

International Intervention as a Failing Concept

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THOMAS M. DUNN, JAN 20 2013

International interventions in states take many forms – military, economic and political to name but a few. These interventions are problematic in both principle and practice. No matter how well intentioned they are, states are both unable to avoid the taint of imperialism and interventions are almost always a failure.

Since the fall of the Berlin Wall, and along with it the demise of communism and the ceasing of bipolar dominance of the world stage, international intervention has, for much of the time, been an issue that has dominated discourse in international law. Debate concerning the topic can be generally placed into two camps. In the first, the realist belief of the sacrosanctity of states' sovereignty when it comes to dealing with their internal affairs, no reason but self defence should allow states to bear arms against one another. In the other, 'intervention is justified from a more liberal approach of righting wrongs and protecting the innocent' (Rashid 2012). Intervention has been accepted by the global community in limited circumstances, very few countries argue that international intervention is not justified in any circumstance. And furthermore, the majority of these states have a questionable record of protecting the rights of their own citizens, for example Cuba, Zimbabwe or North Korea (Bellamy 2010: 365). Codified international law, in particular Articles 2, 39 and 51 of the UN Charter, claims that any case of serious human rights abuse is a case for international concern (Simma 1999: 1). It is surely an ethical responsibility that the international society should step in when a minority within a sovereign state are being subject to systematic abuse; sovereignty 'in and of itself should, at the very least... not shield perpetrators from punitive measures' (Arbour 2008: 455). Therefore, the argument from ethics and morality seems to justify international interventions in other states. Despite this, as the quote states, 'no matter how well intentioned they are', interventions still face myriad inconsistencies and contradictions. This has led many to claim that 'they are both unable to avoid the taint of imperialism and almost always a failure.'

Those advocating international intervention argue that states have an obligation to protect their inhabitants from human rights abuses such as war crimes and ethnic cleansing, along with in everyday life, and the rights and sovereignty they are allowed are dependable upon the fulfilment of the obligation to protect. So when governments fail to protect, their sovereign right to non-interference is forfeited (Tesón: 1998: 93 ; Caney 1997: 32). During the International Convention on Intervention and State Sovereignty, headed by the Canadian government in 2005, a report was released which introduced the 'responsibility to protect' doctrine. The doctrine represented a reevaluation of the more often than not consecrated notion in international law of absolute sovereignty as the chief constituent of relations amongst states. A new definition of sovereignty was embraced in the report, claiming that it included the state's responsibility to protect its own citizens from harm coming from within or outside the its borders. The report continued, where 'a state is unwilling or unable to protect its own civilians from mass atrocities, the international community has a responsibility to prevent such crimes with as much haste as is possible' (Stark 2011: 4). At the summit of the United Nations in the same year, heads of state and their delegates unanimously agreed that they had a 'responsibility to protect' the civilians of their countries from war crimes, genocide, crimes against humanity and ethnic cleansing, which were seen as four fundamental human rights abuses that, if allowed to happen, would 'constitute grave humanitarian crises warranting intervention' (Arend and Beck 1993).

However, considering a completely legal viewpoint, one would encounter difficulty finding definitive support for intervention in international law (Nardin 2002), the reason being that because there are so many different forms of

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governance across the international society, from democracies, such as social democracy in Scandinavia, market democracy in the United States, and authoritarian democracy in Russia, to regimes of communism and theocracies, security between borders must be subject to a system of rules and laws which can be agreed on by all. These laws are codified in the aforementioned articles of the Charter of the United Nations. They allow countries, many of which fundamentally disagree about how people should be governed, to coexist with one another without hostility. Unrestrained international intervention holds the possibility of states attacking one another in order to 'protect and violently export their own cultural preferences' (Bellamy 2010: 366). It was because of this fear that any loophole in a ban on the use of force would be exploited by states that those who wrote the UN Charter in 1944-5 issued a comprehensive ban, Article 2(4) of the UN Charter, which 'forbids the use of force by states in their dealings with one another'. The ban has only two exceptions: Article 39 gives the UN Security Council the ability to authorise military intervention in cases which it deems a 'threat to international peace and security', and Article 51 recognises that all states have the right to use force as a means of self defence (Bellamy 2010: 362).

Simon Chesterman (2001: 231) has made the claim that the reason states sit on the fence when it comes intervening in other states' internal affairs is not because they are 'constrained by law, but because states do not want (interventions) to take place'. Creating exceptions to the ban on the interstate use of force, however well intentioned they are, would not enable more interventions on grounds such as humanitarianism, but would create more legal loopholes for states to justify their self-interested interventions. It could also be argued that a large number of states oppose intervention on any grounds because it fundamentally goes against the principle of self-determination, which was firmly established into international law after the period of imperialism. The United Nations General Assembly's 1970 Declaration on Principles of International Law Concerning Friendly Relations seems to answer this question if asked in a legal sense (as opposed to an ethical or political sense):

'No state or group of states has the right to intervene, directly or indirectly, in the internal or external affairs of any other state. Consequently, armed intervention and all forms of interference or attempted threats against the personality of the state or against its political, economic and cultural elements, are in violation of international law.'

