Whose Problem is it Anyway? 
The Ethics and Effectiveness of Humanitarian Military Intervention by Western Liberal States in the Post-Cold War Era

A. Duff Mitchell

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1. Introduction

1.1. Public Policy Issue

Since the end of the Cold War in 1989, Western liberal states have increasingly been overriding the imperative of state sovereignty in order to intervene militarily in the internal affairs of weaker non-liberal states thought to be responsible for gross violation of human rights. While the expressed motivation has been to do good, that is, to prevent or stop major human rights abuses and the spread of violent conflict, the outcome has often resulted in considerable harm, such as a disproportionate number of civilian deaths, the intensification of violence, and the creation of new regional conflicts and threats. These challenges raise the important public policy question of whether foreign domestic problems should justify intervention and, if so, how can intentions and outcomes be aligned to ensure that they reflect the right decisions as to when and how to act?

Humanitarian military interventions, as this type of international armed conflict has come to be called (“humanitarian interventions” for short), are outcomes of public policy decisions that involve both ethical and political reasoning. While there is a long history of military interventions in the West, they tended to reflect public policies centered on self-interested political reasoning – national and geopolitical interests – involving the action of one state against another (i.e., unilateral interventions) (M. Finnemore 3). Humanitarian interventions, in contrast, are distinguished by objectives of advancing on behalf of the international community the liberal notions of human rights and representative government for people who are not related to the intervening state(s). In fact, most, if not all, post-Cold War humanitarian interventions have claimed altruistic ethics for why the actions were taken and involved coalitions of the
international community (i.e., multilateral interventions) (Freedman 245) (A. J. Kuperman 49). A significant departure in the current era then is that a public policy process of disinterested ethical and strategic political reasoning distinguishes humanitarian interventions.

The complexity of humanitarian interventions and their consequences in terms of lives saved, human rights advanced and resources expended for both the targeted and intervening states make it imperative to understand the ethical and political reasoning driving the public policy process in liberal states. This is necessary for better understanding humanitarian interventions that have already occurred, as well as to be able to provide the best possible input for the public policy decisions yet to come.

1.2. Normative Question

The paper looks at humanitarian interventions as a public policy in liberal states that seeks to be ethically based and effectively executed despite the fact that the real world practice and results may be very different. Public policy decisions are assumed to be the product of both some degree of ethical or moral reasoning that seeks to account for why an action is the right choice and political reasoning, which strives to determine if and how an action can achieve its objectives in an effective, economic and efficient manner. Decision makers, as well as their publics, are also understood to assess international humanitarian crises and harden their positions on which ones warrant intervention through the interplay of the international normative context and perception of geopolitical constraints and opportunities. In an age of round-the-clock global news saturation, the media plays a significant role as well in establishing foreign policy priorities
through its impact on the moral and emotional sensitivities of the public (Nye 32) (A. J. Kuperman 52) (Welsh 54). Given this public policy environment, the paper explores the following normative question:

In cases of foreign state violation of human rights through political violence, do Western liberal states have the moral obligation and legitimacy to intervene militarily in all situations they deem appropriate, or should they adopt a policy of non-intervention except in situations that transgress international laws and norms of state sovereignty?

1.3. Scope of Literature

A good part of the growing body of research looks at the issue of humanitarian interventions from the perspective of either advancing or challenging the liberal theory – sometimes called “liberal peace thesis” – that drives the Western interventionist agenda (Chandler 60). On the one side are the morally driven liberals who argue that it is a moral necessity to intervene when there are gross violations of human rights or challenges to the “liberal way of rule” (Davidson 130). Proponents of the position of internationalizing the responsibility to respond to domestic problems of individual states range from those who argue that humanitarian military interventions are a perfect duty necessary to stop or prevent acts that “shock the conscience” of humankind,” such as Walzer, and those who argue that they are an imperfect duty requiring pragmatic assessments appropriate for providing “enduring security” such as Pape (Walzer 55) (Pape 59). On the other side are the realist driven liberals who question the motives of liberal states engaged in overriding state sovereignty to intervene into the domestic affairs of other
states. Proponents of the view that individual states alone have the responsibility to resolve their domestic problems, except in very exceptional circumstances, focus more on realpolitik considerations than moral issues: Mandelbaum holds that acting on good intentions alone for interventions is a formula for failure; Betts holds that if a state decides to intervene it should avoid impartiality and aggressively take sides; and Luttwak makes the case for avoiding intervention altogether (Mandelbaum) (R. K. Betts) (Luttwak).

1.4. Structure of Paper

The paper utilizes both a theoretical and empirical approach. First, humanitarian interventions are situated as a form of morally driven discretionary armed conflict that is characterized by a number of public policy dilemmas. Second, humanitarian interventions since the early 1990s are analyzed to understand their occurrence and success. Third, the political philosophy and ethical principles influencing the debate in the West for and against humanitarian interventions are examined. Finally, the issues raised by the theory and practice of humanitarian interventions are explored to better understand the conditions for public policy success.

2. Situating the Occurrence of Humanitarian Interventions

2.1. Concept: Morally Driven Armed Conflict

There is no generally agreed upon definition of humanitarian intervention. Reflecting on the thrust of the literature, the concept used in this paper is the application of lethal force by one or a coalition of liberal states to a non-liberal state, with or without the target state’s consent, to
prevent or stop moral wrongs from occurring on a mass scale (Pattison) (Seybolt 6). As the action takes place among states, the decision by a potential intervener to undertake a humanitarian intervention represents a morally driven foreign policy (Nye).

Lethal force can include any of the military actions associated with war – air strikes, ground troops, naval blockages, cyber attacks, and arms and logistical support (A. J. Kuperman 52) (Blanchard 4). Liberal states are seen as the legitimate agents of humanitarian intervention given their record of advancing individual human rights in the economic, political and social spheres while practicing a representative form of government (Coady 5) (M. Finnemore 2). The target state, often characterized as a fragile or failed state, is one where the authorities are either unable to manage (i.e., conditions of anarchy) or are in fact the perpetuators (i.e., conditions of tyranny) of widespread violence originating within their territorial boundaries (Teson 93). As a result of the violence arising from anarchy or tyranny, moral wrongs on a mass scale are either committed or anticipated. Moral wrongs may include, but are not limited to, genocide, ethnic cleansing, rape camps, torture, and other forms of inhumane treatment and killing (Walzer, The Politics of Rescue 54). Mass scale means that the acts are widespread and systematic (Pattison).

2.2. Geopolitical Context: Transitioning from Cold War to Post-Cold War Era

The recent surge in humanitarian interventions is associated with the end of the Cold War. The Cold War (1945-1989) was characterized by a bi-polar system of superpower rivalry – United States and Russia – focused on mitigating the existential threat of nuclear war (Art 301). While proxy wars and unilateral interventions occurred with some regularity, as Schelling observes,
there was a “diplomacy of violence” – coercion, intimidation and deterrence – that was applied judicially by the superpowers (Schelling 146-152). Driven by global strategic interests, the United States and Russia often used their influence to prevent destabilizing outbreaks of violence or to ignore them all together (Davidson 136). Given the primacy of national interests over moral concerns, the pressure for humanitarian-type interventions was strongly contained.

The post-Cold War has been one of complex transformation that has given cause to and concern for humanitarian interventions. With the collapse of Soviet communism, there has been a tremendous shift of power to the West. The international system is now dominated by a unipolar military power (United States) and by a multi-power economic bloc (Western nations) (Nye 24). At the same time, many of the geostrategic interests that had previously kept states from revealing the extent of their ethnic, sectarian and political fissures have been relaxed (Jentleson 279). This has given rise to what Schelling calls the “era of dirty wars,” or what the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) calls “complex emergencies” in failed states (Schelling 149) (United Nations). In fact, Jentleson notes that “95 percent of contemporary armed conflicts are intrastate” (Yet Again. Humanitarian Intervention and the Challenge of "Never Again" 291). The result for the West has been a preoccupation with the governance of non-Western non-liberal states.

