

Military Force and the Protection of Human Rights

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Historical Context - I



Source: <http://darkroom.baltimoresun.com/2014/04/in-memori-am-20-years-since-the-rwandan-genocide/#19>

Rwanda, 1994

Historical Context - II



Source: <http://www.theatlantic.com/photo/2015/07/20-years-since-the-srebrenica-massacre/398135/>

Srebrenica, 1995

Historical Context - III



Source: <https://www.britannica.com/event/Kosovo-conflict>

Kosovo, 1999

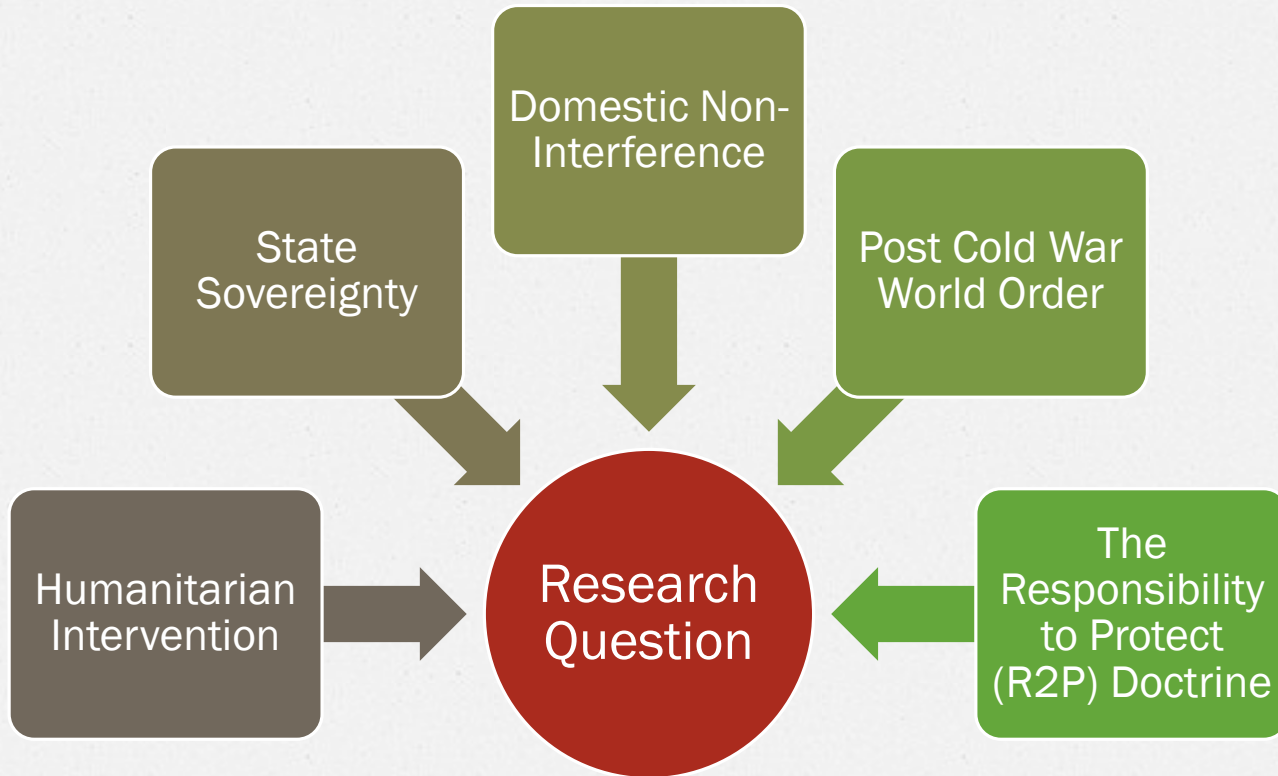
Research Question

Does the international community accept that it has a right and a duty to use military force to end the most egregious violations of human rights, when no other means will work?

