



## North Atlantic Treaty Organization

Topic B: Strengthening of strategies and protocols to avoid the violation of human rights by NATO forces.

# North Atlantic Treaty Organization



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## Introduction to the Committee

The North Atlantic Treaty Organization (NATO) is a political and military intergovernmental alliance with more than 25 member states. Some countries in this treaty are the United Kingdom, the United States of America, Canada, and Germany, among others (NATO, 2022). Its main objective is to safeguard Allie's freedom and security through political and military means. (NATO, n.d). NATO also promotes democratic values and encourages cooperation. It seeks the pacific solution to the conflict but can also use military force.

## Introduction

Human rights were created for the protection of all humans at the international level no matter where in the world a person lives or is born, and they will always be applied equally, functioning as support in multiple situations where the life or dignity of a person is at stake (UN, 2020). Individual guarantees, unlike human rights. As their name indicates that they are used primarily to protect all persons' human rights (WarbletonCouncil, 2020). Human rights are unbreakable; if a person tries to attempt against life, freedom, thoughts, and any action against a person at a legal level, it is considered a violation of the human rights of a person (LivingByOrg, 2022).

During multiple sessions, the Vienna Declaration and Programme of Action state that at the international level, all nations are charged with removing any obstacle that could lead to a violation of people's human rights (OHCHR, 2021). Depending on the issue's magnitude, the consequences will be measured, where the lesser of a political sanction or any other sanction. (Ellis,

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2022).

Given the multiple situations in which NATO has been involved, be it the situation in Yugoslavia and the current situation with the Russian country, there have been several consequences for the organization, ranging from severe monetary fines to multiple government sanctions. (Aitoro, 2020).

**Nato Response Forces.** Since NATO was created for the care and security of people, its main objective is to use technological advances to solve problems internationally to maintain peace. However, if a situation gets out of control, they also have military weapons to solve it in various ways (NATO, 2022). For the same reason, NATO's main objective is people's care and safety; by doing so, they are committed to minimizing any risk that may affect the health and life of people involved in a conflict.

**Afghanistan.** Due to conflicts and events that extremist groups in the United States provoked over the past two decades, NATO has primarily been responsible for leading multiple expeditions to Afghanistan to moderate and eliminate these situations, causing numerous situations to take many lives.

**Yugoslavia.** One of NATO's most controversial issues was the situation in Yugoslavia, as NATO bombers caused significant damage, causing heavy losses against the Kosovar Albanians on March 20.

**Serbia.** NATO has had relations with Serbia since the summer of 2018; they have partnered for multiple peace agreements to relate more and invest in several of their internal projects.

**The United States of America.** As one of its oldest allies, NATO has a very strong presence in the United States, an alliance considered vital by many, as it is the country that has taken the leadership of the organization on multiple occasions and as one of its leading suppliers of military weaponry, the US and

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NATO have a great alliance.

**France.** France is one of the most important allies of NATO due to its good relationship with the organization, providing armament, units, and multiple missions outside the main alliance. Moreover, so many tasks outside the main block were led by France, which shows great interest and encouragement in the organization itself.

**Turkey.** As one of the founding countries of NATO, for a long time, Turkey was one of the most important members of the organization, but over the years, Turkey has been somewhat distant, and its presence has been minimized over the decades.

**The people's Republic of China.** Due to the current multiple conflicts between Russia and NATO, the Republic of China, which has a pro-Russian stance, is increasingly becoming a nation whose relationship with NATO is becoming more and more delicate.

