

Intervention or Non-intervention, the Legalities of R2P and the Human Rights Agenda

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Abstract

The threat of violence alongside the deep-rooted fear of falling into old patterns of animosity and violence have pushed the international community towards stringent controversial approaches regarding international conflicts. R2P initially started as a call on states to respect international policies pertaining to human rights within their own sovereign territories and to intervene when these rights are threatened. Currently, R2P has evoked controversial responses from the international community which have resulted in undesirable situations which include the violation of international law as well as the death of countless innocent civilians alongside public property. By researching the procedure behind intervention into numerous conflicts, as well as the legal aspect of intervention as an acceptable foreign policy, R2P as a response to conflicts will be scrutinized with the aims of arriving at a practical and response to the legalities of international intervention into conflicts.

Keywords

Conflict, Global Community, Intervention, Iraq, NATO, Peace Building, R2P, The Former Yugoslavia, UN

Introduction

“The inability of the international community in Kosovo to reconcile these two equally compelling interests – universal legitimacy and effectiveness in defense of human rights – has revealed the core challenge to the Security Council and the UN as a whole in the next century: to forge unity behind the principle that massive and systematic violations of human rights – wherever they may take place – should not be allowed to stand.”

Former UN Secretary General Kofi Annan in his address to the 54th General Assembly in the aftermath of the intervention of NATO in Kosovo.

International Intervention and the principles of R2P, the responsibility to protect, prevent and rebuild are considered the essentials of what David Chandler coins in his book *“From Kosovo to Kabul”* as the foundations of a new ethically and morally committed world order (Chandler, 2006, p. 2). The phenomena of an internationally recognized human centered approach have put the human being, the individual, at the center of ethical foreign policy with a value that allegedly far surpasses those of economic gains or the interests of national governments. The United Nations Commission on Global governance has stated that Global policy making is ever influenced by humanitarian issues such as war, conflicts, poverty and the rights of minorities (CGG, 1995). In a world convulsed by years of conflicts and two world wars that resulted in the deaths of millions of human beings, indiscriminate against civilian and soldier, a global strive for justice and human rights seems to be not only legitimate, but crucial to ensure that the many atrocities of our pasts remain in hindsight, allotting us a progressive outlook towards our future as an ever-globalized international community.

Throughout the research yet to come, the ideas of international intervention and the legal and moral obligations of R2P will be intensively analyzed and explored. Three different case studies from three different regions of our planet will be selected, (The Balkan Wars during the falling of the Former Yugoslavia, 1991- 2001, The First Iraq War better known as the Gulf War 1990-1991, as well as the Afghan wars 2001-2014), to go head to head to better understand the circumstances and augmentations (or lack there of) of international intervention and R2P. Each case study will be reviewed from the vantage point of complete objectivity, including the legal basis for intervention as well as its repercussions, in furtherance of answering the most pressing of questions: In a world where the Human Rights agenda has never been more prevalent and a strive for equality and peace never so significant, should international intervention and R2P pertaining to crimes against humanity and other atrocities be a policy that leads our global community towards peace and prosperity in a “new world order”, or is it a tool of the past, tainted with ulterior motives, deception, and distrust.

Intervention and the Responsibility to Protect

International intervention, better known by its more neutral title as “the responsibility to protect” (R2P), received its full-fledged endorsement as a part of ethical foreign policy by the world’s leaders after a unanimous vote by the UN in 2005 (Arbour, 2008, p.447). International intervention was a new approach to global politics that completely reformed the notion of what was traditionally known as state sovereignty. International Intervention into the conflicts of sovereign states altered the very essence of international relations as it has come to be known, creating new norms and practices that were allegedly established with the sole goal of creating a human centered approach to foreign policy and extending the reach of international justice (Chandler, 2006, p. 120).

Traditionally, a state’s sovereignty was a concept deemed untouchable, resilient to modification regardless of the many actions taken by a specific country internally or externally. Sovereignty was considered to be something almost divine, derived from the traditions of European royalty, whom were considered “sovereign” due to their “divine” legitimacy from the Gods. Initially, international intervention and R2P was never a policy that came to challenge state sovereignty, R2P first and foremost was a duty to be fulfilled primarily by the government with jurisdiction over a territory that was suffering from human rights violations. If a state was incapable or unwilling to exercise its responsibility to protect its citizens from violations of human rights, the task of protection falls upon the international community, whom are legally allowed to intervene with the aims of helping the said country fix the infractions it was incapable of stabilizing (Arbour, 2008, p. 448).

