of need for new doctrine of humanitarian intervention to prevent large-scale abuse of human rights.

- Machinery of international community proved unequal to the task.

- Intervention that followed therefore took place without formal authorization.

British left on Kosovo

- Interventionists maintained that values of UN Charter should be upheld even if it meant bypassing its institutions.

- Those who opposed considered veto system more important than prevention of crimes.

- They relied on static interpretation of international law that ignored tendency to progress in custom and practice.

GRAND STRATEGIES

Grand strategies

- After WWII, US developed strategy of "containment", guiding US foreign policy.

- Since 1990s, US has had no successful grand strategy.

- Clinton offered: "enlargement and engagement", but no grand strategy.

- Bush administration's strategy based on "preemption and democratization", but failed.

ENGAGEMENT AND ENLARGEMENT: CLINTON'S STRATEGY

Engagement and Enlargement

- Collapse of SU meant the end of containment.

- Clinton's strategy: "National Security Strategy of Engagement and Enlargement."

- Many global developments in 1990s conformed with "engagement and enlargement": WTO and NAFTA were established.

- Number of democracies increased from about 60 to 80.

Failure of Enlargement and Engagement

- Not recognizing the risk posed by transnational terrorism.

- Failed to motivate American public.

- Clinton administration focused on domestic affairs.

- Clinton withdrew American troops from Somalia.

Failure of Enlargement and Engagement - 2

- Bombing in Serbia conducted from high altitudes to minimize American casualties.

- Defense spending fell to 3% of GDP in 1990s — the lowest level in 60 years.

- Decline in foreign aid to 0.22% of GDP, about two-thirds of what it had been in 1980s.

PREEMPTION AND DEMOCRATIZATION: BUSH'S STRATEGY

Preemption and Democratization

- 9/11 attacks changed assumptions on nature of postwar world.

- 2002 "National Security Strategy" offered approach for addressing terrorism.

- It identified "the crossroads of radicalism and technology" as the "gravest danger" to American security.

Preemption and Democratization - 2

- Transnational terrorists would not engage in "visible" mobilization of armed forces.

- US had to support freedom and democracy.

- Violent extremism was understood as product of political repression, especially in the Arab world.

Failure of Preemption and Democratization

- First, the concept of preventive preemption did not receive support from other countries.

- Second, there was no agreement on the severity of the threat posed by terrorism. Some understood terrorism as a crime.

- Third, rhetoric of Bush.

- "Color revolutions" of 2000s ended by 2007.

Color revolutions

- Movements in several societies in former Soviet Union and the Balkans during 2000s.

- Protests against corrupt and authoritarian governments.

- Movements generally adopted a specific colour or flower as their symbol.

- former Yugoslavia's Bulldozer Revolution (2000).

Color revolutions - 2

- Georgia's Rose Revolution (2003).
- Ukraine's Orange Revolution (2004).
- Lebanon's Cedar Revolution (2005).
- Kuwait's Blue Revolution (2005).
- Kyrgyzstan Tulip Revolution (2005).

DOMESTIC REVITALIZATION AND INTERNATIONAL INSTITUTIONS: OBAMA'S STRATEGY

Domestic Revitalization and International Institutions

- 2010 "National Security Strategy" of Obama is more modest: need for international institutions.

- International institutions increase confidence.

- Institutions foster habits of cooperation.

Trump's strategy?

- Domestic focus.
- Limited interventions.
- …

International Regime

- "International Regime": norms, principles, rules, and institutions around which global expectations unite regarding a specific international problem.

- Do we have international regime on humanitarian intervention?

Humanitarian intervention regime

- Treaty: UN Charter.

- Monitoring body: UN.

- Result?:

- Number of humanitarian interventions kept in minimum.

NEW RULES

Call for new rules

- International system to be capable of adapting in situations.

- Those seeking to act against human rights violators find themselves constrained by rules of diplomacy.

- But, humanitarianism should not be allowed to degenerate into free-for-all judgments.

Responsibility to Protect as a new rule

- Requirements "just cause" and "last resort" demand large-scale human suffering that cannot be averted by other means.

- Iraqi regime was certainly brutal.

- But there was no immediate crisis to be averted in 2003.

- Iraq war failed to approximate to criteria.

Responsibility to Protect as a new rule - 2

- Criterion of "right authority" required, in the absence of UN mandate, overwhelming degree of international support.

- The coalition that invaded Iraq did not amount to whole NATO members.

- Stipulation of "right intention" was discarded by pro-war interventionists.

How you realize grand strategy?

- Understanding of international environment;
- Vision of what that environment might become;
- Set of policies that can realize that vision;
- Ability to define policies;
- Organizational structure implementing policies;
- Resources and domestic political support to pay;
- Support from other actors in the international system.

"Responsible Sovereignty" as a new concept

- Need to establish states capable of governing effectively within their own borders.

- Irresponsible sovereigns and failing states threaten well-being of their own populations and security of the world.

- There is no alternative to responsible sovereigns; no regional much less global authority structure can replace the state.

"Responsible Sovereignty" as a new concept - 2

- RS as potential candidate for orienting principle that could guide future policies.

- Effective sovereign states as necessary condition for peace and prosperity.

- States to be able to regulate activities and provide public services within their own borders.

- Controlling violence within states.

- Concluding mutually beneficial agreements among states.

"Responsible Sovereignty" as new concept - 3

- War among the major powers is gone.

- Poorly governed and weak states now present the greatest threat.

- Failing states with many alienated young men.

- Nuclear weapons are not beyond the reach.

- Attacks can lead to changes in social behavior, political sentiments.

Disagreement how to conduct state building

- No consensus on how to conduct state-building.

- Approaches: economic growth, institutional capacity.

- Measures: neo-trusteeships, independent service providers, contracting out of government services —measures that are in tension with responsible sovereignty.

- Examples of successful state-building (Colombia), but also of failure (Somalia).

Triumph of ideology over rationality and reason

- End of US-SU rivalry held out the promise that reason would triumph over ideology.

- But world witnessed bloody dissolution of Yugoslavia, Somalia, Liberia and Ethiopia.

- Revival of nationalism.

- Persistence of hatred and memory.

"New interventionism"

- Civil war as legitimate issue for crusading liberal internationalism.

- Moral obligation of international community to intervene in domestic conflicts.

- To stop governments abusing human rights.

- Intervention as necessary based on presumption that Cold War's end makes internal violence somehow more controllable.

"New humanitarian order"

- Order in which governments are held-by force, if necessary, to higher standards of respect for human life.

- Protection of ethnic, religious and other minorities endangered by conflict and alienated from a hostile government as recognized obligation of international community.

- Sovereignty not as a tool for establishing international order, but a "political constraint" on international action.

Sovereignty?

- New interventionists seek to establish guidelines to ensure that UN polices a regime failing to meet "humanitarian needs" of its people.

- Sovereignty would no longer reside with states but with the people within them; self-determination would no longer refer to peoples, but to individuals.

"New Interventionism" roots

- Foreign policy-missionary in pursuit of a cause.

- Belief that for every problem there is a quick and easy solution.

- Reunites divided strains of American foreign policy liberalism: traditional Wilsonian liberalism, defined by support for international organizations and self-determination of peoples; and its Cold War cousin, defined by anticommunism.

Post-Cold war: competing liberalisms recombined

- End of Cold War allowed these competing liberalisms to recombine.

- Two groups found common ground: on respect for human rights, their belief that internal character of regimes has implications for international peace, and on support for international organizations to remove rogue regimes.

- Right and left have thus come to agree on the broad outlines of America's future foreign policy.

Cold War liberals in Post-Cold War

- Collapse of SU released them from need to support authoritarian regimes as bulwarks against communism.

- They came to appreciate potential of international organizations (UN) in providing order in post-Cold War.

- Collective security can help decrease US's defense burden.

- Making international organizations more ideologically predisposed to follow American lead.

Morality of new interventionism

- Possibility that humanitarian assistance may extend war and anarchy rather than end it.

- Aid to besieged populations, if it assists prolonged resistance, may only end up costing more lives.

- Arming a weaker party may produce a permanent state of war.

- Fewer lives may be lost if one side wins outright.

Humanitarian interventions as a deterrence?

- There are no panaceas for internal conflicts.

- Deterrence with international interventions does not function.

- Domestic tyrants do not learn from other cases.

- Civil wars and ethnic rivalries have histories and dynamics all their own that diminish the effects of precedents set elsewhere.

UN capacities for new interventionism

- UN incapable of playing role that new interventionists demand.

- It can play a limited role in bringing peace in the world.

- It is overextended and underfunded.

- UN remains committed to previous doctrines: peacekeeping - there is no enemy, and success depends on keeping it that way; peace-enforcement - UN determines aggressor and sets out to defeat or deter it militarily.

Must readings for this lesson:

- Stedman (The New Interventionists).

- Clark (Iraq Has Wrecked Our Case for Humanitarian Wars).

- Krasner (An Orienting Principle for Foreign Policy).

- Krauthammer (To go to Liberia or not to go).

Preventive Diplomacy, Early Warning, and Media

PIR 443, Human Rights and Humanitarian Interventions
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PREVENTIVE DIPLOMACY

What is Preventive Diplomacy?

- To prevent disputes from arising between parties.

- To prevent existing disputes escalating into conflicts.

- To limit spread of conflicts.

What is Preventive Diplomacy? - 2

- Used in the international arena.

- Efforts of outside nations or groups of nations (E.g. UN).