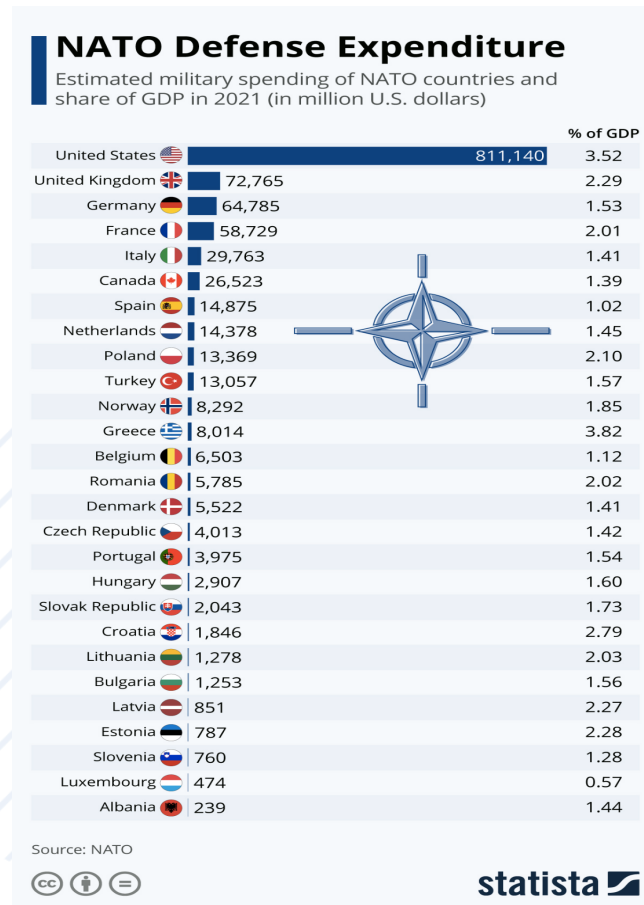
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NATO defense expenditure. NATO. (s. f.).

## Historical Background

**NATO intervention in Yugoslavia.** When the conflict in Yugoslavia began in 1991, the people were in great danger since the armies were rising in each state, so NATO started to intervene in these battles, making special operations for humanitarian help, more than 500 civilians casualties happened during the deployment of the special forces and the bombing in several important cities.

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NATO intervened when the Serbian army began to attack Kosovo and other states. On March 24, 1994, a military group was against the Serbian forces to stop the human rights abuses against the Albanian population in Kosovo. This operation ended 78 days after Slobodan Milosevic's capitulation. Initially, the missions were supposed to be from the air, but the alliance discovered that the Serbs had more ground artillery. In addition, the Serbs had surfaced to earth, where missiles were dispersed strategically. A big problem that NATO faced is the recognition of the Serbian troops and civilians; more than 80 separate incidents caused several civilian casualties, as mentioned before. NATO reported that the expectancies of the Kosovo forces were too low but proved to be as capable as the NATO forces, operating in the mountains and non-favorable weather.

The humanitarian intervention that led NATO during the Yugoslavian conflict was very controverted; one of the main topics discussed was the moral dilemma of humanitarian intervention. There were two sides: the ones that believed the conflict needed intervention to stop, and the other side consisted of the people who believed that NATO should never intervene. The discussion was divided into six topics, the first two topics were related to security and foreign policy, and the others were about "contributions from various disciplines in the humanities with a focus on memory studies" (K.Ristic, 2019).

**The accusation of Belic conflicts crimes.** Humanitarian intervention is an optional act that, combined with the use of force, can violate human rights. For many, humanitarian intervention is related to the internationalization of conscience (Rashid, 2012). These concepts are directly related to sovereignty. Sovereignty is defined as the absolute sense that States have of self-determination and how they manage their internal affairs. For many, humanitarian assistance represents aggression to the international regulations, and there is always the option of not intervening and avoiding using force. All

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these are stipulated in Article 2 of the Charter of United Nations (NATO, 2001).

During NATO's intervention, there have been multiple situations in which human rights were violated. Therefore, NATO had declared that it was not breaking the rules of conflict and was following Additional Protocol I. However, the incidents that occurred demonstrated the opposite. (OHCHR, n.d. ).

**Headquarters in Serbia.** During the NATO intervention, many aircraft were deployed. A big issue that NATO faces is that the majority of the Serbian arsenal was in-ground, the NATO air force made several bombing operations dealing with that, but it caused more than 90 incidents related to civilian casualties.

The incident was that NATO, during the bombing campaign, destroyed more than was planned, attacking the headquarters of the central radio station in Belgrade, Serbia, on April 24, 1999, causing 16 civilian casualties.

