



Forum: 6th committee – Legal

Issue: Violations of international law due to military operations globally

Chair: Andrejs Tupikins

Co-chair: Maija Kazaka

Description of issue:

After the Second World War, there was a tremendous desire to ensure that civilian populations would never again experience the horrors of war. To ensure everyone's safety worldwide, the United Nations was founded. Hundreds of nations joined the UN to protect themselves. Even the most powerful countries have acknowledged the importance of international support and cooperation and have frequently requested permission from other countries before waging war. Rarely are the rules disputed. However, some international law is highly contentious and political. This extends to topics like fishing rights as well as the rules of war.

When an aggressor country starts a military operation against another country, both sides have to follow certain rules and laws, in other words “Rules Of The War”. Rules of the war are based on international law and several other laws and conventions. It states what weapons countries are not allowed to do such as usage of biological weapons or nuclear weapons. The countries that are in the war, have to follow the human rights, for example, torture absolutely prohibited and cannot be justified under any circumstances.

Currently, the world is facing disputes, and those are good examples of how countries are following this restriction or not. If during a military dispute between states either of the sides are violating the International law, the state that violated it, might be subjected to diplomatic pressure and economic sanctions. Also, the country that was subjected to the violation of the International law, could have a trial in the International Court of Justice (ICJ). The criminals (country or people) are prosecuted according to International law.

Background information:

Middle East conflicts

Over the past decade, the bulk of the world's deadliest conflicts have been in the Middle East, such as those taking place in Syria, Yemen, Iraq and Turkey. Syria has also been the deadliest conflict in the world since 1989. In addition, countries bordering the Middle East – Afghanistan being by far the most significant here – are also very high on the list of deadly conflicts. Overall, the concentration of armed conflicts has shifted quite dramatically through the years. It leads to many war crimes that were committed. In other words, bombing, torture, attacks of civilians and other violations were taking place during the conflicts in the Middle East.

- **United Arab Emirates in Yemen**

The seven-year-old war in the Arabian Peninsula between the Houthi-dominated government in Yemen's Sana'a and the Saudi-led coalition opposed to the Houthis is escalating. It is in danger of dragging in more countries, including the United States. The Saudi-led coalition carried out more than 150 airstrikes on civilian targets in Yemen, including homes, hospitals and communication towers. Hundreds of thousands have died from the fighting or its indirect consequences, such as hunger, the United Nations says. The devastating air campaign alone — carried out by a Saudi-led coalition — has killed almost 24,000 people, a number that includes combatants and nearly 9,000 civilians.

On April 1, the UN announced that it had brokered an agreement between the Houthi armed group and the Saudi and UAE-led coalition that includes a two-month ceasefire coinciding with the start of Ramadan. The two-month ceasefire announcement is leading to momentum for peace talks, with the coalition and the Houthis acknowledging it as a step toward a political agreement to end the conflict.

The recent attacks underscore the urgent need to pursue accountability for human rights violations and war crimes in Yemen through prosecutions. A new international commission of inquiry is needed to replace the United Nations-mandated investigation shut down in October 2021. Any upcoming negotiations and agreements should include the creation of a credible international mechanism to ensure accountability for abuses by all parties to the conflict and should avoid endorsing any amnesties for serious international crimes. Under United Nations policies, it cannot endorse peace agreements that promise amnesty for genocide, war crimes, crimes against humanity, or gross violations of human rights. Its peace negotiators and field office staff are required not to encourage or condone amnesties that prevent prosecution of those responsible for serious crimes. The mechanism

created should provide a path toward prosecuting those responsible for laws-of-war violations and provide appropriate compensation to victims.

Serbia in Yugoslav wars:

Serbia has committed numerous war crimes during the Yugoslav wars. The International Court of Justice, cleared the Republic of Serbia of direct involvement in genocide, but found that it had failed to prevent mass killings, rapes, and ethnic cleansing. The war crimes were usually carried out on ethnic and religious grounds and were primarily directed against civilians.

- **Croatian War:**

Together with Serbian military and paramilitary forces, rebel Croatian Serb forces carried out several war crimes and murders in the Republic of Croatia. According to the Croatian Association of Prisoners in Serbian Concentration Camps, a total of 8,000 Croatian civilians and prisoners of war went through Serb prison camps, where many were heavily abused and tortured. A total of 300 persons never returned from them. In all, 4570 camp prisoners have filed lawsuits against the former Serbia and Montenegro (now Serbia) for abuse and torture committed in the camps.

