THE POLITICS OF HUMANITARIAN INTERVENTION IN AFRICA: THE CASE OF MANO RIVER REGION

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ABSTRACT
The focus of this paper is to look at the politics of humanitarian intervention in Africa with particular emphasis on the Mano River region. The Mano River Union which comprises of the West African States of Guinea, Liberia and Sierra Leone, was established in 1973 as a customs and economic union between the member states to promote regional and economic integration. The Mano River Agreement of 1973 gives evidence that the three states can co-operate to revitalise and consolidate this common market and take measures to prevent conflict in the region. However, these efforts have been frustrated by the political instability and violent armed conflicts that have beset the region in the past decades, firstly in Liberia, followed by Sierra Leone. The three countries have been facing a tough challenge in resolving persisting political and security tensions within the sub-region and developing stable democracies. The paper relied heavily on secondary sources of data collection and descriptive analytical method thereby revealing that the root causes of the prolonged conflicts in the Mano River are attributed to interrelated internal and external factors such as bad governance, under development, gender inequality and high level of poverty created by the exploitation of natural resources. The study concludes that humanitarian intervention is at once an immensely powerful and a terribly imprecise idea, adding that no formal legal definition of it exists, but its fundamental premise is that outside powers have the right and perhaps, under some circumstances, the duty to intervene to protect people in other countries who are being victimized, even if what is taking place is a conflict within a state.

Keywords: *Politics, Humanitarian Intervention, Mano River Region, Untilitarianism*

INTRODUCTION

The Mano River sub-region, which comprises of Liberia, Sierra Leone, Guinea, and Côte d'Ivoire has experienced decades of violent upheavals and political instability and notably among these crises include the civil wars in Liberia, Sierra Leone and Côte d'Ivoire. While these have generally been analysed as a series of discrete wars, some specialists have

interpreted them as part of a regional conflict system; indeed, the World Bank has referred to a 'Mano River Basin as a conflict system' (Marc, Verjee and Mogaka 2015).

Regional conflict systems in this study can be seen as a 'geographically determined area of insecurity, characterised by interdependent violent conflicts with a plurality of different sub-state, national or transnational actors'. There have been many analyses of regional conflict systems in other parts of the world (for the Balkans; Rubin, Armstrong, and Ntegeye 2001 for the Great Lakes region). Several of these regional conflict studies highlight commonalities, including the prominence of transnational political, economic, military and social networks private entrepreneurs of violence; trans-border kinship of identity groups and massive refugee flows (Ansorg, 2011; and; Prunier, 2009).

Another commonality throughout these analyses is that private, local and transnational actors play a more important role in this type of conflict than in 'traditional' intra- and inter-state conflict. This Evidence Report aims to identify the ways in which militant violence diffuses in the Mano River region and to establish the conditions that characterize it as a regional conflict system.

The term 'Mano River War' was viewed as an umbrella term for the 15-year period of violence in Sierra Leone and Liberia (Hoffman, 2004). Hoffman's timeframe begins with the 1989 invasion of Liberia by Charles Taylor and ends with his eventual resignation from the Liberian Presidency in 2003. He therefore, limited his analysis to the period 1989 to 2003 but the military events happening in Côte d'Ivoire could also be seen as an extension of the war.

Côte d'Ivoire's conflict, which briefly ended in 2007, later resumed with the 2010–11 post-electoral crisis, which was in part perpetrated by re-mobilised Liberian fighters. In fact, the 1989 war in Liberia was launched from Côte d'Ivoire, where Charles Taylor was based and started his invasion.

Despite the cessation of large-scale conflict in the region, there is nevertheless still some debate as to whether the Mano River War really has concluded. So while Guinea, Liberia,

Sierra Leone and Côte d'Ivoire have not experienced war in the past five years, one wonders whether this marks the end of the Mano River War.

This multifaceted interpretation of the Mano River Basin's (MRB's) dynamics complicates our understanding of conflicts in the region and in neighbouring countries. Alternatively, for some, the conflicts in this region might actually be the result of a 'joint criminal enterprise' as labelled by David Crane, Special Court for Sierra Leone Prosecutor perhaps even more so than its East African counterpart (De Waal, 2015).

