# Development of the Concept of Humanitarian Intervention and Emergence of Support Responsibility Doctrine

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**Abstract**

*The principle of humanitarian intervention faced some obstacles since the beginning of its formation and that principle was lack in intervention in the national affairs f the countries. This issue considers the domestic qualification of the countries. Domestic qualification is a relative and flexible concept too and there is no criterion regarding the nature of domestic qualification and its diagnostic reference in the Charter of the United Nations. Gordon believes that domestic qualification is determined by the development of international relations and domestic recognition or the internationality of an issue changes with the legal and political criteria*.

**Keywords: Humanitarian Intervention, Support Responsibility, International Law**

**Introduction**

Today, with the political and legal evolutions in the international convections and particularly with the development of the concept of "international safety and peace" by the Security Council, humanitarian intervention has happened repeatedly and the content of principle "non-intervention in the domestic affairs of the governments" has been changed to a large extent in comparison with its meaning in the past centuries.

The non-intervention principle and the non-use of force principle are considered as a main obstacle on the way of any kind of intervention as two important rules systemizing the international relations which have both a customary basis and a contractual basis. The non-intervention principle, as the fundamental principle in the international law, is based on political independence, quality and sovereignty of the government (Ghorbannia, 2003). On the other hand, oppressions force on their immigrants or the discriminatory and oppressive laws they issue and execute against the constitutional law of their citizens, are matters which cannot be ignored by the conscience of the international community. The issue of human rights and its internationalization is one of the issues which led to creation of evolution in the sovereignty principle and adjustment of the non-intervention principle. Shonji Koba Yatsi, university professor of Nihu, expresses the humanitarian intervention theory as follows: if a country has the right to govern its land and people in the frame of its sovereignty, then it has the responsibility to at least guarantee the rate of its people's happiness as well. With this in mind, any time a country is not able or does not want to protect its people and some circumstances arise where human rights are constantly violated, this sovereignty does not have a right to prevent lack of others' intervention and the world community also has the right to intervene in such cases.

Humanitarian intervention has tarnished the concept of authority caused by sovereignty and it has turned natural rights of human beings to an obligatory norm. On the other hand, humanitarian intervention has evolved in a way that some of the experts of international law have recommended collective attempt due to the possibility of governments' taking advantage of the humanitarian intervention theory because in the collective attempt it is less likely for the national ends and interest of the government to be more significant than humanitarian requests, the emergence and occurrence of which has been apparent in the support responsibility theory (Jahromi, 1996).

The first available case of using support responsibility in the international community was in the current of Russia's attack to Georgia and the intervention of France in Myanmar following the great tornado in this country. It shall be considered that in the current and new approach of the international law the sanctions have also been effectively considered. In this respect, the first seen sample is the complete and effective application of support responsibility in the application of international sanctions in the war of Libya in the year 2011 and in the frame of resolutions 1970 and 1973 of the Security Council where the international community attempted to apply the military intervention and sanctions by considering the recognition of the institutions of human rights especially the human rights council based on committing war crimes and crime against humanity (Karami, 1996).

Theoretically, support responsibility must be traced back in morality, such as the entrance of human rights and justice in the domain of law. Objectively, support responsibility shall be traced in the occurrence of national armed conflicts, in such way that after the World War II the deterioration of the European powers and occurrence of widespread rebellions in Latin America

and Africa and its impacts became apparent. After the end of World War II, two super powers were created in the scene of the equations world's power, the United States and Soviet republic (formerly). These two countries increased the domain of their competition day by day in the absence of the powerful countries that have become weak. After the failure of the communist system, along with elimination of Soviet and independence of its subsidiary countries and destruction of the Berlin wall, the world suddenly became vacant and empty of any dominant general ideology; in such way that after this the internal conflicts which were somehow ideological turned into armed conflicts for achieving welfare and democracy. This type of conflicts can be seen in Yugoslavia, Rwanda, Somalia and Sudan in the Darfur crisis. The common ground between these conflicts was the occurrence of unprecedented violence and massacres if it was simultaneous with a great gap in the legal system of the international community. The four Geneva Conventions and their additional protocols were not completely applicable in these conflicts and the international community firstly referred to humanitarian intervention and its evident manifestation in this age can be seen in the Yugoslavia's crisis. However, the humanitarian intervention could not turn into a customary regulation in the system of the United Nations and be considered by the governments. After the 1993 conference, a new ideology was formed regarding the violation of human rights inside the countries and reaction in this regard shall be considered as a responsibility for the countries for protecting the lives of their citizens. This necessity of the reaction of the international community is seen in the report of the UN Secretary General in the year 2000 and after that request, the Canadian government decided to create an international commission as "The commission on state sovereignty and intervention" which suggested a new concept as support responsibility. Francis M. Deng, a researcher in Sudan and the special representative of the UN Secretary General in the affairs of Africa, used the phrase support responsibility for the first time in 1986 which mainly meant the government's responsibility in guaranteeing the human rights and fundamental freedoms of its citizens against the disastrous crimes. Then, in the economical community of the countries of the West of Africa, the concept of support responsibility was confirmed. By executing the support responsibility in association with international crises such as the Darfur crisis in Sudan and Libya in particular in 2000, support responsibility entered a new phase in such way that today even there is some talk about it being customary (Aghayi, 1996).

