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Resources and Preparation Guide

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Human Rights in Times of Conflict: Humanitarian Intervention

Sovereignty and human rights are typically seen as fundamentally opposed: the rights of states pitted against the rights of individuals. As these two principles were adopted into the UN Charter, living side-by-side has not been easy and they have more often collided than completed each other.

One of the most controversial issues faced by the United Nations in recent years has been how to balance the sovereignty of states including human rights. At the core: when does the world have the right to tell a government how to treat its people?

The question is made even more difficult when discussed in the context of using outside military force to rescue people from fatal human rights violations, something known as "humanitarian intervention." The discussion is not abstract. There have been recent humanitarian military interventions in Bosnia, Somalia, Rwanda, Haiti, Kosovo, and East Timor.

In some cases, as with Rwanda, intervention was too late and too weak to prevent a humanitarian crisis. The deployment of a small UN peacekeeping mission in the mid-1990s was virtually useless in preventing ethnic violence between the Tutsi and Hutu that took some 800,000 lives.

In 1999, a NATO force used aerial bombing in Kosovo to intervene on behalf of ethnic Albanians in a Yugoslavian province. The Yugoslavian government ultimately reined in those responsible for violations against the Kosovo Albanians, but an estimated 500 civilian lives were lost due to NATO bombs.

In virtually all such cases, the moral and policy choices are difficult and indeed, international law is mixed. While some parts of the UN Charter clearly uphold the concept of state sovereignty, other passages allow the Security Council to use military force such as "may be necessary to maintain or restore international peace and security."¹

Likewise, the Universal Declaration of Human Rights proclaims that it is "essential to promote the development of friendly relations between nations,"² a statement often interpreted as support state sovereignty. But it also proclaims that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully

¹ Charter of the United Nations, CHAPTER VII, Article 42

² United Nations, Universal Declaration of Human Rights, Preamble

realized,"³ granting in the minds of some a moral entitlement to human rights - not in the least of which is to life, liberty and security of a person.

There is much disagreement about when and to what extent outside countries can engage in humanitarian intervention. More specifically, there is debate about the efficiency of using military force to protect the human rights of individuals in other nations. This sort of debate stems largely from a tension between state sovereignty and the rights of individuals.

Some defend the principles of state sovereignty and nonintervention and argue that other states must be permitted to determine their own course. But as Kofi Annan, former United Nations Secretary-General, has repeatedly stated: state sovereignty must not shield states in the face of crimes against humanity. This has come to be known as the "*Annan Doctrine*". However, the international fundamental idea of coexistence depends on ethical pluralism: the idea that there are several values which may be equally correct and fundamental, and yet in conflict with each other. It is thought that states have diverse conceptions of justice, whereby each state can uphold its own conception of the good. Among many, there is "a profound skepticism about the possibilities of realizing notions of universal justice."⁴ States that presume to judge what counts as a violation of human rights in another nation interfere with that nation's right to self-determination. In addition, requiring some country to respect human rights is liable to cause friction and can lead to far-reaching disagreements.⁵ Thus, acts of intervention may disrupt interstate order and lead to further conflict.⁶

Others think, "Only the vigilant eye of the international community can ensure the proper observance of international standards, in the interest not of one state or another but of the individuals themselves."⁷ They maintain that massive violations of human rights, such as genocide and crimes against humanity, warrant intervention, even if it causes some tension or disagreement. Certain rights are inalienable and universal, and "taking basic rights seriously means taking responsibility for their protection everywhere."⁸ If, through its atrocious actions, a state destroys the lives and rights of its citizens, it temporarily loses its claims to legitimacy and sovereignty.⁹ Outside governments then have the duty to take steps to protect human rights and preserve life. Also, it is thought that political systems that protect

³ United Nations, Universal Declaration of Human Rights, Article 28

⁴ Hubert and Weiss, et al., 133.

⁵ Cassese, 58.

⁶ Hubert and Weiss, et al., 133.

⁷ Cassese, 55-6.

⁸ Hubert and Weiss, et al., 135.

⁹ Hubert and Weiss, et al., 136.

human rights reduce the threat of world conflict.¹⁰ Thus, intervention might also be justified on the ground of preserving international security.

Nevertheless, governments are often reluctant to commit military forces and resources to defend human rights in other states.¹¹ In addition, the use of violence to end human rights violations poses a moral dilemma insofar as such interventions may lead to further loss of innocent lives.¹² It is crucial that the least amount of force necessary to achieve humanitarian objectives are used, and that interventions do not do more harm than good. Lastly, there is a need to ensure that intervention is legitimate, and motivated by genuine humanitarian concerns. The purposes of intervention must be apolitical and disinterested.

