Military intervention: protection of human rights versus national interest

Summary


This article provides an analysis of the information obtained as a result of cooperation with the state authorities of Ukraine on the human rights impact assessment of international trade agreements. The author sent requests for acquiring public information to the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Economic Development, Trade and Agriculture. As a result, it was found that the human rights impact assessment of international trade agreements, despite the existence of a corresponding obligation to conduct it and the attribution of such competence to certain government agencies is not carried out. Accordingly, there is no methodology for such an assessment, which excluded the organizational dimension from the subject of the article.

The article reflects current approaches to the humanization of international trade law. The author focused on the establishment and approval of a new concept of cooperation between members of the international community namely R2P (responsibility to act), which in addition to protecting violated human rights also provides for active action to promote them for sustainable development. It implies, inter alia, the inclusion of a human rights clause in the text of all international trade agreements. The author concluded that it is necessary to carry out the human rights impact assessment of such agreements in order to increase the positive and minimize the negative consequences of their implementation.

The article represents the positive experience of states and regional associations that assess the impact on human rights, as well as identifies potential risks and limitations of this mechanism. It was found that the number of international obligations of Ukraine in the field of the human rights impact assessment is growing, while the implementation of their provisions at the national level is not produced, which requires improving the existing institutional mechanism and avoiding adaptation of ineffective practices in the national legal environment.

Key words: international trade agreements, human rights, human rights impact assessment, human rights clause, R2A, R2P, Guidelines.

DOI: 10.36695/2219-5521.1.2021.66
UDC 341.23

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MILITARY INTERVENTION: PROTECTION OF HUMAN RIGHTS VERSUS NATIONAL INTEREST

Problems to solve. Intervention, particularly for the purposes of protecting human rights, often involves the use of military force and the disregard for domestic national sovereignty. However, this raises an interesting question of whether this protection of civilian rights influences military intervention more than the national interests of the intervening state. This problem encompasses the widely debated, and often controversial, justifications for the use of military force as a mechanism of peacekeeping at the cost of blatant disregard of a nation state’s sovereignty. The article analyses this debate through the lens of the United Nations (UN) mandate on the Responsibility to Protect (R2P).

Analysis and Literature review. Based on the in-depth literature of Acharya, Barna, Erameh and Jafarova it is relatively clear that, in the context of the chosen case studies of military intervention in both Libya and Syria, the intervening states’ national interests prevailed. Much of the literature on the various justifications of military intervention, particularly through the lens of the United Nations (UN) mandate on the Responsibility to Protect (R2P), points to the resolution that realist international relations theory dominates the debate as intervening states often disregard the national sovereignty of those very citizens whose rights they are aiming to protect.

Aims of the article. This article aims to establish an answer for the long-standing debate of whether humanitarian action and protection of human rights are the greater factor influencing military intervention or whether the intervening state’s national interests prevail. This contributes further to the various justifications of the UN mandate on the Responsibility to Protect (R2P), in the analysis of its legality with accordance to international law.

Content of the article. Intervention, particularly for the purposes of protecting human rights, often involves the use of military force and the disregard for domestic national sovereignty. One of the greatest and most controversial manifestations of such intervention can be analysed through the lens of the United Nations (UN) mandate on...
the Responsibility to Protect (R2P) (UN General Assembly, 2005: 30). Intervention is justified if the concerned state fails to, that is it is ‘unwilling or unable to’ (Ibid.), protect the rights of citizens and thus it becomes the responsibility of the wider international community to ensure the protection of these human rights. However, the arguments presented will establish that such pretence of human rights protection under the R2P mandate can and has been utilised by ‘saviour’ states in order to further their national interests. Thus, an important clarification must be considered as the R2P mandate ‘redefines humanitarian intervention as a responsibility (first, of the state concerned, and failing that, of the international community), and not a right (of outsiders, however, may they represent the international community’ (Acharya, 2010: 374). The analysis takes into consideration this clarification and maintains that in the evaluation of which has the greater influence over interventionist policy, it is, unfortunately, the intervening state’s self-interest which often outweighs ‘the urgent needs of the potential beneficiaries’ (Weiss & Campbell, 1991: 16). The argument will be presented threefold; based on strategic, economic and norm diffusion interests of national states, all of which influence intervention more than protecting human rights.

