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Measures to ensure responsible military intervention in transnational conflict



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Introduction

“Tonight we are a country awakened to danger and called to defend freedom. Our grief has turned to anger, and anger to resolution. Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done.” (George W. Bush, 20th September 2001) This is an excerpt of the “Address to a Joint Session of Congress and the American People” of former President of the United States of America George W. Bush on the 20th September 2001. In his speech he informs the American People that they are at war with the terrorist organization “Al-Qaeda” using the point of defending freedom and maintaining peace and justice throughout the world. After the Civil War in Afghanistan from 1996 to 2001, Bush uses the aforementioned point to justify the US military intervention in Afghanistan.

Since the Cold War, many countries have used this type of strategy to intervene in regional crises acting in the name of the international community. They mostly say that they sincerely want to stop the killing in order to fulfil the “Responsibility to Protect” (short: R2P) doctrine. It has been repeatedly demonstrated that they sent their military forces in another country to fight for “humanitarian” reasons.

However, the world knows that this is a bogus argument in most of the cases. The reason why is because nations hope to pursue their national interests – getting more territory, gaining geo-strategic advantage, or seizing control of precious natural resources. The leaders of the countries win their public support by persuading their people that these interventions act in the name of peace, justice, democracy, civilization, etc. For instance, the church justified their crusades with the protection of the religion and that they act in the name of God or during the period of European colonization the major powers used the point that it is their duty to “help” the uncivilized people in Africa, the Americas and Asia as their justification. But history shows us that often the economic, political and military success of these operations were unconvincing considering the money spent, the goals pursued and the extreme amount of human sacrifice.



Nevertheless, the world has developed in numerous areas in the last decades showing that humanity is concerned with interventions made by governments. Notably, the United Nations has picked up this issue to be discussed in the last years and it has become one of the most controversial topics in the UN.

Definition of Key Terms

Military Intervention

The act of a nation or a group to put their military forces into an existing conflict.

Responsibility to Protect (R2P)

The Responsibility to Protect is a political commitment established by all member states of the UN in the World Summit of 2005 to avoid genocides, war crimes, ethnic cleansing and general crimes against humanity. This doctrine is based on the principle that every nation must protect all people from mass atrocity crimes and human rights violations. This can be achieved by the framework set up for R2P, which provides the international community with measures, such as early warning mechanisms or economic sanctions, to keep away the civilians from conflicts and to prevent atrocity crimes. The United Nations Security Council has the authorization to use force in order to maintain the doctrine.

Transnational Conflicts

These are conflicts which take place across the borders of countries. Turkish actions in Syria, former USA involvement in Afghanistan or Saudi Arabian airstrikes in Yemen are all examples for transnational conflicts.

General Overview

Concerning the definition of “responsible military interventions”, this term offers different kinds of interpretations making it extremely controversial. On the one hand it could mean deploying troops in conflict areas of natural disasters in terms of providing medical assistance and aiding to achieve stability. In fact, the US sent their troops to Haiti to recover from a Hurricane in the late 1990s as well as in the year of 2016. The US government felt that Haiti didn’t have the capacity to deal with the problem on their own due to the disastrous impact ranging from destruction of infrastructure to losses of lives. Cedric Pringle, commander of U.S. Southern Command’s Joint Task Force Matthew, described it as an “all-



hand effort” (Cedric Pringle, 2016), which shows that they felt responsible to intervene in this conflict in order to restore some stability to the government of Haiti.

