



**Humanitarian Military Interventions in Developing Countries and
the Role of Self Interest: An Ethical Critique**

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DECLARATION

I, Michael Chaminuka hereby declare that:

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DEDICATION

This thesis is dedicated to my lovely wife Lilian and children Ronald, Michelle, Rachelle, Hazel and Michael Panashe.

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ABSTRACT

This study was an ethical investigation of humanitarian military interventions in developing countries. The main argument which is proffered in the study is that the issue of humanitarian military intervention is extremely controversial from an array of perspectives. Some of the controversies that have been identified in this study are as follows; that humanitarian military interventions which are mostly undertaken in developing countries by developed countries have worsened the political and security situation far much more than before the intervention, that humanitarian military interventions do violate international law especially on those instances when they are undertaken without the authorisation from the multilateral bodies such as the United Nations (UN) and its organ – the United Nations Security Council (UNSC), without authorisation from the UNSC the humanitarian military interventions do violate International law, whether humanitarian military interventions are acceptable or not, especially in the light that such interventions in most cases do violate nation-state sovereignty just to mention a few.

For conceptualization purposes, the study set the scene by providing a conceptual definition of humanitarianism with the aim of delineating the meaning of this term from its use in other disciplines. It was asserted that when humanitarian is suffixed with military intervention the implication is that of the military intervening in particular socio-political context with the aim of alleviating human suffering. After providing this conceptual definition, the study went to provide a brief historical account of humanitarian military interventions from ancient times up to modern times. Within the modern era, the study provided examples in which it was shown that most of the literature on humanitarian military interventions which have been undertaken to date have been entangled in controversies showing that these interventions have often worsened the security situation of the intervened country far much more than what it was before intervention.

The study went on to argue that the humanitarian military interventions that have been undertaken by powerful countries have been undertaken with the aim of protecting geo-strategic interests in those intervened countries. These geo-strategic interests included political influence, extraction of natural resources such as petroleum and minerals which are indispensable to the flourishing of the economies of powerful countries. In this regard interventions that have been undertaken in the Middle East, North and West Africa by powerful countries were based on the need to preserve traditional areas of influence for marketing and extraction of raw materials by powerful countries. As an example, it was argued that

the current Syrian civil war has resulted in USA and Russia fighting a proxy war for geo-strategic influence in the Middle East. This proxy war has caused an unprecedented refugee pool since the end of World War 2. Multilateral efforts to transform humanitarian military interventions from the pursuit of geo-strategic interests by powerful countries have come in the form of the introduction of the UN doctrine of Responsibility to Protect. The presumption behind this doctrine is that as a sovereign, each nation-state has the responsibility to protect its citizens instead of relying entirely on humanitarian military intervention from powerful countries. The study has gone on to demonstrate through examples such as Ivory Coast, Libya and Syria that this doctrine has been undermined by powerful countries when powerful countries accused leaders of these respective countries of failing to protect their citizens. These accusations are mostly used as a pretext of overthrowing sovereign governments. Another attempt at curbing the excesses that go hand-in-glove with humanitarian military interventions is based on the attempt at emphasising the primacy of nation-state sovereignty.

The study has shown that whilst those who do not believe in humanitarian military interventions appeal to nation-state sovereignty as an absolute binding norm that should regulate international relations under international law, some scholars argue against this absolutist position by maintaining that nation-state sovereignty should be respected on the condition that the given state is able to protect its citizens from gross human rights abuses and genocide. Despite these efforts to subvert humanitarian military interventions by the powerful on developing countries, the study went on to argue that the pursuit of national interests by the powerful countries poses ethical problems on the justifiability of humanitarian military interventions. An action can only be ethical when it helps to promote the wellbeing of the other. An action that promotes the wellbeing of the other is usually regarded as altruistic. The study argued that since humanitarian military interventions are not based on altruistic motives, these interventions do not have anything to do with morality but the pursuit of national interests. Whilst the prevalence of national interests dominates humanitarian military interventions in a way that undermines the existence of ethics in international relations, the study made the following recommendations among others;

- That the conduct of HMI should be regulated by the use of regional organisations and non-interested parties with the UN acting as the supreme regulator. Coupled with this should be the production of an agreed upon HMI template to regulate the conduct of the intervening countries and their service personnel in order to limit or curtail abuses of HMI.
- The creation of an international HMI fund that will be accessed and used in HMI.

- Special training on the conduct of HMI to military as well as civilian personnel. This recommendation was influenced by the fact that in the conduct of HMI is different from conventional warfare.
- That the pursuit of national self-interest within the community of nations should be done only through the authorisation of the UN if it is to promote the interest of the whole nation state.
- The establishment of rules and regulations that would also allow for the prosecution of personnel that perpetrate war crimes and human rights violations while conducting HMI.

LIST OF ABBREVIATIONS

ACCORD	African Centre for the Constructive Resolution of Disputes
AU	African Union
BBC	British Broadcasting Corporation
BRICS	Brazil, Russia, India, China and South Africa
CEI	Commission Electorate Independante
CIA	Central Intelligence Agency
DAC	Development Assistance Committee
DRC	Democratic Republic of Congo
ECOMOG	Economic Community of West African Monitoring Group
ECOWAS	Economic Community of West African States
FADM	Mozambique Armed Defence Forces
FSU	Former Soviet Union
GCC	Gulf Cooperation Countries
HRW	Human Rights Watch
ICC	International Criminal Court
ICCS	International Criminal Court for Sierra Leone
ICCY	International Criminal Court for Yugoslavia
ICISS	International Commission on Intervention and State Sovereignty
ICTR	International Criminal Tribunal for Rwanda
ISIL	Islamic State in Iraq and Levant
JEM	Justice and Equality Movement
KFOR	Kosovo International Security Forces
LGBTI	Lesbians, Gays, Bisexuals, Transsexual and Inter Sexual Community
MDC	Movement for Democratic Change
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NSA	National Security Agency
NTC	National Transitional Council

OCHA	Office for the Coordination of Humanitarian Action
OECD	Economic Cooperation and Development
OPEC	Organization of Petroleum Exporting Countries
R2P	Responsibility to Protect
SADC	Southern African Development Community
SLA	Sudanese Liberation Army
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UNOCI	United Nations Operation in Cote d'Ivoire
UNSC	United Nations Security Council
USA	United States of America
WMD	Weapons of Mass Destruction
WW I	World War 1
WW II	World War 2
ZANU (PF)	Zimbabwe African National Union Patriotic Front

KEY TERMS

Humanitarian Military Intervention, National Self-Interest, Morality, Altruism, Culturalism, Anarchy, Nationalism, Morality, Responsibility to Protect, Ethics, Political Realism, Sceptical realism, International Law, Nation-State Sovereignty

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CHAPTER 1: INTRODUCTION

1.1 Background to the Study

The issue of Humanitarian Military Intervention (HMI) has remained a controversial one within the domain of peace and security studies and international relations hence there is a lack of agreement among scholars and political practitioners on whether HMIs are acceptable or not. The major areas of the controversies have ranged from but not limited to; the acceptability of the definition of HMIs, abuses, violations of state sovereignty, legality, acceptability, legitimacy and interpretation among others. Advocates of International law further question whether International law should permit states to intervene militarily to stop genocide or comparable atrocity without authorization from the United Nations Security Council (UNSC). For instance, in Kosovo and Iraq and the non-intervention in Sudan and Rwanda. Most HMIs to date have been in the form of unilateral, multilateral and coalitions of the willing sometimes with, and sometimes without the authorization of the United Nations Security Council (UNSC).

In the context of the United Nations (UN), the UNSC authorizes international military intervention in a foreign country when events obtaining in that target country pose a threat to international peace and security. The UN Charter Article 2 (7) states that 'nothing contained in the present Charter shall authorize the UN to intervene in matters which are essentially the domestic jurisdiction of any state'. In the same vein, UN Charter Article 2 (4) states that, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations". However, in some instances the UNSC is arm-twisted to authorize HMIs by powerful countries (intervening states) in pursuit of their national interests. For example, in the case of Iraq, Tony Blair and George W Bush misrepresented their intelligence on Weapons of Mass Destruction (WMD) in order to invade Iraq and get rid of Saddam Hussein (Blix: 2004). (http://www.berkeley.edu/news/media/releases/2004/03/18_blix.shtml). Blix accused USA President George W Bush and British Prime Minister of acting not in bad faith, but with a severe lack of a 'critical thinking' (Powell: 2004) (http://news.bbc.co.uk/2/hi/middle_east/3596033.stm). In Libya, the UN authorized UN Resolution 1973 which was abused to the benefit of the intervening states notwithstanding the motive of the same resolution. In the same vein one would question whether France's intervention in Ivory Coast was humanitarian or not given its past colonial history and later the developments after intervention.

Researchers on the subject of HMI have mainly dealt with the legality and legitimacy of HMIs; (Cassese (1999); Simma (1999); Holzgrefe (2003) and Farer (2003)), and not much has been said or established on the influence and role of self-interest in HMIs. The problem arises, however, when HMIs conflict with the principles of state sovereignty and non-intervention.

It must be noted that most of HMIs have been undertaken in countries that can be described as weak militarily and economically. According to J. L. Holzgrefe (2003) humanitarian intervention is:

The threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied.

In this case HMIs undertaken by different powerful countries like the United States of America (USA), Britain and France in Northern Iraq (1991), Somalia (1992), Kosovo (1999), East Timor (1999), Ivory Coast (2010-11) and Libya (2011) are arguably typical examples of the practice falling within this category.

While the above noted HMIs were based on the ethical imperative to prevent national authorities from perpetrating human rights abuses against their citizens, the international community ignored gross human rights abuses and genocide in a number of instances most notably in Rwanda (1994) and Darfur (2003). These examples demonstrate the inconsistent application of HMI principles. Such inconsistencies can be viewed as application of double standards by powerful states in the international society so as to maintain their hegemony. This has led to some scholars like Köchler (2001) to question why interventions are conducted in some regions and countries and not in others. The selective and inconsistent nature of interventions by the intervening countries has raised a number of ethical questions, most importantly on whether it is ethical imperatives or interests that motivate HMIs. These inconsistencies in the application of HMIs have motivated the researcher to question the ethical principles that lead countries to undertake HMI missions in other countries and regions and neglect others. This thesis, therefore is concerned with exploring the role of self-interests in undertaking HMIs and questioning the compatibility of national self-interest with humanitarianism.

When the Responsibility to Protect (R2P) doctrine by the International Commission on Intervention and State Sovereignty (ICISS) was created in 2001, the authorizing mandate for HMI was exclusively given to the UNSC. The R2P doctrine states that in the case of gross human rights violations the international

community through a UNSC authorization can undertake HMI guided by the need to stop human rights abuses and rebuild physical and non-physical institutions for sustainable peace and respect of human rights (ICISS, 2001). Whilst the R2P was touted as a new approach to protecting populations from mass atrocities and genocide, the legality of this doctrine needs to be analysed in line with HMIs and whether the doctrine advances the legality of the use of force for humanitarian ends.

Ethics, real or perceived, have always been part of the human societies, hence, in politics, social contract thinkers and philosophers like Grotius (1625), argued that leaders had a duty to be benevolent to their subjects, and leaders who brutalized their subjects were seen to have abandoned the law of nature (the original law which is sometimes referred to as God's law, that arrogates each individual basic human rights) and hence could not claim protection from the law of nations. In such a case any compassionate leader/s could fight the brutal leader to restore the law of nature (Grotius, 1625). The social contract theory brought in the subject of HMI in international relations, whose ethical drives are critiqued in this thesis.

The most common presumption among many scholars like Ferdinand Teson and Gareth Evans is that countries participate in HMI for altruistic reasons whereby the main motive is presumed to be about protecting human lives against an oppressive tyrannical government (Teson: 2003). Contrary to this popular view among scholars of peace and security studies in international relations, there are those like (Köchler, (2001); Ayoob, (2002: 81 -102)) who have maintained that national interest is the main motivating factor behind HMIs. These interventions are not undertaken for altruistic purposes. Iraq and Libya are perfect examples where situations escalated after HMIs and to date the situations in these countries have remained volatile and chaotic. Given the above background, the thesis will question whether intervening states are not exploiting humanitarian exceptions to justify the pursuit of their national interests. The thesis will further explore whether HMIs are not a tool to camouflage the pursuit of national self-interests by the powerful countries.

1.2 Statement of the Problem

In light of the empirical evidence, from the above HMIs that have taken place thus far, this study will argue that if, HMIs were aimed at alleviating tyranny and gross human rights abuses, why then have the situations in the intervened countries deteriorated from where they were before the HMIs?

1.3 Hypothesis

The hypothesis of this study is that national self-interests are the main motivating factors in the undertaking of HMIs.

1.4 Preliminary Literature Study and Reasons for Choosing the Topic

In light of the above discussion, the issue of HMIs remain a highly contested terrain among scholars. In this regard one finds that there are three notable schools of thought. The first one is the Interventionist school of thought which tends to support the HMI as a moral practice that cannot be restricted by nation state sovereignty. When a national leader becomes brutal towards his or her subjects in a manner that undermines the law, it is argued by Interventionists that other countries have a legitimate right to intervene and restore the observance of human rights (Holzgrefe, 2003: 26).

Interventionists recognize HMI as a right action that should be undertaken by states in case of a threat to human life in the form of mass murder of civilians or genocide. Scholars in this school argue that the international community is based on both laws and ethics. Teson (2003: 96) contend that, "Humanitarian intervention is morally justified in appropriate cases ... Sovereignty serves valuable human ends, and those who grossly assault them should not be allowed to shield themselves behind the sovereignty principle". Teson acknowledges the fact that international law in general bans the use of force, he contends that, "cases that warrant humanitarian intervention disclose ... serious violations of international law; genocide, crimes against humanity and so on". Similarly, Julius Stone (2003:37) contends that 'Article 2 (4) does not forbid the threat or use of force simpliciter; it forbids it only when directed against the territorial integrity or political independence of any state hence if a genuine humanitarian intervention does not result in territorial conquest or political subjection ... it is a distortion to argue that [it] is prohibited by Article 2 (4). Moreover, supporters of humanitarian intervention argue that even within the article itself, there is an exception that 'this principle shall not prejudice the application of enforcement measures under Chapter VII' Thus, military intervention could be authorized by the Security Council under Chapter VII of the Charter if (a) Security Council determine 'the existence of any threat to the peace, breach of the peace, or act of aggression'; and (b) the Security Council deem the measures to be taken as 'necessary to maintain or restore international peace and security'. Counter-interventionists also point to Article 1 (3), 55 and 56 of the UN Charter. Christopher Greenwood (2002: 141-175) rightly argues that 'it is no longer tenable to assert that whenever a government massacres its own people or a state

collapses into anarchy international law forbids military intervention altogether'. The interventionist school of thought argues that while sovereignty is a necessary principle in international society, it cannot be used as a defence by those who brutalize their citizens.

Weiss (2007: 96) argues that when the former United Nations Secretary General (UNSG) Kofi Annan was faced with the difficulty of state sovereignty in relation to military intervention, he redefined the notion of sovereignty by arguing that sovereignty was no longer viewed as a preserve of the state leadership, but as a right of the people and a duty of the state to look after its population. Annan (1999) during his address to the UN General Assembly on 20 September called on the international community to accept that the international system was transforming, hence the need to respond to developments in international relations which he said:

Demand of us a willingness to think anew ... about how the United Nations responds to the political, human rights and humanitarian crises affecting so much of the world; about the means employed by the international community in situations of need; and about our willingness to act in some areas of conflict, while limiting ourselves to humanitarian palliatives in many other crises whose daily toll of death and suffering ought to shame us into action.

Relatedly Deng, Kimaro, Lyons, Rothchild and Zartman (1996) popularized the concept of 'sovereignty as responsibility'. Under the concept of Sovereignty as Responsibility, with particular reference to Africa, Deng et al (1996: 1) argued that while it is accepted that internal conflicts within individual states and their consequences fall within the domestic jurisdiction of the concerned state, hence a subject of the national sovereignty of that state, "it is also recognized that sovereignty carries with it certain responsibilities for which governments must be held accountable. And they are accountable not only to their national constituencies but ultimately to the international community".

The argument that was brought about by Deng (et.al) (1996) centred on the need to transform the concept of internal control and accountability of a state to a global level, where the international community will act as a watchdog on those leaders who 'abuse' sovereignty to commit crimes against humanity. These scholars argue that in situations of internal conflicts, especially those that are perpetrated by the state, it is impossible for the state to be a peace broker in a case in which it is a part to the conflict.

The concept of sovereignty as responsibility to protect was buttressed by the development of the doctrine of the international community by the former British Prime Minister, Tony Blair. In his address to the Chicago Economic Club in 1999, Blair stated that:

We are all internationalists now, whether we like it or not. We cannot refuse to participate in global markets if we want to prosper. We cannot ignore new political ideas in other countries if we want to innovate. We cannot turn our backs on conflicts and the violations of human rights within other countries if we want still to be secure (Blair, 1999).

Blair (1999)'s doctrine of the international community is based on the argument that the world has become intertwined through the developments in information and communication technology which have led to increased human movement across the previously rigid boundaries including the transfer of conflicts from conflict zones to relatively peaceful regions. The doctrine of the international community is therefore an intervention doctrine that seeks to increase the role of the international community in the internal affairs of sovereign states.

Apart from the interventionist school of thought we have the Non-interventionists school of thought which does not recognize HMI as a practical solution that can be undertaken without being driven by national self-interest. Scholars like Ayoob, Booth and Köchler cite selfish national interests as the reason for intervention. Booth (1994: 58-59 & 62) argues that governments are driven by interests that put themselves first against any other person or country and use media propaganda to court domestic and international support by presenting exaggerated facts. Köchler (2001: 34-35) argues against the human rights narrative which he sees as power political tool:

The most powerful nations arrogate to themselves the right to act in the name of humanity or of the international community. While enjoying a monopoly on definition of these terms, the global actors have resorted to *arbitrary action* against the sovereignty and independence of other states whenever they deem such action appropriate to serve their interests. Humanitarian intervention has become one of the key terms to legitimize what otherwise would have to be called act of aggression or interference in internal affairs.

Non-interventionists premise their argument on the duty to respect state sovereignty as well as the UN Charter which annulled the use of force in international relations except in the case of self defence or in the case of a UNSC authorizing against a threat to international peace and security. The non-interventionist school also argues that sovereignty in its classical state cannot be revised as it is the last garrison for weak states against the encroachment by bigger powers into their affairs. It is from this light

that scholars like Köchler views the HMI doctrine as a veil to legitimize aggression. According to non-interventionists, any interference in the affairs of the sovereign state in the name of “humanitarianism” directly breaches the UN Charter.

The realist argue that this could lead to abuse, since interveners only pursue their “national interests” hence they may use issues regarding human rights as a pretext for intervention in order to achieve their political objectives. Ian Brownlie, argues that, “...humanitarian intervention, on the bases of all available definitions, would be an instrument wide open to abuse ... a rule allowing humanitarian intervention ... is a general licence to vigilantes and opportunists to resort to hegemonial intervention (Ramsbotham and Woodhouse, 1996:64). There is no doubt that the problem of abuse (and selectivity) could damage the already fragile issue of legality and legitimacy, however, this does not mean that force should not be used when governments massacre their own citizens. What would happen if governments use ‘sovereignty as a licence to kill’? (Baylis, and Smith, 2005: 556)

Ayoob (2002) viewed the application of the politics of intervention as somewhat a return to Europe’s 19th Century concepts of the civilized and non-civilised races and peoples in which only the Europeans had the right to impose their will on others, specifically Africa. In respect to the R2P doctrine that was rising at the end of the 20th Century and state sovereignty as related to intervention, Ayoob (2002: 84) argued that;

Without denying the considerable moral force of the ‘sovereignty as responsibility’ approach, one cannot help but notice echoes of the ‘standard of civilization’ argument in this proposition. According to this latter thesis, which was the prevailing political wisdom in Europe until the end of nineteenth century, only those countries that had reached a certain standard of civilised behaviour had the right to attain sovereign status and interact with each other on the basis of mutual recognition of sovereignty. The others, being barbarians if not savages, were to remain subject to, or under the tutelage of, sovereign (European) powers. Where they could not be subjugated... rules of European international law that enjoined the reciprocity in interstate interactions did not apply to them. This denied them the protection of norms that had been developed in Europe to govern interstate relations, the chief among them being the principle of non-intervention in the internal affairs of states.

The third school is the legalist school of thought. Proponents of the legal school are not in agreement on what international law advises on the practice of HMI. Those who support non-intervention base their argument on the classical conceptualization of the concept of sovereignty. Luttwak (1999/2000, 57)

argued against HMI as it was incompatible with the independence of countries specifically in Africa. He viewed the revision of the concept of sovereignty as “Kofi’s rule” that was specifically influenced by the push for intervention by the USA (Luttwak, 1999/2000).

Proponents of non-intervention also base their argument on the strict adherence to the explicit interpretation of the UN Charter (Eisenhamerova, 2011: 15). Article 2(4) of the UN Charter states that, “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.” There are only two instances in which the threat or use of force is explicitly accepted under the UN Charter as stated in articles 42 and 51 which empowers the Security Council to use force to restore international peace and security in the case of failure through peaceful means and for individual states or groups of states in the case of an armed attack by another state, respectively.

Cassese (1999) supports the argument that any military intervention that is not explicitly authorised by the UNSC is illegal in international relations. He notes that, the use of force by NATO in the Former Yugoslavia was illegal and that “Under the UN Charter system, as complemented by the international standards which have emerged in the last 50 years, respect of human rights and self-determination of peoples, however important and crucial it may be, is never allowed to put peace in jeopardy.” Legal thinkers argue that in the case of the HMI by NATO in Kosovo, the intervention can be seen as having been illegal but legitimate (Simma, 1999: 1; Cassese, 1999: 791; The Independent International Commission on Kosovo; 2000: 4).

However, legal scholars like Brown (2000) argue that HMI can be seen as legal basing on the implicit interpretation of the UN Charter and customary international law. Brown (2000: 1697) argues that, “The argument for humanitarian intervention assumes that, at least in appropriate cases, the protection of human rights is a higher priority than the defence of national sovereignty from armed intrusion. It follows that when the human rights situation is serious enough, the proportionate use of armed force to remedy this problem should be legal.” Brown (2000: 1698) goes on to state that:

The rules prohibiting genocide and crimes against humanity are peremptory norms from which, in theory at least, no derogation is permitted. What then is to be done when widespread violations occur and the territorial state is either unwilling or unable to

prevent them? If diplomatic initiatives fail, military intervention may be the only way to prevent the continuing slaughter of innocents.

This section of the legal school argues that the UN Charter was not meant to be a static document but a document that could be interpreted in light of changing international events (Eisenhamerova, 2011: 17). Legal interventionists also argue that the practice of HMI was established as a customary international practice long before the establishment of the UN hence could not be limited by it (Eisenhamerova, 2011: 21).

However, the argument can be countered by the notion that the traditional practice of HMI had been an elitist one conducted by European powers only to intervene in areas of interests (Richards, 1986: 155). This thesis sought to bring to light the relationship between self-interest and altruism in HMIs. While a number of researches have been conducted with respect to legality and legitimacy, there has not been exhaustive studies conducted specifically on the field of major powers' conduct of HMIs in relation to the interplay between morality and pursuit of national self-interests. In addition, the thesis was also influenced by the continued contradiction of practice and theory in relation to HMI on emerging conflicts. The cases of Libya, Syria, Ivory Coast and the non-intervention in Rwanda are emerging issues which have not been exhaustively researched and hence warrants the reopening of the practicability of an ethically driven HMI.

1.5 Research Objectives

The research sought to:

1. Establish the different contentious reasons purportedly used by intervening states for undertaking Humanitarian Military Interventions.
2. Analyze the role of national interest in the context of Humanitarian Military Interventions.
3. Assess whether self-interest is compatible with humanitarianism.

1.6 Research Questions

The broader question upon which the research is based is, what role do national self-interests play in the undertaking of HMI? From this broader question a number of questions are constructed as follows:

1. What have been the reasons used by powerful states in support of HMIs?

2. Is the concept of national self-interest compatible with humanitarianism?
3. Is it possible to have a HMI case that is free from the influence of national self-interests?
4. How can future HMIs be conducted without national self-interest controversies?

1.7 Principal Theories upon which the Research is Constructed

This study is based on the theories of Political Realism, Altruism and International Society. These theories will be discussed with specific reference to HMI.

1.7.1 Political Realism

Political realism, is a theory that views international relations as a competitive arena whose major signpost is the struggle for power (Stanford Encyclopedia of philosophy, online, <http://plato.stanford.edu/entries/realism-intl-relations/>). Political realists argue that there is no place for morality in international relations hence any act undertaken by a state is strictly calculated to increase its influential abilities in the international system. This theory is sometimes referred to as the power theory due to its emphasis on power and national interests in its explanation of international relations. Political realists contend that politics is governed by objective laws of selfishness and struggle for power that have their roots in human nature (Donnelly, 2000: 7).

The theory translates that states as international persons act in ways that increase their power and dominance in the international system and counter such power gains by other states. Major Powers¹ seek to maintain their hegemony while lesser powers seek to increase their power and rise to the positions of hegemonic powers either regionally or internationally. The international arena, due to the sustained competition for economic and political gains by states to increase their power, becomes an anarchical arena where 'idealistic' moral rules are only accepted and obeyed to the level that they are in line with the pursued interests of different countries.

From the foregoing, HMI becomes a tool to increase one's power in the international system and is only directed to areas that either increase the hegemonic dominance of major powers or counter the influence

¹ A major power is a state that dominates other states in a given region at a given time. This power is derived from the aggregate composition of political, socio-economic and military capabilities. This power is manifested in the states' ability to influence other states in the international system or the specific region in which the state is geographically located. (Morgenthau, 2006, 31 – 33).

of a rival power or limit the rise of a lesser power to a rank of a hegemonial power. The theory of Political Realism maintains that it will be irrational for a country to undertake a humanitarian military initiative and incur the costs simply because such a state feels morally obliged to protect the citizens of the target state without the intervening state having a lot to gain from such interventions.

Morgenthau (2005: 5) states that, "The main signpost that helps political realism to find its way through the landscape of international politics is the concept of interest defined in terms of power". "Realism assumes that its key concept of interest defined as power is an objective category that is universally valid" and has stood the test of time since the time of the antiquity historian, Thucydides. While the theory accepts the role of ethics in influencing international relations (Mearsheimer, 2006: 74) such an influence is only limited to the point when it does not conflict with the survival of the state. Hence as Morgenthau (2005: 5) puts it:

Political realism refuses to identify the moral aspirations of a particular nation with the moral laws that govern the universe. As it distinguishes between truth and opinion, so it distinguishes between truth and idolatry. All nations are tempted – and few have been able to resist the temptation for long – to clothe their own particular aspirations and actions in the moral purposes of the universe.

The concept of self-interest under the theory of realism denotes that states can only undertake intervention if they provide them some gains that will offset the costs of intervening. National interests holds that, "the essential, perennial relationship among states is one of competition and self-help, hence moral considerations are irrelevant" (Maxwell 1990: 11). The realist believes that a nation's survival comes first and second is the furtherance of its interests. In such cases, the notion of humanitarianism will be used as a smokescreen to cover up the hidden motives.

1.7.2 Altruism

Altruism can be seen as operating at the extreme opposite of Realism. The term altruism refers to those actions that are intended and motivated to benefit the other/s without necessarily benefiting the acting part/persons, and in some cases undertaken at the expense or self-harm of the acting part/persons (Krieg, 2013: 48). Bar Tal (1986: 5) states that, "altruistic behaviour (a) must benefit another person, (b) must be performed voluntarily, (c) must be performed intentionally, (d) the benefit must be the goal by itself, and (e) must be performed without expecting any external reward."

Altruists argue that there are always “group interest” (Margolis, 1982: 11) that may motivate actions by persons for the benefit of others and not necessarily themselves. Even Adam Smith who is revered for his advancing of the concept of self-interest in liberal economics stated that, “How selfish so ever man be supposed, there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it, except the pleasure of seeing it” (Smith, 1969: 47).

The theory of altruism had a special position in this research given that it can be seen as the basis upon which the concept of moral HMI is based as noted by Krieg (2013: 48) that “the concept of altruism found its way into international relations, particularly since humanitarian intervention has emerged as an act with the primary purpose of helping others.”

However, different groups have different attitudes and response to other groups perceived as outsiders. While a certain group may be guided by ethical rules in internal interactions, the ethical rules are sometimes disregarded when dealing with people seen from the outside groups. Even in the animal kingdom where elements of altruism are exhibited in the form of compassion among group members, such compassion is lost when the group/species is confronted with other groups. Hence, there is need to explore how group consciousness impact on altruism and ultimately on leaders getting concerned with the abuse of the rights of strangers and taking a risk of sacrificing the lives and resources of their peoples.

The thesis used the theory to deduce if it is possible for a state to pursue a policy in international relations that is purely based on morality, in contrasts to the realist argument that such a policy can only result in self-destruction and in worst cases extinction of such moral states. The thesis also questioned if it is not possible for a state to pursue both a moral policy in conjunction with pursuit of its self-interest. In short, the central question was whether it is possible to marry altruism with national self-interest in HMI.

1.7.3 International Society

The theory of International Society was developed on its greater part by the English School of international relations. Proponents of this school include Hedley Bull and Barry Buzan who argue that for there to be an international society, states must move from the concept of international society by establishing contractual rules guiding their conduct especially on war and peace. Buzan (1993: 330), citing Bull and Watson defines the idea of the international society as a, “group of states ... which not merely form a system, in the sense that the behaviour of each is a necessary factor in the calculations

of the others, but also have established by dialogue and consent common rules and institutions for the conduct of their relations, and recognise their common interest in maintaining these arrangements.”

The theory attempts to explain the manner in which states are organized and relate to each other in a bid to minimize the effects of anarchy “(understood not as chaos but as the absence of government” (Linklater, 2010: 2)). In defining the international society, Linklater (2010: 3) states that, “At its heart is the observation that states have a common interest in establishing and maintaining international order: they have a shared recognition that their security and survival depend on a general willingness to control the use of force, to respect sovereignty, to observe the principle of non-intervention, and to ensure that treaties are kept.” Bull (1977: xxxiv-xxxv) notes that the true institutions that were put in place as the foundation of the international society are balance of power, international law and diplomacy. He goes on to state that “to find the basic causes of such order as exists in world politics, one must look not to the League of Nations, the United Nations and such bodies, but to institutions of international society that arose before these international organisations were established, and that would continue to operate (albeit in a different mode) even if these organisations did not exist.” These institutions are the ones mentioned above as balance of power, international law and diplomacy.

Having developed from an exclusive composition of European ‘international’ state system which viewed itself as the only civilised society encircled by non-civilised ones, the concept of the international society sought to give direction on how the different members can co-exist in their diverse cultures and different conceptualisation of rights.

Linklater (2010) notes that the majority of scholars in the English school are against HMI as it is seen not as immoral but a disturber to the rules based system as it threatens sovereignty and the stability in the society of nations (Bull, 1977: 151). However, the theory accepts HMI as a moral act that can limit state brutality. The hesitation on supporting the intervention concept is driven by the fact that it is seen as a European construct and the theory encourages the minimisation of forceful internationalisation of European values (Linklater, 2010: 1 - 13).

1.8 Methodology

From what has been said thus far, the research methodology is qualitative in nature. Qualitative research methodology refers to interpretive based research (Creswell, 2009: 176) that has no or little use of numerical data. The research utilized data collection tools/techniques such as primary and secondary

data sources and in-depth interviews. The researcher used books, journal articles, UNSC resolutions related to the subject, protocols governing HMIs, scholarly/academic material, and electronic sources useful to the study.

HMI is a practical exercise that is authorized by political leadership with influence from different power constituencies like business community, non-governmental organizations and media community, and conducted by military personnel in conflict-rife areas. The targeted sample size for the research was fifty respondents. The researcher, therefore conducted in-depth purposeful interviews with thirty three respondents selected from politicians, political analysts, ambassadors, academics, peace activists and military personnel². Respondents who were selected using purposive sampling³ from different constituencies were selected for the following reasons:

Politicians are part of the main policy making machinery that decide on whether to undertake a HMI mission and when to undertake the mission. It is also the voice of politicians that is the most pronounced in state relations. They are also a central part of the national interest formulation groups.

Ambassadors are part of a country's governing machinery. They act as advisors of their governments on foreign policy with respect to the country in which they are posted. They are also the link between the country and the foreign governments and they represent the head of state of their countries.

Political analysts and academics were selected specifically because of their deep and continuous research in politics and international relations. The continuous research which they have been undertaking was valuable as it widened the horizons of the researcher.

Peace activists/NGOs were important to the researcher as they possess information of conflict issues and peace studies. They also influence policy and decisions of governments and international organizations. The information they provided was pertinent to the study.

² For some specific details on the respondents who agreed to their names appearing in the research list of interviewees, see appendix 4. There was no specific criteria that was used to come up with the thirty three respondents. This number was reached based on the availability of the key respondents that the researcher contacted on the basis that they are versed with issues that were under interrogation in this research. The researcher did not pay much attention to the number of the respondents but to their understanding and experience on the issues under interrogation.

³ Purposive sampling refers to the selection of participants based on the fact that the researcher is aware that such participants can provide the researcher with the information he/she is looking for due to their experience with the subject under interrogation and review.

Military personnel were chosen because they advise the political leadership on issues to do with active undertaking of HMI. They were also chosen because of their proximity to wars which made them instrumental in providing information on the quantification of casualties and how such casualties are declared to the public as well as the types of weaponry that can and sometimes is used and the effects of different arms to civilians in a war zone.

Content analysis was the main method of data analysis. Content analysis refers to different methods and ways of interpreting text/content, which in this case were written words from primary and secondary sources, questionnaire responses and spoken words from the interview respondents (Neuman, 1997, 272-273). Content analysis can be defined as, "any technique for making inferences by objectively and systematically identifying specified characteristics within a text" (Holsti, 1969: 85). Lasswell (1949:120) simplifies the definition by stating that content analysis means "Who says what, to whom, why, to what extent and with what effect?"

With the exception of chapter 1, which is an introductory chapter, all the chapters are a continuous presentation and analysis of the research finding and information gathered. This analysis is synthesized in chapter 10 (Research findings and Recommendations). This follows Creswell (2009: 184) who notes that "qualitative data analysis is conducted concurrently with data gathering, making interpretations, and writing reports."

1.9 Limitations of the Study

The study was only limited to HMIs and not other forms of humanitarian interventions such as the distribution of emergency relief and securing humanitarian space for the operations of aid agencies, facilitating conflict resolutions post war rebuilding processes aimed at preventing relapse, alleviating disease and hunger and natural disasters such as earthquakes and floods. This thesis was only concerned with the coercive combat military intervention undertaken in another country on the basis that the citizens in such a country are facing gross human rights violations by their leaders or groups aligned to the national leadership of the subject country. The thesis, therefore, does not deal with other areas that are in some instances defined as 'HMI' which include the role of the military in peace operations after having been invited by sitting governments and mandated by the UNSC. It also excluded the role of the military in assisting with humanitarian aid or guarding international aid workers in conflict zones or

assistance rendered by the military after natural disasters and catastrophes like earthquakes, landslides and tsunamis and diseases as in the West African Ebola disaster.

1.10 Structure of the Dissertation

Chapter 1: **Introduction.**

This chapter covers the proposal of the study. It provides the background to the study, Statement of the problem, hypothesis, preliminary literature study and reasons for choosing the topic, research objectives, broad research questions, principal theories upon which the research will be constructed and methodology.

Chapter 2: **Conceptual Definition of Humanitarianism.**

The aim of this chapter is to provide a conceptual definition of humanitarianism. The chapter further explores the evolutionary processes that humanitarianism has gone through tracing different civilizations in the world. It covers the definition of humanitarianism, Christian influence on humanitarianism and the concept of HMI.

Chapter 3: **An Historical Analysis of Humanitarian Military Interventions (HMIs).**

After providing the study with a conceptual definition of humanitarianism, in this chapter the aim is to provide with an historical account of Humanitarian military interventions (HMI). The Chapter demonstrate how HMIs evolved with specific reference to the modern era, and also how HMIs were discussed within the world multilateral organisations such as the League of Nations, and the UN. The chapter shows how the pursuit of national interests has always overshadowed HMIs.

Chapter 4: **The Pursuit of Strategic Resources under the Guise of Humanitarian Military Intervention.**

The chapter looks at the historical analysis of HMIs with the aim of looking at HMIs in the Roman Empire and HMI during the Cold War. It further looks at HMIs after the end of the Cold War, controversial interventions in Kosovo and Iraq which was justified as a HMI mission after the failure to secure WMDs by the Coalition of the willing leaders, Tony Blair and George W. Bush. It further explores interventions in Africa such as the Libyan intervention and non-intervention in Rwanda.

Chapter 5: **The Creation of the Responsibility to Protect Doctrine (R2P).**

This chapter traces the rise of R2P from the creation of the responsibility to protect doctrine at the turn of the 21st Century. It gives the historical analysis of HMI and why the concept became a justification of the military interventions in the post war period. The chapter further argues that R2P was realised due to the support it got from influential leaders at the time.

Chapter 6: **State Sovereignty and Humanitarian Military Interventions.**

The chapter analyses state sovereignty and HMIs. It further defines state sovereignty from Westphalia to the UN era, sovereignty as responsibility and the responsibility to protect doctrine.

Chapter 7: **An Investigation of the Role of National Self-Interest in Humanitarian Military Interventions.**

The Chapter assesses the relationship between national self-interest and HMIs. The aim is to understand and define self-interest, self-interest in economics, national interest and HMI.

Chapter 8: **An Ethical Analysis and Critique of Contemporary Humanitarian Military Interventions.**

The chapter critically analyses the ethical challenges and role of self-interests in HMIs. It attempts to answer whether it is possible for powerful states to undertake HMIs in the affairs of weak states without anticipating any benefit from the intervention (national interests).

Chapter 9: **Summary Conclusion, Research Findings and Recommendations.**

The chapter gives a summary conclusion of the study, research findings and recommendations by linking all the issues discussed and thus creating a crystallized conclusion.

Chapter 10 **General Conclusions and Recommendations**

This is the final concluding chapter which presents the general conclusion and final recommendations

CHAPTER 2: CONCEPTUAL DEFINITION OF HUMANITARIANISM

2.1 Introduction

The concept of Humanitarianism, as already been discussed and stated in the previous chapter is subject to different interpretations and understanding by different people depending on their orientation. For example, academics, the clergy, politicians, theorists, scholars and even institutions have a different perception and understanding of the concept of HMI and humanitarianism. It is because of this reason that conceptualization of the humanitarianism concept remains elastic and debatable, hence often abused to suit individual or group interests. Conceptualization of humanitarianism from the various philosophies and scholars at this stage is therefore critical as it is from this understanding that the concept is then linked to HMI which is the main objective of this study.