**Strategic Interests.** Firstly, the factors contributing to interventionist policy in cases of human rights violations are contextualised by various strategic national interests of the intervening states in the region. The case of Syria can be used to exemplify such national interests well, proving to be a contributing factor behind one the greatest failures of the international community to effectively respond to the Syrian crisis through the R2P mandate. The strategic interests of the involved states, particularly Russia and the United States (US), played a more significant role in the Syrian crisis as the states viewed the conflict from a political lens, rather than a humanitarian one. The Syrian case demonstrates the failure of the international community and the United Nations Security Council (UNSC) to ‘transcend beyond the national [strategic] interest of the US and Russia’ (Erameh, 2017: 519) undermining the international community’s ‘duty to protect lives and property’ (Ibid.) of innocent Syrian civilians. Much of the divisive strategic interests of the opposing sides stemmed from various geopolitical and military considerations. Intervention in Syria would ultimately destabilise Russian access to ‘the last Russian military installation outside the former Soviet Union’ (Jafarova, 2014: 44) through the Syrian port Tartus. The port hosts the ‘only Russian military naval base in the Mediterranean’ (Ibid.), a strategically important base for Russian security and geopolitical power in the region.

In 2013, President Obama clearly defined that the US had both ‘a moral obligation and a national security interest in ending the slaughter in Syria’ (White House, 2013); however, almost a decade later the Syrian crisis persists. The US has failed to broker a diplomatic solution between the Assad regime and the rebels. This reluctance to intervene militarily in Syria reveals an important truth about the significant influence of US strategic interests on the nation’s foreign policy. The strategic importance of the Gulf lies largely within the insurance of the US that ‘oil flows freely … preventing any single country from controlling all of that critical resource’ (Mearsheimer, 2014: 13). Thus, despite continued human rights violations, the US has not authorised military intervention in Syria, unlike in the Libyan case, as it is not an oil-rich state and is therefore strategically ‘of limited importance to the US’ (Cassidy, 2015). Thereby, the Syrian case provides evidence that strategic interests serve to influence interventionist policy much more than the protection of human rights. For Russia, US intervention in Syria would be a strategically destabilising threat to the protection of Russian military capacity in the region. For the US, intervention in Syria has been limited by the reluctance to take action in a strategically deprioritised state with no natural resources of importance to the US, despite the continued and escalating human rights violations. Thus, national interests remain the primary obstacles to the Council’s ability to demonstrate a unified stance and take stronger action (Jafarova, 2014: 25) in the Syrian crisis.

**Economic Interests.** Secondly, economic national interests play a significant role in influencing interventionist policy over the interests of protecting human rights. The economic interests of both Russia and China in Syria exemplify this. China and Russia have on multiple occasions opposed reaching a conclusive interventionist strategy by the UNSC to aid the situation in Syria due to their opposition to contributing to regime change. Both have disregarded human rights violations repeatedly opposing intervention in Syria, which would inevitably harm their economic interests in the region, by stating that such intervention would result in an illegal ‘externally driven attempt at regime change in Syria’ (Jafarova, 2014: 44). Syria remains a ‘substantive importer of Russian arms in the sum of $4 billion’ (Ibid.) and similarly, China’s trade interests remain in Syria as it is one of the ‘biggest exporters of goods to Syria’ (Ibid.). Both Chinese and Russian economic interests rely on the persistence of the conflict in Syria, providing ample evidence for the motivations behind policy in Syria, none of which are primarily concerned with the human rights of Syrian civilians.

Furthermore, one of the most notable cases of foreign military intervention based on economic interests under the pretence of humanitarian aid and protection of civilians was the case of Libya. The Obama administration released various statements authorising the intervention in Libya for the purposes of ‘preventing mass atrocities, … a core moral responsibility of the United States’ (White House, 2011). However, the Libyan situation indirectly destabilised both US security and their economic trade partners in Europe, much of which rested on the resource security of oil in the region. Although Gaddafi’s regime ‘was incapable of mounting a direct strategic threat to the US’ (Barna, 2012: 57) the economic necessity to intervene militarily in Libya influenced US foreign policy greatly due to the reliance of Europe on Libyan oil exports. Thus, with the aid from its European allies, the US military intervention in Libya was influenced by economic interests in the region, largely through the lens of oil imports, not human rights protection. The threat of the termination of Libyan oil exports to Europe ‘was unacceptable and detrimental to the already fragile economic situations’ (Barna, 2012: 57), particularly in European countries along the
Mediterranean; Italy, Spain and France. Thus, despite worries of Libyan human rights violations under the Gaddafi regime, the intervention was largely motivated by the economic interests of the US and its allies in the oil-rich region. The case of Libyan humanitarian intervention further exemplifies that national interests of the intervening states, particularly in this case economic interests, play a greater role in influencing interventionist policy than the protection of human rights.