In theory, although legally ratified by the UN general assembly in 2005, international intervention in its very essence is illegal. Chapter 1, article 2(4) of the UN charter strictly reaffirms that “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” (UN 1). Considering the article previously stated above, if the use of force is against international law, then how have we as an international community created a framework of international relations that not only condones intervention but demands its implementation under the necessary circumstances? This phenomena of a “trigger happy” international community derives from Chapter 7 article 42 of the UN charter that specifies; if a country engages in acts that are deemed as a threat to world peace or an act of aggression, the UNSC may decide to use force in order to bring back stability and security to the global community (UN 2). The Chicago Council on Global Affairs has stated that out of a survey of 10 countries, a majority of public opinion polled that the UNSC should intervene wherever human rights are being violated (Arbour, 2008, p. 446). While this may correlate with the arrangement of

our current political system, the dawn of international intervention as well as its implementation before and after its global acceptance in 2005 is an odious story. Although there have been cases of international intervention into conflicts before the 90's in cases such as India's intervention into East Pakistan (1971) and Vietnam's intervention in Kampuchea (1978), the necessity for international intervention truly commenced with the start of the 1990's, during a series of devastating international conflicts that strained the principles of non-intervention that held together a fragile post-cold war political system and perpetually changed the working of international relations. (Arbour, 2008, p. 446).

With the copious amounts of cases of international interventions that went less than smoothly, most recently the intervention into Libya in 2011 (Paris, 2014, p. 569), it is understandable that in recent years the international community can be rather hesitant to deplore military personnel or weaponry into conflict zones and is less enthusiastic about intervening into a sovereign states conflicts. Unfortunately, not all issues and complications that are usually involved with intervention can be foreseen, and not all precautions are able to be implemented in the field, even if the tactics and frameworks of the operation at hand were perfectly planned and prepared in the decorated halls of the UNSC, NATO, and other international institutions. Taking this into consideration, there is still room for the discussion on whether intervention should be considered a legitimate tool for foreign policy, even from the most basic legal stand point, regardless of its wide acceptance amongst the international community.

In theory Intervention does not necessarily mean the use of force and encompasses more than just coercive intervention. The main tactics of R2P are less violent in nature and advise the use of diplomacy and other non-military methods for promoting human protection in lieu of more violent tactics (Paris, 2014, p. 570). Former Secretary General of the UN, Ban-Ki Moon speaks of the "Three Pillars of R2P", the first being the responsibility of the state to protect its own population from crimes against humanity, the second being various forms of international assistance and only the third pillar involves the use of force from the international community, which could also take the form of economic sanctions (Paris, 2014, p. 572). Moreover, the theory of R2P is humanitarian and universal in character, intervention is being undertaken on behalf of countries either unwilling or unable to deal with humanitarian crises within their own borders and hypothetically has no connection to the political or economic gains of specific world actors (Ayoob, 2002, p. 83). This human centered approach to international relations seems to have blatant disregard for the consequences that arise as a result of playing with the legitimacy of international sovereignty. This development of a sort of "disintegration of the importance of state sovereignty" is an advancement widely accepted amongst the international community, even if it

deteriorates and delegitimizes the political structure of our international political system (Paris, 2014, p.570). Former Secretary General Ban-Ki Moon and his predecessor Boutros Boutros Ghali have even gone to the lengths of publicly proclaiming that state sovereignty is not absolute and exclusive and can be circumscribed, even overridden, under special circumstances (Ayoob, 2002, p.83). While the theory of R2P seems to be docile enough, there are still many issues that arise regarding intervention and the R2P doctrine. While Ban-Ki Moon glorifies semi-successful initiatives like the ICTY and endlessly promotes his pliable take on intervention and his three “Pillars of R2P” with little to no affirmations in his favor, in the long history of international intervention the international community has consistently failed to address the question on which methods should and shouldn't be allowed to be used when it comes to such interventions. A study concluded in 2006 examined the military planning in the UN, NATO and certain Western countries with a history of intervening in international conflicts and found little to no doctrines that dealt with the legalities concerning operations that were authorized to use force to protect civilians under imminent threat either in the context of a peace support operations or as a stand-alone mission (Paris, 2014, p. 571). Furthermore, in order to insure global security, which is allegedly the core mission of R2P, some suggest it is essential that states respect each other's sovereignty by adhering to the norms of non-intervention in the internal affairs of other states (Ayoob, 2002, p. 81).