- Prevent the escalation of conflicts between nations and within nations.

Why Preventive Diplomacy?

- To use force amounts to abdication by International Community of its true responsibility: preventing conflict.

- Due to high costs of conflicts, there is preference for preventive diplomacy.

- Preventive diplomacy grown in prominence since end of Cold War.

- It was strengthened by failures to prevent violence in Rwanda and Yugoslavia.

Peaceful settlement of disputes

- States in disputes should first seek solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

- UN Security Council may investigate any dispute or any situation in order to determine whether the situation is likely to endanger peace and security.

Peaceful settlement of disputes - 2

- States may bring any dispute or situation to attention of UN Security Council or UN General Assembly.

- Legal disputes can by the states be referred to International Court of Justice.

- UN Security Council may, if all parties to a dispute request, make recommendations for pacific settlement of disputes.

Measures to be taken against breach of the peace

- UN SC can make recommendations, or decide what measures shall be taken.

- UN SC may decide what measures (not involving use of armed force) are to be employed: complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and severance of diplomatic relations.

Measures to be taken against breach of the peace - 2

- Should UN SC consider above measures inadequate, it may take action by air, sea, or land forces to maintain or restore peace: demonstrations, blockade, operations by air, sea, land forces of UN members.

- All UN member states make available to UN SC: armed forces, assistance, facilities, rights of passage.

- Agreements are concluded between UN SC and member states.

Measures to be taken against breach of the peace - 3

- Actions can be taken by all UN Members or by some or through international agencies.

- States possess right of individual or collective self-defence if armed attack occurs.

- Measures taken shall be immediately reported to UN SC.

- Self-defence actions do not in any way affect the authority of UN SC to take action as it deems necessary.

Preventive Diplomacy by whom?

- Preventive diplomacy actions can be implemented by UN, regional organizations, NGO networks, states and private citizens.

- Actions: Carter centre; Kofi Annan centre; UN Preventive Deployment in Macedonia in 1995-1999; UN Regional Centre for Preventive Diplomacy for Central Asia, OSCE High Commissioner on National Minorities.

- Field is becoming crowded in terms of actors.

Origins of Preventive Diplomacy

- Term "preventive diplomacy" was proposed by Dag Hammarskjöld, UN GenSec 1953-1961.

- In UN, PD is part of conflict-prevention efforts.

- After end of Cold War, UN saw opportunity to develop its role in the area of conflict prevention.

- 1992, publication of UN "An Agenda for Peace": fact finding, confidence building, early warning and preventive deployment.

Growing interest to PD

- Reason for renewed interest in PD is its comparatively low cost.

- In 2000, the UN Security Council adopted the resolution 1325 on Women, Peace and Security to secure greater participation of women in conflict prevention.

- 2005, UN committed to build "culture of prevention".

Growing interest to PD - 2

- 2006, UN called for shift from "culture of reaction to a culture of prevention".

- UN, 2012 dubbed as "year of prevention".

- Balkan region PD actors: UN, OSCE, EU, NATO.

- Combination of analyses, early warning, rapid response and partnerships, can help parties in resolving disputes peacefully.

PD and Conflict prevention

- PD and CP are intended to stop conflicts before they escalate.

- CP as broader concept referring to monitoring, containment, and reduction of risk factors that shape war situation.

- Many experts consider PD to be part of CP, while others view the two as more autonomous.

Trends in PD

- Transformation from inter- and intrastate conflicts to protracted turbulence shifting PD.

- Evidence reveals that PD contributes to reduced conflict onset, duration, and recurrence.

- Emphasis on comprehensive approaches emphasizing national and local capacities.

Trends in PD - 2

- Progressive institutionalization of PD.

- Gradual shift from outsider-driven to more locally managed PD.

- Turn from late to early prevention – from "supermen" mediators to a "sprinkler system" of early response mechanisms and investments in peacebuilding to prevent "recurrence" of conflicts.

Trends in PD - 3

- Investments in risk reduction: Strengthening of Human Rights oversight mechanisms.

- Investments in overcoming sources of conflict (governance, management of common resources).

- States feel that they should not intervene in internal affairs of others if situation has not yet become dire; by that time, PD is likely to be impossible.

Context for PD

- Today, international and civil wars are fewer, smaller and more localised.

- Many are closer to organised crime than classic forms of war.

- Smaller rebellions and mid-sized insurgencies are less likely to escalate into full-blown conflicts due to existence of dense network of PD institutions.

PD concepts

- durable peace, structural prevention, systemic prevention, culture of prevention, sustainable peace, new security consensus, peace infrastructure, social peace, quiet diplomacy, good offices.

Key tools in PD

- Confidence and trust building; early warning; fact-finding missions; demilitarised zones; use of good offices; supervision of ceasefires; verification of human rights violations; observation of elections; resident political missions; special envoys; groups of friends; peacekeeping missions; mediation, conciliation, adjudication and arbitration; infrastructures for peace or peace architectures.

Infrastructures for peace

- UN invested in "infrastructures for peace" or "peace architectures". E.g. Ghana, Kenya.

- Embedded in formal and informal institutions.

- Combining networks of local organisations, academic centres, faith-based entities, political and social associations.

- Monitoring disputes and sources of tension, drawing attention to signs of trouble.

Does PD work?

- Evidence remains weak.

- What might work, when and under what conditions in particular context remain poorly understood.

- Preventive diplomacy "works" in reducing conflict onset and duration.

- Negotiation and Mediation to resolve conflict show a strong positive correlation.

Mediation as PD

- Type of mediation is shaped by war type (international wars more likely to be mediated), war duration (longer the war, higher probability of mediation), war intensity (higher the number of battle deaths, higher likelihood of mediation).

- Success is sensitive to contextual and temporal factors.

Mediation as PD - 2

- Leveraged mediation (importance of credible incentives and sanctions).

- Presence of third-party intervention (states tend to be more effective than NGOs).

- Timing (the sooner the better).

- Multiparty actions (the fewer the better).

PD opportunities

- There is favourable climate for PD.

- UN is not alone in PD; regional organizations have increasingly taken up language of PD.

- NATO in 2012 established Comprehensive Crisis and Operations Management Centre to improve response and facilitate "crisis identification".

- AU's Peace and Security Council, Panel of the Wise, Continental Early Warning System.

PD opportunities - 2

- ASEAN Regional Forum mandated with PD.

- Organisation of American States (OAS) facilitated resolution of tensions in El Salvador, Guyana and Honduras.

- OSCE High Commission on National Minorities engaged in Georgia, Macedonia and Ukraine.

PD opportunities - 3

- Arab League and Gulf Co-operation Council mediating to resolve crises in Syria and Yemen.

- US, BRICS allocated resources to PD.

- Mayors and NGOs also engaged.

PD opportunities - 4

- Normative developments at global level underpinned by those at the regional level.

- "Non-interference" replaced by AU's principle of "non-indifference" to threats to peace.

- UN Mediation Support Unit (2006) as service provider.

- Number of new low-intensity conflicts lower in 2000 to 2009 than in 1990s.

- Number of new highintensity conflicts dropping from 21 to 17.

PD ACTORS AND TOOLS

UN General Assembly

- Develop recommendations.

- Call the attention of UN Security Council to situations.

UN Security Council

- In the past, UN SC focused largely on dealing with conflicts after they occurred, but recently it also addresses emerging threats. E.g. Since 2008, it has held "informal interactive dialogues".

- It requested UN Dept of Political Affairs to deliver monthly "horizon scanning" briefings that focus on emerging conflicts.

UN Security Council - 2

- UN SC often decides to keep its decision in reserve, in order to leave space for PD.

- Missions to the field, initiatives by its President and press communiqués.

- Structured relationships with regional organizations.

- Political and peacekeeping missions.

UN Peacebuilding Commission

- Intergovernmental advisory body of the Security Council and the General Assembly, ensuring international attention to countries emerging from conflict.

Good offices of UN Secretary-General

- SecretaryGeneral may bring to the attention of UN SC any matter.

- Effectiveness of good offices is depended on how much political space SG has.

- Most difficult scenario is when international interest is strong but conflicted.

- As a custodian of the Charter, SG has duty to speak out.

UN Envoys

- UN SG appoints envoys.

- UN SG has special advisers on prevention of genocide, responsibility to protect.

- Envoys have played a key role in pulling a country back from brink of conflict. E.g. Congo, Kenya, Cyprus and Western Sahara.

UN Regional offices, Resident political missions

- UN regional offices in West Africa, Central Asia and Central Africa.

- UN resident political missions: Office of UN Special Coordinator for Lebanon; Office of UN Special Coordinator for Middle East Peace Process; UN Assistance Mission in Afghanistan.

- The missions assist national initiatives to ease tension and prevent violence.

Peacekeeping operations, fact-finding, inquiries and investigations

- First line crisis response.

- 90 per cent of civil wars in past decade took place in countries that already experienced civil war in previous 30 years.

- UN conducts impartial inquiries.

EARLY WARNING FOR CONFLICTS

Early Warning

- Predicting crises.

- The world is taken by surprise.

- Need to better anticipate those "moments" when parties to a dispute use force to achieve aims.

- More the world understands motives and calculations of key actors, better it will be able to tailor a preventive response.

MEDIA'S ROLE IN HUMANITARIAN INTERVENTIONS

CNN Effect

- Media with ability to affect diplomacy.
- Media impact as "CNN effect": loss of policy control on the part of policy makers because of the power of the media, a power that they can do nothing about.
- Media impact is regarded as substantial.

