

Is it a good idea for western states to intervene in 'humanitarian' crises?

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ALEKSANDER ROMANIUK, FEB 13 2011

Learning the lessons from the Twentieth Century, which included genocide, suppression and the violation of human rights, many liberal democratic states, following the end of the Cold War in the 1990s, shifted their 'attitudes from sovereignty and order to pressing new humanitarian claims within international society' (Bellamy and Wheeler, 2008: 524). It was during the 1990s that the political elites of liberal democratic states began to lean towards the norm which Kofi Annan, in his speech to the UN General Assembly in September, 1999, labeled as a 'norm to forcibly protect civilians who are at risk from genocide and mass killing' (Bellamy and Wheeler, 2008: 524). This norm, i.e. *humanitarian intervention* (HI), was justified on moral grounds, which at a glance and theoretically do have a very strong argument and value underpinning them. This moral aspect will be discussed and considered in the main body. What is worth noting now is that once these HIs were implemented across the world, from Somalia to Kosovo, it appeared that an attempt to 'do good' in some cases actually prolonged the suffering of those whom it was meant to help. Furthermore, in some cases, states were reluctant to intervene, as with Rwanda, for example. This undeniably raises a question, though: is it a good idea to intervene in humanitarian crises? Despite a number of major practical problems presented by interventions, this essay will argue that it is indeed a good idea to intervene for humanitarian reasons. However, it will also suggest that interventions are only a good idea if the ways in which they are conducted are amended.

The legal case for intervention in humanitarian crises rests on the claim that the 'UN charter (1945) commits states to protecting fundamental human rights, and second, there is a right of HI in customary international law' (Bellamy and Wheeler, 2008: 524). This means that every state is obliged to provide and protect basic human rights, such as the economic and political rights of its citizens, and must not violate them. If the government does not follow these principles, there is a right of HI against this state. This notion of protection by means of intervention is derived from the influence of classical natural law doctrine and Christianity, and in particular from the Fifteenth Century thinker, Vitoria, who argued that as human beings are all neighbors, 'the "civilized" states have a duty to intervene in the internal affairs of "backward" societies to end inhuman practices' (Parekh, 1997: 51). As Bhikhu Parekh's *Rethinking Humanitarian Intervention* shows, the notion of intervention expressed by Vitoria throughout the centuries has undergone some changes, although its main dictum to "help the one unable to help himself" has remained unchanged. On these grounds, it is taken for granted by many today that they have a moral right to intervene in humanitarian crises in order to help fellow human beings and do 'good'. Furthermore, Parekh (1997: 62) suggests that it is not just the moral right that should permit intervention, but rather a 'moral obligation to intervene, sustain, develop a stable and law-governed political community'. Dan Smith and Mona Fixdal (1998: 299) also stress the idea of not a right, but a *duty*, to intervene. An obligation and duty to intervene, unlike a right to do so, implies that an intervention should take place as a human crisis arises, whilst a right implies that states could legitimately intervene, but may choose not to. Thus, these arguments in favour of HI advance a moral obligation to intervene.

However, what stands in the way of this moral right and obligation to intervene is the legal principle of non-intervention and sovereignty in the UN charter wherein article 2(4) prohibits the threat or use of force between states and article 2(7) prohibits intervention in matters essentially within a state's jurisdiction' (Fixdal and Smith, 1998: 292). From this perspective, taking into account that all states agreed to the principle of non-intervention, which they accepted and valued for decades prior to the end of Cold War, this amounts to a case against intervention in

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humanitarian crises, as interventions are seen to challenge and in a sense diminish the principle of state sovereignty. Moreover, it puts the legality of interventions into question. This is closely linked with the *statist* paradigm. Statism, which dominated western political thought over the last three centuries, rejects the terms of HI, rather than takes part in it, on the grounds that 'human rights are in principle the responsibility of the sovereign states [and] accordingly there is no general right to intervene' (Fixdal and Smith, 1998: 292-293). Therefore, acknowledging that statism dominates western political thought, it is immoral to intervene unless we reject the notion of statism and accept *cosmopolitanism*, which implies that human rights are elements of the people and not the state, and thus that people have a right to help if the people of a nation are in trouble (Fixdal and Smith, 1998: 293).

A Crucial component of the moral right, duty and obligation to intervene is the principle to which Mona Fixdal and Dan Smith (1998: 287) point to, namely, a principle of 'right intention' or 'do good but do no harm'. This means that once a state intervenes in a humanitarian crisis, the good of so doing must exceed the harm done by the intervention itself. It is necessary to keep this principle in mind, as more elaboration on it will follow, which will enable us to challenge the idea of intervention as a good one. What is worth stressing at this moment is another crucial component of HI: the motive of the intervention, which in according to Mona Fixdal and Dan Smith (1998: 299) should be 'just peace'. Therefore, establishing peace should be the main priority of an intervention. It is suggested that such a position excludes, among other things, self-interested motives, like profit, power and glory (Fixdal and Smith, 1998: 299).