In September 2001, the situation became even more complicated. With the United States mobilizing the West and its allies, the primary focus shifted to one of fighting the war on global terrorism with all the resources that could be marshaled by a status-quo oriented hegemonic power. This change in focus caused a dilemma for humanitarian intervention public policy.
From the intervening states’ perspective, while humanitarian principles and liberal values continue to be drawn upon to justify humanitarian intervention missions, the target states and nature of the missions increasingly have had the appearance of being extensions of the all-out war on global terrorism. From the target states’ perspective, the war on terror represented “merely an expansion and continuation of a process of liberal global governance” that had taken roots with so much force in the early 1990s (Davidson 131).

2.3. Ideological Context: Ascendancy of Biopolitics Driven Liberalism

Since 1989, there has been a belief in the West that the demise of communism as an international force represents the ascendancy of liberalism as both an ideology over socialism and authoritarianism and a force in world affairs (Davidson 131). As the West acted on this belief, its attitudes and actions have lead to increasing tensions with the non-liberal non-Western world.

At the core of the liberalism that has motivated humanitarian interventions since the 1990s is the Foucault concept of “biopolitics” (Foucault). Biopolitics refers to the primacy of species life and individual life to the state (Davidson 131). Michael Foucault (1926-1984), a French philosopher, argued that liberalism is driven by a utilitarian art of “governmentality” focused on “the management and organization of the conditions in which one can be free” (The Birth of Biopolitics 64). Using Foucault’s logic, as Western liberal states viewed the post-Cold War world through the lens of liberal ideology, issues of the security of populations within states, regardless of where they were located, began to take precedence. This challenged the long established legitimacy of what is known as the Westphalian model or norm of sovereignty. Since the 17th
century in the West, this norm has held that only international relations should be a concern to other states, while domestic issues, except in extreme situations, should be the concern of the respective state authorities and their citizens to resolve. The newer norm – biopolitics driven liberalism – seeks to transform the Westphalian norm so that both the international and domestic space of state affairs are held to the norms of the international community which can then, in turn, be enforced through sanctions when violated. While highly controversial, especially among non-Western major powers such as Russia and China, biopolitics driven liberalism has become the justification for the intervention by Western liberal states into the domestic affairs of states that are regarded as failing to meet the expectations of the liberal moral order of good governance – respect for human rights, democratic elections and anti-corruption (M. Finnemore 7).

In pursuing humanitarian interventions, especially with respect to the conflicts arising from the break-up of the former Yugoslavia in the early 1990s, the West largely saw itself as facilitating the transition to a new human rights-based liberal moral order in a United States-led unipolar world (R. K. Betts 79). With the launch of the global war on terror, liberal ideology has come to regard the biopolitics of other states, or what are now called human security issues, as more than just moral concerns but as threats to both the global order and to Western liberal states directly. Simply put, the whole range of failed state problems – civil war, ethnic strife, failure to protect territorial integrity, inability to provide government services – not just human rights abuses, have become a further justification for military interventions, especially when there are links to Islamist Jihadist movements.
2.4. Historical Record: Consistency of Ethics, Inconsistency of Effectiveness

Post-Cold War humanitarian interventions now have a historical record of twenty-five years (1990-2015). This provides an opportunity to observe patterns of success and failure and the changing moods and modes of operation.

The first few years following the end of the Cold War were characterized by a kind of *euphoria* as Western liberal states responded to “complex emergencies” with sanctions and humanitarian interventions that included troops on the ground. Initially, the intention was focused on nation building and the method represented a repurposing of peacekeeping operations for humanitarian purposes (Cambodia, 1991, Balkans 1992, Somalia 1992, Haiti 1993). By the mid 1990s, the mood changed to *embarrassment* as genocide in Rwanda (1994) and Srebrenica (1995) occurred unchallenged. This embarrassment was mixed with *exacerbation* and a growing reluctance to put troops on the ground following the Black Hawk Down incident in Somalia that lead to a hasty American withdrawal (1993) and the mission confusion and reluctance to risk troop casualties during the Bosnia operations in the late 1990s (Davidson 138). As Finnemore observes, during this time mixed motives began to dominate missions – exporting American values (Somalia), avoiding spillover problem of refugees (Haiti), and protecting European stability and credibility (Bosnia and Kosovo) (Paradoxes in Humanitarian Intervention 1). In addition, with the body bag syndrome constraining operations, humanitarian intervention missions increasingly turned to relying on airstrikes – such as during the North Atlantic Treaty Organization (NATO) bombings.
of Kosovo in 1999 – to force the capitulation of one side, thereby abandoning the pretense of being an “impartial, neutral and humanitarian” force focused on nation building (Davidson 140).

Following the Al Qaeda attacks in the United States, a renewed sense of energy and purpose took over as a belief in *exceptionalism* motivated the actions of intervention. After 2001, the United States-led West largely focused attention on failed states that were seen as central to their war on terrorism, relying on either United Nation (UN) authorized missions (Afghanistan and Iraq) or unilateral actions that overrode issues of state sovereignty (drone strikes in Yemen and Pakistan and, since 2014, airstrikes in Syria) (Bacevich). For the most part, regional organizations (European Union, African Union, Economic Community of West African States) have been left to take the lead with respect to political transition issues and human rights atrocities in Africa (Burundi, Darfur, Cote d’Ivoire, Liberia). In the case of the UN authorized and NATO-led intervention in Libya in 2011, the approach was one of relying solely on air power to create chaos on the ground with the expectation that in the near term, and without the deployment of ground troops, some sort of order would emerge (Bacevich). While this approach achieved regime change, it created a power vacuum that then led to intensified regional, sectarian and ethnic fighting that spilled over to the region and eventually provided a base for Islamist fundamentalist terrorisms (A. Kuperman).

The coalescing of humanitarian interventions and anti-terrorist operations in North Africa and the Middle East, especially in light of the campaign against the Islamic State in Iraq and Syria, has complicated matters further. Increasingly, there is the view that Western interventions are fuelling terrorist attacks on Western interests and, in fact, are contributing to the recruitment of
terrorist members. A study by Pape and Feldman, for example, observes that of “2,100 suicide bombings from 1980 to 2009, most of the perpetrators were acting in response to U.S. intervention in the Middle East” (Zakaria). Having to fight two separate but sometimes intertwined campaigns – human rights violations by failed states and terrorist/militant actions by rogue states – may be exhausting Western resources and resolve. Reflecting on this state of affairs, U.S. President Obama in mid-2015 expressed frustration with efforts to use force to impose peace around the world by comparing them to the “whack-a-mole” game, the implication being that tactics had become a substitute for strategy (Fox News).

Statistically, the picture that emerges since 1990 is one of increasing efforts and mixed results. In the first decade after the Cold War, UN military forces intervened 56 times in the domestic affairs of states (a ratio of 5.6 interventions per year), while during the 42 year period of the Cold War, 1947-1989, there had only been 22 such interventions (a ratio of 0.5 interventions per year) (Davidson 129). As of 2014, UN sanctioned missions have mainly focused on the Balkans (Bosnia-Herzegovina, Croatia, Macedonia, Kosovo and Albania) and Africa (Somalia, Rwanda, Liberia, Congo, Central African Republic, Burundi, Sierra Leone, Democratic Republic of Congo, Darfur-Sudan, Cote d’Ivoire, Libya), though there have been notable exceptions in East Timor, Northern Iraq, Haiti, and Afghanistan (see Appendix I: Selected UN Humanitarian Interventions, 1990-2011). In all these cases, as noted in Appendix I, the publicly stated intentions for the UN interventions were issues of biopolitics, that is human security concerns relating to physical violence, instability, humanitarian relief, state building and regime transition. In addition, sanctions, which often represent a prelude to invasion, have become a more frequently used instrument of forceful persuasion. As Evans notes, before 1989 the UN Security Council
applied sanctions only twice, but over the following fifteen years, 15 sanctions were imposed (The Responsibility to Protect, Ending Mass Atrocity Crimes Once and For All 131).