This chapter will therefore explore the development of Humanitarianism as a concept from the Greek Philosophers up to its current understanding in HMI. Furthermore, it explores the conceptualization of humanitarianism from the philosophical, economic, religious, ethical and secular facets points of view. Throughout this study the understanding of humanitarianism is limited to that which distinguishes interventions that are aimed at rescuing indigenous people from the harm that is perpetrated or is about to be perpetrated to them by the state authorities who should be responsible for their protection. Humanitarianism can be in the form of assistance given to victims of natural or manmade calamities like earthquakes, diseases, tsumanis and floods, or simple assistance given by one individual to another or groups assisting those facing hunger and starvation. For example Operation Restore Hope in Somalia and Ebola in Sierra Leone just to mention but a few. In the light of this study, however, the term 'humanitarian' is used to mean combat military assistance to civilians of a foreign country in cases of their human rights being grossly abused or about to be abused by their leaders especially the right to life, hence its marriage to the term 'military intervention' and coming up with the term 'Humanitarian Military Intervention'.

2.2 Definition of Humanitarianism

The term humanitarianism is derived from the adjective 'humanitarian'. According to the *Oxford Dictionary* (2000: 586) the term is defined as, "Concerned with reducing suffering and improving the conditions that people live in". The *Macmillan Dictionary* defines the term as, "Relating to efforts to help people who are living in very bad conditions and are suffering because of a war, flood, earthquake etc."

Macmillan Dictionary further defines the term as, "Caring about someone who is in a very bad situation or receiving unfair treatment" (*Macmillan Dictionary*).

The two dictionary definitions (*Oxford* and *Macmillan*) of the term, 'humanitarian' as given above show that the term means assistance rendered to those in need. The definitions do not inform or differentiate on how the assistance is rendered and by who. The major thrust of the two dictionary definitions of the term 'humanitarian' as given above is on civilian assistance given to those in need who would have been put in appalling situations by natural or manmade disasters like wars, famines, floods and tsunamis among others.

Encyclopedia Britannica (<https://www.free-ebooks.net/ebook/Encyclopedia-Britannica>) defines humanitarian intervention, which is derived from the term 'humanitarian', as "actions undertaken by an organization or organizations that are intended to alleviate extensive human suffering". The definition is open to different interpretations by different persons or groups of people. By 'alleviating extensive human suffering' there is no clarity on whether the assistance can be of a civilian or military nature. While civilian humanitarian workers argue that humanitarian intervention and assistance should not be militarized, this thesis specifically refers to HMI as the combat military intervention to counter the humanitarian excesses of a government to its citizens which is different from the plain understanding of the term when viewed from the dictionary and encyclopedia definitions as given above.

The United Nations Office for the Coordination of Humanitarian Action (OCHA, 2011: 4), is of the opinion that "Humanitarian assistance (which also refers to humanitarian intervention), broadly defined, seeks to save lives, alleviate suffering and maintain human dignity in response to need". OCHA further notes that, "Humanitarian assistance is guided by the core principles of humanity, impartiality and independence endorsed by the General Assembly" (OCHA, 2011: 4) As with the *Encyclopedia Britannica* definition given above, the OCHA definition is open ended and allows for multiple and different interpretations. However, the concept by OCHA is water-tightened by making it guided by the principles of humanity, impartiality and independence. These principles guard against the encroachment of self-interest and selective application of humanitarianism especially in conflict situations as was the case with Operation Restore Hope in Somalia in 1991 (UNOSOM 1).

The meaning of the term humanitarian has been a subject of debate by scholars like Benthall (2003) who argues that, "In the West, the term 'humanitarian' has become elastic. It can be a straight synonym for

'compassionate'; or it can embrace a wide spectrum of aid based on a commitment to a shared humanity; or it can refer more specifically to the technical delivery of relief in zones of disaster or conflict." In agreement with Benthall on the difficulty to settle for a single meaning and a single root of the term 'humanitarian', Davies (2012: 3) argues that:

Humanitarian' was invoked to assert the human nature of Christ, but it also referred to those who replaced Christianity with 'humanity' as the supreme object of worship. At the same time, 'humanitarian' designated a concern for the whole of mankind, a compassion and kinship with all living creatures, and it was applied to describe the efforts of those who advocated for human welfare.

The term 'humanitarian' can be used in pure charitable work, or socially in approaching other people amicably in line with moral values or in other cases using military means to salvage those seen as being brutalized by their leaders.

2.3 Socio-Religious Conceptualization

Under the socio-religious conceptualization, the concept is traced from social practices and beliefs as well as religious belief as borrowed from religious texts and practices. It is argued by altruists that human beings have a natural feeling of attachment to other human beings (Sorabji, 2007: 20). This perceived natural feeling of attachment by human beings to each other can be seen as humanitarianism, which when translated to physical actions can be called altruism. The notion that human beings have a natural feeling of attachment to each other is supported by Development Assistance Committee (DAC) of the Organization for Economic Co-operation and Development (OECD) (2003: 12) which argues that:

Altruism is traced to family and kinship obligations to protect one's own and offer hospitality to strangers. These behaviours are extensions of basic human drives to self-preservation and protection of one's offspring, so it is not surprising that altruistic customs are a virtually universal feature of human societies.

The Judeo-Christian and Islamic traditions played a major role in shaping the concept of humanity. From the Judeo-Christian and Islamic teachings, humanity is a single entity drawn from a single God and from a single parentage of Adam and Eve. This is based in part on the Biblical verse (King James Version) (Genesis, 1: 27-28) which states that, "So God created man in his *own* image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, be fruitful, and multiply, and replenish the earth", and the Koran (4: 1) which among other many verses, says that, "O mankind! Be dutiful to your Lord, Who created you from a single person (Adam), and from him (Adam) He created his wife [Hawwa' (Eve)], and from them both He created many men and women; and

fear Allah (God) through whom you demand (your mutual rights), and (do not cut the relations of) the womb (kinship).” From this perspective which is also shared by the different African traditional religions in their belief in the Supreme Creator e.g. (Musiki/Musikavanhu, Shona words meaning the Supreme God) human beings are commanded by this Creator to act righteously towards each other, failure of which results in different forms of divine punishments. In this respect therefore, people have tended to assist each other in times of need.

Practically however, the application of the concept of humanity was accepted selectively by European powers, with only the Europeans being viewed as human while other races were seen as sub-humans. This assertion is supported by the fact that slavery was practiced by the European countries at a time when the Christian doctrine had developed strong roots in European societies. European thinkers like Gregorio, Aristotle and Sepulveda did not view Africans and American Indians as equal beings to Europeans basing either on the natural skin pigment or on other conjured scientific justifications, or their failure to adhere to Christian values (Sorabji, 2006: 22-23). This proves that political consideration also had a major influence on defining humanity. This argument is raised here given that when the Europeans popularized the concept of HMI in the 19th Century, they argued that the Ottoman Empire was mistreating Christians (Köchler, 2001). However, as noted by Köchler (2001), the European leaders were guilty of the same crime as they were inhumanely treating their colonial subjects in Africa, Asia and Latin America. Given this argument therefore, one would conclude that there was selective application of the norm humanitarianism based on skin colour.

Douzinas (2007: 1) questioned the whole notion of humanitarianism as we know it today. He further noted that the concept of humanity is an invention of modernity, and that its application was selective in the Roman Empire. He postulated that:

The Romans inherited the idea of humanity from Hellenistic philosophy, in particular Stoicism, and used it to distinguish between the *homo humanus* (*free men, citizens or refined men*), the educated Roman, and the *homo barbarus* (*unrefined peripheral men*). The ‘human man’ was regulated by the *jus civile*, had some knowledge of Greek culture and philosophy and spoke in a cultivated language – he was like a graduate who read Greats at Oxford and speaks with a slightly posh accent. The *homo barbarus* was subjected to the *jus gentium*, lacked the sophistication of the real man and lived in the periphery of the empire (Douzinas (2007: 1).

While there was an acceptance of the respect of humanity in the Roman Empire as it was in Greece, it was selective. It distinguished between the Romans who were seen as subjects to the idea of being human people and barbarians who could otherwise be viewed in the Roman Empire as semi-humans and not subject to being treated with the morals applied to other humans. Such selectivity gave a moral backing for the inhumane treatment that could be meted on non-Romans (Sorabji, 2006: 23). It was this selectivity that was imported by the European countries when they moved into the colonized world. The selectivity strengthened the assertion that the application of the term humanitarian by Europeans and the Western world as we know it today is a recent invention.

Relatedly, it is noted that humanitarianism has gone through an evolutionary process since antiquity. It developed from the notion of humanism, from the secular world perspective, and religious righteousness from mostly the Judeo-Christian tradition and Islam as well as other religions in the world, both bringing up the concept of humanity (Douzinas, 2007: 2). According to Douzinas (2007: 2) humanism refers to the viewing of a human being as a species in existence "without differentiation or distinction in his nakedness and simplicity (from other human beings), united with all others in an empty nature deprived of substantive characteristics except for his free will, reason and soul". On the one hand, humanism is pessimistic on the existence of a superior deity and puts faith in human beings as the source of human goodness (Evans, 1999: 1-2). On the other hand, the Judeo-Christian and Islamic traditions draw the concept of humanity from the religious parentage of Adam and Eve (The Bible (King James Version), Genesis 1: 27; The Koran, 4: 1). Hence, from the Abrahamic (a term used to refer to the three religions that trace their roots to Abraham, namely Judaism, Christianity and Islam) religious perspective all human beings are one nation. This religious world view command human beings to be good to one another as members of a single family, hence being the foundation of humanitarianism.

In the field of international military relations, the concept of a single humanity, which is seen as the viewing of different peoples in the world as one with universal rights, can be seen to have influenced the development of HMI (Franck and Rodley, 1973: 67). HMI is used to justify the intervention by powerful countries into another country, mostly weak ones to stop the excesses or brutality of a government against its own people (Krylov, 1995: 367). The concept was accepted as ethically right and justified by international law thinkers like Hugo Grotius (1625: 247). The concept was used by European powerful countries to militarily intervene in the affairs of the less powerful countries specifically the Ottoman Empire and in the crusades which began after Pope Urban II's speech in 1095.

The moral justification is however contested by political realist thinkers who view humanity as individually fragmented and in pursuance of individual happiness. They advance that HMIs are prone to abuse (Krylov, 1995: 403). However, proponents of the Solidarist International Society theory have a different view from the Realist thinkers. Wheeler (2001: 309) forwarded a case for a moral justification for HMI when he argued that, "there is often a compatibility between protecting the national interest, promoting international order, and enforcing human rights." Belloni (2002: 37) puts forward that Solidarists "argue that intervention is a duty in cases of extreme human suffering. Intervention is thought to actually strengthen the legitimacy of the society of states and deepen its commitment to justice."

However, not all proponents of the International Society theory subscribe to the moral imperative of HMI. Pluralists, including Hedley Bull, "believe that states can agree only on a minimum set of rules of coexistence, in particular sovereignty and non-intervention. ... Humanitarian intervention is a violation of these rules safeguarding the independent choices of other political communities, and is inherently open to the possibility of abuse by the strong trying to coerce the weak" (Belloni, 2002: 36-37). Hence, the concept of HMI has been divisive among the International Society theorists.

2.4 Philosophical Conceptualization

In the Greek philosophical thought, humanitarianism is debated in the concept of whether human beings are naturally self-interested or act in altruism and are driven by morals on their interactions with other human beings (Lauren, 2010). Greek philosophers like Plato and the Stoic school of thought did not support the concept of individuals having no moral thought and only acting in self-interest. Acting only in self-interest was regarded as the expression of the weak nature of human beings. Lauren (2010: 110) quotes Plato when he argued that:

Mankind must give themselves a law and regulate their lives by it, or live no better than wild beasts. There is no man whose nature ensures that he shall discern what is good for mankind and be able to put it into practice. It is hard to perceive that welfare must be concerned with the community before the individual, because common interest cements society and private disrupts it. Man's frail nature is always tempted to self-aggrandizement and self-seeking.

Plato's assertion forwarded the primacy and supremacy of community interests over the interests of an individual. A selfless human being was the best human being in a society, while self-interest was viewed as a sin of avarice. According to Plato, neither one's person nor property was his/hers, but belonged to

the whole lineage, including the past and future generations (Lauren, 2010: 111). Cicero (1967) agrees with the argument that human beings should be guided by ethical rules when he said that:

How can we say that a youth is a young man of great promise and high character, when we judge him likely to study his own interests and do whatever will be for his personal advantage? Do we not see what a universal upheaval and confusion result from such a principle? It does away with generosity and gratitude, the bonds of mutual harmony. If you lend a man money for your own advantage, it cannot be considered an act of generosity; it is usury and no gratitude is owing to a man who lends money for gain.

This postulation is important in analyzing the concept of humanism especially as it comes up with the issues of generosity, gratitude and mutual harmony. The three issues are central to the solidarity of a society and in cases where they are disregarded society plunges into turmoil. Altruistic actions became the cement of society, hence a society could view itself as a single entity. Cicero distinguishes between lending money for no interest as assistance and doing the same act of lending money but for personal gain as not assistance but usury (Lauren, 2010: 157). The Stoic School of thought also argues that human beings should act according to morals and ethics. In describing the teachings of Zeno, the founder of the Stoic School, Bryant (1866: 21) notes that, "the first Stoic fixed his thoughts chiefly on moral conduct" which is the basis of altruism.

The Stoic School borrowed from philosophers like Cicero who taught the importance of human beings to live virtuous life and shun the pursuit of self-interest. Bryant (1866: 21) in his analysis of the Stoics notes that:

To live according to his true nature is to live godly; godly life is virtue. This is itself true happiness, independently of pleasure in the common acceptance of the terra; because the supreme good is to follow what the law of nature points out as being good. Virtue having its seat in the soul, outward circumstances cannot reach the good man. As he can distinguish good from evil, he is wise; and this suffices for him. ... All vices are equal in degree, because they run counter to the one law of virtue.

While there was an acceptance of the concept of humanity from the Greek philosophers, it also needs to be questioned who were the subjects of such humanity. As argued by Douzinas (2007: 1) Romans took the idea of humanity from the Greeks and used it to distinguish between the civilized humans and barbaric humans who were not subject of 'the law of the civilized' humans. There was, therefore selectivity on the application of the concept in Greece between the civilized Greek and the barbarian. It

therefore stands that the application of the concept of humanity in European and other world civilizations was minimal and exclusive, hence allowing for inhumane practices like slavery to be part of morally unquestionable societal practices.

It is proven by history that the application of the concept of humanitarianism as understood from the Greek concept of civilized human beings and the barbarians was selective until the end of the decolonization of Africa. The colonization of Africa, Asia and Latin America was justified on the basis that people in the colonized world were barbarians and therefore deserved no mercy as given to the civilized human beings of Europe. In Africa, racial segregation was the primary policy of separate development. This policy was notorious in South Africa where it was pushed by the colonial minority under the term apartheid (Hopkins, 2015: 241-242).

However, the argument of the altruistic nature of humans has not gone without its critics. Arguing on the natural relations of human beings in 300 BC, the Epicurean school of thought advocated that it is natural for individuals to seek individual pleasures and hence self-interest and self-preservation is the primary goal of human beings (Sorabji, 2006: 26). In describing the Epicureans, Bryant (1866: 4) notes that they "were advocates of the doctrine of the absolute freedom of the human will to choose what is agreeable to it. They denied the providence of God, or that he concerns himself at all about human affairs." This school of thought maintained that, "happiness consisted in the pursuit of pleasure, and, as all wish to be happy, all should seek after the greatest amount of pleasure to be obtained" (Bryant, 1866: 5).

This line of argument which supports self-inclination rather than societal inclination of humankind is also supported by Mauss (1967: 1) who argues that there is nothing like a free gift. Mauss (1967: 1) notes that, "In Scandinavian and many other civilizations contracts are fulfilled and exchanges of goods are made by means of gifts. In theory such gifts are voluntary but in fact they are given and repaid under obligation". Therefore in real terms there is no free gift.

There are unwritten rules in societies, specifically in the Scandinavian countries, that for the cordial relations in the society to flourish, there is need to extend 'gifts' which should be returned in kind (Mauss, 1967: 1). While there is nothing wrong in having reciprocal gifts, the problem comes when the extending of such gifts is done with a predetermined notion of beneficial returns, an act which Cicero referred not as an act of altruism, but 'usury' (Lauren, 2010: 157).

2.5 Political Conceptualization of Humanitarianism

The notion of human beings acting under the influence of self-interest brings in the realist argument that the interactions between human beings and groups of human beings is driven by power politics. Under realism, states are seen as individual entities competing with each other for 'personal' gains as stated by Mearsheimer (1995: 569) that, "Daily life is essentially a struggle for power, where each state strives not only to be the most powerful actor in the system but also to ensure that no other state achieves that lofty position." If one is to borrow from Hobbes' (1651: 77) argument that human beings fight for competition, dividends and glory, it becomes apparent that realism views human beings as self-interested.

Realism does not deny that there is a place of humanitarianism among either human beings or nations. However, humanitarianism is accepted on two instances. Firstly, humanitarianism is only accepted in as much as it does not affect the wellbeing of the individual or nation in question (Mearsheimer, 2006: 74). This conceptualization is problematic given that most acts of humanitarianism affect the social or financial wellbeing of the one assisting. Secondly, humanitarianism is seen as a tool to be used in pursuing self-interests. Hence, in other words, the notion in realist thinking can only be used as a façade to cover for the practical pursuance of power politics. Morgenthau (2006: 12) puts a concluding statement on the realist conceptualization of humanitarianism when he stated that:

Political realism refuses to identify the moral aspirations of a particular nation with the moral laws that govern the universe. As it distinguishes between truth and opinion, so it distinguishes between truth and idolatry. All nations are tempted – and few have been able to resist the temptation for long – to clothe their own particular aspirations and actions in the moral purposes of the universe.

In contrast to the above, from an African traditional view, humanitarianism can be seen as accepting the co-existence of altruism and personal gain. In support of the African traditional notion that acts of altruism can be pursued with the ultimate objective of personal gains, Bryant (1866, 8) points out that:

We cannot deny, on the other hand, that men act from a feeling of self-interest. To obtain pleasure or escape pain is motive enough to make men pursue a certain course instinctively, without weighing accurately, or even caring at all for the motives which prompt them. When men see that virtue brings in its train present blessing and eternal hopes, shall we deny that this is a strong reason why they should pursue it?

This element of returns brings one to the notion of self-interest. In some cases, while individuals may act philanthropically, such individuals will expect beneficial returns. Even from an individual perspective it is hard for one to justify pure humanitarian gesture that is not undertaken with hidden self-interest motives.

2.6 Humanitarian Military Intervention (HMI)

HMI is a combination of two terms, namely 'military intervention' and 'humanitarian'. The conjoining of the two terms denotes that a combat military adventure being undertaken by an uninvited external force (presumably powerful country) into the internal affairs of another country (mostly weak one) is not based on self-defense or invasion but undertaken to alleviate the suffering of the ordinary citizens from an inhumane and brutal leader. HMI is a controversial adventure. These controversies include but are not limited to definitional issues, the question of authorizing power, the issue of killing innocent civilians, sometimes referred to as collateral damage and the question of it being a façade for the pursuit of the national self-interests of the intervening country.

The definition of HMI has been transforming from its traditional understanding to suit the current nature of international relations. The old definition, noted that HMI:

...is the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied (Holzgrefe, 2003: 18).

Teson (2003: 94) defined HMI as "the proportionate international use or threat of military force, undertaken in principle by a liberal government or alliance, aimed at ending tyranny or anarchy, welcomed by the victims, and consistent with the doctrine of double effect." The two scholars noted above have the same conceptualization on HMI. However, they differ on the fact that while Holzgrefe does not stipulate the nature of the government that should undertake intervention, Teson specifies that the intervening power(s) should be liberal, and in extension should not be found committing the same atrocities in their countries.

The old definition was identified by the lack of regulating authority to sanction the intervention. It was the discretion of an outside force to determine whether or not to intervene. If the outside force deemed it necessary, it took a cue from no other authority to embark on the HMI mission. This open ended nature

of the doctrine left it prone to abuse by expansionist leaders in Europe where the doctrine was used in many cases to justify imperial adventures and self-interests.

The contemporary conceptualization of humanitarianism in war times is credited to Jean-Henri Dunant (Douzinas, 2007: 5). After witnessing the scourge of war after the battle of Solferino in 1859, Dunant spearheaded the adoption of the Geneva Convention of 1864 which sought to bring relief to suffering combatants, protect civilians in warfare and also to protect prisoners of war. At its inception, this new humanitarianism was not concerned with the justness of any war but to alleviate the impact of such wars on the non-combatants and combatants who would have been taken captive. The principles of humanity, impartiality, neutrality and independence were the basis of humanitarianism (Douzinas, 2007: 5). Humanitarian workers who assisted those suffering in times of warfare had to do so without supporting any side and without having been an arm of any military involved in the war. This concept has however transformed to the current embrace of HMI.

The concept of HMI is derived from the general understanding of the term 'humanitarian'. The transformation comes from the use of military action in alleviating those who are in need of assistance specifically suffering from massive abuse of sovereignty and brutality from their leaders. The concept differs from the general understanding of humanitarian action because it is mostly applied in political situations where the citizens of a sovereign country are being brutalized by their leaders (Krylov, 1995: 368). HMI therefore is a combination of military intervention and humanitarian aid in the affairs of another state but such military intervention not being undertaken for conquest by the intervening country or countries (Douzinas, 2007: 8-9) hence the intervention is humanitarian in nature. Kreig (2013: 37) notes that, "The term 'humanitarian' describing an intervention aimed at providing relief for individuals in danger grants the concept of humanitarian intervention a rather charitable, philanthropic or even altruistic connotation".

In some instances, military intervention is conducted not only to stop the excesses of a tyrannical leader but to assist in opening safe passages for humanitarian aid in war zones as was the case in 'Operation Restore Hope' in Somalia in 1991 (Ramuhala, 2011: 36) or for the military to assist humanitarian aid workers, without the conduct of war as was the case with Haiti in 2010 (The White House (Office of the Press Secretary), 2010).

The birth of the UN created the first relatively effective supra-authority in international relations. While the UN has failed to reign-in all countries, specifically the powerful ones, in their international conduct, it has managed to be the forum on which sanity could be brought in international relations, hence the creation of an International Society as advanced by the English school led by Hedley Bull. Its creation, and its subsequent legalization of the application of force except in self defence after being attacked or after having been sanctioned by the UNSC under Chapter 7, to stop a conflict that has the capacity to disturb international peace and security, meant that the conduct of HMI was no longer a matter to be determined by individual countries and acted upon. The contemporary definition of HMI therefore has to accept the existence of a supreme authority that regulates the behaviour of states outside their borders. A focus was made on African countries since it is in Africa where most interventions have been witnessed.

HMI cannot be seen as a total imposition from outside Africa without Africa's input or acceptance after humanitarian considerations. The Organization of African Unity (OAU), adopted the classical concepts of sovereignty and non-interference in the internal affairs of other African countries. Article III (1-3) of the OAU Charter states that African countries in their mutual interactions were guided by the principles of "the sovereign equality of member states, non-interference in the internal affairs of states and respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence". The non-intervention principles were further emphasized by Article VI which stated that, "The member states pledge themselves to observe scrupulously the principles enumerated in Article III of the present Charter."

This strict adherence to sovereignty and non-interference saw the African continent experiencing a number of civil wars and state-sponsored mass human rights abuses. The civil wars in the Democratic Republic of Congo (DRC), civil wars and mass killings in Rwanda and Burundi and the Sudanese civil war are some of the crises that left a dent on African humanitarian history. The strict adherence to non-interference is exemplified in the case of the Tanzanian invasion of Uganda. The OAU condemned Tanzania's entrance into Uganda even though it had been invaded by Idi Amin first (Acheson-Brown, 2001). The Continental body did not take into consideration the mass atrocities that Idi Amin had committed against Ugandans.

Africa's strict adherence to the concept of sovereignty and non-interference in internal affairs was shaped by its long history of colonialism. It was interference in the affairs of other societies (which later became

countries) that led to colonialism, one can argue. Hence, in order to guard against future colonialism and the dominance of the affairs of the new countries by the powerful countries in the post-colonial era, African leaders might have seen it wiser to adhere to the strict rules of sovereignty and non-interference in the internal affairs of another country. However, this policy created new problems for the continent. Some of the new leaders used brutal means to hold on to power with their peers not having the power or will to take such brutal leaders to task. The OAU earned a notorious picture of being seen as a league of despots.

The notion of an attempt to come up with a modern institution, in line with the concepts of the International Society paradigm in the name of the OAU and adhering to old classical state centric politics meant that there were contradictory actions by African founding fathers. The creation of a rules based institution automatically created an interactive relationship between African states under which transformations in one state would have impacts and shockwaves in another. The attempt to ignore the birth of an African society was therefore going to fail as was later seen in the Ugandan case under Idi Amin. The contradictions between the African Society and attempts to remain in primordial state-centric politics were witnessed when Tanzania intervened in Uganda, a case which was unpalatable to most leaders in the OAU and later on from the destabilizing effects of the Somali Crisis in East Africa.

The rebirth of the continental body changed the non-interference policy. The African Union (AU) which succeeded the OAU in 2002 established new rules on sovereignty and non-interference. Article 4(h) of the Union's Constitutive Act states, "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity." A complete reading of the Constitutive Act shows that while the Union undertook to respect territorial integrity of member states and to refrain from the threat or use of force among member states (Article 4 (g) and (f) respectively), this respect was now subject to the member country not acting in a manner that made it lose its claims to sovereignty.

This thinking came about due to the continental experiences as noted earlier and the push from leaders whose countries suffered state led mass atrocities with no response from the continent such as Uganda and Eritrea (Kioko, 2003: 813). In an address to the 22nd Ordinary Session of the OAU Assembly of Heads of State and Government, Addis Ababa, Ethiopia, July 1986, the Ugandan President, Yoweri Museveni stated that,

Over a period of 20 years three quarters of a million Ugandans perished at the hands of governments that should have protected their lives ... I must state that Ugandans ... felt a deep sense of betrayal that most of Africa kept silent ... the reason for not condemning such massive crimes had supposedly been a desire not to interfere in the internal affairs of a Member State, in accordance with the Charters of the OAU and the United Nations. We do not accept this reasoning because in the same organs there are explicit laws that enunciate the sanctity and inviolability of human life.

The push by African leaders and changes in the global world can be seen as the major reasons for the intervention policy change. Africa had been embarrassed by the humanitarian catastrophes in Uganda, Rwanda and Somalia among a number of humanitarian cases. The pro-intervention clauses in the Constitutive Act signalled a theoretical transformation which would take time to be implemented practically. The genocide in Darfur of 2003 and the slow responses to Ivory Coast (2010-11) and Libya (2011) showed that the continental body still had a big task ahead of it to operationalise the pro-intervention clauses of its Constitutive Act and its African solutions for African problems principle. However, under the new Constitutive Act, the continental fathers managed to deal with the theoretical and practical contradictions between the created African Society as a component of the International Society and the rules governing sovereignty and non-intervention.

2.7 Conclusion

The concept of humanitarianism has been the core of this chapter. In the chapter, it was discussed from socio-religious, philosophical and political facets. From the philosophical facet, the chapter noted that under the Greek philosophy, the subject was contested between the Stoics and the Epicurean Schools of Thought. The Epicurean School of Thought argued that human beings by nature were driven by self-interests, while the Stoic School of Thought propounded that altruism was the natural endowment of human beings and those who acted under the motivation of self-interest were driven by avarice.

Under the socio-religious facet, it was pointed out that the kinship bond created among different peoples due to family ties brought about the issue of natural attachment and compassionate feeling for each other. This compassionate feeling when acted upon becomes altruism. Hence the social rise of humanitarianism. It was further noted that the concept of humanitarianism was influenced by different religions, specifically the Judaic-Christian and Islamic doctrines as they trace humanity from a single parentage of Adam and Eve.

The chapter ended by discussing the intercourse of humanitarianism and military intervention. It noted that the use of the term 'humanitarian' in military intervention is derived from the fact that such a military intervention will not be driven by the needs of self defence, self-gain or assistance to another sovereign state that would have called for assistance, but driven by ethical desires to save civilians in distress. In contemporary times, the chapter traced the application of humanitarianism in warfare to Jean-Henri Dunant who advocated for humanitarianism in war after witnessing the scourge of war in the aftermath of the battle of Solferino in 1859.

While Dunant's humanitarianism specifically targeted creating moral rules for the treatment of combatants and non-combatants in war, HMI specifically targets to relieve civilians who are subjected to gross abuse by their leaders. The chapter also discussed the African position on HMI. It argued that HMI was initially not accepted on the basis that the OAU saw non-intervention and non-interference as the primary defence against recolonization by powerful countries. However, as noted such a policy gave room for some African leaders or those aligned to leaders to commit heinous human rights abuses without being taken to task by fellow Africans. In the creation of the AU, African leaders substituted non-intervention with non-indifference. While the AU reaffirmed its adherence to non-intervention and sovereignty of individual countries, sovereignty would only be accorded to those who respected human rights.

This chapter discussed the evolution of humanitarianism and how it was influenced by socio-political and religious factors. It ended by defining HMI which is derived from humanitarianism. It also had a deliberate discussion on HMI and Africa given that Africa has been at the centre of HMI debate and practice. One just has to look at the Somali, Rwandese, Sudanese and Libya among many examples to see the centrality of the concept in Africa. .

CHAPTER 3: AN HISTORICAL ANALYSIS OF HUMANITARIAN MILITARY INTERVENTIONS

3.1 Introduction

The previous chapter discussed the conceptualization of humanitarianism. This chapter gives a historical analysis of humanitarian military interventions and why the concept became grounded in history to the extent of being a justification of some military interventions in the post-Cold War period. The chapter discusses the ancient origins of humanitarian military interventions during and after the Cold War.

Chapter 3 is motivated by the fact that the HMIs cited as examples have been difficult to be justified by the leaders of those countries that undertook them. Military interventions that were justified as humanitarian by countries that undertook them have also been criticized as military adventures for national interest camouflaged as humanitarian. The chapter begins by discussing what has been argued as humanitarian military interventions by Grotius (2001: 241). It will then discuss cases that have been cited as humanitarian military interventions during and after the Cold War and conclude by discussing whether such interventions could be called humanitarian or not.

Documentation of military interventions that could be termed military humanitarian in ancient times have been a challenge. This applies to all continents. However, there are some wars that were justified by national or military leaders that could be argued to be based on humanitarian grounds. The heritage of the notion of humanitarian military intervention can be traced to the works of International Law writers such as Francisco de Vitoria (1532), Hugo Grotius (1625), Francisco Suarez (1679) and Emer de Vattel (1758). According to Knudsen (1997: 46) it is Grotius in his treatise *De Jure Belli ac Pacis* who strongly put forward the notion that States have the right “vested in human society” to act on behalf of oppressed individuals, thereby advocating the full use of force to end human suffering. Though humane in theory, the practice has been used since ancient times to camouflage national self-interests by the interveners.

In ancient times, some Christian church fathers beginning with Augustine of Hippo wrote on just and unjust wars according to the Christian doctrine. These writings added to the doctrine of humanitarian military intervention that was developed in Europe. However, as shown in this chapter, the cases which are referred to as the pioneer cases of humanitarian military intervention were not justified as such by those who called for them or commanded the wars. In most cases they were seen as religious wars that would bring salvation to the ‘Christian warriors’. The doctrine of humanitarian military intervention gained precedence in 19th Century Europe (Köchler, 2001: 3-7). As in the pioneer cases, it was biased in support

of Christians and Christianity with little or no application of the doctrine in cases where non-Christians were the victims of persecution. Parallels can be drawn on the fact that when the European powers were engaged on popularizing the doctrine in support of Christians under Muslim sovereigns, they were also involved in persecution of non-Christians in Africa, Latin America and the Far East (Köchler, 2001: 3-7).

3.2 Humanitarian Military Interventions from the Roman Empire to the Turkish Empire

One cannot pinpoint exactly when the first humanitarian military intervention occurred in human history. However, Grotius argues that "Constantine took up arms against Maxentius and Licinius, and other Roman emperors either took, or threatened to take them against the Persians if they did not treat Christians with humane practices" (Grotius, 2001: 247). This traces the practice of humanitarian military intervention to 324 AD.

3.2.1 The Roman Empire

The examples forwarded by Grotius create questions given the fact that at the time wars were accepted as a means of territorial expansion both in the Roman and Persian empires. With respect to Constantine's wars against Maxentius and Licinius, the wars had self-interest connotations. Power struggles had emerged in the Roman Empire around 309 BC and Maxentius and Constantine both laid claims to the throne, with Constantine controlling the North and Maxentius controlling the South while Licinius had a high political rank over the other two who became jealous to serve under him (Hickman, 2013; Gearey, 1999: 6). The battle of the Milvian Bridge which resulted in the death of Maxentius was started by Constantine in an effort to counter a possible coalition between Maxentius and Licinius (Gearey; 1999: 8). The examples given by Grotius do not satisfy the requirements of humanitarian military intervention which are just cause, right intention, proportionality, the prospect of success and the war being undertaken as a last resort (Wheeler, 2001: 5-11), but were wars for power, hence the pursuit of self-interest.

Even though Constantine had developed attachment to Christianity, his wars were driven more by the desire to attain total control of the Roman Empire and the wars could be viewed as civil wars against rivals to the throne (www.orderofconstantinethegreat.com/milvian_bridge.htm). Gearey (1999: 12), citing Eutopius, notes that "Constantine wanted to rule the world and so made war on Licinius."

With respect to the war between Constantine and Licinius in 324, different accounts of history have presented different causes to the war. On the one hand, Christian sources, specifically those written after Constantine's victory depict Licinius as an "evil Persecutor" and that Licinius had begun persecuting the Christians hence Constantine had legitimate reasons to go to war to save the Christians (Gearey, 1999: 13 and 16). However it should be noted that Licinius was a Christian and Gearey (1999: 1) notes that he was a "protector of the church". On the other hand, pagan historians do not seek to justify the war between the two on moral grounds (Gearey, 1999: 16) but in the political quarrels that were obtaining in the Roman Empire at the time.

3.2.2 The Crusades of Pope Urban II

Judging on some of the main reasons for its calling, the Crusade of 1096 can be argued to have been a humanitarian military intervention. The Crusade of 1096 was called upon by Pope Urban II in November 1095. Pope Urban II justified the war arguing that it was holy assistance to the Christians who were under persecution by the Muslims (Jones, 2004: 12). In extension, the invasion would also 'liberate' Jerusalem, a Christian holy land. Jones (2004: 13) quotes Pope Urban II that:

Know, then, that anyone who sets out on that journey, not out of lust for worldly advantage but only for the salvation of his soul and for the liberation of the Church, is remitted in entirety all penance for his sins, if he has made a true and perfect act of confession. This is because he has dedicated his person and his wealth to the love of God and his neighbour.

While Pope Urban II's speech had humanitarian sentiments, a humanitarian military intervention is not only judged by the declared intentions but by other undeclared motives and the methods of war as well as the manner in which the soldiers conduct themselves during the humanitarian military intervention. Munro (1906: 236-240) argues that there were many more reasons than just the need to protect fellow Christians that led Pope Urban II to call for the Crusade and that there were also other personal interests that influenced the crusaders to take up arms in the fight. To understand Munro's (1906) judgment, it is necessary to understand deeply the situation that was obtaining in Europe at the time when the Crusade was declared, as well as the situation that was obtaining in the Holy Lands.

There had been a battle for supremacy between the Byzantine Empire and the growing Islamic Empire in Eastern Europe. Since the Byzantine defeat by the Muslims in the battle of Yarmouk in 636, the battle for control and dominance ensued. The Byzantine Empire lost control of Palestine to the Muslims and

successive caliphates of the Umayyad, Abbasid and Fatimids controlled the 'Holy Lands' (Andrea, 2004: 28- 30). Such a political situation was untenable to the Christians outside of the Holy Lands.

At the same time, political control of Western and Eastern Europe by the Pope was under threat. There were doctrinal, theological and language differences that led to the break up between the Roman Catholic and the Eastern Orthodox churches in 1054. The break up was popularly termed the 'schism'. The break up led to the excommunication of the Eastern Europe Orthodox Church leaders from the Catholic Church. The political and religious problems that were unfolding in Europe presented serious challenges to the Papacy which was battling to stamp universal jurisdiction in Europe.

In 1095, the Byzantine Emperor, Alexios I, from Constantinople sent an ambassador to Pope Urban II to request for military support against the growing military threat by the Turkish Emperor who had assumed control of the Islamic Empire from the Fatimids (France, 2002). The Pope immediately responded to the request as he found in the plan, one would argue, some benefit for the Papacy given that Rome was having antagonistic relations with Constantinople. He gave a speech at Clermont in which he ordered the Christians of Europe to fight in support of their brothers in the East for the forgiveness of their sins (Jones, 2004: 13). This was an official declaration of the Crusades that began in 1096. While the stated intention for the declaration of the crusade by the Pope was to liberate the Holy Lands, there were real and undeclared motives that led Pope Urban II to respond to the Byzantine 'distress code' with such urgency (Vicari, 2002: 7).

There was no occupation or mistreatment of the Jews and Christians in the Holy Lands by the Muslims and the Muslim rulers of the Holy Lands regarded resident Christians and Jews as "people of the book" and treated them with respect while cultural intercourse and intermarriages were common (Findley, 2005: 73). There could have been restrictions of Christian pilgrims from outside the Turkish Empire who had intended to visit the Holy Lands. Such discrimination cannot be used to ethically justify a humanitarian military intervention given that the ethical rules governing the conduct of humanitarian military intervention states the prevalence of massive abuse of internal residents of a state to warrant an intervention.

The lack of a truly ethical reason to justify the 'just humanitarian war' in the name of the Crusade leads any scholar and analysts to establish the undeclared motives of the military interventions. Vicari (2002: v) states that there were secular motives that were both political, religious and economic that led to the

declaration of the Crusades. Politically, Pope Urban II saw the Crusade as a rallying cause that would unite the European princes who were fighting each other by giving them a common enemy and fight a unifying battle (Munro, 1906: 236-239). Undertaking the crusade against the Muslims demanded coordinated command of the war which was a unifying experience. The experience of the war itself creates comradeship among the fighters; hence war becomes a unifying experience. Relatedly, giving European princes and bishops a war to concentrate on had the capacity to allow Pope's power to flourish. The Princes and bishops who were competing with Pope for power and influence had their attention diverted. The attention of the armies and their power was also diverted and would be reduced due to the casualties of the war.

The major benefit of the Crusade to Pope Urban II was the reunification of the Western Christendom with the eastern Christian branch under his overall leadership. The idea of a Crusade to unite the Christian communities that had been torn apart by the schism of 1054 was not new. Vicari (2002: 7) opine that:

Gregory did wish to take advantage of the opportunity, however, by means of a crusade. He hoped that this would renew the religious union between West and East, with the former in control, of course. Being a gifted statesman, Gregory crafted a new plan", and this plan is stated by Runciman (1951-1954: 99) as, "The holy war, which was being so successfully waged in Spain (against the Moors), should be extended into Asia... His troops would drive the infidel out; ... (and) the Christians of the East would resolve their quarrels in grateful humility and acknowledge the supremacy of Rome.