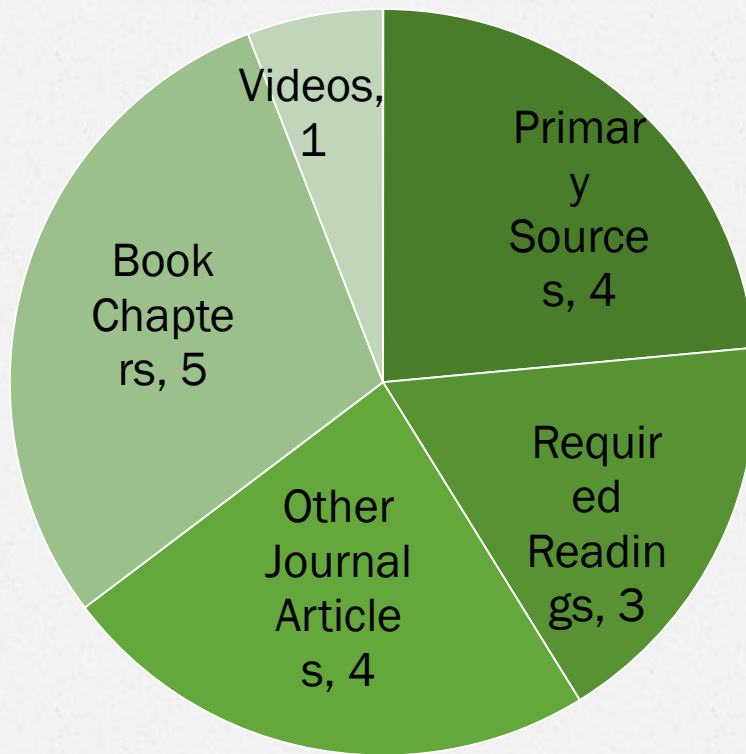
Question Break-up



Themes

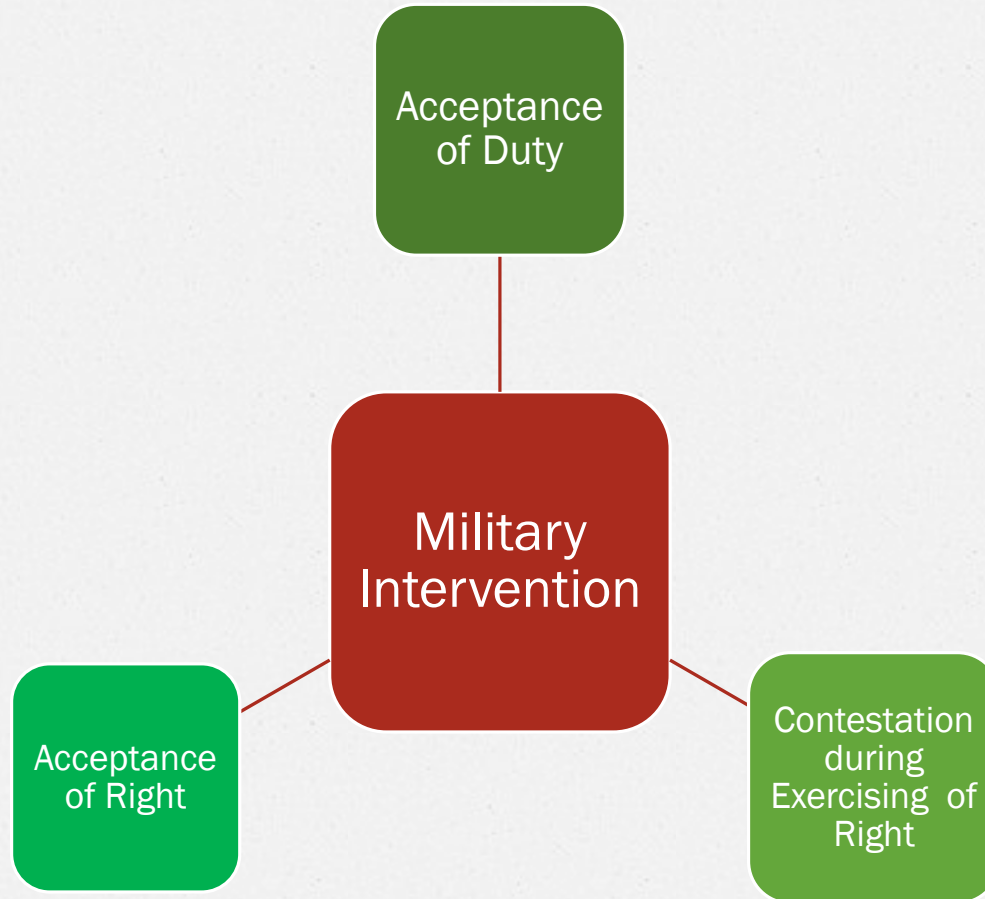


Research Process



- o Research Tools
- o ANU SuperSearch
- o Google Scholar

Argument



Findings

1

- Unanimous Adoption of World Summit Report 2005

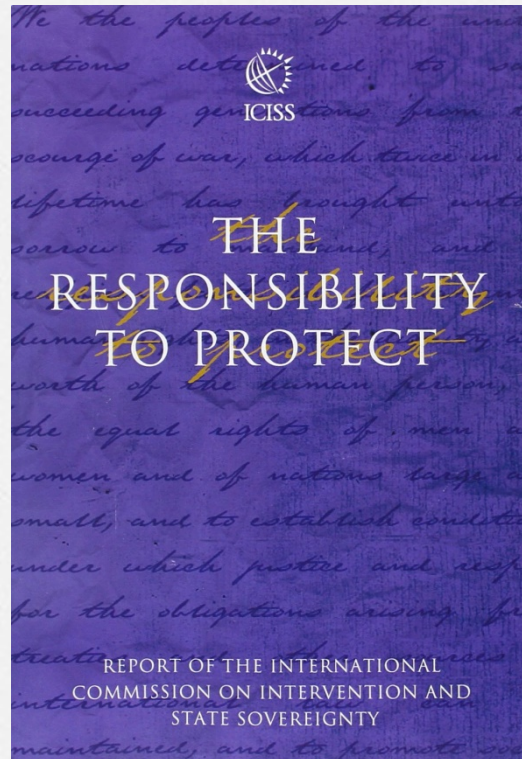
2

- Resolution Adopting the Secretary-General's Report of 2009

3

- Contestation in the Security Council on Right to use Military Force in Libya in 2011

Documental Evidence - I



ICISS Report, 2001

Documental Evidence- II

136. We renew our commitment to support democracy by strengthening countries' capacity to implement the principles and practices of democracy and resolve to strengthen the capacity of the United Nations to assist Member States upon their request. We welcome the establishment of a Democracy Fund at the United Nations. We note that the advisory board to be established should reflect diverse geographical representation. We invite the Secretary-General to help ensure that practical arrangements for the Democracy Fund take proper account of existing United Nations activity in this field.

