Humanitarian Intervention: Theoretical Justifications vs. Practical Applications
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Abstract: In an increasingly globalized world, humanitarian issues concerning the protection of universal human rights have run up against long-accepted principles of state sovereignty. This paper examines the theoretical justifications for international humanitarian intervention and finds that armed intervention in order to protect basic human rights can be justified, in principle. In reality, however, there are significant pragmatic problems that preclude a universal application of the theoretical justifications. These pragmatic problems must be overcome in order for a humanitarian mission to be both legitimate and successful.

Since the end of the Cold War, lower levels of inter-state conflict have allowed the international community to turn greater attention to intra-state conflicts.1 The lack of superpower rivalry has also made the application of principles of humanitarian intervention more viable. The result of these changes to the structure of the international system has been a series of armed interventions over the past three decades, justified by reference to humanitarian ideals of protecting human rights.2 Still, there is a long history of international acceptance of

the sovereign right of states to exercise exclusive control over their domestic affairs. The principles of humanitarian intervention have come into conflict with the principle of sovereignty, leading directly to the question of which principle should govern. This paper will argue that humanitarian intervention, while justified in theory, is plagued by pragmatic problems that place significant limits on the situations when a humanitarian mission should be undertaken. Problems include the imperialistic tendencies of intervention, the abuse of humanitarian justifications to legitimize ulterior motives, and the historical ineffectiveness of interventions in securing long-term, peaceful conflict resolution. These issues must be overcome before a humanitarian intervention should be carried out.

Before continuing, it will be useful to define the key terms ‘sovereignty’ and ‘humanitarian intervention.’ Scheid writes that the historical understanding of sovereignty has been that “states are politically equal, independent, and self-governing entities” that have “the right to the exclusive control of [[their]] territory and population.” In addition, Welsh notes that there has recently been “a fundamental shift in the understanding of sovereignty in international relations – a move from ‘sovereignty as authority’ to ‘sovereignty as responsibility.’” Thus, some believe the norm of sovereignty has become contingent on the state upholding its responsibilities to its citizens.

Humanitarian intervention is defined by Kuperman as, “The use of diplomatic, economic, and military resources by one or more states or international organizations intended

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4 Ibid, 12.
5 Welsh “Objections to Humanitarian Intervention,” 52.
to protect at risk civilians in another state.”6 The concept of humanitarian intervention contradicts the norm of sovereignty because it generally involves interfering with a state’s right of exclusive domestic control without their consent.7 Resolving the tension between the principles of sovereignty and humanitarian intervention depends largely on whether sovereignty is seen as absolute or as contingent, as will be examined below.

In principle, humanitarian intervention is not only justifiable but also morally obligatory under certain circumstances. The justification can be grounded in cosmopolitan theory, according to which every human being is of equal moral worth and is entitled to equal protection of their fundamental human rights.8 The appropriate extent and limitations of such human rights can be debated. Miller’s basic rights view, however, establishes an acceptable minimal threshold. He argues for a threshold that ensures people have at least a level of rights, freedoms, and resources that is, “adequate to protect their basic interests.”9 Thus, according to Miller, the human rights and freedoms that are essential to living a decent life should be guaranteed.

Miller’s theory can be applied to the issue of humanitarian intervention. According to the cosmopolitan principles discussed above, this basic threshold of human rights ought to apply equally to every human being. The argument thus follows that humanitarian intervention is justified to protect those who are vulnerable to violations of their basic rights. If a state is

unwilling or unable to protect the rights of its citizens, it has failed in its duty of care to them.\textsuperscript{10} Since every human being is equally entitled to have their basic rights protected, and since the state in question is either unwilling or unable to do so, the responsibility to do so falls to the international community. Thus, sovereignty and the ability to be self-determining are contingent upon the state’s fulfillment of its responsibilities to its citizens.\textsuperscript{11} The failure to do so results in the state losing its moral claim to sovereignty and necessitates humanitarian intervention to restore protection of basic human rights.

There is a counter-argument to this cosmopolitan justification of intervention. It asserts that humanitarian intervention is not justified because moral obligations to assist others are limited within the constraints of a state.\textsuperscript{12} Individuals who espouse this view believe that members of a political community have limited responsibilities towards foreign individuals or states because compatriots matter more than outsiders.\textsuperscript{13} This limited moral obligation argument can be challenged, however, by pointing out the arbitrariness of being born a member of one political community instead of another. It is unjust to ignore the plight of an individual who, through no fault of their own, was born into a state that does not provide the basic conditions necessary to live a decent life. If one accepts the idea that all human beings are of equal value, there is no reason to assume that obligations to assist others should only exist within a political community and not without. By virtue of being a human being, every individual has an equal moral claim to have their basic human rights protected. Sometimes, this may require intervention.

