

# Humanitarian interventions designed to stop human rights violations

## Introduction

Humanitarian interventions refer to the techniques that are used to prevent or to stop the violation of human rights in a country or state in cases where the state is unable or unwilling to protect its citizens or is persecuting them. The 1990s were generally recognised as the decades in which humanitarian interventions were at the peak. The period saw the United Nations (UN) authorizing several humanitarian interventions. Critics of the humanitarian intervention maintain that nearly all the use of military force has been labelled as a humanitarian intervention (Hehir, 2013). Humanitarian interventions quickly resort to military interventions instead of relying on the military force as a last resort. States that intervene always have an ulterior motive which normally predisposes their decision to intervene. Therefore more often than not, the interventions are normally unilateral and unauthorised (Valentino, 2011, Simms & Trim, 2011). Badescu (2010) argues that everything is wrong with the manner in which the humanitarian interventions are frequently justified and executed. The principal of international law holds that the sovereignty of states should not be violated. There should never be any form of interference in the international affairs of any state. The requirement is clearly defined in article 2(4) of the UN charter which preserves the political independence and the territorial integrity of states by outlawing the use of force, threat or the use of threats against each party (Pieterse, 2016). The paper looks at the effectiveness of the humanitarian interventions in stopping an ongoing genocide.

## Discussion

The World War 2 brought about a lot of significant changes included the rise of several human rights movements and humanitarian interventions as articulated in Geneva Convention (Rauchhaus, 2009). The humanitarian interventions have been deployed in several areas in the recent past. Situations of civil strife in Libya, Syria, Egypt as well as other states have resulted in the exercise of the humanitarian interventions and have also brought about the concept of the Responsibility to protect (Western & Goldstein, 2011). Simply defined, humanitarian intervention refers to the “interference in the affairs of one state by another state or states in cases in which the most basic human rights of the people in the affected state are being violated” (Western & Goldstein, 2011). Humanitarian interventions mainly focus on the obligations by states to punish or prevent grave humanitarian breaches. Grave breaches, in this case, refer to torture, inhumane treatment, willful killing, and extensive destruction of property, the willful cause of injury or great suffering or even serious injury to health or the body. Grave breaches extend to include unlawful transfer or deportation and taking of hostages (Bellamy, 2008, Finnemore, 2008).

Humanitarian interventions have always taken the form of military aid or socioeconomic aid. The main goal of humanitarian intervention is to stop the suffering of humans and end the violation of human rights and to assist people to recover in cases where there has been a violation of human rights (Bellamy, 2008, Finnemore, 2008).

Hehir (2012) argues that humanitarian intervention is nothing more than a bad aid solution in the improvement of the problems of the intended beneficiaries. Farrell relies solely on the short and long term benefits and the shortcomings of the humanitarian interventions during the Rwandan

genocide. The convention on the prevention and punishment of the crimes of genocide which was formed in 1948 requires all states to either prevent or punish acts of genocide (Focarelli, 2008). The situation in Rwanda had met the definition of genocide as laid out in the convention from as early as August 1993 yet a lot of time was spent in determining whether the threshold of the killings met the definition of genocide. There was a delayed response by the international community due to criticisms that mainly came from the United States. The delay, therefore, resulted in no military action to the benefit of human rights despite the widespread killing that was witnessed in Rwanda (Kuperman & Crawford, 2014). The delay from the international community in addressing the situation in Rwanda was an evident failure to uphold the human rights as defined in Geneva human rights convention.

The request by Canadian General Romeo Dallaire to engage and protect innocent civilians when the war broke out was denied by the UN Secretary General Boutros Boutros- Ghali which rendered the forces of the General Romeo observers even as the massacre continued. Belgium withdrew 440 of its troops in mid-April following the murder of tens of its unarmed soldiers on April 7 by members of the presidential guard. The event was followed by an immediate withdrawal of hundreds of soldier from Bangladesh (Franck, 2010).

Military aid during the Rwandan genocide was therefore virtually non-existent. The genocide eventually ended in on July 18, 1994, following the defeat of the Rwandan army by the Rwandan Patriotic front (RPF). What was more shocking was how the Nations Assistance Mission for Rwanda (UNAMIR) was misused during the genocide. Acting under the Arusha peace agreement the UNAMIR were dispatched to Kigali sparking the up rise of slaughter. On April 7 the United Nations Security Council (UNSC) voted to reduce UNAMIR to a total of 250 men only (Wheeler, 2011). The massive reduction followed by passive rules of engagement signaled a decision by the humanitarian community against providing any form of humanitarian military intervention. This, therefore, led to the non-existent of military aid (Pattison, 2011).