On the other hand this term can be interpreted in terms of deploying troops in conflict areas to help to end the war, which is the far more common way of military interventions. However, these troops mostly aren't only there to provide security across conflict zones or defend civilians – like the blue-helmets. These troops have a far more active peace-making capacity than the blue-helmets. One reason for that is because the international community can't simply solve every conflict without the activity of their own military personnel. The situations in Kosovo and Somalia demonstrate that the use of force was an important factor for the development of peacebuilding. And the genocide in Rwanda is an example for what could result from not intervening militarily in a conflict – Approximately 500.000 until 1.000.000 people were killed in the genocide of Rwanda – leading to the question why military intervention occurs in some cases but not others? At this point the term “responsible military intervention” becomes a bit blurry because in compliance with the doctrine R2P the international community has to protect all people to avoid mass atrocity crimes. However, military interventions also depend on whether the major powers agree that it is necessary and first and foremost whether this intervention can somehow contribute to the protection of their own national interests. So, another reason why force is used in conflicts is that countries can guarantee the protection of their national interests, whether it is because of natural resources, influence in countries or territorial gains or often territorial advantages, rather than preventing the conflict.

Since the establishment of the United Nations Security Council in 1945, a set of criteria was established that determines whether it is just to go into war. This set of criteria, also called “Jus ad Bellum” (Latin for “right to war”), is based on five principles: The philosopher St. Thomas Aquinas came up with the principle of right authority as he defines a just war only just if it is legitimized by a proper authority - like the UN. The second principle is based on right intention, which means that a party shouldn't be allowed to enter a war due to national interests, but rather to preserve international peace and security. The probability of success is another principle of “Jus ad Bellum” stating that parties are only allowed to go into war if the aims of a just war are achievable. Of course, one can never be a hundred percent sure if a war can be won in a just way, however, this principle encourages parties to make coalitions in order to get the approval of several other states that the war is likely to have a just ending. The fourth principle is referred to as the principle of proportionality meaning that the level of military victory must be proportional to the damage that occurred. An example for that would be that if there is an area with one opposing militant and hundreds of civilians, it wouldn't be proportional to blow up the place. On the other hand, if there are hundreds of



opposing militants and several civilians an attack is more likely to be considered justifiable. Lastly the principle of last resort states that war should be the last option in a conflict and it only is justifiable if all non-violent measures, such as diplomatic talks, sanctions, etc., have been unsuccessful.

In fact, one can say that 2 types of military interventions have emerged in the past decades: Authorized military intervention and unauthorized military intervention. Most people agree that military interventions should occur multilaterally and based on “Jus ad Bellum”, though, sometimes questions arise which exact party – ranging from the UN to international organizations and countries – should intervene in conflicts endangering international peace and security. In addition, questions of effectiveness, motives, and extent of internal and external support of the intervener play a major role in determining the party for the military intervention.

Authorized military intervention

If the United Nations Security Council (UNSC) cannot pass a resolution for a specific conflict where parties threaten or breach peace or execute an act of aggression (Chapter VII Article 39 of the UN Charter) due to the veto power of the P5 nations, Chapter VII allows the UNSC to “decide what measures shall be taken [...] to maintain or restore international peace and security.” Consequently the authorization of the UNSC provides the legal ground for the intervention in order to diminish the conflict. Recent examples of UN so called missions are United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). Both missions were established due to the national crises. For several years Mali and the Central African Republic are experiencing political instability as well as a lack of humanitarian security, which is why the UN authorized peacekeeping operations to provide support to the countries.

Unauthorized military intervention

Of course, the other type of military intervention is unauthorized interventions by states with force, making it extremely questionable. In this case authorization is only lawful if the intervention is permitted by the UN or if the intervention is an act for self-defense. However, the four steps have to be taken into consideration to assess the legitimacy of the operation: First of all the status quo has to be considered as justification. If the UNSC cannot come to the point of decision-making, it is of utmost importance that countries evaluate the existing state of the conflict on their own. Although military action by countries is aimed to be minimized, it sometimes can be beneficial that one country simply takes action in order to



prevent the conflict of becoming even worse. In fact, this is considered illegal but the “exception” can be justified if the majority of the UNSC regards the intervention as morally and politically correct. But if the majority of the UNSC sees this act as morally and/or politically incorrect, then the legitimacy of the operation becomes problematic again. Secondly, military interventions can be examined on customary law as well. This involves checking if a norm of customary law can be identified so that the military intervention is not only seen as politically and morally correct, but also as legally justifiable. The last point to examine the legitimacy of the operation is very similar to the point “status quo”. Since 2005, it is possible to see if countries maintain the R2P doctrine. If this obligation is not met, countries can take this as a justification as they have the responsibility to intervene and protect the people of another state. Nevertheless, if this obligation is not met the UN steps in immediately in most of the cases as poses a threat to the UN Charter.