While Pope Gregory VII did not live to witness the fruition of his plan, Pope Urban II saw in the idea a great plan to stamp the power and influence of Rome in both eastern and western Europe. Andrea (2004: 28) noted that, "...nothing immediately came of Gregory's plan. But his successors (Pope Urban II) did not forget the dream of armed intervention to aid eastern Christians against the Muslims."

Andrea (2004: 30) sums up the desires of Pope Urban II for the establishment of the power of the Pope in Europe from the Crusade when he argued that:

Pope Urban II's appeal for the First Crusade must, therefore, equally be seen within the context of a radically reformed and revitalized papacy that wished to rescue fellow Christians in the East and "return" them to what it perceived as right order, subservience to papal authority.

The foregoing argument sought to justify that the 1095 declared Crusades in the Holy Lands were not humanitarian military interventions. Even though the war was declared on the basis that there was need

to free the holy land from the domination by the Muslim Turks, such a justification cannot warrant a humanitarian military intervention. The war was requested by the Byzantine Emperor who feared the growth of the power of the Turkish Emperor. France (2004: 35) even rejects that the Byzantine Empire was under an imminent threat of attack from the Turks who were embroiled in succession disputes at the time. He states that Alexius I wanted to "take military advantage of the (succession) chaos in the Islamic land, but he lacked the troops to reconquer Asia Minor" and hence "he sent an embassy to Pope Urban II to appeal for soldiers to aid the Christian Empire of the East". Hence the original call for the war had no humanitarian intentions. The prompt response by Pope Urban was driven, not by the need to save Christians in the Holy Lands because they were not being brutalised⁴, but by the religious and political desires by the Pope to reunite the Western and Eastern Christian branches that had broken up in 1054, and to stamp the authority of the papacy in Europe.

The conduct of the crusaders also justify the argument that the Crusades cannot be accepted as pure cases of ethical humanitarian military intervention that was not diluted by the self-interests of the intervening forces. France, (2004: 36) notes that different reasons motivated different groups of people and individuals to undertake the intervention. Crusaders from the lower tiers of society saw economic glory and acquisition of lands. Others were "promised church protection of their lands and the remission of their sins" (France, 2004: 36) hence taking part in the Crusade did not only guarantee their property rights but also spiritual returns in the forgiveness of sins. Some European princes who had political problems at home looked up to their taking part in the war to solve their internal problems.

The Crusaders fought the war in the most unjust means. After the fall of Jerusalem, both Muslims and Jews who failed to escape the city were massacred, while some hundreds of Jews were burnt in a synagogue they had taken refuge in (France, 2004: 47). Such conduct including the Jewish massacres in Germany in Europe by the crusaders on their way to the Holy Lands (Chazan, 1996: 59-60) shows that the Crusade fell off the just war paradigm from both the reasons for the declaration of the war and the conduct of the war itself. Hence it would be absurd to list the Crusade as a historical example of

⁴ There were only isolated cases of Christian maltreatment like the strict Islamic codes that were imposed on the Christians by the Caliph of Egypt where Christians were denied among other things, not to employ Muslims and purchase slave, and the destruction of the Holy Church of Sepulchre (France, 2004, 34) which was constructed by Constantine's mother, which at best can be taken as pretext to a military invasion according to the doctrine of humanitarian military intervention.

ethical humanitarian military intervention. At best, the war was a self-interest driven war that was influenced by political and religious struggles.

However, this argument is not meant to have a blanket dismissal of some altruistic motives that could have influenced some individuals to take part in the Crusade. France (2004: 39) states that, "What we know of the major leaders suggests a mixture of motives. The counts of Toulouse, Blois, and Flanders were already immensely rich and it is difficult to see anything other than religious reasons for having taken the cross."

The argument that is put forward is that while there were some who took to the war for humanitarian reasons after the call by Pope, the reasons for the declaration of the Crusades were not humanitarian but simply conquest, to satisfy the imperial designs of Emperor Alexius I, while other undeclared reasons included Pope's desires to unite Christendom under his command, while some individuals sought financial and military glory. The Crusade was therefore driven by a cocktail of intentions and motives most of which were influenced by the self-interests of the participants. In such a case, it will be hard to classify such a military adventure as an ethical humanitarian military intervention.

3.2.3 European Intervention in the Ottoman Empire

The doctrine of humanitarian military intervention was popularized by the European powers in the 19th Century (Köchler; 2001: 3-7). It was popularized through a number of military interventions beginning in 1826 by European powers in the internal affairs of the Ottoman Empire that were justified under humanitarian terms (Köchler, 2001: 2-3).

Beginning with the intervention in Greece in 1826, Britain, France and Russia went on an intervention spree in the affairs of the Ottoman Empire until the beginning of the 20th Century because of its alleged inhumane treatment of Christians (Köchler, 2001: 2-8). History records that Britain intervened militarily in Greece in 1830 and Crete in 1866 to stop human rights violations and similarly France intervened in the Syrian and Lebanese war in 1860 justifying it through humanitarian inspirations. It must, however be noted that the persecution of the Greeks was a Turkish retaliation to the atrocities committed by Greeks against the Moslems in Morea which could have amounted to genocide (Richards, 1986: 157).

The Greek question should also be analyzed against the political environment that existed at the time in Europe. Turkish retaliation was as a result of the Greek war of independence. Under customary

international law the Turkish sovereigns had the right to end the Greek 'revolt'. The European powers were against support of any revolutions, a practice that was advanced by Metternich (Richards, 1986: 57). A number of revolutions had taken place in Europe that is in France, Italy and in Germanic states that were suppressed with either the support or consent of European powers. That the European powers would support a revolution in the Turkish Empire against the prevailing European custom is questionable. Given the events that were obtained in Europe as argued above, the interventions by European states in the Ottoman Empire were driven by national interests with humanitarian arguments of saving the minority Christians and the civilians from abuse by their Turkish sovereigns being used to moralize the interventions (Benjamin, 1992: 128-9).

Köchler, in his analysis of the development of the concept of humanitarian military intervention in 19th Century Europe concluded that, "Far from qualifying as disinterested *action popularis*, humanitarian military intervention in its actual practice in the 19th Century was dictated by the geopolitical interests of the then European powers" (Köchler, 2001: 3). This conclusion resonates with Richard's assertion that:

The traditional British attitude was the preservation of the power of the Sultan as a bulwark against a possible Russian advance to the Mediterranean... Turkish misgovernment did not greatly concern most British statesmen compared with the advantages of keeping a great military power like Russia from capturing Constantinople, one of the most strategically important cities in the world.

One can therefore conclude that while genuine reasons for intervention could have existed in 18th Century Europe, the concept of humanitarian military intervention was applied selectively specifically for geopolitical interests with the genuine reasons being used as a camouflage for the national interests of the then European major powers.

The origins of the doctrine of humanitarian military intervention as it is known in history and exemplified in the cases of Constantine and the Crusade of 1096 are grounded in Christian and power politics doctrines. If one is to accept the basis of Grotius that Constantine's wars against Maxentius and Licinius were humanitarian, then one ought to note that Grotius clearly pointed out that Constantine only intervened because those who were under persecution were Christians (Grotius, 2001: 247) a minority group he had developed attachment with.

Critical analysis of the cases that are forwarded by scholars like Grotius, as being the classical cases of humanitarian military intervention in the ancient times cast questions on the practicability of the concept

on purely moral grounds. The development of the concept of humanitarian military intervention is grounded in European religious and power politics. The interventions were in isolated cases purely 'humanitarian' but only to the extent that it would have been Christians who were under persecution. In most of the cases, humanitarianism was only invoked to justify the wars either to other major powers that had the capacity to question the interventions or the citizens at home.

The creation of a well codified body of law governing the conduct of states in the international system in the name of the UN impacted on humanitarian military intervention. Prior to the creation of the UN, war was seen as a means to settle disputes, even though there were efforts to codify law to govern the conduct of soldiers. The UN declared all wars, except those of self defence, to be unethical and illegal under Chapter 2 (4) of the charter. However, given that the charter also called on states to respect human rights of their citizens through the universal declaration of human rights, the charter at best can be seen to have been silent on the subject of humanitarian military intervention. The following section discusses cases which have been argued by scholars like Wheeler and Weiss as examples of humanitarian military intervention during the Cold war.

3.3 Humanitarian Military Intervention during the Cold War

The two world wars diverted the international attention from human rights issues to issues of power politics among different countries. The First World War (WW I) intensified issues of power politics among European powers. International politics was centred on managing the balance of power among European countries, specifically the need to curb the increase of power among the Axis powers (Germany and Italy).

There has not been any military intervention that has been explicitly claimed by the intervening state to be humanitarian during the Cold War era except for the Indian case which gave a quasi-humanitarian justification to its intervention in East Pakistan (Bangladesh). However, scholars like Wheeler, Annan and Weiss have pointed to three main cases as classical examples of humanitarian military interventions during the Cold War era. These cases are; "the Indian intervention in East Pakistan in 1971, Vietnam intervention in Cambodia in 1978 and Tanzania's intervention in Uganda in 1979" (Hylan, undated, <http://www.kcdme.com/Humanitarian20Intervention1.pdf>).⁵

⁵ Colonel John Chinyanganya is of the opinion that HMI is a "virgin land" as he argues that HMI started after the end of the Cold War. In his opinion those interventions that were previously undertaken by

Annan (1998) in a Ditchley Foundation Lecture XXXV stated that:

Even during the Cold War, when the UN's own enforcement capacity was largely paralysed by divisions in the Security Council, there were cases where extreme violations of human rights in one country led to military intervention by one of its neighbours. In 1971 Indian intervention ended the civil war in East Pakistan, allowing Bangladesh to achieve independence. In 1978 Vietnam intervened in Cambodia, putting an end to the genocidal rule of the Khmer Rouge. In 1979 Tanzania intervened to overthrow Idi Amin's erratic dictatorship in Uganda.

However, given that any act of morality or humanitarian gesture should be initiated by a humanitarian intention, one ought to question the argument that such actions could be classified as humanitarian military interventions.

It is from this line of thinking that the three military expeditions classified as classical cases of humanitarian military interventions during the Cold War should not be classified as such. In all the three cases, only India gave a partial justification on humanitarian grounds (Alexandrov, 1996: 208), even though from its argument, the major justification was self defence against what it termed "civil invasion" (Secretariat of the International Commission of Jurist, 1972: 92) and "military aggression" (UNSC 1606th Meeting, 1971, Articles 153, 154, 161, 163 & 175). Vietnam and Tanzania, which are the other examples cited as humanitarian military intervention cases, justified their interventions in Cambodia and Uganda, respectively, on self defence (Benjamin, 1992: 134).

3.3.1 Indian Intervention in East Pakistan

In the Indian intervention in Bangladesh (East Pakistan), the Indian government argued that it had generally intervened because of civil and military acts of the Pakistani government in East Pakistan (Secretariat of the International Commission of Jurist, 1972: 92 and 98). India's intervention in East Pakistan was prompted by a number of reasons (Walzer, 1977: 105), the major one being the influx of an estimated 10 million refugees from East Pakistan into India (Secretariat of the International Commission of Jurist, 1972: 92), which threatened economic and political security in India (Benjamin, 1992: 132). Wheeler (2000: 59) notes that Indian Prime Minister, Indira Gandhi informed Western leaders

powerful countries in weaker one are simply military intervention driven by the realist notion of the pursuit of national interests.

that, "The refugee situation was intolerable, the problem was not of India's making, but if necessary India would take action".

While "refugee aggression" was the major cause of the intervention, specifically due to the instability that it threatened in India, India also noted that it also intervened out of humanitarianism at the UNSC. The Indian ambassador to the UN cited in Wheeler (2000: 63) pointed out that, "Pakistani government's repression of the East Pakistanis was on a sufficient scale to shock the conscience of mankind." Such a selection of vocabulary clearly shows that India was trying to justify its actions under the concept of humanitarian military intervention.

However, one can argue that the Indian intervention was not based on humanitarian reasons given the fact that humanitarianism was only raised as a need to buttress what India argued to be its primary objective of self defence. Pakistan and India had a turbulent relationship since gaining independence from Britain in 1947. The two countries had fought against each other on the question of which country should 'annex' Kashmir with the final war before the 1971 conflict, in 1965 ending in a stalemate (Schweers, 2008: 1). This stalemate has not been resolved to this date.

Pakistan and India had been major enemies in the region specifically because of the reasons for the separation of the two countries, with India being predominantly Hindu and Pakistan being predominantly Muslims (Schweers, 2008: 1). Due to this history of antagonism, it is not hard to understand how India could fight not only to, geographically, break up Pakistan, which saw India being between the two areas under Pakistani control, but also to dismantle it militarily and diplomatically by creating a new country in the region that would be aligned to itself (India).

3.3.2 Vietnam Intervention in Cambodia

In 1978, Vietnam found itself faced with the Pol Pot government that refused to accept the boundaries that were left by the French during the colonial era and called for the cession of Mekong Delta and the area around Saigon to Cambodia (Wheeler, 2000: 80). The Vietnamese government made overtures of peace and pacific settlement of the dispute by engaging the Cambodian government into a dialogue to resolve the border disputes, but the peace initiatives failed due mainly to the negative response by the Cambodian government (Wheeler, 2000: 81).

Boosted by its alignment to the Chinese government, the Cambodian government invaded Vietnam in 1977. This military invasion was pushed back by the Vietnamese but did not pursue the Cambodians to oust the government from power. The decision to finally invade was made and executed in late 1978 due to the militant nature of the Cambodian government. The Vietnamese invasion resulted in the change of government ushering in a new government that was aligned to Vietnam (see Deth, 2009: 9 - 19).

The defeated Khmer Rouge party was responsible for an estimated massacre of between one and two million Cambodians during its less than four year rule (Pruitt-Hamm, 1994: 187). Pruitt-Hamm notes that the Khmer Rouge was described as the worst after Hitler's Nazi by a special rapporteur of the UN.

The Vietnamese intervention in Cambodia was, however not influenced or driven by the need to save the Cambodians from a 'genocidal' government. The Vietnamese government was driven by the desire to protect themselves from attacks by the Cambodian government hence the war was based on self defence (Hilpold, 2001: 444). Faced by the need to justify its actions to the international community, Vietnam denied responsibility for the overthrow of the Khmer Rouge in Cambodia but an internal uprising by the opposition National Salvation Front hence arguing that there were two wars which took place concurrently (Alexandrov, 1996: 209). This defence was dismissed by the international community given the fact that there were approximately 150 000 Vietnamese soldiers fighting alongside the National Salvation Front when the Khmer Rouge was overthrown (Deth: 2009, 9 and 19). The arguments that were brought forward by the Vietnamese government show that the government's intervention was not motivated by humanitarian reasons but self defence.

3.3.3 Tanzania's Intervention in Uganda

The Tanzanian government justified its intervention in Uganda on self defence (Hilpold, 2001: 444). Tanzanian war against Uganda was in retaliation to an October 1978 Ugandan invasion of Tanzania, which on the other hand had been provoked by the alleged Tanzanian support to anti Amin forces that were using Tanzania as a launching pad to oust Idi Amin (Cooper and Hubers, 2003). Both customary international law as well as the UN law agrees that in the case of an invasion, a state has a right to self defence conducted through forceful means.

However, with respect to this study, one ought to question whether Tanzania was compelled to end the war soon after driving back Idi Amin's forces across the border or still had the right to topple him on the same reasons of self defence. Given that aggression is recognized as the major crime which any state

can commit against another state, Tanzania had a right to pursue Amin even in Uganda and bring him to justice.

However, scholars have classified the Tanzanian intervention as a humanitarian military intervention besides the fact that it was a counter aggression war. Acheson-Brown (2001: 2) asserts that, "whereas the first stage of the war was characterized by Tanzania exercising its right to self-defense, the second phase extended the war with the rationale of humanitarian intervention." This classification, as with the other two cases of Vietnam in Cambodia and India in East Pakistan, is based on the fact that the governments in the intervened states had committed and were in the process of committing war crimes and crimes against humanity that would warrant an intervention if weighed against the justification of humanitarian military intervention by Grotius.

3.4 Humanitarian Military Intervention after the End of the Cold War

The end of the Cold War resulted in the end of balance of power since the USA and NATO dominated the world political scene. The agenda of a monolithic political and economic system became political and economic liberalism. The end of the Cold War brought in a new dispensation of optimism in international relations. There was hope, at least from the optimists, for an international order guided by morals and ethical behaviour among states. As the world became unipolar, humanitarian military intervention "has been given a qualitatively new and different thrust" which has seen it being "increasingly defined in terms of purposes or goals which are radically different from the traditional objectives" prior to 1990. The goals were now classified as humanitarian and universal, and being undertaken on behalf of the international community, even when the mission is executed by a single state or a coalition of states (Ayoob, 2002: 83). Jameson (2011: 365) notes that:

With the end of the Cold War in 1989-90 hopes were widespread that power politics would increasingly be replaced in international relations by moral and ethical considerations, mediated by the newly non-polarized United Nations and imposed, where necessary, by its Security Council.

Proponents of an international human rights regime also saw the new dispensation as an opportunity for the globalization of human rights.

A number of leaders in the developing world had managed to gain and retain power through the use of violence against their people during the Cold War due to international animosity between the two major powers of USA and the then Soviet Union. "The end of the Cold War unblocked the international

community to exert itself against the continued struggle for power by means of violence" (Collier, 2010: 3). The Cold War was therefore seen as an albatross on the neck of the international community to stop the perpetration of genocide and human rights violations in civil wars.

The end of the Cold War, therefore, witnessed an upsurge in humanitarian military intervention cases. This increase in the cases of humanitarian military intervention cases created questions of the morality of such interventions given that most of them were undertaken by powerful countries in less powerful countries. Some of the interventions were undertaken without clear authorization from the UN, while in some instances tragic cases which needed international intervention were ignored. These cases will be the subjects of the following sub-sections.

3.4.1 Controversial Interventions, Kosovo (1999) and Iraq (2003)

In the post-Cold War era, many of interventions were undertaken by different powerful states in developing states across the globe. However, the Kosovo (1999) and Iraq (2003) interventions were regarded as controversial because of the lack of a mandate from the UNSC authorizing the interventions and the use of humanitarian and human rights justifications, in the case of Iraq, after the failure of the initially stated reason of looking for weapons of mass destruction (WMDs). With respect to Kosovo, Russia and China were against the intervention and contested it, with Russia sponsoring a UNSC proposed resolution to call off the intervention.

The Kosovo conflict threatened European peace and security, especially if weighed against the historical precedence that the Balkans had been the trigger of major European conflicts specifically the first world war (WW I). The crisis created massive refugees (Greenwood, 2002: 147) which had the capacity to threaten stability in other states. The UN, however, could not act due to tensions and disagreements and mistrust between the veto powers, specifically Russia which had already indicated that it would veto any resolution that sought to authorize military action (Greenwood, 2002: 172).

NATO states took it upon themselves and the organization went on to undertake military action against the Kosovo regime in March 1999. States who were against the intervention saw it not as a humanitarian mission to save lives, but as an invasion that was a trump on international law. Russia (supported by Belarus and India, which were not members of the UNSC) brought forward a draft resolution to the Security Council on 26 March 1999 that sought to prove that the intervention had no support of the international community and therefore was both immoral and illegal (Greenwood, 2002: 151-2). However,

the resolution was defeated by twelve votes against three votes in favour of it. States which supported the intervention put forward that the results of the resolution was in fact a legal and moral support of the intervention by the Security Council (Greenwood, 2002: 155).

In support of the intervention as legal, the British Ambassador to the UN, Jeremy Greenstock, quoted by Greenwood (2002: 158), stated that, "In these circumstances, and as an exceptional measure on grounds of overwhelming humanitarian necessity, military intervention is legally justifiable." Then British Prime Minister, Tony Blair, quoted by Stromseth, Wippman and Brooks (2006, 36: note 51), in his response to the House of Commons argued that NATO actions were legally legitimate when he stated that:

Under international law a limited use of force can be justifiable in support of purposes laid down by the Security Council but without the Council's express authorization when that is the only means to avert an immediate and overwhelming humanitarian catastrophe. Any such case would in the nature of things be exceptional and would depend on an objective assessment of the factual circumstances at the time and on the terms of relevant decisions of the Security Council bearing on the situation in question.

Such justifications, whether be they taken from the British arguments or the post intervention resolution, are misleading and can set a wrong precedence in the international community. Greenwood (2002: 155) argues that the justification by NATO is misplaced because "non-condemnation is not the same as authorization". As later stated by the Kosovo Commission, the intervention was illegal, even though it can be regarded as morally justifiable (Hardy, 2014: 3).

However, the morality of it should be weighed against the real reasons for the intervention, and the number of civilians killed by NATO aerial bombardments. NATO's intervention could be read as more of muscle flexing than humanitarian given that it had issued threats to intervene had the Yugoslav government not complied with Security Council resolutions of which failure to act would have made it a toothless organization. However, the intervention, even though seen by some as a mission in pursuance of hegemonic interest, events on the ground satisfied the need for an intervention from its moral justification. The only major problem of the intervention was one that was lamented about by the then UN Secretary General, Kofi Annan (1999) that:

To those for whom the Kosovo action heralded a new era when States and groups of States can take military action outside the established mechanisms for enforcing international law, one might ask, Is there not a danger of such interventions undermining the imperfect, yet resilient, security system created after the Second

World War, and of setting dangerous precedents for future interventions without a clear criterion to decide who might invoke these precedents, and in what circumstances?

The Iraq war of 2003 could not have been a controversial example of humanitarian military intervention had it not been justified by Tony Blair as such. The Iraq war was declared by the coalition of the willing led by USA and Britain on the basis that Saddam Hussein was stockpiling weapons of mass destruction which posed a threat to USA and its allies including through sponsoring terrorism and terrorist groups like Al Qaeda (De Nevers, 2007: 7-8). After undertaking the invasion weapons of mass destruction (WMD) were not found and leaders of the invasion described the war as a humanitarian military intervention because Saddam Hussein was a dictator who oppressed his own people (Heinze, 2006: 20).

The problem with the Blair defined intervention in Iraq is that it fails to meet all the classical set rules for a humanitarian military intervention which are, "just cause, last resort, good over harm, proportionality, right intention and reasonable prospect of success (Wheeler, 2001: 5-11)." Basically for an intervention to be warranted, the leader should be in the process of grossly violating the basic rights of his/her subjects. There must be a willing by the oppressed to stop the oppression but failing due to the monopolization of the machinery of war by the ruler or leader (Walzer, 1977: 106), and the intervention should be called for by a legitimate authority, which in the current era is the UN through the UNSC (ICISS,2001: xii).

The intervention in Iraq was carried out when Saddam Hussein had long stopped to grossly violate the basic rights of the Iraqis.⁶ Saddam Hussein had grossly violated the rights of the Iraqis, specifically the Kurds in the aftermath of his defeat by the USA forces under the UN banner after he had invaded Kuwait in 1991, but was stopped by the intervention of the international community through the institution of a no fly zone and demilitarized zones as well as creating safe passages for international aid to the affected regions under the operation code-named 'Provide Comfort', (Rudd, 2004:42) through the international interpretation of the UNSC Resolution 688 of 1991. During the 2003 intervention, no evidence of gross violation of human rights was put forward and the major reason for the war as explicitly stated by the USA and Britain was the need to clean Iraq of WMD.

⁶ It should be stated here that there is no universal definition or classification of what can be termed basic human rights. In the light of this research, basic human rights refer to the right to life, food, shelter, and enjoying basic privileges provided for by the state.

Given that Saddam Hussein's government was not a 'criminal regime' or a regime practicing international criminal acts like genocide at the time of the invasion, the intervention, had it been warranted, should not have resulted in a direct regime change by the intervening powers because regime change falls in the realm of self-determination, and as such it is a preserve of the citizens of the country that is subject of intervention.

The justification of the invasion of Iraq as a humanitarian military intervention after the invasion, as with the case of the Kosovo intervention, specifically being undertaken by major powers, create a bad precedence which can be used in the future to justify non-humanitarian interventions. It is because of these reasons that the Kosovo and Iraq interventions are judged to be controversial.

3.4.2 Interventions in Africa

Like any other developing continent, Africa has been a ground of humanitarian military interventions. Beginning in colonial times, until the French intervention in Ivory Coast and Libya in 2011, major powers that have intervened in Africa have argued that they have undertaken the missions guided by moral considerations. However, critics of the interventions have argued that such interventions resemble Western powers' pursuit of hegemonic interest under the guise of ethical international relations.

The argument has been partly based on the practice that in most cases it is former colonial masters who undertake or lead interventions in their former colonies. France's interventions in Ivory Coast and British intervention in Sierra Leone in 2002 are cases to note. However, there are other instances in which non-former colonial masters have undertaken intervention in other states. Nigeria led an ECOWAS intervention in Liberia in 1990 which could be viewed as a regional hegemonic intervention, while USA led an intervention in Somalia in 1992 after being given permission by the UNSC Resolution 794 of 1992.

While a number of interventions were undertaken, the African case is one that has raised more questions than answers with regards to humanitarian military intervention. Beginning with Rwanda at the turn of the last decade of the 20th Century, the world's humanitarian attention on Africa is tainted by neglect of the Rwandan case, the Somali and Sudanese crises. Ramuhala (2010: 59) states that:

Somalia, Rwanda and Darfur are epitomes of unsuccessful cases of intervention, given that in Rwanda intervention never, or happened much too late after the death of almost a million people; while Somalia is an extreme case of an ongoing conflict amidst numerous military interventions and an almost totally collapsed state. Darfur on the

other hand represents a case which followed Rwanda, where in the latter case pronouncements were made to avoid a repeat of the former.

The international community's response to the crises, specifically the powerful states who had the capacity to stop the conflicts and humanitarian crisis was simply to shy away or pay lip service to crisis that needed dedicated response.

The Somali crisis, though it lost international attention, is one of the neglected humanitarian scars on the face of Africa. The crisis was triggered by the fall of the country's longtime dictator, Mohammed Siyad Barre to armed opposition groups in January 1991 (Farah, et al, 2007: 4). Farah (et al) (2007: 9) noted that, "the fall of Siyad Barre from his power base in 1991 would lead to the eventual break-up of the country into clan-based fiefdoms run murderously by warlords. Of course, the warlords claimed to be fighting in the name and interests of their clan families – which they were not, they were interested in seizing power."

After the fall of the Somali dictator, in 1991, the international community led by the USA initially reacted to allow humanitarian aid by NGOs to flow to the targeted people and stop warlords from killing civilians. The major warlords in the crisis were Ali Mahdi Mohammed and Mohammed Farah Aideed. However, the international community's intervention was short lived because the USA withdrew after its eighteen rangers were killed by Somali militias.

The international humanitarian military intervention was triggered by the exposure to the international community of the gross human suffering in the Somali crisis between the war factions and Barre's forces which continued after the fall of Barre when the country fell to warlords (Mohamed, 2009: 60). The humanitarian crisis was noted by Moller (2009: 12) who states that: "By March 1992 the population of Mogadishu had been decimated: at least 300 000 people having died of hunger and related diseases and the direct death toll from the fighting amounting to around 44 000." The Somali case was a truly crisis situation that every moral human being had to develop a feeling to assist: especially given the fact that the famine which was the greatest killer was also induced by the civil war.

Initial intervention was by humanitarian agencies to help people who were suffering from the effects of a famine and the war. However, the humanitarian agencies such as the International Confederation of the Red Cross (ICRC) faced difficulties in operating in a stateless nation the agencies ended up requesting for assistance from the warlords, who were the culprits in the humanitarian disaster, a situation which

legitimated the operations of the warlords and also created further problems of alleged favouritism of different clans. The move to deal with warlords also compounded the crisis through the use of food as baits to gain support by the warlords (Moller, 2009: 12). These problems compounded the crisis and led the UN and the USA to intervene under a moral duty to create humanitarian corridors for food aid and other essentials. However, the mandates of the missions were not static and changed from creating humanitarian corridors to demobilizations and to a manhunt for Muhammed Farah Aideed, one of the powerful warlords in the conflict (Moller, 2009: 12). The manhunt culminated in the battle of Mogadishu of 1993 which was a near disaster because the American mission failed and the war resulted in the death of eighteen American Special Forces known as the rangers, which influenced an American withdrawal that was completed in 1994. Ahmad and Green (1999: 121) concluded that the USA and UN intervention in Somalia “was tragically late” and resulted in a tragic failure. For the USA, the lives of its service personnel, no matter how few, was more superior than the thousands of innocent Somalis who had died and were being threatened by imminent death due the humanitarian crisis. Colonel John Chinyanganya⁷ argued that, “the USA pulled out of Somalia because there were no tangible interest for the USA. There was nothing so compelling to lose American troops. And the same question comes that what was there in Kigali for America to lose its troops.”

After the USA withdrawal, the African Union (AU) has attempted to remain on the ground with peacekeeping forces under the auspices of the African Union Mission in Somalia (AMISOM). However, the mission is more of a humanitarian military intervention as it is guided by the need to restore Somalia to peace and guarantee the protection of civilian lives and property. Again, the intervention has not been an ethical one. Major players in the intervention are Ethiopia and Kenya. These two countries have vested territorial interest in their relations with the Somali question. As noted by Farah (2007), Ethiopia is more interested in a weaker Somalia or one it can control due to border disputes. This animosity has its roots in history.

The Ethiopians and the Somalis have had unstable and poor relations. The two nations have ethnic and religious differences, the Ethiopians being predominantly Christians while Somalis are predominantly Muslims. The Somalis regard Ethiopian as one of the colonial powers that partitioned and occupied Somalia. Ethiopian King, Menelik, in 1891 wrote a letter to the European powers that partitioned Africa demanding a share from colonies, arguing that, “Ethiopia has been for fourteen centuries a Christian

⁷Interview in Harare on 31 march 2015

island in a sea of pagans. If the Powers at a distance come forward to partition Africa between them, I do not intend to remain an indifferent spectator" (Geshkter, 1985: 7). Ethiopia was given the Somali region of Ogaden and other territories as a response to his demands to the European powers who partitioned Somalia. Since then, Somalia and Ethiopia have had border clashes due to the disputed territories of Ogaden. The 2006 military intervention, though it was requested by the Transitional Federal Government (TFG) of Somalia was seen by the Somalis as an invasion and classified by Farah et al (2007: 11) as "interventions". For now, Somalia can be classified as a perennial humanitarian disaster that has lost attention from the international community.

The Rwandan genocide came soon after the USA withdrawal from Somalia. The genocide took place in 1994. However, the crisis that led to the genocide had been brewing and the international community was equally aware of the unfolding events from different sources including intelligence personnel, UN peacekeepers and the media (Power, 2001).

While the roots of the Rwandan genocide can be traced back into its colonial history, the events that led to the genocide were unfolding since 1990 when the Tutsi refugees in Burundi and Uganda started an insurgency that sought to overthrow the Hutu led government. By 1993, the Central Intelligence Agency (CIA) had intelligence of massive arms purchases including guns, grenades and machetes (Van Haperen, 2012: 107). Previous events like the massacre of the Tutsi in 1959 and 1963 were clear lessons that the international community had to learn from that the movement of the general small arms and the conflict that was being supported by the Hutu extremists like the Interahamwe was in preparation of mass killings. According to the report of International Panel of Eminent Personalities on the Rwandan Genocide (2001: 123-133), "There can be not an iota of doubt that the international community knew the following, that something terrible was underway in Rwanda, that serious plans were afoot for even more appalling deeds, that these went far beyond routine thuggery, and that the world nevertheless stood by and did nothing."

What the international community had only managed to do before the genocide was to assemble the United Nations Assistance Mission for Rwanda (UNAMIR), led by Canadian General, Romeo Dallaire. The mission had limited mandate only to supervise the implantation of the Arusha Accords between the government and rebels, and was of low status and inadequately equipped (Van Haperen, 2012: 107-108).

In 1994 the genocide started with the full knowledge of the international community as noted earlier that the international community had a number of channels that fed them with information on unfolding events in Rwanda. However, there were no actions from the major powers to stop the genocide even in its formative stages. Some commentators have postulated that the scary experience in Somalia led the USA to develop cold feet on Rwanda (Strauss, 2006: 50, Panajoti, 2009/2010: 83). However, most of the scholars and politicians who were interviewed argued that the Rwandese case was ignored due to lack of national self-interests of major powers⁸, while Salim Ahmad Salim postulated that the case was simply ignored because the crisis never threatened the 'white race' putting forward that intervention is either undertaken for national self-interests of powerful countries or when a crisis threatens the lives of Caucasians. Salim Ahmad Salim opined that military "intervention is guided by interest as well as race and colour ... Other races are not willing to come to Africa. Draw parallels of Kosovo and Rwanda. They are not so willing to come to Africa."⁹

Ayoob (2002: 89) questioned the moral inclinations of USA interventions and actions at the UNSC by drawing comparisons between USA support for intervention in Haiti (during the same year as the Rwandan Genocide), which had a number of refugees flowing to USA due to inhumane treatment, while it blocked efforts to strengthen a UN Force in Rwanda at the beginning of the genocide even though more refugees were moving to other regional states neighbouring Rwanda. The Rwandan case has been described as "a terrible demonstration of what can happen when there is no intervention, or at least none in the crucial early weeks of a crisis" (Annan, 2014: 201). It is no longer feasible for the international community to claim that it was not aware that the genocide had been planned. Des Forges (1999: 188-230) elaborates on the signals that were picked by military intelligence officers and Attaches of major powers in Rwanda from 1993 until the start of the genocide, specifically the training of militias by the Presidential guards and purchase and distribution of weapons to the militias, which was a major sign of an imminent genocide. The international community simply turned a blind eye to a case it had intelligence that a genocide was in the making due to either the fatigue of Somalia (Strauss, 2006: 50; Panajoti, 2009/2010: 83), or simply because there was no major economic or political interest of the big powers.

⁸ Scholars, military practitioners and politicians who argued that the Rwandese genocide was ignored due to lack of any major interest of powerful countries include Colonel John Chinyanganya, Professor Kurasha, Simon Badza, Sydney Sekeramayi and Salim Ahmad Salim.

⁹Interview with Dr. Salim Ahmad Salim, Addis Ababa, 23 June 2015

Another case that easily come to mind is Sudan, on the brutalities perpetrated in the Darfur region. Even though some USA officials defined the case as amounting to genocide (Strauss, 2006: 50), a clear case which legitimately calls for an intervention, and no preventive measures were undertaken and the best the international community could do was to allow the International Criminal Court (ICC) to indict the Sudanese president, Omar al-Bashir in 2009.

The Darfur civil conflict in Sudan started in 1985 due to a plethora of reasons, chief among them drought and ethnic struggles for land control. The Khartoum government managed to put down the civil war then but it erupted in 2003 as an emboldened internal insurgency led by two rebel movements, the Justice and Equality Movement (JEM) and the Sudanese Liberation Army/Movement (SLA) (Paglia, undated; 6, <http://www.africaeconomicanalysis.org/articles/pdf/sudan0807.pdf>). The government reacted by unleashing its army and militias known as the 'Janjaweed' which committed war crimes that resulted in the death of between 70 000 and 300 000 people in Darfur according to the United Kingdom House of Commons International Development Committee (2005: 3) with Grono (2006: 624) putting the death statistics at 200 000. While there has been clear documentation of the Darfur crisis, the international community did not undertake a humanitarian military intervention mission which was needed to stop "genocide" and crimes against humanity.

It is because of the Rwandan and Sudanese ignored cases that some people may argue that humanitarian military intervention is simply a camouflage for national interest by the powerful states.

In Libya, the intervention by NATO was celebrated as "a textbook case of the [R2P] norm working exactly as it was supposed to" (Garwood-Gowers, 2013: 594). The international community quickly reacted and the UNSC passed resolution 1973 which, under article 4 allowed the members of the UN that would have notified the Secretary General to adopt all necessary means and measures to protect civilians. The threat by Muammar Gaddafi to launch a blitz on the city of Benghazi to clean up opposition against his rule that had turned violent was seen as a threat of genocide and mass murder which gave the international community the duty to intervene.

However, during enforcing of the Resolution 1973 by NATO, a number of states, including those that had voted for the resolution like South Africa (Africafrique, 2011) condemned the manner in which NATO interpreted the resolution to become a part of the opposition forces from Benghazi. The intervention effectively became a regime change mission which did not only end with the fall of Gaddafi, but also his

assassination at the hands of opposition forces who had contacts with NATO forces, which was prejudicial. The Libyan intervention has now been seen as not the most praised textbook style of intervention given that it proved to be a regime change mission that was driven by geopolitical and economic interests of intervening NATO member states (Xian, 2012: 2-3). The intervention was driven by a number of reasons which included the desire by France and Britain to control Libyan oil, given that Libya has the ninth largest proven oil reserves in the world, marketing the new weapons to international buyers (Gibbs, 2011) (<http://www.counterpunch.org/2011/09/15/power-politics-nato-and-the-libyan-intervention/>) and take control of events in the Libyan uprising which was now taking a different course to that of Tunisia and Egypt because Gadhafi was now defeating the rebels (Xian, 2012: 2). The intervention negatively impacted on the Syrian crisis with China and Russia arguing that they could not support another resolution on Syria which could be used as a pretext for regime change (Ferdinand, 2013: 6-7). This issue will be further discussed in chapter 5 under the Responsibility to Protect.

3.5 Conclusion

The development of the concept of humanitarian military intervention is grounded in the Christian doctrine. Its development was also, like the development of the concept of human rights and humanity, exclusive. Intervention was mostly justified in cases where Christians were being persecuted by non-Christian sovereigns and being denied the right to practice their religion freely. It has also been argued in the chapter that there has been a considerable influence of self-interest even in the initial stages and development stages of the concept.

The argument that the Indian intervention in East Pakistan, the Vietnamese intervention in Cambodia and the Tanzanian invasion of Uganda are classical cases of humanitarian military intervention during the Cold War should be questioned. The intervening countries did not structure their intervention on humanitarian plans and did not justify their military interventions as such.

In the Vietnamese case, Vietnam acted out of self defence against military incursions from the Pol Pot government, and in the Indian intervention, India acted to protect itself from the influx of refugees into its territories, while to a lesser extent it was driven by religious relations given the argument that it was the minority Hindus who bore the greatest brunt of Pakistani misrule. In the case of the Tanzanian invasion of Uganda, the case was purely of defence against an invasion that had been launched by Uganda and

pursuing Idi Amin after crossing the Ugandan/Tanzanian borders was justified to dispel the threat he posed to Tanzania.

While it has been noted that the only country that had a quasi-humanitarian justification was India in its intervention in East Pakistan, it is important to note that in all the three countries that military intervention took place, there were humanitarian concerns that would have warranted a humanitarian military intervention according to the Grotian tradition. The interventions, though as argued, not undertaken for humanitarian reasons, achieved humanitarian outcomes.

However, achieving humanitarian outcomes does not warrant the categorization of a military intervention as humanitarian. A military intervention can only be classified as humanitarian if it is driven by a humanitarian intention and should also be conducted by guiding humanitarian military intervention rules like proportionality, limiting civilian casualties and a considerable chance of success.

In the post-Cold War era a number of interventions were undertaken on the pretext of humanitarian military intervention. While some were justified, as was the case with the Kosovo intervention, intervening states always hesitated to justify the military interventions under the concept of humanitarian military intervention. Most of the cases were justified under Chapter 7 of the UN Charter, thereby describing them as threats to international peace and security.