To date, dozen of countries have contributed an estimated 362,392 troops to UN efforts (Holt 46-56). The number of participating countries though can be misleading; not all contributions are equal. For example, while 37 countries were nominally involved in the Balkans (Bosnia-Herzegovina, Croatia, Macedonia) in the 1990s, most of the heavy lifting was done by NATO member countries (Holt 50). In recent years, the number of troops have become less important as a metric of humanitarian intervention effort with the focus of operations shifting from ground troops to air strikes launched from outside of the conflict zone (e.g., Libya, 2011).

Despite the motivation of humanitarian issues, these interventions have been very costly in terms of civilian casualties. Pattison estimates that 80 percent of the casualties during the 1990s were civilians (Shaw 172). Most importantly however, there have been far more failed outcomes than successful ones. As noted in Appendix I, based on 22 UN actions from 1990-2011 under Chapter VII authorization (use of force as matter of “international peace and security”), only seven resulted in what could be called successful outcomes (32 percent), while 15 resulted in controversial or failed outcomes (68 percent) (United Nations). When the record is assessed in light of the latest Fragile States Index (2015), of the 19 countries that were the target of the 22 UN interventions, 18 (95 percent) are regarded today as among the most fragile, unstable and dangerous countries for human rights (see Appendix II: Most Fragile States and Interventions). Looked at from the perspective of the top 16 most fragile states in the world, nine states (56 percent) experienced UN authorized interventions since 1990, while another five states (31
percent) were targets of various other forms of interventions – drone strikes, air strikes, unilateral interventions. Only two states among the top 16 most fragile states – Nigeria and Zimbabwe – have not experienced post-Cold War interventions.

3. Situating the Public Policy of Humanitarian Interventions

3.1. Question: Whose Problem Is It?

What sets humanitarian interventions apart from much of past international armed conflict is that the problem being addressed is the result of moral choice as opposed to national necessity. Without the existential threat that existed under the Cold War, or even serious challenges to national territory, except in a few cases (e.g., Artic sovereignty, former Soviet territories, Chinese sea claims), liberal states have a choice as to whether or not to get involved militarily in the domestic affairs of another state or territory (Freedman 245).

On the one hand, they can ignore the problem outright arguing that while the foreign crisis is tragic they must respect the long-held principles of state sovereignty, territorial integrity and self-determination. In this case, the international community has to be able to deal with the moral anguish that accompanies standing on the sidelines as a conflict takes its human toll and is subject to the CNN effect (Nye 32).

On the other hand, they can choose to become directly engaged in forcefully defending the human rights of the civilians under threat of anarchy and/or tyranny justifying their actions as “creating the conditions for peace, stability and prosperity” that the target state has failed to provide (Freedman 245). In this case, however, the international community has to be able to deal
with the geopolitical consequences that former U.S. Secretary of State Colin Powell in the 2002 lead-up to the Iraq invasion called “the Pottery Barn rule: you break it, you own it, you fix it” (Safire). In other words, once liberal states intervene militarily in another state for humanitarian objectives, they assume responsibility for the totality of the problem, that is, for both the outcomes of their actions during the intervention and the results of the post-conflict nation-building phase.

Given the wide latitude that exists regarding which problems the West can deem as meriting action, humanitarian interventions can be regarded as a form of morally driven “discretionary” foreign policy and armed conflict (Freedman 245). As the decision of whether or not a humanitarian intervention should occur is filtered through a process of ethical and political reasoning, interest groups both within and outside the liberal states, including those on the ground in the target state, have the potential to influence the decision making process so that it reflects their own parochial interests. The public ethics challenge for the West is to ensure that the resulting policy decision reflects more internationally sanctioned moral and legal principles of state behavior than interest group politics.

3.2. Ethical Policy Reasoning: Deontology and Consequentialism

In looking at the morality of humanitarian interventions, the paper will draw upon the ethical frameworks of two foundations of Western liberal thought – deontology and consequentialism. The assumption is while public policy is the function of the interplay of ethical reasoning (why a decision is the right one) and political reasoning (if and how a policy can achieve its objective)
which occurs within a normative and geopolitical environment, it is the prevailing ideology or political thought that shapes which ethical principles and which political factors will be emphasized in justifying the public policy decision that is made (M. Finnemore 2). While deontology and consequentialism are both strains of Western liberal thought because they emphasize different ethical principles they can lead to significantly different public policy conclusions.

Deontology, or principles-based ethics, holds that morality is an end in itself and places importance on duties and rights (Graham 81). Based on the principle that one should “do what is right because it is right,” deontology prescribes what an individual or collective such as a state ought to do (Graham 81) (Hoffman 29). From a public policy perspective, this raises two caveats. First, while policy makers that draw upon a deontological approach may be able to adjust actions so that consequences remain aligned with moral principles, they also can become focused on the principles and lose sight of the ends that are being actually achieved. Second, as noted by Hoffman, if what is defined as right “is not derived from a calculation of what is possible,” then the policy likely “condemns itself to irrelevance if its commands cannot be carried out in the world as it is” (The Politics and Ethics of Military Intervention 29). Advocates of humanitarian intervention often draw upon the deontological thinking of Immanuel Kant (1724-1804), which has come to be known as the duty to assist (Bagnoli). An important expression of the principles of duty to assist, which has been used to justify a number of humanitarian interventions since 2001, is the Responsibility to Protect (R2P) Doctrine (ICRtoP).
Consequentialism, or utilitarianism-based ethics, holds that morality is a means to an end, and places importance on the utility – value or happiness – of actions and outcomes. This can take two forms: an action can be justified if it maximizes utility by leading to the best result (Act Utilitarianism) or the principles of utility can be used to justify rules of conduct or moral principles (Rule Utilitarianism) (Graham 101-102). Policy makers oriented to this ethical approach may avoid a course of action when their utilitarian calculation determines that the harm or consequences will outweigh the good or principles being pursued (Hoffman 34). From a public policy perspective, though, as in the case of a deontological approach, there are two caveats. First, consequentialist policy makers can become focused on transaction analysis, such as body counts, which may make them inclined to justify as morally appropriate things that are clearly immoral. Second, they can be unduly hesitant or conservative with respect to new initiatives when bad consequences are more readily anticipated than good outcomes, thereby favoring inaction over some sort of action (Hoffman 34). Critiques of specific humanitarian intervention situations (i.e., proponents of outright non-intervention) often draw upon the utilitarian thinking of John Stuart Mill (1806-1873), particularly with respect to his 1859 essay entitled A Few Words on Non-Intervention (Mill). Advocates of this consequentialist position, which is known as “duty to do no harm,” are generally characterized by concern for respect of sovereignty, territorial integrity, self-determination struggles and international processes over international armed intervention actions regardless of the moral wrongs (other than genocide) that may be occurring.

3.3. Political Policy Reasoning: Intentions, Outcomes and Effectiveness
The tension between the impulse to do good but to avoid causing even greater harm represents a public policy dilemma for the West. Making ethically based public decisions – having the right intentions – but achieving the wrong results is ineffective and can be considered as policy failure. Similarly, achieving the right result – eliminating a threat to human rights – but pursuing the wrong intentions such as regime change can be seen as unethical and possibly illegitimate policy and international action. In fact, a pattern of such practices would give credibility to those who claim humanitarian intervention is a form of rhetoric used to justify a Western geopolitical agenda of neo-imperialism. The situation is further complicated by the fact that what might appear to be right intentions and right results at the time of the initial intervention may, over the long term, degenerate into a situation that is later regarded as right intentions that produce wrong results in the absence of appropriate investments in nation state rebuilding that would have led to conditions of peace, stability and prosperity. For the West to maintain its standing internationally, its behaviour needs to represent a norm for other states to follow rather than policy failures or suspect policies that should be avoided or opposed.