To conclude, there still exists the problem of a lack of a framework for responsible military interventions determining at which point independent military interventions by countries are acceptable/allowed. This results into that each situation has to be discussed thoroughly and checked upon each aspect so that it complies with a variety of rules and norms making it very difficult for the international community to make serious decisions on military interventions by countries.

Major Parties Involved

United Nations Security Council (UNSC)

The UNSC is probably the party which is involved the most concerning the decision-making of the responsibility of military interventions as they dealt with this issue since their establishment in 1945. According to the UN, the Security Council has “primary responsibility for the maintenance of international peace and security.” (United Nations Security Council [UNSC]) Furthermore, its function is to recommend methods to adjust the situation as well as imposing sanctions and authorizing the use of force to fulfil their task. As it consists of 5 permanent members, these countries have all been playing a major role in this issue, too.

United States of America

In fact, there is no other state in history which has been involved in this issue as the United States of America. After a change in foreign policy during World War 2, the US decided to take actions in order to spread democracy and justice all over the globe. Notably, the US has interfered in many conflicts, such as in both World Wars, the crises in Haiti and the Dominican Republic, the Vietnam War, the conflict of the Taliban in Iraq, etc. The



president of the US, Donald Trump, has insisted to eliminate the power of the IS in Iraq and the Levant, which is why they lead several international coalition forces against the terrorist organization.

Russian Federation

After the Cold War and the dissolution of the Soviet Union, the Russian Federation dealt with many different conflicts ranging from military operations against former Soviet-states to other different conflicts. A fairly recent example would be the military intervention and later the annexation of the Crimea in Ukraine. In these days, Russia is one of the most active major powers in the conflict of Syria besides the US, as they want to weaken the IS but also maintain Assad's regime and influence in Syria.

People's Republic of China

One country which has never truly been in the spotlight in this issue is the People's Republic of China. The PRC has been involved in many interstate conflicts with neighboring countries like the Vietnam War, the Korean War, the Taiwan crises, etc. One current example for this issue is the military operations in the South China Sea for territorial gains and in Africa to secure natural resources.

France and the United Kingdom

Both France and the UK were countries playing a major role during the time of colonialism. One can say that the world was split up between both of them (s. Appendix A). After they lost their influence in their colonies, they still tried to continue to maintain their prestige in the world with several military interventions such as their interventions in both World Wars. Moreover, France was active in some conflicts in Africa like Algeria and Mali and the UK in conflicts all over the world such as the conflict of Israel and Palestine. At the moment both countries are participating in the War on Terror in the region of Syria.

Timeline of Key Events

Below a timeline gives an overview of several military interventions in the past decades including other key events.

Date	Description of Event
1860 – 1861	French expedition in Syria to stop Ottoman influence
1877	Russian anti-Ottoman intervention in Bulgaria



1915	United States occupation of Haiti to ensure a safe process of stabilization after the death of the former president Vilbrun Guillaume Sam
1955 – 1975	US intervention during the Vietnam War
1964	United Nations operation in Congo to provide military assistance to ensure internal stability
1965	US intervention in Dominican Republic
1971	Indian intervention in Bangladesh Liberation War to provide diplomatic, economic and military support to Bangladeshi nationalists
1991	Operation Provide Comfort in Iraq to provide humanitarian aid and defend Kurds fleeing their homes due to the aftermath of the Gulf War
1992	Unified Task Force operation in Somalia led by the US
1999	NATO bombing in Yugoslavia during the Kosovo War
14 – 16 September 2005	International Community establishes the Responsibility to Protect
2011	Coalition military intervention in Syria led by NATO
2014 - present	Military interventions against the Islamic State of Iraq and the Levant
2015 – present	Military interventions in Yemeni Civil War

