

FROM THE UN RESPONSIBILITY TO PROTECT AND LIBYA

Should the world stand by when governments brutalize their people? Should state borders be seen as watertight protection for war criminals and mass murderers? Past UN Secretary General Kofi Annan, at the UN General Assembly in 1999, posed the following question: If humanitarian intervention is an unacceptable assault on sovereignty, how should we respond to a Rwanda or a Srebrenica--to gross and systematic violation of human rights that affect our common humanity? This question sparked a debate around the dichotomy between human rights and state sovereignty.

In response, a high level committee was formed and came up with the doctrine called " responsibility to protect " (R2P). This doctrine, approved by the UN in 2005, declares that the international community has a right and obligation to intervene when a government brutalizes its people. The report outlines the circumstances and details when it should be applied. The intervention in Libya, with UN Security Council approval, is an historic application of this doctrine. Colonel Qaddafi has already attacked his own citizens and has also threatened a bloodbath in Benghazi.

The non-interference in the internal affairs of nations is an important safeguard, but has often bedeviled the UN and inhibited world action. Consider the frustration of Henry Morgenthau Sr. (Woodrow Wilson's ambassador to the Ottoman Empire during the Armenian genocide) who said in a cable sent to the State department; " It is difficult for me to restrain myself from doing something to stop this attempt to exterminate a race, but I realize I am here as ambassador and must abide by the principal of non-interference in the internal affairs of another country".

Another example is the Nuremberg trials of the Nazis at the end of World War II. The Allies had a difficult time formulating a legal basis for the trial. They settled on aggressive war (crimes against peace) or the violation of another state's sovereignty, as the cardinal sins and prosecuted only those war crimes committed AFTER Hitler crossed an international border. Nazi defendants were tried for atrocities they committed during but not before the second World War. If the Nazis had exterminated the entire German Jewish population but not invaded Poland they would not have been liable at Nuremberg.

In 1948 the UN approved the Genocide Convention. It was ratified by many countries and stated that countries committing genocide would no longer have a legal right to be left alone. The United States only ratified this convention in 1986.

Humanitarian intervention is very important as civilians are increasingly the victims in conflicts.

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In the first World War roughly 90 per cent of those killed were soldiers and only 10 per cent were civilians. In contrast, during the second World War, civilians made up about half of all those killed, even if we count all the victims of Nazi death camps as war casualties. In many of today's conflicts, civilians have become the main targets of violence; the proportion of civilians are about 75 per cent.

The genocide in Rwanda, in which 800,000 people were slaughtered in one hundred days, revealed starkly how little the world was prepared to deal with genocide. Only recently has it become accepted (in principle) that national sovereignty should not be a cloak for rulers to grossly abuse their people. The doctrine of R2P is a result of this awakening moral impulse.

Every military operation raises questions concerning its rationale, the possible outcome and the uncertainties resulting from unintended consequences. Some ask, why Libya and not Bahrain, Syria, Russia in Chechnya or China in Tibet. In each case one must consider the human cost, the possibility of getting support and the likelihood of success. This is not a case of a double standard. There is only one standard: that it be just and will have the likelihood of the best consequences. Because the world can't intervene everywhere doesn't mean it should intervene nowhere. In Libya, at this moment civilian lives are being saved.

The ongoing development of international human rights law, including the International Criminal Court, gives us hope that impunity for brutalities will be reduced

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