3.4. Policy Considerations: The Dilemma of Competing Norms and Principles

In evaluating whether to undertake a humanitarian intervention, liberal states are faced with a number of policy dilemmas. Without the clarity and urgency of a direct threat to national interests, they must navigate among often contradictory policy choices when developing their public case for whether or not to commit resources and possibly lives to trying to resolve the problems of another country.
3.4.1. Sovereignty as Authority versus Sovereignty as Responsibility

Humanitarian interventions represent a choice by liberal states of “sovereignty as responsibility” over “sovereignty as authority.” The policy dilemma arises from the fact that liberal states continue to defend with as much vigor as ever the inviolability of state sovereignty and territorial integrity (sovereignty as authority), especially with respect to the actions of non-liberal major states (e.g., Russian annexation of Crimea). At the same time, liberal states are asserting that exceptional circumstances, should they choose to act in response to them, can be justification for overriding sovereignty when they violate Western held moral norms for the conduct of domestic affairs and meet a number of Western-led internationally sanctioned legitimacy tests for collaborative action (sovereignty as responsibility). The challenge for the West is how to pursue humanitarian interventions without undermining the rules and obligations of sovereignty as authority, while demonstrating the policy soundness of sovereignty as responsibility that is based upon values and rights (Welsh 51-52).

3.4.2. Force versus Persuasion

While humanitarian interventions can be effective at applying lethal force to target states, especially through air strikes, they are generally less successful in persuading competing forces on the ground to work towards a social order conducive to the respect of human rights and representative democracy. Critiques of humanitarian intervention even assert that the application
of force in the domestic affairs of another state is practically a guarantee that the violence will be intensified and any willingness to pursue peaceful options will be abandoned in the short term. This represents a paradox for humanitarian intervention public ethics. On the one hand, liberal states feel compelled to take action when confronted by the chaos in a non-liberal state arising from the breakdown of domestic institutions of persuasion and the resort to force by authorities in an effort to rule. However, on the other hand, the reliance on force by liberal states in an effort to persuade adversarial groups in the target state to adopt peaceful means often leads to an intensification of chaos and even greater breakdown of the institutions of persuasion.

3.4.3. Humanitarian Principles versus Military Principles

The tension between humanitarian principles, which are associated with the intent for humanitarian interventions, and military principles, which govern the use of force during humanitarian interventions, represents a major public policy dilemma for liberal states. The two sets of principles represent opposing values and practices. Humanitarian principles – humanity, neutrality, impartiality, and independence – have long been practiced by the International Committee of the Red Cross and the national Red Cross/Red Crescent Societies and been endorsed in various General Assembly resolutions (United Nations). Military principles, in contrast, are about the efficient and timely destruction of an enemy’s capability and will to fight (Worcester Polytechnic Institute). For a humanitarian intervention to represent justice for both sets of principles, liberal states have to find the way to manage the mission so that intentions (humanitarian principles) are aligned with means (military principles) in order to produce the ethical and political outcomes sought (social order based upon respect for human rights).
4. Making Policy: Influence of Liberalism on Decision to Intervene

The public policy debate in the West about whether or not to intervene militarily in the domestic affairs of a non-Western state for humanitarian reasons is largely one about how best to advance liberal values in the world. This debate reflects the tension between morally driven liberalism, which focuses on duties and rights over consequences, and realist driven liberalism, which focuses on consequences of national interests and international stability over moral concerns. As noted by Davidson, both approaches are “inspired by the Kantian notion of ‘perpetual peace’ through the establishment of an international society of liberal democratic states” (Humanitarian Intervention as Liberal Imperialism. A Force for Good? 132).

The first – morally driven liberalism – makes the claim that problems of illiberal practice resulting in moral wrongs on a mass scale in other parts of the world are a problem of the international liberal community and the ethics driving liberalism justify the effectiveness of the efforts to impose conditions for liberalism (good intentions lead to good outcomes). From a public policy perspective, this approach focuses on liberalism as a unique force in international affairs and places importance on institutionalism to moderate the anarchic nature of the international system through changes to the “set of rules, norms, practices and decision-making procedures that shape expectations” (Slaughter). This form of liberalism, sometimes associated with neo-liberalism, regards “activist intervention” as “morally tolerable” and “absolute non-intervention” as “morally intolerable” (Davidson 128).
In contrast, the second – realist driven liberalism – makes the claim that problems of grave illiberal practice by foreign states are largely a problem for the country in turmoil to resolve. The exception would be situations that directly threaten outside national interests or involve genocide. What counts most is the effectiveness of the efforts of the international community in their response as opposed to the ethics driving the impulse for action (good outcomes represent good intentions). From a public policy perspective, while acknowledging the special characteristics and behaviour of liberal states, this approach draws upon a realist assessment of state power in international affairs to understand how to optimize direct material interests, and holds that international law and international institutions, while important, are ultimately “epiphenomenal,” that is, they “do not constrain or influence state behaviour” when national interests are at stake (Slaughter). Depending upon the particular state and situation involved, the realist approach to public policy may be augmented by a constructivist understanding of the role of “identities and beliefs” in shaping state behaviour, and by what has come to be referred to as the “English School,” which places importance on understanding the origin of states, that is their “domestic politics, norms and ideologies,” in order to better anticipate what “might threaten or motivate them in the future” (Slaughter). This form of liberalism, sometimes associated with modern conservatism, regards “activist intervention” as potentially destabilizing to material interests, and thereby “morally intolerable,” and “absolute non-intervention,” except in specific circumstances, as “morally tolerable” because it seeks to avoid intensifying conflicts (Davidson 129).

5. Making the Liberal Case for Intervention: Duty to Assist
No longer constrained by the existential superpower rivalry that existed during the Cold War, the advocates of humanitarian interventions argue that the fact moral wrongs on a mass scale are occurring or have the possibility to occur in a foreign country means there has been a failure along the political path to a liberal society which liberal states alone have a responsibility to intervene in order to correct. This morally driven liberalism emphasizes the importance of committing to the duties and rights (deontology ethics) required to advance liberalism in the face of anarchy and/or tyranny as a form of good governance. It is also largely driven by the belief that the default order of any society is some form of “secular liberalism” despite the fact that the many controversial results since 1990 demonstrate that there is considerable resistance to liberalism (R. K. Betts 76). Regardless of the messy nature of humanitarian interventions, and the fact that most non-Western states and governments exhibit authoritarian or at the least undemocratic tendencies, advocates for this form of discretionary armed conflict hold that there is a moral necessity or responsibility on the part of liberal states to “react, prevent and rebuild” non-liberal societies in turmoil (Chandler 66). To remove constraints to humanitarian intervention action, morally driven liberalism has sought to reinterpret notions of sovereignty, the prohibitions against the unprovoked used of force against another state, and the meaning of legitimacy in today’s world. In short, the liberal case for intervention is based on emphasizing the ethics of the duty to assist over political considerations of the consequences.

5.1. Ethical Reasoning: The Normative Power of Human Rights

The ethical driver of the duty to assist is the normative power of human rights. Drawing inspiration from Immanuel Kant’s (1724-1804) observation that rights violations “in one place in
the world [are] felt everywhere,” morally driven liberals today make the assertion that leaders have the moral duty to equally protect both the state (sovereignty) and their citizens (human rights) (Jentleson 291) (M. Finnemore 2). While during the Cold War, the international normative context favored sovereignty over human rights as a means to avoid unwanted wars and to allow newly emerging states to find their way in the world, in the post-Cold War period, the normative environment is one of human rights trumping sovereignty. What this means for individual states is that their claim for respect under the norm of state sovereignty and its associated laws and international practices is now dependent upon their demonstration of respect for internationally accepted norms of the natural rights of citizens (Davidson 131). Put more bluntly, states can no longer hide behind sovereignty while allowing extreme moral wrongs such as genocide, war crimes, and ethnic cleansing to occur on a large scale (Pattison).

The ethical reasoning of duty to assist found expression in international institution and law building at the end of World War II (Wedgwood 584). As the full extent of the Holocaust and other atrocities committed against “innocents” – to use the language of just war theory – became known, the response from the victors was to ensure that never again would the world be allowed to descend into a “moral abyss” where such crimes could occur (Wedgwood 584).

