Study of the Third World Countries Interruption Effect in Making Responsibility doctrine according to International Laws View

Saeedeh Pirbodaghi
MA of International Law, Payam Noor University, Tehran Center Branch, Iran
saeede.pirbodaghi@gmail.com

Abstract

Responsibility doctrine of support international laws has been focused in recent years. This conception works on providing a new definition about governance, which means responsible governance to fight with breaking human institutional rights in a country realm and by a related government, it is a solution to respond defect and weakness of international system in facing with the main breaking of human institutional rights and reflection of international community sensitivity to tragedy disasters of human in Somalia, Rwanda, Bosnia and Kosovo. According to this principle, that worked on interruption ad governance of countries in 2001 and was established through UN authorities meeting formally, countries were oppressed by the occurrence of genocide, war crimes, ethnic cleansing and crimes against humanity all over the world and first work on direct and deep reasons of crisis by written permission from Security Council and will react by resorting to non-military and diplomatic tools if these methods are not efficient. Military intervene is always considered as the last solution. International community will be responsible to reconstruct the chaotic structures of crisis-hit country after crisis. Continuous emergence of new countries as well as the emergence of the Third World is one of the most vivid aspects of contemporary international relationships and also international laws. If it is right that the emergence of socialist countries after the socialist revolution of 1917 has changed traditional international law specific to socialist ideas, this will be reality that the emergence of new countries and the Third World after World War II will define international law and gives new conception to it. In this study, responsibility doctrine and effect of responsibility doctrine of support will be investigated in the third world countries.

Keywords: Third world countries, responsibility doctrine, National Security Council.
Introduction

Effect of the third world on international laws is such important issues which have attracted many people who have worked with it. International lawyers discussed the issue as early as 1950 and 1960. In addition, many authors have written numerous research books in Asia, Africa and Latin America as well as Europe and North America. Nonetheless, situation of the Third World is growing rapidly; therefore, its effects on international laws are so important that international particularly Chinese lawyers should focus on it regarding to be member of this third and developing countries or not. The most obvious change in international relationships has been quantitative in recent decades, because number of countries has significantly increased in this period. Of course, these quantitative changes undoubtedly will lead to qualitative changes. Support responsibility put the origin of its theory on support of population and people inside governments’ governance and declares that each country should protect its people against intensive human crises and international community will help with those governments, if necessary. If governments are not successful in this responsibility or be reason of extensive violation against human, international community is responsible to intervene and protect that population even by military force as the last choice. Now, it should be considered whether this VETO right is for or against humans, international peace, how will resolutions help freedom movement if loss. The purpose of this study is to investigate first Veto right and then how to help its sample movements in Middle East and Arabic countries; help which purpose is document of support responsibility.

Countries Positioning About Support Responsibility

UN and other international and regional organizations worked on their responsibilities I this regard and countries cooperation is promising. Fortunately, UN members have taken positive steps toward responsibility doctrine and their procedure in all positions of UN, Security Council, and General Assembly show their sensitivities about this issue. Here after investigating on countries positions about responsibility doctrine to support in General Assembly of UN and Security Council, human disas- ter of new century has brought responsibility doctrine to get its present supportive form, various aspect of this doctrine meaning prevention, response and reconstruction are investigated.

The Status and Conception of the Principle of Humanitarian Intervention in International Laws

“Humanitarian intervention” issue has been one of the most challenging issues for professors and authorities of international laws and also politicians of various countries in frequent period. Therefore, reasons of sub-issues of “humanitarian intervention” in legal and political books have many extension, aspects, and angles. The aim of this study is humanitarian intervention as introduction in this chapter to be able to analyze this international law principle by new theory of support responsibility more precisely. Humanitarian intervention is actually a branch of humanitarian international laws and sub-field of law. International humanitarian laws are also called law of armed conflict or law of war is based on definition of “it is a set of rules that seek to limit the effects of armed conflict is a humanitarian reason. The rights of people who are not
in conflict, as well as other people who do not participate in hostilities, like wounded soldiers, supports as well as the tools and methods of fighting limits”. More explicitly, the purpose to say humanitarian laws is imposing canon or common laws which can particularly solve humanitarian problems which are directly involved armed both internally and internationally, because these regulations limit rights of both fighting parts in using war equipment and methods and support involved parts belongings”

The conception of humanitarian intervention in traditional international laws has some differences with the contemporary ones. Therefore, first present definitions about traditional conception of these international laws principle is investigated then modern conceptions are explored precisely.

Executive Mechanisms to Limit Support in International Levels

Increasing awareness of support responsibilities among civil societies, politicians, and public are done first by development of basic education on the principle of responsibility to protect, such as familiarity with the various stages of the theory, limited to four crime and stressed the idea of prevention and early warning then effective actions can be done to have better perceptions of various aspects of support responsibility by publication of translated texts about the responsibility to protect in different countries. This increase in awareness can build consensus in the international community to accept the responsibility to protect doctrine obligations.