This is known as the principle of non-intervention and still seems to be well established in contemporary international law. This principle has been reaffirmed by the International Court of Justice on a number of occasions. It has also been mentioned in a number of treaties between countries, for example the Charter of the Organization of American States and the Constitutive Act of the African Union. It is not codified within the UN Charter, but is held to be implicit in many of its provisions, especially the principle of the mutual sovereignty of states (Article 2.1) (Wood 2007: 3).

It is interesting to note, then, that some of the world's strongest adherents of international intervention are countries such as Britain, France and Canada. It could be argued that these are states which have a strong desire to export their cultural tendencies – liberal democracy, and free-market capitalism. The United States has inadvertently contributed to this argument by openly making the claim that it would not intervene in situations where it had no national interest (Welsh 2004: 180). Therefore, as opposed to any form of humanitarian or ethical justification, it could be national interest that is the underlying reason such states interfere, whether militarily or economically, in the political processes of other sovereign states. Such an outlook leaves supposedly 'well intentioned' states claiming to act out of humanitarian concern open to allegations of self-interest and post-imperialism as opposed legitimate reasons, such as humanitarian concerns.

Furthermore, it must be taken note that, even though the UN Security Council sanctioned Libyan intervention, giving NATO's actions legality, neither UNSC resolution 1970 or 1973 mentioned the 'responsibility to protect'. Additionally, Obama made no mention of this doctrine in his flagship speech on Libyan intervention on March 24th (Hehir 2011). Just because the doctrine is used as an ethical legitimiser for intervention does not mean that there is no underlying motive. Those advocating international intervention using Libya as an example of its justification or success should take into account how many mass human rights atrocities have occurred without any form of intervention taking place, even since the 'responsibility to protect' doctrine was acknowledged by a large proportion of the global community at the World Summit in 2005. For example, in the Democratic Republic of Congo, Darfur and Sri Lanka, government has systematically targeted and slaughtered its own civilians whilst at the same time the UN Security Council has failed to sanction any form of action to end these human rights abuses. International law

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governing the use of force has remained unchanged since 1991 (Berman 2007: 161). Until today, coalition intervention in Syria has failed to go ahead twice because two of the five permanent members of the UN Security Council, Russia and China, have vetoed draft resolutions. This has been condemned by international actors, such as Ban Ki-Moon, as China and Russia not accepting a 'responsibility to protect.' Hehir goes on to claim that there 'is no doubt that the decision to veto the resolution put to the Security Council on the 4th February constituted naked Realpolitik' (2012: 1). Perhaps the fundamental fault of intervention, however well intentioned, a fact that might lead to its failure, is that it is an ideal, a utopian idea that believes in the self-sacrifice of sovereign states when in reality intervention takes place for reasons of self interest and power maximisation, just as it did for the imperial powers.

Russia and China are not the only states that exercise self interest when it comes to determining when and where to exercise international intervention. It has been argued since the outset that both the United States and the United Kingdom abused humanitarian justification in their attempt to legalise their intervention in Iraq when their original justification for intervention, to rid the country of weapons of mass destruction, was found to be false (Bellamy 2004). Post-intervention, one might argue that in rebuilding Iraqi society and its infrastructure, capitalist restraints have been imposed upon the country which constrains the self-determinism it is granted by law and stops the leadership embarking upon actions which would benefit the inhabitants of the country and instead profits foreign investment (Ali 2001, Orford 2003: 91). This definitely has a taint of economic imperialism, 'legal narratives' justifying humanitarian intervention have had the primary effect of sustaining 'an unjust and exploitative status quo' (Orford 2003: 91). Marxist-Leninist explanations of capitalism link imperialism to the imperial powers' economic interests, which can be seen in post-intervention Iraq. Lenin, argued that imperialism was the highest stage in capitalism's evolution. He saw that towards the end of the nineteenth century, a monopoly had been made over production, finance and economics within the imperial states. Monopoly capitalism needed to expand, and it did this by exporting capital through war, colonialism and economic affairs. Imperialism could be used by the worlds' hegemonic powers to postpone the inevitable demise of capitalism, if only for a limited amount of time, by usurping the markets and raw materials from the colonies, building new markets and profit whilst unloading unwanted surplus (Schellhaas and Seeger 2008: 7). Although the predicted collapse of capitalism never occurred, the economic observations Lenin made about imperialism can very much be seen today in such 'conquered' markets as those in Africa (Bracking and Harrison 2003: 67). For example, much of the budget for aid sent from the United Kingdom to many African states is 'transferred to multinational companies and other institutions of the North' (Schellhaas and Seeger 2008: 10). Up to 98 percent of aid sent from the United Kingdom can bypass a nation state. Following the end of the civil war in Mozambique in 1992 and its elections in 1994, the economic system of the country was 'liberalised', for example. But the liberalisation of its economy was not in the interests of local producers and is far from meeting the current needs of the vast majority of the Mozambican population. Nonetheless, 'the liberal peace legitimisation continues, because it is not about Mozambique but the interests of global capital' (Jones 2003: 43). The will that has emerged in the international community, since the collapse of communism, of a responsibility to intervene and protect has led to the preferences of the hegemonic, intervening powers legitimising their affairs 'by identifying with, and using the language of, the (economic) interests of the international community' (Pugh 2004: 48). These actions, regardless to if they are part of the original intentions of the intervening state, display a taint of imperialism and could be used to argue that most interventions, economic or otherwise, fail.