UN involvement, Relevant Resolutions, Treaties and Events

A list of resolutions concerning the conflict of Syria:

- Agreement to eliminate Syria's chemical weapons – Syrian Civil War, 27 September 2013 (**S/RES/2118**)
- The Situation in the Middle East, 6 March 2015 (**S/RES/2209**)
- Humanitarian aid access to Syria, 22 February 2014 (**S/RES/2139**)
- Middle East, 14 July 2014 (**S/RES/2165**)
- The situation in the Middle East (Syria), 21 December 2016 (**S/RES/2332**)



A list of resolutions concerning the conflict of Yemen:

- Situation of Houthi forces, 14 April 2015 (**S/RES/2216**)
- Renewal of sanctions, 24 February 2016 (**S/RES/2266**)
- Revision of the sanctions, 23 February 2017 (**S/RES/2342**)

Previous Attempts to Resolve the Issue

Since the establishment of the UN in 1945, authorized military interventions have been introduced. This mostly refers to extreme crises or transnational conflicts where military operations are supervised by the UN. This has been one major attempt to resolve the issue because national self-interests from countries sometimes moved to the background and instead principles of the UN were considered as of highest importance in that moment. Also countries started to work together on the issue with the help of the UN. The UN helped states to decide democratically what their responsibilities were during crises so that occasionally the international community could respond with measures to ensure responsible military interventions in transnational conflicts. Two fairly recent examples are the situations of Syria and Yemen:

The conflict in Syria arose from the Arab spring in 2011. The discontent with Assad's regime was growing immensely resulting into an armed conflict between the Syrian government and its allies, the IS, the Syrian opposition (Sunni Arab rebel groups), the Syrian Democratic Forces (SDF) and Salafi jihadist groups (see Appendix B). This did not only have an impact on the neighboring countries like Iraq, Jordan, Lebanon, and Turkey; it also had an impact on states in Europe because of the huge refugee crisis. The international community started to respond with Russia's military assistance to the Syrian government as well as with airstrikes against the Islamic state by a coalition between member states of NATO. In addition, peace talks in e.g. Geneva in March 2017 were led by the UN in order to stop the fighting as well as numerous resolutions were adopted by the UNSC since 2012 to stabilize the situation. For instance, some resolutions were dealing with chemical weaponry in Syria and others directly addressed the need for humanitarian aid in the crisis region (see section UN involvement, Relevant Resolutions, Treaties and Events)

In 2015 a civil war broke out in Yemen as two parties claim to constitute the Yemeni constitution. On the one hand the so called Houthi forces present in the capital Sana'a and allied with a group that was loyal to the former president Saleh. On the other hand the forces loyal to the government of Hadi present in Aden. Besides that, Al-Qaeda in the Arabian



Peninsula (AQAP) and ISIL are involved in this conflict as well, as AQAP controls territories in the hinterlands and in coast regions. It all began with the general mobilization of the Houthis-led forces that wanted to overthrow the Yemeni government. They soon managed to occupy many regions including Aden, the seat of power of the Yemeni government. Former president Hadi was forced to flee the country so that Yemen was left behind in a chaotic situation. Within 2 years approximately 16,200 people have been killed in this conflict, including 10,000 civilians. Saudi Arabia took immediate actions to restore the government by carrying out airstrikes, and the US provided intelligence and logistical support to the government. Besides this, the UNSC also adopted resolutions in order to achieve stability to the country. For instance, several resolutions addressed the sanctions for Yemen. (see section UN involvement, Relevant Resolutions, Treaties and Events)

Moreover, the international community has contributed to the issue with the R2P doctrine. The doctrine stresses that it is the duty of all countries to protect its citizens. Thus every nation is obligated to ensure that all states fulfil their responsibilities. This framework also highlights under which criteria a state should assume responsibility to intervene. Consequently, it gives the international community a basis to at least check if countries stick to this doctrine. Nevertheless, this is often not put into practice as national self-interests are mostly considered as the priority.