Context

- Key source for this impact: technological progress to broadcast live from anywhere.

- TV's instantly transmitted images fire public opinion, demanding instant responses from governments, shaping foreign policy.

- States have come to make foreign policy in response to "image."

What kind of impact?

- TV news has tactical effect from time to time, but not a strategic one; it operates more when humanitarian issues are at hand.

- Three effects of media on foreign policy:

1) policy agenda-setting,

2) impediment to achievement of desired policy goals, and

3) accelerant to decisionmaking.

Impact type: Media as Accelerant

- Shortening response time.

- Decisions are made in haste.

- Policymakers complain for absence of time to deliberate choices, reach agreements, manage public's understanding.

- Instantaneous reporting of events often demands instant analysis by governments.

Media as Accelerant

- As events happen, CNN ask policymakers for reaction before policymakers have had chance to receive a detailed report.

- TV diplomacy evident.

- During time of war, live, global television offer potential security-intelligence risks.

- Media may also be a force multiplier, method of sending signals.

Media as Accelerant - 2

- It drives policymakers to have a position.
- Policy-makers will have to articulate it very quickly.
- Policy-makers in a real-time mode.
- No time to reflect.
- Time for reaction is compressed.
- Analysis and intelligence-gathering is out.

Media as Accelerant - 3

- CNN type of media changed concept of daily news cycle.

- Impact on the operation of the foreign policy bureaucracy: press secretaries do not rely anymore to desk officers.

- Intelligence agencies now compete with media.

Media as Accelerant - 4

- It helps to penetrate markets and gives a real capacity to reach people at home.

- Transmission of diplomatic signals via media.

- Governments often watch daily briefings of other states.

- Used to communicate with those governments with which states have no diplomatic relations.

Impact type: Media as Impediment

Two types:

1. Emotional coverage may undermine morale.

Pictures of a dead American soldier being dragged through the streets of Mogadishu (October 1993).

2. Global, real-time media constitute a threat to operational security.

Some operations are extremely sensitive to media exposure.

Impact type: Media as Agenda Setting Agents

- Emotional, compelling coverage of atrocities or humanitarian crises reorder foreign policy priorities. E.g Somalia, Bosnia and Haiti.

- Is now foreign policy agenda a reflection of news content?

- What would have been handled by mid-level officials instead become focus of high-level decisionmaking.

Media as Agenda Setting Agents

- Media usually follows official actions.
- Media follows the troops.
- Media coverage of humanitarian crises is not uniform, and, more importantly is typically triggered by official actions and associated with the presence of armed troops.
- Geopolitical factors are more important concerning the humanitarian crises.

Media effects and Conventional War

- Media are most likely to serve as accelerants and impediments.

- It is highly unlikely that media content alone might in some fashion lead a state into a conventional war.

- Media effect of greatest concern is to provide adversaries sensitive information.

Media effects and Strategic Deterrence

- Media effect low.

- Elite debate and dialogue in columns and opinion journals.

- TV does not dwell on such matters, again except during times of instability.

Media effects and Tactical Deterrence

- Media interest high.

- Global media in such circumstances a "force multiplier."

- Warring parties do monitor media.

- Policy makers attempt to establish a "media effect" in the policymaking of adversary.

Media effects and Special operations

- Some of these operations are not publically acknowledged.

- Necessity of secrecy makes these operations the most sensitive to media coverage.

- Disclosure of an operation would lead to its termination.

Media effects and Peacemaking

- Media interest high.
- Casualties may undermine support for operation.
- Knowing this, opponents may deliberately target peacemaking forces.
- Operational security is a concern.
- As a "force multiplier".

Media effects and Peacekeeping

- Media will show considerable interest.
- Media interest will rise in proportion to potential instability.
- Media coverage of casualties may undermine support for mission.
- Media effect is an emotional impediment.
- Operational security not central.

Media effects and Humanitarian Interventions

- Media interest is high.

- Little coverage given to massacres in Rwanda due to inability of journalists to be safe.

- Though media content alone is not likely to lead to humanitarian intervention, it cannot be ruled out.

Critiques on media effect

- According to some, closer one looks at those incidents that supposedly prove a "CNN Effect", the more the effect shrinks.

- Effect disappearing as you get closer.

- But no one is arguing that CNN has had no effect on journalists, government officials, and the way both conduct their business.

Myth No. 1: CNN makes life more difficult for foreign policy makers

- Officials can call media to put their spin on events.

- With CNN, they get many chances throughout the day to try to shape public perceptions.

- Because of its speed, CNN also provides a convenient way for officials to leak new policies in the hope that they will define the debate before political opponents do.

Myth No. 2: CNN dictates what's on the foreign policy agenda

- International relief agencies depend on TV images to move governments to respond.

- Populations at risk need pictures.

- News media is used as a medium for educating policy makers about how to address the crises.

- Media is used "to drive policy."

Myth No. 3: Pictures of suffering force officials to intervene

- TV images pressure governments to act.

- In 1992 Bush administration was under intense pressure to stop Bosnian war.

- Yet this did not change this calculation: there was no humanitarian intervention.

- Bush policy wasn't going to get changed no matter what the press said.

- As it happened in Rwanda in 1994.

Myth No. 4: There is nothing officials can do about the CNN Effect

- Whether CNN Effect is real depends on actions of government officials.

- As foreign policy for an issue is clearly stated, influence of media diminishes proportionately.

- Media fill a vacuum.

- Media does not force to alter a strongly held and well-communicated policy.

- Media has impact when policy is weakly held, is already in process of being changed or is lacking public support.

Myth No. 5: The CNN Effect is on the rise

- People learn over time to adapt to real-time TV.

- Governments are becoming more sophisticated in dealing with time pressures.

- CNN Effect is narrower and complex than the conventional wisdom holds.

- Media as independent force, pointing out problems and helping set the public agenda.

Third views

- Search for victims dominating media coverage of humanitarian crises.

- "Disaster tourism".

Readings for this week were:

Must readings:

- Ryniker (The ICRC's Position).
- Livingston (Clarifying the CNN Effect).
- Strobel (The CNN Effect).
- United Nations Charter. Chapters VI and VII.

Strategy and Intervention

PIR 443, Human Rights and Humanitarian Interventions
Dr. Islam Jusufi
Epoka University

Intervention motives

- As sovereignty failed to serve citizens, interventions underwent revival.

- UN endorsement is important for consensus, and not manipulation.

- Legal status of military humanitarian interventions remains problematic.

Intervention motives - 2

- Ideal form: when a government's crimes can be remedied only by external intervention, and world is united.

- Problem is that only few interventions come close to ideal.

Intervention in Practice

- Humanitarian interventions take various forms: aid, sanctions, use of force.

- Aid is rarely done well; it can have counterproductive consequences. E.g. aid given to refugees, can be used to enrich elites.

- Sanctions are rarely used and many of them contribute to human suffering.

Military Intervention preconditions

- Military intervention as a last resort.

- Accurate and independent evaluation of scale of humanitarian needs.

- Can military forces do the job?.

Military Intervention preconditions - 2

- Intervention does not address strategic context of a disaster.

- Intervening military forces should strive for neutrality, and must be accountable. E.g. interveners (UN) unwilling to submit themselves to independent scrutiny.

Is intervention an act of war?

- Intervention is a matter of policy rather than law.

- UN Charter Chapter VII provides no provision for humanitarian intervention, only war conducted against an aggressor.

- 1948 Genocide Convention silent about means required to "prevent and punish" the crime of genocide.

Is intervention an act of war? - 2

- Intervention is not distinct from war.

- Intervention is political.

- As it is political, there is challenge to develop a doctrine for intervention.

- Any principle of intervention can readily be abused or become visa for occupation.

- Humanitarian intervention should not be confused with peacekeeping.

Peacekeeping

- UN Charter makes no mention of peacekeeping.

- It was inspired by Lester Pearson, Canadian Secretary of State for External Affairs, in Suez crisis in 1956.

- It is an idea that a neutral armed force can be invited by two belligerents to supervise their truce.

Practice of humanitarian interventions: Gulf

- First case: "safe haven" in Kurdistan established in 1990.

- This was both humanitarian - it saved lives, and self-interested in that it saved Turkey from having to accommodate hundreds of thousands of Kurdish refugees.

Practice of humanitarian interventions: Somalia/Rwanda

- Early "humanitarian" phase of operation was success, and later, political state building phase under the UN, went wrong.

- The moment when UN/US went to war against General Aidid, international forces ceased to have a humanitarian role: there were cases of misconduct, torture, rape.

- Then, is disaster in Rwanda, with some limited operations undertaken.

Practice of humanitarian interventions: Bosnia

- Bosnia: NATO intervention (without UN authorization) helped bring end to Bosnian war, but failed in Srebrenica.

- Combination of circumstances ended Bosnian war: NATO intervention; ethnic cleansing; Bosnian-Croat coalition mounting counter-offensive against Bosnian Serbs.

- Intervention was "more just than continuing the war."

Practice of humanitarian interventions: Kosovo

- With no UNSC authorization – politics overrode law.

- It was a just war: illegal but legitimate.

Practice of humanitarian interventions: Darfur

- International community failed to provide protection for Darfur's civilians.

- African Union peacekeeping mission could not contain the violence.

Value of humanitarian interventions

- Liberals promote to send army to stop massacres as a way to establish justice and democracy.