137. We invite interested Member States to give serious consideration to contributing to the Fund.

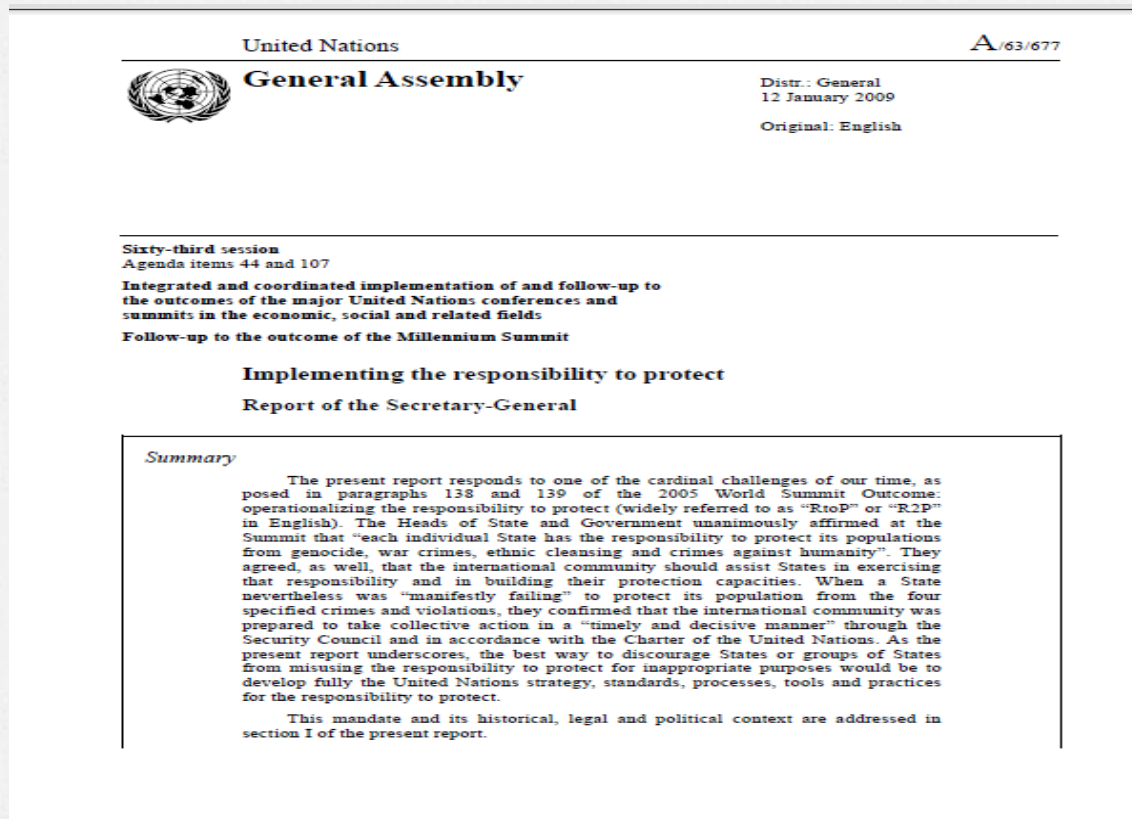
Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