Efforts will be geared towards the politics of humanitarian intervention in these axis and see if they were successful.

THEORETICAL FRAMEWORK

For the purpose of this research, Utilitarian theory is more appropriate to be applied as a theoretical framework for the discussion on the justification of Humanitarian Intervention. Utilitarianism is the naturalist doctrine that an action is just if its consequences are more favorable than unfavorable to all concerned. For utilitarian, an action's consequences are everything. Conduct is never good or bad in itself. Only its effects on human well-being make it good or bad. Utilitarianism is naturalist because it holds that human well-being is an intrinsic good. It is individualist, egalitarian, and Universalist because, in Jeremy Bentham's famous phrase, "each is to count for one and no one for more than one" (Hare, 1972).

Most versions of utilitarianism are more precisely formulated than the general principle stated above. First, the nature of well-being must be specified. Most nineteenth-century utilitarians held that acts are good to the extent they satisfy individuals' preferences. However, some utilitarians noting people's' propensity to want only what is realistically attainable rather than their actual desires, argue that it is individuals' objective "interests" or "welfare" rather than their subjective preferences that should be maximized. Second, the object of moral evaluation must be specified. "Act-utilitarians" contend that each human action is the proper object of moral evaluation. By this, they mean that a specific act is just if its immediate and direct consequences are more

favorable than unfavorable to all concerned. In contrast, "rule-utilitarians hold that a specific class of actions (rules, norms, and maxims) is the proper object of moral evaluation. By this, they mean that an act is just if it conforms to a set of rules whose general adoption increases aggregate well-being more than the general adoption of any other set of rules.

A simple example will illustrate the difference between act- and rule- utilitarianism. Take the question: "Should individuals keep their promises?" Act-utilitarians contend that the morality of keeping a promise depends solely upon whether keeping it would maximize human well-being. Rule- utilitarians, in contrast, argue that individuals should keep their promises if general adherence to the rule "individuals should keep their promises" best promotes human well-being.

As with promise-keeping, act-utilitarians argue that the justice of any humanitarian intervention depends entirely on its consequences. If its effect is to increase aggregate well-being, then it is just; if its immediate and direct effect is to decrease aggregate well-being, then it is unjust. Crudely put, act-utilitarians argue that a humanitarian intervention is just if it saves more lives than it costs, and unjust if it costs more lives than it saves. An act-utilitarian could argue that Tanzania's intervention in Uganda was just because, by overthrowing the Amin dictatorship, it saved more lives than it cost. For the same reason, an act-utilitarian could argue that India's intervention in Bangladesh was unjust because "more people died in Bangladesh during the two or three weeks when the Indian army was liberating the country than had been killed previously".

Bentham (1962) writes that, it is unjust if a nation should refuse to render positive services to a foreign nation, when the rendering of them would produce more good to the last mentioned nation than would produce evil to itself. For example if the given nation, without having rears on to fear for its own preservation should obstinately prohibit commerce with them and a foreign nation: – or if when a foreign nation should be visited with misfortune, and require assistance, it should neglect to furnish it.

Unlike act-utilitarianism, rule-utilitarianism claims that rules are the proper objects of moral evaluation because, as Goodin points out, a significant portion of human well-being comes from coordinating the actions of a great many individual agents. Often the only way to maximize the utility that arises from my act is by knowing (or guessing) what others are likely to do. But knowing with any certainty is…impossible (or impossibly costly) in a world populated by act- utilitarian agents. The best way to coordinate our actions with those of others and thereby to maximize the utility from each of our actions as individuals as well as from each of our actions collectively is to promulgate rules (themselves chosen with an eye to maximizing utility, of course) and to adhere to them (Goodin, 1995).

If people do not observe the same moral rules, trust will erode and aggregate well-being decrease. Thus, for instance, if the rule "individuals must keep their promises" is not generally observed, economic activity will decline and with it aggregate well-being. At its deepest level, then, act-utilitarianism is inimical to the rule of law.

As Smith points out, while the law may sometimes incorporate cost-benefit analysis in various "balancing tests", cost-benefit analysis is, at a fundamental level not law. Indeed, one can question whether a legal system does not admit failure when it adopts case-bound balancing tests, which in their subjectivity and non-universality rob law of its predictability. The case-by-case approach is jurisdically, a cop-out, and an acknowledgement that no reasonable rule can be fashioned to govern all circumstances that can foreseeably arise (Smith, 1998).