**Relationship between sovereignty and humanitarian intervention in the UN procedure**

In the codification of the Charter of the United Nations, the principles "equality of sovereignties", "prohibition of use of force" and "prohibition of intervention" have been emphasized. The first paragraph of article 2 of the Charter of the United Nations, the governments are required to avoid use of force or threat in their international relations. According to paragraph 7 of the article of the Charter, "none of the rules written in the Charter allows the UN to intervene in affairs which are naturally among the domestic qualifications of each country and it does not obligate the members to force such issues to follow the rules of this Charter. But this principle will not harm the application of the predicted coercive measures in the seventh chapter". Also this prohibition, according to article 55 of the Charter, does not harm the natural right of self-defense. According to article 42 of the Charter, no exception has been considered for this rule: the rule that the Security Council can use force against governments that violate or threat peace or assault. With the end of the Cold War and activation of the UN in

facing issues associated with the international peace and security, the UN has been accused of some violation of authorities and ignoring the sovereignty of the governments and intervention in their national affairs. And also not considering the Charter has been criticized. "Javier Perzkoeeyar", the former UN Secretary General, in a quotation in the spring of 1991 about intervention commented: "non-intervention principle in the national affairs of the governments cannot be an obstacle beyond which the governments attempt to widely and systematically violate the human rights." (Karimi, 1996).

**Measures of the Security Council of the United Nations**

There are some disagreements about the application of the qualification the Security Council in the field of humanitarian interventions. In two opposing and similar perspectives, which argue to prove their claims, the opponents refer to the second paragraph of the Charter which prevents the UN from intervening "in affairs which is basically in the field of governments' domestic qualification". This group considers the non-intervention and sovereignty principle in the national affairs of the governments as the stronghold for the weaker governments against powerful governments that are willing to follow their own economical and political interests due to various excuses. From this perspective, "humanitarian intervention" is a tool at the service of the interests of the powerful forces.

Defenders of the development of the Security Council refer to the article 39 of the Charter of the United Nations according to which the Security Council can recognize any condition which causes threat to peace, violation to peace or an aggressive action and attempt to eliminate it according to articles 41 and 42 of the Charter. They claim that this situation can be due to a wide violation of the human rights in a national crisis or be caused by the policy of oppression by each of the governments; in such way that the fear of international security and peace would be risked and in danger or violation of human right would reach a degree that the silence of the international assemblies could not be bearable. Also, this group, in confirming their claim, refers to the statements of the general assembly of the United Nation regarding the request of the Security Council for acting in favor of "the right of the nations in determining their own faith" and preventing "racial discrimination policy" and statements of the Security Council in cases such as economical sanction due to violation of human rights in South Africa and Rhodesia.

In this regard, in the qualification of the Security Council and limits and conditions of the measures of the Security Council, some believe that qualification of the council is unlimited and some believe that it is only in a few cases that the council is allowed to intervene in exceptional cases with the presence of international consensus and they consider specific limitations for the council in the field of measures. Thus, the council can only attempt to do humanitarian intervention in situations where international security and peace is in danger due to displacement of many groups of people in the territory of neighboring states, a civil war spreading to neighboring states and the life of many people being threatened due to national conflicts. In case of creation of such situations, the measures shall also rely on two conditions of necessity and appropriateness and by observing impartiality and temporality (Mehripoor, 1998).

