

Walking a Fine Line: The Pros and Cons of Humanitarian Intervention

Written by Niall Gray

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NIALL GRAY, MAR 16 2019

Characterized by Thomas G. Weiss as a “moral minefield”, the concept of humanitarian intervention has remained a topic of great debate among academics and politicians alike.^[1] Traditionally defined as a state’s use of armed force to protect lives from foreign tyranny, the idea has become inextricably linked to a centuries long philosophical struggle, between individual rights and sovereign authority.^[2] This dichotomy can trace its origins to seventeenth century figures such as Hugo Grotius, who deemed any government sanctioned “outrage upon humanity”, as delegitimizing state control.^[3] Such ideas would play an immediate role in the first examples of humanitarian intervention, with European powers appealing to the ‘natural rights’ of Christians, following their ‘ill-treatment’ by Ottoman authorities.^[4]

Despite such history, it is important to remember the relative infancy of the modern understanding of the concept. Fully emerging in the aftermath of the Cold War, humanitarian intervention quickly became a pertinent issue, in relation to attempts to promote a universal concept of human rights.^[5] This ideal was to be articulated by a newly empowered United Nations, which hoped to enforce a combined international will, regarding state treatment of their populations.^[6] Such optimism, however, would prove difficult to marry with global reality, with the “humanitarian decade” of the 1990s, creating as many questions as answers, with regard to the utility of intervention.^[7] This can be seen in NATO’s troubled operations in Kosovo and Bosnia, which would leave indelible legacies on debate, regarding the merits of intervening in more recent conflicts in Libya and Syria.^[8] As a result, many now question the very concept of humanitarian intervention, with even proponents of the idea, such as Stewart and Knaus, supporting the need for re-evaluation.^[9] This essay will investigate such debates surrounding the ideal of intervention, focusing specifically on its theoretical and practical pros and cons. Engaging with a variety of works, including academic literature and first-hand reports, the study will base its discussion on the experiences of numerous operations, with each offering a myriad of examples, concerning good and bad practice.

With regards to the advantages of intervention, it is perhaps paramount to discuss the doctrine’s proven ability to protect citizens from the actions of their respective governments. Classically viewed as the prime goal of humanitarian operations, preserving life has remained an essential part of justifications, with respect to intervention.^[10] Certainly, this belief has built on the aforementioned work of Grotius, whose ‘guardianship theory’ outlined the ‘duty’ of states, to temporarily intercede in the name of oppressed populations.^[11] This ideal has been bolstered in recent decades by the development of ‘human security’ doctrines, which consider the “welfare of ordinary people”, as equal to more traditional defence issues, such as arms and territory.^[12] This growing emphasis on the welfare of populations has naturally impacted various military outlooks, with NATO’s 1999 decision to intervene against Yugoslav authorities in Kosovo, exemplifying the benefits of such thinking. Indeed, in spite of much debate regarding its overall strategy, the alliance’s humanitarian intervention in the region was ultimately responsible for the cessation of widespread human rights abuses by Yugoslav forces and militia.^[13] At the same time, such an operation could also be described as having pre-emptively halted a potential rise in violence, with the Milosevic administration previously failing to act against various ethnic massacres in Bosnia.^[14] It could be said therefore, that the operation was ultimately responsible for ensuring the security of hundreds of thousands of people, with the local Albanian population having lost the ability to fairly appeal to their respective government.^[15]

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Despite this, it is worth noting that the intervention by no means perfectly achieved its goal of protecting civilian life.^[16] For example, according to one Human Rights Watch report, NATO forces were directly responsible for the accidental death of over five hundred non-combatants during the conflict.^[17] Therefore, this places the principle aim of humanitarian intervention in jeopardy, with Jaume Pinos stating that the continued existence of various 'collateral issues', could result in the concept's abandonment.^[18] However, just war theorist Michael Walzer has noted the dangers of such thinking, claiming that an over-emphasis on 'no risk interventions', may ultimately harm such operations' overall capacity and willingness to protect populations.^[19] It could be argued, then, that whilst the desire to protect life cannot hope to be flawlessly applied within humanitarian interventions, the doctrine overall has shown that it has been successful in providing a final safeguard for persons, whose existence has been endangered by the actions of rogue administrations.

