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November 30th, 2016

POLI 260, Dr. Robert Farkasch

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Humanitarian Intervention:

The Preservation of Individual and International Rights

In the latter half of the twentieth century, the notion of collective responsibility, specifically in the event of great turmoil, gained significance as a dominant ideology within the field of global politics. The international community fervently agreed that events such as the Holocaust in World War II were unforgivable acts of violence, and similar events in the future would be never again be met with the slightest hint of inaction. The notion of humanitarian intervention – demonstrated through the United Nations’ “Responsibility to Protect” (or “R2P”) policy – suggests that in the rare case of genocide or ethnic cleansing occurring within a nation that is unable or unwilling to put a stop to the events, the international community (generally, the United States) has a responsibility to intervene. It is defined as “the trans-boundary help, including forcible help, provided by governments to individuals in another state who are being denied basic human rights” (Visser, 2007). Along with the R2P, international law also recognizes humanitarian intervention as a legitimate means of force when authorized by the UN Security Council. However, this idea of non-consenting interference within a sovereign nation has not been unmet with criticism and controversy, and is a subject of great debate within global politics. Its greatest critiques include the arguments that humanitarian intervention is an infringement on state sovereignty, it risks the lives of unrelated troops who do not necessarily have an obligation to intervene, and that it will contribute to the United States’ becoming of a hegemonic police force exercising power over the world with various negative impacts. These arguments, although they address important issues, all coincidentally ignore the dominating factor of the urgency for human rights – a unifying tenet amongst nearly all political theories and state constitutions. Furthermore, allowing acts of genocide to occur without aid will in turn cause greater international security problems than the ones these critics are concerned with. And while intervention itself has been proven to create conflict within nations in the aftermath of the events, there is the possibility for post-intervention stability programs which understand that the removal of an immediate threat does not solve the underlying problem. With these ideas in mind, humanitarian intervention is a necessary solution to the perilous circumstance of efficient and continuous mass murder, whether culturally or physically, occurring within a nation; and although controversial, the act of forceful intervention within a non-consenting country (specifically in the case of genocide) is justified on the grounds of the nation’s failure of state sovereignty, the protection of human rights, and the ensuring of international safety.

The modern international state system used today can be traced back to the Peace of Westphalia of 1648. This negotiation brought to end the Thirty Years’ War, and is credited for articulating the concept of “territorial sovereignty” within a nation (Encyclopedia Britannica, n.d.). From this point forward, individual state sovereignty has persisted as one of the most influential and rarely disputed universal rights in the world of politics and government. Max Weber defines the state as a “human community that (successfully) claims the monopoly of the legitimate use of force within a given territory” (Encyclopedia Britannica, n.d.); as one could infer, Weber’s definition of the state – which is widely regarded as a benchmark definition across the social sciences – is guided by the principle of sovereignty. The fundamental right of a nation to exercise control and remain autonomous within their territory is generally practiced to its full potential and greatly respected amongst all other nations, with very few exceptions; one of those exceptions, however, is indeed the facilitation of the most egregious human rights abuse a nation could commit: genocide. The term “genocide” is involved in its own set of debates, specifically in how it should be technically and legally defined, considering its definition determines the compromising of state sovereignty and the potential lives of international troops. The legal definition of genocide provided by the UN refers to “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group” (1948). This explanation provides the basis for the justification of humanitarian intervention as it clearly defines an abuse of state power. The act of committing genocide within a state immediately delegitimizes that state’s authority, for one cannot effectively argue for the case of mass cultural or physical murder being a “legitimate use of force” (Encyclopedia Britannica, n.d.). The United Nations Responsibility to Protect policy explicitly states that “sovereignty no longer exclusively protects states from foreign interference; it is a charge of responsibility that holds states accountable for the welfare of their people” (1948). It is now seemingly clear that according to these definitions – of humanitarian intervention, sovereignty, and genocide – the act of intervening is not only substantiated but legally required under certain circumstances. However, in the case that legitimate sovereignty is indeed compromised, and humanitarian intervention is clearly justified, one gleaming question remains to be answered – whose responsibility is it to intervene?

