

The image features a complex, multi-colored background. A wireframe hand is positioned at the top, holding a wireframe arm that extends across the top half. Below this, a wireframe hand is shown in a different pose, reaching upwards. On the left side, there is a circular pattern composed of many small, radiating lines. The background is divided into several overlapping rectangular areas in shades of brown, green, and orange. The text "A MATTER OF CONSCIENCE" is centered horizontally across the middle of the image.

A MATTER OF CONSCIENCE



Albion political scientist Carrie Booth Walling explores the challenge of protecting human rights as the 'new wars' reshape armed conflict.

Human rights concerns are never far from our consciousness today. However, this increased awareness is a relatively new global phenomenon, shaped by the 20th century's individual rights movements and the witnessing of genocide on an unprecedented scale. In response to calls for increased protections, human rights language was included in the United Nations charter, and these rights were defined in the UN's Universal Declaration of Human Rights adopted in 1948. Today, with the emergence of "new wars" that often defy convention and brutally target civilians, ensuring human rights has taken on a new urgency. In this interview with Carrie Booth Walling, assistant professor of political science at Albion, we explore the intimate connection between armed conflict and human rights and how the world community is responding to the continuing threats to freedom and human dignity.

Io Triumpher! What specifically makes today's wars different from past ones, and how do these "new wars" impact our thinking on human rights?

Carrie Booth Walling: When we think about the wars in the first half of the 20th century, these were large-scale conventional wars fought between states. The conflicts since the end of the Cold War have generally been different in terms

of their goals, methods, and financing. Most contemporary wars have been about issues of identity—killing or displacing certain groups of people is the purpose of the fighting. In terms of methods, what's really different is the broader use of guerilla tactics and the proliferation of small arms. In terms of financing, these smaller-scale and localized conflicts have been funded through plunder and the exploitation of natural resources such as diamonds and rare metals. The rules of war increasingly are being violated in these conflicts.

What are the most common human rights violations that occur during these "new wars"?

The main tactic is deliberately targeting civilians for violence. The fighting in Syria today exemplifies this reality. The Syrian government's use of chemical weapons against its own civilian population has been independently confirmed and widely condemned. Yet, more deaths in Syria have been caused by conventional means (artillery shells, small arms fire, bombs) indiscriminately but deliberately used against civilian populations. Children make up a significant proportion of civilian casualties. The Syrian regime not only targets the civilian population as a tactic of the war but it also attacks medical personnel who seek to assist the wounded. It has engaged in massacres of civilians and the torture and summary

execution of political detainees on the basis of their opposition to the regime. Opposition forces also have engaged in unlawful killing and systematic torture of their detainees and the civilian population. Latest estimates are that more than 200,000 people have died and up to 7 million are in urgent need of humanitarian assistance—2 million of those have crossed the border as refugees and 5 million have been internally displaced by the fighting.

Among the other grievous human rights violations we see today are rape and other sexual violence used as a weapon of war and the conscription of child soldiers who are then put on the front lines in order to protect the adult soldiers behind them. The use of sexual violence first came to international attention in Bosnia. It was also one of the chief tactics in the Rwanda genocide. Currently, widespread sexual violence is occurring in the Democratic Republic of the Congo. We have seen the use of child soldiers in Uganda and Sierra Leone, and by the Taliban in Afghanistan.

What standards are there for deciding when intervention is necessary to protect or defend human rights during an armed conflict?

Legally, there are only two circumstances where war is permitted. The first is self-defense—if a state is attacked it has the right to self-defense. The second, which

U.S. drone strikes
in Pakistan, 2009–2013

Source: New America Foundation

Detainees remain at
Guantanamo, August 2013

Source: *The New York Times*

Funding requested for unmanned aerial
systems in the U.S. president's 2013 budget

Source: CNN.com

has been in place since the founding of the United Nations, is when it is authorized by the UN Security Council. All other use of military force is considered illegal. Since the mid-1990s, the Security Council has been willing to authorize humanitarian intervention, but only in the most extreme circumstances—where the crimes are so grave that they are reaching the level of crimes against humanity such as genocide. The problem is that the members of the Security Council don't always agree with each other about whether extreme human rights violations are indeed happening or when the Council should or should not intervene.

Even though the use of military force without Security Council approval is illegal, humanitarian intervention is increasingly considered legitimate if it is undertaken by a group of states, and not just one state, if it is to stop mass slaughter, and if there have been calls for help from the region or from the people themselves. Humanitarian intervention without UN approval is extremely controversial and very rare.

The Security Council has followed a new standard since 2005, and that is the “responsibility to protect.” The idea is that states have a responsibility to protect their own population from grave human rights violations such as genocide or ethnic cleansing. If states are unwilling or unable to protect their own population, the international community, acting through the Security Council, also has a responsibility to protect that population. For the UN to intervene in a state, the action has to be primarily about saving lives, not about protecting broader human rights per se. UN-authorized intervention is viewed as a last resort, and there must be confidence that the intervention will in fact succeed in stopping the violence.

The United States is often viewed as the world's peacekeeper and international defender of human rights. What do you believe is the proper role of the U.S. in addressing armed conflicts abroad and at what level?

It is imperative that the United States continues to provide diplomatic, political, and legal support to individuals, organizations, and sometimes even governments that are trying to protect human rights in their own communities. If we take human rights seriously, then I think that means honoring and respecting the dignity of the people who want help—empowering them to define their human rights and helping them fight for the rights that they want.