Nearly 10% of the nation's total housing capacity—were destroyed or damaged in Croatia during the conflict, according to Croatia's complaint against Yugoslavia (after the Republic of Serbia). Approximately 300,000 hectares of fertile land were obstructed by nearly three million landmines that were laid by the combatants.

- **Bosnian war:**

During the Bosnian War, the Army of the Republika Srpska and Serbian paramilitary forces perpetrated a number of war crimes against Bosnian civilians. There were several concentration and prison camps in Bosnia. It cleared Republic of Serbia of direct involvement in genocide during the Bosnian war, but ruled that Belgrade did breach international law by failing to prevent the 1995 Srebrenica genocide.

- **Kosovo War:**

After NATO bombed Yugoslavia on March 24, 1999, the Federal Army and Serbian police systematically attacked villages with Albanian residents, abusing, robbing, and killing civilians while ordering them to flee to Albania or Montenegro, setting fire to their homes, and destroying their property, according to the International Criminal Tribunal for the former Yugoslavia's legally binding verdict. Albanians were killed, sexually abused, forcibly removed from their homes in large numbers, and their religious structures were demolished during the violent campaign. During the execution of the "joint criminal enterprise," which aimed to "by using violence and fear, force a considerable number of Kosovo Albanians to leave their homes, beyond the border, the state government to keep control over Kosovo," Serbian soldiers perpetrated a number of war crimes.

Current war in Ukraine:

On the night of 23 to 24 February 2022, Russia launched a military offensive in Ukraine. The United Nations considers this attack to be a violation of the territorial integrity and sovereignty of Ukraine. It is contrary to the principles of the Charter of the United Nations. Russia violated international law by breaching the fundamental principle that the use of military force against another state is prohibited, so that all other states are obliged to not recognize the situation and are obliged to cooperate to terminate it by lawful means.

Furthermore, Belarus may have also committed another breach of international law. When States provide their territory as a launch pad for attacks against a third State, it could cause harm to an adversary and render it a co-belligerent. For instance, in the Iraq War of 2003, the US deemed Kuwait and Qatar as its co-belligerents against Iraq as it launched its military operations from their territory. Similarly, Belarus could arguably be a party to the conflict with Russia.

Global reaction to Russian- Ukraine invasion:

When the vast majority of the states called Russia's invasion an "aggression", there are states that said that Russia had a right to invade, such as Syria, Cuba and Venezuela. Several states like Pakistan abstained from the General Assembly Resolution condemning Russia's invasion, along with India, Sri Lanka, and Bangladesh. The state that supported Russia was North Korea and Belarus, whose state position was mentioned above.

Main countries involved:

- Russia
- China
- The United States of America
- United Kingdom
- Serbia
- Turkey
- United Arab Emirates
- Israel
- North Korea

Key terms:

War crimes - is a serious breach of international law committed against civilians or "enemy combatants" during an international or domestic armed conflict.

International law - defines the legal responsibilities of States in their conduct with each other, and their treatment of individuals within State boundaries.

Military operation- the coordinated military actions of a state, or a non-state actor, in response to a developing situation

Justification - the act or an instance of justifying something.

Invasion - attack by the armed forces of a State of the territory of another State.

War - a state of armed conflict between different countries or different groups within a country.

Questions for delegates:

- What is your country's opinion on this issue?
- What are some actions the UN should take regarding this issue?

Links:

<https://rsilpak.org/2022/the-russian-invasion-of-ukraine-and-international-law/>

<https://www.hrw.org/news/2022/04/18/yemen-latest-round-saudi-uae-led-attacks-targets-civilians>

<https://www.justsecurity.org/55983/time-dust-war-crimes-act-toumajan-yemen-uae-emirates/>

<https://www.washingtonpost.com/investigations/interactive/2022/saudi-war-crimes-yemen/>

<https://www.brookings.edu/blog/order-from-chaos/2022/02/10/yemen-war-spreads-to-the-uae/>

https://en.wikipedia.org/wiki/Serbia_in_the_Yugoslav_Wars#War_crimes