\textsuperscript{11} Ibid, 148-152.
\textsuperscript{12} Scheid, “Introduction to Armed Intervention,” 5.
A new international norm has emerged over the past decade that is in alignment with this theoretical justification of humanitarian intervention. Welsh writes, “This norm asserts that – when all other diplomatic actions have failed – states have the right and responsibility to employ military force against another state in order to protect civilians.”¹⁴ The norm was cemented in 2011 when the United Nations Security Council (UNSC) adopted Resolution 1973 regarding humanitarian action in Libya, which “authorized forcible intervention against a fully functioning sovereign state.”¹⁵ The new international norm has been slowly accepted but is now widespread. UNSC-authorized interventions are largely seen as legitimate by the international community precisely because of the strength of the principled argument in favour of protecting universal basic rights.

In reality, there are many practical issues with humanitarian intervention that preclude universal adherence to the theoretical principles outlined above. First, there are some who argue that violating the principle of sovereignty for humanitarian reasons is subjugation. Second, states can violate sovereignty for reasons of self-interest by falsely invoking the language of human rights. Third, many past humanitarian interventions have been of questionable effectiveness, which calls into question their legitimacy. These problems preclude a ‘one-size-fits-all’ approach to humanitarian intervention and impose strict limitations on the real-world circumstances in which humanitarian intervention should occur.

Some see humanitarian intervention as a forced imposition of Western ideals without considering the needs of those who are subjugated to the intervention.\textsuperscript{16} Bellamy and Wheeler note that this view is prevalent in the Global South, where there are worries that “humanitarian intervention is a ‘Trojan horse’: rhetoric designed to legitimate the forcible interference of the strong in the affairs of the weak.”\textsuperscript{17} An illuminating example of heavy-handed interventionism can be observed in Somalia. The intervention there in 1993 was interpreted by some African nations as imperialistic because it was led by the US, who did not understand the intricacies of local tribal politics.\textsuperscript{18} The US entered Somalia with preconceived notions of implementing hierarchical liberal institutions of governance and failed to adapt to deeply ingrained Somali cultural traditions.\textsuperscript{19} This crucial oversight caused the operation in Somalia to be an unqualified failure.\textsuperscript{20} The legitimacy and effectiveness of an intervention rest on the perceived impartiality of the states that are leading the operation and on their ability to adapt to local contexts.

Even if the international community accepts intervention in principle, caution may be required because of the temptation to use humanitarian rhetoric as a guise for less noble purposes. In many cases, humanitarian intervention has been used as a tool to further the national self-interest of powerful states.\textsuperscript{21} A contemporary example is the American invasion of Iraq in 2003. That intervention is widely considered to be of questionable international legality although the American government cited humanitarian concerns as a key motivation for the

\textsuperscript{16} Hehir, “Humanitarian Intervention,” 410.
\textsuperscript{17} Bellamy and Wheeler, “Humanitarian Intervention in World Politics,” 480.
\textsuperscript{20} Mayall, “Humanitarian Intervention and International Society,” 133.
\textsuperscript{21} Hehir, 410.
action. As Menon points out, after the Americans failed to find weapons of mass destruction, they pivoted their justification from global security concerns to the rhetoric of liberating the Iraqi people from an oppressive regime. True American motives were perhaps not so noble and may have included securing petroleum resources, national security, and global power politics. The malleable justifications provided by the US for the Iraq war demonstrate how humanitarian rhetoric can be used to disguise ulterior motives. This is concerning for the practical application of humanitarian principles.

Supposing, however, that an intervention is both approved by the international community and is also based on true humanitarian concerns, there is still the issue of effective implementation. Virtually all past humanitarian interventions been flawed at best and counter-productive at worst. Successes in the short-term provision of humanitarian assistance do not necessarily legitimate the continued failure of humanitarian missions to produce peaceful, long-term solutions to crises. There are myriad examples of cases where well-meaning interveners failed to adequately plan and execute a successful conflict-resolution strategy. Bellamy and Wheeler note that in Kosovo, nearly two decades after the intervention began, “ethnic divisions remain quite pronounced, there is high unemployment, and Kosovo has become a haven for organized crime.” Furthermore, Grigorian argues that US policies designed to punish the Milosevic regime for its actions in Kosovo actually contributed directly to an escalation of violence. In Rwanda, the UN humanitarian mission failed because of the inability or

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23 Ibid, 147.
25 Bellamy and Wheeler, 486.
unwillingness of the Security Council to provide adequate military support.\[^{27}\] The result was the genocide of nearly one million innocent civilians.\[^{28}\] In Iraq, the intervention and subsequent reconstruction efforts devolved quickly into corruption, sectarian violence, the spread of terrorist organizations, and growing anti-Western sentiments.\[^{29}\] In Libya, the interveners skipped many non-military conflict-resolution steps, launching an intensive military campaign that killed many civilians and prolonged the conflict.\[^{30}\] The frequency of flawed or failed humanitarian interventions calls into question the legitimacy of future missions.