World Summit Outcome Report, 2005

Documental Evidence - III



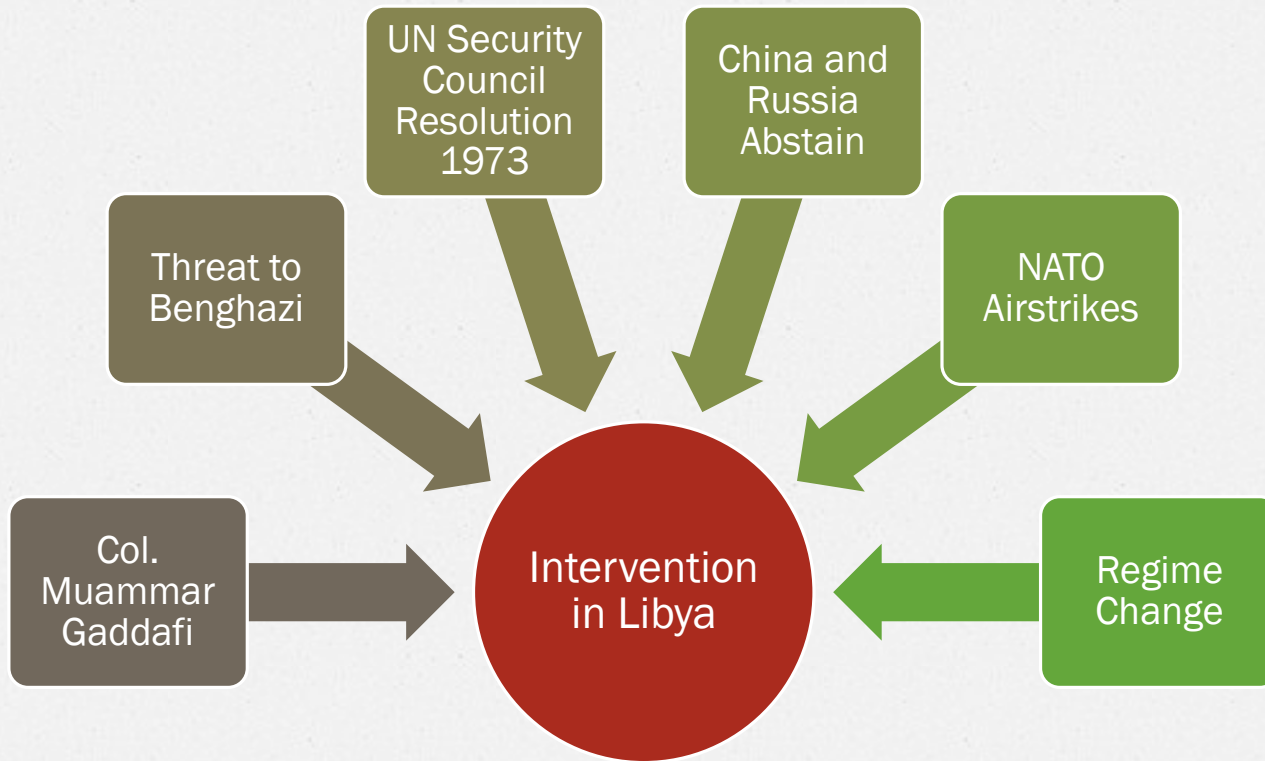
Implementing R2P Report, 2009

Important Authors



The Hon. Gareth Evans

Case Study





Thank You!

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Synopsis: Military Force and the Protection of Human Rights

Avnav Pujara

This presentation opens with a brief introduction to three events of global significance that occurred in the 1990s. In chronological order, the events included – the 1994 infamous massacre in Rwanda, the 1995 massacre in Srebrenica (a town in present-day Bosnia and Herzegovina) and the 1999 airstrikes by NATO (The North Atlantic Treaty Organization) during the civil war in Kosovo.

These events, along with other important domestic conflicts such as in Somalia in 1993, laid the ground for the historical context of the Research Question. After an overview of the Question, the presentation attempts to