In nearly every case in history involving conflict that required intervention, the international community has looked to the United States as the responsible actor. A nation which has been given the title of the “global police force” (Visser, 2007) assumes a powerful and critical position on the world stage, and is expected to exercise that power even in situations that do not pertain to their economic or social interest. The lone reason for the US being given this primary responsibility is due to the simple fact that virtually no other country has the capability to do so, either financially or militarily (Solarz & O’Hanlon, 1997). Being a great superpower backed by the largest military in the world, the US is undoubtedly the most suited nation for these types of interventions, contrary to their actions in the past. There have been several instances in which the US had more than reasonable grounds to provide troops to conflicting nations, yet fell short of their duties. Considering the case of the Rwandan Genocide, the most efficient mass killing of an ethnic group in modern history (including the Holocaust), the US and the world community wholly understood the scope and the danger of the situation, but instead remained as “bystanders” (Power, 2001). With the death of over 800,000 people in the span of just over 100 days (Survivors Fund, n.d.), the United States had no proper justification for why they refused to intervene, especially considering they have since invaded countries for far less humanitarian purposes. There is ample evidence that their invasion of Iraq in 2003 was not motivated by moral concern, considering “the scope of the Iraqi government’s killing in March 2003 was not of the exceptional and dire magnitude that would justify humanitarian intervention” (Visser, 2007). Bush claimed that the liberation of Iraq from Saddam Hussein’s tyranny was always the “principle objective” (Visser, 2007), however many critics would claim that their motivations were purely economic-driven. The argument for the unnecessary loss of US troops therefore loses merit, as the United States government has proven that is less of a problem when the situation is of economic interest. Furthermore, the fear of the US gaining dangerous amounts of power through their “global police officer” label is largely unwarranted due to the fact that “there are, at any time, few cases in which tens or hundreds of thousands of people are actually at imminent risk of death” (Solarz & O’Hanlon, 1997). Reflecting on these points, the preservation of state sovereignty is therefore the final key consideration in the justification of an intervention – but with human rights on the line, a nation’s autonomy is unquestionably jeopardized.

The reference point to which the international community looks upon for the establishment and continuation of human rights practices is the United Nations Declaration on Human Rights (The UN, n.d.). Once again arising as a direct response to the atrocities committed in World War II, this declaration is the overarching human rights instrument from which all others are derived. It sets a standard for the treatment of individuals on a global scale rather than state-by-state, and is indicative of the general social movement towards equality in the latter half of the twentieth century, particularly in Western nations. The third article of the declaration states that “everyone has the right to life, liberty, and security of person” (The UN, 1948) – which are undoubtedly the three most central conditions of human rights, especially in liberal thought, yet are three conditions that are certainly not met during the event of genocide. In addition, the United Nations was originally founded on the notion of “collective security,” which insists that “each state in the system accepts that the security of one is the concern of all, and agrees to join collective response to aggression,” (Lamy et. al, 2015) a principle which assuredly applies to intrastate conflict. Defending this principle, the World Summit in 2005 came to a pivotal agreement that humanitarian intervention is not only justified, but in some cases, necessary – leading to the formal establishment of the Responsibility to Protect (R2P) policy, which was endorsed by all member states of the UN (Bellamy, 2016). The three pillars of this policy outline that “the state carries the primary responsibility for protecting populations from genocide,” “the international community has a responsibility to encourage and assist states in fulfilling this responsibility,” and “the international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect [these] populations” (Office of the Special Advisor, n.d.). Even the title of the policy changed much of the surrounding discourse on this issue, as the switch from “’right’ to ‘responsibility,’ and from ‘intervene’ to ‘protect’” in turn “laid the groundwork for the consensual acceptance of forcible response” (Evans et al., 2011). This establishment was groundbreaking, as previous conversations on the topic of humanitarian intervention within the international community had largely been opposed, and now were recognized as legitimate by the world’s greatest supranational global organization.

The Responsibility to Protect will ensure that the preservation of human rights is first and foremost. After the 1990’s saw two large-scale, ethnically motivated civil wars with mass loss of human life (in Rwanda and the former Yugoslavia), it was apparent that the United Nations required a specific branch dedicated to the principle of humanitarian intervention. Despite its unanimous support at the 2005 World Summit, it has since faced contestation amongst several members, with a particular concern in “how and to what degree R2P should be operationalized, and… about the legitimacy of certain interpretations of R2P’s content” (Welsh, 2013). Several states have expressed skepticism about the “potentially intrusive measures” (Welsh, 2013) associated with R2P’s structure and implementation; moreover, there is a general concern about the label’s connection with forceful and coercive militant involvement, which therefore draws the focus away from the main objective: the restoration of peace within a struggling nation (Welsh, 2013). As the United Nations Secretary-General’s Special Advisor on the Responsibility to Protect, Jennifer Welsh articulates that these reservations have contributed to R2P’s shortcoming in being established as a global norm, and that it is critical to “address the perception that R2P might be misused for purposes other than protecting civilians” (2013). The ongoing deliberation over when the international community’s protective role can and should be activated remains as the fundamental hindrance of R2P’s success – and despite this, it has still managed to settle conflicts and prevent greater violence on several occasions. For example, the 2007 Kenyan elections were followed by immediate violence among its citizens, yet R2P’s “effective diplomacy” (The Brookings Institution, 2015) settled the conflict almost instantly and prevented a larger conflict from expanding during similar elections in 2013. Furthermore, R2P’s intervention in Libya during Gadhafi’s regime can mostly be viewed as a success in its explicit duties – and although the nation itself was abandoned in abysmal conditions following the intervention, the future installment of post-intervention stability programs have the potential to solve a great deal of these problems (The Brookings Institution, 2015). R2P, despite its critiques, is an essential component in the UN’s overarching goal of maintaining peace and preserving human rights – and in order for it to be truly effective in pursuing these goals, it must have undivided support and the unanimous acceptance as a norm from the international community.