The chapter also noted that the concept was also tainted by the justification of the Iraq invasion as a humanitarian military intervention. In Africa, the concept was tainted by neglect of the neediest cases of Rwanda and Darfur, while the Libyan intervention and the uprisings in the Arab states only brought back the memories of the pursuit of self-interest even in humanitarian cases. While humanitarian military intervention as a concept is meant to protect civilians against tyrant leaders, powerful states have tended to abuse the concept for national self-interests, rendering the interventions unethical and immoral. The following chapter will discuss how intervening states pursue strategic resources through the guise of humanitarian military intervention.

CHAPTER 4: THE PURSUIT OF STRATEGIC RESOURCES THROUGH THE COVER OF HUMANITARIAN MILITARY INTERVENTION

4.1 Introduction

Chapter 3 provided a brief synthetic historical analysis of humanitarian military interventions from ancient times where religious and political motives played an enormous influence in humanitarian military interventions. However, it is critical to note that emphasis was put on contemporary time's humanitarian military interventions which were undertaken with certain motives which were not entirely humanitarian at all. Sometimes ideological, economic and political commitments motivated most of those military interventions. Powerful countries intervened in those developing countries whenever they deemed that their national interests are at stake. Here examples that were given in this regard were Iraq, Kosovo, Rwanda and Libya, just to mention a few to demonstrate how geo-strategic interests of the developed countries or superpowers masked themselves as humanitarian military intervention.

In this chapter my concern is to show how the pursuit of strategic resources played and continue to play critical roles in humanitarian military interventions in the contemporary times. In the contemporary times many resolutions have been passed by the UNSC on the pretext of humanitarian military interventions. In the aftermath of these humanitarian interventions it dawned in the minds of many scholars that the mantra of humanitarian military intervention had been appealed to by powerful countries so as to have access to resources such as oil and other precious minerals. The war over Kuwait and the subsequent invasion and overthrow of Saddam Hussein as President of Iraq, the invasion of Libya and also the overthrow of Gaddafi's government are all instances where powerful countries used the mantra of humanitarian military intervention with the hidden intention of having access to cheap oil. The current civil war which currently is raging on in Syria is thus identified as another example where humanitarian military intervention is used for geo-strategic purposes because any country that controls Syria will have access to the whole of the Middle East, hence both Russia and the USA are positioning themselves militarily within this Syrian conflict, not necessarily to safeguard human lives, but in pursuit of their geo-strategic interests. Sometimes humanitarian military interventions are pursued in order to maintain the balance of power among the superpowers by protecting allies regardless of appalling human rights record of the country which has been identified as an ally of one of the superpowers. Related to humanitarian military intervention in our contemporary times is the need to protect hegemonic interests of the

superpowers whereby a state that acknowledges the hegemony of a particular superpower is usually protected by this superpower from any criticism or military invasion.

This chapter is structured as follows: The first section discusses humanitarian military intervention with reference to economic interest as a contributory factor to humanitarian military intervention. In the second section it is argued that humanitarian military interventions are a strategy whereby major powers assert their geo-strategic interests. In this regard the section provides the reader with examples where the pursuit of these geo-strategic interests by the super-powers have played themselves out during our contemporary times. In the third section focus is on how the major powers have used humanitarian military interventions to curtail the possibility of smaller states becoming major powers who can challenge the interests of the major powers. In the fourth section it is argued that humanitarian military interventions are used to maintain the hegemony of moral, cultural and political values throughout the world. In this chapter, as we shall see, it is important to note that most of these sections are intertwined on the grounds that they all demonstrate how the interests of powerful countries manifest themselves in different modes.

4.2 Economic Interest

Military might is not built on military might for military might. Economic might and strength can be seen as a pre-requisite for a nation to be classified as a major power. Different economic resources can be transformed into military resources at different times. Some economic resources are a necessity for a state to have if it is to claim to be a dominant power in the international system. However, as states develop industrially and militarily, they exhaust their internal resources, or develop bigger industries that cannot be fully supported by their internal resources. The study argues that the economic and military development of states, and the need to secure resources for these industries led countries to become imperialistic. The desire for economic resources leads powerful countries to intervene in developing countries where resources are abundant. This is partly the reason why HMIs are more prevalent in developing countries.

Imperialism as an adventure was done and supported by governments who anticipated economic gains and prosperity. For instance, the French led intervention in Libya was motivated by the anticipated economic gains that would be derived from oil production (The Guardian 2011). <https://www.theguardian.com/world/2011/sep/01/libya-oil>). It is for this reason that the morals and ethical consideration played second fiddle to the primary need to gain control and extract raw materials.

Imperialism, like any other self-interests' driven military adventure, was given an ethical humanitarian face. Imperialism in Africa and Latin America was justified in part using the just war doctrine as the interventions were declared as evangelism burden for the Europeans. The burden was justified on allegations that African and Red Indians were barbarians who practiced human sacrifices and cannibalism, hence the Europeans took the missions to save those who were suffering from the brutality. Colonialism, it can be argued, was seen in part as just war interventions as argued by Sepulveda in the Valladolid debate (Reynolds, 2010: 18-25). Moralism was therefore used as a justification for the resource driven colonial adventures in the developing world.

However, the irony of the imperialist military interventions at the time was that they were used in some areas like Africa to trade in human beings, popularly known as the trans-atlantic slave trade, and other inhumane and genocidal wars that Africans and other colonized people have suffered from. These included the German genocide of the Nama and Herero tribes in Namibia (Rivera, 2012: 102-105) and the scorched earth war tactics used to defeat the Shona tribes in the first Chimurenga in Zimbabwe (Smith, 1998: 338). Hence imperialism was an adventure by the economic and military powers of the world for economic and political growth. The general reasons for undertaking the imperialistic adventures was to gain access to the vast raw materials from the global south that had not been industrially developed, and not the usually stated reasons of saving human kind.

In the contemporary times, strategic resources like oil, and minerals have become a reason for greater powers to compete and even undertake military interventions in the name of humanitarianism. Imperialism has not died. Bade (2013: 31-32) notes that former colonial masters have maintained an indirect control of their erstwhile colonies for economic reasons. Furthermore, he notes that France has remained active in its former colonies specifically to maintain its economic hold and for hegemonic purposes. It can also be argued that Britain took a more non-confrontational approach by creating the Commonwealth group which sustains the colonial relationship between the former colonial master and its colonies after they had gained independence. This is the reason why in most cases when a problem happens in the erstwhile colonies, the former colonial master intervenes, not necessarily for the protection of civilians but for protecting its economic interests.

4.3 Geo-Strategic Interest

In an attempt to define the term 'geo-strategy', Rogers and Simon (2010) states that:

Geo strategy is about the exercise of power over particularly critical spaces on the Earth's surface; about crafting a political presence over the international system. It is aimed at enhancing one's security and prosperity; about making the international system more prosperous; about shaping rather than being shaped. A geo strategy is about securing access to certain trade routes, strategic bottlenecks, rivers, islands and seas. It requires an extensive military presence, normally coterminous with the opening of overseas military stations and the building of warships capable of deep oceanic power projection. It also requires a network of alliances with other great powers who share one's aims or with smaller 'lynchpin states' that are located in the regions one deems important.

Due to different interests of different powers, different Major Powers have areas they consider strategically located whose control or disturbance will have a major impact, positive or negative, on their interest in the same region or in other regions. Major Powers have always undertaken military interventions in defence of these areas, specifically for economic ends. For example, the Korean Peninsula, South China Sea, Middle East just to mention but a few.

It is not possible for any scholar to define areas that can be regarded as strategic given that such kind of definition can be given by individual powers in relation to their national interests which are constantly changing. For instance, while prior to the year 2000 Zimbabwe was regarded as an ordinary state in relation to the USA's interests in Africa, when it embarked on an internal and African policy that called for the repossession of land from whites and give it to indigenous Zimbabweans and propagated the policy of looking east and value addition, the USA government defined it as a threat to American national interests (Chidza, 2015) (<https://www.newsday.co.zw/2015/06/16/zim-remains-threat-to-us-policy/>). Hence, former USA Secretary of State, Condoleezza Rice, listed Zimbabwe among countries she referred to as "outposts of tyranny", (BBC, 2005) not because of the moral issues of democracy and human rights, given that the USA has had many allies who were notorious abusers of human rights like Mobutu Sese Seko of the former Zaire and Mohamed Sisi of Egypt, but due to its policies that threatened American hegemony.¹⁰ The USA supported the British sponsored UNSC draft resolution in 2008 that sought to legalise sanctions on Zimbabwe.

¹⁰ Interview with Colonel Chinyanganya a Senior Directing Staff, National Defence College, Zimbabwe. Colonel Chinyanganya went on to argue that Zimbabwe's ideology was a threat to American survivability in the international system. He stated that, "Zimbabwe's land reform of post 2000 and the look east policy which it attempted to export to other African countries created the threat of what I describe as foreign policy objects which refers to things that affect and impinge on western values and capitalism."

On the journey in history, almost all the territories have been contested zones by different Major Powers. Contested areas, which can be referred to as geo-strategic areas, either contain strategic resources like minerals or oil which are important for the survival of a certain industry or the major industries of Major Powers. Other areas are important routes that can be of vital importance in cases of military adventures, or a trade route whose loss will disrupt the industries of the Major Powers in question. The geo-strategic areas include the Middle East, the Mediterranean Sea including the Suez Canal, the Panama Canal and the Caucasus region (The American Presidency Project, Online). These regions have had different geo-strategic importance to different Major Powers in different eras. In stating the importance of the Middle East to USA. Former USA President, Jimmy Carter in his 23rd January 1980 State of the Union Address, stated that:

The region which is now threatened by Soviet troops in Afghanistan is of great strategic importance, it contains more than two-thirds of the world's exportable oil. The Soviet effort to dominate Afghanistan has brought Soviet military forces to within 300 miles of the Indian Ocean and close to the Straits of Hormuz, a waterway through which most of the world's oil must flow. The Soviet Union is now attempting to consolidate a strategic position, therefore, that poses a grave threat to the free movement of Middle East oil. This situation ...demands collective efforts to meet this new threat to security in the Persian Gulf and in Southwest Asia. It demands the participation of all those who rely on oil from the Middle East and who are concerned with global peace and stability. Meeting this challenge will take national will, diplomatic and political wisdom, economic sacrifice, and, of course, military capability. We must call on the best that is in us to preserve the security of this crucial region. Let our position be absolutely clear, an attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America, and such an assault will be repelled by any means necessary, including military force (The American Presidency Project, Online).

One can note that in most military interventions that the USA undertakes justified wholly or partly on humanitarian terms, the need to safeguard oil resources and oil trade will be central. These interventions include Afghanistan (2001), Iraq (2003), and Libya (2011). The Middle East has always been a contested geo-strategic region since the discovery of oil in the region. The region is home to the majority of the Organization of Petroleum Exporting Countries (OPEC) member states which holds 80 percent of the world's proven oil reserve of which 66 percent of these reserves are found in the region (OPEC, 2015). Besides it being an oil production zone of the world, the region also houses geo-strategic zone like the Suez Canal and the straits of Hormuz which are important for commercial and military sea travel. The geo-strategic importance of the Middle East is the reason why Jimmy Carter said that, "an attempt by any power to control the region would be taken as an assault on USA's vital interests which would be

repelled by all means necessary including the use of force.” One could argue that this could be the reason why USA and Britain led a coalition of the willing in the invasion of Iraq in 2003. While Iraq was not an outside power that sought to dominate the Middle East, it attempted to have control of Kuwait in 1990, an attempt that was foiled by an intervention by the UN in protection of the sovereignty of Kuwait. Iraq under Saddam Hussein also planned to change the oil currency from the petro-dollars to petro-euros (Gokay, 2005: 46). Such a change had the capacity to destroy the foundation of the strength of the US dollar from being the dominant international currency due to its sole petro-dollar status to being like any other major currency like the Euro, British Pound or South African Rand (Simura, 2014: 19 and 44). The need to protect the foundation of the USA economy became one of the major influences for the invasion of Iraq in 2003 (Simura, 2014), which was not, as is argued in the following chapters, not a mission to protect the Iraqis or the international community from a brutal leader or a sponsor of international terrorism as argued by Blair and Bush but protection of a geo-strategic zone as had been pronounced by President, Jimmy Carter in his 23rd January 1980 State of the Union Address. Kurasha (2015) noted that “Ethics have very little to do with HMI in Iraq. That is why they use international law and not ethics when they intervene. Only in cases when a situation has gone out of hand like in Iraq that ethics may then be used to justify the intervention.”¹¹ This line of argument was also put forward by Badza who posited that, national interest are at the core of statecraft and military interventions even when disguised as humanitarian.¹² Therefore, the wars in the Middle East were driven by the need to protect USA’s vital interests and not human lives as argued by states leaders in public fora. One can argue, that many lives are being lost now in Iraq as compared to the lives lost during Saddam’s reign.

The survival of Israel is also another important USA’s interest with regards to the Middle East. Two former USA Presidents, John F. Kennedy and Jimmy Carter described the relationship between USA and Israel as “a special relationship in the Middle East” (Bar-Siman-Tov, 1998: 231). The importance of the survival of Israel is driven by, among other reasons, the need to maintain a bulwark against an unchecked Arab power in the Middle East. This interest saw the USA doing all it can in order to save Israel given the animosity that had risen and culminated into a series of Arab – Israeli wars of 1948–49, 1956, 1967,

¹¹ Interview in Harare on 20 August 2015

¹² Simon Badza, in an interview in Addis Ababa on 19 June 2015, put forward that, “The reasons for the existence of a state is national interest both at home and abroad. Even if it means undertaking a war disguised as a humanitarian war, it will still be done. For me I will always take national interests to be the core guiding line. In real politics, altruism is wishful thinking. National interests is at the core of all military interventions under humanitarian umbrella.”

1973, and 1982 (Encyclopedia Britannica, 2015). The USA has used its veto power at the UN more than 40 times since 1972 to bar any condemnation of Israel's treatment of the Palestinians in the occupied territories of West Bank and Gaza (Jewish Virtual Library, 2015).

The USA government also aligned itself with military leaders of Egypt to be 'protectors' of the Camp David Peace Accords (1979) and guarantee Israel's survival and the agreements have seen Egypt being the recipient of the second largest amounts of foreign aid from USA after Israel (Sharp, 2011: 265). It can be argued that, this is the reason why USA took a lukewarm support of the Egyptian uprising when it started even though it gave open support to the Libyan and Syrian uprising. The other reason could be that the USA was not sure if it could trust any leader ushered in by the revolution. This fear was proved true when Mohammed Morsi, a Muslim Brotherhood candidate won Egypt's first democratic elections in June 2012. Morsi showed his open support for the Palestinians and Hamas (Weber and Craig, 2012: 6-7), a stance which could also have been read as being unpalatable to the security of Israel. Hence, when the Egyptian military led by retired Field Marshal, Abdel Fattah el Sisi launched another coup in July 2013 that deposed Morsi, the USA government failed to adhere to its moral stand point of not supporting coup governments and failed to declare the Egyptian military take over as a coup as commanded by its laws (Ilavarasan and Weinstein, 2013: 2-4) in order to keep the military aid flowing for the security of Israel. The same double standards exhibited in the face of a coup in Egypt are the same double standards witnessed in HMIIs that interests come first ahead of humanitarianism. Largely therefore, where there are minimum or low national interests, HMIIs may not take place. For example, in the case of Rwanda.

The Egyptian case is a classic example which shows that in time of a conflict between international ethics and the geo-strategic interests of a state, ethics are relegated to play second fiddle to the pursuit of geo-strategic interests. The Egyptian coup was not a peaceful one. It came with gross military brutality and death of civilians as well as the incarceration of many more including journalists (Hamed, 2014). However, the USA did not condemn the coup and took a policy that was reminiscent of its policy towards uprisings in Saudi Arabia and Bahrain during the Arab Spring. One can therefore argue that the reason for supporting the Sisi coup government and turning a blind eye to military brutality under Sisi's watch was driven by the higher stakes of the need to preserve Israel and maintain a government in Egypt that would be responsive to the Israeli interests first before that of the Palestinians.

The situation is also similar with Russia on the need to protect its borders from western incursions. In the manner that the USA declared a Monroe Doctrine that regarded the Americas as closed areas from

western interference and influence in 1823 (<https://utahlinks.org/learn/docs/Monroe.pdf>), Russia considers the Caucasus Region as its geo-strategic zone specifically against the encroachment by the NATO (International Crisis Group, 2008: i). Since the days of the Ottoman Empire, Russia had battled to assert its control of the Black Sea as proven by its incursions in the Ottoman Empire (King, 2008: 3). In contemporary times, Russia has pursued a geo-strategic policy that seeks to create a buffer zone between itself and NATO member states. Any former Soviet state that attempts or chooses to join NATO is dealt with ruthlessly. This policy has seen Russia fighting Georgia under Mikheil Saakashvili in 2008 after Tbilisi chose to join NATO in 2006 (NATO, 2013: 1). Russia also intervened militarily in Ukraine in 2014 after the fall of Viktor Yanukovich who was Moscow's ally and the takeover by Olexander Turchynov as Interim President and later by Petro Poroshenko as Elected President who were in support of joining the European Union, a move that Russia interpreted as the encroachment by the West into its geo-strategic sphere of influence (Rutland, 2015: 136-138). A war of proxy raged on in Donetsk and Luhansk regions while Crimea was annexed due to its geo-strategic location in the Black Sea (Galeotti, 2015: 161). While Russia has been the champion of the protection of the ethic of state sovereignty as exemplified by its stance and condemnation of NATO interventions in Kosovo and Libya, when its geo-strategic zone was under threat, it disregarded the sovereignty of Ukraine and used force to protect its interests.

In the military intervention in Georgia, Russia argued that its adventure was in part a HMI mission (Ruys, 2010: 232) because of the attacks on the South Ossetians by the Georgian government while it denied having a part in the military strife in Ukraine (BBC, 2015). On the question of the annexation of the Crimean region, Russia argued that due process was undertaken because the move to re-join Russia was made by the residents of Crimea without Russian influence (Putin, 2014). However, the Russian soldiers took part in the Ukrainian crisis donning unmarked uniforms while the rebels were using Russian made arms (Gayle, Irvine and Stewart, 2014).

The Russian interventions in Georgia (2008) and Ukraine (2014) proved, as were the USA and European responses to the Arab Spring, that there are times when HMI is used as a façade to cover the pursuit of geo-strategic interests (Georgia) while in some extreme cases ethics and morality are simply discarded in pursuit of national self-interests (Ukraine). In the Georgian crisis, humanitarian military intervention was partly used as justification for the military incursion (Petro, 2008: 1524) while in the Crimean crisis, the Russian President, Vladimir Putin openly stated that Crimea has always been a part of Russia and

its annexation was a return home (Putin, 2014). Hence, the Major Powers in the world have always guarded their geo-strategic zones even with military force when necessary either under the camouflage of a humanitarian military intervention or through a clear disregard of international ethics.

4.4 Protection of the Balance of Power and Threat Diffusion

Powerful states are always wary of other Major Powers getting too powerful, or smaller states developing to become Major Powers with the capacity to challenge their interests in different regions in the international system. While it takes long for a weaker state to develop into an international Major Power, it takes a relatively shorter period of time for a state to develop into a regional power with a capacity to frustrate the interests of global powers in the region. Major Powers therefore strive to frustrate the efforts of other states to develop into influential regional powers or Major Powers. From a realist point of view, the conduct of business in the international arena is a zero-sum game, where a win by one party translates into a loss for the other competing parties, hence a loss of hegemony (Mearsheimer, 2006: 72). While the zero-sum assertion does not fully explain state behaviour especially in relation to the growth of regional powers, given that in some cases, some international powers have backed the rise of friendly regional powers against the perceived rise of unfriendly regional powers, it gives an insight on how major powers feel threatened by the rise of regional powers.

In history, there has been cases in which major powers have fought rising powers to stop them from invading their space. The rise of Iran, as a regional power in the Persian Gulf has seen the USA and its western allies challenging Iran in a bid to contain it. The International Gas Union (Task Force 3) (2012: 85) notes that:

Broader geopolitical concerns as well as regional security issues, compel the US to remain deeply involved in the region's (Middle East) security, and by extension, compel the US to try to contain Iran's regional ambitions. These ambitions also include gas flows. For example, the US actively discourages the construction of Iran-Pakistan-India pipeline, even though Iran appears to be going ahead with the pipeline's construction to Pakistan alone. US geopolitical concerns are also centred on Central Asia and the 'rimland' more generally, where Iran is seen as a threat to US abilities to control this geo-strategically vital region.

This was done through allegations that it was building nuclear capabilities and weapons of mass destruction (Jain, 2014: 1). Iran was slapped with economic sanctions that would paralyse its economy (Toumaj, 2014: 4) a situation that would result in stalling its military development. The Western sanctions

on Iran were not implemented with considerations of their impact on human lives. The sanctions were therefore influenced by the interests of Western Powers to diffuse Iran's military growth rather than the ethical rules to guard against human suffering. The use of economic sanctions as a tool of foreign policy by the West while disregarding humanitarian concerns of the Iranian people flies in the face of the ethics and morality of humanitarian military intervention.

Iraq under Saddam Hussein was also a weaker power that sought to expand its influence in the Middle East. Initially the USA saw Iraq as a useful tool to check the growth of Iran in the region due to the deep rooted sectarian differences between the Sunni dominated Iraq under Saddam Hussein and the Shia led theocratic Iran. However, when Saddam Hussein invaded Kuwait in August 1990, a move that would have given him greater control of oil, he was seen as the Hitler of the Middle East, and coupled with his plans to accept the Euro as an oil currency, the USA, with the support of the international community, saw it fit to initially check his advances, while in 2003 it saw it imperative to protect its interests of preserving the dollar as the sole petrol currency by removing him from power (Gokay, 2005: 46), through an invasion that was partly justified in humanitarian terms.

The rise of China in East Asia was not also smooth sailing because it was seen as a challenge to Western interest in the region specifically the USA allies of Japan, South Korea, Philippines and Taiwan. In order to counter the dominance of China in East Asia, the USA continued military deals with Taiwan which China protested (Pomfret, 2010, Blanchard and Martina, 2014) arguably as it saw as an interference in its sphere of influence. The USA has also undertaken military muscle flexing in support of its East Asian regional allies especially in relation to the contested islands of Senkaku (Japanese)/Diaoyu (Chinese) (Smith, 2013). At a time when China was asserting its regional might in the North China Sea, "an area that is rich in hydrocarbons and natural gas and through which trillions of dollars of global trade flow" (Council on Foreign Relation, online), the USA passed its warships in a pure display of power and a challenge to the rising global power which was described by the Chinese ambassador to the USA as "a very serious provocation, politically and militarily" (Sciutto and Hunt, 2015). The act of the USA was in part to show support to its regional allies of Japan and the Philippines, while in another part to flex its muscle and demonstrate to China that it remains the sole dominant international hegemon.

Hence, it can be safely concluded that Major Powers are not comfortable with the rise of lesser powers into the ranks of regional or international powers. The rise of new players into the rank and file of Major Powers offsets the balance of powers in the international system and creates competition which Major

Powers are not comfortable with. Hence, it is one of the primary interests of major powers to diffuse any rise of less powerful states to become regional or international powers.

4.5 Political Hegemonic Interests

The term hegemony originates from the ancient Greek 'Hegemonia' literally expressing the dominant and oppressive status of one element in the system of others. According to Gramsci, hegemony represents the status of the most powerful country in the international system or the position of a dominant state in a specific region (Barrett, 1997: 239). He further notes that hegemony entails "cooperation ensured by force, combining social and political supervision, force and consent". Cox (1981: 16 – 155) postulates that hegemony enabled the dominant state to spread its moral, political and cultural values around the society and sub-communities. This is done through civilian society institutions which consist of the net institutions and practices that are partly autonomous from the state. He further notes that hegemony is used to produce social and political systems that are to be applied on the nations targeted.

On the other hand, Volgy, (2005: 1-2) defines hegemony as the position of having the capability and power to change the rules and norms of international systems based on one's own motivations and desire. "If you don't have enough power to affect global events in line with your own road map that will be a dangerous elusion" (Volgy: 2005). According to Strange, (1989: 165) hegemony requires two kinds of strengths; relational and structural based. Relation based power is the strength to persuade and force the other actors one by one or in groups. Structural power is the essential capacity to realise the desired rules, norms and operations in the international system. A hegemony creates or maintains critical regimes to cooperate in the future, and reduces uncertainty while other states are in pursuit of their own interests. There are many ideas about the relationship between hegemony and imperialism. Imperialism is defined as enlarging the dominance of one nation over the other by way of open political and economical instruments (Heywood, 2007: 392). To explain the basic difference between imperialism and hegemony, Keohane says that, "As hegemony manipulates the relations with no superior body, imperial powers set their superiority with a senior political body" (Keohane, 1991:435-439). He further notes that imperialists have an approach for expansion by conquering new territory. Snidal (1986: 579 – 614) separates hegemony into three; hegemony implied by conviction, kind but forceful hegemony and colonialist hegemony based on force.

According to Wright (2004), discrimination between hegemony and dominance is another subject that has been argued by many scholars such as Machiavelli, Gramsci and Nye. According to this trio, a major

power should not just rely on dominance, force, and hard power. Machiavelli advocates “respects” as a source of obedience to a major power. Nye believes that a superior power becomes hegemonic power by persuading others to cooperate. Persuasion will be ensured by the utilisation of soft power that makes other countries believe in common interests. However, according to hegemonic stability theory, major powers achieve their position unilaterally with the deployment of hard power but retaining consent and conviction (Keohane, 1984:11). For instance, the deployment of the coalition of the willing to dispose Saddam Hussein in Iraq.

Given the above discourse, developed states ensure their hegemonic capacity through their own structural power enabled by security, production, finance and knowledge capacity in international economy – politics. This can also be testified by the deployment of NATO forces in strategic regions of the world. In Africa and in the Middle East we have seen the USA maintaining its hegemonic presence by deploying AFRICOM.

4.6 Conclusion

This chapter dealt with the actual tangible interests of Major Powers that define their military interventions in weaker developing states. These interests were grouped into three categories namely economic interests, protection of geo-strategic zones and regions, and protection of the balance of power and diffusion of the rise of antagonistic regional and international powers that will challenge the hegemony of the dominant powers internationally or regionally. These three group of interests have a greater influence on the decision by Major Powers in undertaking HMIs.

Under economic interests, it emerged that, Major Powers undertake humanitarian military intervention to protect strategic resources that are important for their survival. These resources include petroleum and minerals. Regions that have these vast resources and have been subject to great power competition for control include the Middle East, North Africa and Central Africa, while West Africa is also rising as an influential producer of oil. Other economic interests may be based on the preservation of traditional areas of influence for marketing and extraction of raw material. This may explain the asserted gentleman's agreement among former colonial powers and dominant western Major Powers that have seen a former colonial powers undertaking HMIs in its former colonies, while the USA leads in the HMIs in South America and the Middle East. In this regard, as noted in the chapter, France leads in HMIs in the former francophone African region which includes Ivory Coast and Central African Republic (CAR) while Britain

leads in former Anglophone Africa which includes countries like Sierra Leone and Zimbabwe. In some cases, where stakes had been high, Major Powers have come together to undertake HMLs specifically to secure economic concessions, as was the case in the 2011 Libyan intervention by NATO (Stratfor Global Intelligence, 2011: 6-12).

Under geo-strategic interests, it has been argued that different powers have different regions that they consider to be of vital interests to their nations. The accordance of such importance is determined by economic and defence needs of the Major Powers. The major geo-strategic regions in the world have been the Panama Canal for the USA and the Middle East for USA, Russia and Britain, while the Caucasus Region is considered a geo-strategic region for Russia. The importance of geo-strategic regions is noted in the actions of Major Powers where they either ignore all moral rules, or use humanitarian military intervention as a façade to intervene to either maintain stranglehold on the region, to get control of it or deny another Major Power or regional power exclusive dominance of the region.

Russian purported interventions in the Ottoman Empire in the 19th Century were influenced by the need to gain accesses to the Mediterranean Sea and have total control of the Black Sea. However, in a geo-strategic counter move, Britain, France and Austria joined the humanitarian military adventure not because of the need to protect civilians but to counter Russian advances into the Mediterranean Sea.

In the cold war era, USA declared the Middle East a region of vital interest. This saw the USA curving its own sphere of influence that it has jealously guarded against any encroachment, either from external powers or from internal regional powers like Iraq and Iran. This dominance was challenged by Russia in Syria. The Syrian crisis can be seen as a geo political war by proxy between USA and Russia in general but also including regional powers like Saudi Arabia, Turkey, Qatar and Iran. In this regard, contending powers have disregarded the need to protect Syrian humanitarian concerns as they have continued to militarily sponsor their sides, (the government being supported by Russia and Iran, and the armed insurgency being supported by the West, Qatar, Turkey and Saudi Arabia) with arms that are used to attack civilians. (BBC, 2015) (<http://www.bbc.com/news/world-middle-east-23849587>). The crisis has led to the creation of the greatest humanitarian catastrophe and migration crisis which the international community has only condemned in public but stalked covertly.

The final cluster which the chapter noted is that of the need to preserve the balance of power and deter ambitious weaker states from becoming major regional or international powers. It has been noted that

while it takes relatively a longer period of time for a state to rise from being a weaker state to become a hegemonic global power, it is relatively easier for states to rise and be regional powers. Regional powers have the potential to scuttle the interest of Major Powers in their areas of influence. Hence international Major Powers continue to monitor the rise of less powerful states especially those known to be nonaligned to such Major Powers. It could be because of this competition of interest between a Major Power and a regional power that the USA has had a turbulent relationship with Iran in the Middle East. The rise of Iran, which is antagonistic to USA interest and the interests of USA allies like Saudi Arabia and Israel in the Middle East has seen the creation of a conflict which has also manifested itself in the Syrian proxy war, while Saddam Hussein was toppled because he exhibited hegemonic tendencies against a USA ally and sought to influence the change of the global petro dollar to a petro euro.

What can be generally deduced from the foregoing discussion in relation to the contending theories upon which the research is based, is the dominance of the presumptions of the realist paradigm against that of the international society paradigm. The argument by realists that the basic principle of states' interaction is survival and pursuit of interests was proven in the arguments. The drivers and conduct of colonialism was devoid of morality and this is specifically proven by the fact that the arguments that Africans and American Indians were barbaric and needed redemption was not less heinous to genocide, slavery and resource expropriation which the European powers did to the colonized world. Equally, the argument that states like Iran and other non-nuclear states cannot have nuclear arms capabilities whilst powerful countries like the USA, Britain, France, Russia, China, India and Pakistan can have the capabilities only proves the gross moral void of international politics and the triumphant of interest driven politics. The argument by the Realists, therefore seems to have been carrying the day. As noted by Morgenthau (2005: 5) that:

Political realism refuses to identify the moral aspirations of a particular nation with the moral laws that govern the universe. As it distinguishes between truth and opinion, so it distinguishes between truth and idolatry. All nations are tempted – and few have been able to resist the temptation for long – to clothe their own particular aspirations and actions in the moral purposes of the universe.

The morality of the International Society theory seems to have been just a theory. It has been very difficult to find an HMI mission that can be seen to have been in the confines of the International Society theory. The major issue that has led to animosity is that the major powers that have sought to advance morality

in international relations, when it comes to HMI, are seen being driven more by interests than by morality, hence the mistrust of the concept of HMI.

In summary, the chapter attempted to bring to light and illustrate how national interests are the end goal or the hidden objectives in humanitarian military interventions. The discussion on interest of major powers in less powerful states was also meant to give an understanding of what the thesis means when it argues that HMIs were not conducted in a certain country due to non-availability of Major Power interests.

These interests are simply the pursuit of economic benefits, protection of geo-strategic regions and fighting to bar the entry of other countries into the ranks of regional and international powers and it is these interests that are camouflaged under HMIs. The following chapter, will be a discussion of the creation of the responsibility to protect doctrine.

CHAPTER 5: THE CREATION OF THE RESPONSIBILITY TO PROTECT DOCTRINE (R2P)

5.1 Introduction

Chapter 4 discussed the pursuit of strategic resources through the guise of humanitarian military intervention. This chapter moves a step further by focusing and analyzing efforts to transform humanitarian military intervention from its primordial notions to the new concept popularly known as the Responsibility to Protect (R2P) at the turn of the 21st Century. This chapter traces the rise of R2P from the interventions that took place after the Cold War which were justified under humanitarian reasons. It will also discuss how cases that warranted intervention, but ignored by the international community, also contributed to the codification of R2P.

The chapter argues that R2P was realized due to the support it got from influential world leaders at the time. These leaders included former USA President, Bill Clinton, former British Prime Minister, Tony Blair, and former UN Secretary General, Kofi Annan. In its approach, the chapter will question the sincerity of the Western leaders in driving for the formulation of a new doctrine that would entrench humanitarian military intervention as a moral response to gross human rights violations. It will also analyze the response by third world leaders to R2P, given that it is the less powerful and developing states that are subjects of intervention which have in previous cases sought protection from undue interference through the non-interference clause of the UN Charter. The major question is whether or not R2P is a sincere moral doctrine that seeks to protect civilians or just another guise doctrine to pursue strategic and national self-interests by the major states.

5.2 Background to Responsibility to Protect, International Events that Influenced Responsibility to Protect

The creation of the R2P as a doctrine that sought to bring sanity to humanitarian military intervention and redefine humanitarian military intervention as an international moral and legal act was influenced by a number of processes and events. While the 1990s were celebrated as a decade of intervention (Simura, 2014: 3), some of the interventions, and in other cases, lack of them, were controversial. The controversial intervention or the lack of intervention, in some cases, influenced the codification of the R2P document (Stromseth, 2003: 233).

The Somali crisis, military intervention in Kosovo (1999) and failure to intervene in Rwanda (1994) and other areas like Darfur and massacres in the former Yugoslavia are some of the major events that influenced the creation of R2P. Somalia started as a success story which, however, failed when the USA pulled out of the mission after its eighteen rangers (soldiers) were attacked by militias led by Muhammad Farah Aideed (Meek, 2013: 1). The problem with Somalia was that the USA government showed that when it came to the case of 'saving strangers' as later coined by (Wheeler, 2000), few American lives mattered most against the survival of a nation. The impact of the Somali case on the USA is captured by Clarke and Herbst (1996) who argued that the Somali nightmare scared the USA from committing to avert or save Rwandese 'strangers' from the Hutu militias, when a humanitarian military intervention was needed to protect Tutsis and moderate Hutus from the Hutu militias.

The Rwandan genocide remains the dark spot on the international moral face. Warnings were sent to the western capitals and to the UN that a genocide was looming (Thompson, 2003: 6-7). Close to one million civilians comprising of Tutsi and those referred to as moderate Hutu sympathetic to the 'Tutsi cockroaches' were massacred by the Hutu militia with the support of the Rwandese state machinery (O'Donnell, 2014: 567). However, no action was taken to avert or stop the genocide before it started. Rwanda was one of the major reasons advanced by proponents of the (R2P) to call for an international moral doctrine to protect innocent civilians.

On the other hand, Kosovo is a direct opposite of Rwanda. While the international community was charged of having done 'too little too late' in Rwanda, in Kosovo it was charged with 'too much too early' (Mitrovic, 2010: 88). NATO was also charged for taking action without UNSC authorization (Allain, 2004: 252). Britain defended the role of NATO and itself in Kosovo arguing that, "In these circumstances, and as an exceptional measure on grounds of overwhelming humanitarian necessity, military intervention is legally justifiable" (Jeremy Greenstock cited in Stromseth, 2003: 236). While the UNSC draft resolution that was later sponsored by Russia arguing that NATO should pull out of Kosovo was defeated by three votes in favour to twelve votes against (Franck, 2003: 224), the controversy that the action was taken outside its legal bounds remained, while NATO justified its actions as based on international morality.

The International Panel (Independent International Commission on Kosovo) that was set up to investigate the legality of the intervention in Kosovo advised for the codification of rules that would govern international intervention to bridge the gap between morally compelling interventions and legality concerns (Independent International Commission on Kosovo, 2000 :10). The advice was heeded and

the government of Canada sponsored the International Commission Intervention and State Sovereignty (ICISS) in September 2000 which came up with the R2P document.

The ICISS in its final document argued that a state had a R2P its citizens from gross suffering and torture as a result of its claim to sovereignty. Failure by the state to protect its citizens would automatically transfer the responsibility to the international community which could intervene militarily (ICISS, 2001: xi). The ICISS sought to put its recommendations within the confines of international law. It therefore recommended that interventions can only be approved by the UNSC (ICISS, 2001: xii). The recommendation was influenced by the need to abide by the post WW II power politics reality in which the veto wielding powers continue to seek to dominate and protect their interest by influencing all major events that impact on the international community to which humanitarian military intervention is one. This was proven by the fact that the USA has vetoed every UNSC resolution that sought to reign in Israel on the Palestinian question, while Russia used its veto multiple times to protect Syria, all because of vested national self-interest in the Middle East.

5.3 Liberal Support for Responsibility to Protect

The codification of R2P was a success owing to the support of influential liberal scholars and world leaders. These leaders include former British Prime Minister, Tony Blair, former USA President, Bill Clinton, and former UN Secretary General, Kofi Annan. The support for humanitarian military intervention by these leaders and recommendations forwarded by different international panels culminated in the Canadian government constituting the ICISS which codified the R2P document in 2001.

The former UN Secretary General, Kofi Annan, is arguably one of the influential sponsors of R2P. The former Secretary General used the UN pulpit to push for a change in how states can claim their sovereignty as a bulwark against intervention and encouraged the international community to view humanitarian military intervention as better than non-intervention in cases of extreme human suffering. (Annan (2014) Annan (2000: 48) gave a widely quoted speech that, "...if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that affect every precept of our common humanity?" He implored world leaders to accept new developments in international relations which he said:

demand of us a willingness to think anew ... about how the United Nations responds to the political, human rights and humanitarian crises affecting so much

of the world; about the means employed by the international community in situations of need; and about our willingness to act in some areas of conflict, while limiting ourselves to humanitarian palliatives in many other crises whose daily toll of death and suffering ought to shame us into action (Annan, 1999).

Annan noted that while sovereignty was a cardinal pillar for international order (Annan, 2014: 194), it cannot be used as justification for failure to protect the civilians in need by both the claimers of sovereignty (Annan, 1998: 197) and members of the international community (Annan, 1998: 195-6).

However, while supporting intervention to defend the respect of human rights, Annan saw a major challenge in states conducting humanitarian military intervention without a clear mandate from the UN. He concluded that while the interventions in Cambodia, Bangladesh and Uganda by Vietnam, India and Tanzania, respectively, during the Cold War had humanitarian outcomes, they were condemned by the international community because they were not approved by a competent authority (Annan; 1998: 199). Annan (2014, 199) sarcastically questioned that,

Can we really afford to let each State be the judge of its own right, or duty, to intervene in another State's internal conflict? If we do, we will not be forced to legitimize Hitler's championship of the Sudeten Germans or Soviet intervention in Afghanistan?

The drawing of parallels between unauthorised interventions with Hitler's invasion of Sudetenland shows how Annan abhorred any military intervention, even humanitarian, without UN authorization.

