



“Some thoughts about Article Three of the Universal Declaration of Human Rights”, Joanna Weschler

Article 3 of the Universal Declaration of Human Rights says: *Everyone has the right to life and security of person.* At the time these simple words were written, the world had just emerged from the bloodiest war that violated the right to life in an unprecedented fashion, killing some 50 million people around the world. The phrase “never again” was on almost everyone’s mind at the time.

Wars did not end with World War II, and the second half of the twentieth century was bloody as well. And while in earlier wars, most of those killed had been soldiers, during the twentieth century, civilians have started to outnumber the soldiers among the dead left by each conflict. The nature of conflicts has changes as well. A vast majority of conflicts of the second half of the twentieth century were no longer fought between states but rather were internal. And towards the century’s end, in several conflicts, civilians have seized to be collateral damage and became the primary target of the combatants. In several places around the world, conflicts also caused massive flights of entire populations, in some cases which gave us the term of “ethnic cleansing” very deliberately, creating millions upon millions of refugees and internally displaced. Women and children invariably constitute vast majority of the victims. For many people around the globe the right to life and security of the person remains a fairly abstract concept.

The international community has been slow in developing a sense of seeing these conflicts in human rights terms and only very gradually has begun to develop a sense of its own responsibility to protect the victims and to prevent the worst abuse.

Perhaps the key moment came in September 1999, in the wake of the violence in East Timor. The 1990s had been a particularly tragic decade. The world had watched with horror but did nothing when genocide unfolded in Rwanda; Europe had been shaken





by the atrocities of the Balkan conflict; internal wars in Sudan, the Democratic Republic of Congo and several other African countries had claimed millions of lives. In his address to the General Assembly that month, the Secretary-General of the United Nations Kofi Annan counter posed the concepts of state sovereignty and individual sovereignty, describing the latter in terms of human rights and fundamental freedoms. He pointed out the challenge of forging international unity behind the principle that massive and systematic violations of human rights should not be allowed. A year later, in his 2000 annual report he posed a question: “How should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?” And as part of the answer, he pointed to the lack of political will and inappropriate mandates from the Security Council.

That speech led to a heated debate both in political bodies and in the media around the concept of what became to be referred to as “humanitarian intervention.” Eventually, with the support of the Canadian government, an international commission composed of several prominent political personalities was set up to study the matter further. The Commission, led by Mohamed Sahnoun and Gareth Evans produced an important study entitled “The responsibility to protect¹.” In its conclusions, the commission argued that state sovereignty implied responsibility and that while the primary responsibility for the protection of its people lay with the state itself, in cases where the population was suffering serious harm as a result of internal war, insurgency, repression or state failure and when the state in question was unwilling or unable to provide protection, the principle of non-intervention needed to yield to the international responsibility to protect.

The Commission concluded that the Security Council was the most appropriate body to authorize intervention in the face of massive human rights and humanitarian law violations, but it also pointed out, citing then fresh example of Kosovo, that in cases where the Council could not agree, it should not be seen as the last resort. Among the recommendations, the commission included a call on the permanent members of the

¹ The Responsibility to Protect, IDRC, Ottawa, Canada, December 2001





Council to agree not to exercise their veto power to obstruct the passage of resolutions authorizing military intervention for human protection purposes for which there was otherwise majority support.

The Council meanwhile, which had gone through its share of guilt and soul searching, having failed so miserably the people of Rwanda, Bosnia, and many other places where its response to the dangers was so woefully inadequate, reacted to the challenge by beginning to focus on specific themes related to protection of civilians in armed conflict and establishing a detailed set of principles a guidance. Between 1999 and 2003, it passed several thematic resolutions, on issues such as protection of civilians in armed conflict²; children in armed conflict³; women peace and security⁴; and the role of the Security Council in the prevention of armed conflict⁵.

These resolutions taken together constitute an important acknowledgement on the part of the international community of its responsibility to address massive violations of Article 3 in conflicts around the world. They have had a cumulative effect on Council members, for instance in terms of the issues they are willing to address or in some cases, on ways in which they design their practical response, that is the UN peace keeping mandates. But there is still a far too large disconnect between the generic concepts and how and when they are applied to each specific situation whenever the Council is faced with a new crisis and needs to find a response.

In the last fifteen years, the international community has taken some important steps directly related to the massive violations of the fundamental human right referred to in Article 3 of the Universal Declaration of Human Rights. Little by little, it has acknowledged the gravity of the problem, it has given itself the right to be concerned about issues earlier considered to be strictly internal matters of the state and it has concluded that in certain cases it had a responsibility to step in and protect the victims.

² Resolutions 1265 (1999) and 1296 (2000).

³ Resolutions 1261 (1999), 1314 (2000), 1379 (2001) and 1460 (2003).

⁴ Resolution 1325 (2000).

⁵ Resolution 1366 (2001)





The response to the massive violations of the right to life and security of the person must however be swifter, more consistent and not driven by powerful states' political interests.

Governments should be called upon to make sure that massive killings are prevented or stopped, regardless of where they occur. The principles contained in the Security Council Resolutions outlined above as well as the concept of the responsibility to protect, should be considered binding guidance in international community's approach to conflict situations worldwide and should be applied consistently.