**Relationship between sovereignty and humanitarian intervention in the international judicial procedures**

The relationship between sovereignty and humanitarian intervention has not changed and evolved in the political progresses of the UN and the international judicial procedure has had its

impacts in this regard. The International Court of Justice, since the beginning of its formation, has taken an important step in the field of confirming the non-intervention principle as one of the rules of the international law which is qualified for attention and review. In cases such as "strait of Corfu" and also in another verdict issued by the court in 1986 regarding the issue of "military and nonmilitary activities in Nicaragua and against the regime of that country", intervention was defined illegal if two items were present: "1) intervention is imposed on issues in which each country is allowed to do as a result of the sovereignty principle. 2) The method used by the intervening country is violent. Also in an intervention which has been done violently and forcibly, the element of force and obligation shall be a clear and evident thing.". The court, in the case of "Nicaragua", announced that the non-intervention principle does not prevent the governments from an indirect intervention in the national or international affairs of another government.

On the other hand, given the features of the approvals of the Security Council after the Cold War, it can be said that this council moves toward accepting this theory that the statements of the Security Council prescribes the qualifications regarding humanitarian intervention and even tries to form international courts for guaranteeing its execution. Formation of the international courts of the former Yugoslavia for prosecuting and punishing criminals of the war and genocide by the Security Council of the UN is in fact considered as an effort for creating a new form of collective humanitarian intervention in relation with a wide violation of the human rights (Karimi, 1996).

**Stages of implementing support responsibility**

Support responsibility is usually executed in three stages. According to the report of the UN Secretary General in 2009, Ban Ki Moon, this principle is implemented in three stages as the implementation of responsibility:

1- The first stage, prevention responsibility: the responsibility of a government has been emphasized based on its national and international commitments for supporting its citizens against committing four international crimes including genocide, war crimes, ethnic cleansing and crimes against humanity and also there has been an emphasis on the responsibility of a government for self-prevention from incitement to commit them. The international laws being confined with these four crimes can be considered as a realistic view and evolution in the international law because the great effort of the international law was not practically relied on by the governments for limiting the sovereignty of the governments. Effective sovereignty, supporting the human rights, economical and social development and fair distribution of the resources and facilities are all factors spoiling peace and preventing the occurrence of conflict and excuse. However, given the international dimensions of unpredictability that a domestic human crisis can bring, the prevention responsibility is not only considered as a domestic measure and responsibility of the governing state; but the international community shall also attempt to help the development of that country in different ways including giving loans. In the report of the international commission and sovereignty of the governments in 2001, for an effective prevention a total of 3 conditions have been recognized as necessary: 1- previous warning and evaluation, which is information about the presence of a breakable situation and the risks associated with it. 2- the basic causes of the preventive efforts which requires responding to the main causes of conflict and a preventive long-term effective strategic prevention. 3- direct factors and causes of the

preventive efforts, which are different than the accepted item in time and place and include the following measures: diplomatic and political measures, direct economical measures, direct legal prevention and direct military prevention.

2- The second stage, reaction responsibility: the responsibility of the international community for being obligated to collective attempts has been emphasized whether through the UN or through regional international organizations and a group of countries in the frame of helping the government in whose governmental rage these four crimes have occurred. In support responsibility, instead of using the word right the international community talks about its responsibility for intervention. The commission of preventing intervention and sovereignty, the governments, in their reports in 2001, start the discussion with the word responsibility because they believe that when the discussion is about crimes and it is possible for the international community to deal with or even prevent it, they shall exceed this and here there is no chance for justifying the word right. In this stage, the responsibility of the international community in the situations where a government explicitly avoids supporting its people against these crimes; in the frame of collective peaceful attempts, the most clear among which is the international sanctions, has also been emphasized. Based on article 41 of the Charter of the United Nations, these sanctions include a wide spectrum of limitations and prohibitions against the government violating the mentioned laws and ultimately, I case of inefficiency of the sanctions, as the last stage, the Security Council of the United Nations, will be the only international legal reference for licensing a permission for military measures against the violator government.