Act-utilitarians reply that if the consequences of a specific act (including damage to social trust and therefore future human well-being) are still more favourable than unfavorable to all concerned, then it should be per- formed. Anything else is "rule fetishism"-the unutilitarian adherence to rules for their own sake. Act-utilitarians thus feel perfectly justified in lying to Hutu death squads about the Tutsis hiding in their basements– even though observing the rule "tell the truth" maximizes utility in all other circumstances (Smart and Williams, 1973).

For rule-utilitarians, the justice of a humanitarian intervention depends, not on its consequences, but on whether it is permitted or required by a rule that, if followed by

everyone, produces the best consequences for all concerned. Unfortunately, though not unsurprisingly, there is considerable disagreement between rule-utilitarians as to which rule satisfies this criterion. Some rule-utilitarians– or, more accurately, some writers who use rule-utilitarian arguments–claim that humanitarian interventions fail, on balance, to secure the best consequences for all concerned, H. Scott Fairley, for instance, asserts that "the use of force for humanitarian ends more often than not has become self-defeating, increasing the human misery and loss of life it was intended originally to relieve." (Fairley, 1980). Likewise, Brownlie and Thomas (1974) doubt that the positive consequences of the United States intervention in the Dominican Republic and the Tanzanian intervention in Uganda exceeded the irrnegativeones. They make the case that humanitarian interventions reduce well-being by increasing the likelihood of international society "collapsing in to a state of war." "If humanitarian intervention were legal, powerful states would receive "an almost unlimited right to overthrow governments alleged to be unresponsive to the popular will or the goal of self-determination" (Schachter, 1984).

Other rule-utilitarians such as Andrew Mason and Nicholas J. Wheeler disagree with the above position and conclude that non-interventionists "are unable to show that a properly regulated and suitably constrained practice of humanitarian intervention would be morally impermissible, or create a worse world than the one we currently live in allowing humanitarian intervention in some cases, would promote overall well-being. So far from forbidding humanitarian intervention, consequentialist reasoning will support it (Mason and Wheeler, 1996).

An exasperating feature of the debate within and between act- and rule-utilitarianism is that neither side supports their claims with anything more than anecdotal evidence. A systematic analysis of the welfare consequences of humanitarian interventions and non-interventions is sadly lacking. Until such a study is completed, our ability to judge the merits of the competing utilitarian claims is gravely handicapped.

A DISCOURSE ON HUMANITARIAN INTERVENTION

Humanitarian intervention has been defined as a state's use of "military force against another state when the chief publicly declared aim of that military action is ending human-rights violations being perpetrated by the state against which it is directed (Marjanovic, 2011). This

definition may be too narrow as it precludes non-military forms of intervention such as humanitarian aid and international sanctions. On this broader understanding, "Humanitarian intervention should be understood to encompass… non-forcible methods, namely intervention undertaken without military force to alleviate mass human suffering within sovereign borders" (Scheffer, 1992).

There is no one standard or legal definition of humanitarian intervention; the field of analysis (such as law, ethics or politics) often influences the definition that is chosen. Differences in definition include variations in whether humanitarian intervention is limited to instances where there is an absence of consent from the host state; whether humanitarian intervention is limited to punishment actions; and whether humanitarian intervention is limited to cases where there has been explicit UN Security Council authorization for action (Welsh, 2004).

There is, however, a general consensus on some of its essential characteristics:

Humanitarian intervention involves the threat and use of military forces as a central feature; It is an intervention in the sense that it entails interfering in the internal affairs of a state by sending military forces into the territory or airspace of a sovereign state that has not committed an act of aggression against another state. The intervention is in response to situations that do not necessarily pose direct threats to states' strategic interests, but instead is motivated by humanitarian objectives.

The customary international law concept of humanitarian intervention dates back to Hugo Grotius who made "the first authoritative statement of the principle of humanitarian intervention- the principle that exclusiveness of domestic jurisdiction stops when outrage upon humanity begins" and the European politics in the 17th century (Jonah, 2011).