With the signing of the United Nations Charter (1945), sovereignty rights as authority and control over a territory were reaffirmed with the objective of limiting the use of force to acts of self-defense, as per Article 51 (United Nations). The intent was to prohibit morally wrong or unjust wars. At the same time, with the UN Universal Declaration of Human Rights (1948), the international community affirmed sovereignty as responsibility for the human rights of its
citizens (The United Nations). The intent was to prohibit moral wrongs on a large scale. Providing further support to the biopolitics driven liberal international norm of human rights, the international community also established the *Convention on the Prevention and Punishment of the Crime of Genocide* (drafted 1948), *International Covenant on Civil and Political Rights* (drafted 1954), the *Covenant of Economic and Social Rights* (drafted 1954), and reaffirmed the *Geneva Conventions* and related protocols, as well as created the International Criminal Court through the *Rome Statute* (1998) (ICRtoP). These various international human rights initiatives, all the product of initiatives of the West, announced the emerging normative position that the world’s peoples shared what one might call universal citizenship rights. Drawing upon the writings on citizenship by the liberal political philosopher, T. H. Marshall (1893-1981), it is quite apparent that in the aftermath of World War II, and the subsequent period of decolonization, it was becoming increasingly the expectation that sovereign power should be guided by respect for and protection of the inherent right of all people to live their civil, political and social lives so they could flourish and realize full capacity as human beings (Marshall).

**5.2. Political Reasoning: Responsibility to Protect Doctrine**

The fall of the Berlin Wall in 1989 marked the end of the Cold War. The international normative context has been going through a rebalancing ever since. Sovereignty as authority continues to be respected and military alliances such as NATO remain vigilant to protect the interest of member states. Russia’s intervention in Ukraine in 2014-2015, for example, despite the claim that it was responding to the expressed needs of the Russian speaking populations in the eastern parts of the country, produced great concern in the West and an attempt to counter through
economic and financial sanctions. The dominant norm, though, since 1990, appears to be sovereignty as responsibility, that is, justifying Western liberal state interventions in the sovereignty of other countries on the grounds that a regime has not been upholding human rights, and/or represents a threat to the world order. Whereas during the Cold War, such actions would have been undertaken “in darkness,” to use the language of Hannah Arendt, for the last two-and-half decades they have been occurring under the full scrutiny of the United Nation’s Charter, Universal Human Rights Declaration, and Genocide Convention, as well as the expanded security roles of post-Cold War NATO (Arendt).

In the 1990s, given the rapid succession of challenges – state disintegration (Yugoslavia 1991-1992), genocide (Rwanda 1994), ethnic cleansing (Bosnia 1995) – and inconsistency in the nature of Western response – decisive action taken in Bosnia, indecisive action taken in Rwanda – the international community undertook to clarify the rules for engagement in humanitarian military intervention. Known as Responsibility to Protect (R2P) – commissioned by Canada and tabled in 2001 by the International Commission on Intervention and State Sovereignty (ICISS) – the West developed a doctrine that drew upon Kantian principles of knowing “what is right” and what is “categorically forbidden,” and then acting in such a way that actions would “pass the test of universalizability” (Graham 88). In this way, the R2P doctrine sought to reflect Kant’s assertion that individuals and states could practice a code of behaviour based upon “morally right actions” (Graham 88).

Drawing upon the human rights based initiatives of the United Nations, among others, the R2P Doctrine seeks an expanded view of sovereignty as responsibility focused on the biopolitics of
human security. Using Kant’s concepts, the R2P holds that states know that the promotion of civil, political and social rights is right. They also know that causing or allowing a population to suffer “serious harm, as a result of internal war, insurgency, repression or state failure” is forbidden (ICRtoP). As a result, states have the categorical imperative of exercising sovereignty as responsibility over and above their obligations to provide for sovereignty as authority. In cases where states do not universalize these principles, they are deemed to be pursuing morally wrong actions and other states, with the right intentions of restoring sovereignty as responsibility, have the duty to intervene. While resisting calls to establish thresholds for when morally wrong actions warrant international intervention, the R2P affirms that states cannot expect the protection of non-intervention associated with sovereignty as authority if they do not first meet the norms and values of sovereignty as responsibility.

6. Making The Liberal Case for Non-Intervention: Duty to Do No Harm

For realist liberals, the existential superpower rivalry of the Cold War has been supplanted by the era of dirty wars, characterized by sectarian, ethnic and regional conflicts, and new great power and regional power rivalries involving an economically and militarily powerful China, a recalcitrant Russia, and competition between Shiite Iran and Sunni Saudi Arabia for dominance in the Muslim world. This introduces a pronounced degree of caution when faced with the question of how to respond to the domestic turmoil of minor states that are removed from the direct interests of the West.
The advocates of non-intervention (critiques of intervention) basically make the case that the fact moral wrongs on a mass scale are occurring or have the possibility to occur in a foreign state means that the society is engaged in the messy but necessary process of self-determination which liberal states have a responsibility to allow to take its course so that an authentic liberal society can have the chance of eventually emerging. As long as the turmoil does not directly challenge the national and global interests of Western states or take on the form of genocidal violence that could threaten the existence of a specific group, realist driven liberalism emphasizes the importance of allowing societies to resolve without external interference the question of how and by who they will be ruled (A. J. Kuperman 75). Realist liberals are also sensitive to the fact that by applying lethal force to conditions of domestic chaos conditions can spin out of control and lead to even greater threats or violence both locally and to the international system.

To preserve the status quo as much as possible, realist liberals have emphasized the importance of respect for sovereignty and territorial integrity, observation of international rules of law and diplomacy, and the prohibition on using unprovoked force against another state for an idea or a cause. In short, the liberal case for non-intervention is based on emphasizing the ethics of the duty to do no harm in the conduct of foreign policy and institutional laws and diplomacy over moral concerns about the difficult process of self-determination.

6.1. Ethical Reasoning: Mill’s Doctrine of Non-Intervention

The case for non-intervention draws its inspiration from the consequentialist thinking of John Stuart Mill (1806-1873). The political moralist, most associated with the ethics of utilitarianism,
believed that wars should only occur when states are confronted by the needs for self-defense or direct challenges to national interest (Mill 6). When a situation met such a test, Mill acknowledged that the application of lethal force by states represented a morally right action. However, when states embarked on military campaigns for self-interest, such as plunder of resources, or for an idea, like promoting civilization among what in his day were called barbarians, Mill rejected the use of lethal force by states as morally wrong actions (Mill 4).

In his 1859 essay *A Few Words on Non-Intervention*, Mill elaborates on his ethical stance. He puts forward the view that the harm caused by interventions will likely outweigh any good achieved because freedom can not be imposed but must be won by those who wish to be free (Mill 6). What Mill is saying is that imposed liberal democracy, which is usually the stated aim of interventions by Western nation-states, is not authentic unless it has been fought for by those who will practice it (A Few Words on Non-Intervention 6). He is taking a very strong liberal position that the authentic freedom of a people requires that they must make the freedom themselves. For Mill, when liberal states undertake interventions, even if for right reasons, tragically the consequences of such actions will be illiberal outcomes (A Few Words on Non-Intervention 4).

While writing over 150 years ago, Mill’s observations resonate with our world today. He wrote that imposed governments by their very nature signify that they lack appropriate support among the population in order to exist peacefully (A Few Words on Non-Intervention 6). To maintain power, these imposed governments, despite any right intentions of the intervening state, will likely become despotic and rely on the application of force to enforce rule in the absence of
widespread support (Mill 5). Since the acquisition and maintenance of power usually means directing force against one or more groups making up the territory subject to rule, this will lead to resistance by the group(s) being subjugated or excluded from participation in the regime. In turn, as this resistance grows, it can lead to civil wars and protracted disorder (Mill 5).

In cases where imposed governments are not able to obtain the trust and consensus in order to maintain power without resort to drastic force, this will only encourage the invader(s) to remain in order to help stabilize the situation (Mill 5). From his realist perspective, Mill understood that such stopgap measures only prolonged the conflict and, in fact, could lead to some form of colonial or neo-imperialist rule. Again, Mill was conscious that even if the invaders had morally right intentions, the appearance of exercising control over the imposed regime would only reinforce the subject population’s perception that the regime was inauthentic and had to be overthrown. In other words, the outcome of the intervention would have been either a stalemate or a worsening of the conflict, which could hardly be justified in terms of the original intentions.