Possible Solutions

The delegates have to bear in mind the central message of this Research Report during their preparation and especially during debate: The international community has already established vital criteria for the responsibility in military interventions. However, many states simply neglect these criteria simply because they prioritize their own national interests. This means that military interventions in transnational conflicts are carried out, though, not with the main purpose of seriously making the situation better for another country or the world but rather better for themselves. For instance, Russia assists the Assad regime in Syria mainly to maintain the strategic advantage because with Assad Russia is assured to have direct access to the Mediterranean Sea. Another example is the airstrikes in Yemen carried out by Saudi Arabia, which contradicts the R2P doctrine as they killed many civilians during this operation. The reason behind this attack is that Saudi Arabia has already got problems in the northern border and to maintain their influence in the Middle East, it is crucial for them to avoid another conflict in the southern border. So, if the international community truly wants to encourage development in this issue, then the only way is to sometimes put aside their own national interests and focus on promoting international peace and security.



This would also mean to diminish unauthorized military interventions by countries in transnational conflicts as they don't seek to prioritize to promote peace and security in most cases. The only question with this long-term goal is whether this can be put into practice realistically because this will be an ongoing challenge which the world will have to face for many more years.

Regarding the point of military interventions, the international community could use the situation in Nigeria as a guideline for other contemporary conflicts. Since 2009 Nigeria and its neighboring countries were affected by the terrorist organization Boko Haram that tried to overthrow the Nigerian government in order to establish an Islamic State. As soon as the conflict started to escalate, the affected African countries began to cooperate with the US, the UK and France resulting into joint military interventions and other measures to aid the fight against the terrorist group. Of course, some national interests played a minor role in determining whether to intervene or not, but eventually the threat to international peace and security made the international community react in this conflict primarily. Consequently, this international cooperation mainly resulted into the weakening of Boko Haram's influence in Nigeria and its neighboring states this year; for instance 82 schoolgirls were released on 6 May 2017 after negotiations between the Nigerian government and the terrorist group.

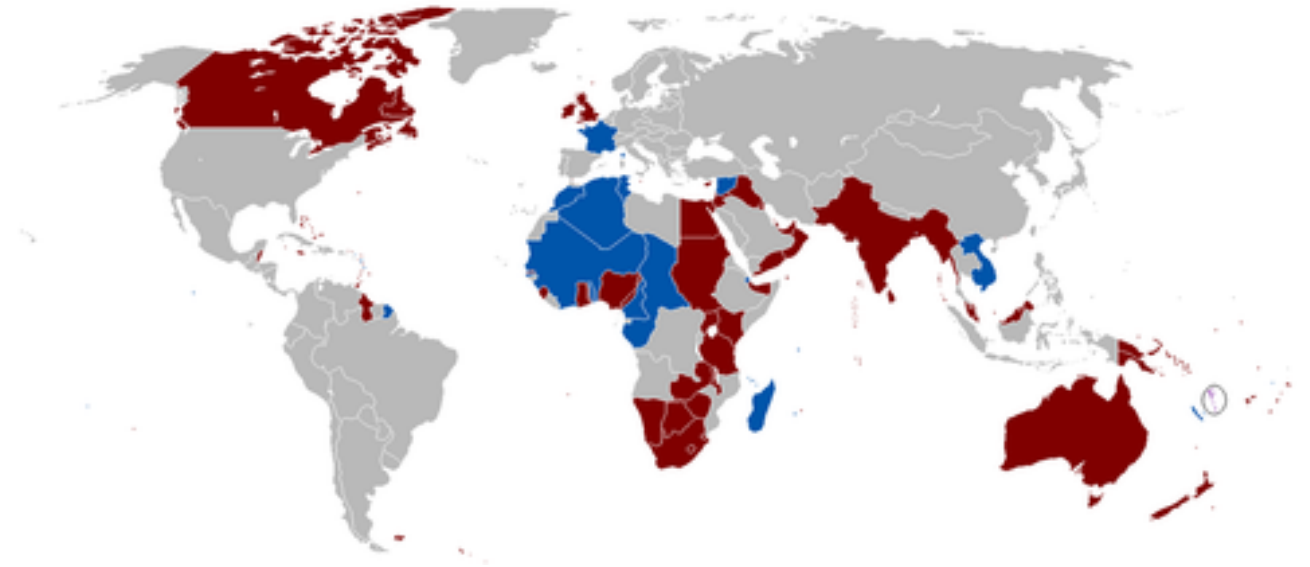
Moreover, the international community has to act as one and not pretend to be a 'community on paper'. They have to come together and diminish bureaucracy in order to make steps forward because some influential states of the UN rather tend to decide for themselves in the past decades. The reason why is because they simply see more efficient and obviously quicker ways to deal with problems whereas the UN occasionally spends a lot of time in debating and discussing than seriously thinking about taking actions. Therefore the delegates have to uphold the commitment of instead of talking, saying and promising rather acting, showing and proving; otherwise it could end with having no real international community anymore.