Whilst this protection of populations has been promoted as a universal standard within humanitarian interventions, it is important to remember that the feasibility of such operations, remains reliant on the national circumstances and outlooks of states. This issue has persisted despite the strengthening of the United Nations' global standing, which still only possesses the ability to sanction humanitarian missions on the behalf of the 'international community'.^[20] As a result, state actors remain the key players in actively performing interventions, with Roland Paris noting that administrations will naturally consider their own "material self-interest", alongside more altruistic ideals.^[21] The reality of this situation has even been acknowledged by progressive documents such as the 2001 International Commission on Intervention and State Sovereignty report. Indeed, whilst the document presented a revolutionary framework regarding the "responsibility to protect", it admits that such responsibility remains dependent on the basis that an operation possesses "a reasonable chance of success".^[22] Whilst this 'chance' could simply be interpreted as an attempt to avoid frivolous deployments of the doctrine, such a statement ultimately poses questions as to the subjective assessments of states, in relation to protecting life.

This issue can be seen clearly with regards to the failure to act before and during the Rwandan Genocide in 1994. Possessing many similarities to the aforementioned situation in Kosovo, such as rapidly deteriorating administrative control, the event still failed to inspire substantial humanitarian action from states.^[23] Certainly, whilst a force of five thousand peacekeepers had been assembled by the United Nations, the operation was hampered by long-running commitment issues that inhibited its ability to accomplish its mandate.^[24] These problems have been discussed at length by mission commander Romeo Dallaire, who particularly noted key contributor Belgium's unwillingness to commit to a conflict, largely irrelevant to its national interests.^[25] Due to this, it could be said that a sheer lack of funding directly contributed to the deterioration of a humanitarian situation, which ultimately resulted in genocide. It appears important to remember, therefore, that humanitarian interventions remain largely subjective affairs. Whilst missions have undoubtedly saved lives, state peculiarities continue to influence ultimately where such interventions occur, thereby challenging the supposed legal universality of human rights.^[26] Such concerns have often proven to have long-term consequences, with the 'Black Hawk Down' legacy of America's failed intervention in Somalia, still employed as a 'rhetorical lense', when discussing potential action in Syria today.^[27]

Despite such problems, it is worth discussing the role humanitarian intervention has played in actively promoting various international norms. Tied closely to the evolution of international law, the doctrine has seemingly played a dual legal role in recent decades, with it acting as an enforcer of existing rules, as well as a precedent setter.^[28] Whilst the former may appear straight forward in application, with operations such as that in Haiti intervening against undemocratic governments, the latter of such roles has been particularly revolutionary.^[29] Indeed, this process of re-assessing legal norms after operations has aided in the formation of an intricate, rule-based environment, markedly different to the more anarchic visions of intervention, promoted by older thinkers, such as John Stuart Mill.^[30] This development is perhaps exemplified by the aforementioned "responsibility to protect", which has outlined various actions from which states must protect their populations, such as genocide and war crimes.^[31] This ideal has been instrumental in promoting the conditionality of sovereignty, with traditional military intervention embedded within a series of prior protocols, when dealing with troubled states.^[32] This saw particular success following Kenya's 2007 elections, where local governments pressured Nairobi to calm ethnic tensions, before the need to physically intervene.^[33] As such, it could be said that intervention has played a decisive role in fostering a more robust international system, with its multiple deployments helping to redefine ideals of universal rights and duties.

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Furthermore, it is worth noting that humanitarian intervention's ability to bolster international norms, has also aided the rise of 'middle powers', as global players. Described by Beeson and Higgott as possessing a unique level of diplomatic freedom, middle powers are said to simultaneously wield international clout, whilst lacking the suspicion that is commonly directed towards more powerful states.^[34] These characteristics have subsequently empowered such countries to tie their own interests to the pursuit of innovative solutions to multilateral issues, such as intervention.^[35] This can be seen with regards to Canada's role in the aforementioned ICISS document, which favours unified humanitarian action, in contrast to traditional realist dichotomies.^[36] Simultaneously, however, it is perhaps Australia's actions in East Timor that exemplify this mutually reinforcing position, with humanitarian intervention effectively acting as a stage for the promotion of such powers' internationalist outlooks. Certainly, Canberra's close cooperation with the UN and NGOs appears to have resulted in a rare example of a completely successful intervention, thereby hinting at these operations' ability to encourage cross-body connections.^[37] It seems, then, that humanitarian intervention has played a key role in bolstering global society, with it giving voice to a raft of non-traditional state actors. Whilst these developments may not fully embody Fukuyama's "end of history", such actions have ultimately helped to provide an environment for global debate, outside great power struggles.^[38]