The Balkan Wars

The Collapse of the Soviet Union represented the most significant geopolitical event in Europe since WW2. With all of the positive ramifications that resulted from a soviet free Europe, such as former communist countries releasing their ties with dictatorships in favor of democracy and inclusion within the European Union, the opportunity for power alongside old ethnic tensions led to a devastating dismantlement process of the newly independent eastern Europe, most infamously the savage and bloody wars in the former Yugoslavia, located in the Balkan peninsula in south eastern Europe (Sobell, 1995, p. 210). The wars in Yugoslavia represented the most formidable moral change Europe had seen since the atrocities of WW2. Crime against humanity, ethnic cleansing and possible genocide are just a few violations of human rights that can be attributed to the Yugoslavian conflict (Sobell, 1995, p. 213).

With the disintegration of Soviet power and influence in the region, many of its allies including the Yugoslavian Federation weren't slow to follow in its footsteps. With little to no jurisdiction alongside a rise of nationalistic tensions, hostilities would be inevitable in the territories that were once ruled by the iron fist of The Yugoslavian Federation with its strong backing from Moscow

(Sobell, 1995, p. 213). One of the main issues that prevented the peaceful “unraveling” of Yugoslavia was its unique mosaic of ethnic minorities, that overlapped in everything from territory and language to culture (Sobell, 1995, p. 214).

From the years 1991-1995, ethnic Serbs and Croats from Bosnia, Croatia and Serbia under the leadership of Slobodan Milosevic and his comrade in arms Croatian Franjo Tudjman, (with assistance from “voluntary” violent militia groups such as The Tigers), initiated a bloody campaign of decimation within the territories of the former Yugoslavia, with the goals of mass territorial achievements as well as the systematic allocation and eradication of “undesired populations” from an area foreseen to be the new Serbian “mother land” (Schulman, 2003, p. 224). Ethnic cleansing was not a side effect of the conflict in Yugoslavia, rather its primary purpose. Vojislav Seselji’s government in Serbia with the help of his commander in chief Milosevic, implemented a series of ethnic purges, mass deportations and the genocide of thousands of ethnic Bosnian Muslims, and Kosovaars. Men were separated from their families and either murdered or sent off to concentration camps, houses were systematically looted and villages burned. Additionally, refugees fleeing Kosovo, Bosnia and Croatia were robbed at borders of their passports and motor licenses to make the possibility of return back to their ancestral homeland post war unattainable (Schulman, 2003, p. 225). With tensions in Europe at an all-time high, fearing the possible spread of the conflict in the Balkans and its repercussions on the current fragile state of ever growing EU federalism, NATO and its coalition, referred to as the stabilization force (SFOR), seized the opportunity to demonstrate its legitimacy and justify its excessive yearly funding, by initiating a series of indiscriminate haphazard air raids allegedly targeting Serbian military targets throughout the Balkan region, as well as ill-informed UN peace keeping forces UNPOF and ill-placed aid and relief operations (Sobell, 1995, p. 213). With the conclusion of the conflict in the Balkans due to NATO’s intervention and the implementation of the Dayton Accords which effectively paved the framework for a post war governmental infrastructure in the former Yugoslavia, the war spearheaded by the Serbian Army, along with Serbian forces in Bosnia, Croatia and Kosovo resulted in the death of over 250,000 human beings as well as the displacement of over 3.5 million refugees (Schulman, 2003, p. 224).

The First Gulf War

Following a costly war in the late 80’s between Iraq’s neighbor to the east, Iran, the Iraqi government found itself victorious, however, heavily burdened by a crippling debt of over 37 billion USD that was to be paid to neighboring Gulf countries whom helped fund Iraq’s offensive against Iran, mainly Kuwait and the Emirates (Office of the Historian). Than Iraqi President,

Saddam Hussein requested from his weak but wealthy Arab brothers in The Emirates and Kuwait to cancel the debt, for he argued that Iraq's campaign against Iran was an initiative that protected the entire Arab world from Iranian expansion and therefore the money "donated" by the broader Arab community was Kuwait and The Emirate's contribution to an Arab Coalition against Iranian aggression. Needless to say, Saddam's requests went unanswered, which in turn initiated a conflict that would ravage the region for many years to come (Office of the Historian).