It should be tried to promote support responsibility theory to an international common laws to inter to international conversations and instructions by chapters of support responsibility and its mechanisms. Entrance of responsibility to protect doctrine to treaties between two or more countries or login to regional and international agreements can help to change this theory to an international common law.1

As we stated before, it is very important to give institute form to theory of responsibility support. It means which element is responsible for tasks other organs of the international responsibility to protect or coordinator responsibilities in the implementation of this theory. It seems that, it is ideal for better execution of this support responsibility to undertake responsibilities and assignments of support an element in UN such as Secretariat or the Security Council and this element should have enough capacity to ask other elements of UN and also other international and regional institutes with more specialized form to have necessary cooperation in executing commitments and theory of support responsibility.

Another method of promoting and developing theory of support responsibility is its legalization in international laws. Various international and regional institutes can reach to tangible and accurate perception of their responsibilities in executing support responsibility doctrine and functionalize it by legalization.

As role of international laws commission mentioned before, it will be important and effective in this relationship. We observed previously that Security Council in 2006 and General Assembly

---

in 2005 and 2009 did actions in this regard. Another important notion to promote support responsibility doctrine in international common law level is making procedure. As we know, procedure is one of the most important elements that can play determining role in forming international common law.

Making capacity of diplomatic protection is significantly important in various stages of liability. Increasing diplomatic capacity by UN, regional organizations and countries mutual relationships may lead to set regulations and necessities for countries and international organizations and finally provide essential conditions to for proper readiness in international level to react to severe human crises.

Enabling international institutes for Support Responsibility

1. Role of Various elements of UN in Executing Support Responsibility:

UN should be in center of support responsibility discussions whether for preventive actions or reaction responsibility, because UN has global effective membership now and is in the highest rank of legalization than other players in international laws and relationships. Various pillars of UN such as General Assembly, Security Council, the Secretariat and other departments affiliated to the United Nations have significant role in evolution of development and execution support responsibility.

2. Role of General Assembly in Promoting Executive level of Support Responsibility Theory

General Assembly has tried for effective role in normalizing support responsibility and empowers it in global level according to Statement in 2009. This Assembly tries to get to this theory in international level by annual considering this issue and formal and informal meetings during the annual session of the Assembly of Heads of State to take the next steps of formulating and legislation about how to simplify executing support responsibility. When we look at the background of General Assembly about support responsibility, we see that this pillar of UN has played its role better than any other pillars of UN and also any foreign institution.

3. Role of Security Council in Promoting Executive Level of Support Responsibility Theory

As much as General Assembly role is highlighted in normalizing, role of Security Council as executive am of UN is highlighted in execution decision making and functionalization support responsibility. Although, Security Council reference to its resolutions will have normalization and legalization beside functionalization aspect.

The Third World and Its Effect on International Laws

Continuous emergence of new countries as well as the emergence of the Third World has been one of the most explicit aspects of contemporary international relationships and also international laws. If arrival of socialist countries after socialist revolution in 1917 is true, it has changed traditional international laws to specific socialist assumptions. This also will be true that continuous emergence of new countries as well as the emergence of the Third World after the
World War II, it has found new meaning and definition about international laws. Many authors have discussed effects of modern international relationships in recent decades. After the World War II, nature of international relationships has changed fast and there has been no chance except international law for adjustment with these changes. Makwini in his recent book “Conflict and reconciliation of international law and world order during the revolution” worked on this issue that new world is passing “revolution duration” despite that all recorded history is "the process of revolution, or at least change", but nowadays is different from the initial days of hard history, because this is “revolution era”; a revolution that is unprecedented in terms of scope and severity.

Conclusion

- International community is dynamic; therefore, international law should be dynamic and always in changing. The emergence of new countries as well as the creation of the Third World in Contemporary International relations has been principal and important issues. Third World has found its proper place in the international and has adopted positions on issues of international law and influenced on future changes of international law. Today after passing one decade of responsibility doctrine design by international commission intervention and governments’ governance and their acceptance in summit outcome of authorities in 2005, there is no doubt that international community has recognized this doctrine as a necessity with hope to minimize human disasters repetition by obeying it.

- Security of UN was finished to use all necessary means, on 31 October 2011. Libya is the first country to use the norm of the responsibility to support the United Nations. The advocates of this theory said this operation has been successful and able to sustain his regime that slaughtered his own people. Of course, NATO admitted on the basis of data of innocent citizens have been unintentionally killed or wounded despite all their precision.

- The crisis in Gaza was one of the most important tests of doctrine responsibility in the past decade. In theory and in accordance with the assumptions of the doctrine, there are necessary legal backgrounds to apply this doctrine about the Gaza crisis.

- Security Council ended the provisions in Resolutions 1970 and 1973, especially in connection with the use of all necessary means, including military action in resolution 2016 in October 2011.
References


Bigdeli, Saeed, legal aspects of Israel's war on Gaza, Tehran, Imam Sadegh University, 2009.


Jan Brownlie, Principles of Public International Law, 1999.

Ian, Brownlee, international law during the final years of the twentieth century, translation Saleh Roghabaei, Institute for Political and International Studies Press, 2004.
Karami, Jahangir, the UN Security Council and humanitarian interventions, Ministry of Foreign Affairs, 2010.

Kassese, international law in the world non-united, translation Morteza Kalantarian, office of international law, Tehran, 1991.


Report of the International commission on Intervention and state sovereignty (ICISS), 2009


Welsh, Jennifer.2009. Implementing the Responsibility to Protect,availableat:http://www.21school.ox.ac.uk/downloads/briefings/Implementing%20the%20R.