Mill raised two other objections in support of his case for non-intervention. First, he noted that intervention could encourage other states to intervene which otherwise would not have been morally permissible to do so (Mill 6). This could then turn the nature of the intervention away from any intended humanitarian purposes that may have originally existed. Second, Mill argued that interventions for humanitarian purposes should only be pursued with what he called “civilized” people not “barbarous” people (Mill 4-5). Whereas just a couple of decades ago this would have been seen as an outdated notion, in today’s world of Islamist fundamentalist crimes against humanity – Taliban, Al Qaeda, Islamic State – the question of how to respond to the
actions of those who are outside of, and unwilling to ever be part of, the norms and values characterizing what is regarded as civilized behaviour – secular liberalism – is today one of the most perplexing international questions.

In summing up the case against intervention, or as Mill put it, the case for non-intervention, it is morally permissible to use lethal force in genuine situations of self-defense or when national interests are otherwise at risk. This was more or less the practice that prevailed during the Cold War period. However, it is not morally permissible to use lethal force to impose a liberal democracy on a territory experiencing domestic turmoil as this will likely lead to outcomes of harm outweighing the intended good through the consequences of civil wars, despotism, colonial-type empires, and the empowerment of barbarous people. As already noted, the record of the twenty-five year period since 1990 provides many examples of these types of outcomes which speaks to the prescience of Mill.

6.2. Political Reasoning: The Paradoxes of Good Intentions and Dirty Wars

The political reasoning underlining the case for non-intervention is based upon a realist analysis of the consequences of pursuing good intentions in the era of dirty wars. The realist school of international relations asserts, as Welsh observes, that states do not act in moral or altruistic ways (Taking consequences seriously: objections to humanitarian intervention 58). Rather, states always choose to act for self-interests, and as a result, their behaviour reflects attempts at rationally maximizing military, economic and diplomatic power (material interests) to protect against balance of power shifts and to advance hegemonic advantages (Slaughter). Humanitarian
interventions, then, despite the claim of humanitarian motivations (moral interests), will be
driven by self-interest (material interests) and, at best, amount to actions of “mixed motives”
(Welsh 58).

In advancing the case for non-intervention, much of the analysis focuses on a consequentialist
critique of humanitarian interventions. The basic thesis is that humanitarian interventions are
doomed to fail due to external consequences resulting from unintentionally encouraging more
conflicts while inflaming hostility towards the West and as a result of domestic constraints of
public support and military strategy.

In developing non-intervention public policy the main focus is a realist assessment of
international affairs combined with a constructivist notion of the importance of the “norm of state
sovereignty” and “domestic politics” in “profoundly influenc[ing] international relations”
(Slaughter). In contrast to humanitarian intervention public policy, which since the collapse of
the Communist Bloc has focused on liberalism as a driver of foreign policy and experimented
with institutionalism as an alternative to rational, self-interested strategy (e.g., the responsibility
to protect doctrine), non-intervention policy regards the post-Cold War world as one where
threats to survival continue to exist despite the preeminent military position of the United States,
and the economic dominance of the West. Consequently, non-intervention holds that caution
needs to be exercised in the assertion of power and when modifying international norms and
institutions. As events over the last twenty-five years have demonstrated, especially since the
war on terrorism, being aligned with the hegemonic power in a unipolar world does not ensure
stability nor provide protection from threats by transnational actors.
Given this approach, at the core of non-intervention public policy is the position that in order to achieve the best possible outcomes – stable international system – states should focus on furthering their own national interests (*raison d’état*), within the constraints of the norms and moral obligations of the international systems, and not, as Mill noted, claim some idea or cause to justify intervention (Welsh 62). Similarly, by avoiding intervention in situations of foreign domestic turmoil, non-intervention public policy is making the claim that emerging or transforming nation-states should have the greatest prospect of achieving some sort of stability through self-determination struggles resulting in either an authentic civil order or, once adversaries have exhausted their violent options, some sort of *detente* regarding who will rule and how power will be shared (Luttwak 36).

It needs to be noted though that the ethics of non-intervention is not a perfect duty. It does not hold that states should avoid intervention in all situations of foreign domestic turmoil. Rather, as Mill had argued, it is morally permissible to use lethal force in genuine situations of self-defense or when national interests are otherwise at risk. The question then is what constitutes genuine situations that may result in a position of non-intervention becoming one of intervention?

**7. Going Forward: Developing Ethically-Based Effective Policy**

The humanitarian intervention record to date raises a number of public policy challenges regarding ethics and effectiveness. First, whether successful or not, these missions are likely to be associated with a disproportionate number of civilian casualties, which should raise ethical
concerns. Second, regardless of intentions, they are also more than likely to end in failure at mission completion in terms of restoring peace and order (a two-thirds percent chance), which should raise political concerns. Third, even if successful, a few years following the mission the target state has a nearly one hundred percent chance of being a failed state and continuing to represent threats to the international system, which should reinforce the political concerns. Finally, whether successful or not, and whether the target state remains a failed state or not, the act of humanitarian intervention is likely to lead to resentment and revenge among minor states and transnational groups which can breed new and greater threats. This should give cause to rethinking actions that make a problem of an individual states an issue for the international community as a whole.

The poor alignment of ethics – to do good – and effectiveness – to accomplish good – fuels the controversy over humanitarian interventions. Given the extent of biopolitical issues in the non-liberal non-West, morally driven liberalism continues to influence Western public policy for intervention. At the same time, given the many failures to actually advance biopolitical interests, realist driven liberals continue to question the motivations behind the lethal use of force. Many non-liberals around the world also share this skepticism. Simply put, public policy needs to address the fact that not everyone agrees with the moral motivations associated with humanitarian interventions.

In responding to these challenges, a public ethics approach, while not necessarily guaranteeing the right decision in an absolute sense, can, nevertheless, help ensure that the best possible decision is made given the ethical principles and political concerns that are most important to a
particular government. Like any public policy process, the basic elements involve a process of assessment of the situation (what accounts for the conditions of anarchy and tyranny?), identification of the issue (are moral wrongs on a mass scale being committed?), consideration of options (if and how can the problem be managed by outsiders?), and, after deliberating on ethical principles (duty to assist or duty to do no harm?) and political realities (what is politically feasible?), determination of decision (intervention or non-intervention?) (Hoffman 49). Furthermore, whether a policy’s ethical framework is deontological or consequentialist, it will require meeting the test of morally right intentions being undertaken by a morally legitimate agent that can actually achieve the humanitarian outcomes being sought. As Seybolt, and the consequentialists document so thoroughly, “if not done well, humanitarian intervention wastes lives and resources and might perpetuate or exacerbate the problems it is intended to address” (Seybolt 5).

With respect to the question “whose problem is it anyway?” there is important common ground between the morally driven liberals and the realist driven liberals. The ethics of intervention (duty to assist) and the ethics of non-intervention (duty to do no harm) both allow that it may be morally permissible to intervene in situations of what Welsh calls “supreme humanitarian emergency” or, citing Walzer, which represent “instances of violence [that] ‘shock the conscience of mankind’” (Taking consequences seriously: objections to humanitarian intervention 51, 61, 63). This is recognition that national interest is more than just material interest but can also include moral interests based upon the “minimal protection of human rights” (Welsh 67). Such a position is anchored in the international laws adopted by the international community at the end of World War II reaffirming sovereignty as authority (UN Charter) and
sovereignty as responsibility (Universal Declaration of Human Rights and Genocide Convention). It also reflects a realist assessment that there may be situations where Mill’s case for allowing self-determination struggles to proceed without intervention would not be conducive to any chance of good outcomes due to the existence of overwhelming and oppressive forces on one side (Welsh 61). In situations then where there are “right motive” (compelling moral interests) together with “right capability” (compelling material interests), the ethics of non-intervention would allow intervention to be considered (Welsh 63). To separate exaggerated or rhetorical claims from actual situations justifying an intervention response, non-interventionists would require that morally impermissible violence must first meet “certain tests of legitimacy” (Welsh 51).

In situations that do not represent “supreme humanitarian emergency” or tests of legitimacy, the debate is wide open. As the notion of human rights has expanded to cover practically all aspects of human life, proponents of intervention have similarly broadened their claims for situations justifying humanitarian intervention. This has given rise though to the view in some quarters that the duty to assist doctrine is being exercised selectively by the West. In contrast, reflecting the sobering insights obtained from consequentialism, proponents of non-intervention tend to remain steadfast in their caution to and criticism of humanitarian interventions. This has given rise to the opposing view that the duty to do no harm doctrine is being used to rationalize self-interested actions over altruistic ones.