The international community only started showing serious commitments after thousands of people had been killed in the war. Their role was not to stop the genocide but was reduced to aiding in the recovery of the war torn nation. They moved in to implement socio-economic programmes that were meant to assist the Rwandan people. The intervention by the international community was therefore very effective in providing the socio-economic aid. Rwanda becomes to be done for its robust socio-economic recovery. The change was largely associated with the intervention by the international community and the commitment to the people in the country to social and economic reforms (Pattison, 2011).

The victory by RPF left Rwanda with a remnant economy with no infrastructure and full of people with psychological and physical needs which needed to be addressed. The international community and the international media only sympathized with Rwanda and came to their aid after the genocide had ended (Lischer, 2007).

In the UN world Summit of 2005, 150 world leaders reaffirmed their responsibility to protect which would entail using all the possible means including the use of military where possible (Kimani, 2017). However, thousands of families still continued to face attacks and forced deportation or displacement. Since 2003 an estimated number of between 200,000 to 400,000 people have died. The UN agencies place the number of displaced people, refugees and other people in need of relief at 3.6 million. Many more people still continue to suffer in Eastern Democratic republic of Congo

and Cote d'Ivoire. Such people have not seen anything in the international promise of never again that was made by the international community. Such people so no solace in the Geneva Convention (Fassin & Pandolfi, 2010, Franck, 2010).

The ineffectiveness of the humanitarian interventions in dealing with ongoing genocides does not stem from a lack of laws and treaties. The main problem lies in ensuring that countries fulfil their commitment. There is always the lack of the needed political will among the countries that are expected to expect with the humanitarian interventions (Kimani, 2017). Besides that, there is the lack of common vision regarding the responsibility of countries at times in which there are serious violations of human rights and humanitarian catastrophes that are caused by the conflict. Despite the there have been cases of massacres in the DRC and Liberia, the humanitarian responses to such incidences have been very tardy and hesitant. Like was the case in Rwanda, a lot of time is spent in determining whether the conflict meets the threshold for genocide before meaningful intervention can take place (Kimani, 2017, Seybolt, 2007).

Getting members countries of the UN especially in the Security Council to make and support decisions for quick and effective intervention is always a big problem. The politics involved in the process of decision making slows the process of decision making by the UN Security Council. Different political agendas often slow down the work of the UN Security Council. It is far much easier for countries to resort to their regional organisations such as the African union to intervene in the case of conflict (Bellamy, (2008).

A good example of the regional initiative is the African Union Mission that worked in Sudan. There was a negotiation in 2004 between the African Union, the European Union, and the UN got into negotiations with the government of Sudan to allow for the placement of the African troops in Darfur. The 7100 AU troops in Sudan reduced violence, but the numbers were not adequate to police Darfur. In 2006, it was decided that the AMIS needed more trained soldiers, trucks, helicopters, communication facilities and proper funding. The international funding for the AU mission fell short by \$200 million. The inadequate funding, therefore, meant that the mission lacked the capacity and the support that was required to do the job. It was therefore almost right to say that the international community had set up the African union for failure. That is one of the reasons as to why Africa cannot solve African problems (Kimani, 2017).

It was unrealistic to expect the African Union to perform realistically under the circumstances within which they were working. The role of the Africa Union has therefore been reduced to trying to quell down the situation as a consensus is built for a stronger International intervention by the international peacekeepers to take control of the situation (Kimani, 2017). Getting enough resources from the Security Council is always a problem. In the case of Sudan, Mr. Egeland from the UN Security Council was quoted saying that they were overstretched for resources for peacekeeping obligations worldwide. He stated that it would be hard to get enough soldiers and that it would take up to nine months to get a fully functional UN force on the ground. The bureaucratic process and the politics of the UN Security Council made it very difficult to solve the problems that faced Sudan at that time. It was not just an easy decision of deciding whether the Africa countries could all come together and add more Soldiers to help the problem in Darfur (Bellamy, 2008, Kimani, 2017).

Despite the fact that people may believe that humanitarian interventions may be the key to ending genocides that are not always the case. Massive crimes against humanity took place in Rwanda, DRC, and Darfur as part of ongoing wars. Measures to halt the genocide and other crimes against

humanity always require the intervention of other countries in the form of relief aid to the suffering populations or in the form of mediation to put an end to the killings (Bass, 2008). The most effective intervention results from an agreement between the warring parties to sit down and solve the issue. Real agreement or consent by the parties in a conflict is positively correlated with the early success of the humanitarian interventions. The ability of the warring parties to consent makes it easier for the external players to come in and take part in a lot of activities that may range from mediation, inquiry, negotiation, arbitration or judicial settlements (Pattison, 2010).