breakdown the question in the following manner: At the top of the table lay the International Community, followed by the level of its 'Acceptance', and finally there lay four subcategories - 'Rights and Duties', 'Military Intervention', 'Egregious Violations of Human Rights', and 'Diplomatic and Coercive Means'. Each of these categories was further explained, and a robust understanding of the question was given.

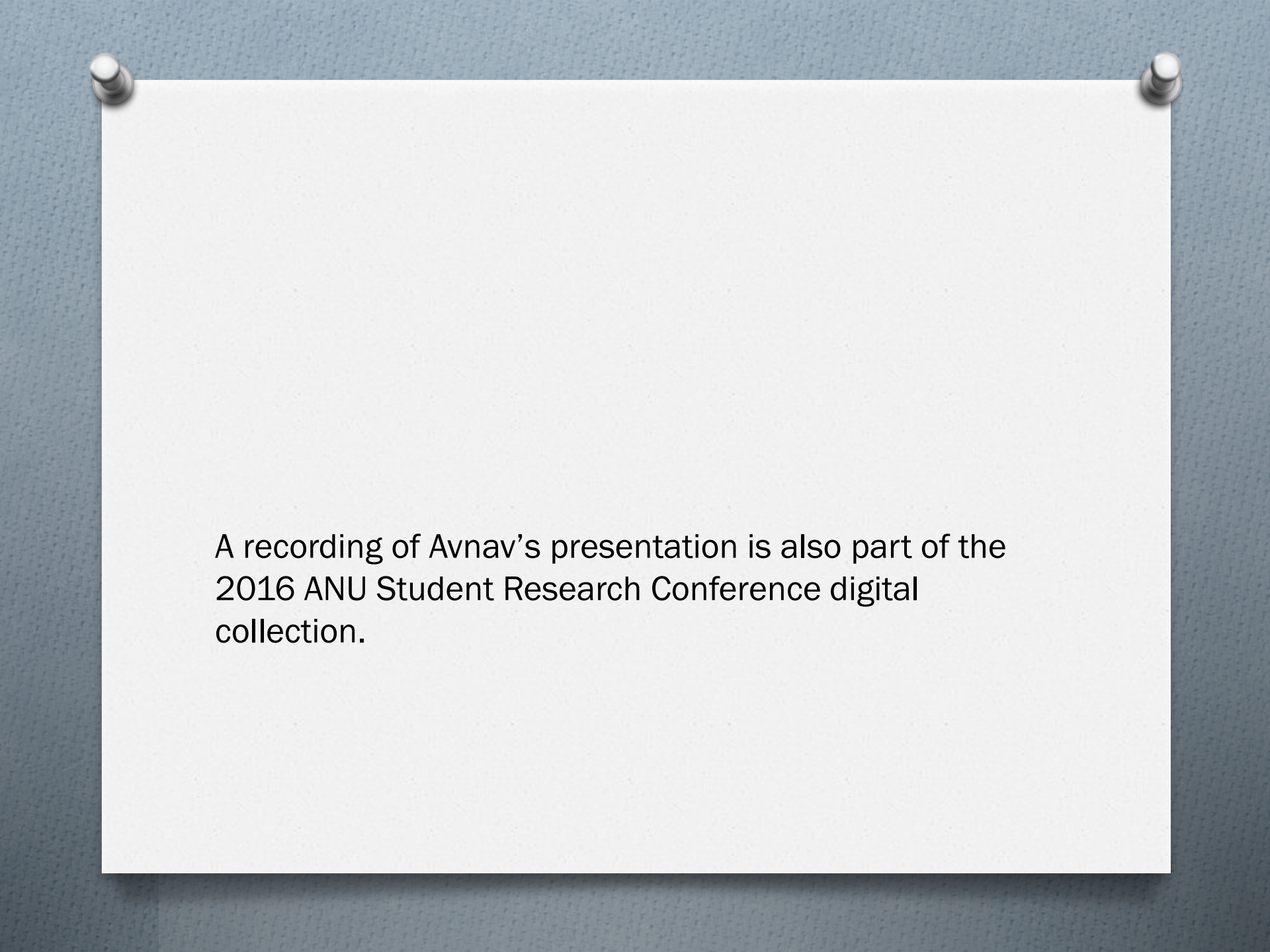
In order to provide an even more insightful understanding of the research conducted, the presentation went on to explain several broad Themes arising from the Question. These were namely, 'Humanitarian Intervention, the principle of 'State Sovereignty', 'Domestic non-Interference', the 'Post-Cold War World Order' and finally the doctrine of the 'Responsibility to Protect' (R2P). A sufficient amount of time was spent on explaining the significance of these themes to the Question at hand.