In theory, all the aspects of, and arguments for, HI do look morally legitimate, altruistic and at a glance, may have a lot of support. The problem is, however, that in practice, the key principles of HI to 'do good but no harm and establish peace' did not work in all cases. Moreover, the moral aspect of the duty and obligation to intervene in a humanitarian crisis to prevent genocide or other atrocities being committed by the belligerent actor has proved to be weak, as it appears that the Western states responded to humanitarian crises across the globe selectively. As Bellamy and Wheeler (2008: 527) point out, no one has done anything to address a major humanitarian catastrophe in Darfur, whilst NATO intervened on 'humanitarian' grounds in Kosovo. Rwanda also saw little involvement. This underpins the relevance of the realist assumption which stresses the idea that states may not intervene for humanitarian reasons, but in pursuit of their own national interests; in other words, the 'powerful intervenes only when it suits their interest' (Bellamy and Wheeler, 2008: 527). Moreover, this serves as a case against intervention on the grounds that HI is selective or when it intervened when what was at stake was not purely humanitarian, but a matter of national interest.

Whilst this may seem true, there is certainly a problem with this realist assumption. What realism seems to dismiss is the idea that national interest may imply not only the self-interest of the state to gain something, but also the idea which is expressed by Crocker (1995) of national interest implying global order and a global standard that is aimed at preventing such atrocities as genocide and other violations of human rights. (Fixdal and Smith, 1998: 297). Moreover, Fixdal suggests that such an idea has become increasingly popular. Furthermore, realists dismissed the fact that the United States' intervention in Haiti promoted democracy, order and peace, which is a strong argument in favour of humanitarian intervention, taking into account the fact that democracies are less prone to fighting each other (Fixdal and Smith, 1998: 297). This is closely linked to the question of authority. If democracies, who are less likely to fight each other and aim to promote peace and order, they have an authority and moral right, in the name of peace, to intervene in humanitarian crises.

Richard K. Betts, in his article *The Delusion of Impartial Warfare* (1994) outlines the limitations of the moral cases for humanitarian intervention on the grounds that in practice, in Somalia and Bosnia, the attempt to do good but not harm did not work, as suffering was actually prolonged (Betts, 1994: 1-7). In Bosnia, an attempt to not fully engage in the crisis resulted in only economic sanctions and an arms embargo being employed as a 'relief' programme, in an attempt to help. This effort failed in Betts' view, as it only prolonged the strife and the impartial intervention did not resolve the conflict. In Somalia, for US, in Betts' view, was naïve to think that intervention could end Somalian anarchy, despite the fact that the US fully engaged and took sides. On the contrary, it lead to heavier fighting in Mogadishu. This undermines the main principles of 'do good but no harm' and 'just peace', of the HI concept. Betts, however, does not reject the idea of intervention, but rather stresses that it should be done as it was in the case of Cambodia, where 'a grand scale take over of much of the administrative authority of the country lead to some positive results' (Betts, 1994: 5). Moreover, both Betts (1994: 3) and Campbell (2001: 38) suggest that states may

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not be willing to intervene, as if the number of their own troops dying on a humanitarian mission is high, this may cause a domestic political backlash in their countries and public support for the intervention will be lost, which may mean that half-way through, the public may demand that the troops be sent back home and the reputation of the political party in power in this state may be seriously damaged. This is one of the reasons why Western states did not intervene in some humanitarian crises.

Moreover, Tony Blair rightly noted that in this increasingly globalised world, which is highly inter-dependent, a conflict or war in one place will have an impact on the others (Bellamy and Wheeler, 2008: 526). This was seen in the Bosnian conflict, which triggered mass-scale migration, and a flow of criminals and corruption into Europe. Thus, Western states have a right to act in self defense to prevent such things from happening through intervention.

This paper illustrated legal arguments for HI, but mainly emphasised the moral arguments in favour of it, which are very strong. It has shown the weakness of the HI approach as it is conceptualized in statism, which conflicts with the entire notion of HI. It has also shown that laws question the legality of HI, and that the moral aspects of HI have, in practice, proved to be weak. However, taking into account that humanitarian interventions are a very sensitive and sophisticated concept in international relations, all the problems which arise as HIs take place should not put the Western states off from the idea of intervention. The amount of research in both academic circles and among government officials points to the following facts: the lessons are being learnt and evaluated and new ideas and solutions are being derived and applied to make HI work more efficiently and smoothly and with as little pain as possible for both the intervener and the intervened. It has been shown that national interest apart from an attempt to gain may also consist of good intentions in the face of promoting democracy and peace. Most importantly, the moral aspects of HI are undeniably right and justified. Laws, at the end of the day, are not something embedded in human beings and thus may be reshaped. Moreover, Western states have a right to intervene in self-defense. On these grounds, the suggestion is that it is a good idea for Western states to intervene in humanitarian crises but certain attempts to making these more effective in terms of finding a solution of how not to add to suffering and win popular support should be pursued.

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