REASONS FOR INTERVENTION

In 2000, the Canadian government and several other actors announced the establishment of the International Commission on Intervention and State Sovereignty (ICISS) to address the challenge of the international community's responsibility to act in the face of the gravest of human rights violations while respecting the sovereignty of states. It sought to bridge these two concepts with the 2001 Responsibility to Protect (R2P). A year later, the co-chairs of the commission, Gareth Evans of the International Crisis Group and Algerian diplomat Mohamed

Sahnoun, wrote in Foreign Affairs: "If the international community is to respond to this challenge, the whole debate must be turned on its head. The issue must be reframed not as an argument about the 'right to intervene' but about the 'responsibility to protect.'"

The commission included environmental or natural disasters as possible events after which the international community could intervene if the state failed in its responsibility to protect its population. But in 2005, when the responsibility to protect doctrine was incorporated into a UN outcome document, environmental disasters had been dropped as a reason for intervention. The document did say it was every state's responsibility to protect its citizens from "genocide, war crimes, ethnic cleansing, and crimes against humanity." If a state fails to do so, the document says, it then becomes the responsibility of the international community to protect that state's population in accordance with Chapter VII of the UN Charter. Chapter VII includes use of military force by the international community if peaceful measures prove inadequate. The UN outcome document was unanimously adopted by all member states but is not legally binding.

The doctrine was hailed by international affairs specialists as a new dawn for peace and security. In a 2007 Council Special Report, former CFR senior fellow Lee Feinstein wrote that the adoption of R2P was a watershed moment, "marking the end of a 350-year period in which the inviolability of borders and the monopoly of force within one's own borders were sovereignty's formal hallmarks."

Some instances in the recent past have also suggested countries in Asia might be warming to humanitarian aid intervention. In the 2004 Indian Ocean Tsunami, one of the worst-hit areas was Indonesia's Aceh Province, where the government had been fighting a secessionist movement for more than four decades. The province, under martial law, was off-limits for most international human rights groups, aid organizations, and reporters. But after initial hesitation, the Indonesian government allowed international aid in what Elizabeth Ferris and LexRieffel of the Brookings Institution call "one of the largest disaster recovery and reconstruction efforts in modern times," and also resulted in a "peace agreement, which led to the election of a former secessionist leader as governor of the province."

Similarly, after a powerful 2005 earthquake rocked the long-disputed Kashmir region dividing India and Pakistan, the Pakistani government decided to give access to international

relief agencies. In addition, an earthquake in China's Sichuan Province in May 2008 led Beijing to make unprecedented moves to open up. The Chinese government, which in the past has spurned foreign aid, accepted international aid publicly, opened a hotline for the U.S. military to have increased communication with its Chinese counterparts, and eased media restrictions.

ETHICS OF HUMANITARIAN INTERVENTION

Naturalist theories of international justice, contends that morally binding international norms are an inherent feature of the world; a feature that is discovered through reason or experience. These theories maintain that particular facts about the world possess an intrinsic moral significance which human beings are powerless to alter. In contrast, consensualist theories of international justice claim that the moral authority of any given international norm derives from the explicit or tacit consent of the agents subject to that norm. On this view, just norms are made, not discovered. They are the product of consent and sonly binding on the parties to the agreement.

These condethical divide concerns the appropriate objects of moral concern. Individualist theories of international justice are concerned ultimately only with the welfare of individual human beings. In contrast, collectivist theories of international justice maintain that groups – typically ethnic groups, races, nations or states are proper objects of moral concern. It is crucial to note, however, that collectivists view groups entirely "in non-aggregative terms, that is, without reference to the rights, interest or references of the individuals that compose them (Teson, 1998). In other words, collectivists hold that groups can have interest independent of, and potentially in conflict with those of their members.

The third ethical divide concerns the appropriate weight of moral concern. Egalitarian theories of international justice claim that the objects of moral concern must be treated equally. By this they mean that no object of moral concern should count for more than any other object of moral concern. In egalitarian theories, in contrast, require or permit them to be treated unequally.

The final ethical divide concerns the proper breadth of moral concern. Universalist theories assert that all relevant agents – wherever they exist – are the proper objects of moral concern.