It ought to be remembered, however, that whilst humanitarian intervention has certainly strengthened the letter of international law, it does not necessarily follow that the spirit of such rules, has been fully respected by states. This issue has been raised by various scholars, who have particularly criticized intervention's sovereignty-challenging aspects.^[39] For instance, Adekeye Adebajo has argued that this questioning of governmental authority will only affect weaker, smaller states, that rely most on established ideals of sovereignty.^[40] It could be said, therefore, that these emerging 'cosmopolitan' outlooks regarding state authority, which are encouraged by events such as intervention, may ultimately act as a rhetorical smokescreen, for reinforcing animosity.^[41] This can be seen regarding Russia's 2008 conflict with Georgia. Assisting the breakaway republics of Abkhazia and South Ossetia following Tbilisi's operations against the latter, Moscow has claimed that its intervention was necessary in order to halt a 'genocide' of around two thousand civilians by Georgian forces.^[42] Despite this, Russian authorities quietly rounded down this figure following the conflict, thereby suggesting that such language was ultimately used to facilitate less altruistic aims in Moscow's 'near abroad'.^[43] It could be said, then, that the development of intervention norms has not necessarily led to a change in state attitudes. Indeed, in many ways the doctrine's challenge to established 'Westphalian' ideals seems to have led to the furtherance of much of the instability, that it is meant to solve.

This pessimistic view of humanitarian intervention's increasing presence in international debate, has been particularly voiced by nations of the 'Global South'. Characterized by their status as developing economies, these states have often claimed that intervention exacerbates historical inequalities, that they have sought to overcome.^[44] Certainly, whilst intervention has seen the emergence of aforementioned 'middle powers' as active players, the ideal has continued to exclude poorer countries, which have often found themselves subject to outside interference.^[45] In spite of the rise of humanitarianism in the 1990s, this disparity has only increased, as India and Vietnam's operations of the late Cold War era, remain rare examples of Southern leadership. As a result, this continued role of wealthier states as the key actors within intervention has attracted growing criticism. For example, Anne Orford has argued that recent Western humanitarian incursions into the Third World, amount to neo-colonialism.^[46] These views have become particularly widespread in light of NATO's controversial justifications for deposing Muammar Gaddafi, with many Southern nations viewing the intervention as an existential challenge to their sovereign rights.^[47] As such, it appears that these issues surrounding humanitarian intervention are indicative of disparities between its theory and application. Whilst the doctrine professes a universalist, liberal outlook, its use by powerful states, particularly the West, appears at times to simply legitimize old hierarchies, under a new guise.

Whilst such issues persist, it should not be forgotten that humanitarian intervention has shown great success in halting the evolution of smaller issues, into larger crises. Commonly rooted in deep-seated social and economic problems, local conflicts have often been shown to cause 'domino effects', within and outside state borders.^[48] International recognition of such difficulties has risen in tandem with discussions on intervention in recent decades, with the latter now often viewed as a means of stopping the spread of long-lasting human issues, such as forced displacement.^[49] These problems have been described by Mary Kaldor as evidence of growing global awareness of "new wars", asymmetrical conflicts which require non-traditional military responses.^[50] Such a concept is particularly relevant for states in Africa, which, in light of aforementioned issues of historical imperialism, have inherited frontiers

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with little respect for on-the-ground realities.^[51] Due to this, countries of the region have at times seemingly benefited from calculated humanitarian interventions, with the potential escalation of various societal issues stopped by well-timed operations. This capability of the doctrine was particularly evident during the United Kingdom's 2000 intervention in the Sierra Leonean civil war, which has been well noted for its unique circumstances.^[52]