This abhorrence is understandable given that Annan grew in the UN and understood its centrality in maintaining international order. He therefore made the topic of humanitarian military intervention topical in the UN and in the academic arena which had an impact in the codification of R2P (Weiss, 2004: 38).

His battle for UN authorization was also important in giving any future intervention moral legitimacy against the challenges that faced international action in Somalia and Kosovo, as well as failure to act in Rwanda. Annan (1999) stated that he envisaged an international community that was not defined by the inactions on the Rwandan genocide and the divided world that rose from the Kosovo intervention (Annan, 1999). In a speech to the UN General Assembly that can arguably be viewed as one of the major shapers of R2P, Annan (1999) stated that, "The State is now widely understood to be the servant of its people, and not vice versa."

His calls for the reform of intervention rules in the UN found support in liberal world leaders, chief among them Bill Clinton of the USA and Tony Blair of Britain. Bill Clinton intensified the use of USA forces in humanitarian military interventions. Clinton defended the use of USA forces in humanitarian military intervention cases when he stated that the USA will intervene against gross human rights violations even when no direct threat has been posed on USA's cardinal interest (Fyre, 2000: 76). Clinton during visit to USA soldiers under Kosovo International Security Forces Troops (KFOR) in 1999 stated that:

... But never forget if we can do this here, and if we can say to the people of the world, whether you live in Africa, or central Europe, or any other place, if somebody comes after innocent civilians and tries to kill them en masse because of their race, their ethnic background or their religion, and its within our power to stop it, we will stop it (Joyner, 2002: 598).

This became known as the Clinton Doctrine and it added weight to the calls for a transformation in international law to take aboard issues of human rights. During his tenure as the USA president, USA forces undertook military interventions in Bosnia, Haiti and Kosovo which were justified as humanitarian military interventions (Valentino, 2011: 62). The interventions were a clear testimony of the policy of intervention which the Clinton government had chosen for moral or national interests reasons.

As early as 1993, in his inaugural speech, Clinton gave signs of a Universalist policy when he stated that:

There is no longer a clear division between what is foreign and what is domestic. The world economy, the world environment, the world AIDS crisis, the world arms race - they affect us all...America must continue to lead the world we did so much to make" (Clinton, 2004).

Clinton became a supporter of humanitarian military intervention as enunciated by his support for the intervention in Kosovo as well as his statements during the period of intervention. Such support coming from the leader of one of the most influential states was instrumental in the creation of the R2P. The influence of Clinton's support to the formation of R2P was captured by Luttwak (1999/2000: 57) who argued that Annan's speech (which ultimately led to the creation of the ICISS) to the UN General Assembly, was just an echoe of Clinton's justification for military interventions. Whether it was true or false that Annan's speech was an echo of Clinton's speech, Luttwak's argument illuminates the influence of Clinton's support in the creation of R2P.

The then British Prime Minister, Tony Blair can also be argued to be one of the 'proponents' of R2P. In what came to be termed the "Blair Doctrine" by some scholars (Sloboda and Abbott, 2004: 1), Blair

argued that everyone in the world has become an internationalist (Blair, 2009: 5). Sloboda and Abbott (2004: 2) state that the Blair Doctrine, which Blair preferred to call the 'Doctrine of the International Community' (Blair, 2009: 5) is based on the just war theory which called the international community to undertake wars based not, "on any territorial ambitions but on halting or preventing humanitarian disasters such as genocide or ethnic cleansing."

Tony Blair (2009: 5) argued that intervention, including military intervention when necessary was justified "not only when a nation's interests are directly engaged; but also where there exists a humanitarian crisis or gross oppression of a civilian population." Blair (1999: 5) stated that:

Non-interference has long been considered an important principle of international order. And it is not one we would want to jettison too readily... But the principle of non-interference must be qualified in important respects. Acts of genocide can never be a purely internal matter. When oppression produces massive flows of refugees that unsettle neighbouring countries then they can properly be described as "threats to international peace and security.

In Blair (1999)'s views, the principle of non-interference in the internal affairs of other states was important to maintain international order but it could no longer be considered to be sacrosanct. The observance of the principle had to be limited to governments and regimes that observed basic human rights. Any regime that did not observe the rights would automatically lose the 'privilege' of non-interference.

While internal strife may be seen as internal, they lead to influx of mass refugees into neighbouring countries which may create new conflicts. It is because of this reason that Blair (1999) further supported his argument arguing that when refugee influx affect outside countries, the conflict should not be considered as internal hence the need for international intervention. It must also be recalled that when India intervened in East Pakistan in 1971, it cited among its major reasons for intervention massive influx of East Pakistani refugees in its territories hence importing conflict into India (Secretariat of the International Commission of Jurist, 1972: 92).

The completion of the liberal support to R2P came from the new intervention rules got from the liberal Western states and scholars. Gareth Evans supported the moralization of humanitarian military intervention and called it "good international citizenship" (Weiss, 2004: 43), while the Danish and Dutch governments sponsored commissions to look into issues of human rights and intervention (Macfarlane, Thielking and Weiss, 2004: 981).

The researches and recommendations that were brought forward by different commissions of inquiry that were commissioned to research on different cases which all were related to humanitarian military intervention culminated in the sponsoring of the ICISS by the Canadian government in 2000. This research argues that the most influential of the panels of inquiry was the Kosovo Commission. In its assessment of the Kosovo crisis and NATO intervention, the commission came up with a number of recommendations which could be summarized as recommending for the revision of the international rules of intervention and sovereignty to allow for the ethical protection of citizens in distress (Independent International Commission on Kosovo, 2000: 10-12).

The sum total of the push by a number of liberal world leaders led by Kofi Annan, Tony Blair and Bill Clinton led to the constitution of the ICISS. The commission crafted the R2P document that was accepted by world leaders formally at the World Summit of 2005. While the leaders at the summit accepted the 'new rule' they only agreed to follow them on a case by case basis, meaning that no concrete rules of intervention were approved by the UN. However, powerful state, specifically the P5 members of the UNSC continue to violate the new rules of the R2P because of the powers to determine cases for intervention given to them by the ICISS in the crafting of the document. Hence powerful states can intervene in cases they allege to warrant intervention even if there are no humanitarian justifications, or block interventions in areas where intervention is necessary if such interventions disturb their interests.

5.4 **Responsibility to Protect Doctrine and Moral Humanitarian Military Intervention**

R2P report is an intervention doctrine that was produced by the Canadian government sponsored, ICISS in 2001. It is seen as an intervention concept that was built from the old age concept of humanitarian military intervention (Macfarlane, et al., 2004: 980), but one that tried to be more concise and broad. It is an inclusive research work that sought to come up with universally accepted principles for intervention.

R2P differed from humanitarian military intervention in the sense that while the later only centred on intervening militarily to put a stop on a leader perpetrating gross human rights violations that shocks the conscience of mankind (Orford, 2013: 97) and should end when the subject leader has stopped his 'criminal' ways, the former is more encompassing. R2P argues that sovereignty cannot be used as a protective shield by leaders committing gross human rights violations because sovereignty is a trust from the people. Sovereignty was now conceptualized as responsibility of the state to protect its citizens (ICISS, 2001: 13). The doctrine further argues that when a state is incapable or has no capacity to protect

its civilians, then the responsibility is automatically transferred to the international community (ICISS, 2001: 17).

R2P brought about two basic principles which are; state responsibility and non-indifference (Serrano, 2011: 5). The principle of state responsibility denotes that in the case of gross human right violations, genocide, war crimes and crime against humanity being perpetrated in a state, it is the duty of that state to protect its citizens (ICISS, 2001: 17). The principle of non-indifference is based on the notion that if the state has no capacity then it should seek international assistance or is the one responsible for the violations, the international community has to forcibly intervene and not to ignore the crisis arguing that it is within the subject state's sovereign jurisdiction (ICISS, 2001: 17).

R2P was therefore, built on three pillars namely, "(1) the enduring responsibility of a state, (2) the responsibility of the international community to assist states to fulfill their national obligations and (3) the commitment to timely and decisive collective action in ways that are consistent with the UN Charter (Serrano, 2011: 7).

R2P also solved the question of authority in deciding when military intervention should be undertaken. According to the R2P document:

There is no better or more appropriate body than the United Nations Security Council to authorize military intervention for human protection purposes. The task is not to find alternatives to the Security Council as a source of authority, but to make the Security Council work better than it has (ICISS, 2001: xii).

The construction of the report shows that the commission strived to create an intervention doctrine that did not start with humanitarian military intervention and end at withdrawal of forces, but to create a body of rules that summarized how a state should treat its citizens, how the international community can intervene, and the duty of the international community in rebuilding states emerging from crises (ICISS, 2001).

The intervention rules of the R2P doctrine have a number of intervention mechanisms which are different from the old humanitarian military intervention concept. The report states that, "... coercive measures may include political, economic or judicial measures, and in extreme cases – but only extreme cases – they may also include military action" (ICISS, 2001: 29). Less coercive measures which can be used include the use of international sanctions targeting alleged perpetrators, high level talks through the use of seasoned diplomats like the former UN Secretary General, Kofi Annan who was appointed UN/Arab

League envoy to Syria. The judicial mostly means the use of the International Criminal Court (ICC) to indict, try and incarcerate perpetrators of crimes against humanity, war crimes and genocide. In cases where intervention was justified under R2P like Ivory Coast, Libya, and Kenya the ICC was very active as was the use of diplomatic talks.

The R2P doctrine was accepted with different feelings. There were supporters and critics. Supporters of the doctrine saw it as a means to protect the rights of individuals from the excesses and impunity of leaders hiding behind sovereignty (Small, 2014: 180). In response to arguments that R2P did not address but advanced colonial advantages for the Western developed world, UN Secretary General, Ban Ki Moon, opined that R2P was not about history but the present and future. He warned world leaders against litigating the past or descend into unproductive political posturing on historical issues (Williamson, 2009: 3).

Evans and Sahnoun (2002: 99) argue that the international community had been dented by cases in which human suffering was neglected, and while in the current age terrorism has attracted international attention, soon cases would arise needing intervention and without the R2P doctrine, such cases could be regrettable cases again. The argument has foresight given that at the end of 2010 and in 2011 Ivory Coast, Libya and Syria plunged into crises that drew the attention of the international community with questions on how to respond being discussed in regional and international organizations. Evans and Sahnoun (2002: 101) go further to argue that the new doctrine transformed the debate on intervention from being oriented on the right of the interveners, to focus on those in need of support by using the term 'responsibility'.

Critics of the doctrine saw it as nothing new. Macfarlane, et al. (2004: 980) state that some scholars argue that the R2P report is "simply a reformation of Augustine's doctrine of just war." The doctrine is seen as just a twist of vocabulary with no practical mechanisms to solve the fundamental problems of insufficient political will from capable states to intervene especially in countries where there are no economic or political interests (Macfarlane, Thielking and Weiss, 2004: 980). Chesterman (2011: 5) argues that R2P is a political move by Britain and Canada (who funded the ICISS) to have a justifying document for their intervention in Kosovo in 1999 which they defended on humanitarian grounds.

Simura (2014: 83) argues that the only major change that the ICISS invented was the proposal for an explicit legalization of humanitarian military intervention given that other clauses like the listed crimes

and rules governing intervention had already been documented by international law writers and had been contained in the charters of international tribunals from the Nuremburg to the International Criminal Court (Rome) statutes.

However, while the criticisms hold water, R2P came at the opportune time to answer questions on intervention and bring sanity on the laws of humanitarian military intervention. While the doctrine has not been perfected to give efficient direction on humanitarian cases, it has given a first step that international morality can attempt to control the lust for national interest driven interventions as well as limiting the abuse of civilians by their leaders.

5.4.1 Responsibility to Protect Cases, Ivory Coast, Libya and Syria

Scholars have put forward a number of cases of military intervention as R2P cases. These cases include the international intervention efforts in Darfur, Kenyan post-election violence of 2007 (Garwood-Gowers, 2013: 599), Ivory Coast's post-election violence of 2011, and Libyan uprising of 2011, while Syria is considered by some as the end of R2P (Small, 2014: 179). For the purposes of this research, only Ivory Coast, Libya and Syria will be dealt with specifically due to the nature of the crises and the armed intervention by external state/s, while the case of Syria is analyzed to answer whether the case is the end of R2P as argued by some scholars due to the competing geo-strategic interests of major regional and international powers.

5.4.1.1 Ivory Coast

Ivory Coast became an R2P subject in the aftermath of the refusal to step down by then incumbent, Laurent Gbagbo after a presidential run-off between him and his former Prime Minister, Alassane Ouattara on 28 November 2010 (United Nations Operation in Cote d'Ivoire (UNOCI); undated, www.un.org/en/peacekeeping/missions/unoci/elections.shtml). There were contradictory results that were released with the Commission Electorale Indépendante (CEI), Ivory Coast's national electoral body announcing that Ouattara had won by 54.1% of the votes against 45.9% polled in favour of Gbagbo (Bekoe, 2011: 1), while on the other hand the Constitutional Council which controls the regularity of the operations of the elections counter announced that the CEI had lost the mandate to announce the elections results because they were already contested and the CEI had failed to announce the results in the stipulated period. The president of the Constitutional Council Paul Yao N'Dre announced his results 51.45% to 48.55% in favour of Gbagbo on 3 December 2010 (Bekoe, 2011: 1). However, the international

community recognized Quattara as the duly elected leader of Ivory Coast (UNOCI, undated, www.un.org/en/peacekeeping/missions/unoci/elections.shtml).

War broke out between the supporters of the two contestants, leading to the intervention by the international community. Arguably, Ivory Coast presented a case in which most of the recommendations by the ICISS for R2P were utilized until the use of force became necessary. Firstly, diplomatic efforts with the threat and use of sanctions were used to move Gbagbo to relinquish power. The International Coalition for the Responsibility to Protect (ICR2P) (undated) states that “the African Union (AU) and the Economic Community of West African States (ECOWAS) responded with efforts to resolve the crisis through mediation and diplomatic pressure.”

The AU sent former South African President and former Kenyan Prime Minister, Thabo Mbeki and Raila Odinga, respectively, to hold talks with Gbagbo and Quattara on 28 January 2011. ECOWAS appointed former Nigerian president, Olusegun Obasanjo, as its regional envoy to Ivory Coast. The continental body's Peace and Security Council established a High Level Panel which on 4 March issued a communique that recommended a unity government and a respectable exit for Gbagbo. However, Gbagbo refused the offer (ICR2P, undated).

Gbagbo's refusal to step down led to the escalation of the conflict and the UNSC went on to pass resolutions 1962 (2010) and 1975 (2011), which recognized Quattara as the legitimate president of Ivory Coast and extended the mandate of UNOCI, which had been stationed in Ivory Coast since 2004 for peacekeeping, and the French forces in Ivory Coast to use all necessary means to protect civilians and stop the use of heavy weaponry in civilian populated areas. The intervention by UNOCI and French forces strengthened the power of the forces that supported Quattara. In April 2011 the forces loyal to Quattara defeated Gbagbo's forces, stormed the presidential palace and arrested Gbagbo (on 11 April 2011) who was later handed over to the ICC for trial (Fischer *et .al*, 2013: 20).

However, the international intervention into Ivory Coast did not go without criticism. Former South African President, Thabo Mbeki, argued that the UN and the international community failed to understand the roots of the Ivorian crisis and pushed for the elections at the wrong time under wrong conditions (Mbeki, 2011). Ivory Coast plunged into a civil war in 2002 which divided the country into two parts, the North which was under the rebel Forces Nouvelles (New Forces) which supported Alassane Quattara, and the South that was under the control of the army that backed Laurent Gbagbo (De Waal, 2012).

Mbeki (2011) stated that, "The objective reality is that the Ivorian presidential elections should not have been held when they were held. It was perfectly foreseeable that they would further entrench the very conflict it was suggested they would end." The composition of the electoral constitutional bodies could not solve the problem. The head of the CEI which declared Quattara the winner was Quattara's supporter while the head of the Constitutional Council, which declared Gbagbo the winner was a supporter of Gbagbo (De Waal, 2012). The problem was complicated by giving the UN mission in Ivory Coast the authority to certify election results (De Waal, 2012). By giving the mission such an important internal mandate, the international community had already usurped the power of the Ivorian constitutional bodies to deal with their internal issues. It is therefore not surprising that the final results of the CEI, Constitutional Council and the UN mission were different, though the CEI and the UN declared Quattara the winner.

The use of force by a mission that was initially mandated to be a peacekeeping mission was also seen as damaging the neutral stand of the UN (Small, 2014: 187). Authorizing a peacekeeping mission to take a side in an internal crisis could be seen as a mission for regime change which has no legitimate stand under R2P (Bellamy and Williams; 2011, 835-836). Small (2014: 187) quotes John Murphy who argued that:

The use of force by UN peacekeepers and French troops blurred the lines between human protection and regime change and raised questions about the role of the UN in overriding Cote d'Ivoire's Constitutional Council ... and about the place of neutrality and impartiality in UN peacekeeping.

The intervention by France, the erstwhile colonial master also helped to strengthen the voice of dissent. The intervention could be seen as a hegemonic intervention that sought to remove a leader who had fallen out of favour with Paris and install on the throne Quattara, who could be viewed as new darling of France (Bovcon, 2009: 8). It can also be argued that having been faced by a declining support at home at the eve of an election, the French president, Nicholas Sarkozy, took the mission in order to boost his support if the public could view him as reaffirming the international influence of France in world issues (Willsher, 2011)www.theguardian.com/world/2011/apr/11/sarkozy-ivory-coast-vote-winner. From this argument, the French intervention in Ivory Coast is not seen as a morally driven intervention to support the will of the Ivorian nation but a calculated move to boost political support at home, hence personal interest of Sarkozy and his political party.

5.4.1.2 Libya

While having considered the Ivorian intervention as a moral intervention that could be used as a model for intervention, this research argues that Libya was a lost opportunity for the development of R2P into a practical intervention driven by international morality and devoid of national interest. International military intervention in Libya came after the Libyan uprising in 2011 escalated into a civil war driven by the Benghazi based rebels (Bellamy and Williams, 2011: 838). In an effort to squash the uprising, the then Libyan leader, Muammar Gaddafi, used the might of his military and stated that, "You all go out and cleanse the city of Benghazi. ... We will track them down, and search for them, alley by alley, road by road..." (Al-Jazeera, 2011, <http://www.aljazeera.com/news/africa/2011/03/2011317645549498.html>) and declared that they will "cleanse Libya house by house" (Bloanfield, 2011) (www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8342543/libya-more-than-1000-dead.html) until the rebellion had been crushed.

The international community responded differently with the AU choosing diplomatic solutions while the League of Arab States and powerful NATO states quickly moved into the extreme response of R2P which can only be used after all peaceful solutions have been exhausted (ICISS, 2001: 31-32). The AU was taken by surprise by the Libyan crisis and as it tried to balance between the need to acknowledge the new political realities in Libya and adjust its rule on unconstitutional governments, it failed to attract the trust of the rebels led by the National Transitional Council (NTC) (Adams, 2012: 9). The AU condemned the use of indiscriminate weapons by Gadhafi in rebel strongholds (AU Peace and Security Council; 261st Meeting Communique; Article 2, du Plessis and Louw, 2011: 1) and came up with a peaceful roadmap to solve the crisis which was reluctantly accepted by Gadhafi, but rejected by the NTC which had already gained recognition and from Western countries (Adams, 2012: 9).

The African solution failed due to number of reasons namely, (1) failure of a united stand and specific Libyan policy among African countries and between the AU and its member states, for instance, while AU was against a military intervention, African countries in the UNSC (South Africa, Nigeria and Gabon) voted in favour of the intervening resolution 1973. (2) The bullying approach by the Western countries that failed to give the AU a chance to push for a peaceful solution (De Waal, 2012). (3) A quick recognition of the NTC (by the West and the League of Arab States) which became emboldened and declined to accept the AU roadmap (Adams, 2012: 9).

Western and the Arab League countries had different plans on Libya. The UNSC passed Resolution 1970 on 26 February 2011 which called on the Libyan government to respect human rights and international humanitarian law, protect all civilians in Libya and imposed an arms embargo on Libya. It also referred the Libyan case to the ICC. In less than a month, on 17 March 2011, the UNSC went on to pass resolution 1973 which authorized:

Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, ... to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya.

NATO member states quickly moved in to implement the no fly zone as dictated by Resolution 1973. Britain, France and USA bombed targets in Libya in order to paralyze the military machinery of Gadhafi (Adams, 2012: 8). NATO moved further in its enforcing of resolution 1973 from simply stopping the military might of Gadhafi to be used on civilians into assisting the NTC to defeat Gadhafi, hence becoming a de-facto air force for the NTC (Zifcak, 2012: 8).

While the intervening forces faced little challenge on the legality of the intervention in Libya, the morality of the intervention was challenged. In a move that resembled Ivory Coast, NATO states supported a single part in the conflict against the incumbent, namely the NTC. The intervention was a regime change mission which was against the ethical principles of R2P as stated in the R2P report that:

Overthrow of regimes is not, as such, a legitimate objective, although disabling that regime's capacity to harm its own people may be essential to discharging the mandate of protection – and what is necessary to achieve that disabling will vary from case to case" (ICISS, 2001: 35).

Politicians and scholars criticized NATO actions arguing that they were either driven by geo-strategic, political or economic interests. Gadhafi was the first to criticize the intervention arguing that those who targeted his government "were trying to plunge Libya into a civil war and to turn it into an Islamic state, or an Afghanistan or a Somalia" (Spencer, 2011) (www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8341567/libya-Col-Gaddafi-damns-the-rats-as-he-clings-to-power.html). It was difficult for anyone to take Gadhafi seriously given that he was the primary target of the R2P intervention. However, Gadhafi's claims were supported by the Chadian President, Idriss Deby, who warned in March 2011 that NATO R2P military bombardments in

Libya “could have grave consequences for the stability of the region and the spread of terrorism in Europe, the Mediterranean and the rest of Africa” (De Waal, 2012).

After the fall of Gadhafi, Libya plunged into a political and military crisis with different militia groups claiming territories and establishing distinct governments (Lulie, 2015: 8). NATO failed to undertake its responsibility to rebuild (ICISS, 2001: 39) and lead Libya into establishing an effective government. The failure by NATO member states that intervened in Libya to direct the political processes to stability under the responsibility to build led to the realization of the warning given by Gadhafi and Deby.

In support of Deby’s criticism of the Libyan intervention, De Waal (2012) pointed out that the Malian crisis that erupted in 2012 was directly related to the fall of Gadhafi and the failure of governance in Libya. De Waal states that “about 3000 Malian Tuareg served in Gaddafi’s army and during the war they helped themselves to enormous supplies of weapons and as soon as the dictator fell, returned home in force”. Another direct result of the failure in managing Libya after the fall of Gadhafi, according to De Waal (2012) was the growth of the Al Qaida in the Islamic Maghreb which has been active in Algeria.

Countries that had supported or abstained in voting for resolution 1973 criticized the manner in which the resolution was implemented. The Russian President, then Prime Minister, Vladimir Putin said that “Security Council resolution (1973) is deficient and flawed; it allows everything and is reminiscent of a medieval call for a crusade” (Russian Information Agency Novosti, 2011).

Putin’s rebuke was based on the fact that the resolution was too open ended that, inspite of the good intentions that those who supported it had, it was open to abuse. For instance, the statement, “to take all necessary measures ... to protect civilians and civilian populated areas under threat of attack” in the resolution is too open ended that it can even be interpreted to mean a regime change or assassination if that is the necessary measure to ensure the safety of civilians. South African president, Jacob Zuma criticized the manner in which NATO interpreted the resolution. He said “We have spoken out against the misuse of the good intentions in Resolution 1973. We strongly believe that the resolution is being abused for regime change, political assassination and foreign military occupation” (Meo, 2011)http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8575984/Libya-Jacob_Zum-accuses-Nato-of-not-sticking-to-UN-resolutiuon.html.

The intervention failed to meet the benchmarks of R2P intervention. While legally the intervention was authorized by the UNSC, the resolution was hastened without having exhausted all peaceful channels

that the AU was pursuing. The intervention targeted a regime change and assassination of Gadhafi, which is not provided for in the R2P doctrine and lastly countries that undertook the intervention became more concerned with financial gains specifically oil and gas while neglecting the security of the ordinary Libyan (see Borger and Macalister, 2011). The issue of oil and exploration deals remained shrouded in secrecy. However, due to competition between the powers that intervened in Libya, some of the issues have been exposed to the public. For instance, Borger and Macalister (2011) point out that while the dust of the war was still up, France declared that it was “fair and logical” for its companies to benefit from oil resources which triggered a concession rush. As early as April 2011, the USA government had approved trade in oil that came from the rebels (Quinn, 2011) (<http://www.reuters.com/article/2011/04/27/us-libya-usa-opposition-idUSTRE73Q6SI20110427>). The Libyan R2P intervention could have therefore been influenced by the desire to get rid of Gadhafi given that he was a longtime foe who was still trying to re-engage the West (Roberts, 2011) and also to acquire oil and reconstruction deals. Gadhafi fell out with the West after he nationalized western oil investments after his 1969 coup, and his alleged sponsoring of terrorism mainly the Lockerbie (Scotland) bombing of American passenger jet in 1988.

5.4.1.3 Syria

The Syrian crisis which degenerated into a civil war gave a first real test to the R2P doctrine. If one can argue that Libya signified the shortfalls and failure of R2P, then the Syrian crisis signified the fall of R2P (Nuruzzaman, 2013: 57). In the Syrian crisis, the international community through the UNSC was brought to a near total paralysis that was reminiscent of the Cold War era (Simura, 2014: viii and 99).

The Syrian civil war started as demonstrations against the torture of children who had painted anti-government graffiti and dictatorial rule of Bashar al Assad and his Baath Party (Zifcak, 2012: 15). On one hand, human rights organizations like Human Rights Watch (HRW) and the Syrian Observatory for Human Rights, and leaders of the Western world like USA, Britain and France opine that the demonstrations degenerated into a civil war when the military attempted to disperse the demonstrators through the use of heavy weapons (Zifcak, 2012: 15-16). This argument has not been explicitly denied by the Syria government and its supporters like Iran and the Lebanese Shia militia group, Hezbollah, who, on the other hand, argue that the demonstrations were hijacked by Sunni extremists and terrorists from across North Africa and the Middle East sponsored by countries like Saudi Arabia and Qatar and turned into a crisis (Hof and Simon, 2013, ii & 2 cited in Simura, 2014: 73). According to this argument, the Syrian civil war is a proxy war for the control of the Middle East by the West and a tussle for regional

dominance between Saudi Arabia and its Gulf sister states of Qatar, United Arab Emirates, Kuwait and Jordan against Iran.

In an effort that was argued as in the moral spirit to protect the civilians through the tenets of R2P, the international community initially tried to use diplomatic and international sanctions against the government of Bashar al Assad. The UN and League of Arab States (Arab League – for short) jointly appointed former UN Secretary General, Kofi Annan, as an envoy to bring the warring side to talks and come up with a peaceful solution to the crisis (UN News Centre, 2012). However, Kofi Annan failed to bring the warring factions in Syrian to the table and the crisis escalated leading to his resignation on 2 August 2012 (UN News Centre, 2012). Annan was succeeded by former Algerian Foreign Affairs Minister and international diplomat, Lakhdar Brahimi, who also failed to bring a peaceful solution and on resignation lamented that “how much more death, how much more destruction will occur” (UN News Centre, 2014) before the international community consider its moral duty to protect Syrian civilians ahead of different countries’ interests.

While the international community was pursuing peaceful diplomatic solutions to the crisis, which also included talks in Geneva between representatives of the internationally recognized rebel groups¹³ and the Syrian government, there were also efforts to use coercive means to protect the civilians. Some EU and Arab countries sponsored three draft Security Council resolutions between 2011 and 2013 that implicated the Syrian government for the crisis.

The three resolutions were vetoed by Russia and China because of what they saw as unfair blaming of the Syrian government for the crisis without condemning the rebels, hence there was a UNSC paralysis on the way forward to put an end to the Syrian civil war. Russia and China argued that while they gave the international community a chance to implement R2P through abstentions in the voting for UNSC resolution 1973 which opened way for a UN authorized intervention in Libya, NATO states showed that they needed UNSC as triggers for regime change (Joya, 2012: 35). Ferdinand (2013: 6-7) states that China and Russia argued that western states led by the USA cannot be trusted with another resolution which they can quickly use for regime change ultimately in pursuit of self-interests.

¹³ There were a number of rebel groups in Syrians some of which who did not accepted the leadership of the Syrian National Council (SNC) which was the most recognised Syrian opposition groups. However, there were a number of other militia groups which operated autonomously or failed to get regional or international recognition as they were considered to be ‘terrorist’ groups. These groups included Al Nurse Front.

While the UNSC managed to pass resolutions which gave Non-Governmental Organizations (NGOs) passage to send humanitarian assistance to the civilians in some hard hit areas, it is the failure by the international community to come up with an R2P grounded solution to bring sustainable peace into Syria that has shown the primacy of national self-interest over international morality. Former UN/Arab League Envoy to Syria, Kofi Annan argued that, "his mission failed because of the Syrian government's intransigence and continuing refusal to implement the six-point plan, and also because of the escalating military campaign of the opposition – all of which is compounded by the disunity of the international community... At a time when we need – when the Syrian people desperately need action - there continues to be finger-pointing and name-calling in the Security Council (Annan quoted in UN News Centre, 2012)."

These failures can be seen as representative of the bigger picture of the pursuit of interests by different international and regional players in the Syrian civil war.

The response of different players in the Syrian crisis showed signs of the negations of ethical principles of R2P and pursuit of geo-strategic interests. Middle East countries that intervened took the crisis as a proxy war for regional dominance predominantly between the Shia and Sunni blocs (Gresh, 2013) (<http://mondediplo.com/2013/07/05syria>). Sunni dominated countries like Saudi Arabia and Qatar backed the predominantly Sunni Syrian rebels, while Shia dominated Iran and a Lebanese based Shia militia group, Hezbollah, supported the government of Assad which is dominated by the minority Alawite sect which is an offshoot of the Twelver Shia sect (Encyclopedia Britannica; Undated, <http://www.britannica.com/EBchecked/topic/12399/Alawite>).

In a global context, the Syrian war became a tussle for domination of the Middle East between USA and Europe on one side and Russia and Iran on the other (Manyuan, 2014). The USA and its European allies partnered the Sunni bloc and sponsored the rebelling groups in Syria with lethal and non-lethal assistance to depose the Assad led Syrian government (Wezeman, 2013: 271). In countering USA and European actions to depose the Assad government, Russia and Iran assisted Syria with arms (Wezeman, 2013: 269) and military strategists while Hezbollah provided manpower to beef-up the Syrian army (Manyuan, 2014).

Scholars have come up with different answers on the moral relationship between R2P and the international community's role in Syria. Due to the Libyan backlash, there is now a breakdown in great

power consensus, hence R2P failed to be implemented in Syria (Nuruzzaman, 2013: 65). The Syrian crisis became a playground for geo-political and strategic interests of regional and Major Powers. Given that the crisis has resulted in a civil war and rise of terrorism which has led to the death of more than 190 000 according to 2014 UN estimates, (Cumming-Bruce, 2014) and more than 210 000 according to the 2015 report by the Syrian Observatory for Human Rights (Al-Khalidi, 2015) the failure by the international community to come up with an effective mitigation measure symbolizes how far the international community is still to go on being a moral community.

The crisis divided the main parties in the conflict into mainly two distinct camps with competing blocs in the crisis sponsoring the fighting sides with weapons. The provision of weapons to warring factions with full knowledge that there was a greater possibility of the weapons being used to kill innocent civilians is in itself immoral and unethical. It is because of this unethical nature that in a number of civil wars in which the international community has intervened, like the Kosovo crisis, the international community through the UNSC authorised arms embargoes on belligerent sides (Allain, 2004: 252).

However, some analysts like Evans (2014: 21-22) argue that Syria does not signify the death or end of R2P but a simple hitch which will serve as an experience to develop the doctrine and suit the practical problem in implementing the doctrine. Weiss (2014, 35) is of the notion that R2P is a concept and a policy and has not been killed by failure to intervene for civilians in Syria. The argument by the two scholars entails that while there was practically inaction for the protection of civilians the doctrine of R2P which is still in its formative stages given the dynamics of international politics cannot be judged by the Syrian event alone. Even the argument of international great power paralysis is countered by the fact that other resolutions have been agreed upon during and after Syria, with the one on the need to rid Syria of chemical weapons being a case in point (Evans, 2014: 21). Weiss (2014: 35) goes on to argue that if weighed against international silence on the 1982 massacre of 40 000 people in Hama by Hafiz al Assad (the father of Bashar al Assad), R2P succeeded in condemning the current crisis, notwithstanding the high death records and displacement of civilians in the current conflict.

Evans (2014: 19-20) lays the blame on the grouping of Brazil, Russia, India, China and South Africa (BRICS) for their argument that Western powers exceeded the mandate given by them in Resolution 1973 on Libya by pursuing a regime change, hence Russia and Chinese vetoes against any resolution that condemned Syrian authorities. The Syrian case was also complicated as it was a crisis that was created over a long time. Weiss (2014: 36) concurs with Juzdan ((2015) that the rebels in Syria have

complex identities and some of them have committed crimes against humanity such that an intervention will not be easy from anyone. The failure in Syria, therefore, cannot be attributed to a single reason, but a number of reasons including the purported abuse of Resolution 1973 which created mistrust among the veto power states in the UNSC, complex nature of the Syrian crisis and geo-political considerations by international and regional powers which transformed the crisis into a proxy war.

5.5 Conclusion

The R2P doctrine came up as a result of different experiences the world went through since the end of the Cold War. The failure by the international community to prevent or stop the Rwandan genocide of 1994, the degeneration of the Somali conflict into a failed state and the intervention by NATO into Kosovo without UNSC authorization are some of the cases that impacted on the need to have a precise intervention doctrine.

The success of the doctrine was made possible by the support and drive it got from influential world leaders. This chapter argued that the push and support for an international policy change by former USA president and British Prime Minister, Bill Clinton and Tony Blair, respectively, weighed in support of the birth of R2P. The success of the doctrine was also spurred by the push exerted on the UN by the then Secretary General, Kofi Annan. Due to the support given to the need of having new rules on intervention by the liberal world, the government of Canada sponsored ICISS which produced the R2P report. From the report, R2P became a doctrine that was debated at the World Summit of 2005 and in the general assembly before world leaders accepted it as an intervention policy that would be implemented on a case by case basis.

R2P is a concise doctrine that is built upon the just war doctrine. The crafters however, tried to make it more acceptable by stating that it is not a challenge on the international relations cardinal principle of state sovereignty. The concept of sovereignty was redefined as the sovereign right from interference and the duty of the sovereign to protect his or her subjects who are the true owners of sovereignty. The state had a responsibility to protect its citizens. In the case of failure by the state to protect its citizens from genocide, war crimes and crimes against humanity it had the duty to seek assistance from the international community in which failure or unwillingness would transfer the responsibility to protect to the international community.

R2P was applied in a number of cases but scholars have agreed that the doctrine was explicitly used in the crises in Ivory Coast and Libya. Attempts to apply the doctrine in the Syrian crisis failed due to mistrust among the UNSC veto powers emanating from the excesses by NATO in its implementation of Resolution 1973. Russia and China argued that the USA, France and Britain were pursuing regime change under the cover of implementing UNSC resolutions. This chapter argued that the moral failure of the international community in implementing the R2P doctrine is a burden for all powers in the crisis. All the players that included but not limited to USA, Britain, France, Russia, China, Iran, Turkey, Saudi Arabia and Qatar considered their national interests ahead of the safety and lives of the Syrians. The battle for Middle East dominance by the powers saw them fighting the war by proxy, hence exacerbating the suffering of the Syrian people whom they purported to be protecting. Having looked at R2P and pointed in passing that R2P attempts to redefine state sovereignty, the following chapter discusses state sovereignty and humanitarian military intervention in depth from its Westphalian birth in 1648 to present.

CHAPTER 6: STATE SOVEREIGNTY AND HUMANITARIAN MILITARY INTERVENTIONS

6.1 Introduction

The previous chapter discussed the R2P doctrine as an emerging norm that sought to establish HMI as a legitimate, ethical and legal practice in the international system, through the revision of the concept of state sovereignty. This chapter analyses state sovereignty. State Sovereignty is the most contentious ethical and legal term in relation to HMI. On one hand, powerful countries that support HMI argue that State Sovereignty is no longer sacrosanct hence when the leadership of a country abuses its citizens grossly, it loses the claim and privileges of sovereignty. On the other hand, less powerful countries, most of which are former colonies of powerful countries, view state sovereignty as their last garrison against the encroachment of powerful countries in their affairs and recolonization. Hence this chapter seeks to unpack this ethical and legal concept in relation to HMI and locate its current place in international relations vis-a-vis HMI.

There are two terms which are going to be analysed, namely; 'the state' and 'sovereignty'. The subject of 'State' and 'Sovereignty' spans many years back into history and developed in different epochs. The subject of the 'state' can be traced back to the writings of philosophers like Aristotle and his compatriots while the subject of 'sovereignty' is traced back years before the rise of the nation-state system in Europe. This chapter concentrates on the subject of state sovereignty from the Peace of Westphalia. The Peace of Westphalia is deliberately selected as it signified the codification of sovereignty as we know it today based on the rigid boundaries of the state.

The chapter is motivated by the fact that discussion and critique of R2P is incomplete without giving a counter analysis of state sovereignty. On one hand, HMI and the R2P concept are rejected by some leaders like Robert Mugabe and Thabo Mbeki and scholars like Hans Köchler and Mohammed Ayoob, just to mention a few, who see the intervention doctrine as a direct threat to state sovereignty which they regard as a cornerstone of the international system. On the other hand, scholars like Thomas Weiss and Gareth Evans and world leaders like Tony Blair, Bill Clinton and Kofi Annan who supported the doctrine of HMI have sought to legitimise the doctrine by redefining the concept of Westphalian state sovereignty.

The debate on R2P, from those who view the concept as a great step towards the observance of human rights and those who view it as an imperialist intervention policy, is grounded in the concept of state sovereignty. Pro-intervention scholars and world leaders argue that state sovereignty is no longer

sacrosanct (Weiss, 2011:3, Chopra and Weiss, 1992), while those who are against the concept argue that it's a trump on sovereignty which is the stabilizing principle of the international system (Ayoob, 2002: 81) that causes international instability. This chapter completes the HMI debate by citing the place of state sovereignty in the conundrum.

The chapter begins by discussing different definitions of state sovereignty. After defining state sovereignty, the chapter will trace the history of state sovereignty from the Peace of Westphalia in 1648 until its application under the UN Charter. The last section of the chapter will discuss and critique the rising concept of sovereignty as responsibility which is credited to Francis Deng and popularised by the ICISS at the turn of the new millennium.