Particularist theories, in contrast, hold that only certain agents – some human beings, but not others; some races, nations, states, but not others – are the proper objects of moral concern

THE MANO RIVER WAR

As emphasised in the introduction, although Hoffman coined the Mano River War concept, other political analysts have also raised the regional dimensions and linkages between the different civil wars in the region. The World Bank has advocated for the necessity of thinking beyond the traditional state-centric perspective.

This position is strongly echoed in the Bank's 2011 *World Development Report*, which was themed 'Conflict, Security, and Development'. Its analysis is strongly linked to the idea of resilience, external stresses and conflict systems. It distinguishes various conflict systems within West Africa, arguing that the MRB conflict system has been the most destabilising (Marc *et al.*, 2015).

The key explanation therefore is that all these countries share similar structural weakness and that 'the political entrepreneurship of Charles Taylor lit the match of a region-wide conflict system in the Mano River sub region in 1989 after he and his lumpen forces launched the civil war in Liberia from inside Côte d'Ivoire' (Marc *et al.*, 2015).

In the Bank's view, other civil wars in the region are the consequence of a domino effect. The common structural weaknesses across all the countries were: personalised and predatory governance systems; common grievances; and economic crises. Furthermore, porous borders, refugee flows, and the existence of cross-border communities and combatants have also contributed to instability and the spill over of conflict across the region.

The United Nations also seems to perceive the conflicts as interrelated, as demonstrated in Security Council Resolutions on the respective mandates of the United Nations Mission in Sierra Leone/United Nations Integrated Peace building Office in Sierra Leone (UNAMSIL/UNIPSIL), the United Nations Mission in Liberia (UNMIL) and United Nations Operation in Côte d'Ivoire (UNOCI). Resolution 1509 of 2003 establishing UNMIL noted that 'lasting stability in Liberia will depend on peace in the sub-region', and emphasised 'the

importance of cooperation among the countries of the sub-region to this end, as well as the need for coordination of United Nations efforts to contribute to the consolidation of peace and security in the sub-region' (United Nations, 2003).

Successive Security Council Resolutions for both UNMIL and UNOCI have continued to call upon the missions, the respective governments, sub-regional organisations and UN agencies to collaborate with one another across borders to ensure lasting peace and security. Nonetheless, the mechanisms for explaining the diffusion of the conflict are very broad and do not specifically explain the linkages and trajectories across these wars.

Musah, (2009), for instance, considers that conflicts in any state in West Africa have affected neighbouring countries, all due to the complexity and depth of the demographic, political, economic and cultural ties between countries.

On the other hand, Francis (2009) emphasises 'peace spoilers', who are diverse actors who exploit war economies to their benefit and in turn have an interest in perpetuating war.
Others point to the proliferation of small arms, illegal trafficking and smuggling, and the porous nature of West Africa's borders (Piccolino and Minou, 2014 and; Keili 2008). For instance, the smuggling of otherwise legal goods such as diamonds (Sierra Leone) or cocoa (Côte d'Ivoire) can contribute to the regionalisation of conflicts by favouring the development of war economies, which sustain violent conflicts and create vested incentives for actors to perpetuate them.

The practical absence of state power in border areas may indeed be a real concern. For instance, Liberia has an estimated 131 unofficial border crossing points. Of the 45 or so official ones, many are unmanned (Bureau of Immigration and Naturalization, 2015). Throughout the country, there are 4,000 police officers, mostly concentrated in the capital. This different configuration of power can include entire districts in which formal and informal trade and security networks implicitly govern the area. Perniciously, in recent years, trans-border crime and banditry have increased in this already impoverished region, including illicit flows of weapons and drugs. Precise estimates are difficult to obtain (by their very nature), but the US Ambassador to Burkina Faso, Jeanine Jackson, has stated that there are

more than 8 million light arms circulating in this part of the continent (Search for Common Ground, 2011).

The three countries of the Mano River Basin have close historical and ethnic ties. The Mano River Union, comprising the West African States of Guinea, Liberia and Sierra Leone, was established in 1973 as a customs and economic union between the member states to promote regional economical integration. The Mano River Agreement of 1973 gives evidence that the three States can co-operate to revitalise and consolidate this common market and take measures to prevent conflict in the region. However, these efforts have been frustrated by the political instability and violent armed conflicts that have beset the region in the past decade, firstly in Liberia, followed by Sierra Leone.