While the humanitarian intervention debate has generally been framed in terms of sovereignty and human rights – sovereignty as authority versus sovereignty as responsibility – a close reading
of the literature and review of the last twenty-five years suggest that the realist notion of stability may be a better approach. At its essence the morally driven liberals arguing for intervention are making the case that when faced with the instability associated with human rights violations in another country, more instability through international military force is justified if its objectives are to advance human rights. In other words, rather than allow the instability of domestic turmoil to find its own authentic solution, as the realist driven liberals would argue, the morally driven liberals are saying that further instability through forceful intervention is the right thing to do, if and only if, it serves a liberal end that reflects Western norms. As a result, given this approach, the morally driven liberals focus more on their own intentions (morally right) and the behaviour of the agents of turmoil in the troubled states (human rights violations), then the effectiveness of their own behaviour (interventions outcomes) and the intentions of the opponents in the target state (assumed to be morally wrong). In fact, given the Kantian logic underlining the deontological ethics driving the proponents of intervention, the outcomes are generally regarded as less important than the initiating intentions.

In contrast, the focus of non-intervention is stability in international affairs. Rather than regard foreign domestic turmoil as a collective problem that the liberal West should address with forceful intervention, the doctrine of non-intervention holds that caution should be exercised to allow self-determination struggles the chance to find their own authentic resolution and, most important, to avoid destabilizing the domestic conflict and the international system even further. This does not mean that material interests are the sole driver of non-intervention policies. Underlining non-intervention is the over-arching moral obligation, observed by Robert Jackson, of avoiding war, especially unprovoked and disproportionate wars between states that violate
notions of sovereignty and territorial integrity (as prohibited by *UN Charter Article 51*) and oppressive and disproportionate violence directed at populations that threaten the existence of entire peoples (as prohibited by the *Genocide Convention*) (Welsh 64). Non-intervention represents then a public policy that is based upon a utilitarian calculation of nation-state survival in an anarchic international system which respects the norms and moral obligations that have been pillars for much of the West’s modern history (Welsh 62).

While advocates of non-intervention are quite quick to point out issues of ineffectiveness associated with humanitarian intervention practices – intensifying conflicts, inflaming hostility towards the West, not achieving objectives due to lack of public support and appropriate military strategy – they are largely quiet on how non-intervention can be pursued without encountering the same difficulties. In some respect, the question of humanitarian intervention versus non-intervention is a “dammed if you do, dammed if you do not” type situation. Recognizing that moral outrage and impulse to do something more than just being a bystander is a real force in democratic societies, advocates of non-intervention need a more forceful argument than simply saying it is better than the alternative.

The public policy challenge of non-intervention then is one of holding firm to the logic of nation-state survival in an anarchical international system when confronted by the impulse for intervention in situations of foreign domestic turmoil. A clear statement of both the material interests (preserving stability) and moral interests (avoiding harm through war) needs to be delivered to the public demanding action. Should the foreign domestic turmoil meet the legitimacy test of warranting consideration of a more forceful response (e.g., genocide), then,
reflecting the policy recommendation of Secretary of State Colin Powell in the early 1990s, there is a need for a clear statement of the material and moral interests of the mission and, most important, the exit strategy, that is, how success will be recognized and achieved by both the target and intervening states (Mandelbaum 25).

When participating in the public policy process on whether to intervene or not, much can be learned from the past twenty-five years regarding ethical and effectiveness considerations. As one might expect, the proponents of intervention have more to offer regarding ethics and those opposed to interventions have more to say about the effectiveness.

With respect to morally legitimate agent, in the absence of a country (e.g., United States) or an institution (e.g., United Nations) being identified as the primary agent for humanitarian military interventions, the duty to intervene or the duty to protect will remain an imperfect one for all countries. Determining the appropriate intervening agent involves the test of having proper legal authority. This is necessary to demonstrate that the action is being undertaken within the context of international laws and norms. In addition, it is important for legitimacy that the proposed intervening agents have the means to actually accomplish the mission effectively.

With respect to morally right intentions, the intervening state(s) should have humanitarian intentions. This means being committed to addressing moral wrongs that are occurring on a mass scale. While there may be other goals, such as regime change or demonstrating that one is a good ally, these should be of a secondary nature to the humanitarian issues at stake. While both ethical frameworks stress having the right intentions, deontological ethics is vulnerable to the problem of
“separation of intentions and outcomes” (Graham 89). As consequentialism is focused on outcomes from the onset, it may be a better framework to follow.

With respect to achieving humanitarian outcomes, there is a need for a thorough strategic and political assessment prior to undertaking the action, and during the in-theatre and post-conflict phases. This is necessary to ensure that given the intentions and outcomes being sought there is a realistic path to success. Here though consequentialism may suffer a shortcoming that will have to be guarded against. With its preoccupation on utility, consequentialism can lose sight of the larger issues through transaction analysis of body counts and the like. With this mindset the view can prevail that the solution is simply one of force or military resources. As John Stuart Mill notes, and many missions since 1990 demonstrate, success is ultimately dependent upon the existence of internal and external support. Without appropriate support, regimes will not be able to exercise the power and control needed to maintain stability. It must be recognized then that the investment required is more than the expenditure of bullets and bombs but also time, effort and resources to bring a return to conditions of peace and prosperity.

Finally, whether the policy orientation is duty to assist or duty to do no harm, the consequentialists have much to offer in terms of case studies of real world impacts. Any good policy should be able to address or refute lessons learned to date.

As to whether humanitarian interventions make the international system more dangerous, it has been argued that the relaxation of the “norms of non-intervention,” which has been one of the “pillars of international order” in modern times, and the emphasis on “military operations” to
address humanitarian emergencies, is exacerbating the already anarchical nature of the international system (Welsh 51-52). Furthermore, by privileging “custom over treaty,” humanitarian interventions can be seen as destabilizing twentieth century efforts to delegitimize individual acts of war (e.g., UN Charter) while expanding the justifications for the international use of force (Welsh 55-56).

Some hold as well that humanitarian interventions can have the perverse effect of encouraging other aggrieved groups to launch uprisings on their home turf driven by the expectation that the West, being seen as some sort of international police force, will respond to resolve the conflict in their favor (A. J. Kuperman 49). Kuperman, for example, goes as far as to say that poorly prepared uprisings will be purposely launched with the full knowledge that in the short term the rebellious groups will be “vulnerable to genocidal retaliation” (A. J. Kuperman 49). The intent, of these “suicidal rebellions,” is to trigger the moral impulse in the West to intervene on behalf of victims of “genocidal violence” (A. J. Kuperman 51, 54).

The flip side of groups seeking humanitarian interventions as a short cut to achieving their self-interested goals is that other groups respond to these acts by the West with resentment and hostility. The argument is that humanitarian interventions have contributed to the perception in many parts of the non-Western non-liberal world of the West pursuing a neo-imperialist agenda that must be opposed (Chandler). The basis for this view is the belief that the West uses Western dominated international institutions (e.g., UN Security Council) or ignores them if that better suits their purpose (e.g., at time of NATO bombing of Kosovo in 1999) when it wants to use force against another people to impose a “liberal peace” (Chandler 59, 74). A significant
consequence of this perception is that what the West believes to be an act of good intentions, in
the propaganda of various militant and terrorist groups, has become a symbol of gross violation
of a people’s right to determine their own non-secular and non-liberal destiny.

With respect to domestic constraints, the experience of U.S. President Clinton’s 1993 missions in
Bosnia, Somalia, and Haiti, demonstrate how the overly ambitious objective of seeking the
“restoration of an entire country” combined with insufficient public support for risking American
lives can result in foreign policy failures (Mandelbaum 16-17). In other cases, as Bellamy
observes, lack of public support can result in lack of political will for decisive collective action,
such as occurred with respect to Kosovo (where Security Council was deadlocked) and Rwanda
(where insufficient measures failed to stop the genocide) (Global Politics and The Responsibility
to Protect, From Words to Deeds 162).