6.2 Definition of State Sovereignty

Biersteker and Weber (1996: 2) argue that the meaning of state sovereignty can be easily discerned if the term is separated rather than collapsing the two terms into one. State sovereignty is the marriage of two nouns, namely state and sovereignty. Biersteker and Weber define a territorial state as "a geographically-contained structure whose agents claim ultimate political authority within their domain." However, the definition is not very clear and says little about what really a state is. For instance, one can question which are the agents who claim ultimate political authority? What really is 'a geographically-contained structure and how big should it be? Shaw (2003: 178) breaks down the definition of a state and notes that it (state) refers to an entity that "possesses the following qualifications, '(a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with other states".

However, this definition is not immutable. This definition has its controversies hence has not been universally accepted by other scholars. One is tempted to question the minimum number of inhabitants who can be recognised as a permanent population for a state to be constituted. Bluntschli (2000: 23) is of the opinion that there is no agreed definitive number of the total population to constitute a state. Current economic and security needs of states mean that the minimum population is now higher. This has also been natural due to population increase spurred by advancements in medicine and food production. Scholars like Donnelly (2004: 5) have argued that the issue of recognition should also be added on the noted qualifications. Donnelly states that, "Sovereignty arises not from a pre-existing internal power or authority that imposes itself on other states but from the mutual recognition of exclusive

jurisdictions. Sovereigns are those whose sovereignty is recognised by (the society of) sovereign states." While there have been some disagreements, in terms of the definition of sovereignty, there is agreement that there is need to have a sedentary population on a defined piece of land, as put forward by Bluntschli (2000: 23) who postulate that, "A permanent relation of the people to the soil is necessary for the continuance of the state."

Given the above attributes of a state, one can easily understand that a state is not a natural phenomenon but a human construct. States are created/born, for instance South Sudan which is the youngest state in the world, while others die, like the former Yugoslavia and Soviet Union. The death of a state means the end of a system of government, population and territorial disintegration as well as natural loss of recognition from the society of states.

The last question which comes from the discussion on the 'state', is who constitutes a state. Jeng (2012: 1) quotes Max Weber (1996) that, "The state has 'monopoly of the legitimate use of violence within a given territory' and that "the state has also been characterised as the provider of public goods including security." How can an abstract qualify as an internationally recognised distinctive territory, constituted by people and run by an effective government have a monopoly use of force and provide public goods? The answer to the question may be that the state is represented by its governors, who embody the title of the state.

The term sovereign is derived from the old French word "Soverain", which comes from the Latin word "Superanus", meaning "above" (Donnelly, 2004: 2). The Oxford English Dictionary defines sovereign as, "...one who has supremacy or rank above, or authority over others; a superior; a ruler; a governor, lord, or master"; "the recognised supreme ruler of a people or country", whilst Lake (2003: 304) define sovereignty as "a type of authority relationship." This definition is supported by Ayoob (2002: 82) who states that:

Sovereignty is often defined in terms of internal control and external autonomy. However, since both control and autonomy wax and wane in the real world of politics, it is better to define sovereignty as authority (the right to rule over a delimited territory and the population residing within it)." It is imperative to note that sovereignty denotes the "right" and not the "ability" to govern and regulate behaviour (Donnelly, 2004: 3).

The combined terms bring the notion of 'state sovereignty'. State sovereignty from the combination of the definitions of the two terms means the supremacy of a certain population in its defined territory, which

supremacy it (the population) confide into its governors. Internally, the governors are entrusted to maintaining peace and security, while externally, they recognise no supreme authority.

However, the definition of state sovereignty is not in simplistic terms. Different scholars have forwarded different definitions of the term. Snyman (2006:4) defines sovereign states as:

States whose subjects or citizens are in the habit of obedience to them, and which are not in themselves subject to any other (or paramount) State in any respect ... In the intercourse of nations, certain States have a position of entire independence of other ... This power of independent action in external and internal relations constitutes complete sovereignty.

Biersteker and Weber (1996: 2-3) argue that it is wrong to give a definition for a controversial and historical concept like sovereignty. The two scholars while they gave a working definition of a territorial state and sovereignty, the definition is only made to create a platform for discussion but not a factual one that can be taken as conclusive. These two scholars opine that defining a concept such as state sovereignty "freezes that concept's meaning in the present, thus neglecting the rich history of the concept, which enabled its particular present meaning to emerge." However, they agree that "territory, population, and authority - in addition to recognition - are important aspects of state sovereignty" (Biersteker and Weber, 1996: 3). State sovereignty therefore can be understood as the link between authority, population, and territory.

State sovereignty has both internal and external qualities. Internally, sovereignty mean that a state has rights to regulate and preside over matters obtaining in its territory. Snyman (2006: 4) is of the notion that:

Internal sovereignty may be described as the competence and authority to exercise the function of a state within national borders and to regulate internal affairs freely. Internal sovereignty thus comprises of the whole body of rights and attributes that a state possesses in its territory.

This is in line with Benoist (1999: 99)'s assertion that national sovereignty refers to "supreme public law, which has the right and, in theory, the capacity to impose its authority".

The rights and duties of a state in exercising its internal mandate of sovereignty are many. The most important being the legitimacy to control and enforce public order. This is in line with what Jeng (2012:

1) calls the legitimate monopoly to use force. The right comes with duties. The primary sovereign duty of a state is to create an environment in which all citizens exercise their rights freely (Rabkin, 2009: 2) and without infringing on the rights of other citizens. The state in accepting the rights and duties of sovereignty becomes a referee in state affairs. In observing its mandate, the state is guided not by external norms and rules but the laws of nature and the Creator as well as the law of nations (that is, the law and practices common to all nations (Bodin, 1576: 27-28).

In contemporary times, however, state sovereignty has been reinterpreted not to mean the supremacy of those in control of government institutions, but the supremacy of the people who mandate the leaders to take up posts in government institutions (Peters; 2009: 516), while Rabkin (2009: 2) espouse that the supremacy is not on any individual or persons but on the constitution of the land which distributes rights and duties to different constituencies of the state. This argument is derived from Bodin (1576: 28)'s notion that:

...it is the distinguishing mark of the sovereign that he cannot in any way be subject to the commands of another, for it is he who makes law for the subject, abrogates law already made, and amends obsolete law. No one who is subject either to the law or to some other person can do this.

Given the foregoing discussion, no one is viewed as above the law as even state presidents are sued in national (internal) courts. The democratic systems which are now on a near universal nature in the world (except for a few absolute monarchies) have principles of checks and balances on the governing arms of the state which together are bestowed the sovereign mandate by the people. These in a layman's terms are the executive, the judiciary and the legislature.

While in theory the separation of powers and the ultimate wielding of power to the people or constitution means that there are internal mechanisms to control power, in practice it can be different. Leaders who are bestowed with power and control of state military machinery can abuse their power especially in a bid to perpetuate their stay in power. This abuse of power has in history led to genocides, massacres and civil wars. Examples include the Nazi Genocide of the Jews, the Srebrenica massacre in the former Yugoslavia, the Rwandan Genocide, the Sudanese and Burundi crises. These crises lead one to seek for answers on who then should be bestowed with the power to control the 'state' when it abuses its powers, an issue which is the subject of discussion under the R2P section.

When one accepts the theory of popular sovereignty or constitutional sovereignty, the primary mandate of the sovereign is to protect the rights of the people who bestowed the rights of sovereignty in him or her. Whether one takes it from the perspective of classical Realists like Hobbes' (1651:103) state of nature in which a sovereign is needed to restrain people from the 'law of the jungle' or classical Liberalists like Locke (1689: 110-111)'s state of nature in which a referee is needed for all to exercise their rights and duties without having equal power to punish transgressors of the law of nature, the duties of the sovereign is to allow the exercising of basic human rights. The meaning of absolute internal sovereignty therefore has never meant the right to transgress against basic human rights, specifically the right to life (Verellen, 2011-2012: 167).

Externally, state sovereignty means that the state recognise no supreme authority. A sovereign state "is not subject, within its territorial jurisdiction, to the governmental, executive, legislative, or judicial jurisdiction of a foreign law other than public international law" (Steinberger, 2000: 512). Benoist (1999: 100) states that, "On an international level, sovereignty means independence, i.e., non-interference by external powers in the internal affairs of another state."

This argument creates what the realist paradigm view as anarchy in the sense that there is no supreme law to govern state behavior (Tamaki, 2015). The international system is seen as a self-help system in a billiard ball format (Waltz, 1959). However, the international system has gone through transformations which have rendered some of the classical notions of 'sovereignty' redundant. One is enticed to accept the paradigm of the International Society as postulated by the English School, specifically the 'Solidarists' half of the school. The International Society theory put forward that the international system has had consistent interaction for a time that it has set out norms and institutions to govern their interactions.

External sovereignty, therefore may now be seen to mean that a state is recognized by its peers (other states) as an equal sovereign state. Perhaps the best explanation of the relationship between sovereign states is given by the UN Charter which states under Article 2 (1) that, "The Organization is based on the principle of the sovereign equality of all its Members." One can therefore argue that the best way for a state to feel accepted in the community of states is admittance into the UN which is the most universal international body of states.

In sum, sovereign equality can best be understood as "legal independence, jurisdiction over people and territory, self-determination, territorial integrity, non-intervention, diplomatic immunity, legal personality,

and capacity (notably the treaty-making power, the capacity to be held liable, and the capacity to become a member of an international organization)" (Peters, 2009: 516). One can also add that such rights bring the duty to reciprocate the same to other states in the international system. This gives the state the right to claim non-interference in its internal affairs as an inalienable right (Snyman, 2006: 5).

6.3 State Sovereignty, From Westphalia to the United Nations

The concept of state sovereignty as understood from its pre-R2P period was developed at the Peace of Westphalia in 1648. After the lengthy and devastating Thirty Years War in Europe, European leaders came up with the concept of sovereignty based on territory (Vaughan, 2011: 6). Prior to the Thirty Years War and Peace of Westphalia, European boundaries were not as they are today, or what they were before the other major wars and events that followed the Peace of Westphalia, like the Napoleonic Era, and the First World War (WW I).

Germanic states were ruled by the Holy Roman Emperor in some form of a loose federation under the name the Holy Roman Empire (Sibai, 2001: 82, Asch, 2004). The dominant religion in Europe was the Roman Catholic and the Pope and the Holy Roman Emperor had some power and influence that limited the power and influence of the Germanic Princes. This was to undergo changes due to the Thirty Years War that was caused by religious, imperial and economic interests (Encyclopedia Britannica, 2014). The Thirty Years War (1614-1648) was triggered by the rebellion by Protestant Bohemian nobles against the Catholic King and Holy Roman Emperor, Ferdinand II. The Protestant Nobles feared Ferdinand II, an ardent catholic, who had begun to establish Catholicism as the absolute religion in his territories (Encyclopedia Britannica, 2014). Europe got divided into two fronts with some European protestant states like Denmark and Sweden supporting the rebelling Nobles (Vaughan, 2011: 5).

However, as the conflict raged on in the years, the essence of the war shifted from being purely religious to include imperial and geo-political interest. This was proven by the fact that when France, a Catholic state, joined the war, it came in on the side of the Lutheran Swedes due to fears that the Habsburgs of the Holy Roman Empire and the Habsburgs of Spain could form an anti-French alliance with other states in Europe (Encyclopedia Britannica, 2014). The war which finally ended in 1648 had indelible footprints on the European political map and ideological issues. Encyclopedia Britannica (2014) states that:

When the contending powers finally met in the German province of Westphalia to end the bloodshed, the balance of power in Europe had been radically changed.

... The member states of the Holy Roman Empire were granted full sovereignty. The ancient notion of a Roman Catholic empire of Europe, headed spiritually by a pope and temporarily by an emperor, was permanently abandoned, and the essential structure of modern Europe as a community of sovereign states was established.

This assertion is supported by Masahiro (undated) who says that:

Before the Thirty Years' War, which was partly a religious war, the European world of Christendom was largely a diarchic one of Pope and Emperor. But as a result of its defeat, the Holy Roman Empire was dissolved into hundreds of relatively independent authorities with more or less equal sovereignty over their populations and territories, which theoretically marked the birth of the modern *nation-State* system.

In 1648, in Westphalia, former belligerents agreed to peace through the treaties of Osnabruck and Munster popularly termed the Peace of Westphalia. Apart from changing the geographical and legitimacy of sovereigns in Europe, the peace also ushered in a new era of quasi-religious tolerance (Straumann, 2008: 179-180). The peace can therefore be seen as a precursor to the UN Charter on the issues of rights. Apart from the political separations of the role of the church and the state, the Westphalian agreements signified the victory of the European Princes to be in control of small territorial units under their diverse views than to be bundled in a universal 'Catholic' system which non-Catholics viewed as oppressive to their free thinking and religious choices.

The above assertion is supported by Morgenthau (2006: 317) opines that the formulation of state sovereignty in the sixteenth Century meant the rise of a territorial state that centralised power for law making and law enforcing within its territory. This power continued to increase in the span of centuries to become supreme. He noted that:

By the end of the Thirty Years' war, sovereignty as supreme power over a certain territory was a political fact, signifying the victory of the territorial princes over the universal authority of emperor and pope, on the one hand, and over the particularistic aspirations of the feudal barons, on the other (Morgenthau, 2006: 317).

The Peace of Westphalia carried on as the referral of state sovereignty until the signing of the UN Charter. The Charter reinforced and transformed some of the rules that had governed the so-called 'civilized world' to suit the post WW II situation from 1945. When leaders of victorious powers (led by Britain, France, Soviet Union and USA) met to discuss the creation of the UN, they did not think of any better way to keep trust between nations more than what the peace of Westphalia had brought. The UN Charter,

therefore endorsed the Westphalian state sovereignty concept. According to Article 2 (1) of the UN Charter, "The Organization is based on the principle of the sovereign equality of all its Members".

It can be argued that the WW II was caused by the trampling of the Westphalian state sovereignty concept by leaders with unbridled ambitions like Adolf Hitler of Germany. Creators of the UN and drafters of the Charter were aware of this and might have found it necessary to reinstate state sovereignty as one of the main principles of the UN system.

However, the new UN Sovereignty concept had some slight differences from the Westphalian concept. While in the Westphalian conceptualization of sovereignty, wars of conquest, especially against those leaders and lands considered barbarian and not part of the civilized world were countenanced (Orachelashvili, 2006: 319), the UN concept of sovereignty altered that practice to be out of sync with the new obtaining system (Donnelly, 2004: 15). For instance, in 1884/5 European colonial powers partitioned Africa without its consent and presence at the Berlin conference and moralized the use of force in the occupation process. The UN was influential in dismantling this European colonial order that was moralized under the Westphalian system. The UN Charter categorically stated in Article 2 (4) that, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations", while stating in Article 51 that, "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security." The UN therefore limited sovereignty to internal rights to regulate behaviour in a state and limited any state from interfering and seeking to aggressively control other states through the use or threat of force and aggression.

The UN system has been a unique system. The international organisation came up with a raft of treaties, besides the Charter, that sought to buttress respect of state sovereignty. However, the UN system has not only been interested in enforcing absolute state sovereignty but also to "encourage" member states to respect human rights (UN Charter Article 1 (3)). Unlike the Peace of Westphalia which was concerned more with the Kings and Princes in Europe, the UN system has equal concern for the states and the peoples, with the states being seen as the representatives of the collective will of the peoples as seen by numerous reference to the word "peoples" from the opening statement "We the peoples of the United

Nations” and throughout the preamble, while states are categorically stated as the members of the organization.

Hence, while it has been noted earlier on that there was the dominance of the Realists influence in the formulation of the concept of state sovereignty and its subsequent infusion into the UN Charter, the interpretation of the charter at the end of the 20th Century can be read as an attempt to dismantle the old order in line with the influence of the International Society paradigm. The development in information and communication technologies that managed to broadcast through various media pictures of atrocities and the failure to deal with some of the horrendous atrocities in Africa and Europe particularly Rwanda and Srebrenica massacres has influenced some world leaders to challenge the classical conceptualization of state sovereignty. As noted under the paradigm of the International Society that states should observe rules and as noted by the Solidarists school of thought that HMI is now a moral imperative, leaders like Annan (1999) (2012) and Blair (1999) explicitly called for a conditional sovereignty based on observance of human rights and a duty to protect the citizens. The interpretation of the UN Charter, therefore is now being revised on a tremendous extent.

6.4 Sovereignty as Responsibility and the Responsibility to Protect Doctrine

The notion of sovereignty as responsibility is credited to Deng. In 1996, Deng, F. M., Kimaro, S. Lyons, T., Rothchild, D. and Zartman, I. W. argued that, “It is also recognized that sovereignty carries with it certain responsibilities for which governments must be held accountable. And they are accountable not only to their national constituencies but ultimately to the international community”. This argument carried on a long time and incubated into the R2P.

The argument that sees sovereignty as responsibility is within the confines of the debate of sovereignty being a right of the state or the people with the state being only a custodian. The notion of sovereignty as responsibility goes further from the debates by not only trying to locate the debate within the internal borders of a state. It takes the debate into the international realm, where its proponents argue that the government is not only held accountable by its people but by the international community as well (Deng et al, 1996: 1).

This notion is not all new. Prior to the Peace of Westphalia, the Princes and other European sovereigns were partially sovereign in their actions as they ultimately answered to the Pope or the Holy Roman Emperor (Franca Filho, 2007: 958 & 960). In the conceptualization of sovereignty by philosophers like

Hobbes (1651), Grotius (1625) and Bodin (1576), the sovereign was answerable to no other equal sovereign on earth. These philosophers advocated for sovereignty as an answer to the troubles of their times. Brown (2002: 27) states that, "Bodin explicitly advocates political sovereignty as the only remedy for the wars of religion in France and Hobbes is equally obviously influenced by the troubles of his era, the civil war in England and the Thirty Years war in Germany."

However, this did not mean that the sovereign was not answerable to a divine power, as they all acknowledged that sovereigns were enthroned by God. Bodin (1576, 27 and 29) states that:

Similarly, sovereign power given to a prince charged with conditions is neither properly sovereign, nor absolute, unless the conditions of appointment are only such as are inherent in the laws of God and of nature.... It is far otherwise with divine and natural laws. All the princes of the earth are subject to them, and cannot contravene them without treason and rebellion against God. His yoke is upon them, and they must bow their heads in fear and reverence before His divine majesty. The absolute power of princes and sovereign lords does not extend to the laws of God and of nature.

As in Bodin's argument, Hobbes (1651: 106) states that:

This done, the multitude so united in one person is called a Commonwealth; in Latin, *Civitas*. This is the generation of that great Leviathan, or rather, to speak more reverently, of that mortal god to which we owe, under the immortal God, our peace and defence.

Hence, while the philosophical creation of sovereignty meant that no sovereign answered to another as they were all equal, and that the sovereign's rule on his subjects was absolute, was driven by the need to curb anarchy (Kleingeld, 2006, xvii-xviii). There was always an implied higher power, that of the immortal God, as noted by Bodin (1576:27 and 29) and Hobbes (1651, 106) acknowledged by other philosophers who wrote on sovereignty. Sovereignty has, therefore, always meant ensuring peace and stability for those under the sovereign's commonwealth. This classical sovereignty concept can be seen as realist in nature.

The new sovereignty as responsibility is different from the realist, Westphalian conceptualization as it seeks to create a higher power that has no divine connotations. Ayoob (2002, 84) captures this difference when he noted that:

...there has been a concerted attempt beginning in the 1990s to redefine sovereignty to include the notion of responsibility as well as authority. This has

meant adding 'respect for a minimal standard of human rights' as an essential attribute of sovereignty. Such responsibility, according to this line of reasoning, is owed by the state both to its people and to the international community and those of its institutions that have come to be seen as the guardians of international norms of civilised behaviour. In other words, the state has to act toward its citizens in ways that meet not only with the approval of the latter but also of other states and certain crucial international organisations.

The new concept is based on the doctrine of the international community, an extension from the doctrine of the International Society as enunciated in the English School theory. While the concepts may seem to be worlds apart, the new theorization is in line with the classical realist conceptualization under which sovereigns had to submit to the law of nature to which none is above, except the immortal God. The laws advocated for by the International Society and International Community paradigms are rooted in the law of nature, albeit some western molestation which have been disputed by some African and Asian states as well as scholars.

One can be pardoned for linking the new sovereignty as responsibility to the neo-liberal doctrine of the international community which is itself premised on the concept of 'universal' human rights as put forward by neo-liberal world leaders like Tony Blair (1999) and Bill Clinton (1999). Ayoob (2002: 84) likened the obtaining situation to the situation that obtained until the end of the nineteenth century. He states that:

Without denying the considerable moral force of the 'sovereignty as responsibility' approach, one cannot help but notice echoes of the 'standard of civilization' argument in this proposition. According to this latter thesis, which was the prevailing political wisdom in Europe until the end of nineteenth century, only those countries that had reached a certain standard of civilised behaviour had the right to attain sovereign status and interact with each other on the basis of mutual recognition of sovereignty. The others, being barbarians if not savages, were to remain subject to, or under the tutelage of, sovereign (European) powers. Where they could not be subjugated... rules of European international law that enjoined the reciprocity in interstate interactions did not apply to them. This denied them the protection of norms that had been developed in Europe to govern interstate relations, the chief among them being the principle of non-intervention in the internal affairs of states.

Sovereignty as R2P was popularized by the Kofi Annan led UN Secretariat. While the concept of sovereignty as responsibility was first put forward by Deng in 1996, it was the Kofi Annan led UN Secretariat, to which Deng was part of as the first UN Special Rapporteur on the Human Rights of Internally Displaced Persons (1992-2004) to the Secretary General, which popularized the concept on an international scale and within the corridors of the UN. Weschler (2004: 65) states that, "One of the key factors in making human rights acceptable to most governments as an inherent element of the

Council's (UNSC) outlook was the gradual abandonment – over a decade or so – of the absolutist approach to state sovereignty.” According to Weschler the process of deconstructing the absolute nature of sovereignty under the UN has its roots in the East Timor crisis which led the UN Secretary General, then Kofi Annan, to give an address to the UN General Assembly on 20 September 1999 “in which he counterposed the concepts of state sovereignty and individual sovereignty, describing the latter in terms of human rights and fundamental freedoms”.

Annan (2012: 84) disclosed his pivotal role in re defining and re-aligning state sovereignty when he pointed out that one of his main roles at the helm of the UN Secretariat was to “make a broader case for intervention and challenge conventional views on national sovereignty as immutable and inviolable no matter what outrages were committed within the borders of states”. In his onslaught against state sovereignty as a shield by states committing mass human rights violations, Annan (1999: 206) in his address to the UN General Assembly said that:

State sovereignty, in its most basic sense, is being redefined – not least by the forces of globalisation and international cooperation. States are now widely understood to be instruments at the service of their people, and not vice versa. At the same time individual sovereignty – by which I mean the fundamental freedom of each individual, enshrined in the Charter of the UN and subsequent treaties has been enhanced by a renewed and spreading consciousness of individual rights.

Annan's speech echoed the argument forwarded by Deng (1996) and the scholars at the Brookings Institute. The argument that states were now being viewed as instruments at the service of the people was a rewording of the concept of sovereignty as responsibility. Annan argued that there was now the new rise and growing consciousness of the concept of individual sovereignty as a challenge to state sovereignty. The argument confused the debate on sovereignty given that the philosophical rise of sovereignty was based on what was seen as the need to suspend some of the individual freedoms for the good of the society (Kleingeld, 2006: xvii-xviii). The theory of sovereignty is not about the state usurping the powers of the individuals by the sovereigns, but the trade in rights for the benefit of the society, without necessarily prejudicing the individual except when exercising such right results in greater injuries on the society (Kleingeld, 2006: xvii-xviii).

This argument is not meant to deny the fact that in many cases, sovereignty was used by both the international community and states committing mass human rights atrocities and genocide to find defence against taking no action or being questioned, respectively. Cases in point include the Rwandan

genocide, Srebrenica massacre, which most western states led by Britain had requested the UNSC to recognise it as a genocide but was blocked by a Russian veto (Baker, 2015), and the Darfur crisis.

Annan believed in sovereignty as he accepted it as the last defence for the weaker states against the powerful ones, as he pointed out that, "I recognize both the force and the importance of these arguments. I also accept that the principles of sovereignty and non-interference offer vital protection to small and weak states" (2000: 48). However, after having witnessed genocide and war atrocities being committed while he was part of the UN, with some of them taking place when he was at its helm as the Secretary General, he led an onslaught against the use of state sovereignty as defence when the state or militias getting state support commit mass atrocities. Annan (2000: 48) posed a historic question during the millennium summit that, "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that offend every precept of our common humanity?"

Weschler (2004: 65) notes that Annan's address to the UN General Assembly in 1999 and a number of his speeches on the relationship between sovereignty and mass atrocities committed by states or their agents, generated a strong debate on the relationship between sovereignty, human rights and HMI which in part led to the creation of the ICISS in 2000, which went on to produce the R2P document in 2001.

The ICISS argued that it did not seek to change the meaning of the Westphalian concept of sovereignty but to re-characterise the concept in line with international norms (ICISS, 2001: 13). The ICISS in its conceptualization of sovereignty as responsibility stated that:

The Charter of the UN is itself an example of an international obligation voluntarily accepted by member states. On the one hand, in granting membership of the UN, the international community welcomes the signatory state as a responsible member of the community of nations. On the other hand, the state itself, in signing the Charter, accepts the responsibilities of membership flowing from that signature. There is no transfer or dilution of state sovereignty. But there is necessary re-characterisation involved, from *sovereignty as control* to *sovereignty as responsibility* in both internal functions and external duties (ICISS; 2001: 13).

Simply put, the theory of sovereignty as responsibility denotes that sovereignty, unlike in its classical conceptualization where it was considered absolute, is now conditional (Etzioni; 2006: 72). Sovereignty can now be seen as based on the manner in which a state internally conduct itself in order to claim the

external conditions of sovereignty. This conduct is based on the observance of 'minimum' human rights as laid down by the international community.

It can argue that the primary set of standards which should be observed by states under the theory of sovereignty as responsibility is the UN Charter and a host of other international human rights and humanitarian law instruments developed by the international community since the creation of the UN and beyond. On its part, the R2P document clearly states that "internal war, insurgency, repression or state failure" are the major issues to be dealt with under the international responsibility to protect. The R2P report points out that states should be held accountable for "large scale loss of life" and "large scale ethnic cleansing" (ICISS, 2001: XII). The 2009 UN Secretary General's report on the implementation of R2P, article 1, quotes the 2005 World Summit outcome document that stipulates the parameters of the human rights issues that; "Each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including incitement, through appropriate and necessary means".

While at face value the concept of sovereignty as responsibility carries valuable moral justifications, the concept has not gone unquestioned. Chinyanganya (2015) questioned the wisdom behind the trampling of the Westphalian concept of sovereignty that kept the international community intact for centuries. His argument is that change is needed when there is a problem which needs to be solved. While the Westphalian concept of sovereignty has not been a perfect solution to world problems, at least it had been able to keep the international community as a working entity (Chinyanganya, 2015).

While a number of scholars argue that the imagined international community is in creation due to globalisation (Simma and Paulus, 1998: 276-277, Craig, 2008: 1), politically, the state remains the primary and most important actor in international relations. Even when the state is removed from its role as the primary actor in international relations, other unifying entities similar to the state would be formed. This is noted clearly by Brown (2002: 19) argued that, "Political life is impossible, it seems, without some kind of bordering, some distinction between 'insider' and 'outsider'. All political entities whether formal (cities, states, empires) or informal (tribes, guilds, universities) find it necessary to distinguish between members and non-members."

Since the creation of political entities, the international community has witnessed, since the creation of political entities, movements for and against the creation of a world government. There has been eras

when a number of empires dominated the world. However, bigger states have broken up while some smaller states have coalesced to create bigger states. In recent history major states like the former Soviet Union broke up to create smaller states, other states that have broken up include Pakistan, which lost the territory to give birth to Bangladesh in 1971, Ethiopia which lost Eritrea in 1993, and Sudan which lost South Sudan in 2011. Even states that are considered stable today have their equal share of secessionist agitations. The United Kingdom has its problems with Scotland, Spain has Catalonia region while Iraq, Turkey and Syria have the Kurds.

One would also question the sincerity of the Major Powers to the theory of the international community. The international community that is being perceived is rules based with international institutions that ought to be respected. The fact that the USA denied to ratify the Rome Statute of the International Criminal Court (ICC) which is an important institution of the international community, fearing the prosecution of its service and former service personnel (Brown, 1999:855-856) and the R2P doctrine, puts to question the sincerity of the neo-liberal world that is at the forefront of the creation of the international community and the concept of sovereignty as responsibility. The irony of the refusal by the USA to ratify the Rome Statute of the ICC, while participating in international tribunals like the ICC for the Former Yugoslavia (ICTY) and the Special Court for Sierra Leone (SCSL), as well as participation in HMI missions like the Kosovo intervention and Libyan intervention signals the primacy of national interest in the doctrine of sovereignty as responsibility. It also shows the esteemed position the USA holds its sovereignty, which creates a competition to guard sovereignty by other state and the moral bankruptcy of sovereignty as responsibility.

6.5 Conclusion

State sovereignty has a long history which goes back to the days of the creation of states. As discussed in this chapter, there is no single definition that can be accepted as exclusive to state sovereignty. The embodiment of sovereignty itself has been a subject of debate. The term has been conceptualized in terms of state sovereignty, absolute sovereignty, constitutional sovereignty and individual sovereignty, among others.

As noted in this chapter, the chapter was concerned more with state sovereignty given that it is states that are primary actors in international relations. Sovereignty has gone through a process of transformation especially in interpretation in different times. However, as established, the concept of

sovereignty has always accorded rights and duties to the sovereign in relation to the citizens in his or her state. The most important of the rights is to be able to enforce authority without hindrance and the capacity to use legitimate force in cases of non-compliance. However, this right is only exercised in enforcing the rights of the society and restraining those who might want to hinder the enjoyment of these rights.

The Peace of Westphalia ushered in a new era in state system and the concept of state sovereignty. The Peace of Westphalia separated the state from the church. It also established the principle of territorial based state sovereignty. The principle of sovereignty was observed as a right which meant that in a number of instances, the right was breached which led to the two world wars and the establishment of the UN based international system.

The UN system adopted the Westphalian system of sovereignty. However, it abolished the acceptance of wars of conquest, specifically on the so called uncivilized world. Hence for the first time, there was a coded international instrument which abolished all aggressive wars as unethical in the international system. It also established the Universal Declaration of Human Rights in 1948 as part of norms to be followed by sovereign states in dealing with their peoples. The chapter noted that the UN system, unlike the Westphalian system, gave importance to both the states and peoples. Hence there is numerous reference of 'peoples' in the UN Charter as well as the term 'human rights'. However, the importance given to peoples by the Charter did not demean the importance of state sovereignty. Far from it, the Charter strengthens sovereignty as it looked back at the primary aims of granting sovereignty from its philosophical roots.

While there was the strengthening of state sovereignty and human rights, there has always been breaches of these concepts by either powerful states like the USA, and Britain in the invasion of Iraq (2003) among other cases, or by rogue leaders like Idi Amin's invasion of Tanzania in 1979. There has also been grave breaches of human rights, specifically the right to life such as the numerous cases of alleged genocide as was in Srebrenica, Rwanda and Darfur. These events and other cases of war crimes led some scholars like Deng and his compatriots at Brookings Institute to argue for the reconceptualization of state sovereignty. Deng et al propounded that sovereignty should be conceptualized as a responsibility to protect the citizens. The argument was headed by some neo-liberal western leaders like Bill Clinton of the USA and Tony Blair of Britain. Blair came up with what he termed the doctrine of the international community which argued that sovereignty was now limited by the

interconnectedness in the world. In 2000 the government of Canada led in sponsoring the ICISS which forwarded an official call to the UN to redefine sovereignty as the responsibility to protect, a term which also became the title of the report which the ICISS produced in 2001.

The concept of the responsibility to protect as a redefinition, or re-interpretation of state sovereignty, denotes that every state has a responsibility to protect the right of its citizens through its internal mechanism. When the internal mechanisms are failing, the state has a responsibility to request international help, failure of which will result in the international community morally assuming the responsibility to protect the citizens in the distressed state without its consent. The international community can exercise this moral duty by any means which in extreme cases can be the use of force, after authorisation by the UNSC.

The chapter noted that this redefinition of sovereignty, while morally appealing, has a number of problems in implementing it. The concept can be seen as diminishing the sovereign rights of the weak while empowering the strong to trample on the weaker states who for long had seen the concept of state sovereignty as a shield. There is no proven case that when the state fail to protect its weak, mostly minority citizens, there will be another state or coalition of states who can intervene. Hence, the concept is open to abuse by the strong in furthering their interest. Even the argument by the ICISS that the UNSC authorisation can limit the influence of abuse and self-interest, which is noted in chapter 5 in depth and in passing in this chapter, has been tested and proven to be wrong in Libya and Syria. Hence, the notion of sovereignty as responsibility is still to prove its practical moral and ethical clout. The next chapter is an investigation on the role of national interest in humanitarian military interventions.

CHAPTER 7: AN INVESTIGATION ON THE ROLE OF NATIONAL INTERESTS IN HUMANITARIAN MILITARY INTERVENTIONS

7.1 Introduction

The previous chapter analysed state sovereignty and its influence in humanitarian military interventions. Chapter 7 seeks to provide an account and understanding of the meaning and role of national interest in the conduct of HMIs from both the realists and liberalists' perspective. First, the chapter will define national interest, self-interest and how these two terms are intertwined. Secondly, the chapter will discuss the relationships between national interest and selfishness as espoused by different theorists. Thirdly, this chapter will discuss the classification of national interest and the urgency at which these interests are pursued by the intervening states from the view of the realists and liberalist thoughts.

From the onset it must be understood that national interest is a core concept in HMI which cannot be divorced from humanitarianism. States are in all cases engaged in the process of fulfilling or securing their set objectives of individual State National interests and states justify their actions both internally and externally on the basis of their national interest. Therefore, the behaviour of each state is thus, motivated, conditioned, governed and guided by its national interests. According to Chiwenga (2014: 130);

National interests prompted some Member States of the UNSC such as the UK and USA to attack Iraq in 2003 without the authorization of the UNSC. When Iraq invaded Kuwait they were among those who strongly appealed for the need for a multilateral military action against Iraq. However, when they failed to get another resolution that would allow them to disarm Iraq they decided to bypass the UNSC and went to war against Iraq as a coalition. From the actions of UK and USA against Iraq we can deduce that these countries used the powers given to the UNSC for their own selfish national interests and when their national interests were not recognized, they violated international law which forbids the invasion of a sovereign state without the authorization of the UNSC. The USA and UK are among the prominent members of the UNSC who should be part of the UNSC collective that is delegated by the UN Charter with the mandate to enforce the observation of international law among member states. Their failure to observe international law was a further demonstration that national self-interests are pursued by the UNSC Member States in a way that does not take into account any sense of obligation and duty to fostering the common good for the multinational community.

For instance, given the above understanding, it is critical in this study to conceptualize the meaning and role of national interest in the conduct of HMIs. Throughout this study, national interest and self-interest are interchangeably used.

7.2 Definition of National Interest

National interest means acting in a way within one's country or relating internationally in a way that promotes the national interest of one's own country. National interest derives its political meaning from the presumption that relations among states are not based on ethical considerations, but self-help and deceit whenever it suits their purposes. When statesmen talk of national interest some scholars have argued that, such a talk is usually done so in a way that conflates their personal interest with that of the nation. Niccolle Machiavelli sometimes equated the Prince's interest to that of the nation. In his book, *The Prince*, Niccolle Machiavelli (1467-1524) advanced the argument that when ruling, a ruler was not supposed to be constrained by moral considerations. Machiavelli's theoretical outlook towards politics is popularly known as skeptical realism. Within the Machiavellian theory of skeptical realism, politics can best be described as 'the art of the possible' whereby lies and murder are permissible if they can be employed to attain the desired political ends. Machiavelli had an amoral outlook towards human nature in which he understood it to be originally evil, hence amoral. With regards to promises, Machiavelli said that a good ruler should never 'honour his word when it places him at a disadvantage and when the reasons for which he made his promises no longer exist'. His skepticism towards human nature comes out more poignantly when he states that, "if all men where good, this precept would not be good; but because men are wretched creatures who would not keep their word to you, you need not keep your word to them" Machiavelli 1961:100). Within this Machiavelli skeptical realism, all abominable human character qualities such as cruelty, lying and deceitfulness, just to mention a few, should be the source of guidance to the ruler. According to Machiavelli's theory of skeptical realism the ruler and the people who are ruled were basically self-interested or egoists. Underlying the theory of skeptical realism is the presumption that nature is evil; therefore, an effective ruler has to rule in accordance with the dictates of this evil human nature. Among scholars of international relations "[t]he rightness of pursuing the national interest is widely accepted today" (Maxell 1990: 12).

Many statesmen and policy makers have always used the term in the ways that are suitable to them and to their objectives. For instance, President George W Bush used USA's intervention in Iraq as a national interest decision. The French led intervention in Libya in 2010 was carried out in pursuit of national interests. The former President of the United People's Republic of Tanzania Julius Nyerere authorized the intervention of Uganda in 1979 for national interest reasons. Therefore, for this reason and many

others no definition of national interest has been accepted among many leading scholars of international relations.

Morgenthau, a leading realist notes that national interests are conceptualized in four main categories: based on their importance they are distinguished in vital and secondary interest; based on their duration, temporary and permanent interests; based on specificity they are distinguished in specific and general interest and lastly, based on compatibility national interest can be complementary and conflicting. According to Morgenthau, national self-interest became a mechanism for advancing the power of one's nation. Powerful nations enter into relations with poor nations based on whether such poor nations support the national self-interest of the powerful nation. Due to the fact that the concept of humanitarian intervention has evolved from the ethical debate about making resources available for helping others, national interests would appear to have no place as a motivation for humanitarian intervention. In particular, moralists tend to have a very low opinion of national interests, as the concept is generally based on the assumption that national interests are equal to self-interest or selfishness. Mistakenly, perhaps, self-interest and selfishness are conceived to be intertwined, causing self-interest to be often identified as self-absorption, egoism, and the disregard for the rights and interests of others (Maitland 2002:4). Therefore, the negative connotation arising from this definition of self-interest in economics is adopted by political science as a motivation based on money making, avarice and greed, materialism, hedonism, the profit motive or profit maximization.

The Oxford Dictionary (2014) define the term 'national interest' as, "referring to something that is common to the whole nation. However, the understanding of the term is not as simple as it is used by politicians and political scholars. Acharya (2003) defines national interests as varying widely, from increasing a state's power to a survival of a state to upholding international legitimacy. "Based on the realist notion, national interests are narrowly defined as the sum of material and security interests of a nation" Acharya (2003:2).

Griffiths, O'Callaghan and Roach (2008) made an elaborate discussion on the concept of national interest. They note that for any policy to be regarded as of national interest, it must have two attributes namely 'inclusiveness' and 'exclusiveness'. Under the inclusiveness attribute, the policy should concern the whole country "or at least a sufficiently substantial subset of its membership to transcend the specific interest of particular groups", while the attribute of exclusiveness mean that the policy should not necessarily include the interests of groups outside the state, although it may do so" (Griffiths, et al., 2008:

217). Griffiths et al's definition, while it simplifies the understanding of the concept is problematic. One is bound to question the authority which decides that this is a policy which concern the whole country or which concern a substantial population to transcend particular group interests? This question may be followed by questions on the criterion which is used to categorize groups that are seen as 'particular' and if a country cannot have conflictual interests. In some cases, influential politicians may develop a policy and justify it as a policy of national interest when the nation has not made any input and does not know of the benefits or negative impact of the policy to them as a nation.