3- In the final stage of the implementation of support responsibility, the responsibility of reconstructing the international community after the implementation of the coercive and non-coercive intervention is emphasized. Reconstruction is considered as one of the distinctions of support responsibility and humanitarian intervention because in this theory and other theories, only the reaction of the international community is emphasized, specifically military measures. Reconstruction responsibility is not limited to specific dimensions, but it includes various political, social, economical, legal and cultural dimensions. These measures are for preventing the occurrence of such crimes in that country. Reconstruction responsibility is one of the strengths of the support responsibility doctrine but it can also be one of its weaknesses in practice; because the international community, in real situations, was not able to systematically deal with reconstruction of the damaged areas and two clear examples are in Darfur, Sudan and Libya. Reconstruction responsibility includes items such as peace consolidation responsibility, security establishment responsibility, responsibility of justice and reconciliation, development responsibility, governing the land supervised by the UN. Some of the items are establishment of the forces protecting peace of the UN with the intention of supervising ceasefire, controlling borders, separating the hostile forces, helping the preservation of order and implementation of a law in a country, guaranteeing territorial integrity and political independence and separation between them and the civilians has been referred to more in order to prevent tension and being of help to the sending of the humanitarian helps to the civilians (Assadi, 2010).

**Government's international responsibility**

Basically, in order to recognize the right of intervention for the international community, firstly it shall be specified that a government that has violated its international commitment and due to this violation of international commitment, some moral and material damages to the totality of the international community. In the classical concept of international responsibility, in the classical international responsibility institution, based on approval of the illegal action of a government against another government and the fact that the mentioned actions have brought moral and material damages to another government or determining the fact that individuals who are citizens of a specific country face some moral or material damages; in this case, international responsibility of the affected government come before that of the harmed government. At that age, approval of the government's international responsibility was easier than at this age. In order to determine the responsibility of the offending government, the original text of the project of governments' international responsibility can be considered. Paragraph 2 and 3 of the article 40 categorizes the governments based on three different criteria which are: legal interests, interests at risk and effects of illegal action. In order for this discussion to be clearer, we will express the mentioned two paragraphs. Paragraph 2 of the article 40 expresses that (…….) if the violated right by the action of a government is caused by a multilateral treaty or a general international law each government that is the side of the multilateral treaty or is obligated to observe the rule associated with the general international laws, is considered as harmed if it is proved that: 1-the right has been created in favor of the government; 2- violation of the right by the government basically and necessarily affects having the advantage of rights or implementations of other commitments of the governments that are sides of a multilateral treaty or are obligated to observe the general international law; 3- the right associated with human rights and basic freedoms would be created; 4- if the violated right by the action of a government is caused by a multilateral treaty or a general international law each government that is the side of the multilateral treaty or is obligated to observe the rule associated with the general international laws, if it is proved that the right has been explicitly established for supporting the collective interests of the governments of that treaty, each government that is a side of the multilateral commitment is considered as harmed. Paragraph 3 of the article 40 also states that: "in addition, if the offending international action forms an international crime, all of the governments are considered as harmed."

Therefore, by using the two mentioned paragraphs, one can conclude that modern international responsibility of the governments can be caused by violation of their commitments due to international human rights and international humanitarian rules which has been guaranteed in the four Geneva conventions in 1949 and its additional protocol. In association with the governmental responsibility about the commitment of an illegal action, conditions of occurrence of damage has sometimes also been necessary and said that: "whenever the violation of any kind of responsibility caused by the international law causes some damages, a new legal relation is established between the violating side and the damaged government and the first one is recognized responsible before the second one; therefore there are only three elements in the legal relation: 1- illegal action, 2- reason-based damage, 3-causal relation between action and damage". But given article 1 of draft of the governments' international responsibility, some writers consider the commitment of the illegal action to just be the cause of the realization of the responsibility of the governments. If the international responsibility of the governments in the international law has been defined as a guarantee for not doing a responsibility caused by the international law is imposed on the government or any other violator. What is meant by the