- But, there is misunderstanding by Liberals on the measures that can most effectively halt atrocities.

Goals of war perpetrators

- Often motivations of perpetrators is not killing; most killers have other goals.

- Often perpetrators stop killing when they have reached their goals, exhausted, or defeated.

- Killers usually have political goals: determined to kill until they have achieved their objectives.

- This establishes opportunity for negotiating end to war, through peace talks, incentives, pressure.

What kind of intervention?

- Intervention should be limited and impartial.

- To have it both, very difficult.

- Limited interventions become successful when intervener takes sides, i.e. not impartial.

- Impartial intervention becomes successful when intervener takes command of situation.

- A war will not end until sides agree; and intervention must serve the purpose of settling the war: determining who rules in peace.

What kind of intervention? - 2

- There are two ways to stop war: a side defeats other or both sides accept settlement.

- When compromise is possible? When both sides agree that they will loose rather than win.

- Compromise becomes harder when war starts.

- Stalemate in war can lead to compromise.

- Exhaustion is a way to compromise. E.g. Iran-Iraq were exhausted and it led to end of war.

Bosnia

- Attempts: mediation, arms embargo, no fly zone, safe zones, economic sanctions, and intervention.

- Intervention considered as difficult option.

- UN presence helped to maintain balance of power among belligerents.

- Economic sanctions worked against Serbs; arms embargo worked against Bosniacs.

- Rationale was that impartiality would lead to peace; but result was not peace; but stalemate.

Somalia

- Intervention restored civil order, but failed to impose settlement to parties.

- No contended was championed to rule the country in peace.

- Failure led to withdrawal of US forces.

Haiti

- UN and US did choose a side, supporting exiled President.

- Willingness to intervene by US, forced the junta in Haiti to back down.

- However, limited character of intervention and economic sanctions led to prolonged suffering.

When impartiality works?

- Impartially worked in some places. E.g. monitoring ceasefire in Iraq-Iran, Cambodia.

- Impartiality works best where intervention is needed least.

- Impartiality works where there is need for presiding over peace rather than when you need to make a peace.

When impartiality works? - 2

- When passions are not yet burned out, interveners may let locals to fight it out.

- Or they can jump in, and help one of parties to win the war.

- Is the impartiality or exhaustion that can bring peace earlier? Normally "exhaustion".

- But also impartiality can bring if it is "imperial impartiality".

Imperial Impartiality

- It is active and harsh impartiality that overpowers both sides. E.g. UN operation in Cambodia.

- It takes over administrative authority.

- It worked in Cambodia. How?

- It capitalized on exhaustion of 15 years of war and stalemate.

- It was most massive intervention.

- It altered balance of power by facilitating realignment of parties against Khmer Rouge.

Rules for success of operations

- Recognize that to make peace is to decide who rules. For this you have to face higher number of casualties and fatalities. E.g. Somalia.

- Avoid half measures: Act decisively by either lending weight to one side or forcing both sides to compromise. A middle course is not successful. E.g. Bosnia.

Rules for success of operations - 2

- Do not confuse peace with justice: If peace is priority, support should go to mightiest; if justice is priority, intervention lengthens conflict. When drawing borders, if peace is priority, it should aim for having borders coherent, rather than minimizing transfer of populations. But it makes ethnic cleansing solution to ethnic cleansing. E.g. Bosnia and India/Pakistan; and not Lebanon.

Rules for success of operations - 3

- Do not confuse balance with peace or justice: maintaining balance between sides lengthens the war until it makes winning seem hopeless.

- Make military intervention militarily rational: intervention in some situations may be warranted even if does not aim to secure peace.

STATE BUILDING

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State building

- Nation building: construction of a common nationality.

- State building: reconstruction of state.

- State building interventions: Bosnia, Kosovo, Afghanistan, Iraq.

- Attempt to rebuild "rogue" states that interveners attacked (Afghanistan and Iraq) and attempt to rebuild failed states (Kosovo, Bosnia).

New security threats

- Security threats emerge from misrule.

- Bad "externalities" that result from scientific revolution, political disorder, economic collapse, anger in third world.

- Risks: terrorism, WMD, refugee flows, health threats, drug smuggling networks, disruption of oil supplies.

Neo-trusteeship or postmodern imperialism

- Interveners now do new form of international governance: neotrusteeship or postmodern imperialism.

- It is mix of international and domestic governance structures (Bosnia, Kosovo, East Timor, Sierra Leone, Afghanistan, Iraq).

- Degree of control over domestic political and economic functions by foreign countries.

Neotrusteeship or postmodern imperialism - 2

- People are governed by foreign powers, IGOs, NGOs, domestic institutions.

- Parties to these complex interventions seek international legal mandate for their rule.

- Agents of neotrusteeship want to exit as quickly as possible, after intervening to reconstruct states so as to reduce threats.

Does Neotrusteeship works?

- It worked in 1990s, with UN playing a central role. E.g. Kosovo.

- But, international system remains badly organized for dealing with the state collapse.

Recruitment and Coordination

- Recruitment - who will pay for?: Nature of problem favors multilateral interventions led by a major power, supported by troops from developing countries and financed in part by loans to collapsed state to be repaid after reconstruction.

- Coordination: in anarchical settings, UN is an inappropriate lead agent and greater efficacy is to result from missions led by a major power.

Accountability and Exit

- Accountability - how to make trustees responsible for their actions: UN to address some of issues once handled by UN Trusteeship Council.

- Exit: long-term international contribution to local security is necessary and developing local tax-collecting capability.

Neotrusteeship cases

- 1995 Dayton accords established Office of High Representative as sovereign power in Bosnia.

- Special representative of UNSG in Kosovo had formal authority over Kosovo; EU, OSCE, NATO played roles in politics, economics, security.

- Afghanistan governed by a democratic regime, but owes its continued existence to presence of US troops; UN engaged in state building.

PKOs and Brahimi Report

- Report, commissioned by UNSG in 2000, analyzed sources of failure in PKOs and proposed reforms.

- First, UNSC approved mission mandates that were vague and optimistic about situation on ground, leading to inadequate deployments.

- Second, mission mandates constructed by UNSC exceeded resources provided by states.

- Commitment gaps: gaps between what outsiders expect and what PKOs were capable of doing.

- Third, coordination problems.

Brahimi recommendations

- First, UNSC to write achievable mandates that it is willing to fund, and mandates be left in draft form until UNSG confirms that force levels can be supplied.

- Second, UNSG to tell UNSC "what it needs to know, not what it wants to hear" when formulating mandates.

- Third, UNSC mandates must provide for robust rules of engagement by UN forces.

Mission creep

- Once forces are on ground in country with weak state and conditions that favor guerrilla techniques, there can be dynamics for "mission creep".

- Mission creep: a gradual shift in objectives during the course of a military campaign, often resulting in an unplanned long-term commitment.

Mission creep - 2

- Missions have tended to "creep" or be unable to exit where administrative, police, military capacities have been lowest. E.g. Afghanistan, Congo, Sierra Leone, Liberia, Somalia, Haiti, Bosnia, Kosovo.

- By contrast, there has been little or no mission creep in cases where states retained governing capabilities despite the war (Nicaragua, El Salvador, Guatemala, Croatia, Cambodia).

Guerilla wars

- Best predictors of civil war propensity are presence of factors that favor rural guerrilla warfare.

- Increase in wars due to rural guerrilla wars.

- Guerilla wars produced gradual accumulation of unresolved conflicts and incapacitated states.

- Measures of low state capability such as low per capita income, high total population, recent decolonization, and mountainous terrain are best predictors of a state's civil war propensity.

Challenges and Interventions: general assessment

- Interventions not temporary aberration in the course of international politics.

- Interventions reflect durable, structural characteristics of present international system.

- Since WWII, there was growth in number of dysfunctional states.

- Collapsed states require international collective actions that are not ad hoc, underrationalized, and inadequate.

Readings for this week were:

Must readings:

- Posen (Military Responses to Refugee Disasters); Betts (The Delusion of Impartial Intervention); Fearon (Neo-Trusteeships and the Problem of Weak States); Kaufman (Possible and Impossible Solutions to Ethnic Civil Wars); de Waal (Can Military Intervention Be "Humanitarian"); de Waal (No Such Thing as Humanitarian Intervention); de Waal (How to End Mass Atrocities).

Responsibility to Protect (R2P)

PIR 443, Human Rights and Humanitarian Interventions

Dr. Islam Jusufi

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R2P

- R2P insists that states have a responsibility to protect their own citizens.

- It includes protection against three crimes: genocide, crimes against humanity and war crimes.

- If a state is unwilling or unable to do so, R2P dictates that IC assumes that responsibility.

R2P - 2

- Post-WWII decolonization embraced sovereignty as principle of relations between states.

- End of cold war made shift heralding international humanitarian order that promises to hold state sovereignty accountable to international human rights standards.

- This new humanitarian order claims responsibility for the protection of 'vulnerable populations'.

- That responsibility is said to belong to IC, to be exercised in practice by UNSC.

2001 International Commission on Intervention and State Sovereignty

- The Commission developed R2P concept in its report "The Responsibility to Protect".

- Central theme was that sovereign states have R2P their own citizens.

- When they are unwilling or unable to do so, that responsibility must be borne by the internatonal community.

2004 UN High-Level Panel on Threats, Challenges and Change

- When governments are unable or unwilling to protect their citizens, responsibility should be taken by IC - involving prevention, response to violence, and rebuilding shattered societies.