After Kuwait's blatant refusal of Saddam's terms, the Iraqi government chose to reignite an old dispute between the two countries concerning a series of Islands in the Persian Gulf that remained the only alternative to accessing Iraqi ports due to the Shatt al Arab, another waterway, being filled with debris from the previous conflict with Iran. Iraq's claim over these Islands known as the Bubiyan and Warbah islands as well as its claims over Kuwait in its entirety is no new phenomena. During Ottoman times Kuwait in its entirety belonged to the Wilayah¹ of Basra which in turn belonged to Iraq, and some Iraqi Prime Ministers such as Abd Al Karim Qasim have always asserted that Kuwait is an integral part of Iraq (Office of the Historian). It is important to note that while Iraq brought an end to the disagreement by recognizing Kuwait's independence, the Iraqi government never incorporated a boundary between the two countries into its legal system.

Immense Economic pressure resulting from the aftermath of the previous war with Iran pushed Saddam Hussein to use any means necessary to drag his postwar country out of its economic encumbrance. Upon Kuwait's refusal to cancel Iraqi debt, Saddam Hussein accused Kuwait of robbing Iraqi oil fields that straddled the ominous Iraqi Kuwait border, as well as an excessive use of resources in the region that in turn had a horrible impact on Iraq. In addition, Saddam Hussein demanded that the Bubiyan and Warbah Islands be returned immediately to their rightful position under Iraqi jurisdiction (Office of the Historian).

As a result of Iraqi aggression, US relations with the Middle Eastern power deteriorated, as Iraq blamed the US for supporting Kuwaiti initiatives that deliberately effected Iraq, such as lowering its oil prices in competition with Iraqi oil. In a bid to save diplomatic ties that were quickly deteriorating, then US President George H.W. Bush sent a delegation of US senators to spread a message of peace with the aims of neutralizing another hostile conflict in the region (Office of the Historian). Regardless of US attempts at reconciliation, on August 2, 1990 Iraq invaded Kuwait and effectively occupied the entire country within a matter of hours. The condemnation of Iraq's occupation of Kuwait was unanimous throughout the international community and led to a United Nations Security Council embargo and sanctions on Iraq as well as a U.S.-led coalition that included indiscriminate air raids as well as the introduction of ground troops, from January 16,

¹ Arabic Word for district and or province.

1991 ending only once Iraq effectively surrendered and ended its occupation of Kuwait on February 28, 1991 (Office of the Historian).

The Afghan Wars

The Country of Afghanistan as we know it today gained sovereign independence in 1919 proceeding two Anglo-Afghan wars. Afghanistan, a country of around 25 million people mostly living in rural farming towns, has an extremely dynamic ethnic makeup with roughly 44% of its citizens being Pashtuns, 25% Tajik, 10% Hazar and 8% Uzbeks. While vastly different, common ties that seem to trend amongst the different ethnic groups are the retainment of a strong tribal system as well as the adherence to Islam² (Ayub, Kuovo, 2008, p. 642). Afghanistan's strategic location in the heart of Central and South Asia has caught the eye of many international powers over the years, who saw the Asian power as an opportunity for economic and political interests within the region. Ages of occupation and conflicts with the Soviet Union and the British have left its mark on the Afghan collective, sharply defining Afghanistan as it is today (Ayub, Kuovo, 2008, p. 643). With the fall of the Soviet Union, Afghanistan found itself independent, yet suffering immensely from years of war and an overall lack of international aid in rebuilding and restructuring its newly independent country. The post-Soviet Union government of Afghanistan held until 1992, upon which it collapsed due to political disagreements as violent outbreaks amongst rebels and separatists groups erupted, each eager at the opportunity to gain power. Formally armed by the US and Saudi Arabia with the aims of defeating the occupying Soviet Union, parliamentary factions within Afghanistan found themselves flushed with resources, each obtaining immense military capabilities in the forms of artillery and an extensive amount of weaponry, which inevitably led to civil war (Ayub, Kuovo, 2008, p. 643).