Finally, conflict within a nation – especially when not properly dealt with or addressed – can lead to far greater issues across borders and in the global community, not just the conflicting nation alone. Intrastate conflict and genocide do not simply compromise the integrity of the offending state; rather, surrounding nations are directly affected by the turmoil, specifically through refugee flows of the victimized population. Even in these cases, humanitarian intervention is not, and never can be, meant as a preventative measure to avoid future atrocities that have the possibility to be committed. It is only used as a last resort effort to put an end to crimes against humanity, and therefore in this context can only be implemented once refugee flows have already compromised the safety of uninvolved nations, and is not justified on the grounds that a nation will either possibly, probably, or even certainly produce fleeing populations in the future. Having said this, Myron Weiner clearly articulates that population flows create conflict not only within but between states, with a major issue being that “more people want to leave their countries than there are countries willing or capable of accepting them” (1992). He goes on to suggest that there is a “need for a security/stability framework for the study of international migration that focuses on… concerns over internal stability and international security,” (Weiner, 1992) proposing that migration is often the result of internal issues which lead to international concerns. Furthermore, the Human Rights Watch expressed that the growing fear of refugees are being “equated with threats to national and regional security” and that “many refugee hosting countries have legitimate security concerns, including cross-border incursions, militarization of refugee camps, and the fear of conflicts spilling over from neighbouring refugee-producing countries” (Lischer, 2002). Refugee crises do not often lead to an escape from violence, but rather result in a diffusion and inflation of the violence that is already present (Lischer, 2002).

Throughout history, there have been several cases of migration stemming from inner conflict consequently resulting in cross-border conflict – one of the most obvious examples of which being the 1994 Rwandan Genocide. There is uncontested evidence that “the militant actions of the Rwandan Hutu refugees in Zaire eventually sparked two international wars that led to further population displacement in the region” (Lischer, 2002). The 1996 civil war that was provoked in Zaire (the current Democratic Republic of the Congo) was a direct result of populations from Rwanda fleeing the genocide occurring within their country, which never received any sort of proper intervention. In addition to the Zaire example, “ethnic conflicts in the former Yugoslavia, the former Soviet Union, [and] eastern Indonesia… have resulted in part from large-scale migration and refugee flows” (Lischer, 2002). In several if not all of these cases, humanitarian intervention being implemented to address the initial issue would have largely or entirely prevented the international conflict which resulted. Additionally, the refugee camps created through these mass migrations can be used as bases for militant exiles to plan and forge attacks on the sending state (site here). This only increases the threat of international war as “cross-border attacks escalate,” furthering the possibility of “region wide destabilization as more states are drawn into the conflict” (Lischer, 2002). Such examples only continue to solidify the necessity of humanitarian intervention under these circumstances, both morally and legally. As already stated, the international community has a moral obligation to protect and preserve human rights, which is applied to not only the nation committing genocide and/or other war crimes, but the surrounding nations that are directly damaged and destabilized as a result. Legally, the international community must intervene based on the simple yet superior fact that cross-border conflict compromises the sovereignty of unrelated nations. State sovereignty, as previously mentioned, remains as the most paramount and uncontested right granted to independent nations – and when that particular right is compromised amongst innocent states, there are no alternative options but to intervene and restore justice, both for the victims and the perpetrators of the violence. The preservation of international security must, at all times, be considered as an outstanding concern within the global community, as several articles in the United Nations Charter directly address its preeminence (1948). The continuous threat of refugee crises encapsulates the need for both human rights and state sovereignty, verifying its position as a critical circumstance under which humanitarian intervention is not only justified, but increasingly necessary.

Genocide itself has become a progressively central topic of debate, especially amongst the UN and its member states, as the international community has finally deemed it necessary to claim a certain responsibility for the citizens of a sovereign nation who are being stripped of their most basic human rights. No longer could financially capable nations remain as bystanders without being accused of having some sort of culpability, for “it would clearly be a mistake to assume that contiguous countries will always act to prevent genocide in their own neighbourhoods” (Solarz & O’Hanlon, 1997). Despite the criticism and opposition it has faced, humanitarian intervention in practice has proven to be quite successful on several occasions, even without unanimous support from the greater community. It is certain that, despite serving a critical role, these interventions cannot be justified under every circumstance; there are many questions to be asked and factors to be considered before a nation’s sovereignty is compromised and lives are put to risk. However, in the event that a nation is either unable or unwilling to act quickly enough to preserve and promote the welfare of its people, it has lost its privilege of exerting power and independence over its territory, and is therefore subject to an intervention based on both legal and moral grounds. Although the US along with other nations are greatly concerned about the loss of troops, it is quite clear that “combat losses are a part of the price of exercising global leadership and maintaining international stability” (Solarz & O’Hanlon, 1997), as the loss of human life is not the only safety concern in the event of a genocide. The Responsibility to Protect possesses incredible potential for the future – but in order for it to be truly effective, it must be established as a norm rather than a suggestion, and requires much greater support and attention from the members of the United Nations. Regardless if the genocide in question does not pertain to the any one state’s interests, the stability of the international system and the preservation of human rights are fundamental concerns for all – and in order to uphold a standard of stability and security within the global community, intervention remains as the only solution to a most barbarous and inhumane act.

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