Chapter Seven

United Nations Actions and the Use of Military Force to Provide Assistance to Domestic Populations in Failed States

This chapter explores the – limited – mechanisms available to the international community to address domestic human rights crises in failed States. In particular, three mechanisms are studied.

First, I will explore the activities of U.N. agencies and programs to provide assistance to needy domestic populations in crises countries, including the delivery of food, sanitation and health services. Then, I will appraise the use of force to protect populations in need under two different scenarios. First, I will analyze interventions by the international community using the delegated powers of the Security Council under Chapter VII of the U.N. Charter, which allows for a limited use of force in certain circumstances that threaten international security, including by providing humanitarian assistance. Second, I will examine unilateral interventions to stop gross violations of human rights by certain States and without the U.N. mandate.

These kinds of actions by the international community all address emergencies faced by the populations within the territory of countries in crisis. However, these crises also constitute an emergency for the international community and require coordinated actions. This is not only a basic, paramount question of humanity, it is also important for all States’ stability, territorial integrity and to avoid cross-boundary crimes and population’s influx.

1. Actions of United Nations Agencies and Programs to Address Human Rights of Civilians in Conflict

The human rights of domestic populations in failed or failing States are often neglected. Often people are displaced and become subject to human rights abuses. On many occasions, internal conflicts, violence and wars ensue. In general, agencies, funds and programs of the United Nations system have been at the forefront of providing assistance in situations of crisis and emergencies.
They normally act in coordination with NGOs and State agencies that are tasked with similar mandates.

In this section, I will explore in detail the activities of three specific U.N. bodies that are active in emergencies to assess the viability of their mandate. While none of these mandates directly include failing and failed States, their work touches on all the issues faced by failing and failed States, which often face emergencies and conflicts. First, I will analyze the activities of the United Nations Office for the Coordination of Humanitarian Affairs ("OCHA") which is tasked by the United Nations to coordinate actions in complex emergencies. I will then explore the activities of the World Food Program ("WFP"), which is mandated to provide food resources in situations of emergencies. Finally, I will look at the work of the United Nations Children’s Fund ("UNICEF"), which directs its effort to the protection of children, including in emergencies.

1.1. The United Nations Office for the Coordination of Humanitarian Affairs

OCHA was created in 1991 to coordinate the actions of all humanitarian actors, including U.N. agencies, NGOs and donor countries working in complex emergencies. It does not per se implement projects, but it coordinates the interventions of different actors in complex situations and is therefore a key player in such interventions.¹

OCHA was established by the U.N. General Assembly under Res. 46/182 of 19 December 1991.² The goal of the General Assembly was to strengthen the coordination of emergency humanitarian assistance and efficiently address emergency situations, specifically regarding “the loss in human lives, the flow of refugees, the mass displacement of people and the material destruction.”³ For this reason, it tasked OCHA (originally called Office For Disaster Relief) with, inter alia:

1. Processing requests from affected Member States for emergency assistance requiring a coordinated response;
2. Maintaining an overview of all emergencies [...] with a view to coordinating and facilitating the humanitarian assistance of the United Nations system to those emergencies that require a coordinated response;
3. Organizing, in consultation with the Government of the affected country, a joint inter-agency needs-assessment mission and preparing a consolidated

¹ The role of OCHA in health crises is discussed in depth in Chapter Five.
³ Id.