As an outcome of the civil war, the Taliban, a group initially thought to be one that could stabilize the country as well as a becoming a future ally for peace, took precedence in regard to control over the weak and war-torn country. The Taliban, which initially received immense support in the form of supplies and military training from the US, Saudi Arabia and Pakistan, would embark on a vigorous campaign of human rights violations as well as crimes against humanity on Afghanistan's militant and civilian populations. It was during this time that the infamous Osama Bin-Laden consolidated his Al-Qaida movement in Afghanistan, while simultaneously secretly channeling funds to the Taliban government (Ayub, Kuovo, 2008, p. 643). Despite extreme unpopularity amongst the international community, as well as economic and diplomatic sanctions, the Taliban managed to retain control over a majority of the country. In the 90's, UN peace initiatives with the

² A majority of Afghans adhere to Sunni Islam, with a significant Shia minority (Ayub, Kuovo, 2008, p. 642).

aims of creating sustainable peace and an end to the civil war in Afghanistan went unanswered and the Taliban's rule over Afghanistan continued without disruption until September 2001. September 11, 2001 marks the day in which the Twin Towers in Manhattan, New York, were attacked by radical militants organized and trained by Al-Qaida in Afghanistan, resulting in the deaths of thousands of US citizens. The events in September 2001 reiterated the consequences of ignoring Afghanistan after the Afghan-Soviet war, and the network of violent and hostile actors that was established within the framework of the newly independent country. On October 7, 2001, the US notified the UNSC that it was launching military strikes with in Afghanistan aimed at eliminating the Taliban and Al-Qaida. The UNSC accepted the US action as a legitimate exercise in self-defense and supported US-led military efforts in Afghanistan, giving the authorization of assistance as well as a green light for coalitions and NATO to intervene (Ayub. Kuovo, 2008, p. 647).

The Legalities of International Intervention in the Balkans, Iraq and Afghanistan

Throughout the research in this section, the main arguments will deal less with the implications of intervention regarding the three main case studies and relate more to its justifications. There is no question that the deterioration of the former Yugoslavia created one of the most pressing issues for the wider European collective since WW2. The NATO led coalition which included UN peacekeepers, collectively referred to as the SFOR, carefully devised what they alleged to be prominent and efficient legal backing, legitimizing NATO's premier mission as well as international intervention including the use of force into the former Yugoslavia.

NATO alleges that there were a number of crucial reasons for its coalitions intervention into the former Yugoslavia. First and foremost, NATO claims that its military intervention led to the successful bringing of warring factions to the negotiating table as well as ensuring success in peace talks in which alliance members were actively participant (NATO, 2005). In justification of its "air campaign", NATO discusses operation *Deliberate Force* which consisted of a 12-day air raid that NATO alleges was "critical in helping to shift the balance of power between parties on the ground and helped persuade the Bosnian Serb leadership that the benefits of negotiating a peace agreement outweighed those of continuing to wage war" (NATO, 2005). NATO's self-justification continues as it alleges its main reasons for the adaption of its operating procedures was to become an extremely effective peacekeeper, building up invaluable experience for SFOR missions on a global scale (NATO, 2005); more or less meaning that NATO seems to have seen the conflict in

the former Yugoslavia as a sort of “exercise” to determine the efficiency of its military and “peace building” tactics.

UN involvement as part of NATO’s coalition, deploying thousands of UN peacekeepers whom participated in many activities the least of them keeping the peace, unsurprisingly also has numerous justifications. In 1991, the UNSC unanimously adopted resolution 713, which expressed a deep concern for the violence in the former Yugoslavia and called on all states to immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia. Once initial resolutions were passed promoting UN attention regarding the conflict in Yugoslavia, the UNSC continued to spew a wide variety of resolutions, most important of which was UNSC resolution 743 in 1992 which established the United Nations Protection Force UNPF for Yugoslavia (UNPROFOR, 1996).

The aims of the UNPF according to the UNSC was the conformation that the force should be an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslavia crisis within the framework of the European community’s conference on Yugoslavia. Resolution 743 requested the immediate deployment of elements of the UNPF that were able to assist in developing an implementation plan for the earliest possible full deployment of forces (UNPROFOR, 1996). Coincidentally, it seems as if the UNSC momentarily displaced the rule of law or the principles of the UN charter on which the legitimacy of the UN in its entirety was established. UN failure to calculate the implications of failing to abide by formally agreed upon standards must have been due to an earlier complication regarding protocol; otherwise a blatant disregard for international law especially pertaining to R2P and intervention by an international institution would be deeply troubling.