However, if risks and costs of intervention are high, it is unlikely that states will intervene unless their direct interests are involved.¹³

Many note that in order to truly address human rights violations we must strive to understand the underlying causes of these breaches. These causes have to do with underdevelopment, economic pressures, various social problems, and international conditions.¹⁴ Indeed, the roots of repression, discrimination, and other denials of human rights stem from deeper and more complex political, social, and economic problems. It is only by understanding and ameliorating these root causes and strengthening civil society that we can truly protect human rights.

As a delegate in this committee it is therefore to ask how human rights can be strengthened in the first place. How are human rights protected in your country? Has there ever been a human rights conflicts and if so, what steps have been taken from your country or other nations to resolve it? How can the two conflicting issues of intervention and state sovereignty be united? Where does the “responsibility to protect” begin and where does it end? When is humanitarian intervention justified, if it is?

¹⁰ Cassese, 58.

¹¹ Hubert and Weiss, et al., 136.

¹² Hubert and Weiss, et al., 137.

¹³ Hubert and Weiss, et al., 141.

¹⁴ Cassese, 59.

Bibliography and suggested resources for research

Main website of the United Nations: <http://www.un.org/>

Main website of the Human Rights Council <http://www2.ohchr.org/english/bodies/hrcouncil/>

Main website of the UN Office of the High Commissioner for Human Rights:
<http://www.ohchr.org/EN/Pages/WelcomePage.aspx>

Cassese, Antonio. *Human Rights in a Changing World*. Philadelphia: Temple University Press, 1990.

Charter of the United Nations, CHAPTER VII.

United Nations, Universal Declaration of Human Rights.

Don Hubert and Thomas G. Weiss et al. *The Responsibility to Protect: Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty*. Canada: International Development Research Centre, 2001, 144.

Maiese, Michelle. "Human Rights Violations." *Beyond Intractability - More Constructive Approaches to Destructive Conflict*. <http://www.beyondintractability.org>

More resources on humanitarian intervention:
http://www.cceia.org/resources/publications/dialogue/2_05/resources/655.html

The Responsibility to Protect: <http://www.idrc.ca/openebooks/963-1/>

Claiming the Millennium Development Goals: A Human Rights Approach

“The MDGs remain feasible with adequate commitment, resources, policies and effort. A human rights approach to MDG-based strategies has an important added value as it calls for more integral strategies in addressing both immediate and structural problems, putting the rights of people at the center, and raising the level of accountability of States both at national and international levels.”

Navanethem Pillay, UN High Commissioner for Human Rights, March 2010¹

Background

Just ten years ago in September 2000 the largest gathering of world leaders ever took place at United Nations Headquarters in New York. This meeting, known today as the Millennium Summit, was the birth of the Millennium Declaration². By the end of the summit, the declaration's eight chapters were drafted by the United Nations Secretary-General and endorsed by United Nations agencies, the World Bank, the International Monetary Fund (IMF) and the Organization for Economic Co-operation and Development (OECD) and became known as the Millennium Development Goals (MDGs)³. World leaders promised to work together to meet concrete targets for advancing development and reducing poverty by 2015 or earlier. However, such a sublime endeavor always comes with various approaches and never without criticism. Now with only five years to go, the Human Rights Community is concerned, that the MDGs are not linked closely enough to human rights, therefore they call for a new approach in order to actually achieve the MDGs.

Human Rights and the MDGs

The MDGs and human rights share lots of characteristics. Their pledge and ultimate aim is to promote and secure human welfare. Mainly the MDGs and their targets overlap with the rights defined by the Universal Declaration of Human Rights⁴(see Table 1), whereas some others are not consistent with those. While realizing human rights is a legal obligation and their entities are recognized by national and international law, the MDGs on the other hand are predominantly seen as political goals. Supported by an international framework, human rights and MDGs also provide tools to hold Governments accountable. Each of them are monitored and there are several periodic international and national reporting processes for both. But in relation to the MDGs the overall framework of human rights is much more

profound. There are several national and international human rights instruments whose realizations are monitored by courts, expert committees or commissions and many have the power to receive complaints from individuals or collectives.⁵

Moreover, the Human Rights Council⁶ provides a forum for States to discuss human rights. Its independent experts, special rapporteurs and working groups are mandated to carry out thematic or country-specific work, including subjects at the core of the MDGs (such as health, food, education and the right to development).