The definition of the term is confusing because the term has both internal and external dimensions (inclusiveness and exclusiveness). Externally, national interest can also mean the interests or aspirations of a state in international relations. As defined by Nuechterlein (1976: 246), "The term 'national interest' has been used by statesmen and scholars since the founding of nation-states to describe the aspirations and goals of sovereign entities in the international arena."

In practical use of the term and in national policymaking the internal aspects feed into the external. Hence external foreign policy making is driven by the internal needs and aspirations of a state which change due to changes in country needs and evolution in the history of a country.¹⁴ The concept of national interest is extensively used in justifying the foreign polic(y)/ies of a state (Hill, 2003: 118-119). Policymakers use the concept for basically two reasons. Firstly, attributing a foreign policy to national interest hides their policy behind a screen of presumed collective unity and responsibility rather than personal goals or partisan policies (Hill, 2003: 118-119). Secondly it creates a strong defence against critics because in politics of international relations, no politician would want to be seen as working against the 'public good' of the whole nation especially given the fact that national interest has power and security connotations for the state.

National interest is at the centre of the realist conceptualization of the international system. Realism argues that the concept of national interest is synonymous with the struggle for power (Mearsheimer, 1994-5: 573-574). The struggle by a state to outdo other states using all the means necessary is seen as the pursuance of national interest.

The realist approach is elitist in nature. The definition of national interest in an anarchical society is seen as a preserve of foreign policy experts and high ranking politicians. Ordinary people have no appreciation

¹⁴ Interview with Simon Badza, Addis Ababa, 19 June 2015

of the struggle for power among states and may not be aware of foreign policy formulation. Hence, the notion of national interest, from a realist perspective, being an internally inclusive policy becomes vulnerable to questions of the extent of its inclusiveness.

The liberalist school of thought differs with the realist paradigm. The liberalist theory views the arena of international relations, not as an 'international system' whose primary subject are states alone, but as an international society whose primary objective is to create shared norms, rules and institutions and put them at the centre of international relations, thereby creating shared interest among states in international relations (Murray, 2013: 9). Finally, in contemporary studies national interests are oftentimes divided into subcategories along a scale indicating the urgency of the national interests at stake. Very high urgency interests are those interests connected to the survival of the nation while vital interests indicate only a high urgency. Moderate and low interests correspond to major and peripheral interests respectively. Survival interests have a very high urgency and therefore may trigger states to mobilise all national resources to defend them. Vital interests are critical and involve the defence of close allies or strategic resources. Major national interests are less critical and only represent a moderate level of urgency since they are concerned with the protection of less important allies and non-critical resources. From a realist point of view, the degree of urgency of national interests at stake determines the extent of the effort a state is allowed to invest in defending these interests. Consequently, the higher the urgency of the interests at stake, the more costs in terms of troops, time, money, equipment, resources, political prestige or economic aid the state is willing to devote to the defence of these interest (Keifer 2003:6).

7.3 Defining National Self Interest

The *Collins English Dictionary* (2013) defines self-interest as, "The act or an instance of pursuing one's own interest". The *Oxford Dictionary* (2013) defines the concept as, "one's personal interest or advantage, especially when pursued without regard for others." The term self-interest is derived from the Latin word, 'interesse'. The term in Latin means self-preservation or self-aggrandizement that motivates people into taking actions (Murove, 2005: 12). *Stanford Encyclopedia of Philosophy* (2013) defines self-interest in the context of egoism. The encyclopedia notes that under egoism, each person has an ultimate aim to cater for his/her welfare and that maximizing self-interest is seen as rational and morally right. Self-interest can therefore be defined as the pursuance of one's interest without necessarily taking into consideration the impact and effects on other people or the environment.

As noted by Murove (2005: 12), "self-interest and selfishness can be used interchangeably on the premise that they imply being concerned with one's advantage to the exclusion of the others." In short, self-interest is a moral packaging of greed.

From the two dictionary definitions, encyclopedia definition and the Latin roots of the word 'interest', self-interest means self-inclination and the desire for self-aggrandizement mostly pursued at the expense of others. It is because of the pursuit of aggrandizement mostly at the expense of others that saw the concept of self-interest being unpopular among religious leaders and those who believe in the concept of humanism. It was seen as a divisive concept that could only be interpreted as the fall of human beings from a moral standing (Murove, 2005: 23).

In modern economics, self-interest is exulted as the driving force behind development and growth. Adam Smith is hailed as having popularized the concept of self-interest in modern economic thought (Force, 2003: 7). He wrote that:

It is not from the benevolence of the butcher the brewer, or the baker that we expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity, but to their self-love, and never talk to them of our own necessities, but of their advantages (Smith, 2005: 18).

Adam Smith argued that human being in economic affairs were motivated and driven by self-gain. He gives a classical example of two hunting dogs in which he postulates that:

Two greyhounds, in running down the same hare, have sometimes the appearance of acting in some sort of concert. Each turns her towards his companion, or endeavours to intercept her when his companion turns her towards himself. This, however, is not the effect of any contract, but of the accidental concurrence of their passions in the same object at that particular time (Smith, 2005: 18).

According to Adam Smith, human being like animals have a pretense of love when in actual fact they are only driven by the gains that they accrue from a certain action. Assistance or an act packaged as goodwill is meant to camouflage the doer's ulterior motive. Therefore, one's gains become the incentive that push or pull him/her to act. Viewed from the lenses of self-interest, major powers have packaged their motives as benefits for the people who are suffering from the excesses of their leaders. They are informed of the human rights and good governance that will be ushered after the HMI and not the benefits that would be accrued by the intervening powers, which in most cases is the reason for the intervention.

Self-interest is not only seen as the push factor in economics but in social life in general. Aristotle (300 B. C.: 24-25) wrote that:

For that which is common to the greatest number has the least care bestowed upon it. Everyone thinks chiefly of his own, hardly at all of the common interest, and only when he is himself concerned as an individual. For besides other considerations, everybody is more inclined to neglect the duty which he expects another to fulfill.

From his view, Aristotle saw human beings as naturally self-inclined. A human being is therefore expected to exert more effort on issues that have a direct bearing in his or her life. The effort would diminish with the remoteness of the benefits to the individual. Sears and Funk (1991) note that Hobbes popularized the concept in modern times especially with his philosophy of 'All against all'. The struggle among the greed and self-interest human being led to the creation of states when the people bequeathed some of their rights to the leader and a government to make decisions for the benefit of the majority or all people in the society. From this development the concept of self-interest transformed into national interest. The aggregate of self-interest of individuals in a single state produce national interest which is discussed in the following section.

However, the concept of self-interest is a complex one. While a number of theories have put forward human beings as being self-interested, it should be noted that the concept is not a simple straight jacket. There are cases in which individuals develop conflicting interests. In these cases, a person can have both the self-inclined feeling and also a conscience drive to altruism. Hence the human being will have to negotiate between the conflicting interests to come up with an action. From this notion, one then is driven to question if it is not possible for a person to act in altruism.

7.4 The Relationship between National Interest and Selfishness

National interest is related to selfishness in the sense that it presupposes a sense of concern for the wellbeing of others. National interest is related to belief in group selfishness whereby a sense of right and wrong is nurtured. National interest presupposes all citizens of a particular country are selfish or egoists, hence the relationships of nations is a relationship on egoism or selfishness. It is mainly on this salient presumption that national interest has been critiqued by ethicists such as Peter Singer as based on a fallacious understanding of human nature because as human beings we do sympathise with the sufferings of others. Within a nation-state not all citizens egoists because there are many instances where

some individuals have used their own personal individual economic resources to serve lives of people who are not their own fellow citizens (Singer, 1981: 5 - 18).

In the history of Western modern philosophy, the idea that nations should always pursue their own national interests in their relations with other nations has militated against the idea that nations should be altruistic towards each other. In fact, the argument that nations do behave in a way that is amoral towards each other cannot be refutable, especially in light of the behavior of the powerful states in the Middle East.

7.4.1 National Interest and Social Contractarianism

An argument for the prevalence of national interest as the prime motivation for state action including humanitarian intervention comes from realist social contractarianism. Realist social contractarianism rejects the moralist argument that humanitarian intervention must be purely humanitarian in its intent that is the protection of the freedom, rights and interests of people in another state. Allen Buchanan argues that the internal legitimacy of humanitarian intervention has to take precedence over the external legitimacy. That is to say governments do not only have to justify the intervention externally as humanitarian, but also internally to its own citizens as an efficient intervention in terms of cost benefit analysis. Dobos (2009: 3) notes that, the state's *raison d'être* is to ensure the security and wellbeing of the people that bring the state into existence through the social contract. That is to say, that the social contract is a construct by a certain group of people, named a discretionary association, with the primary purpose to protect these individuals from the perils and inconveniences of the state of nature. Every individual in a state submits to the authority of the state in order to receive in return protection and security. On this view, citizens empower their government to act as an agent for the sole purpose of promoting their interests. They relinquish a portion of their earnings in tax in return for this service. The state is to be understood as the benefactor for its own citizens acting exclusively in their interests due to the fact that no one else's interests are represented, so legitimate political authority is naturally defined as authority exercised for the good of the parties to the contract, the citizens of this state.

According to Buchanan (1999: 75), the state itself receives its legitimacy primarily from the service it renders to its citizens; hence, benefaction is what gives the state the right to rule. Quite to the contrary, states or governments do not have the obligation to serve the world at large. Further, according to realist

social contractarians, the government does not have any inherent legitimacy in itself but is a sole agent of the discretionary association it represents. Therefore, for governments to engage both internally and externally to practices that do not serve the primary interest of its citizens would be morally wrong. Charles Krauthammer (1985: 11) also notes by stating that since statesmen or governments are no more than people's trustees spending the blood and treasure of others, their freedom to wage or intervene militarily is limited to cases where it is strategically necessary or where it renders an increase in domestic benefits. Therefore, if intervention occurs in order to secure natural resources or sea ways that are of particular national interests to the intervening state, intervention is acceptable. If on the contrary intervention occurs for the sole purpose of pleasing international law, world public opinion or public sentiments of crucial allies, intervention is not internally justifiable. In this view, it follows therefore that purely HMI as envisaged by moralists and altruists is commonly rejected by realists social contractarianism for the simple reason that intervening states invest both the lives and funds of their own people in order to serve strangers who are not part of the social contract.

7.4.2 National Interests and Morality in Humanitarian Military Interventions

According to skeptical realism, the Western political theory of liberalism evolved around the idea that human beings were solely self-interested creatures by virtue of the fact that they were not originally endowed with a sense of promoting the common good in their social relation. In advancing the theory of skeptical realism, Thomas Hobbes noted that human social existence was basically a contract and that it was this contractarian nature of our human existence that helps us to kill each other. Hobbes maintain that the main responsibility of the government or the sovereign was to enforce contracts and that these contracts were relevant within the nation state which is a sovereign. He further maintains that the principles of law and order are only intelligible and plausible within the realm of a nation state because of the existence of a common power or ruler. Hobbes notes that:

For the laws of nature, as justice, equity, modesty, mercy, and in sum doing to others, as we would be done to, of themselves, without the terror of some power, to cause to be observed, are contrary to our natural passions, that carry us to partiality, pride, revenge, and the like. And covenants, without the sword, are but words, and no strength to secure a man at all. Therefore, notwithstanding the laws of nature, if there be no power erected, or not great enough for our security; every man will, and may lawfully rely on his own strength and art, for caution against all other men (Hobbes 1967:129).

Taking note from the above quotation, Hobbes was advocating a sceptical outlook towards human nature in the sense that he argued that abiding with morals presupposed the existence of a terrifying power. Hence, without the existence of this terrifying power, societies can easily descend into anarchy. Furthermore, he notes that for human beings to abide by their contract, Hobbes maintained the use of brutal force was indispensable. Hobbes also maintains that without the use of brutal force, society would disintegrate into chaos. It was part of human nature that there is always disagreement. Whilst other creatures are naturally predisposed to agreeing with each other, the agreement among human beings "is by covenant only, which is artificial; therefore, it is no wonder if there be somewhat else required, besides covenant, to make their agreement constant and lasting; which is a common power, to keep them in awe, and to direct their actions to common ends" (Hobbes 1967: 131-132). In other words, he notes that our human existence is something that is artificial in the sense that it is based on covenants which are to be enforced by an all controlling power. Human beings were originally violent creatures who are only interested in pursuing their private self-interests. Hobbes went on to say that the issue of a common covenant among different nations was illusory because, "The notions of Right and Wrong, Justice and Injustice, have no place. Where there is no common Power, there is no Law, no injustice. Force and Fraud, are in War, the two Cardinal virtues" (Hobbes 1967: 139). In his book, *Leviathan*, Hobbes propounded a theory whereby international relations are only based on anarchy. In other words, there is no nation which is concerned with the wellbeing of another nation, but its own national self-interest. Murove (2005:75) summed up the Hobbesian theory of international relations as follows,

The salient presumption in this reasoning is that citizens of country *A* are concerned with the wellbeing of country *B* only in so far as the wellbeing of country *B* promotes the self-interest of country *A*. If the perishing of country *B* would promote the self-interest of country *A*, then it follows that it would not be to the self-interest of country *A* to stop country *B* from perishing.

Given the above quotation we can conclude that national self-interest eliminates the possibility of the existence of altruism in international relations. Therefore, whatever help countries give each other it has to be seen as a way of the other country pursuing its own self-interest. Thus, the element of anarchy inherent in national self-interest cancels the possibility of the existence of common morality among nations. In a similar vein, Mary Maxwell summarised Hobbes' view of morality among nations as follows: For morality to exist between nations, certain features such as power and compliance must also exist

concurrently. These features do not exist in relations between nations, therefore we cannot have morality in international relations because there is no common power that can enforce the rules (Maxwell 1990: 11-12; see Hobbes 1967: 65).

7.4.3 National Interests and the fear of the Political Influence

The importance of national interests in current foreign affairs has stoked the concerns in some circles that the concept of humanitarian intervention is no more than a means of powerful Western countries to broaden their influence and guarantee their access to vital resources. The fear of what scholars name neo-colonialism has been intensified by the recent experience of the usage of humanitarian rhetoric to justify the interventions in Afghanistan 2001 and Iraq 2003. Fear of a new imperialism is particularly acute in parts of the world that have known colonisation, where international interventions revive memories of the imperial past.

Ottaway and Lacina (2003: 74) maintain that due to the fact that Western governments have promoted Western values of liberalism and democracy abroad and in the post-Cold War era have used their economic, political and military superiority to correct humanitarian grievances abroad, many in the non-Western world have come to regard the concept of coercive intervention for humanitarian purposes quite sceptically. Unlike pure peace-keeping missions that require the consent of the receiving country and lack any coercive nature, the emerging humanitarian intervention regime enables Western states to take all measures necessary to bring humanitarian crises to a halt with or without the consent of the receiving state. For example, the USA and UK actions in Iraq (2003) were carried out without the consent of the receiving state, a sign that the actions were influenced by their national interests. Despite the fact that outside interventions in the last two decades have become less exploitative and abusive in comparison to 19th Century imperialism, many international interventions in the post-Cold War era have nonetheless aimed at regime change and/or nation building along Western liberal lines. Ottaway (2003:74) notes that, while some instances such as Operation Uphold Democracy in Haiti 1994 were designed to re-install a democratically elected regime, post-conflict resolutions such as in Afghanistan or Iraq have relied on the installation of local transitional governments usually closely affiliated to the intervening parties. In the cases of Kosovo or East-Timor, the international community has even taken over the role of the administrator itself by setting up an international administration. Together with the creation of a political

elite, Western states further support the new regimes by training security as well as administrative personnel. Thus, it seems plausible that the intervention of foreign governments into the internal affairs of another country has a tremendous impact on the sovereignty and autonomy of the receiving state.

7.5 National Interest and Humanitarian Military Interventions

Given that national interest relates to the inclusive benefits for the people in a country exclusively against those from outside, the benefits of HMI on the people of the intervening state is questionable. HMI is a foreign policy adventure that is justified in most cases on the basis that it is a moral obligation upon the intervening country. It is rare for leaders of the intervening country to justify HMI in terms of national internal benefits except in cases where they (leaders of the intervening state/s) cite that the leader of the country intervened was a dictator or sponsor of international terrorism as was the case in the invasion of Iraq.¹⁵

However, while the morality obligation argument is justifiable, Brownlie (1963) cited by Guraziu (2008: 4) points out that the concept is prone to abuse by vigilantes and expansionist leaders. Brownlie's argument stresses the point that while intervening countries argue on the basis of morality, in most cases intervention is influenced by the self-interest of the intervening country, which is national interest. Different scholars have submitted reasons why HMI is the pursuance of national interest by other means. Köchler (2001: 6) points out that Britain and France intervened in the Ottoman Empire on the basis that they were defending the rights the Maronite Christians when they were committing worse crimes against the rights of the people they colonized in Africa, Asia and Latin America and even in their own states. The idea is also shared by Human Rights Watch (HRW) (2004) which dismissed Blair's claims that the intervention in Iraq was based on humanitarian needs to save the Iraqis from the brutality of Saddam Hussein. HRW argues that:

The Iraq war and the effort to justify it even in part in humanitarian terms risk giving humanitarian intervention a bad name. If that breeds cynicism about the use of military force for humanitarian purposes, it could be devastating for people in need of future rescue.

¹⁵ In the cases which have been cited by scholars as examples of HMI which include India in Eastern Pakistan, now Bangladesh, Tanzania in Uganda and NATO in Kosovo leaders of the intervening states have argued basing on self-defence and rarely on humanitarian intervention. See Nicholas Wheeler's *Saving Strangers, Humanitarian Intervention in International Society*, Oxford University Press; Oxford; 2000.

From the reasons put forward, HMI is undertaken as a smokescreen to cover up for national interest by the intervening countries. As noted by Köchler, (2000) while Britain and France stood on the high moral ground when they intervened in the Ottoman Empire, they were guilty of the same crime in their own colonies. Furthermore, if one is to borrow from Grotius (1625), the authority who can call or allow an intervention to take place should be a correct authority, which may be deduced to mean a leader who is not guilty of the same crimes against humanity given that when Grotius propounded his theory there was no organization that claimed supreme power of nation-states. Hence, the HMIs that were undertaken by Britain and France in the Ottoman Empire cannot be seen as such given that these states failed to uphold human humanitarian rights and laws of the people in their colonies. At best, these interventions should be seen in the light of the pursuit of geo-strategic interests.

In support of the notion that national interests have a bearing on the decision by countries to undertake HMI, Walzer (1977:101) argue that it is difficult to find a 'HMI' that is not influenced by national interest, when he states that:

Clear examples of what is called "humanitarian intervention" are very rare. Indeed, I have not found any, but only mixed cases where the humanitarian motive is one among several. States don't send their soldiers into other states, it seems, only in order to save lives. The lives of foreigners don't weigh that heavily in the scales of domestic decision-making.

When a foreign policy is being made, politicians weigh its benefits against the possibility of losing support from the electorate back home. An intervention is therefore undertaken if it is justifiable to the home constituency. Salim Ahmad Salim put forward that national interests will always be a permanent feature of humanitarian military interventions...because western government (which are major interveners) ask if what is happen in a subject country like Syria is affecting their national interests at home or in the region. "If our troops are going to die it must be something profitable for our people at home. If it's not then we can only give material support."¹⁶The influence of the home constituency in matters of intervention as a foreign policy is captured well by Combs (1986: 360) when he used the example of the creation of the Jewish homeland by supporting the Zionist movement in the Middle East during the presidency of Truman when he notes that, "...since there was no domestic constituency of the Arabs, a pro-Jewish stand seemed pure political gain.". This was meant to gain votes from the strong Jewish

¹⁶ Interview with Salim Ahmad Salim,, 23 June 2015

constituency in the United States of America (USA) even when it meant taking a policy that would anger Saudi Arabia, which is a USA ally in the Middle East.

The same case can be said for HMI. Major Powers tend to intervene in regions or states where their interests may be threatened if they do not intervene or can be enhanced by the intervention. A number of humanitarian catastrophes and brutality have taken place without intervention. Rwanda¹⁷ and Sudan being examples of neglected cases due to lack of important national interests. On the other hand, HMI was undertaken in Libya based, as argued by NATO intervening countries that Gaddafi had promised to conduct an indiscriminate war against innocent civilian and the use of heavy artillery in civilian populated areas (Payandeh, 2012: 376).

However, even after the intervention, the intervening forces failed to contain the warring militias leading to more deaths and suffering in Libya. In contrast, the NATO states with the exception of France did not condemn Israel's use of heavy weaponry in civilian populated areas in Gaza in its battle to destroy Hamas' secret tunnels in 2014 (<http://www.gatestoneinstitute.org/4695/hamas-terror-tunnels>). It is these contradictions that taint the nature of HMI and give a justification to the conclusion that HMI is a camouflage for the pursuit of national interest by powerful countries mostly in weaker countries.

The case is also similar with HMI as a foreign policy consideration. State leaders look at whether undertaking the mission can be justified to the electorate either in national gains or rallying the nation to support a moral high ground principle. Because of national interest there are cases that warranted intervention yet no country that had the capacity did, due to limited or no threat to interests or anticipated gains for the intervening state, while in some states, resources were committed to intervention based on flimsy grounds as was the case of Iraq. The cost of intervention in financial and military personnel should be justified to the taxpayers back home. For instance, the invasion of Iraq, which initially was justified on the need to rid Iraq of weapons of mass destruction (Bush, 2003: 149-164), but later after the failure to locate such resources was justified in humanitarian terms (Blair, 2010: 382) cost the USA and Britain (the leading countries in the coalition) more than US\$802 billion and more than US\$14 billion respectively, while the two states lost 4 487 and 179 service personnel respectively (BBC News, 2011).

¹⁷ In an interview with Sydney Sekeramayi on 31 May 2015, he argued that while there was a crisis in Rwanda there was no much talk of intervention. "The idea was let them fight and kill each other until they get tired or until one group is defeated. And then you ask were the big powers not concerned with what was happening". One can conclude that there was no motivation for intervention because the big powers had no interests in Rwanda.

Such a justification can be, for powerful nations, the pride of carrying a successful military mission that will enhance the prowess of the country. In cases of failure, the outcry can result in the abortion of the mission or affect the decisions to undertake similar HMs.

7.6 How States Secure their National Interests

According to the Dinesh International Politics (<http://www.yourarticlelibrary.com/international-politics/national-interest-meaning-components-and-methods/48487/>) [Accessed on 10 June 2016], states have several ways of securing their national interests, ranging from Diplomacy, Propaganda, Economic, Alliances and Treaties and Coercive means.

7.6.1 Diplomacy

Nations use diplomacy as a tool to reach other nations for purposes of securing their national interests. This is done through the deployment of Ambassadors. It is these Ambassadors who then establish contacts with the decision makers. They usually use persuasion and sometimes threats, rewards as a means of exercising power and securing goals of national interest as maybe defined in their foreign policy. Diplomatic negotiations constitute the most effective means of conflict resolutions and reconciling the divergent interests. According to Morgenthau, diplomacy is the most primary means of resolving conflicts. (<http://www.yourarticlelibrary.com/international-politics/national-interest-meaning-components-and-methods/48487/>) [Accessed on 10 June 2016].

7.6.2 Propaganda

The Dinesh International Politics notes that, "propaganda is the art of convincing others about the justness of the goals and objectives or ends which are desired to be secured. It consists the attempts to impress nations the necessity of securing the goals which a nation wishes to achieve. It is a systematic way to affect minds, emotions and actions of a given group for a specific public purpose" "franked?" Propaganda is directly directed to the people of other states and its main aim is always to secure self-interests. For instance, before the USA led a coalition force in Iraq there was much publication about Saddam's weapons of mass destruction (WMD) which were never found after the invasion (Blix: 2004).

7.6.3 Economic

Dinesh International Politics notes that the rich and developed nations use economic aid and loans as the means for securing their interests in international relations. The dependence of the poor and lowly developed nations upon the rich and developed nations for the import of industrial goods, technological

know-how, foreign aid, armaments and for selling raw materials has been responsible for strengthening the role of economic instruments of foreign policy (<http://www.yourarticlelibrary.com/international-politics/national-interest-meaning-components-and-methods/48487/>)

7.6.4 Alliances and Treaties

These are concluded by two or more states for securing their common interests. This means is mostly used to secure identical and complementary interests. Alliances and treaties make it a legal obligation for the members of the alliances or signatories of the treaties to work for the promotion of agreed common interests. The nature of the alliance depends upon the nature of interest which is sought to be secured. For instances, the coalition of the willing's intervention in Iraq is one such example of an alliance that was used to pursue national interests of the intervening countries.

7.6.5 Coercive Means

International Law also recognizes coercive means short of war as the methods that can be used by states for fulfilling their desired goals and objectives. It is an unwritten law of international intercourse that nations can use force for securing their national interests. Intervention, Non-intercourse, embargoes, boycotts, reprisals, retortion, retaliation, severance of relations and pacific biocides are the popular coercive means which can be used by a nation to force others to accept a particular course of behavior or to refrain from a course which is considered harmful by the nation using coercive means. The use of military power against international terrorism now stands universally accepted as a natural and just means for fighting the menace.

Nations may use all the means possible to secure their national interests. However, in doing so nations must make honest attempt to make these compatible with international common interests of the humankind.

7.7 Types and Classification of Interests

According to Morgenthau, cited in Marleku (2013: 416), national interests were categorized between vital and secondary national interests, with vital interests, being concerned essentially with the survival of the state and can be seen as those which can be easily defined as being concerned with the state as a free and independent nation as well as the protection of institutions, people and fundamental rights, while secondary national interests are those removed from the state's borders and not threatening the security

or integrity of the nation. In addition to this, one should distinguish between temporary and permanent interests, specific and general interests, and complementary and conflicting interests. "Permanent interest are relatively constant over a long period of time. Variable or temporary interests are what a national chooses to regard as its national interest at any particular time. General interests are those that a country applies in a positive manner to a large geographic area, to a large number of nations, or in several specific fields. Specific interests are closely defined in time or space and often are the logical outgrowth of general interest" (Marleku, 2013, 416).

In the modern times, national interests are divided into subcategories along a scale indicating the urgency of the national at stake. Keifer (2003:3) notes that "Very high urgency interests are those interests connected to the survival of the nation while vital national interests are those interests that indicate only an urgency. Moderate and low urgency interests correspond to major and peripheral interests respectively. Survival interests have a very high urgency and therefore may trigger states to mobilise all national resources to defend them. Vital interests are critical and involve the defence of close allies or strategic resources. Major national interests are less critical and only represent a moderate level of urgency since they are concerned with the protection of less important allies and non-critical resources.

From a realist point of view, the degree of urgency of national interests at stake determines the extent of the effort a state is allowed to invest in defending these interests. Consequently, the higher the urgency of the interests at stake, the more costs in terms of troops, time, money, equipment, resources, political prestige or economic aid the state is willing to devote to the defence of these interests. Whereas survival and vital interests necessitate the use of force, realists do not deem the use of force compulsory when defending major national interests. As low urgency peripheral national interests do not involve the protection of the nation's heartland and do not pose an immediate physical security threat to the nation, the defence of such peripheral interests may only involve humanitarian or reconstruction efforts, not however, the deployment of large numbers of combat troops (Slenska; 2007:4).

Therefore, as noted by Wellzer (1995:54) on the claim that it is in the self-interest of every state to preserve global stability and care for global humanity, states may define their national interests in terms of liberal Western values such as democracy, liberalism or human rights. In this respect, even if this serves an ethical purpose, promoting these values beyond national borders, this might also serve national self-interest of the intervening countries. For instance, the USA's national interests are often

defined as a hybrid of security related interests in the realist sense and of value related interests comprising the intrinsic ethics and morale values that are contained in its constitution.

7.8 Conclusion

The discussion in this chapter focused on the understanding of the role of national self-interest in the conduct of humanitarian intervention from the perspective of both realists and liberalists. The chapter further clarified why and to what extent realism (realists) assigns considerable importance to national/self-interest. In this chapter, national interests were narrowly defined as “the self-interests of a state or nation”, and this has been precisely done so to be able to distinguish national interests and self-interest. The chapter notes that national/self-interests are a composition of narrow national interests, that is, economic and strategic interests and the personal political interests of the political decision makers. This is to say, acting to national interests include actions based on economic interests and strategic interests, as well as the interests of personal political or material gains of policy makers.

The chapter further notes that a prevalence of national interests as the prime motivation for state action in intervention comes from the realist social contractarianism. The realists social contractarianism rejects the moralists argument that HMI must be purely humanitarian in its intent, that is, the protection of freedom, rights and interests of people in another state. As noted by Buchanan, the internal legitimacy of humanitarian interventions has to take precedence over the external legitimacy. That is to say, government do not only have to justify interventions externally as humanitarian but also internally to its citizens. It is noted from Hobbes and Locke, that state's *raison d'etre* is to ensure the security and wellbeing of the people that bring the state into existence through social contract. It has also been observed that interventions to preserve the interests of others, that is not national interests, but still jeopardise the lives of the soldiers will be morally wrong. Therefore, to prevent or avert the loss of lives of individuals abroad by jeopardizing one's own citizens would not be ethically defensible, since according to the social contract every state should first of all care for the wellbeing of its own citizens. It is also observed that for morality to exist between nations, certain features as power and compliance must exist concurrently. Therefore, these features do not exist between nations hence they cannot be morality in international relations because there is no common power that enforces the rules.

From a realist point of view, it has been observed that the urgency of national interest at stake determines the extent of the effort a state is allowed to invest in defending these interests. Consequently, the higher

the urgency of the interest, the more cost in terms of troops, time, money, equipment, resources, political prestige or economic aid the state is willing to devote to the defence of these interests. It is further observed from this chapter that the international system of the world is based on five assumptions on how the world should be organized;

- 1) States are the key actors in world politics and they operate in an anarchic system, 2) great powers invariably have some offensive military capability, 3) states can never be certain whether other states have hostile intentions towards them, 4) great powers place a high premium on survival, and 5) states are rational actors who are reasonably effective at designing strategies that maximise their chances of survival. The world still comprises states that operate in an anarchic setting. Neither the UN nor any other international institution has much coercive leverage over the great powers (Maersheimer 2010:349).

In relation to the concept of HMI, the chapter noted that national interest is the major influencer of HMI. Ethical scholars like Walzer have noted that national interests greatly influence HMIs, specifically for the benefit of the intervening powers. Given the observations made in this chapter, one is tempted to argue that it is a misnomer to say HMIs are intended to serve humanity but a tool by the powerful to pursue their national self-interest. Furthermore, the pursuit of national interest has also been observed as related to the struggle for power and dominance. National self-interest has thus become a mechanism for promoting the power of one's own nation. Therefore, it is noted that the presumption beyond the skeptical theory of realism is that the international scene is imbued in a state of anarchy where there are no common rules that regulate international conduct. The following chapter will make an analysis and critique of contemporary humanitarian military interventions.

CHAPTER 8: AN ETHICAL ANALYSIS AND CRITIQUE OF CONTEMPORARY HUMANITARIAN MILITARY INTERVENTIONS

8.1 Introduction

Chapter 7 discussion was an investigation on the role of national interest in humanitarian military interventions by intervening states. Chapter 8 is a critical analysis that collapses all the concepts in a single argument. It critically analyses the ethical challenges and role of self-interests in HMIs. It attempts to answer whether it is possible for powerful countries to undertake HMIs in the affairs of weak countries without anticipating any benefit from the intervention. This critique is done from the perspective of ethical challenges in HMIs.

The chapter begins by interrogating ethical issues in the pursuit of national interests in military interventions; the prevalence of anarchy in international relations; national sovereignty and R2P; nationalism and the problem of shared moral values; and altruism and HMIs, which is followed by a conclusion. The chapter and its plan are motivated by the need to come up with a concise argument on all the concepts that were subject to interrogation in the previous chapters. The setting allows for a deeper interrogation of the important ethical issues that impact on HMI which allowed the researcher to come up with informed conclusions on the impact of national interests in HMIs by powerful states in the affairs of the weaker states.

The chapter discusses the ethical challenges in the pursuit of national interests in HMI, the prevalence of anarchic international relations, national sovereignty and R2P, nationalism and the problem of shared moral values. It will also look at altruism and HMIs.

8.2 The Ethical Challenges in the Pursuit of National Interests in Humanitarian Military Interventions

The ethical relationship between HMI and the pursuit of national interests is a subject that cannot be given easy conclusions. The subject goes into debates between the Realist school of thought and the Liberalist school of thought in international relations on whether ethics can be a subject of international relations. Scholars are not in agreement on whether international relations can be regulated by ethics. Coady (2002, 15) notes that a number of realist scholars support the argument that the international

system is ruled by the rules of the jungle as expressed in the concept of the Hobbesian state of nature hence ethics have no place in such a world.

The foundation principle of Realism is that power is the currency of international relations (Mearsheimer, 2006: 72) and it is sought by all actors, primarily countries, at all cost (Mearsheimer, 2005: 139). Morgenthau (2006: 5) notes that, "The main signpost that helps political realism to find its way through the landscape of international politics is the concept of interest defined in terms of power before separating between politics and ethics as different fields". Mearsheimer (2006: 74) states that: "...countries can pursue other goals like ... human rights, but those aims must always take a back seat to survival, because if a state does not survive, it cannot pursue other goals". This can be traced back to antiquity historian, Thucydides' notion that the powerful do what they need to while the weak suffer what they must through the exchanges at the Melian dialogue between Athenians and Melians. Given the above discussion, it is therefore argued that, in realism, therefore, ethics have a place which is however, subservient to national interests which is defined as power to guarantee survival (Thucydides, 431 B.C.).

The Realist argument is based on international relations being struggles for power and domination. It goes therefore that there is no way political decisions can be made on moral terms. This Realist notion has moral implications on state behaviour in international relations. As a theory, the Realist doctrine finds readers who are influenced by it to act primarily for the fulfilment of their national self-interest and in some cases the interests of a few in the nation under the guise of pursuing national interest (Maxwell, 1990: 13 & 15). A number of politicians in the USA, which was the post-Cold War Major Power have been influenced by the doctrine with the effect of relegating morality to the backyard in the conduct of international relations. The net effect of such actions is that other states that may have ethically driven foreign policies might be forced to revise their policies upon the realization that acting on moral terms without reciprocity becomes a weakness in the international arena (Maxwell, 1990: 12).

In the conduct of HMI, the concept has had a double impact. The first impact was to drive ambitious powers to undertake military interventions in pursuit of selfish interests of their states without considerations for either the effect of the wars on the international system or the victims in the target state. A number of examples in history bear some testimony to this. For example, the case of Emperor Constantine's war against Maxentius which Grotius (1625: 247) cites as a historical example of initial cases of HMIs could not be taken as a pure HMI case because the two (Constantine and Maxentius) had been embroiled in a succession crisis (Gearey, 1999) hence Constantine's war and his courting of

Christians could have been political manoeuvres to win support and control and hence pursuit of self-interest. The then Soviet Union undertook HMIs in the Ottoman Empire in the 19th Century to increase its influence in the Mediterranean region (Jane, 2013: 58-60) which was dominated by Britain while the USA led a military invasion against Saddam Hussein in 2003 to dominate oil resources in the Middle East (Ahmad, 2014) under the pretext of humanitarian war.

The double effect is witnessed in the reaction of other powers either regionally or globally to self-interest manoeuvres disguised as humanitarian. In the case of Russia's military intervention in the Ottoman Empire in the 19th Century purportedly to save Greeks and Christians, other European powers, namely, Britain, France, Austria and Prussia joined in the military intervention not as part of a humanitarian mission but to control Russian ambitions and take part in peace settlements and be able to guard their interests in the Mediterranean regions (Jane 2013, 58-60). Thus it can be observed that the practice of HMI is riddled with ethical conflicts.

In contradiction to the Realists' argument, Liberalism subscribes to the notion that the relationship of countries in international relations should and in most cases is guided by moral rules, primarily the liberal democratic countries. Liberalists argue that liberal democratic countries do not make wars, at least among themselves as they are guided by rules of peace and accountability to their citizens who bear the brunt of war (Newbrander, 2012: 40-41). It could be because of this reason that Teson (2003: 94) is of the notion that only democratic liberal states should undertake HMI because they are regarded as moral countries. Teson's argument lays the burden of HMIs on liberal democratic states. However, this burden is not strictly meant to pursue HMIs but export democracy which is contrary to the ethical principles of HMIs.

The former USA President, Ronald Reagan, in his address to the British parliament in June 1982, stated that governments that are "founded on a respect for individual liberty exercise restraint and peaceful intentions in their foreign policy" (Doyle, 1986: 1151). According to this liberalists' argument that can be traced to philosophers like Emmanuel Kant, liberal democratic countries are ethical countries because they are either guided by democratic principles or restrained by the same democratic principles.

While liberalists argue that liberal democratic countries rarely make war against each other (Russett and Oneal, 2001: 49), the theory does accept that liberal democratic countries do not make war against non-democratic, autocratic and authoritarian countries (Fischer, 2000: 12-13). It is because of this liberal

'ethic' that Reagan announced to the British parliament "a crusade for freedom and a campaign for democratic development" (Doyle, 1986: 1151).

In extension to the call to go on military and non-military crusades for the establishment of freedoms and democratic development, cosmopolitanism, a branch of liberalism, propound that human rights are universal and that individuals, and not governments of countries are the subjects of international ethics and rules (Archibugi, 1995). Leaders are guided by a social contract that recognizes no boundaries but individual freedoms. From this opinion, not only governments have a right and duty for HMI, but individuals, in whose collective capacity, their respective governments will undertake HMI.

In the sense of cosmopolitanism, humanity cannot be separated hence in the case of a leader brutalizing his/her citizens, the international community should intervene to save humanity as noted by Fine (2007: 79) that, "The practice of HMI goes to the heart of cosmopolitan aims to defend human rights." This neo-liberal thinking advances the concept of HMI not only as a right, but a duty to be undertaken by the international community to save others (Evans and Sahnoun, 2002: 101). This is captured by Sangha (2012, 2) who states that, "Ultimately, as premised upon the main tenets of the cosmopolitan ethical perspective, in instances of widespread human suffering caused by the neglect, breakdown, or abuse of sovereign power, it is the moral responsibility of foreign states to respond accordingly." The ethical problem that arises from this line of thinking in practical terms is that humanity is seen as one, hence there should be a response to every humanitarian catastrophe without selection.

Practically, selectivity, inconsistency and double standards have been the major definers of HMIs. While there were speedy responses by NATO in Kosovo (1999) and Libya (2011), by France in Ivory Coast in 2011, and effective USA intervention in Haiti in 1994, there was a neglect in the 1994 Rwandan case and the 2003-5 Darfur crisis. There were massacres in Cambodia, that were noted by Kiernan (2004) as genocide and brutality in Uganda under Idi Amin (Sempangi, 1975, Nayenga, 1979, Carson, 2005: 2-4) and the only responses from the regional neighbours of these two countries, Vietnam and Tanzania, respectively, came after their territorial sovereignty had been threatened or attacked. Even when Vietnam and Tanzania intervened for their national security interests and achieved humanitarian by-products, the Security Council condemned the military intervention by Vietnam as being an invasion and was silent on Tanzania's intervention (Hathaway, et al, 2013: 512). Kuperman (2001: 23) pointed out that Rwanda was part of a region that was regarded as "a low priority" to the USA interest. This lack of direct self-interest

can be seen as the reason why the USA never took the Rwandan genocide as a subject of HMI, a case that disapproves the cosmopolitan moralist argument for HMI.