With respect to military force, the observation has been made that humanitarian interventions fail
if they try to be limited and impartial without being clear as to “who rules when the fighting
stops” (R. K. Betts 52). Noting the great number of failed and controversial missions – Somalia
were due to unclear mission objectives being pursued through limited and impartial means, the
argument is that to be successful humanitarian interventions should pick a side (not be impartial)
and apply all the deadly force necessary (not be a limited intervention) to ensure that the chosen
side ends up in “power at the end of the day” (R. K. Betts 50-53).
Finally, if peace is the objective of the international community for states experiencing political violence, it has been argued that minor wars must be allowed to run their course so that adversarial interests can be exhausted and some sort of stability – whether liberal society or not – can then be achieved (Luttwak 37). Using the language of forest fire management, Luttwak makes the case that “peace takes hold only when minor wars burn themselves out” (Give War a Chance 38). His prescription for the international community is to avoid all forms of direct intervention in situations of foreign domestic turmoil, whether through multilateral forces or multilateral organizations, as these only “systematically impede the progress … towards a decisive victory that could end the war” (Luttwak 43). In fact, Luttwak observes that “too many wars nowadays become endemic conflicts that never end because the transformative effects of both decisive victory and exhaustion are blocked by outside intervention” (Give War a Chance 44).

In conclusion, the three criteria for ethical and effective humanitarian military intervention – morally right intentions, morally legitimate agents, and a path to success based upon strategic/political analysis – are important not only for the humanitarian outcomes being sought but for remaining true to liberal democratic values. If the liberal West is to succeed in promoting human rights globally through morally necessary and politically feasible humanitarian interventions, the public policy decision has to recognize that what ultimately is involved is the politics of the “art of persuasion”. As Finnemore observes, “interveners cannot simply impose a peace of their choosing [through force]; some kind of consent [through persuasion] is required,” if the outcome is to be meaningful and lasting (M. Finnemore 21).
## Appendix I: Selected UN Humanitarian Interventions, 1990 – 2011

<table>
<thead>
<tr>
<th>Date – UN Authority</th>
<th>Target</th>
<th>Mission Type</th>
<th>Intent</th>
<th>Outcome – End of Mission</th>
<th>Outcome – Fragile States Index 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>Libya</td>
<td>UN-authorized NATO</td>
<td>Human security – physical violence</td>
<td>Controversial</td>
<td>Alert</td>
</tr>
<tr>
<td>2004</td>
<td>Burundi</td>
<td>UN-led Chapter VII</td>
<td>Human security – political instability, IDR</td>
<td>Inconclusive</td>
<td>Alert</td>
</tr>
<tr>
<td>2004</td>
<td>Haiti</td>
<td>UN-led Chapter VII</td>
<td>Human security &amp; state building</td>
<td>Inconclusive</td>
<td>High Alert</td>
</tr>
<tr>
<td>2003</td>
<td>Liberia</td>
<td>UN-authorized Chapter VII (ECOWAS)</td>
<td>Human security – humanitarian relief</td>
<td>OK</td>
<td>Alert</td>
</tr>
<tr>
<td>2003-2004</td>
<td>Cote d’Ivoire</td>
<td>UN-led Chapter VII (France &amp; ECOWAS)</td>
<td>Human security – physical violence</td>
<td>OK</td>
<td>High Alert</td>
</tr>
<tr>
<td>2003-2004</td>
<td>Liberia</td>
<td>UN-led Chapter VII</td>
<td>Human security – physical violence</td>
<td>OK</td>
<td>(Alert –see above)</td>
</tr>
<tr>
<td>2001</td>
<td>Burundi</td>
<td>Endorsed by UN Security Council after African Union deployment</td>
<td>Human security – regime transition</td>
<td>Inconclusive, ceasefire</td>
<td>(Alert –see above)</td>
</tr>
<tr>
<td>1999-2004</td>
<td>Sierra Leone</td>
<td>UN-led Chapter VI, VII (UK)</td>
<td>Human security – physical violence</td>
<td>OK</td>
<td>Alert</td>
</tr>
<tr>
<td>1999-2001</td>
<td>Timor Leste</td>
<td>UN-led Chapter VII (Australia)</td>
<td>Human security – physical violence</td>
<td>OK</td>
<td>Alert</td>
</tr>
<tr>
<td>1998</td>
<td>Kosovo</td>
<td>UN-led Chapter VII (NATO)</td>
<td>Human security – human rights</td>
<td>Controversial</td>
<td>[Travel Advisory – Exercise High Degree of Caution]</td>
</tr>
<tr>
<td>Year</td>
<td>Location</td>
<td>UN Authorization/ Chapter</td>
<td>Human Security &amp; State Building</td>
<td>Outcome</td>
<td>Alert Level</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------------------</td>
<td>---------------------------</td>
<td>---------------------------------</td>
<td>---------</td>
<td>---------------------</td>
</tr>
<tr>
<td>1998-1999</td>
<td>Central African Republic</td>
<td>UN-led Chapter VI (France)</td>
<td>Human security – physical</td>
<td>Inconclusive</td>
<td>Very High Alert</td>
</tr>
<tr>
<td>1997</td>
<td>Albania</td>
<td>UN-led Chapter VII (Multinational Force)</td>
<td>Human security – humanitarian relief (refugees)</td>
<td>OK</td>
<td>Low Warning</td>
</tr>
<tr>
<td>1993-1996</td>
<td>Rwanda</td>
<td>UN-led Chapter VI, VII, incl. arms embargo</td>
<td>Human security – physical violence</td>
<td>Failure</td>
<td>Alert</td>
</tr>
<tr>
<td>1993-1994</td>
<td>Haiti</td>
<td>UN-authorized Chapter VI, VII (Multinational Force)</td>
<td>Human security &amp; state building (oppression)</td>
<td>Messy, half-measures</td>
<td>(High Alert – see above)</td>
</tr>
<tr>
<td>1992-1995</td>
<td>Bosnia-Herzegovina/Croatia/Macedonia</td>
<td>UN-led Chapter VI, VII</td>
<td>Human security – physical violence (ethnic cleansing)</td>
<td>Messy, half-measures</td>
<td>Warning</td>
</tr>
<tr>
<td>1991</td>
<td>Cambodia</td>
<td>UN Advance Mission</td>
<td>Human security – political transition</td>
<td>Successful, high price</td>
<td>High Warning</td>
</tr>
</tbody>
</table>

Sources: (Holt 46-56) (FFP) (Government of Canada) (R. K. Betts) (Mandelbaum)
## Appendix II: Most Fragile States and Interventions

<table>
<thead>
<tr>
<th>Fragile States Index 2015</th>
<th>Past UN Intervention Authorizations</th>
<th>Other Forms of Interventions</th>
<th>No Interventions To-Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Very High Alert:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Sudan</td>
<td>2003-2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sudan</td>
<td></td>
<td>Darfur: 2003-2004</td>
<td></td>
</tr>
<tr>
<td><strong>High Alert:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congo (Democratic Republic)</td>
<td>1999-2004</td>
<td>French intervention 1980s</td>
<td></td>
</tr>
<tr>
<td>Chad</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yemen</td>
<td></td>
<td>Drone strikes (US), air strikes (Saudi Arabia)</td>
<td></td>
</tr>
<tr>
<td>Syria</td>
<td></td>
<td>Air strikes (US, coalition)</td>
<td></td>
</tr>
<tr>
<td>Afghanistan</td>
<td>2001-2003</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guinea</td>
<td></td>
<td>ECOWAS (2012)</td>
<td></td>
</tr>
<tr>
<td>Iraq</td>
<td>1990-1991</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Haiti</td>
<td>1993-1994, 2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pakistan</td>
<td></td>
<td>Drone strikes (US)</td>
<td></td>
</tr>
<tr>
<td>Nigeria</td>
<td></td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Zimbabwe</td>
<td></td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Cote d’Ivoire</td>
<td>2003-2004</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: ((FFP))
Works Cited


Welsh, Jennifer. "Taking consequences seriously: objections to humanitarian intervention."