Discussing International Intervention in the frameworks of the First Gulf War is a conversation that lacks transparency, accountability and most importantly valid legal support regarding the numerous intermingled UNSC resolutions that legitimize or delegitimize intervention into conflicts in general “ad hoc” the Gulf War. The Raison D’être upon which the international community, spearheaded by the US and the UK, built their case for military intervention into Iraq during the First Gulf War was article 42 under chapter 7 of the UN charter (White, 1999, p. 75). Article 42 specifically dictates that: *“Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations”* (UN 2). In general, this forthright allots legitimacy to not only more moderate forms of intervention into conflicts such as sanctions,

but creates the basis for the UNSC to legislate, when deemed necessary of course, the use of military action against sovereign states that don't follow international protocol.

The UNSC legislations that transformed article 42 from written theory to a controversial conflict were UNSC resolutions 660, 661, 678, 686 and 687. With the outbreak of the Gulf War the UNSC instated resolution 660 stating that Iraq's military incursion of Kuwait was *alarming* and that it portrayed a breach of international peace and security, a dubious alignment with the UN charter's criteria for international intervention (UN 3). In the first phases of the conflict resulting from Iraq's occupation of Kuwait, the UNSC under article 41 which dictates the means for a more moderate form of intervention, implemented economic sanctions on Iraq, with the hopes that further action would be deemed unnecessary. Under pressure from the US and the UK, the UNSC instated resolution 678 when the international community addressed its concern to the UNSC regarding the needs of a more concrete threat of force in order to insure Iraq's compliance with international law and an end to a conflict that threatened the stability of peace in the region (White, 1999, p. 75).

Resolution 678 not only gave the jurisdiction for international intervention into Iraq, rather it created a legally binding commitment from the international community to implement the use of force within Iraq to restore peace and security to the international community (White, 1999, p. 75). With the commencement of resolution 678, the international community wasted no time in conceiving its military campaign against Iraq, only seceding once Iraq agreed to the terms of resolution 686, which specified Iraq's responsibilities and repercussions in relation to its occupation of Kuwait. Iraq's compliance with international law led to UNSC resolution 687 which effectively appealed to the US led coalition to instate the immediate cancellation of military action against Iraq as well as the creation of the United Nations Special Committee on the Disarmament of Iraq or UNSCOM that embodied a culpable delegation of qualified individuals who would insure that all Iraqi military expenditure be strictly documented and controlled as well as the deactivation of all nuclear facilities (White, 1999, p. 76).

On October 7, 2001 the US along with a significant international contribution initiated its offensive on Afghanistan with a coalition numbering no less than 75,000 troops (Viet, 2002, p. 8). Regarding US intervention in Afghanistan, from all of the three case studies that are being researched, the US offensive on Afghanistan appears to be the most concerning. From the perspective of the legalities of US-led initiatives in Afghanistan, the US and its allies along with UNSC approval entered Afghanistan on the basis of "self defense" which is definitely an unusual call for action if one is familiar with international law and its protocols (Ayub, Kuovo, 2008, p. 647). Regarding UN approval of international intervention and its involvement pertaining to

Afghanistan, on 20 December, the UNSC passed resolution 1386 (2001), creating the Afghan Interim Authority as well as authorizing the establishment of an International Security Assistance Force (ISAF) to help the Authority maintain security in Kabul and its surrounding areas. The UN had expressed its deep concern over the political and security instability in Afghanistan which it reiterates in its manifesto labeled “The Deepening Crisis” which highlighted the desperate and worsening humanitarian situation faced by Afghans across the country and how despite numerous attempts, the UN was no longer able to act within such a dangerous framework and was unable to provide the humanitarian assistance Afghanistan so desperately needed. On 22 December in Kabul, the internationally recognized administration of Afghanistan’s then current President, Burhanuddin Rabbani handed power to the UN Interim Afghan Administration, established in Bonn and headed by Chairman Hamid Karzai. Special Representative Brahimi moved to Kabul to commence his activities in support of the new Afghan Administration. At the same time, the first of the ISAF troops were deployed, under British control to join US and international troops who have already commenced their offensive on Afghanistan (UN 4).