- The Panel spoke of "emerging norm of a collective international R2P," which encompasses not only "the 'right to intervene' of any State, but 'R2P' of every State when it comes to people suffering from avoidable catastrophe."

2005 UNSG report

- Security of states and of humanity are indivisible and threats facing humanity can be solved only through collective action.

- Reaffirmed that idea of R2P must be "embraced" and "acted on".

2005 World Summit Outcome Document

- R2P was incorporated into Outcome Document.

- Recognized R2P populations from genocide, war crimes, ethnic cleansing, crimes against humanity.

- Responsibility of each individual state to protect its populations from such crimes and corresponding responsibility of the international community.

Transformaton of international law

- Achievement in articulation of R2P concept in UN official documents.

- Inclusion of concept in UN docs testimony to shift in international law: that principle of sovereignty finds its limits in the protection of "human security."

- Transformation of international law from state-based system into normative framework designed to protect human interests.

Is R2P a new norm?

- Quick rise of R2P concept.

- Is it a new legal norm and principle for peace and security in the UN system?

- None of above-mentioned documents can be regarded as binding international law under classic sources of international law set forth in the Statute of the International Court of Justice (e.g., "international Conventions", "international custom").

Is R2P a new norm? - 2

- Closer study of relevant reports and documents reveals considerable divergences in opinion.

- Different bodies have employed same notion to describe partly different paradigms.

- Text of Outcome Document of UNGA Summit, which is most authoritative of four documents in terms of its legal value, leaves considerable doubt concerning whether and to what extent states intended to establish a legal norm.

Is R2P a new norm? - 3

- Law-declaring resolutions of UNGA may assist in determination or interpretation of international law or even constitute evidence of international custom.

- Scholars differ whether UNGA resolutions can establish law beyond their contributory role in the formation of customary international law.

- Thus, R2P does not yet meet requirements of a legal norm.

DIFFERENT BODIES, DIFFERENT MEANINGS

Approach of the Commission on State Sovereignty and Intervention

- It offered comprehensive treatment of R2P.

- It developed R2P to solve legal and policy dilemmas of humanitarian interventions.

- It focused on relationship between sovereignty and intervention, specifically on how IC should respond to Rwanda or Srebrenica type of violations of human rights if intervention is unacceptable assault on sovereignty.

Approach of the Commission on State Sovereignty and Intervention - 2

- It proposed dealing with this problem by defining sovereignty as responsibility rather than control.

- It used rhetorical trick: it shifted emphasis from undesirable "right to intervene" to less confrontational idea of "responsibility to protect".

Approach of the Commission on State Sovereignty and Intervention - 3

- It distinguished R2P from concept of intervention in three ways.

- First, it stressed that R2P addresses dilemma of intervention from perspective of needs of those who seek or need support, rather than from interests and perspectives of those who carry out such action.

Approach of the Commission on State Sovereignty and Intervention - 4

- Second, it said that responsibility is shared by state and IC.

- It recognized that primary R2P resides with state whose people are affected by conflict.

- If the state is unable or unwilling to fulfill this responsibility, or is itself the perpetrator, that it becomes responsibility of IC to act in its place.

Approach of the Commission on State Sovereignty and Intervention - 5

- Third, it declared that effective response to atrocities requires not only reaction, but engagement to prevent conflict and rebuild after the event.

- It developed a multi-phased conception of responsibility: prevent, react and rebuild.

- It formulated specific "threshold" criteria for military intervention: large scale loss of life; or large scale "ethnic cleansing".

Approach of the Commission on State Sovereignty and Intervention - 6

- It made distinction between a state's internal and external responsibility.

- It recognized that states' authorities are responsible for safety of their citizens internally.

- It stressed that at same time states have external responsibility towards IC through UN.

- It acknowledged that violations of this dual responsibility could require action by IC to support populations in need.

Approach of the Commission on State Sovereignty and Intervention - 7

It identified three circumstances in which this responsibility of IC is activated:

- when a state is clearly unwilling or unable to fulfill its R2P,

- when a state is itself perpetrator of crimes,

- where people living outside a state are threatened by actions taking place there.

Approach of the Commission on State Sovereignty and Intervention - 8

- It advised assessment should be made as to where most harm lies in case intervention is undertaken without UNSC resolution: "in damage to international order if UNSC is bypassed or in damage to that order if human beings are slaughtered."

- It developed five criteria of legitimacy for interventions: just cause, right intention, last resort, proportionality of means, and reasonable prospect of success.

Approach of the High-Level Panel Report

- It saw R2P as a means to strengthen the collective security system under UN Charter.

- It spoke of collective R2P of every state when it comes to people suffering.

- It endorsed wider concept of R2P under which responsibility of host state shifts to every other state in cases where the former is unable or unwilling to act.

Approach of the High-Level Panel Report - 2

- It made that the concept of R2P to become part of UN vocabulary.

- It reiterated that UNSC has not only authority, but also responsibility to take action to combat humanitarian crises.

- It urged permanent members to pledge to refrain from use of veto in cases of genocide and large-scale human rights abuses.

Approach of the High-Level Panel Report - 3

- Unlike the Commission on State Sovereignty, the Panel did not envisage that R2P could be invoked by coalitions or regional organizations in the absence of UNSC authorization (only through UNSC).

- It stressed that "emerging norm" of a "collective international R2P" was only "exercisable by UNSC" and only if military intervention was at stake.

Approach of the High-Level Panel Report - 4

- It left open by recognizing that "in some urgent situations" "authorization maybe sought after operations have commenced".

- It identified five criteria of legitimacy for use of force: seriousness of threat, proper purpose, last resort, proportional means, and balance of consequences.

Approach of the Report of UNSG

- It was stressed that he was aware of sensitivities involved in this issue.

- R2P concept was removed from section on use of force and placed in section dealing with freedom to live in dignity.

- Thematic focus of R2P changed.

Approach of the Report of UNSG - 2

- R2P was not viewed as a basis for intervention but as strategy to promote commitment to human security.

- It placed emphasis to implement R2P through peaceful means.

- It indicated reluctance to accept military action without UNSC's authorization.

Approach of the Outcome Document of the 2005 World Summit

- Outcome Document is a compromise solution that seeks to bridge different positions.

- It reflect continuing division and confusion about meaning of R2P concept.

- States avoided reducing idea of R2P to purely moral concept.

Approach of the Outcome Document of the 2005 World Summit - 2

- It stated "each individual State has R2P its populations from genocide".

- This sentence reflects traditional bond of duty between host state and its citizens.

- It relied implicitly on distinction between responsibility to prevent, responsibility to react, and responsibility to rebuild made by the Commission on State Sovereignty.

Approach of the Outcome Document of the 2005 World Summit - 3

- It placed the idea of collective action under double qualifier:

- First, the states reaffirm their "preparedness" to take such action (voluntary rather than mandatory).

- Second, states commit themselves to act only "on a case-by-case basis" through UNSC.

Approach of the Outcome Document of the 2005 World Summit - 4

- This dual condition distinguishes Outcome Document from the responsibility-driven approach of the Panel.

- It reflects the view of those states that question the proposition that UN Charter establishes legal obligation for UNSC members to support enforcement action in the case of mass atrocities.

TRADITION VS INNOVATION

Status of R2P?

- Continuing division raises some doubts about status of R2P concept.

- The Panel spoke of "emerging norm".

- However, it is misleading, overoptimistic.

- Some of features of R2P are embedded in international law, while others are new that it may be premature to speak of a practice.

R2P as not new idea

- Some of elements of R2P concept have surfaced in the past.

- Shift from sovereignty "as control" to sovereignty "as responsibility" is historical tendency.

- Understanding that state exercises functions of trustee for human beings who are affected by state action is not 20[th]century principle, but can be traced much further back (Grotius, Locke).

Sovereignty as responsibility

- In international law state is not exclusive entity.

- Historically, individuals have been granted international protection from arbitrary exercise of state authority.

- It is well understood that sovereignty entails duties on the international level.

- It is argued over several decades that sovereignty cannot be used as shield against intervention.

Sovereignty as responsibility - 2

- It was argued that prohibition of use of force does not rule out interventions in states that are unable to protect their populations because of a collapse of public authority (Somalia).

- It was also argued prohibition of use of force was meant to protect citizens of a state, rather than the state as entity; this rationale ceases to apply in favor of the state when the state violates the rights of its population (Kosovo).

Parameters of intervention

- Idea of intervention (responsibility to prevent, responsibility to protect, responsibility to rebuild) did not come out of the blue.

- Need for a multiphased vision of international engagement became evident during UN peacekeeping missions of 1990s.

- UN Agenda for Peace developed a tripartite conception of peacemaking.

Parameters of intervention - 2

- Brahimi report stressed importance of continuity of process from preventive action to peace building.

- UN "No Exit Without Strategy" report stressed responsibility after intervention.

- Legitimacy criteria of intervention proposed by Commission on State Sovereignty and by the Panel date back to just war doctrine.

Progressive Development of Law

- R2P concept appears to associate the idea of human security with certain duties, i.e. collective responsibility to act in the face of gross human rights violations.

- This vision is new; so far, such duties have been derived from concept of solidarity.

- To link protection to responsibility goes a step further, in particular, if responsibility is understood in the sense of a positive obligation.

Progressive Development of Law - 2

- Law of state responsibility recognizes that certain violations of international law affect all states.

- It authorizes states to respond to such violations.

- However, contemporary international law imposes only limited positive duties on states.