illegal action of a government is an act or omission of an act which leads to the violation of an international commitment and international regulations. Article 3 of the mentioned draft, in explaining an illegal action, states: "the action of a government is considered illegal when: a) act or omission of an act can be assigned to the government according to the international law; b) the action is one of the international commitments and responsibilities of that government. These commitments are of two types: one type includes the commitments that are obligatory for some governments for example rape or assault prohibition, international robbery, illegality of genocide and so on. The other type includes commitments that do not have a direct interest and beneficiary for all and are only effective on the relationship between specific countries. Majority of the international rules and regulations are of this type. The International Law Commission, in interpretation of article one and the reason for elimination of the conditions of damages, states: "... if the damage is considered as one of the factors of realization of a violation, we conclude that violation of any international commitment against another country guarantees a kind of damage or harm to the government of that country". It shall be taken into consideration that the condition of a damage being done is an obligatory damage. The judicial procedure is used for this purpose: most of the damage factors have a completely tangible and observable in the realization of the governmental responsibilities and most of the international disputes have been mentioned in terms of the damage imposed on the government. Therefore, in the definition of the international responsibility, it has been mentioned that: "international legal responsibility is a responsibility which is imposed on a government because of the international law to compensate for the damages which have been imposed on another government due to violation of the regulations of the international law caused by an action or neglecting to do so". International responsibility caused by violation is an international responsibility which might be due to a customary contract or treaty or general legal principles. In order for the government to realize its international responsibility, four things must be observed: 1- violation of an international commitment or in other words doing something wrong; 2- realization of damage and harm; 3- presence of a causal relationship between violation of commitment and the damage caused by it; 4- ability of assigning the harmful action to a governmental organ as an authority. Also, the international responsibility is not limited to only the relationships between two governments, but it might happen in the relationship between two international organizations or a government and an international organization. In the international responsibility of a government against the citizens of another government, based on and through the political support principle, the national government replaces it and forms a lawsuit. In general, it seems that in support responsibility, the intention behind the international responsibility is international responsibility based on the risk theory, because it considers the mere assignment of a government to the government as sufficient without a need for meeting the government's purpose in terms of violation of its international commitment. Of course, here there must be a distinction between genocide crimes and other international crimes including support responsibility from the perspective of international responsibility because according the 1984 convention of genocide states: "in this statement, the end of genocide is one of the following actions which are done with the purpose of a member or the whole tribal, moral, racial or regional group if they had the mentioned feature". Meeting the purpose in committing genocide crimes, in addition to proof, its assignment to the government to the government violating its international commitments is necessary (Hassan, 1995).

**International intervention in support responsibility**

Intervention of the international community is considered as another one of the components of support responsibility. The non-intervention principle is rooted in the collective security of the international community which was especially accepted since the issuance of the treaty of the community. In article 10 of the treaty, it was predicted that if any kind of war or threatening to start a war, either directly or indirectly, puts a country at risk it goes to the whole society and in any case the national community has not been successful much and has only been able to prevent some of the conflicts between the small countries and has not been able to do so against the powerful governments. By approving the Charter of the United Nations including paragraph 7 of its article 2 and also numerous statements which were created in this field after the foundation of the UN, have all been issued in case of observation of the non-intervention principle. Among these statements, statement 2625 of the general assembly called "declaration of international principles concerning friendly relations" which says: "no government or group of governments has the right to intervene, whether directly or indirectly, in the national or international affairs of a government due to any reason. Any kind of intervention not only violates the spirit of the Charter of the UN, but it also leads to the creation of situations where the international peace and security are threatened." Given that in the traditional international law the non-intervention principle is only for the government, but in the modern international law the mentioned principle also includes international organizations and even non-international entities such as corporations and terrorists. By approving the Charter of UN and especially paragraph 4 and 7 of its 2nd article, prohibition of use of force became general and comprehensive. Given the approval of various statements in the UN general assembly and also governments' relative respect for lack of intervention, this regulation gradually became an international customary regulation. Changes after the Cold War, especially national conflicts of the developing or underdeveloped countries and occurrence of massacres in the mentioned countries, especially Rwanda 1994 and Srebenica 1995 led to a gap between the international lawyers concerning the concept of sovereignty and non-intervention principle; in such a way that the lawyers of the western governments claimed a narrow interpretation of the sovereignty and non-intervention principle and their limitation in favor of supporting human rights. While the governments of the developing countries claimed an absolute and wide interpretation of non-intervention and sovereignty principle by only considering the exceptions of the Charter, violation of the territorial integrity is not limited to the deprivation of a government from a portion of its land; but territorial integrity in the paragraph 2 of the article of the Charter means territorial security. The reality is despite the existing view, a section of the current challenging process of the interventions of the Security Interventions in the domestic affairs of the countries shall be considered as a result of their own performance for the UN to have more of a role. And one of the interventions is the request of the Islamic conference organization for the interventions of the assembly in Bosnia-Herzegovina or the request of the Iranian and Turkish governments for an action against Iraq (1991) and also emphasis on the developing governments can be considered for the approval of the statements in various levels of the organization in terms of prohibiting racial discrimination and colonial policies. Also, in the perspective of many lawyers including professor Shakhtar, supporting the citizens of a government in another countries and also by the government itself, providing that it firstly does not lead to greater purposes of attacks and secondly this intervention leads to creation of severe aggressions or human disasters against the mentioned citizens, can be justified as legitimate