**NATO policy "Zero tolerance."** This policy was created on November 20th, 2019. It states that regardless of the mission or event, all personnel within NATO, whether military, civilian, annex, or any independent, must collaborate only with NATO. Furthermore, the organization must share and ensure that everyone knows their behaviors during missions. In this way, NATO seeks that the organization can resolve various conflicts accompanied by the host countries, can find solutions peacefully, or at least in the most humane way possible, without compromising the health of civilians in the process. Depending on the action taken, the sanctions will go in different ways, ranging from warnings to fines at an international level, being banned from the organization, and monetary penalties, among others. Fines and sanctions are mainly intended to achieve greater understanding at the international level.

**Fourth Geneva Convention.** To guarantee civilians protection, two Additional Protocols to the four Geneva Conventions of 1949 were approved in 1977. The

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first one seeks for the strength the protection to victims of international conflicts, and the second one specializes in non-international conflicts. Civilians have to be protected regardless of nationality, religion, political ideology, etc. It sets the International Humanitarian Law (IHL), a law that protects people that protects the people that are not participating in an armed conflict and other situations that affects the integrity of the civilians. The 35th article of the geneva convention states that NATO has to create "Safe Zones" that protect civilians from participating in the Belic conflict. These Safe Zones are located far from the conflict to guarantee security.

This is under article 106, according to the International Committee of the Red Cross (ICRC), which consists of the communication of the civilian's family that is in danger or is located in a safe zone. Some important articles of the geneva convention are:

- Article 32: Stops the violence (torture, corporal punishment, etc)
- Article 33: Transportation, Deportation, and evacuations
- Article 50: The Protection of the children in conflict zones.

**Trafficking policies.** NATO states that the protection of children and women is crucial in the trafficking policies; trafficking is a global problem that affects nearly all countries since, in modern times, this is slavery which is an abuse of human rights. This policy for the fight against human trafficking was released in 2004, with the nato intelligence and special forces to dismantle the human trafficking organization and the organized crime in charge of it. The Trafficking policies state that they will protect civilians against the human trafficking networks with the coordination of NATO forces and intelligence. Furthermore, NATO works with Non-Governmental Organizations (NGOs )and makes efforts with guidance and economic support in the countries' safety to eradicate

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human trafficking. Also, it is supported with financial resources and military forces to reach the best security for the citizens.

## Current Relevance

The current situation at the international level, more specifically the conflict between Russia and NATO, causes multiple losses in civilians, which affects the reputation of both sides; unfortunately, it is not a current problem. However, in 2013, NATO caused that due to their actions, several countries decided to invest as little as possible in security due to the situation; it could bring several conflicts between countries due to the differences so drastic in solving problems, as they know that in a wrong move, they can end in conflict.

**International Amnesty report.** In 1961, the Amnesty International non-governmental organization was founded to ensure that human rights are recognized and respected. It is a global movement of more than 10 million people that take injustice personally. They are independent, with no economic interest or religion. They help fight human rights abuses, bring torturers to justice, try to change oppressive laws, and help people in jail for no reason. To ensure the correct application of the amnesty, it realized annual reports. For example, Amnesty International report 2021/22 shows that countries' attempts to rebuild after the covid-19 pandemic were not fulfilled and new conflicts arose (Amnesty International, 2022).

**International Commission on Intervention and State Sovereignty.** The Canadian government instigated it in September 2000. It popularized the concept of humanitarian aid as the "responsibility to protect." In this report, the countries must be primarily responsible for protecting all their citizens from catastrophes. Military intervention for human protection is used in extraordinary cases. For it to be justified, severe harm must have occurred and the inability of the state to act (ICISS, 2001). These conferences have been cooperated by: Tokai University, Cardiff University, and Edinburgh Napier

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University. ICISS 2018, South Korea. ICISS 2019, Tokyo. ICISS 2020.

**Status of Forces Agreements.** The US Senate approved and validated NATO's SOFA on March 19, 1970. It provides the basis for the legal status of the military, US civilian employees, and dependents stationed on orders in NATO partner countries. Depending on the situation, there are various special forces, which ensure the care of people, but as mentioned above, depending on the need, they have the capabilities to control the situation in any environment, be it land, sea, air, or secret.