CONSTRUCTIONAL DEFICIENCIES

Constructional deficiencies

- These normative ambiguities are complemented by some constructional deficiencies.

- Some of the implications of the conception of R2P have not yet been fully contemplated from a legal perspective.

- Two issues deserve further attention: concept of complementarity, and consequences of violation of R2P.

Complementarity trap

- Complementarity is used as a tool to win the support of states for the concept of R2P.

- All of the four documents that refer to the concept rely on complementarity.

- They make a distinction between the primary R2P of the host state, and IC responsibility which is triggered if the host is unable or unwilling to secure protection.

Complementarity trap - 2

- However, in some cases this scheme may actually turn into a complementarity trap.

- The complementarity principle may establish additional threshold for collective security action, which would burden UNSC.

- The argument of states' primary responsibility may be used to constrain, rather than enable, UNSC involvement.

Implications of Inaction

- All of four documents are silent on how to deal with violations of R2P.

- Inaction by the host state can be remedied through collective action.

- But what if IC do not live up to R2P?

- Should such omissions equally be subject to some sanction?

Implications of Inaction - 2

- Uncertainty surrounding consequences of noncompliance raises a broader question of principle.

- It sheds doubt on the notion that R2P was meant to be an emerging hard norm of international law.

MAIN COMPONENTS OF R2P

Proposition No. 1: The Host State Has a Duty to Protect Citizens on Its Territory

- Most commonly accepted proposition is that the host state has R2P citizens on its territory from large-scale atrocities.

- This duty is recognized in an equal fashion by all four documents.

- It is rooted in the traditional obligation of the state to safeguard the security of persons under its jurisdiction, which is reflected in human rights conventions.

Proposition No. 2: States Failing the Duty to Protect Have a Weak Sovereignty Defense

- Four documents reflect emerging consensus on negative dimension of R2P: limited ability of host state to invoke sovereignty against intervention.

- It makes harder for states to invoke sovereignty as a shield when they fail to protect their populations.

- States will be forced to substantiate the claim that they are upholding standards of governance when they invoke sovereignty as a defense against external interference.

Proposition No. 3: Foreign Entities May Intervene Nonforcibly

- There is growing support for idea that both UN and third states may intervene nonforcibly in cases where the host state fails to protect citizens.

- Outcome Document strongly emphasizes a collective response "through UN."

Proposition No. 4: Foreign States May Intervene Forcibly

- Approach to unauthorized uses of force varies.

- The Panel stresses "exercisable by UNSC".

- UNSG Report emphasizes collective security system.

- Outcome Document did not categorically reject the option of unilateral action.

- This discrepancy leaves to argue that R2P is not meant to rule out such action in the future, only as a last resort.

Proposition No. 5: Foreign Entities Have a Positive Duty to Act

- There is no agreement that UN or states have a positive obligation to intervene.

- All four documents adhere to core idea of the Commission on State Sovereignty to shift the focus from the right to intervene to responsibility to protect.

- However, the consensus becomes very thin when it comes to defining to whom this responsibility shifts if a state fails to live up to its (primary) duty to protect citizens living on its territory.

RtoP replacing humanitarian intervention?

- R2P concept may gradually replace the doctrine of humanitarian intervention in 21st century.

- However, at present, many of the propositions of this concept remain uncertain from a normative point of view or lack support.

- R2P concept is still political catchword rather than a legal norm.

- Further fine-tuning and commitment by states will be required for it to develop into an organizing principle for international society.

Use and Misuse of R2P

- R2P was invoked to justify intervention in Libya.

- Moscow's justification for its invasion of Ukraine, Crimea, Georgia is its claim of need to protect civilians.

- R2P is double-edged sword, susceptible to being used and abused.

- What counts as R2P depends on who's speaking.

- It allows states to abuse the concept by applying it selectively wherever they see fit.

Use and Misuse of R2P - 2

- But R2P cannot ultimately be successful in making intervention more humanitarian if there is no consensus as to what it is or where it applies.

- R2P remains a conversation.

- Cynical appropriation of R2P-style rhetoric for interventions that have little to do with humanitarian imperatives only weaken an already fragile concept.

Must Readings for this lesson:

- Stahn (Responsibility to Protect).

- Kersten (Does Russia have a 'responsibility to protect' Ukraine?).

- Koh (Syria and the Law of Humanitarian Intervention).

- Mamdani (Responsibility to Protect or Right to Punish).

"Seminar I: The case of Bosnia"

PIR 443, Human Rights and Humanitarian Interventions
Dr. Islam Jusufi
Epoka University

Srebrenica, 11 July 1995

- Massacre and Genocide against Bosniacs in Srebrenica (eastern Bosnia).

- 8000 men executed and buried in mass graves.

- "Darkest pages of human history".

- Shameful event for UN history.

Srebrenica and safe areas

- "Safe area" together with 5 other areas (Sarajevo, Gorazde, Bihac, Zhepa, Tuzla).

- 20.000 Bosnian Muslims were killed in safe areas.

- UN failed to deter Serb attack on Srebrenica.

- Following fall of Srebrenica, and attack on Sarajevo, NATO undertook intervention.

Bosnia war

- Start: 6 April 1992.

- Within 60 days, most of Bosnian territory controlled by Serb forces.

- Start of UNPROFOR presence.

- During first 60 days, 1 million people displaced.

- Total killed: 101.000.

- Different kind of war: Armed forces of Bosnian government, Croatian Defense Council and Serb forces.

Fall of Yugoslavia

- 25 June 1991: declarations of independence.
- Recognition of independence of Slovenia and Croatia, despite the fact that EU Commission established that only Slovenia and Macedonia met criteria for recognition.
- 10 days of war in Slovenia, ending with Brioni agreement of 7 July 1991; withdrawal of JNA from Slovenia.

Independence of BiH

- Full scale war in Croatia in Aug 1991-Jan 1992.

- Sep 1991: Arms embargo to Yugoslavia – move which benefited Serbs.

- Feb 1992: UNPROFOR HQ in Sarajevo, seen at the time as neutral place.

- Population: 4.4 million (44% Bosniacs, 17% Croats, 31% Serbs).

- Independence of BiH: April 1992; coinciding with the start of war.

BiH war

- Relocation of heavy weaponry of JNA to BiH and takeover of JNA installations by Bosnian Serbs.

- International and internal war: Invasion of BiH by JNA and by Croatian Army; armed forces associated with major nationalities in BiH.

- What kind of war: ethnic cleansing (genocide), concentration camps, systematic rape, attrition, terror, gangsterism, massive displacement, negotiation; less of high intensity war.

BiH war - 2

- Supported by JNA, to establish ethnically pure regions (ethnic cleansing).

- Seizure of territory by military force.

- Agreement (May 1992) between Serbs and Croats, to carve up territory, and leaving minimal territory to Muslim community.

- Bosniacs wanted immediate UN peacemaking operation; Serbs and Croats agreed to UN peacekeeping once agreement was reached.

Peace process

- Jan 1993 - London conference (UN, EC, CSCE, OIC)/Vance-Owen peace plan: decentralised state rather than three ethnic states; 10 provinces (43% to Serbs); Srebrenica under Bosnian majority. Bosniacs, Croats signed up; Serbs rejected.
- 70% of the territory at the time, held by Serbs.

Srebrenica

- During the war, cut by the territory held by Bosniacs; vulnerable to attack by Serbs.

- UNPROFOR commander (March 1993): UN will not abandon Srebrenica.

- UNHCR organizing some evacuations from Srebrenica to Tuzla.

UNSC and BiH

- April 1992 – October 1993: 47 resolutions; No issue in history of UNSC has had some much resolutions.

- Consensus limited to contain war; deal with consequences of war; promote peace.

- No consensus to use force against Serbs.

- Deployment of UN peacekeeping rather than enforcement forces.

- Chapter VII of Chapter invoked but measures not specified.

Concept of "safe areas"

- Safe areas, security zones, safe havens under protection for Bosniacs (proposal by ICRC, 1992).

- Challenges: no UNSC consensus; no consent by warring parties; difficulties in demilitarizing zones; lack of UNPROFOR mandate and troops; what for areas not considered as "safe area".

- Owen: flawed concept; Vance: encouraging further ethnic cleansing; UNPROFOR: opposed as not ready for enforcement.

Concept of "safe areas" - 2

- April 1993 resolution establishing Srebrenica as "safe area" free from armed attack.

- April 1993 agreement of Bosniac and Serb commanders for demilitarizaton of Srebrenica; but not respected by Serbs.

- May 1993 - Expansion of safe areas to Sarajevo, Gorazhde, Zhepa, Bihach, Tuzla.

Concept of "safe areas" - 3

- Withdrawal of Serb forces to a distance that they would not constitute threat to safe areas.

- Respect to UNPROFOR presence.

- But lack of enforcement actions by UNPROFOR; mandate narrowly interpreted and restricted to humanitarian assistance.

- BiH denied to invoke right of self-defense.

- "Lift and strike policy" proposed by US in May 1993, but not endorsed by UNSC.

Effectiveness of "safe area" policy

- June 1993 UNSC resolution authorized use of force for protection of "sate areas".

- But Serbs continued to bombard safe areas.

- UNSC gave some additional forces to UNPROFOR; but was reluctant to use force.

- If UNSC was reluctant to use force, then it should have allowed Bosniacs to defend themselves.

Effectiveness of "safe area" policy - 2

- Draft resolution to lift arms embargo and to afford self-defense for Bosniacs was rejected by UNSC.