defense and not humanitarian intervention. But this, given the establishment of the UN organization in 1945 due to occurrence of 10 cases, is indicative of lack of acceptance of the international community even as an international customary regulation. The American attacks for supporting the diplomats and its consulate in Iran and also Britain's intervention in the Suez Canal with the same argumentation are some of these cases. Prohibition written in paragraph 4 of the article 2 of the Charter and then in other statements of the UN general assembly especially the declaration of lack of a permission for intervention in the governments' domestic affairs (1965), declaration of the principles of the international law concerning the friendly relation in 1970, statement of definition of assault (1974) and declaration of increasing the ability of threat prevention principle or using force in the international relations (1987) was emphasized by the governments that are members of the assembly again. After the foundation of the Organization of African Unity and then African Union, in supporting the sovereignty of the member governments, they established their activities in order to fight with the apartheid and colonialism and racism in favor of the non-intervention principle, the mentioned organizational intervention in some severe violations of the human rights and humanitarian laws, the explicit sample of which can be seen in the "Idi Amin" crimes in Uganda, Bokasa in the republic of Central Africa and genocide in Rwanda.

It seems that today the governments cannot prevent the intervention of the international community in case of occurrence of a barbaric crime against humanity such as war crimes and crimes against humanity in their countries by referring to paragraph 7 of the 2nd article of the Charter of UN regarding the non-intervention principle and this is the element that becomes more important in the implementation of support responsibility that in two observable cases using support responsibility in Libya and Darfur Sudan, the non-intervention principle could not prevent the action of an international community (Aghayi, 2004).

**Governments and their own sovereignty in support responsibility**

The contemporary evolution in the international law and especially in the domain of support responsibility is the result of the new misinterpretations of the concept of sovereignty of the governments. In the past and in the classic concept, the governments had a general power and no special mechanism was predicted for controlling their behavior. However, still one cannot ignore governments' sovereignty in the modern international law despite all of the changes made in the international community such as making the human rights the basis and development of the qualification of the international organizations. Given paragraph 7 of article 2 of the Charter of the United Nations which is concerned with respecting governments' sovereignty and prevention of intervention in the governments' sovereignty by the international community, it shall be considered that an exception is seen at the end of that article which is legitimacy of the intervention of the Security Council based on the seventh chapter of the Charter. Therefore, except for this exception and legitimate defense, there is no exception for violation of governments' sovereignty in the Charter of UN has been predicted.

In the support responsibility, it is thought that the Security Council has a prescription in terms of international community and this issue is the principle dominating the support responsibility doctrine. This means that without the prescription of the Security Council, any kind of international intervention of the community under the name of support responsibility is not legitimate. While in the interventions of Russia in 2008 in Southern Abkhazia in the violation of

Georgia's sovereignty is the explicit sample of this. In the past the governments traditionally referred to the international law as tools in order to justify its sole sovereignty and absolute authority in the domestic affairs which has been emphasized in paragraph 4 and 7 of the article 2 of the Charter of the UN as well. With the development of the international law the concept of sovereignty was gradually limited and the governments agreed to give a part of their family qualification to the international institutions which brought growth and development of international organizations and concepts such as human international law and humanitarian laws. In fact, after the acceptance of the Charter of the UN, in order to achieve a calm peaceful world through two-side, multiple-side treaties and formation of the international organizations, the governments attempted to collaborate with each other and increase granting power throughout the international community to these institutions. Although a section of their political independence is taken, but since the threat of the sovereignty is implemented mutually and through all governments, they thought it to be more acceptable than before. Ultimately, it seems that in spite of lack of a sufficient attention to the governments' sovereignty in support responsibility, the initial responsibility in supporting citizens in the first stage has been given to the governments and this matter supports the significance of sovereignty in the support responsibility. But this sovereignty shall be interpreted in support responsibility not as the traditional sovereignty but in the framework of the international law (same).