Certainly, the operation has become known for its key break from traditional humanitarian intervention norms, namely the absence of a tyrannical government. Actively requesting assistance from outside forces, Sierra Leone's administration had found itself increasingly pressured by an amorphous rebel army, known as the 'Revolutionary United Front'.^[53] This group's spread across the country had brought on many problems, akin to a humanitarian crisis, as its brutality deliberately exacerbated a variety of societal issues, most notably blood diamond trading.^[54] This challenge to the established social order ultimately threatened to further destabilize neighbouring states, with intervention able to halt the creation of widespread regional anarchy.^[55] Indeed, whilst the operation by no means single-handedly defeated the rebels, British forces aided a return to social normality through a simultaneous focus on disarmament, as well as a variety of civil society issues, aggravated by the RUF's activities.^[56] It seems, therefore, that humanitarian intervention has proven to be a highly versatile concept. Whilst its traditional ideal of protecting life has remained its central aim, its mandate has evolved to recognize the need to simultaneously tackle wider connected issues. This has strengthened the doctrine's use in helping achieve sustainable peace, with the intervention itself seeming to bring greater attention to Liberia's destabilizing role in the region.^[57] Overall, this crucial ability of the concept has even been noted by war refugees, such as Marie Beatrice Umutesi, who has stated that effective intervention in her native Rwanda, could have saved the surrounding region from long-term societal collapse.^[58]

At the same time, however, it appears that this widening of understanding regarding the utilities of intervention, can ultimately bring about its downfall. Now more than ever tied to issues outside simply "delivering foreign nationals from tyranny", questions must be asked as to when a humanitarian intervention, can ever truly be said to have accomplished its goals.^[59] This issue has been popularized through the idea of "mission creep", a term originally coined in the 1990s to describe the internal ideological weaknesses of the doctrine.^[60] Indeed, the term challenges the amorphous nature of an altruistic use of force, stating that whilst operations may simply set out to protect a population, such motives may encourage an increasing acceptance of responsibilities, until such tasks ultimately cause the intervention to fail.^[61] As a result, a new focus on "exit strategies" has arisen within governmental and academic circles.^[62] Despite this, such studies remain largely inconclusive as to when any single humanitarian intervention can be described as finished, with Michael Walzer admitting that his own thinking on the subject has tended to wander.^[63] It seems logical then that operations decades apart have continued to suffer from inherent on-the-ground difficulties, as can be seen with regard to operations in Somalia and Libya.

Certainly, despite the missions taking place at either end of the contemporary 'liberal era', both seem to exhibit classic issues regarding "mission creep". This can be most vividly seen in the way in which the two missions quickly concluded that there was a pressing need to focus on removing local and national leaders (Mohamed Farrah Aidid and Muammar Gaddafi), despite their original intention to simply end internal hostilities.^[64] Such thinking has been criticized for causing a range of 'cascade effects', with both states' contemporary status as 'administrative black holes', contrasting completely with the operations' original intentions.^[65] It could be argued, then, that the internal logic of humanitarian intervention may need to be subject to renegotiation, as its objectives often remain amorphous and malleable, despite the common presence of UN mandates. This need appears all the more urgent in light of growing unease in intervening countries regarding the utility of such missions, with many now viewing such aforementioned failures, as indicative of the concept's irreparably flawed nature.^[66] Due to this, intervention has become part of a wider, existential debate, regarding liberal ideals of sovereignty and their supposed benefits.^[67] It seems, therefore, that such flaws, if unaddressed, could aid a shift in the very order that fostered the concept, with Trump stressing with regards to Libya, "What do we get out of this?"^[68]

In conclusion, it appears that humanitarian intervention could be described as a troubled, yet necessary concept. Whilst the doctrine has been shown to possess a number of positive moral and practical qualities, most notably its ability to protect populations, its overall utility remains hampered by a variety of difficulties. This issue reflects a continuing schism regarding the inherently legal nature of humanitarian intervention and its connection with actual on-

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the-ground applications. This can be seen clearly with regards to the points raised in this study, with each of the concept's beneficial aspects, ultimately possessing characteristics which can be manipulated, intentionally or not, by those who decide to employ the doctrine. For example, while it is clear that intervention has played a key role in promoting a more robust system of international norms, it remains evident that state bodies will decide whether such operations, are truly employed for these higher ideals. This decisive role of national administrations also plays a part in other issues, with a growing humanitarian understanding of the need to adapt to new aspects of conflict, oftentimes resulting in counter-productive outlooks. It could be said, then, that the problems surrounding the effectiveness of humanitarian intervention, remain part of a larger philosophical discussion, regarding the relationship between states and their 'international obligations'. Such a dichotomy has naturally generated diverse views, as ongoing debate over Syria, has showcased the continued role of states' unique peculiarities, regarding their perceptions of 'rights'. As long as such issues persist, therefore, it is likely that interventions will continue to produce mixed results, with Nicholas Rengger noting that attempts to objectively define the phenomenon, are likely to remain reminiscent of a "rush for fool's gold".^[69]

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