- Safe areas policy became weak in the absence of resolve to use force.

- Became instrument for freezing the situation on the ground to the full advantage of the Serbs.

Sarajevo "safe area"

- In Aug 1993, Serbs launched offensive against Sarajevo.

- NATO informed UN that it considered to use force.

- Differences emerged between NATO and UN.

- Serbs pulled out and partly ended the siege of Sarajevo under the threat of use of force by NATO.

Invincible peace plan

- Talks in *Invincible* warship: proposed to give Srebrenica and Zhepa to Serbs in return Bosniacs to receive territories around Sarajevo.

- The plan rejected by Bosniacs.

- Feb 1994 bombing of Markale marketplace in Sarajevo by Serbs.

- UNSG asked NATO for use of air strikes.

- Threat to use air strikes improved the situation in Sarajevo.

Formation of Bosnian-Croat Federation

- Mar 1994 Serb attack to Gorazde safe area.

- Apr 1994 NATO airstrikes to Serb positions in Gorazde.

- 1 Mar 1994 peace deal signed between Bosniacs and Croats and May 1994 Washington Agreement establishing Bosnian-Croat Federation.

- April 1994 Contact Group established with peacemaking role, replacing International Conference on former YU.

Contact Group peace plan

- Proposed division: 51% to Bosniac-Croats with 49% given to Serbs; Serbs rejected.

- Oct – Dec 1994 Serb attack to safe area Bihac.

- Bihac divided between two rival Bosniac groups (Government and Abdic forces).

- Dec 1994 ceasefire signed, with fighting continuing in Bihac, Srebrenica, South west.

- 31 March 1995 UNPROFOR divided into three separate missions: Croatia, Bosnia and Macedonia.

Deterioration of situation – April 1995

- Situation around Sarajevo deteriorated starting from April 1995.

- NATO stroke Serb positions in May 1995 in Sarajevo.

- 6 July 1995 start of Serb attacks in Srebrenica and fall of Srebrenica on 11 July 1995.

- 11-20 July 1995 Srebrenica massacre.

Deterioration of situation – April 1995 - 2

- Aug 1995 another attack to Markale marketplace.
- Aug 1995 NATO air attacks.
- Sep 1995 Geneva Basic principles agreement among Croatia, BiH, FRY: two entities and 51% and 49% division.
- War ended on 12 Oct 1995.
- 1 Nov 1995 peace talks starting Dayton, Ohio.
- 21 Nov 1995 Dayton agreement.
- Formally signed in Paris on 14 Dec 1995.

Srebrenica assessment

- Shocking massacre; Nothing seen in this magnitude in recent decades.

Culprits:

- Dutch?: failed to protect refugees; did not report fully the scenes of killings; they did ask for air support, but they did not fire at attacking Serbs;

- UNPROFOR?: command and control problems; weapons were not given back to Bosniacs to defend Srebrenica; failed to report scale of massacres in Srebrenica to New York.

Srebrenica assessment - 2

- Bosniacs were ill-prepared to defend Srebrenica.

- Human and institutional failures.

- Attempt to keep the peace when there was no peace to defend.

- Peacekeeping force, humanitarian aid, arms embargo were poor substitutes for rigorous actions, including military deterrence.

- Bosnia tragedy and particularly of Srebrenica will haunt the history of UN forever.

Readings for this lesson:

<u>Must readings</u>:

- Srebrenica Report. 1999.

<u>Optional</u>:

- Watch: Srebrenica. A Cry from the Grave. Youtube.

- Watch: While America Watched: The Bosnia Tragedy. Vimeo.

Seminar II: The case of Kosovo

PIR 443, Human Rights and Humanitarian Interventions

Dr. Islam Jusufi

Epoka University

Humanitarian intervention in Kosovo

- "Operation Allied Force". March 1999.

- Unique: first use of armed force by NATO.

- Legality: no authorization from UNSC; but with the aim to implement UNSC resolutions.

- Despite the sovereignty, state committing extreme violation of human rights can be subject to military intervention.

Humanitarian intervention in Kosovo - 2

- World was divided over operation.

- June 1999: end of campaign.

- Triumph of bombing as a means for opposing extreme human rights violations.

Serb atrocities in Kosovo

- Ethnic cleansing starting in February 1998 (Drenica).

- Racak killings - Jan 1999.

- Failure of Rambouillet talks.

- Situation became worse as bombing started.

- Did the bombing accelerate ethnic cleansing?

Why NATO bombed?

- Legacy of shame from Bosnia.
- Possibility of ethnic cleansing at the Bosnian scale.
- Human rights violations by Serbs.
- No alternative course of action was left.

Why NATO bombed? - 2

- Reluctance to accept additional refugees.

- NATO's credibility in test: having become deeply involved in Kosovo crisis since 1998, not taking action would have undermined NATO credibility.

- Expectation within NATO that the bombing will bring a result.

Why NATO relied on air force only?

- Not willing to risk lives: no single combat casualty.

- Mechanism to achieve results.

- Reducing Serb internal and external capacity.

No UNSC authorization

- Russia and China made clear that they would reject military action.

- No authorization was given and neither it was sought.

- Fear that vetoed action would not be supported by the public and the process might expose divisions in NATO.

- Although lacking authorization, believed to have not violated international law.

Argument 1 for legality: UNSC Resolutions

- Sep 1998: Serbia to cease all security actions in Kosovo and measures to be taken if not ceased.

- Oct 1998: Accepting that NATO has a stake in Kosovo issue.

Argument 2 for legality: general international law

- Overwhelming humanitarian necessity.

- Evidence of extreme humanitarian distress.

- No other alternative to save lives.

- Proportional use of the force.

- No right to tolerate human rights violations because UNSC is not able to act.

- All NATO members supported the action.

- Concern over spread of war to other parts.

Laws of war

- Did NATO observe war laws?

- UN: civilians killed; NATO should abide with the proportionality principle.

- Did bombing minimize damage to civilians?: passenger buses and trains bombed; bombing Chinese embassy; buildings, bridges bombed.

- Putting pressure not just on military but also on government.

Factors leading to settlement

- 3 June: G8 peace plan accepted by Serbia.

- 9 June: Kumanovo agreements for withdrawal of Serb forces from Kosovo.

- 10 June: 1244 Resolution.

- Concessions by NATO: leaving administration of Kosovo to UN; Russia's presence.

- Serb concessions: complete withdrawal from Kosovo.

Serb war strategy

Serbia had a strategy:

• Partition of Kosovo.

• Destruction of Albanian property.

• Rejection of any foreign forces in Kosovo.

• Decision to fight, otherwise loss can be larger.

Serb war strategy - 2

- Hurt the invader for as long as possible.
- Destroy the cohesion within NATO coalition.
- Provoking collateral damage.
- Breaking the cohesion within NATO.
- Intelligence leaks to Serbs.

Serb war strategy – 3

- Have Russian support.

- Limit NATO's air power effectiveness.

- Refugees as a weapon as Europe did not want to receive refugees.

- Send warning to neighboring states: if you help Serbia's enemies, Serbia can bring you down with it – Refugee flow to Macedonia as deliberate Serb policy.

Results

- Withdrawal of Serbia from Kosovo.

- Start of UN rule in Kosovo.

- Casualties: 10.000 Albanians; 2.000 Serb civilian and 600 Serb soldiers.

- Refugees: 1 million Albanians; 130.000 Serbs.

Lessons learned

- NATO's threats of force before the war did not elicit Serb cooperation.

- Factors that played role in the settlement of war: damage to Serbia, solidarity of NATO, Russia's diplomatic assistance, buildup of NATO ground forces, military action of KLA, economic isolation of Serbia.

Readings for this lesson:

Must readings:

- Roberts (NATO's 'Humanitarian War' Over Kosovo).

- Posen (The War for Kosovo: Serbia's Political-Military Strategy).

Optional:

- Watch: Kosovo – War in Europe. Youtube.

- Watch: The Death of Yugoslavia. Youtube.

Seminar III: the cases of Somalia and Congo

PIR 443, Human Rights and Humanitarian Interventions
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SOMALIA

UNOSOM I

- In Dec 1992, UN troops (UNOSOM I) were deployed to Somalia for humanitarian relief.

- It was the post-cold war era's second humanitarian intervention after Gulf War.

- Somalia mission marked a different where troops were deployed to prevent violence between conflicting sides in a civil conflict.

UNOSOM II

- UNOSOM II was second phase of UN intervention in Somalia (March 1993-March 1995).

- Mainly carried by US.

- UNOSOM II was authorized under Chapter VII of UN Charter.

- UNOSOM II intervention is well known for Battle of Mogadishu.

Events leading to Battle of Mogadishu

- UNOSOM II had a strength of 28,000 personnel from various states.

- Initially UN/US were welcomed.

- But later, operations carried out in Mogadishu began to cause civilian casualties.

- In July 1993 a house where clan leaders were meeting was attacked by US helicopters; many civilians died.

Events leading to Battle of Mogadishu - 2

- As a result, local people turned against UN/US.

- In June 1993, a Pakistani force was sent to investigate an arms depot belonging to Aidid; when the Pakistanis arrived, they were killed.

- Hunt for Aidid characterized much of UNOSOM II intervention; Aidid was never captured.

Events leading to Battle of Mogadishu - 3

- In Aug 1993, Aidid's militia killed 4 Americans.

- In response, US deployed special task force, with the aim to capture Aidid.