**Support responsibility and human security**

One of the concepts close to support responsibility is the concept of human security. Security, in its traditional sense, is a security which is based on independence and autonomy of the governments from the external threats. One of the bases of traditional security is the discussion of construction, production and having weapons. However, after the occurrence of the Cold War, international control over internal conflicts gradually attracted a daily increasing attention in such a way that having weapons is no longer considered as strength for a government. The concept of collective security and mutual security which are considered as types of traditional security have been signed based on the power and cooperation between the governments and attempt to guarantee their security by increasing military cooperation between the governments while facing mutual threats. The purpose of security, whether nationally or internationally, has been considered to be supporting the citizens; given the fact that governments have been questioned in the discussion of security, the necessity of evolution was emphasized in this issue. These evolutions, from the perspective of government-oriented security to human-oriented security, was reflected in the report of the development program of the United Nations in the year 1990 as "report of human development" in which the concept of human development was emphasized which has many things in common with human security and is based on nonmilitary aspects of security. Creation of the concept of human security paved the way for the emergence of a more comprehensive concept in the international law that is support responsibility. Emphasis on the concept of human security was considered by not only the UN organization but at the level of regional organizations especially EU whose purpose was to support human security by creating newly-founded institutions such as operational firms of the foreign relations of the union and a policy named security policy especially through documentary acceptance such as Lisbon and European common defense. A series of these factors after the Cold War paved the way for the emergence of the concept of human security. As the third millennium began, provision of

human security has considered the governments as the most important factor of provision of international security and peace under two conditions which are: 1- only legitimate and democratic governments can provide international security and peace; 2- sovereignty for the governments is not a right but a commitment that creates responsibility toward the international community and therefore the governments do not have the right to treat their citizens and residents anyway they wish. In regard with the concept of human security, the report of the development program of the UN organization in 1994 called "seeking human security is only possible through development of human rights and not through war" shall be referred to in which for the first time Dr. Mahdoob Al-Hagh has used the concept of human security and has generally interpreted human security as the concept of freedom of the human race from fear, threat and freeing him of any need or defect. This report mentions seven criteria for human security and it is in the shadow of its realization that human security is realized: economical, food, health, environmental, personal and social criteria and political security. Human security is a supportive concept which is used in three stages of prevention of occurrence of threats against human lives, reduction of the destructive effects of the occurrence of incidents which have led to massacres and ultimately aid to victims for them to face these incidents. On the other hand, human security, at three levels of the international community, is not only limited to the governments' responsibility and in the next level the international organizations which deal with international security and peace directly; but even the human beings themselves also have a fundamental role in this field. In total, this discussion has some general results: 1- the role of the governments in observing international security and peace is a supervising-intervening role based on two concepts of human security and support responsibility and not just a mere role but in such a way that it shall move towards issuing regulations in the field of making buildings secure to reduce the losses of a tremendous or human field of the crimes against humanity such as occurrence of terroristic incidents; 2- since human security seeks to make a cooperation between human beings in preserving international security and peace, the main difference between support responsibility and human security is traced back to the range of support of human rights and therefore how and to what degree is the intervention of the international community. It means that application of support responsibility is to generalize this concept to other affairs in the statement of the Security Council only at the time of intentional and severe violation of the human rights and the humanitarian rights according to paragraph 138 and 139 of the final document of the session of the General Assembly in 2005 and despite the efforts of Bernard Koshner, Minister of the Foreign Affairs of France at that time and intervention of the international community including application of the sanctions of the Security Council can also be justified in these conditions.; whereas the human security principle brings about a wide domain of intervention and international community's support of human rights for example at the time of occurrence of natural disasters (Gol, 2013).

**Principle of supporting non-militaries and support responsibility**

In the wake of the effort of the international committee of Red Cross in 1860, some principles were created in the humanitarian international laws which are considered as the basic pillar of humanitarian international law to this day. According to this principle, which was specifically mentioned in the Four Geneva Conventions in 1949 and its additional protocols in 1977, the following items were introduced: 1- in the international armed hostilities, the opposing powers

shall separate the military men from nonmilitary ones and strictly avoid targeting the non-militaries. 2- In these hostilities, non-militaries shall be protected against the violence caused by war as much as possible. In the initial decade of the third millennium, with the manifestation of the concept of support responsibility in 2001, this concept has been able to gradually replace the principle of supporting non-militaries to an extent at least in some observed cases for instance Sudan and Libya. The most important factor which led to the prosperity of the support responsibility in comparison with the principle of supporting the non-militaries is that by considering hostilities in Bosnia and Herzegovina, Rwanda, and Kosovo, occurrence of massacres and international community's lack of reaction, the international community came to the result that it is no longer possible to attempt strictly and effectively to prevent the commitment of these crimes and that is how for the first time in the annual report of the international commission of the year 2001 on governments' sovereignty and intervention, the concept of support responsibility was mentioned. It shall be taken into consideration that support responsibility is applied only when some organized attacks in a wide scale have occurred against the population and not necessarily the non-militaries of a country. Also, application of this concept does not require presence of hostility between two opposing forces and there also is the possibility of commitment of organized crimes requiring support in peaceful conditions; whereas in order to apply the principle of supporting non-militaries, a hostile situation whether national or international must exist and some attacks must happen even in small scales. At the end, the difference of the reaction of the international community to the violation of the principle of supporting non-militaries and support responsibility shall be referred to and to this day the greatest attempt of the Security Council to make reference to the violation of the principle of supporting non-militaries in hostilities has been to send international agents for peace to regions involved in hostility against military intervention in Libya by making reference to the support responsibility principle which indicates that the UN organization is more serious in encountering the cases in which the support responsibility is violated in comparison with the principle of supporting non-militaries (Tajbakhsh, 2007).