Inquiry on the Legitimacy of the Legalities surrounding International Intervention in The Balkans, Iraq and Afghanistan as well as its repercussions

The NATO-led intervention into the former Yugoslavia as previously stated was based off of three main assumptions; firstly, NATO seems to have implemented a “shoot than ask” policy regarding international intervention as its first legal reasoning for intervention into Yugoslavia is based off of the success of its mission in bringing warring factions to the negotiating table as well as facilitating peace agreements (NATO, 2005). Secondly, NATO insists that its operations in Yugoslavia helped to shift the balance of power between parties on the ground and helped to persuade the Serbs that continuing to wage war would be less than practical (NATO, 2005). Thirdly, NATO self-proclaimed itself as the international peacekeeper and saw its involvement in Yugoslavia as an “invaluable experience for SFOR missions on a global scale”.

While NATO’s initiatives appear to be deeply admirable, there just seems to be one issue with NATO’s human centered approach to IR; a direct violation of international law. Even if we disregard Chapter 1 article 2(4) of the UN charter which states that countries must respect each other’s sovereignty and refrain from intervention (UN 1), Chapter 7 article 42 of the UN Charter only authorizes UNSC approval for the use of force if a conflict is classified under international law as a threat to world peace and stability (UN 2). The conflict in the former Yugoslavia was in no way recounted as a threat to world peace, least of all by NATO, who saw their intervention as a

sort of “team building exercise”. It is deeply troubling that a coalition containing some of the strongest actors in our political system lack the decency to properly justify their incursion into another countries’ internal affairs, effectively violating the rule of law we hold so dear. Furthermore, in regards to UNSC approval of international intervention in Yugoslavia, it is of little surprise that the UNSC and NATO seem to work in unison so efficiently, for a total of three of NATO’s founders (UK, US, and France) as a collective hold permanent member status on the UNSC, with the power to legislate as much policies as they see fit, regardless if these policies pertain to the code of conduct that each member state of the UN assigned and legally obliged itself to when joining the United Nations.

Regardless of the legal framework that dictates international law, one may heedlessly justify international intervention into Yugoslavia under the pretense that it ended a deadly conflict and that the NATO led coalition’s only goal was to bring peace and security to the millions of civilians caught in the middle of the deadly conflict. This notion however can be disputed due to three atrocities that bare a direct correlation to the NATO-led coalition acting within Yugoslavia. First was the massacre of Srebrenica. The massacre of Srebrenica occurred during the ending of the Balkan wars when Serbian forces entered a UN safe zone and continued on to separate and murder thousands of ethnically Muslim men and children in what was regarded by the ICTY as a genocide. Making matters worse, video footage as well as personal testimonies place the dutch peace keeping forces dispatched by the UN at the scene of the crime. While Serbian forces butchered Muslim men and children, the Dutch peace keepers laughed, danced and smoked cigarettes with Serbian forces whom they were supposed to be preventing from entering the alleged UN safe zone (Klep, 1998, p. 65). The second occurrence that questions The UN and NATO’s human rights agenda in the former Yugoslavia was its less than sufficient supply of humanitarian aid to the hundreds of thousands of civilians starving to death after Serbian forces besieged Sarajevo. The international led coalition fighting to end the Yugoslavian conflict under the pretenses of humanitarianism must not have cared that much for the starving civilians in Sarajevo for when international aid was needed most pressingly amid the longest siege of a European city since WW2, the UN not only provided Bosnian Muslims with rotten meat left over from the Vietnam War, it was also Pork, a meat that Muslims are forbidden from eating (Charles, 2011). The last affair that besmirched the slogan of international intervention into Yugoslavia as part of a human centered approach to IR was the mass amounts of civilian casualties that could have been easily avoided. According to the Helsinki Committee for Human Rights, thousands upon thousands of civilians and military personal were needlessly killed due to reckless and ill

placed air raids carried out by the NATO led coalition (HCHR, 2009, p. 159-185, 211-361,451-565).