**Intervention for the Diffusion of Norms.** Lastly, in the examination of the influences on interventionist policy, the national interest of intervening states to diffuse norms through intervention must be taken into consideration. In pursuing the goal of peacebuilding through intervention, the international community 'promulgates a particular vision of how states should organise themselves, based on principles of liberal democracy and market-oriented economies' (Paris, 2002: 637). Thus, with the spread of such international peacebuilding or humanitarian missions, which intervene in unstable domestic conflicts, the influence of national interests of spreading certain ideological models of governance must not be underestimated. This analysis is particularly prevalent in the post-Cold War era, in which all peacebuilding missions, without exception, 'have attempted to transplant the values and institutions of the liberal democratic core into domestic affairs of peripheral host states' (Ibid., 638). This globalisation of liberalist models of government, important for the national interests of powerful states in the West seeking to maintain their spheres of influence, has had a greater influence on such interventionist policies than the protection of human rights.

National interests of norm diffusion stem from an argument that such missions render a modern mission civilisatrice, a post-colonial manifestation of the European imperial powers' ‘duty to civilise overseas possessions’ (Ibid.).

The principles of intervention for the diffusion of norms relates to the idea of ‘responsible sovereignty’ (Acharya, 2013: 474), one which aims to transition states into democracies through intervention, for example via the R2P mandate. Intervention in Libya exemplifies this argument well as the principles which influenced this intervention have been disproportionately focused on the states’ interests of norm diffusion rather than the protection of human rights. The aftermath of the intervention in Libya demonstrates that ‘Britain and France clearly exceeded the mandate of the UNSC by turning the original mandate of civilian protection into an explicit move for regime change’ (Ibid.). Such action was detrimental to the security of Libyan civilians, demonstrating that the influence to intervene in Libya stemmed from the national interests of the West to overthrow Gaddafi and establish a Western-led democratic transition, over the need for protecting human rights. In addition to the case of Libya, the policy in Syria further exemplifies the influence of national interests of norm diffusion over the protection of human rights or the provision of humanitarian relief. The case in Syria in attempting to remove the Assad regime and work towards a US-led democratic ‘political transition process’ (White House, 2013), posing a security threat to both China and Russia.

Such a transition would contribute to the spread of Western political standards, such as various liberal freedoms and democratic values, thus posing a threat to China and Russia, explaining their rejection of Syrian intervention, in ‘what they perceive as meddling in the resource-rich contiguous region’ (Jafarova, 2014: 44). Therefore, the Libyan and Syrian cases demonstrate that in the face of preventing human rights atrocities, evidently states of the international community are influenced much more by national norm diffusion interests than the need to protect civilians’ human rights.

**Conclusions.** Ultimately, evidence presented above challenges the view that states are influenced largely by humanitarian aims in cases pertaining to military intervention, during which they devote billions to their national budgets, engage in costly foreign policy and often risk public approval. Perhaps such conclusions derive from a rather realist international relations analysis framework, yet the case studies of both Libya and Syria seem to evidence this view. Thus, national interests, whether they be strategic, economic or for norm diffusion aims, play a greater role in pushing states to intervene than the protection of human rights. In the cases discussed above the humanitarian aid that was provided and the efforts of the intervening states to protect human rights were undoubtedly important in influencing the decision to intervene.

However, in an effort to determine which had the greater influence, the protection of civilian rights merely served as a justification for intervention and any positive impacts in relation to this would have ultimately derived as a by-product. The R2P mandate underpinned both the intervention in Libya and the conflict in Syria. This mandate clearly states that the protection of rights must be the greater influencing force in the decision to intervene in sovereign state conflicts, a principle clarified de jure by the mandate. However, whether this is manifested de facto as laid out by the R2P can be, as evidenced by the cases of Libya and Syria, critiqued to a great extent.