**Discussion and conclusion**

Before creation of support responsibility, a theory was mentioned in the international law in the respect of supporting the non-militaries which was not supported by the international community. The humanitarian intervention theory, which is traced back to $18^{th}$ and $19^{th}$ centuries, was firstly for justifying the interventions of the powerful governments in lands which severely violated the human rights. Humanitarian interventions can be considered to be based on the necessity of observing minimum behavior according to the international regulations at the beginning. Of course, as this trend continues, as the intervening governments (which are the colonizing governments) abuse the title humanitarian interests, on one hand it has turned into a tool for developing their economical and political interests and on the other hand, it has brought suspicion of the third world countries concerning the actual intention of these interventions; in such way that in total it can be said that to this day there is no agreement on the instances of severe violation of the human rights. Before the approval of the Charter of the UN, despite the acceptance of the non-intervention principle in the treaty of League of Nations, due to the existing ambiguities in the treaty of the mentioned nation, practically, it was not specified whether the governments stayed true to the intervention or non-intervention principle. After the

approval of the Charter in 1945 and with the prohibition of use of force in paragraph 4 of article 2 and also prevention of intervention in the domestic affairs of the countries in paragraph 7 of the article 2, great powers did not have as much freedom to intervene based on humanitarian interests as before and in this period humanitarian interventions saw frequent limitations. In the period after the Cold War, humanitarian intervention was done in a general, collective and unilateral form. What is often mentioned today as the illegitimacy of humanitarian intervention is based on a unilateral illegitimacy. Otherwise, humanitarian intervention, which is considered as permitted in the framework of the Security Council and seventh chapter of the Charter, does not seem to have an obstacle on the way for its basis in the international law. And on the other hand, it seems that the behaviors have been as the authorities wished in this regard and in lands where a clear violation of the human rights has occurred (such as north Ireland for England) we have not seen the discussion of humanitarian intervention and this brings to mind that the humanitarian intervention theory, before being based on legal principles, is based on political, economical and business interests of the government using it. Humanitarian intervention has been in fact specifically for the governments and it does not include international organizations and such a thing was begun with the approval of the Charter of the UN. Given all of the mentioned issues, it shall be considered that although humanitarian interventions have been considered in Europe and America lots of times from lack of violation of the paragraph 4 of the article 2 to justification in the frame of self-defense or attempting to implement the statements issued by the Security Council; but the majority of the experts of the field of international law make reference to its illegitimacy. Support responsibility is a legal commitment for all of the governments in order to observe these decisions that international law supporting the lives of the citizens in the frame of economical sanctions, weaponry sanctions, travel prohibition or blocking their assets from the outside of the country because it is done based on the decisions of the Security Council and the seventh chapter of the Charter. Other than this legal commitment, due to the stability of support responsibility based on morality, the governments also have a moral commitment for these types of supports. Support responsibility only includes cases where one of the following four items occurs: genocide, war crimes, crimes against humanity and ethnic cleansing in a large scale and in other cases the mentioned items are statistic not allegorical. Therefore, in other cases these cannot be applied; whereas the humanitarian intervention theory has been used by the Western governments in cases such as establishment of democracy and human rights with the excuse of repressing revolution of the people of a country as well. Thus, the items mentioned in the humanitarian interventions are allegorical and application of this theory is not limited to a specific constraint. Support responsibility includes the prevention stage to the reconstruction stage and support responsibility includes preservation of the interests of humanity (in general) and not a specific country and due to unsuccessfulness of the humanitarian intervention doctrine and in the respect of filling out its legal gaps, the support responsibility doctrine was created.

**Please organize your references alphabetically**

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