The three countries are presently facing a tough challenge in resolving persisting political and security tensions within the sub-region and developing stable democracies. The root causes of the prolonged conflicts in the Mano River are attributed to interrelated internal and external factors such as bad governance, under development, gender inequalities, widespread poverty and exploitation of natural resources or better still, colonial legacy.

The conflicts have directly impacted the lives and livelihoods of hundreds of thousands of the civilian populations, particularly women and children. The deliberate targeting of civilians has generated unprecedented levels of population displacement, with Guinea serving as a haven for refugees fleeing the conflicts in Liberia and Sierra Leone. For several consequent years, Guinea has been the host of the highest number of refugees in Africa. The socioeconomic situation of all three countries has deteriorated drastically and extreme poverty is widespread.

Though internal in nature, the conflicts have taken a regional dimension as a result of ineffective disarmament of ex-combatants coupled with limited opportunities to transform them into productive citizens. It is estimated that there are 473,000 ex-combatants in the region. The infiltration of rebels inside refugee camps is a threat to the security in the cross border Areas.

The increasing trade in small arms and ammunitions and the re-emerging conflicts in Liberia and Cote d'Ivoire exacerbate this situation. The physical borders between Liberia, Guinea and Sierra Leone are largely artificial.

VIEWS ABOUT THE PEACE KEEPING OPERATION IN THE MANO RIVER REGION

There are different views about the Mano river region peace operation. It is however subjected to the theory of human assumption whether it was interest sponsored by those involved or not. One thing is certain, relative peace was seemed restored.

Smith (1988) presents an overview of the ethical issues of humanitarian intervention. His account of realism (representing the interests of great powers) versus liberalism (legal and moral principles) provides the basis for examination of the debate. Realists are cynical about humanitarian intervention on the basis of its potential, perhaps inevitable abuse. Liberals hope that humanitarian intervention will address the great powers' unwillingness to abandon those suffering helplessly at the hands of oppressive regimes. Regardless of legality, Nardin (2006) reminds us that we have a 'moral duty to act when institutions fail. That is the lesson of Rwanda.

No institution can be counted on to make moral judgement unnecessary. Therefore, the ultimate goal is to reconcile the realist's legitimate objections with the liberal's legitimate moral obligations; to avoid abuse but protect the unprotected. Neither position can fully account for the complex moral challenges and realities we face in humanitarian crises nor both continue to play an important role in informing subsequent theory and practice.

Intervention in the domestic affairs of another state is theoretically illegal according to the UN Charter. The principle articles regarding intervention and the use of force can be found in article 2(4) and article 51. The first prescribes that all states shall refrain from the threat or use of force against other states, while the second, as an exception to article 2(4), affirms the right of individual or collective self-defence in the event of an armed attack.

Despite such provisions, Schachter (1999) argues that 'Article 2(4) allows force to be used independently of self-defence in the following circumstances: …for humanitarian ends to prevent or suppress atrocities and massive violations of human rights…assist a people struggling for national liberation…assist a people struggling for democratic rights against a repressive regime…to protect or secure legal rights when no other means are available'.

Indeed, since the end of the Cold War we have seen an increase in the use of force for humanitarian purposes around the world in places such as Somalia, Liberia, the Balkans, Afghanistan, and Iraq (Wheeler, 2000). Consequently, some people argue that humanitarian intervention may become a new exception to the principle of non-intervention in customary international law. Kristiosis (1998) makes this point when he claims that, as a result of the Nicaragua case it is possible to conceive of 'new exceptions in customary international law...'

However, the legitimacy of military intervention 'for humanitarian ends' remain opened to vigorous debate. If one assumes for a moment that intervention for humanitarian purposes is gradually becoming accepted as customary international law, how do we decide when such intervention is justified?

In the aftermath of Rwanda, there was also a vast increase in violence in the former Yugoslavia. That time, arising from what many saw as a failed duty of the international community to intervene in Rwanda, a group of states under the auspices of NATO took it upon themselves to intervene in Kosovo when the Security Council failed to authorise force itself (Orford, 2003).