**Libya.** The Qadhafi regime's targeting of civilians in February 2011, NATO took action by sending a coalition of Allies to enforce an arms embargo. It was successfully concluded on October 31, 2011.

**Afghanistan.** Summer of 2021, following the collapse of the Afghan government and the Afghan National Defense and Security Forces, NATO focused on ensuring the safe departure of personnel from Allied and partner countries and NATO-affiliated Afghans.

**Letters to NATO.** Due to the various situations that happened in the region of Afghanistan, NATO 2014 began to withdraw military weapons from the area of Afghanistan through negotiations in the country. Later in 2016, NATO, at a summit attended by all members and partners, under a charter, even though they do not have much military assistance, established and committed to the care and support to the Afghan nation, where the priority is families and children living in areas where they hope to take front against various extremist groups in the area.

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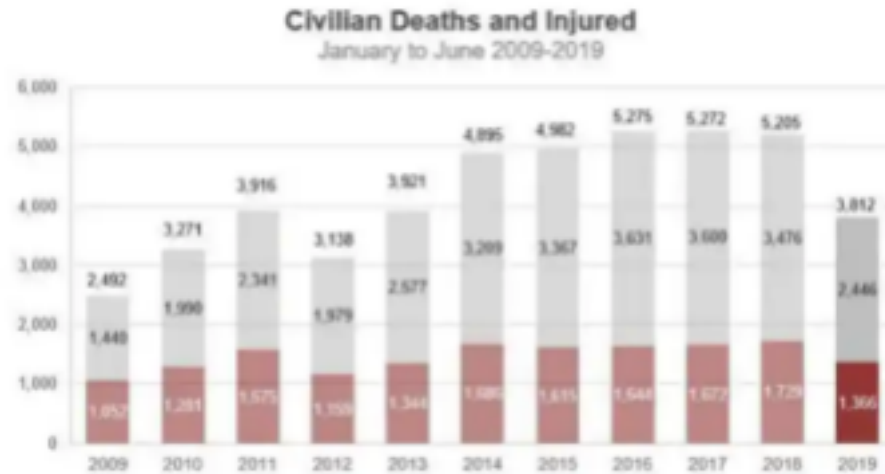
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*Civilian Deaths and injured (TheGuardian, 2019)*

During multiple military encounters, NATO has been involved in the cause of civilian losses, where one of the most notorious sites and events was due to NATO air forces in the regions of Kosovo. First, approximately 500 Kosovars were officially announced due to this encounter, and later, the attacks using bombs by NATO caused even more loss of life, reaching the sum of 527 civilians from Kosovo. After it was promulgated that the deaths were accidental, so they were changing multiple of the known safety standards were to avoid further loss of life (NATO, 2016).

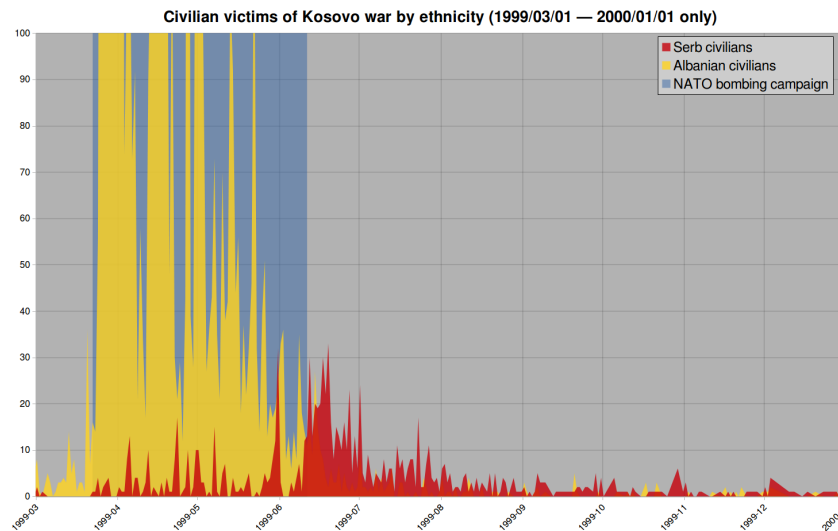
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*Civilian victims in Kosovo war by ethnicity. (s. f.).*

