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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 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.