The US led intervention into Iraq, better known as the First Gulf War was proposed under the pretense of various UN resolutions that authorized the use of force against Iraq. The primary UN resolution that invoked the responsibility to protect was UN resolution 678, which allotted the use of force by the international community in furtherance of ending Iraq's military occupation of Kuwait (White, 1999, p. 75). While UN approved, resolution 678 was created on the basis of article 42 of chapter 7 of the UN Charter which specifies the laws for intervention as only when a conflict threatens the stability of the international community (UN 2). Once again, it is upon the international community to decide when a conflict is considered a threat at a global level and when it isn't. *Id est*, why did Iraq's occupation of Kuwait constitute as a threat to world peace demanding international intervention along with the use of force while the international community turns a blind eye to Serbia's occupation of Kosovo and Israel's occupation of the Palestinian people? There seems to be less of an issue with the law of war itself and more of an issue with the international organizations that dictate international law. If institutions like the UN and NATO aren't going to enforce their jurisdiction equivalently, it arises suspicion regarding the true intentions of their various forms of intervention. In addition, former US President G.W. Bush's infamous "New World Order" speech candidly appoints economic gains as grounds for intervention in Iraq, which once again is deeply concerning.

Moreover, the US led coalition in Iraq marked the outset of the end of a country that would never survive the constant embargo of foreign soldiers, intent on its destruction. It is estimated that over 100,000-300,000 Iraqi military personnel were killed, with an additional 2,300 Iraqi civilians being killed as well due to the US led aerial campaigns that have been criticized by many international institutions as an inadequate form of warfare (HRW, 1991).

R2P and international intervention into Afghanistan launched by the UN backed US coalition was legitimized under resolution 1386 of the UNSC (UN 4) which legitimized foreign involvement in Afghani internal affairs as well as the implementation of the use of force both by UN ISAF forces as well as military personnel from the US led coalition. While former Secretary General of the UN Kofi Annan expressed deep concerns in relation to the humanitarian crisis in Afghanistan as the prominent backing for UNSC resolution 1386, UN backing for US incursion into Afghanistan was based solely off of US pressure regarding the right to self defense (Ayub, Kuovo, 2008, p.647). Technically, the US incursion into Afghanistan does not hold the US government responsible for war crimes under international law due to UNSC approval, however this in no way means that no one should be found culpable. The UNSC clearly went outside its jurisdiction by validating foreign

intervention into a sovereign country's internal affairs which included the use of non-traditional fighting tactics such as air raids and the excessive use of force with little regards for civilian lives or property. The US received heavy international criticism for the number of civilian casualties, estimated at over 4,000, as well as other incidents which included the bombardment of Afghan wedding parties (Viet, 2002, p. 7). While the US campaign in Afghanistan led to the defeat of some 50-60,000 Taliban troops while killing approximately 8,000 and dislodging the Taliban's foothold in strategical locations throughout the country, it is clear that the US coalition's ad-hoc policy and undefined goals led to an enormous amount of destruction and unprecedented numbers of civilian casualties (Viet, 2002, p. 7).

Conclusion

With the culmination of the research pertaining to the three case studies of the Balkans, Iraq and Afghanistan, my initial research question seems almost absolute. I was confident that given the amount of affirmations and attestations pertaining to R2P and international intervention, somehow R2P would be able to be classified, contained, put into a box. One cannot say whether international intervention is a useful tactic in IR nor whether it is ethical. As was ascertained throughout the various case studies, intervention was successful in terms of ending conflicts, albeit, the question should not be whether it is a legitimate tool in IR, rather what should be its limitations. In all three cases, there was found to be an unjustified number of civilian casualties which was a direct result of military tactics and protocols used by the intervening powers. There is no justification for indiscriminate air raids as precision is almost impossible, especially during urban warfare.

Furthermore, it is crucial to enforce accountability and responsibility amongst international organizations such as NATO and the UN who seem to have little disregard for international law. While there were various UN resolutions backing intervention and the role of R2P in the Balkans, Iraq and Afghanistan, a trend was found amongst all case studies in which there were no legal litigations under international law or international humanitarian law (the law of war) for the UNSC approval of international involvement. What we have witnessed is the Global North's monopoly on international policies, justifying their post-colonial agendas under the pretense of a seemingly humanitarian agenda endorsed with full UN support. If we want to create a progressive planet Earth where justice and equality heal the scars of colonialism and countless conflicts, it is essential that international institutions as well as our governments operate with consistency and transparency, paving the way towards a brighter future and a safer more secure Global community.

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