If the parties at war agree to respect the terms of the agreement, they can be instrumental in making sure that their soldiers do not bring any harm to civilians and can easily comply with demobilization and disarmament provisions which may give room for the distribution of the relief aid and allow for the resettlement of the displaced populations. Lack of consent can, however, fuel mass killing and make it very difficult for the International community to operate in a war torn country. For instance, in Sudan, the government did not cooperate properly with the African Union mission and did not agree to the deployment of the UN mission to replace the African Union (Pattison, 2010).

Failure by rebel or militia groups to consent can also pose a great challenge. In Sudan, the pro-government militia that was dubbed the Janjaweed militia and two other rebel groups refused to participate in the peace talks. They continued to attack the civilians and obstructed the work of the humanitarian agencies (Hurd, 2011). In DRC villages undergo sporadic attacks by the militia who then immediately disappear into the jungle. Chapter seven of the UN charter gives the UN Security Council the power to authorize the use of military actions or sanctions to stop killings or genocide without the approval of the governments or military forces involved in such atrocities (Kimani, 2017). However, such force or sanctions may be opposed by certain UN member states such as China, France, Russia, the UK or the US who are members of the Security Council. The opposition may stem from either political or economic reasons (Kimani, 2017).

It would be very difficult to effectively respond to genocide and stop it if the vetoes are still applied. However, even if there was a full agreement among the members of the UN Security Council, it would still be important to ensure that there is a negotiated solution. Forceful military intervention could have serious consequences and may aggravate the situation. Several options including diplomatic efforts or sanctions could be employed to try and pressure a country towards accepting certain forms of intervention (Heinze, 2009).

Humanitarian interventions have realised certain positive changes. The humanitarian agencies can rely on civilian police to assist the local forces in keeping the peace which can be a major boost towards ending an ongoing genocide. Besides that more experts are deployed to monitor humanitarian norms, criminal law and human rights by the combatants (Hehir, 2013). The humanitarian agencies also play a center stage in ending an ongoing genocide through the systematic disarmament and demobilization of ex-combatants. Humanitarian agencies can also end an ongoing genocide by ensuring that camps are placed very far from the borders and the war zones to ensure that the refugees are protected (Wheeler, 2011).

The humanitarian interventions gained a boost from the strengthening of the UN peacekeeping operations to stack militants from attacking civilians and to engage the combatants militarily. In Rwanda there were poor rules of engagement and the UN mission was only permitted to shoot in self-defense. The situation is different in DRC as the UN peacekeepers are allowed to confront the armed groups in a bid to ensure the safety of the civilians.

The UN is known to support regional or country led troops who are able to quickly respond to cases of genocide and massacres. For instance, Troops from the economic community of West-African States took part in stabilizing Liberia and Sierra Leone before the UN deployed its peacekeeping missions to the field. French forces played a vital role in eastern DRC and in Cote d'Ivoire. The South African troops managed to successfully lead an African mission in Burundi (Pieterse, 2016). The international tribunals that are set to prosecute crimes against humanity can send a message that people who attack and kill civilians cannot go through. Such precedence may assist in ending an ongoing genocide since the attackers will be afraid of the repercussions (Bass, 2008). However, the best technique of protecting civilians is to ensure that atrocities are stopped before they escalate into genocide. There is need to think of intervention using other means that do not necessarily involve military intervention (Paris, 2014). There is need to quickly address early warning signs to ensure that the situation does not get out of hand. There is need to take action and act on the early warning sign before leaving things to get out of hand leaving military action as the only possible solution (Pattison, 2008).

The international intervention in Rwanda was late and did not move with speed to act on the early warning signs. When the war started, there was no any meaningful international intervention. The US used their veto power to prevent the early humanitarian intervention. A lot of time was wasted in determining if the war met the threshold of the genocide before military aid could be deployed. Military intervention was clearly non-existent. Eventually, the humanitarian intervention only came to the aid of the country after the Genocide was over. The UN Security Council needed to have moved with speed to solve the situation in Rwanda. The African Union needed to have been given appropriate resources to move in with speed and quell the situation in Rwanda in order to stop the genocide. Alternatively, the international community needed to have acted on the early warning signs and looked for solutions to end the stalemate between fighting groups before things got out of hand. Mediation could have been one of the best strategies to try and avert the genocide (Heinze, 2009). For instance in Kenya, the international community moved with speed to quell the conflict that was quickly getting out of hand following the 2007-2008 disputed general election. The UN quickly sent in Kofi Annan and other African delegations to lead mediation efforts which stopped the war.

### **Conclusion**

If humanitarian interventions are to stop an ongoing genocide, they must be deployed very quickly. Decisions must be made very fast and in good time to ensure that things do not get out of hand. Military action must be the last option. Dialogue, mediation, diplomacy and other dispute resolution mechanisms must be given a chance before resorting to military action. The parties at war must be given a chance to reach a consent and agree to certain terms in order to end the genocide. A negotiated solution should always be the best option since military action may result in a lot of complications.

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