Lastly, it is vital to expand the aforementioned basis/criteria in order to determine actions taken by countries. The R2P doctrine already exists, though, it has to be more detailed in order to assess the responsibility of states in conflicts. Therefore, the international community needs a framework including the R2P doctrine so that development in this issue can be enhanced. It will be very important that the delegates find ideas about the content of this framework to make the debate easier, more fruitful and of high quality.



Appendices

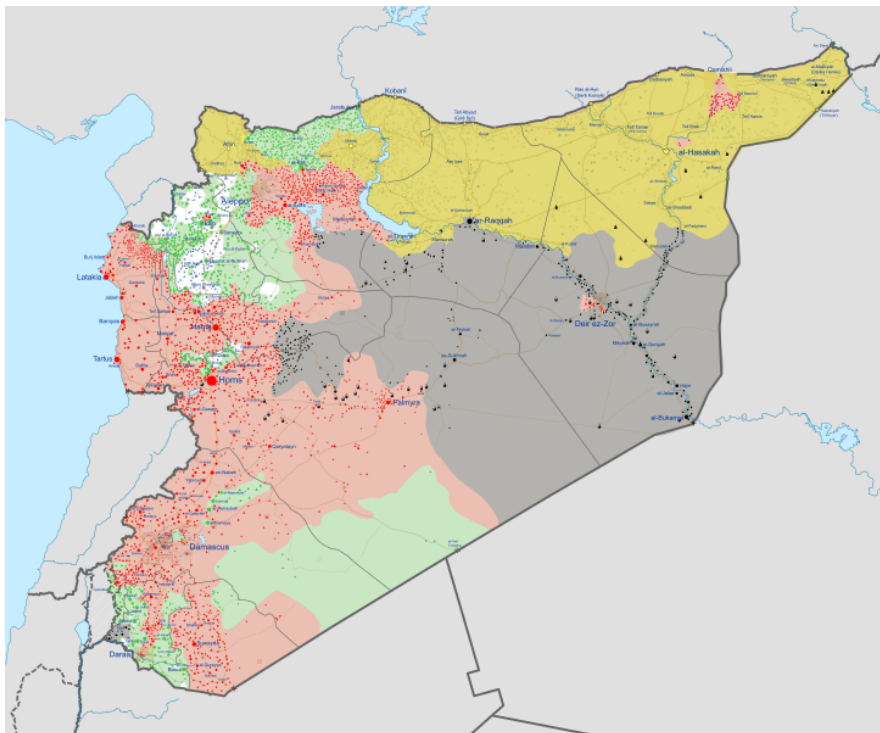
Appendix A



<http://www.aprilsmith.org/uploads/6/8/3/4/6834889/8113676.png?481>

Map showing the colonies of France and the UK during the era of colonialism.