Nevertheless, even if the justifications used by Bush and Blair were legitimate, legal loopholes still exist, as does the lack of a legitimate or powerful authority being able to punish such states, which gives the more powerful states the ability to justify themselves intervening in weaker states, whether on grounds of humanitarianism or not. Germany introduced this problem in 2003 when the country refrained from endorsing a UK written report about the 'responsibility to protect' doctrine because of a fear in which international interventions, that did not have UN Security Council backing, might be used by states like the USA or UK to attempt to legitimise their illegal world pursuits as has been argued they did in Iraq (Bellamy 2010: 533). On this basis, humanitarian international intervention could be abused by countries wishing to pursue 'imperialist' realpolitik aspirations. These countries could easily fabricate their true objectives in intervening in a state's internal affairs. They could form a groundwork for intervention by placing economic sanctions upon the country, leading to discontent. They could further arm and advise the internal rebellion within a state, which would trigger a response from the government, allowing intervention to be 'justified'. This again has a taint of imperialism. Russia's veto on Syrian intervention was used because of such a suspicion.

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Nonetheless, whether or not previous interventions have the taint of imperialism or that they are always failures, this does not mean that reasons for justifying future international interventions should be regarded as being 'imperialist' and doomed to failure. Anthony D'Amato poses the question 'Are we really supposed to shut our eyes to the killing of boys because they are Serbs, the raping of women because they are Muslim, the severe maltreatment of elderly persons because they are Croats?' (2010: 2). Just because cases such as the Iraqi intervention had a taint of imperialism and are generally judged to have been a failure does not necessarily mean future cases should be judged with the same suspicion. The NATO intervention in Yugoslavia of 1999 was widely criticised for using the tactic of bombing to remove the Yugoslav forces from Kosovo because of the high number of civilian casualties it caused, leading many to deem it as a partial failure. Even though it can be agreed that bombing is far too blunt an instrument to use in intervention, it does not mean that the policy should never have happened in the first place, merely that it should have been implemented differently. We can criticise the means by which policies were executed, but 'it doesn't follow that we throw out policy because improper means were used. You don't shut down the entire police department because some police officers are trigger-happy sadists' (D'Amato 2010: 3). Even if interventions are sometimes failures, it does not follow that they should be stopped completely.

Humanitarian justifications should therefore govern our thinking about international intervention, whether military, economic or political, less than *prima facie* grounds of alleviating human rights violations and suffering might have us think. Countries failure to act against such cases can not be put down to lack of authority in a legal sense, but lack of political willpower. The UN could provide provide authority for intervention and even where authorisation is not granted, such as in Kosovo, an excusable breach of UN regulation can be justified ethically or politically without a country facing too much negative backlash. It appears that even nowadays countries intervene in the internal affairs of sovereign states for their own self-interest, such as oil, power or corporate gain, just as they did height of imperialism. There is no doubt that a number of soldiers, diplomats, international lawyers or politicians believe they have the right intentions and will achieve success when using military force on grounds of humanitarianism – Blair, for example, may well have believed that intervening in Iraq was morally the right thing to do – but would he not have thought this for Zimbabwe, or Rwanda? So it could be further argued that non-intervention in places such as these is a failure on the part of international law and the international community. It appears, then, that there is no overriding norm of intervention and non-intervention in international law, and in my opinion, the law here needs codification.

International interventions at first glance appear to be legitimised on moral, ethical and humanitarian grounds, but they are too open to abuse as a weapon of *realpolitik* to be allowed to happen in any case apart from where there is definitive UN Security Council authorisation, else they face calls of imperialism which are hard to dissemble. Intervention cannot be compatible with the legal idea of co-existence between states. Weaker countries will see international interventions as an imperial, 'might is right' worldview, given that intervention in the affairs of another state at first requires enough military power. In this context, states with a large amount of power and resources need not fear intervention within their borders, with the danger of unrestrained, illegal, ideology exporting.

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