Since 2002, the United Nations has had Afghanistan as a point of interest due to the multiple situations that have arisen. During a meeting in 2002, a security council was established in case to help the Afghan nation. In 2016, various countries and organizations began to assist and support the Afghan government in case of emergency; some of them were the National Peace and Development Framework (ANPDF), together with the Afghanistan Partnership Framework (APF), the Government of Finland, and UNAMA (UNAMA, 2021).

Due to multiple statements at an international level, the situation has become evident where an organization that seeks peace has caused numerous losses of lives around the world, so it can cause several disagreements between member countries, where the trust that has been placed in the NATO is put to the test, so it will be seen how not to lose that trust that has been deposited. In the end, this could lead to various disputes at

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the international level, which could detonate into armed conflicts.

## International Actions

The United Nation's purpose is to maintain peace among the international community. Human rights act as a vital initial point. Many non governmental organizations (NGOs) and national organizations create projects to improve the situation worldwide. This includes governmental programs, and associations without lucrative purposes, among others.

**Geneva Conventions.** The first Geneva Convention was signed in 1864 and has been adopted by 194 countries. It is the union of four conventions that regulate humanitarian law by international treaties that protect people such as civilians, doctors or any medical personnel, among others. A year later, the Cruz Roja was created with the purpose of medical assistance in times of conflict.

International Humanitarian Law (IHL) is the branch of international law made up by the principles of humanitarian and international treaties that seek to save lives. The Additional Protocols, which complement the Geneva Conventions, extend humanitarian standards. International humanitarian law is based on humanity, impartiality, and neutrality.

**International Committee of the Red Cross.** The International Committee of the Red Cross (ICRC) was founded in 1863. It is a neutral organization that has the mission of protecting the life and dignity of the victims of internal violence. In conflict situations, directs and coordinates international relief activities of the International Movement of the Cross Red and Red Crescent. It also tries to prevent suffering by promoting and strengthening the rights and principles of universal humanitarians (ICRC, 2022) .

**Council of Europe.** The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers of

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the Council of Europe on May 3, 2005 (COE, n.d.). This Convention is a treaty that focuses on protecting victims of trafficking by safeguarding their rights. Its objective is to prevent or avoid trafficking. This Convention not only focuses in trafficking, it also works with sexual exploitation, forced labor, or services. (COE, n.d.)

The Convention establishes a series of rights for victims; there is a monitoring system: the Group of Experts in Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties (COE, n.d.).

**Human Rights Watch.** Founded in 1978 as "Helsinki Watch", the Human Rights Watch investigates all kinds of casualties, government takeovers, and activist arrests. Also, they work to avoid all types of discrimination (HRW, n.d.).

Human Rights Watch comprises around 450 people from more than 70 nationalities. This organization is independent, so, it maintain through donations (HRW, n.d.). The investigators of this organization discovered facts such as the progress of some governments trying to protect people during the pandemic.. (HRW, n.d.)

**International Amnesty.** It is a non-governmental organization founded in 1961 to ensure that human rights are recognized and respected. This organization focuses on freedom of expression and torture; it works to publicize violations of the Universal Declaration of Human Rights. At the same time, it works with intergovernmental human rights organizations to guarantee human rights protection (Britannica, 2022). It involves more than 10 million people. It protects all people, independently if it is a prisoner, sexual abuse victims, migrants, or of any nationality.

With many campaigns, they could help fight human rights abuses worldwide. They impart justice by changing laws and freeing people.

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Recently, some of their operations have been: El Salvador, President Bukele (Amnesty International, n.d.).

## UN Actions

UN is an organization whose current and most important purpose is the care of human rights worldwide, to promote them, and in special cases where these are violated. The organization has resources for the benefit of these, having offices around the world to monitor situations and apply sanctions if these are required for any person or organization (UN, 2020).

