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Dr Bríd Ní Ghráinne is a Senior Researcher at the Judicial Studies Institute, Masaryk University, Czech Republic. She is also a lecturer on the MA in Refugee Protection and Forced Migration Studies (distance learning) at the University of London, a Senior Research Affiliate at the Refugee Law Initiative, and an Ad Hoc Associate at Global Security and Disaster Management. From 2014 – 2018, Bríd was a Lecturer at the University of Sheffield where she researched, supervised, and taught in the fields of Public International Law and Forced Migration. She has held visiting lecturer positions at Shandong University, Weihai, China; the University of Helsinki; and the University of Cyprus.

Bríd's main research interests lie in the fields of forced migration and human rights. Her work has appeared in journals such as the International Journal of Refugee Law, Legal Studies, and the Irish Yearbook of International Law. Her forthcoming pieces will be published in 2019 in the Human Rights Law Review, Medico-Legal Journal of Ireland, and International and Comparative Law Quarterly. Bríd was appointed a member of the Council of Europe Expert Working Group on Internally Displaced Persons, and she has acted as a consultant for Greenpeace South Asia, and an Expert for Oxford Analytica.

Bríd completed her doctorate in 2014 at the University of Oxford under the supervision of Professor Guy S. Goodwin Gill. Her research was funded primarily by the National University of Ireland Travelling Studentship. Bríd also holds an LLM cum laude from Universiteit Leiden, the Netherlands; a BCL (International) from National University of Ireland, Galway; and diplomas in both Legal French (Law Society of Ireland) and Legal Irish (National University of Ireland, Galway). Prior to commencing her doctoral studies, Bríd worked as a researcher in the Irish Department of Foreign Affairs and completed a judicial clerkship at the United Nations International Criminal Tribunal for the Former Yugoslavia.

Safe Zones as Humanitarian Intervention

This paper will focus on the compatibility of safe zones with the criteria for humanitarian intervention. A ‘safe zone’ refers to the establishment of areas where civilians may find refuge from armed conflict. The creation of a safe zone could allow individuals to avoid the trauma and danger of seeking asylum abroad by being protected in their own state. A safe zone might also be the only feasible protection option where borders are closed, where flight is impossible, for those who do not wish to leave their state, or to allow those who have left to return. Although safe zones can be inherently dangerous – a notable example being Srebrenica, Bosnia - their primary purpose of providing humanitarian relief make them, at least in the abstract, a good candidate for the satisfying the applicable conditions of a right of humanitarian intervention.

This analysis is long overdue. Safe zones have been employed as a foreign policy tool since the 19th century, and have been recently established in Sri Lanka (1990), Iraq (1991), Rwanda (1994), Bosnia (1993 – 1995), Afghanistan (2000 – 2001), and Somalia (2007). More recently, the attention of the US, Iraq, France, Russia, and Turkey have turned to the possibility of establishing a safe zone in Syria. Thus determining whether establishing a safe zone is compatible with the right of humanitarian intervention is critically important.

This paper will be formed of 5 parts. Part 1 sets out the paper’s aims and contribution to literature. Part 2 will briefly explain what is meant by humanitarian intervention, its legal status, and applicable criteria. Part 3 will explain the concept of safe zones, setting out safe zones’ advantages and disadvantages and why we need to consider safe zones as a possible type of humanitarian intervention. This part will draw on the past establishment of safe zones– in particular the establishment of safe zones in Iraq in 1991(Operation Provide Comfort – OPC) – to highlight how safe zones operate in practice. Part 4 will put forward the argument that safe zones, at least in the abstract, are a good candidate for humanitarian intervention. Each of the criteria of humanitarian intervention will be examined in turn, drawing on the example of OPC as introduced in Part 3. This part will also contrast the establishment of a safe zone with other types of humanitarian intervention, such as bombing campaigns for ostensibly humanitarian purposes (e.g. the NATO bombing during the Kosovo crisis in the 1990s). It will argue that a strong case for humanitarian intervention can be made in respect of safe zones (as opposed to other actions such as bombing) because the humanitarian purpose of a safe zone can, in theory, be more clearly ascertained. In addition, a safe zone could, in theory, be established using minimal possible force and consequently with minimal civilian casualties. Part 5 of the paper will illustrate how the arguments made in this paper might apply in the Syrian context, and Part 6 will conclude by summarising the results of this research and setting out its broader implications.