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Правова система України й міжнародне право, порівняльне правознавство


Резюме

Свирипа С.М. Військове втручання: захист прав людини або національних інтересів. Всі народи мають невід’ємне право на повну свободу, на збереження їх суверенітету і цілісність національної території. «Відповідно до цього права, вони вільно визначають свій політичний статус та здійснюють свій економічний, соціальний і номічний або інформаційне вторгнення однієї або декількох держав у внутрішні справи іншої держави». Військові дії можуть стати причиною небажаних наслідків (створення перешкод конкурентам у боротьбі за владу, зокрема, шляхом використання піар-технологій; накопичення збитків захисникам національних цінностей і національної безпеки, що нехтуючи внутрішньої суверенітета, територіальної цілісності і незалежності). Війна зачіпає особливі економічні, політичні та матеріальні інтереси. Але на чику користь вирішуються “позитивні інтереси”? Чи має держава-інтервент на меті захист прав мирного населення країни, у справи якої втручається, чи дбає про свої національні інтереси? Ця проблема відповідає можливості захисту прав людини відповідно до “Обов’язку захищати” була дійсно застосована в Сирії, Лівії, Іраку та інших країнах.
Смирнова С.М. Военное вмешательство: защита прав человека или национальных интересов.

В статье представлен анализ этой проблемы через призму мандата Организации Объединенных Наций (ООН) по «Обязанности защищать». Из представленных аргументов установлено, что такая претензия на защиту прав человека в соответствии с мандатом по «Обязанности защищать» была использована государствами-«спасителями» для продвижения своих национальных интересов. Это подтверждается подробным тематическим исследованием военной интервенции в Сирии и Ливии. Анализ состоит из трех частей и автор приходит к выводу, что стратегические, экономические и нормативные интересы страны-интервента имеют первоочередную задачу в процессе вмешательства, а не защита прав человека.

Ключевые слова: права человека, обязанность защищать, военное вмешательство, Сирия, Ливия, суверенитет, национальные интересы, миротворчество, международное право.

Summary


Intervention, particularly for the purposes of protecting human rights, often involves the use of military force and the disregard for domestic national sovereignty. However, this raises an interesting question of whether this protection of civilian rights influences military intervention more than the national interests of the intervening state. This problem encompasses the widely debated, and often controversial, justifications for the use of military force as a mechanism of peacekeeping at the cost of blatant disregard of a nation state’s sovereignty. The article analyses this debate through the lens of the United Nations (UN) mandate on the Responsibility to Protect (R2P). The arguments presented will establish that such pretence of human rights protection under the R2P mandate can and has been utilised by ‘saviour’ states in order to further their national interests. This is exemplified through the thorough case study of military intervention in Syria and Libya. Such reasoning is presented threefold; based on strategic, economic and norm diffusion interests of national states, all of which influence intervention more than the protection of human rights.

Key words: human rights, responsibility to protect, military intervention, Syria, Libya, sovereignty, national interests, peacekeeping, international law.

DOI: 10.36695/2219-5521.1.2021.67
UDC 327.82(560)

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WOMEN ROLE IN SOFT POWER OF INTERNATIONAL RELATIONS: TURKEY CASE

Introduction

Women’s participation in international politics and decision-making mechanisms, which constitute half of the world’s population, may point to problems related to the structure of these societies and the functioning of international relations. Having a say in politics participation and decision-making mechanisms gives some important clues about the forms and dimensions of the relationships that the individual has with the political, economic and social institutions that he / she lives in. These relations include monitoring politics and decision-making processes, voting rather than obtaining information, being candidates in elections, actively participating in politics, and demanding to participate in decision-making mechanisms. Today, insufficient representation of women in politics and decision making mechanisms clearly indicates the existence of gender discrimination in the basic structures, institutions and processes of international politics and global economic order. Beyond the inadequate and incomplete representation of women, it should be taken into consideration that the structuring of the current political and economic order actually has a number of characteristics that create and maintain this discrimination.

This study is not based on the necessity of women to participate in politics more quantitatively, but on the necessity of women in politics to give a language and style specific to women in Turkish politics. Why and how all the language and methods of masculine politics in after the discussion of the main problematic of the study they have to use will be revealed. Then, it will be discussed why women need to perform themselves as women in politics, and what characteristics of women they should establish.