

The documents below consider international law and international intervention. Read them **both** in order to answer **all** the questions on the question paper.

Document 1: adapted from *Is Humanitarian Intervention Justified?*, by Sami Steinbock. The author is a research assistant for a non-profit-making organisation that studies relations between governments. The article was published in *Backbencher*, a weekly guide to political affairs in the UK, in 2013.

Humanitarian intervention is the intervention within the internal affairs of another state for humanitarian purposes. This action can be both through the use of force and/or non-violent means.

There are sometimes thought to be distinct conditions that, if achieved, mean humanitarian intervention is justified. The threat or harm carried out to the human population of the nation must be sufficiently clear and serious to justify the use of military force. There should be no other purposes or ulterior motives for the intervention. The humanitarian intervention must be used only as a last resort. Non-military options must be explored, and there must be justification for having to resort to military action (which echoes international law on military force in general). The intervention should be done by proportional means. The scale of force, duration and intensity of action should be the minimum necessary to deal with the threat in question. The principles of international law are humanitarian in nature; they seek to affirm the dignity of man and protect human life. To preserve those principles, action must be taken.

However, there are counter-arguments against the legality of humanitarian intervention. Every state has responsibility for its own affairs within its boundaries; therefore, one country supposedly does not have the right to cross those boundaries and impose its values and opinions on another country. In 1939, Adolf Hitler invaded Czechoslovakia. The invasion of Czechoslovakia was both justified and legitimised by Hitler under the pretext of humanitarian intervention. However, the reality of this invasion was far from humanitarian.

In the last thirty years, there have been 13 cases of military humanitarian intervention. The United Nations (UN) had success in Libya, although in East Timor success was limited. The same is true in the Democratic Republic of Congo, where civil war has lasted 25 years and more lives have been claimed than in any war since World War Two. In terms of non-violent intervention, there is the same controversy. In October 2010, an earthquake hit Haiti. Along with it came the death of 54 people in Haiti and tens of thousands of people left homeless: the UN sent relief workers from South Asia and they brought with them cholera – a disease Haiti had not seen in over a century. Since then more than 500,000 people have been infected by this disease – more than the earthquake caused in the first place. This is an example of humanitarian intervention that is non-violent being far from carried out properly. Yet, had it been a success and carried out properly, it would have been justified.

Humanitarian intervention is justified when it is carried out properly. In theory, it is justified when the conditions are met and if it is humanitarian in nature. In reality, it is only afterwards that an intervention can be justified – or not. It is only, in reality, justified if the intervention was successful.

Document 2: adapted from *In Whose Name?*, by Lou Pinget and Wolfgang Obenland. The authors write for The Global Policy Forum, an organisation seeking to strengthen international law. The report was published in 2014.

In the face of mass killings and humanitarian disasters in Somalia, Rwanda and Bosnia in the 1990s the 'international community' often failed to take decisive action to protect civilians at risk. In 2000 the government of Canada set up the 'International Commission on Intervention and State Sovereignty' which introduced the concept of the 'Responsibility to Protect' (R2P). The concept of the R2P is one of those ideas that has developed quickly and is now being discussed throughout the world. It affirms that states and governments not only have a right to run their own affairs but a responsibility to protect their populations. When states fail to uphold this responsibility, the international community must take action. The concept aims at creating more consistency by making it clear who should intervene and under what circumstances in order to make it more difficult for United Nations (UN) members to ignore their responsibilities.

However, critics have raised concerns about the concept of R2P, arguing that it is a veil for self-interested interventions by major powers and a threat to international peace and security. Although R2P attempted to present new ideas to address humanitarian crises, the concept is flawed. It moves the debate away from what is legal to what people think is 'right' and 'wrong'. R2P portrays those who violate human rights and kill as irrational and unnecessarily violent, when they are in reality usually motivated by political goals. It represents their violence as a slippery slope that leads to genocide. This misrepresentation can lead to opportunities for negotiations and political compromise being missed.

R2P cannot be conducted against the will of the Security Council of the UN. But R2P can never apply to major powers, and those powers happen to be the only ones capable of mounting a credible military intervention. Lack of intervention in the past has generally been due to a lack of interest by those major powers – or an interest in not solving the crisis. R2P is also forgetful of history. Many progressively-minded groups in the nineteenth and twentieth centuries were in favour of colonial intervention and enthusiastically claimed that colonisation by the west would lift native people out of ignorance and misery.

R2P does not give a satisfying answer to the key question it is supposed to address: how do we prevent, and if prevention fails, deal with large-scale human rights violations and killings? The concept is particularly dangerous, as it mixes uncontroversial and widely accepted notions that states have a responsibility towards their citizens with more dubious claims that military intervention is an appropriate tool to protect citizens. Therefore, the concept of R2P should be rejected entirely and instead we should devote attention to ensuring that the international system does not fail to begin with.

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