Which then, do we obey first? Morality or law?, Nardin (2006) argues that both 'principles and institutions are contested, uncertain, and abused. One appeals to procedures when people cannot agree on principles and to principles when institutions are unjust or ineffective. Legality is not the only contentious aspect of intervention; so is legitimacy.

A legitimate intervention might depend on who wants to intervene, where they want to intervene, and if their motives for intervention are in their own self interest. These questions

fuel our current subject: does 'humanitarian intervention' reflect the interests of great powers rather than legal or moral principles?

Liberalism versus Realism has a great debate on these. Smith (1998) offers an analysis of what he deems the principle of ethical positions in regards to humanitarian intervention from both a 'liberal' and 'realist' perspective. A liberal, according to Smith's formulation, is one that has 'traditionally valued self-determination, community, and shared history', yet a liberal also has a 'more universalist conception of human rights in which sovereignty is a subsidiary and a conditional value'. Under such a framework, humanitarian intervention would clearly reflect moral and legal principles. Indeed, states who commit genocide or other egregious human rights abuses break nearly all known moral codes and forfeit, according to liberals, their legitimacy and the right to govern their own states free from intervention.

Furthermore, Nardin (2006) suggests that the non-intervention principle inherently accounts for exceptions made to it: since 'a state exists to protect the rights of its citizens, if it violates those rights it loses its moral rationale and therefore its immunity from foreign interference'.

An obvious objection to this position can be made from a realist perspective. Even if there are clear humanitarian issues at stake, what is there to prevent an intervening state from selective intervention only when it matches its own political and strategic interest? The 'Reagan policy' of the 1980's has been much criticised for its self-interested and imperialistic nature. While covertly attempting to overthrow leftist governments, it emphasised 'higher values' of national security and freedom (Schachter, 1999).

This example demonstrates the complex nature of justifications for interventions because we see mixing of motives and intentions. It is important to distinguish the two as they have quite different implications, but first to elaborate on the dynamics of liberalism and realism.

In addition to moral arguments for intervention, a liberal could also argue his case using existing international law. The establishment of the International Criminal Court constitutes a large step towards bringing perpetrators of massive human rights violations to justice. Although it is non-military in nature, the indictment and prosecution of heads of state (such

as that of Slobodan Milosevic) in a foreign country could be seen as a violation of non-intervention into the domestic affairs of a given state. Granted, some states (including the U.S.) have not given their support for such a court, but the overwhelming majority have done so and see it as a positive step in protecting human rights around the world. Traditional notions of sovereignty appear to have given way to a kind of conditional sovereignty. Sovereignty is an inherent right of any state, until or if that state fails to protect, or indeed directly inflicts, severe human rights abuses and suffering on its own citizens (Chandler, 2004).

Realist, on the other hand, refers to those traditionally hostile to any intervention said to be motivated by ethical reasons. Their major criticism is that interventions, humanitarian or not, are always guided by 'real' (such as political) interests and thus can never be purely moral in nature.

As Smith (1998) puts it, they are 'unable to act in other than self-interested ways'. This is an argument heard over and over again that cannot be taken lightly. However, it might be possible to structure a realist, or 'quasi-realist', argument for intervention by allowing space for some moral principles to emerge. In order to do so, we would have to expand our concept of national interest as a broad one. For example, the following statement from the U.S. National Security Strategy (2002) states: "As we pursue the terrorists in Afghanistan, we will continue to work with international organizations such as the United Nations, as well as non-governmental organizations, and other countries to provide the humanitarian, political, economic, and security assistance necessary to rebuild Afghanistan so that it will never again abuse its people, threaten its neighbours, and provide a haven for terrorists".

The United States, in its reasoning for intervention in Afghanistan, has attempted to make a direct link between its national interest (military control over terrorists seeking safe haven in Afghanistan) and moral duties (providing humanitarian and other assistance to an abused people).
In other words, intervening for national interest, and to save a people from human rights abuse, have become part of one justification. A realist would argue that the former, national interest is the sole and 'real' motive involved.

But a liberal would reply by citing an additional humanitarian intention justifying intervention. Regardless of whether or not the United States was justified or legally authorised in invading Afghanistan after September 11th 2001, it illustrates that motivations for intervention – stated or implicit – are more complex than they may appear at first. The line between humanitarian intervention done for moral reasons, and intervention for political strategic interest, becomes blurred.