- On 3 Oct 1993, Task Force Ranger raided hotel (Olympic) in Mogadishu in which Aidid was thought to be hiding.

- In this operation, later known as Battle of Mogadishu, 18 US soldiers were killed, leading to US withdrawal.

Somalia operation results

- Initial expectation was that the operation would be low-cost and quick.

- But it resulted in drawn-out military involvement with US troops becoming "bogged-down" or operation resulting to "mission creep".

Lessons learned

- Somalia operation continues to profoundly affect debate over humanitarian intervention.

- US refusal to respond to the genocide in Rwanda was due to what happenned in Somalia.

- "Crossing the Mogadishu line": expression describing the need to maintain neutrality in the face of all provocation, for fear of becoming an unwilling participant in a civil war.

Lessons learned - 2

- Doctrines of both US and of UN were affected.

- US issued policy directive in Apr 1994 that marked retreat from earlier rhetoric of assertive multilateralism.

- In 1995 (second) edition of UN Agenda for Peace, UN expressed less optimism about possibilities for intervention than it did in 1992 (first) edition.

Lessons learned - 3

- Nations do not descend into anarchy overnight.

- There is an inescapable reciprocity between civil and military goals.

- Failed state cannot become stable without the work of developmental efforts.

- Humanitarian assistance in failed states can become the currency of warlords.

Lessons learned - 4

- US did not force militias to disarm; it told warlords that they could keep their weapons if they moved the arms out of Mogadishu.

- Failure to disarm the major combatants meant siding with those who had the most weapons, leaving the weak defenseless.

- There was no clear vision of how reconciliation should proceed.

Lessons learned - 5

- US saw its mission as short and limited to opening supply lines so that it would not have to become involved in Somali politics.

- Both US and UN sought to stay neutral.

- US role quickly developed from mediator to fighter, with dire results.

- Instead of remaining neutral, US and UN ended up enhancing the roles and status of the warlords.

Somali famine of 1992

- Famine in Somalia in 1992 resulted from degeneration of political system and economy.

- Food imported for relief was stolen by merchants, unemployed workers, and gangs of young men.

- Militia used stolen food aid to purchase weapons and keeping followers loyal.

- Somalia's entire political and economic system revolved around stolen food.

Attempt to stop stealing of food aid

- When US troops intervened in Dec 1992 to stop theft of food, they disrupted political economy and stepped deep into Somali politics.

- US disregarded implications of intervention.

- Mogadishu line was crossed.

- It also wanted to get the troops out quickly.

- What dominated thinking was General Colin Powell doctrine advocating overwhelming force and limited objectives.

CONGO (DEMOCRATIC REPUBLIC OF CONGO, DRC)

Resource curse

- Centre of "Africa's world war", with widespread civilian suffering.

- Recent history of DRC has been one of civil war and corruption.

- Vast country with immense natural resources.

Politics of DRC

- Joseph Kabila became president when his father Laurent was assassinated in 2001. He was elected in 2006, and secured another term in controversial elections in 2011.

- His second and final term ended in Dec 2016 but elections failed to be held.

- Pro-government and opposition groups agreed a deal: Under the deal, Kabila would remain in office until elections in late 2018.

Second Congo War or "Africa's world war"

- War claimed some 6 million lives.

- War with economic and with political side.

- Fighting fuelled by country's vast mineral wealth, with all sides taking advantage of anarchy to plunder natural resources.

- Some militia fight on in the east, where UN force is trying to keep the peace.

Second Congo War or "Africa's world war" - 2

- Second Congo War began in Aug 1998, a year after the First Congo War, and involved the same issues.

- War officially ended in Jul 2003, when Transitional Government took power.

- Although peace agreement was signed in 2002, violence continued in many regions of the country, especially in the east.

Second Congo War or "Africa's world war" - 3

- Hostilities have continued since ongoing Lord's Resistance Army insurgency, and the Kivu and Ituri conflicts.

- Nine African countries and around twenty armed groups became involved in the war.

- Second Congo War the deadliest conflict worldwide since World War II.

Response?

- No humanitarian intervention was undertaken.

- What it was undertaken was: peace-keeping mission.

- United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

MONUSCO

- MONUSCO established in 1999 to monitor peace process of Second Congo War, though its focus later turned to Ituri, Kivu and Dongo conflicts.

- Initial UN presence in DRC was force of military observers to observe compliance with the peace accords.

- As of Oct 2017, the total strength of MONUSCO is some 18,300.

Readings for this lesson:

Must readings:

- Klarevas (Trends: The United States Peace Operation in Somalia).

Optional:

- PBS (Ambush in Mogadishu).

- Watch: Somalia. Good Intentions, Deadly Results. Youtube.

- Watch: Ambush in Mogadishu. Youtube.

Seminar IV: The cases of Ukraine, Crimea, South Ossetia, Syria

PIR 443, Human Rights and Humanitarian Interventions
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UKRAINE

Origins of Ukraine crisis

- In Nov 2013, Ukraine was close to sign association agreement with EU; however, under Russia pressure, it withdrew from signing; instead accepted economic package from Russia.

- EU, through the Eastern Partnership of 2009, looked to associate Ukraine, along with five other former Soviet republics, economically and politically with the EU.

Origins of Ukraine crisis - 2

- Russia tried to attract Ukraine and most of former Soviet Union to its customs union and Eurasian Economic Union.

- US/EU and Russia saw Ukraine as important element of their own geopolitical project.

- Russia and US/EU came to see Ukraine's choice as a zero-sum game.

Maidan protests

- Nov 2013 decision led to mass protests in centre of Kiev (Maidan).

- For protesters, President Yanukovych, east Ukrainian, was hijacking the country to merge with Russia.

- In Feb 2014, the situation in central Kiev degenerated into violence.

Maidan protests - 2

- Yanukovych fled from Kiev, police disappeared from its streets, Maidan celebrated victory.

- These events were traumatic for Moscow.

- Moscow decided to act in Crimea.

CRIMEA

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Crime incursion of Russia

- Russian special forces insulated peninsula from Ukraine, neutralized Ukrainian garrison, helped Crimea's pro-Russian elements take control of local govt, parliament, police.

- Referendum on Crimea's status was held in March 2014, endorsing union with Russia.

- Two days later, a treaty was signed in Moscow to incorporate Crimea into Russia.

- Illegal annexation occurred.

EASTERN UKRAINE

Eastern Ukraine incursion of Russia

- Moscow's after Crimea, second step would be Eastern Ukraine.

- Its objective was not to leave eastern Ukraine under Kiev's control.

- In Mar 2014 Russian forces began exercising along Ukrainian border, appearing ready to invade, but no cross-border invasion happened.

- Kremlin was deterring Kiev, US/EU; encouraging Russian-speaking parts of Eastern Ukraine.

Eastern Ukraine crisis

- In Russophone eastern and southern Ukraine, mass rallies demanded regional autonomy.

- Militant groups seized government buildings, arming themselves, taking over towns.

- In Donetsk and Luhansk, militants held regional referendums in May 1994 and proclaimed their "republics" independent from Kiev.

Russia in Eastern Ukraine

- Moscow supported these separatists.

- Russia was careful to operate below surface leaving few fingerprints.

- Rather than sending military units, it relied on local militants in eastern and southern Ukraine, and activists from around Russia.

SOUTH OSSETIA

South Ossetia

- South Ossetia broke away from Georgia in 1990s.

- In 2008 Tbilisi sought to take back South Ossetia.

- However, it faced invasion from Russia, that almost approached Tbilisi.

- Russia recognized South Ossetia's independence following its 2008 war with Georgia.

SYRIA

Syrian Civil War

- Syrian Civil War, started in mid-2011, and is ongoing.

- Unrest in Syria part of a wider wave of 2011 Arab Spring protests.

- It grew out of discontent with the Assad government and escalated to an armed conflict.

Multi-party war

The war is being fought by several factions:

- Syrian government and its allies (Iran, Russia);

- Sunni Arab rebel groups (Free Syrian Army) and their allies (Turkey, Arab states);

- Kurdish Syrian Democratic Forces (US);

- Salafi groups (al-Nusra Front) and ISIS.

Human rights

- Severe human rights violations.

- War crimes and crimes against humanity.

- Half a million killed.

- Millions of refugees.

- Number of peace initiatives launched, but fighting continues.

- No combined humanitarian intervention undertaken; every related power undertook their own separate interventions.

US intervention

- US air strikes against ISIS.

- Free Syrian Army armed.

- In 2017, US launched air strikes on Syrian government's Shayrat Air Base; it was said to be source of chemical attack on Khan Shaykhun that occurred three days prior to the airstrikes.

Russia intervention

- In 2015 in response to official request by Syrian government, Russia began a campaign of air strikes against ISIS and anti-Assad FSA.

- Its intervention and presence continues.

Turkey intervention

- In 2015, Turkey shot down a Russian warplane that allegedly violated Turkish airspace and crashed in northwestern Syria, leading to the Russian pilot's death.

- In 2016, 2017, 2018 Turkey intervened in areas held by Kurdish forces and ISIS.

Other interveners

- Israel: shot down a Syrian warplane after it entered the Golan area; it used artillery against a Syrian Army base, after four of its soldiers were wounded; different positions of Syrian government bombed.

- France: undertook strikes in 2015 against ISIS as a response to Paris terrorist attacks.

- Iran and Hezbollah: supported Syrian government forces.

Readings for this week were:

Must readings:

• Trenin (The Ukraine crisis).