Since the UN has prioritized the security of human rights as previously established, it has multiple bodies for the organization of the cases that arise to resolve the events that occur at the international level.

**Women Peace and Security Policy and Action Plan.** Since October 31, 2000, in conjunction with the United Nations Security Resolution, NATO held several meetings, which concluded in adopting the "Women Peace and Security Policy and Action Plan" to represent an impact on today's society to improve freedom and human rights. The primary protocol is on prevention and defense and crisis prevention, specifically for the security of women through high-level plans and operations. In addition, it prepared various ways to seek opportunities to modulate and eradicate the situation against them. For example, establishing training in cases of gender violations through networks that detect cases in order to be able to establish the necessary instances to be able to carry out the appropriate sanctions (NATO, 2018).

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Outcome 1.1	Actions
Strengthened institutional framework.	Include gender perspectives/WPS priorities in cooperative security frameworks and programmes, including Individual Partnership Action Plans/ Individual Partnership and Cooperation Programme/ Planning and Review Processes; as well as defence related capacity building efforts.
	Implement and develop research and capacity-building efforts within the NATO Science for Peace and Security (SPS) Programme in support of Women, Peace and Security, including on cross cutting topics such as countering violent extremism, counter-terrorism, and cyber defence. <sup>11</sup>
	Integrate gender perspectives into early warning analysis to enhance situational awareness and intelligence gathering.
	Mainstream gender perspectives/WPS priorities into existing NATO standards and develop policy guidelines on topics where appropriate.
	Provide support to Allies and partners on the development and revision of National Action Plans (NAPs) by developing a database of best practice to facilitate the establishment of comprehensive and accessible information.
	Map current NATO WPS training activities to ensure that gender perspectives/WPS priorities are included in relevant training activities <sup>12</sup> .
	Design and develop training and capacity-building activities on gender sensitive reporting to strengthen the knowledge and inclusion of sex-disaggregated data into NATO reporting, as appropriate.

*Strengthened institutional framework. (NATO, 2018)*

**Policy on Preventing and Responding to Sexual Exploitation and Abuse.** Due to the multiple cases caused in recent years, NATO, whose last update on the subject was in 2021. It established the section of sexual prevention and abuse, where it is prohibited to use a person to promote and engage in sexual exploitation or misuse of any person under 18 years of age, including the benefit to external parties in a monetary, social, or political way, as the corresponding authorities will

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sanction it. For the same reason, the same organization establishes that all persons will receive self-defense training and specialized techniques for caring for these, especially those contributing to the organization.

In case of an accusation of sexual abuse or exploitation, the authorities and the organization will be subjected to an investigation through the established protocol, where any evidence will be taken for trial, and the organization is authorized to use force to intervene in case of any threat to the health of any civilian, where multiple consequences such as years in prison with severe fines will be seen (NATO, 2021).

**Security Council resolutions.** In 2011, NATO reached a conclusion based on resolution 1970. Several points that were not fully specified were resolved. Several conclusions were established due to the conflict situation in Libya. The main priority was declared to safeguard the safety of all civilians, intensify measures to eradicate violence in the area, and reach a conclusion more quickly where several of the flights had to be banned in order to protect as many civilians as possible where 10 of the countries present voted in favor of the resolution (Bosnia and Herzegovina, Colombia, United States, France, Gabon, Lebanon, Nigeria, Portugal, United Kingdom, and South Africa).

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## Points to Discuss

### 1. Context

- a. Accountability for crimes committed and violation of human rights
- b. Use of mass destruction weapons in urban areas
- c. Inefficient precautions for civilians' wellbeing
- d. Human Rights Watch letter to NATO to recognize and be concerned about civilian casualties.
- e. International Action plans to prevent abuse of power

### 2. Development

- a. International cooperation to protect human rights
- b. International agreements
  - i. Measures to improve these agreements
  - ii. Effectiveness and promotion
- c. Case follow-ups
  - i. How did NATO follow up on the cases?
  - ii. Repair of damages
- d. NATO actions
  - i. Did NATO apologize ?
- e. Promote prevention and solutions
- f. Civilian's well-being
  - i. Psychological attendance

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