A brief overview of Research Process was then provided, with a diagrammatic representation of the varied kinds of sources referred to in order to arrive at the findings of the research. These included Primary Sources, Required Readings, Other Journal Articles, Books and Videos. The presentation then moved into clearly highlighting the main Argument – again for the purpose of clarity this was split into three parts – ‘Acceptance of Duty’, ‘Acceptance of Right’ and ‘Contestation during the Exercising of Rights’. As such, it was argued that the International Community both accepted its duty and its right to use military force to end the most egregious violations of Human Rights. However, when it came down to actually exercising this right to authorize the use of military force, there was a high-level of contestation among Member States, especially within the United Nations Security Council.

As a way to demonstrate its findings that States accepted both, their duty and their right, the presentation highlighted three key primary documents – the 2001 ICISS Report entitled the ‘Responsibility to Protect’, the 2005 United Nations World Summit Outcome Report (Paragraphs 138 and 139) and the 2009 Report of the Secretary-General entitled ‘Implementing the Responsibility to Protect’. Whilst the first document lay down the basic principle of R2P, the other two documents, having been unanimously accepted by Member States of the United Nations, clearly highlighted the acceptance of duties and rights under the R2P doctrine.

Furthermore, the works of ANU Chancellor the Hon. Gareth Evans, a champion and leading norm entrepreneur of the doctrine of R2P, were highlighted. Several of Evans’ claims elucidate the given argument here about the acceptance of the duty and right to use military force to end the most egregious violations of human rights.

Finally, to support the claims made in the research the presentation highlighted the case study of military intervention in Libya in 2011. This was a classic example of the R2P doctrine being utilized at the highest level, i.e. at the Security Council. The aspects of the case study were broken down into – the role played by ‘Col. Muammar Gaddafi’, the imminent threat that he posed to the people of ‘Benghazi’, ‘UN Security Council Resolution 1973’, the abstaining of that Resolution by ‘China and Russia’, ‘NATO-led Airstrikes’ and ‘Regime Change’. These aspects highlighted that the case for exercising the right to use military force was indeed contested and fiercely debated within the Security Council.



A recording of Avnav's presentation is also part of the 2016 ANU Student Research Conference digital collection.