CONCLUDING REMARK

Humanitarian intervention is at once an immensely powerful and a terribly imprecise idea. No formal legal definition of it exists, but its fundamental premise is that outside powers have the right and perhaps, under some circumstances, the duty to intervene to protect people in other countries who are being victimized, even if what is taking place is a conflict within a State. Whereas classical interventions are political in character and involve one state either imposing its will by force on another or coming to the aid of another (and thus in no sense challenging the long-standing notion that state sovereignty should be for all practical purposes inviolable), humanitarian interventions offer a direct challenge to such notions of sovereignty. This is especially true for those interventions directly into the internal affairs of a single state. In a deep sense, they also sidestep considerations of the political rights and wrongs of a given conflict. What matters, from the perspective of the state or group of states contemplating a humanitarian intervention is the effect a conflict has on civilians.

An example of this kind of thinking was the debate in 1996 over a Canadian proposal for a humanitarian intervention in what was then eastern Zaire to protect the millions of Hutu refugees who were at risk from both the attacks of Tutsi-led Rwandan forces and from the ebb and flow of the Zairean civil war. The Canadians argued that the rights of a civilian population at risk outweighed any other consideration, including the effect that such a humanitarian deployment might have on the political struggle then taking place in Zaire. Those who argued against the deployment in effect were saying that humanitarian needs alone could not justify such outside interference. Many also made the cautionary argument that forecasting the long-term effect of humanitarian military intervention was itself fraught with uncertainty.

As a matter of international law, humanitarian intervention remains purely a matter of the political preferences of the person making the argument. It seems generally accepted that the Security Council can declare anything it likes to be a "threat to international peace and security," subject not to any genuinely objective constraints of law but only to the political vetoes of its permanent members. Its determinations are shaped by public opinion, international activists, CNN, and the political considerations of Security Council members, as well as by broader, and more principled policies and laws. Within international humanitarian law (IHL), the leap from provisions providing for the delivery of humanitarian relief to military intervention is a long one, but not too long for those politically motivated to do so.

In practice, humanitarian intervention has often served as a justification for states to act in conflicts where there is no domestic support for more straightforward political interventions. The public in North America and Western Europe has, for all the talk of compassion fatigue, proved remarkably sympathetic to the use of force to avert or bring to an end a humanitarian disaster. On the other hand, humanitarian intervention has also been a justification for other political motivations. In Rwanda, in 1994, it was commonly assumed that the French humanitarian intervention dubbed Operation Turquoise used the humanitarian imperative as a cover for France's decision to continue to try to influence events in the Great Lakes region of Africa with military force and more specifically, to save the French-supported but genocidal government. And historically, many of the imperial campaigns launched by the European colonial powers in the nineteenth century were justified on humanitarian grounds.

Today, humanitarian interventions have been largely the brainchildren of UN bureaucrats and of humanitarian relief organizations that are unable to operate safely in conflict zones. These groups have become some of the most fervent interventionists. A French humanitarian official, Bernard Kouchner, even popularized the legal theory of the French scholar Mario Bettati of the "right of intervention." Of course, whether people would react in the same way if the price in the lives of soldiers and in money grew too high is another question entirely. This is in part due to the fact that Western politicians routinely, but often improbably, describe humanitarian interventions as safe. When, as with the U.S.-led United Nations Operation in Somalia (UNOSOM II), this turns out to be false, pressures to abort humanitarian interventions mount quickly and usually become politically irresistible.

In international law, the tug of war between state sovereignty and the obligation of other countries to maintain international peace and security continues to rage. In practice, the idea, at least in the case of so-called failed states, that the principle of State sovereignty is simply irrelevant and the needs of persons preeminent has been gaining favour and is becoming a common starting point for discussions of what to do about situations where there is immense human suffering and little prospect of immediate relief. As the costs of humanitarian interventions mount, the willingness of outside states to intervene to protect people from systematic violations of internationally recognized human rights or provide them with relief is an open question. But humanitarian intervention remains an immensely attractive idea to many, and in the absence, after the end of the Cold War; of either any real system of international security or any real transfer of authority to supranational institutions like the UN it is likely to remain an enduring one.

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