It must be acknowledged that there have been successes in humanitarian intervention. In East Timor, humanitarian intervention saw immediate successes in halting genocide and providing humanitarian aid to desperate people. Armed forces, led by Australia, were successful in bringing an end to the violence and saving the lives of thousands of civilians.\[^{31}\] In Sierra Leone, a humanitarian mission led by the UK was successful in stabilizing the conflict-ridden nation and in restoring the safety of civilians through a process of security sector reform.\[^{32}\] These examples provide hope for the future of humanitarian intervention by demonstrating that positive outcomes can be achieved.

Such successful cases do not, however, provide blanket justifications for intervention since they seem to represent the exception rather than the rule. In fact, East Timor was a particularly easy case owing to the fact that the Indonesian government consented to the

\[^{27}\] Mayall, 135.
\[^{29}\] Menon, The Conceit of Humanitarian Intervention, 147-149.
\[^{30}\] Ibid, 119.
intervention. Resistance to the intervening force was minimal and the operation did not lose a single soldier in combat.\textsuperscript{33} Moreover, positive long-term outcomes have been elusive. In Sierra Leone, the imposition of institutional arrangements without adequate thought to local ownership and sustainability has meant that the state is forced to depend on external assistance to maintain security. Albrecht and Jackson note, “The only reason why the country is stable is that external actors provide funding.”\textsuperscript{34} Thus, issues of effectiveness temper even the success stories in humanitarian intervention.

A further consideration is that it is highly unlikely any intervention will ever perfectly achieve its goals. However, there is a significant difference between a successful but flawed operation and an operation that manifestly fails to achieve its goals. Many of the cases examined above, such as Somalia, Rwanda, and Iraq, fall under the latter category. There are serious problems with continuing to intervene without adequately addressing the failures of the past. Appeals to the principles of universal human rights cannot justify undertaking counter-productive interventions. There must be good reason to expect that historical mistakes will not be repeated, otherwise pushing onward will only lead to more of the same.

Despite a strong theoretical and moral justification for humanitarian intervention, the pragmatic challenges in effective implementation reduce the circumstances in which intervention should be undertaken. Moving forward, it is unreasonable to expect that humanitarian interventions will be without flaws. As Dobos argues, however, it is reasonable to expect that a justifiable intervention have a reasonable chance for success.\textsuperscript{35} For that to occur,

\textsuperscript{34} Albrecht and Jackson, “State Building Through Security Sector Reform,” 97.
\textsuperscript{35} Dobos, “Idealism, Realism, and Success in Armed Humanitarian Intervention,” 497.
the aforementioned practical problems of intervention must be resolved. Humanitarian interventions should be carried out impartially and with adequate contextual understanding to reduce claims of subjugation. The reasons for interventions should be multilaterally vetted and approved by the international community so as to avoid self-interested abuse of humanitarian principles. Finally, success must be reasonably assured in order to proceed. These guidelines preclude humanitarian missions with insufficient funding, military resources, planning, engagement of local stakeholders, and commitment from the international community. Operations that proceed without these attributes will be illegitimate and ineffective. If all of these issues can be resolved, and if educated estimates show that an intervention has a reasonable chance of success, then the force of the moral argument to uphold the basic human rights of all people dictates that a humanitarian operation should move forward.

In conclusion, humanitarian intervention is justified in principle. Accepting the equal moral worth of all human beings requires accepting that there is an obligation to universally uphold basic human rights. When a state is either unwilling or unable to protect the basic rights of its citizens, it loses its claim to absolute sovereignty and the responsibility to protect falls to the international community. Pragmatic issues, however, limit the application of theory into practice. Humanitarian intervention may be perceived as subjugation if powerful actors fail to consider local and contextual realities. The rhetoric of humanitarian assistance can also be used by self-interested states to justify incursions of sovereignty for questionable motivations. Moreover, past interventions have a history of failure that makes future operations suspect unless major steps are taken to reduce risks of error. For a proposed intervention to be legitimate, an operation must be impartial and adaptable, agreed upon by the international community through a multilateral decision making process, and must have reasonable prospects for success on the ground.
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