In situations of extreme human rights violations, I do think the U.S. has a role. In general, the U.S. should try to use military force when it is consistent with international law, when there's widespread international support, and when there are clear cries for help from the people who are most affected. When mass killing is happening, and no political solution is possible, there is a moral imperative to at least stop the killing. However, the U.S. should be very hesitant to use military force, and when it does, it should be as a part of a group of states who intervene.

We see the greatest violations of human rights during armed conflict, and so military action, in itself, is not really a human rights tool.

Human rights advocates argue that the United States has fallen short with respect to the rights of the Guantánamo detainees, and more recently, in our use of drone attacks in locations other than war zones.

The UN's Universal Declaration of Human Rights states that all people are considered persons before the law, that there's no place on

earth where the law is absent, and finally that all people are entitled to free and fair trials. It includes an absolute prohibition on torture and on inhumane and degrading treatment of any kind. A prohibition on torture is part of U.S. law as well, and in 1994 the U.S. Senate ratified the UN's Convention against Torture.

Our failure to honor domestic and international laws with regard to the treatment of the detainees at Guantánamo has caused the U.S. to lose much of its standing as a human rights defender in the eyes of the world. Many people around the world still look to the U.S. for protection and also with admiration for our values, but others think the U.S. has become just another state that violates human rights when it suits its national interests. Human rights advocates in the U.S. are working to ensure that we follow domestic laws and international standards so the U.S. can again be viewed as a human rights defender.

The drone attacks in Pakistan and Yemen also leave us open to criticism. According to human rights law, targeted killings, such as those occurring in the drone attacks, are never permissible or justifiable. The Universal Declaration of Human Rights protects the life, liberty, and security of each person, and all people around the world are considered equal and entitled to equal protection under the law. From a human rights perspective, then, drone killings—or what are termed extrajudicial killings—are illegal and have really tarnished our reputation abroad.

However, there is another perspective which justifies these drone attacks. When the U.S. government says it has evidence that the individuals targeted in the drone attacks have committed human rights violations—through acts of terrorism, for example—then the government is acting to prevent future loss of life. In other words, more lives are saved than

50

Countries had unlawful killings
by security forces in 2012
Source: Amnesty International

112

Countries tortured their
citizens in 2012
Source: Amnesty International

36

Countries forcibly evicted men,
women, and children in 2012
Source: Amnesty International

those taken in such actions, by preventing future terrorist attacks. There is an ethical argument to be made for saving lives based on this utilitarian calculation.

On the one hand, international law takes a principled, rule-based approach because these rules have been determined to produce the best outcomes over time. The protection of human rights requires protecting the fundamental rights of all peoples, regardless of circumstance. On the other hand, the utilitarian approach looks at the situation, weighs the costs and benefits in any particular circumstance, and then determines the action that will yield the best outcome.

How does the blurring of national boundaries due to globalization complicate the decision-making on when to take action against human rights violations?

Just as globalization might make it easier for terrorist groups to organize, globalization also makes it easier for states to cooperate and organize—and for individuals and non-governmental organizations to work across national borders as well. One argument that's made to justify action is that if you're fighting against people who don't follow the rules, then you shouldn't follow the rules either. In this view, our old conventions of war aren't suited for today's world. The counter argument is that it is exactly those rules that distinguish legitimate governing authorities from those that are illegitimate, and the fact that an individual or a state violates the principles that we believe are fundamental to our common humanity does not justify the violating of these principles by us against the other side.

A deep tension exists within the human rights movement on the relationship between national security and human rights. That's because historically many states violated

human rights domestically or internationally in the name of national security. I don't think human rights advocates can only give states a list of things they cannot do, but should be working with them to figure out the things they can do to fulfill human rights obligations and still protect the security of their citizens. Individuals are frightened and want their life and security protected, and we need to take that desire seriously. That can be achieved while still honoring the principles of the Universal Declaration.

That's what makes democracies different—we do honor these values and principles; we do protect freedom.

What do you personally hope to achieve with your students through your teaching on human rights?

First, whether or not policymakers agree that human rights should be subordinated to other national or foreign policy goals, they can no longer ignore human rights. They are a reality of international politics. Secondly, it's important for students to know that states are no longer the sole actors in international politics, and the growing strength of international human rights organizations and movements demonstrates that. All of these factors interact and shape our lives. What's most important is that I want students to appreciate and respect the equality and human dignity of every human being, regardless of country of citizenship. All people share human rights—it's that commonality that connects us to the rest of the world. ■



Carrie Booth Walling teaches courses in international politics and human rights at Albion. Her research focuses on international responses to mass atrocity crimes including military humanitarian intervention

and human rights trials, and how human rights norms are reshaping the meaning of state sovereignty at the United Nations. She is the author of All Necessary Measures: The United Nations and Humanitarian Intervention, Pennsylvania Studies in Human Rights (University of Pennsylvania Press, 2013), which examines how the issue of human rights has emerged as an appropriate oversight for the UN Security Council. She holds a Ph.D. from the University of Minnesota.

To learn more about human rights issues and advocacy today, check out the following websites:

United Nations Human Rights Council
www.un.org/en/rights/

Amnesty International
www.amnesty.org

Human Rights Watch
www.hrw.org

Physicians for Human Rights
www.physiciansforhumanrights.org

Human Rights First
www.humanrightsfirst.org

For an historical perspective on the human rights movement, go to this site co-authored by Carrie Booth Walling:
www.humanrightshistory.umich.edu