Appendix B

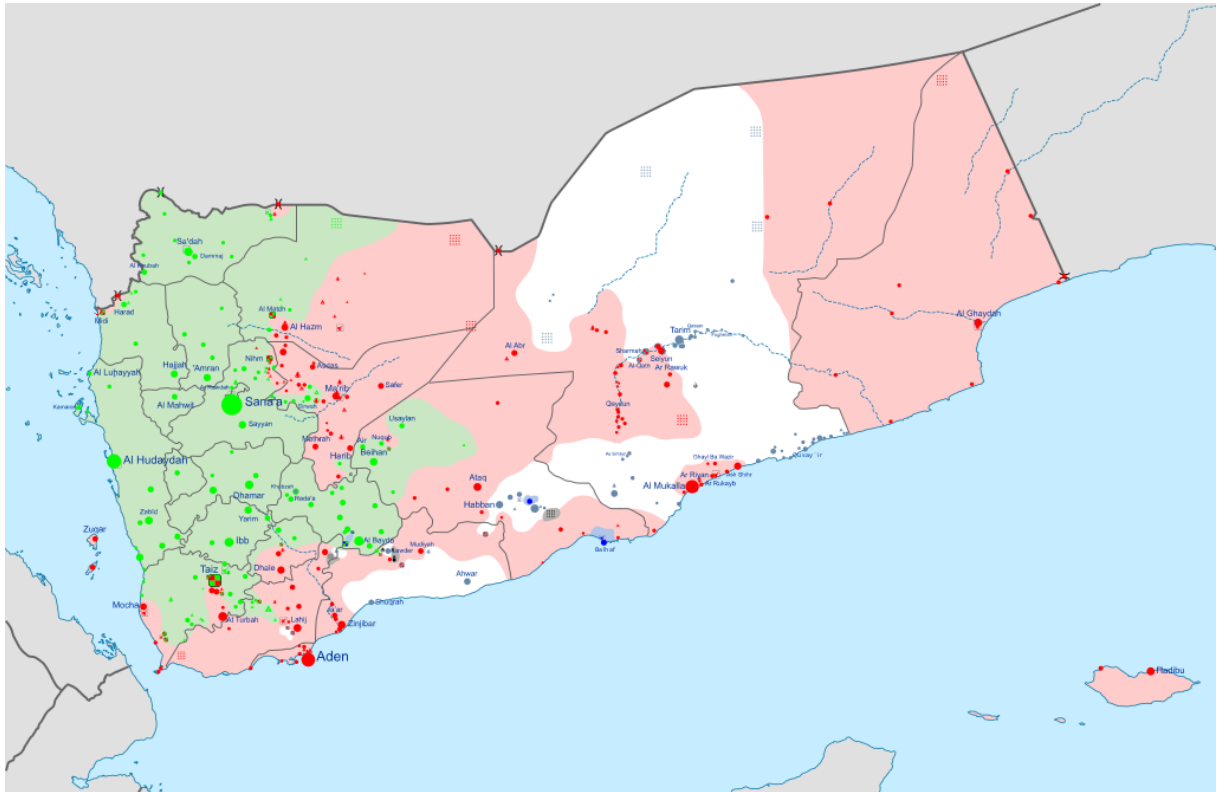


https://commons.wikimedia.org/wiki/File:Syrian_Civil_War_map.svg



Map showing the current military situation in Syria (June 2017). **Red**: Syrian government; **Green**: Syrian opposition; **Yellow**: Rojava (SDF); **Grey**: Islamic State; White: Salafi jihadist groups

Appendix C



[https://en.wikipedia.org/wiki/Yemeni_Civil_War_\(2015%E2%80%93present\)#/media/File:Yemeni_Civil_War.svg](https://en.wikipedia.org/wiki/Yemeni_Civil_War_(2015%E2%80%93present)#/media/File:Yemeni_Civil_War.svg)

Map showing the military situation in Yemen on 12th February in 2017. **Green**: Revolutionary Committee/Supreme Political Council; **Red**: Hadi-led government and allies; White: AQAP; **Grey**: Islamic State

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