Table 1

The Millennium Development Goals and Human Rights	
Goal 1. Eradicate extreme poverty and hunger	
Target 1.A. Halve, between 1990 and 2015, the proportion of people whose income is less than \$1 a day	UNIVERSAL DECLARATION OF HUMAN RIGHTS : Article 25. 1
Target 1.B Achieve full and productive employment and decent work for all, including women and young people	Article 23 Article 24
Target 1.C Halve, between 1990 and 2015, the proportion of people who suffer from hunger	Article 25. 1
Goal 2. Achieve universal primary education	
Target 2.A Ensure that, by 2015, all children everywhere, boys and girls alike, will be able to complete a full course of primary schooling	Article 26
Goal 3. Promote gender equality and empower women	
Target 3.A Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015	Article 2 Article 26

Goal 4. Reduce child mortality	
Target 4.A Reduce by two thirds, between 1990 and 2015, the under five mortality rate	Article 3 Article 25
Goal 5. Improve maternal health	
Target 5.A Reduce by three quarters, between 1990 and 2015, the maternal mortality ratio	Article 2 Article 3 Article 25
Target 5.B Achieve, by 2015, universal access to reproductive health	Article 2 Article 3 Article 25
Goal 6. Combat HIV/AIDS, malaria and other diseases	
Target 6.A Have halted by 2015 and begun to reverse the spread of HIV/AIDS	Article 25
Target 6.B Achieve, by 2010, universal access to treatment for HIV/AIDS for all those who need it	Article 3 Article 25
Target 6.C Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases	Article 25
Goal 7. Ensure environmental sustainability	
Target 7.A Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources	
Target 7.B Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss	
Target 7.C Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation	Article 25. 1

Target 7.D By 2020 to have achieved a significant improvement in the lives of at least 100 million slum-dwellers	Article 25. 1
Goal 8. Develop a global partnership for development	
Targets 8.A-8.D cover aid, trade, debt, landlocked and small island States.	
Target 8.E In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries	Article 25
Target 8.F In cooperation with the private sector, make available the benefits of new technologies, especially information and communications	Article 19 Article 22 Article 27

Criticism of the MDGs

In 2005 the Millennium Project reported that some progress had been made, though the gaps remain dampening⁷. Many countries are on a good way to reach some of the Goals by 2015, but large regions are far away from reaching any. Particularly in sub-Saharan Africa the situation seems fateful. Large parts of the world are also far from reaching goals like reversing the loss of environmental resources and reducing maternal mortality. De facto human rights have not yet played a significant role in sustaining and biasing activities concerning the MDGs. As already seen the content of MDGs is similar to some aspects of human rights but a systematic human rights based approach to achieving and comprehending the MDGs remains an unaccomplished challenge. One of the main concerns regarding the MDGs is that they do not aim to help the poorest of the poor nor do they focus on inequalities within countries.

The target of the MDGs is to achieve a 50 per cent improvement on certain poverty indicators. This approach is especially problematic, because it seduces countries to focus on the relatively well-off among the poor in order to reach particular MDG targets. On the contrary one would expect the fact that some of the MDGs' targets are not consistent with

human rights at all. Goal 2 for example does not include the fact that primary education should be free for all, and Target 7D aims to improve the lives of 100 million slum inhabitants, whereas a human rights approach would be to provide basic security of tenure for all. However, the Millennium Declaration in contrast to the MDGs made substantial references to human rights. The participants of the Millennium Summit obligated themselves to respecting “all internationally recognized human rights and fundamental freedoms, including the right to development.” The accomplishment of the MDGs dissociated from the Declaration has been questioned from the beginning.

Claim the MDGs

A human rights approach is based on the fact, that basic human needs are not a matter of charity but of justice, which is why they should be impersonated in clear, and preferably, legally binding standards.

As a delegate in the Human Rights Council you should ask yourself:

Which targets of the MDGs are aimed at the population of your country?

What kind of actions does your government take to live up to the 8 goals?

How does your government treat human rights?

Which human rights instruments exist in your country?

What kind of actions would you take to align the MDGs with human rights so that it would fit to the politics of your country?

¹<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10174&LangID=E>

²<http://www.un.org/millennium/declaration/ares552e.htm>

³<http://www.undp.org/mdg/basics.shtml>

⁴<http://www.un.org/en/documents/udhr/index.shtml>

⁵<http://www2.ohchr.org/english/law/index.htm#core>

⁶<http://www2.ohchr.org/english/bodies/hrcouncil/>

⁷<http://unstats.un.org/unsd/mdg/Resources/Static/Products/Progress2006/MDGReport2006.pdf>

Resources and helpful information

http://www.ohchr.org/Documents/Publications/Claiming_MDGs_en.pdf

<http://www.ohchr.org/EN/Issues/MDG/Pages/MDGIndex.aspx>

<http://www.un.org/en/mdg/summit2010/index.shtml>

<http://www.un.org/en/members/>
(a list with all memberstates and links to the pages of their UN missions!)

<http://www.endpoverty2015.org/en/countries>

<http://www.undp.org/mdg/countries.shtml>

http://www.un.org/millenniumgoals/pdf/sgreport_draft.pdf

Also see the links above!