The second question on the justification of HMIs based on the cosmopolitan intervention theory is that how does a leader come up to conclude that the actions which he/she is undertaking are the aggregate desires of the majority of the citizens. The moral problem here is that leaders of powerful states abuse their sovereign representative role for their people to advance narrow self-interests of a few powerful individuals in their states. Maxwell (1990, 15) that, "American foreign policy is often made for the benefit of narrow economic interests rather than for, and sometimes contrary to, the interests of the nation as a whole... the phrase 'national interest' is merely a device to rally loyalty". It is therefore unethical to claim that a HMI has been undertaken because the majority have asked for it while in actual fact there would not have been a referendum to ascertain the response of the nation to atrocities being committed on citizens in faraway places.

The thesis questions the liberalists' arguments on HMI from an ethical development perspective. Questions begging for attention are: If HMIs were purely humanitarian, why has it been that in some cases intervening forces have left the subject states in more appalling conditions than they were under the alleged brutal or rogue leader? Why has there been allegations of humanitarian abuse by the intervening forces that have not been prosecuted. In illustration, Metz (1995: 68) argues that, "An action is good if it preserves the totality, fullness, and the harmonious life of a human person; an action is bad if it has a more or less decided tendency to break into and narrow the totality and fullness of humanism and its contents." From this quotation it can be observed that after the USA/British led military intervention in Iraq in 2003, Iraq has become one of the most unsafe nations in the world and arguably a breeding ground for terrorism (Blair, 2009: 6, Blair, 2015). One of the leading architects of the intervention, former British Prime Minister, Tony Blair accepted that Iraq was better off with Saddam Hussein than it is now and that they acted on false intelligence.¹⁸ The situation was also replicated in Libya where after having

¹⁸ In an interview with Cable News Network (CNN)'s Fareed Zakaria, Tony Blair accepted that the role of the Coalition of the willing had played a part in creating a space for the Islamic State in Iraq and the Levant to breed and grow. He apologised for his role in the intervention and noted that Iraq under Saddam Hussein was a safer place than it is now. He however argued that the birth of ISIL could have also been partly aided by the Arab Spring and argued that its major bases were in Syria (Fareed Zakaria GPS; 25 October 2015; 1300hrs – 1400hrs Central African Time), which argument raises moral questions for the Western powers who declared Bashar al Assad, the Syrian President an illegitimate President and supported the opposition forces, some of whose, like Al Nusra Front pledged allegiance to ISIL. Some of the weapons the Americans air dropped for the Syrian rebels and Kurdish fighters

supported the NTC with air cover in its fight against Gadhafi, NATO pulled out of Libya after the assassination of Gadhafi leaving Libya as a failing state with different militia groups fighting for power and two major governments claiming legitimacy, one based in Tobruk and the other in Tripoli (Laessing, 2015). Because of these practical historical cases, one can safely argue that HMI is a tool for the powerful states to pursue their selfish interests in the affairs of weaker states with a moral face. It has been established that in both Iraq and Libya, Western powers' HMIs were a cover for the pursuit of oil resources and to forcefully remove state leaders who were seen as unpredictable in relation to western interests. Hence, the military interventions were not humanitarian but abuse of the concept to pursue selfish interests without regard for the wellbeing of Iraqis and Libyans who now suffer under semi-stateless states. The social humanitarian situation of the Iraqis and Libyans is now generally worse than they were under their deposed leaders. It can be argued that western intervention did not solve humanitarian cases but created humanitarian catastrophes. Hence, Sekeramayi noted that it is now that Libya needs a HMI.¹⁹

8.3 The Prevalence of Anarchy in International Relations?

The international system is defined by scholars like Bull (1977) as an anarchical society. Anarchy in international relations is seen as "a political relationship in which the units possess no authority over one another and are not bound by any common authority" (Lake, 2004/5: 8). Where there is anarchy there are no or only loose rules to govern interaction of the parties (Suissa, 2010: 7). Indeed, in an anarchical situation, there is no talk of formal interaction but mere collision of actors while pursuing separate but sometimes converging goals.

Scholars who argue that the international system is anarchical base their argument on the prevalence of the concept of absolute sovereignty of states as propounded in the Peace of Westphalia which denies the existence of strongly established hierarchy in the international system (Donnelly, 1986: 601-602). Lake (2004/5: 4) notes that the concept of sovereignty, in its absolute form as propagated by the Peace of Westphalia, "implies an internal hierarchy of authority (in a country) that culminates in a single apex".

An anarchical society creates a double moral problem in relation to HMI. Firstly, in an anarchical society, no country is bound by any form of rules. The argument that in the practice of sovereignty a country sees

ended up in ISIL hands (MacAskill and Chulov, 2014) which has created a lot of unanswered ethical questions to the USA's involvement in the Syrian crisis.

¹⁹ Interview with Dr. Sydney Sekeramayi, Harare, 2015.

no other authority above it means that there are no checks and balances in the international system. Any government can do what it deems necessary on its citizens without any positive or negative reaction from other countries in the international system. If there is any reaction it may only end outside the borders of the concerned state because any attempt to take the disgruntlement outside the reacting part's national boundaries will be resisted as an assault on national sovereignty.

Given the foregoing analysis that there are no moral rules guiding state relations, HMI cannot be justified. This could have been the case prior to the creation of an international society proper and in the aftermath of the fall of the League of Nations. European states brutalized societies in their colonies in Africa and Latin America without anyone questioning them. An anarchical society, as it was prior to the creation of the League of Nations and UN, is characterized by the bullying of weaker states by the powerful states. In a state of anarchy there is no talk of humanitarianism, ethics and moral behaviour, hence there can be no discussion on HMI.

Secondly, powerful countries can do what they wish and invade weaker countries using any pretext including HMI without being restrained by anyone or anything. At a time when the European powers were brutalizing their subjects, the same powers namely, Britain, France, Austria and Russia, undertook HMIs in the affairs of the Ottoman Empire on the pretexts of protecting Greeks or the Christian minorities who were allegedly brutalized by the Turks, crimes either similar or less than those committed by the same European powers in their territories or in their colonies (Köchler, 1999). These actions proved that there is an inherent existence of double standards in the application and conduct of moral practice in HMIs.

In the era of the demise of the League of Nations, Hitler undertook a well-planned strategy to annihilate the Jews and the communists in Germany. Hitler's internal policies were not challenged by other European powers to the extent that when he began exporting his Nazi doctrine outside of Germany, European powers attempted to placate him, a policy that was popularly termed as 'appeasement' and advanced by the then British Prime Minister, Neville Chamberlain (Trubowitz and Harris, 2015). The failure to undertake an HMI in Hitler's Germany could be argued by Realists that the international system is anarchic, at least then from this thesis's argument, and that the concept of moral HMI has never existed.

An anarchical society is, therefore, one in which powerful countries can pursue their self-interest without any fear of reprisal or questioning from weaker countries which they can punish by force. This leads to the question: Is the international community really an anarchical society or it is not?

This thesis's argument goes against the assertion by Lake (2004/5: 2) that "international relationists almost universally assume that the international system is a realm of anarchy", by arguing that the international community is not an anarchical society but a community of self-interested individuals who all submit to the realization of the ultimate wellbeing of everyone because a community that excludes any individual from wellbeing can hardly be called a community from the perspective of ethical development theory. Nonetheless in an attempt to come up with a definition of anarchy, Bull (1977: 4) defines the opposite of anarchy which is order and established that order is a relative term which in most instances in social life when it is discussed refers to actions or conditions that establish three goals namely that:

All societies seek to ensure that life will be in some measure secure against violence resulting in death or bodily harm. Second, all societies seek to ensure that promises, once made, will be kept, or that agreements, once undertaken, will be carried out. Third, all societies pursue the goal of ensuring that the possession of things will remain stable to some degree, and will not be subject to challenges that are constant and without limit.

The implication of the above quotation is that, despite the compelling arguments on international relations characterized by anarchy, Realists such as Bull concur with the ethical development theory that all societies strives for the ultimate wellbeing of the community, a situation that runs contrary to the anarchy arguments. Hence, the theory and practice of HMI cannot escape ethical interrogation on the basis of the arguments by the proponents of international anarchy. In the example given by Bull (1977), the absence of the three conditions create anarchy. A situation in which there is no guarantee for peace and life, where agreements are never honoured and security of property is not guaranteed is an unsafe situation which leads to the Hobbesian state of nature. The situation of individuals in a society as given in the example can also be used to clarify the subject of anarchy in the international system. The international system is a rules based system in which the member countries are driven by the primary shared values of peace, security and the respect human rights according to the preamble of the UN Charter.

The creation of a universal international organization of the magnitude of the UN ushered in a different phase in international relations that could not be defined as anarchic. When countries accented to the UN treaty and agreed to conduct their interactions based on the Charter rules, they in practice accepted the new norm of limited sovereignty which began the process of redefining the absolute concept of the Westphalian creed (Wheeler, 2001: 2-3). The concept of anarchy is based on the notion that countries are independent of other countries externally, which is no longer the practical norm in international relations. The new UN system means that the UN is a supra-state body that is mandated and recognized by countries as a legitimate body to question any countries' actions, including internally (Sohn, 1982: 13). It is because of this reason that the moral and ethical justification of any HMI has been sought by those conducting it primarily at the UN, through either the General Assembly or the UNSC. It is also because of the same reasons that even when powerful countries choose to undertake missions without an express UN mandate they have referred to previous UNSC resolutions to acquire an implied mandate such as in Kosovo (1999) and in Iraq (2003).²⁰ The justification of HMIs on humanitarian grounds and under certain Security Council resolutions can be used to justify the existence of an international community that seeks to base its actions under accepted legitimate moral rules.

Lake's (2004/5) argument that international community is not anarchic is refuted universally by international relations scholars who use either or both of the terms 'international society' or 'international community'. These terms denote relations based on a certain order and rules based society (Bull, 1977, Buzan, 1993). Bull (1977, 9) puts it that an international system is formed when "two or more states have sufficient contact between them, and have sufficient impact on one another's decisions, to cause them to behave - at least in some measure - as parts of a whole." Simply having contact does not translate into the nonexistence of anarchy. When Hobbes (1651) formulated the theory of the state of nature which was anarchical it emanated from an unregulated contact among the members of a system.

²⁰ There has not been explicit Security Council authorisation for the military interventions in Kosovo and Iraq. In Kosovo, NATO was vindicated by that the defeat of a Russian sponsored Security Council draft resolution to declare the NATO intervention in Kosovo illegal by twelve votes against and three in support, as a sign that the international community accepted the moral legitimacy of the HMI (Greenwood, 2002). In the invasion of Iraq in 2003, the coalition of the willing, specifically Britain based their intervention on Security Council resolution 1441 (2002), which recognised "the threat Iraq's non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles posed to international peace and security" stated that, Iraq was in 'material breach' of its disarmament obligations and that failure to do so would attract serious consequences, on one hand. On the other, leaders of the intervention argued for the moral legitimacy of the military intervention on the basis that Saddam Hussein was a tyrant who brutalised the Iraqis (Blair, 2009, 6).

However, as noted previously, the international system is referred with either of the two terms, namely 'international society' or 'international community'. An international society "exists when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions" (Bull, 1977: 13). Bull and Watson quoted in Buzan (1993: 330) further define an international society as:

A group of states (or, more generally, a group of independent political communities) which not merely form a system, in the sense that the behaviour of each is a necessary factor in the calculations of the others, but also have established by dialogue and consent common rules and institutions for the conduct of their relations, and recognise their common interest in maintaining these arrangements.

An international society is therefore not only defined by the interaction of different countries that make up the system but established rules that are created for the common good of the society. A rules based system is created in order to deal with disorder, which is sometimes referred to as anarchy. Having rules does not necessarily mean that there will not be some elements within the system that may break or attempt to break the rules for personal advantage. It is therefore possible for countries to use unethical means to attain goals that can be defined as self-interests. One of the concepts that are susceptible to abuse in the international society is the 'HMI concept'.

In a number of instances, states have used the concept of HMI to seek a justification for the pursuit of national self-interest. From the case examined in the thesis, the Indian intervention can be seen as a fitting example. After having failed to convince the UNSC with the theories of refugee aggression (Wheeler, 2000: 59) and Pakistan military aggression inside Indian territories (UNSC 1606th Meeting; 1971, Articles 153, 154, 161, 163 and 175), the Indian ambassador to the UN argued that Indian actions in East Pakistan (Bangladesh) could be ethically justified given that Pakistani army's brutality in the then East Pakistan "was on a sufficient scale to 'shock the conscience of mankind'" (Wheeler, 2000: 63). The deliberate use of the term 'shock the conscience of mankind' was meant to invoke a sense of moral right if not duty from the international community that someone had to act under humanitarian motives to save the people in the then East Pakistan. The same could be said about the 2003 military intervention in Iraq by the USA and British led coalition of the willing. After the failure to establish weapons of mass destruction, which was the intended and declared motive for the invasion, Britain and the USA went on to argue that the mission was a moral venture that sought to liberate Iraqis from the brutality of Saddam

Hussein. Such a justification was an attempt to borrow legitimacy for the military intervention from an ethical point and deny the apparent pursuit of self-interests. The two given examples clearly show how the concept of HMI is susceptible to abuse by regional and international powers for the achievement of self-interest driven goals, even under an international society or community.

An international community is a society that would have developed from being a loose rules governed system to one that has developed "some elements of a centralised enforcement mechanism" (Bull; 1977, 126). Kritsiotis (2002: 962) put forward that a community is "defined as a social system of continuing interaction and transaction and ongoing structured relationship between a set of actors" with consciousness of reciprocity among the actors based on shared moral imperatives and values.

When scholars refer to the international system as an international community they cannot be charged with being too ambitious. The international system today as we know it has developed some enforcement mechanism of laws and ethical regulations that it can be classified as an international community. The League of Nations was the first major attempt to create an international community from the international society, while the UN represented the success of the project (Kritsiotis, 2002: 968). The UN system has passed the stage of only dealing with matters of power politics among different countries in the international system to dealing with social issues of internal and international affairs like health, gender, education and business in its member countries. Different specialised organs of the UN like the World Health Organization (WHO), United Nations Children's Fund (UNICEF), United Nations High Commissioner for Refugees (UNHCR) and the United Nations Human Rights Commission (UNHRC) are some of the specialised agencies whose roles in the international system impact and affect internal policy formulation and implementation. The UN has managed to achieve its universality through its links and cooperation with regional bodies like the African Union (AU) European Union (EU), and the Arab League (Kritsiotis, 2002: 968). The UN system is also accepted by all member in the international system as the sole depository of international treaties (Abbott, et al; 2000: 26).

The existence of either an international society or an international community translate to the argument that the international system is not an anarchical society. The system is based on rules that are enforced either by self-help projects like sanctions or by UN enforcement mechanism (Abbott, et al, 2000: 25-26). There are numerous cases in which the UN enforced its resolutions or restrained the actions of 'rogue' elements in the international system. These cases include the economic sanctions on Smith's Rhodesia after the Unilateral Declaration of Independence (UDI) that sought to create an independent white

supremacist state in Zimbabwe in 1965, military restraint on Saddam Hussein after he invaded Kuwait in 1991 and authorisation of NATO to enforce a no fly zone in Libya in 2011 after Gadhafi had failed to withdraw his troops that were marching to fight unrest in Benghazi. The UN system is a developed international regulatory system that has managed to hold the international community and achieved on its main goal of preventing another catastrophic global war of the magnitude of the first and second world wars (WW I and II) as stated in the preamble and article 1 of the charter.

The argument that the international community is not an anarchical society does not mean that there is no anarchy in the international community. Even in sovereign countries where the laws are enforced by a defined central authority criminals always break the law and some 'powerful' individuals are never prosecuted and it can be argued that in matters of humanitarian law, it is because of this reality that the international community created international criminal tribunals like the ICTR and ICTY. Such a scenario does not translate that the country is in a state of anarchy except only when it becomes so widespread that it is ungovernable as was the case with Somalia at the end of the Cold War and recently in the Houthi take over in Yemen. Mostly internal anarchy leads to civil wars. The situation is the same in the international community. Ethical rules that have long been established by tradition are followed. For instance, the long established tradition that an envoy cannot be killed has been a practice of countries even in war times (Denza, 2009: 1).

However, there are always instances in which some ambitious leaders and powers may attempt to defy rules and regulations for self-interest. In cases where an ambitious leader succeeds in defying the rules of the system and break the rules to the extent that the rules based system breaks down, then the society becomes an anarchical society. the case of Hitler's, Mussolini's and Tojo's actions in the aftermath of WW I can be cited as examples of rogue actors in the international system whose action led to the breakdown of a nascent international community that the League of Nations was attempting to create.²¹

²¹ After the defeat of Germany, the European powers with the assistance of the then USA President, Woodrow Wilson, took a major step in creating an international community by establishing the league of nations which had clear rules for international engagement. However, with the rise of Hitler to power in Germany with his Nazi doctrine, the nascent international system came under stress. Hitler challenged the whole order which the League was attempting to create using the concept of Aryan nationalism and supremacism. As he sought to establish a Nazi empire, with cooperation from Benito Mussolini of Italy and General Tojo of Japan, the international community which was in its embryonic stages broke down and the world plunged into a second major international war (WW II).

Walzer (1977, x) classified Hitler's regime as a criminal regime for defying all ethical issues in their conduct of internal and external relations.

In the post WW II and post-Cold War eras the establishment of the UN as an attempt to create a global rules based system has not managed to totally eradicate acts of anarchy as powerful and ambitious countries and leaders continue to test the system by pursuing national self-interests. This assertion is proven by the undertaking of wars by Major Powers in the affairs of less powerful states against the established rules under the UN Charter or respective regional rules. Wars have become a common feature in most less developed continents with the major actors in such wars, either directly or by proxies, being the powerful states in the world. The DRC is one example that is rocked by perennial wars which Carpenter (2012, 10) noted that there were invisible hands which could be western. The Middle East is also popular for different military conflicts in different countries examples being the Afghanistan war, the Yemen civil war and the Iraq civil war in which Western hands had some elements of visibility, while Russia had been fingered as the hand behind the rebellions in Ukraine that were triggered by the unrest against former President, Viktor Yanukovich in 2013 (BBC News, 2014) and the Georgian conflict of 2008 in which the interests of regional or international powers like USA, Russia, Saudi Arabia, and Iran were threatened.

The other challenge is that while countries which undertake HMI argue that they will be doing it on behalf of the moral international community, it is not always a truism. as in the situation were national leaders argue that their policies are undertaken to pursue national interest of their citizens even when the majority of the citizens will be against such policies (Maxwell, 1990: 15), major powers have given themselves the role of international police personnel (Mugabe, 2015) and always refers to their actions as being done on behalf of the international community. Even after it was revealed that Saddam Hussein had no weapons of mass destruction, one of the coalition leaders, former British Prime Minister, Tony Blair (2009), reiterated that the world is safe without Saddam Hussein. The inference from the argument is that the mission of the coalition of the willing that invaded Iraq undertook its mission not only for the betterment of Iraqis, but the world as a whole by removing a tyrant who threatened the global community from the face of the earth. However, it has already been proven that the Iraq war had narrow interests for the western powers who undertook the war (Hinnebusch, 2006: 453).

8.4 National Sovereignty and Responsibility to Protect, Nationalism and the Problem of Shared Moral Values

HMI and the subsequent R2P concept have been justified as moral imperatives that countries undertake to protect civilians in distress and besieged by their leaders. The concept has however faced counter moral challenges. These challenges pertain to the relationship between the concept and national sovereignty, nationalism and the debate on shared moral values.

National sovereignty is a moral concept that denotes a country's supremacy in its national affairs. Bull (1977: 8) states that:

On the one hand, states assert, in relation to ... territory and population, what may be called internal sovereignty, which means supremacy over all other authorities within that territory and population. On the other hand, they assert what may be called external sovereignty, by which is meant not supremacy but independence of outside authorities.

The legitimate or de-facto government of a country has the legitimate right to create laws and enforce them in its borders and effect order while recognizing no superior authority above it outside its borders (Ayoob, 2002: 82). National sovereignty is also buttressed by international recognition. Having power to control internal politics alone is not enough to claim sovereignty. As a moral tool in international relations, sovereignty denotes the moral duty to be recognized as a legitimate authority of a certain territory by other leaders and governments and in turn, a duty to recognize others as such (Goldsmith, 2000: 959).

As noted in chapter 8, sovereignty since its inception, at least in theory, meant that leaders who claimed it had a reciprocal duty to protect their citizens from both internal and external threats to life. This is the essence of the social contract theory. The concept of limited sovereignty as espoused in the R2P document can arguably be seen as having been at the core of the concept of national sovereignty since its inception. It is because of this relationship between sovereignty and rights that social contract theorists like Grotius (1625) and Locke (1689) all agreed that if a government fails to uphold its side of the contract, the people will also have a moral right to topple that government and replace it with responsible leadership. In theory therefore, there is a moral right for states to undertake HMI given the fact that when people in a state disown their leader, such a leader can no longer make legitimate claims to sovereignty. This argument was put forward by the European Union member states and the USA after the Syrian uprising (Middle East Bulletin, 2013: 14).

Given that the leadership has always had a monopoly control of efficient apparatus of violence in the army and police forces, it has always been difficult for civilian citizens to rise against the tyranny of their leaders. It is because of this reason that Grotius (1625) saw no problem in other countries assisting militarily those who would have risen against their government. However, this notion raises some moral issues. Firstly, when another government renders support to an uprising in another country in the era of globalization, some ambitious cessationists would find it easy to provoke their governments by violence and attract a violent retaliation so as to gain international sympathy and intervention. Simura (2014) argues that the reason for the failure of the AU in solving the Libyan crisis peacefully was partly because of the support that the rising groups, which he termed "rebels", got from western powers.

Simura's (2014) argument could be true. On one hand, in areas where there was explicit western support to the uprisings, the uprisings were successful in toppling their governments or being prolonged. For instance, with the exception of Tunisia, Egypt and Libya successfully toppled their long time leaders, Hosni Mubarak and Muammar Gadhafi, respectively, with Libya doing so with the military support from NATO. In Syria, while the uprising failed to topple Bashar al Assad, the Syrian President, the Western powers successfully sustained the civil war because of the support they got from the western powers and other anti-Assad countries in the Middle East like Saudi Arabia, Kuwait, United Arab Emirates and Turkey (Cordesman, Shelala II and Mohamed, 2013: v).

On the other hand, those uprisings that did not get support from the western powers crumbled. The uprising in Saudi Arabia went unnoticed while the Bahrain uprising was crushed by a coalition of Gulf Cooperation Countries (GCC) under the leadership of Saudi Arabia (Haykel, 2013: 3-4). These examples shows that the support of Western powers did not only help to encourage uprisings from groups expecting sympathy from the Western powers, but also the fact that most of those who got the explicit western support in the uprisings had different levels of success while those who did not get the support crumbled with some going unnoticed.

The second moral issue that rises pertains to powerful countries acting as above other countries, a concept that is commonly referred to as hegemony. While it can be accepted that leaders who brutalize their citizens will be acting against the moral tenets of national sovereignty (ICISS, 2001: 13), the practice of another country entering a foreign land without the consent of the subject country cannot be morally reconciled in relation to national sovereignty. National sovereignty is the last line of defence for weaker countries against the encroachment of powerful countries (Ayoob, 2002: 83). Allowing for HMI, while it is

morally noble in theoretical terms, it practically gives a leeway for powerful countries to encroach into the affairs of weaker countries, hence shaking the foundation upon which the international system rest. The only instance in which the cardinal principle of national sovereignty can be broken in international relations is after the authority has been given by the Security Council for the protection of international peace and security as stated in chapter VII of the UN Charter.

HMI is an 'aggressive' act that can only be undertaken by a relatively powerful state against a relatively weaker state. Moralizing HMI can be equated to giving powerful countries a leeway to invade weaker countries under the pretext of humanitarianism. In extreme cases, as was the case in Syria, powerful countries can fan uprisings in order to create pretext for HMI (Clark, 2013: 47).

Related to the subject of HMI not being an adventure that can be conducted in the affairs of powerful states, is the lack of it in the affairs of weaker countries that are allies of powerful countries. The Palestinian case has been accepted by many countries in as a humanitarian case. The case has been discussed using such words as occupation and massacre, which both point to humanitarian cases. However, the Israeli/Palestinian crisis has been relegated by the international community to be a *de facto* American internal matter because of the deep rooted USA interests in the matter.²² The ongoing Syrian crisis is also another case in point. Russian support for Bashar al Assad has seen the international community failing to make any meaningful HMI to save the thousands of lives that are lost. As of August 2014, the UN put the death toll from the crisis at an estimated 191 000 (UN, 2014), and 4.2 million displaced (UN, 2015). While Russia (and China) abstained from voting on UNSC resolution 1973 for the HMI in Libya on the basis that the AU and Arab League had supported the Resolution, it has, with Chinese cooperation, denied the international community a legitimate case of HMI in Syria (Idike and Nnenna, 2014: 304-305). Russian actions in the Syrian crisis, including its military actives in support of the Syrian government can be best explained as the pursuit of geopolitical interests that seeks to limit western, particularly USA, influence in the Middle East. The moral dilemma here is that HMI which must be conducted to save people in distress has become a hegemonic tool which is used as a HMI pretext in

²² After the creation of the state of Israel and the subsequent wars that the Arab states mounted against the creation of the Israeli state, the region has been a conflict zone. Peace agreements have been dominated by USA presidents and government to the exclusion of the international community. This has created a scenario where the Middle East crisis is seen as primarily an American issue because Israel is seen as a USA outpost in the Middle East with the USA leading and being central in all peace talks.

states where powerful states have vested interests and denied by the same powerful states in areas they also desire to protect the status quo.

The issue of HMI is based on what are seen as universal human rights and standards in governance. This argument is problematic in the sense that shared universal moral values cannot be easily identified (Köchler, 1999: 4). The debate of universal moral values has been at the centre of debate between the international human rights advocates and the cultural relativists on the other side. The debate is also found on the sidelines of the international relations debate between the realists and the liberalists and it profoundly impact on the concept of HMI. The impact is based on the notion that external states can use the gross abuse of human rights to levels that shock the conscience of mankind to ethically justify a HMI (Davidson, 2012: 129).

Liberalists and advocates of universal human rights argue that human beings everywhere are equal and should therefore enjoy equal human rights (Donnelley, 1984: 400). The argument is further strengthened by the notion that all countries that are member states to the UN signed the Universal Declaration of Human Rights (UDHR) of 1948. Liberalist further draw strength from the fact that Article 1 (3) of the UN Charter states that no one should be discriminated based on gender, race, religion or sexual orientation while the preamble to the UN Charter states that the UN seeks to reaffirm faith in fundamental human rights and equal rights between men and women. The neo-liberal Universalist argument on human rights is based on the individual and seeks to atomise the concept of individual rights to an extent of attempting to place an individual as an isolation to the community and being functional in exclusion (Calder, 2002: 18). Calder (2002: 18) notes that:

Atomism amounts to the claim that it is possible for human beings to go it alone, that we can be fully fledged agents quite apart from any relation to society, or to the world. On these terms ... location of rationality in a severed realm of introspective thought, the world and others are only a secondary intrusion on an already self-sufficient subjectivity.

The individualistic argument, though seen as the driving force behind HMI, in actual fact create some moral questions for itself. Concentrating on the individual to pursue self-interests is problematic from the perspective of ethical development. Kenyatta (1953, 199) explaining the case of individualism from the perspective of interrelatedness writes that:

The selfish or self-regarding man has no name or reputation in the Gikuyu community. An individualist is looked upon in suspicion and is given a nickname

'mwebongia' (one who only works for himself and is likely to end up as a wizard). He cannot expect that everything he does will prosper for the weight of public opinion makes him feel his crime against society.

Within this thinking, the individualistic argument, therefore, as the driving force behind HMI should be seen as detrimental to both the intervening state and the subject state. The use of humanitarian excuses to pursue national interests will bring condemnation upon the intervening state and disapproval of its future intervening plans in critical humanitarian cases as was the case with NATO in relation to Syria after international criticism against its abuse of Resolution 1973 in Libya to pursue the interest of the intervening states.

Morality is a relational concept where one is expected to forego his/her needs for the benefit of the society/community as noted by Kurasha (2015) that, "Morality and ethics is about the concern of the other person".²³ When we assume that one lives in a vacuum detached from other human beings and living animals, there will not be a talk of morality given that such an individual is not answerable to anyone. He/she does as he/she pleases without thinking of questions of right and wrong coming from any quarter. It is only because we live in societies and communities that ethical codes and moral rules are developed in both written and unwritten codes (Copp, 1997: 189)

When one is seen as important than the society and acting independently it follows that individuals are not driven by any motive to sacrifice their rights, primarily the right to life, only to save 'strangers'. In this individualistic nature, neo-liberal concepts of human rights forward an argument for the pursuit of self-interest as propounded by Smith (1776). In relation to the conduct of HMIs by powerful countries in the affairs of the weaker ones, it follows from this concept that their adventures will be motivated by self-gain and not humanitarianism. Most interview respondents gave out the preceding argument and worthy noting is the notion by Kurasha (2015) that, "Ethics have very little to do with it (HMI). That is why they (powerful countries) use international law and not ethics when they intervene. Only in cases when a situation has gone out of hand like in Iraq that ethics may then be used to justify the intervention. They build a moral consideration after a disastrous intervention."²⁴Smith (1776), cited by Wight (2002: 61) put it, any good that derives therefrom is a by-product, not the motive or intended product. In such a scenario, when there is a failure in the intervention or the intended goals have been achieved, the intervening

²³ Interview with Kurasha, Harare, 28 August 2015.

²⁴ Interview with Kurasha. This notion was also supported by Sandra ... who in an interview on 26 June 2015 in Addis Ababa stated that, "When it comes to intervening there are a lot of interests involved."

forces can withdraw without considering the humanitarian situation of those in the subject state. This case could be argued to be the driving force behind the HMIs in Kosovo (1999), Iraq (2003) and Libya (2011). The interventions carried selfish motives of the intervening states. Badza (2015) noted that:

Powerful countries with capabilities to pursue their interest, are always driven to stop violence when it breaks out. However, they don't intervene in every area of crisis but only do so when their interests are at risk and where there are not they don't intervene. In Rwanda people were massacred in the face of the same humanitarian masters. Ethical considerations are always there as was the case with UNOSOM I but up to now Somalia is not stable. Some countries are trying to reconfigure Somalia so that they can benefit from the discovered oil deposits. Gaddafi made a mistake by saying he will attack Benghazi. The humanitarian crisis in Libya is worse than it ever would be.²⁵

The argument that was put forward by some scholars and practitioners in politics and international relations is that while there are genuine humanitarian reasons in less powerful countries that warrant intervention, most of the interventions that are undertaken are not only influenced by these compelling humanitarian reasons but also the national self-interests of the intervening country or countries. It is because of this reason that Badza gave some contrast between Rwanda and Libya. Badza therefore concluded that, "As long as humanitarianism is applied in a selective fashion it remains hypocritical and illegitimate. Hence there is no humanitarianism."²⁶

The issue of the pursuit of selfish interests if weighed against the conduct of NATO and the Coalitions of the willing military interventions in Afghanistan in 2001 and Iraq in 2003, respectively, raises further questions of the pursuit of immoral group interests at the expense of those viewed as others. These questions relate to the argument that may be put forward by one group (in international relations, these can be a state or a regional group like AU, EU or NATO) that its security and survival is more important than the security and survival of innocent civilians in states led by alleged rogue leaders. The military interventions in these two countries were partly justified, as was Iraq, or wholly justified, as in the case of Afghanistan, on the need to launch pre-emptive wars against impending attacks from the alleged tyrants who were leading these states (Schwartz, 2004). In short, the military interventions sought to safeguard the lives of Europeans and Americans which was however achieved at a price of the blood of Iraqis and Afghanis. The moral question therefore that comes is that were the lives and rights of Europeans and Americans more valuable than the lives and right to life of the Iraqis and Afghanis who

²⁵Interview in Addis Ababa on 19 June 2015

²⁶ Interview in Addis Ababa

were killed in the military interventions. In short, the application of universal human rights is relative to the importance of the powerful countries. This is questioned by Kurasha who noted that even the killing of a single innocent person is enough to de legitimize intervention and noted that the USA's action is not guided by morality as noted in the use of drone to kill certain targets which comes at the expense of killing many innocent souls all in the name of eliminating a single person.²⁷

The liberalist argument is countered by cultural relativists. Cultural relativism argues that while there are human rights, these rights are the creation of people in line with their cultural values and practices (Donnelly, 1984: 400). The school of thought also notes that religion plays a major role in assigning rights and duties to society's individuals. Because of these reasons, cultural relativists argue that there cannot be universal human rights but human rights based on the cultural and religious practices of human beings in different places (Donnelly, 1984: 400).

Cultural relativism has its inadequacies in relationship to HMI. In arguing that human rights are cultural and religious specific (Donnelly, 1984: 400-401), the concept of cultural relativism dismisses the concept HMI. Substantial maltreatment of human beings has been justified on cultural or religious practices. In the pre-colonial and colonial times in South America, Native American tribes practiced human sacrifices that were religious practices (Sorabji, 2007: 20). It was because of this reason and allegations of cannibalism that theological scholars like Sepulveda justified Spanish conquest of the Indians' lands as humanitarian as it was a mission to Christianize the Indians and save them from being sacrificed by their kings (Reynolds, 2010: 17-22). If one follows a fundamental cultural relativist argument, it is unethical for another state to intervene in another state on the basis that leaders in such a state are violating human rights. From a cultural relativist's argument, intervening in another state on the pretext of human rights is an imperialistic adventure, which is unethical in international affairs (Calder, 2002: 17).

8.5 Altruism and Humanitarian Military Intervention

HMI is a moral concept. Its roots are found in the concept of philanthropy which basically means acts of helping people in distress. Merriam-Webster (online) dictionary defines philanthropy as, "(1) goodwill to

²⁷ Interview in Harare on 20 August 2015. The USA has been using drones to targets what it terms terrorist leaders, like the leadership of the Taliban and leaders of ISIL, in countries like Afghanistan and Pakistan. However, in a documentary titled "Living underneath the Drones" by Aljazeera, civilians have complained of living under fear of unknown instant death. The documentary noted that drones have killed a number of innocent people and disturbed the lives of a number of communities.

fellow members of the human race; *especially*, active effort to promote human welfare, (2) *a*, an act or gift done or made for humanitarian purposes, *b*, an organization distributing or supported by funds set aside for humanitarian purposes". Philanthropy can be understood as assisting others out of good will and without expecting returns from the actions. This means philanthropy can be seen as similar to altruism. Krieg (2013: 48) notes that "altruism refers to an action that is not only not self-enriching but actually self-harming while benefiting someone else." Bar Tal (1986, 5) propounded that for an act to be classified as altruistic, it must have features "(a) must benefit another person, (b) must be performed voluntarily, (c) must be performed intentionally, (d) the benefit must be the goal by itself, and (e) must be performed without expecting any external reward."

From this definition, any act of good will should not be driven by declared or undeclared motives of personal gain. It is this notion of pure acts of good will in human relations that this thesis argued to be at best theoretical. The definition and classification of altruistic behaviour from which the concept of HMI is derived has telling pointers for scholars like Teson (2005) who have argued that HMI can have both altruistic intentions and self-interest motives. The conduct of HMI should not be guided by the twin questions of; what do I gain? And what do I lose?

In practical cases, when the USA pulled out of Somalia after the death of its eighteen rangers in 1993, the pulling out meant that the intervention was not humanitarian from the ethical principles of altruism. In this case, the USA put ahead the importance of the lives of its rangers and failed to take note of the multitudes its mission was intended to save. Since then, Somalia has fallen to the level of embodying the definition of a failed state while the humanitarian catastrophe has been exported regionally as Somalia has become the hub of terrorism from which notorious terrorist attacks like the September 2013 Westgate Mall attacks in Nairobi (Howden, 2013) and Garissa University College attacks in Kenya were launched from Dearden in 2015. Similar comparisons can be made with respect to other interventions which were undertaken by the USA in Haiti (1994) and NATO in Kosovo (1999). In Haiti, the USA intervention was driven by the desire by President Clinton to gain the support of the black community and his credibility as an effective president and the need to stop the flow of refugees into America (Girard, 2004: 1 - 26). In such a case the motive for the intervention was not to save the lives but to save the American territory from being flooded by refugees. In other words, the intervention was driven by national preservation which is self-interest. In Kosovo, while NATO argued on a moral imperative to save the lives of Albanians who were under attack from the Serbian army, the methods that NATO used raised ethical questions.

The aerial bombardments resulted in the death of civilians estimated at between 500 and 1 500 (Cronin, 2014: 2) who were not part of the criminal state with others being the victims. The aerial bombardment strategy was meant to limit the NATO casualties while being effective in destroying their targets and achieve quick victory (Cronin, 2014: 3). This, as argued in the previous cases proves that the interventions did not conform to the definition of altruism that one must be driven by the desire to save those in distress regardless of the harm that might meet him/her in the process (Singer, 1981: 5).

This strict approach to HMI is, however, not in agreement with the ethical principles for HMI with respect to the possibility of harm befalling the intervening forces and states. Grotius (1625: 247) opined that:

It is certain that no one is bound to give assistance or protection, when it will be attended with evident danger. For a man's own life and property, and a state's own existence and preservation are either to the individual, or the state, objects of greater value and prior consideration than the welfare and security of other individuals or states.

Borrowing from Grotius, there is therefore, no morality in undertaking an HMI when the probability of defeat is more than that of success. It translates that the 'tyrant' may met his/her subjects with worse tyranny attacks and can even follow on to the subjects of the defeated intervener on the pretext of repelling aggression. It would also mean that the leader of the intervening state would have invited tyranny upon his/her subjects by attempting a HMI which he/she lacked the capacity to undertake.

Grotius' argument was noted by the ICISS (2001, XII) which stipulated in the R2P document as one of its principles for intervention, that, "There must be a reasonable chance of success in halting or averting the suffering which has justified the intervention, with the consequences of action not likely to be worse than the consequences of inaction." What it therefore means, from this practical argument is that while HMI is a moral imperative, it must not be undertaken at the expense of one's life, which is however ironic given that any military adventure would cost lives, specifically in Grotius' era.

Grotius' argument that altruistic actions should be undertaken with caution is supported by Krieg (2013: 49-50) who argued that while human beings have a natural inclination to help others and engage in altruistic behaviour the willingness to do so is situational. According to Krieg, acts that are driven by mere assistance are normally undertaken in low risk situations. In contrast, Krieg (2013: 48 - 50) notes that actions that are motivated by self-interest can be undertaken even in high risk areas because of the anticipated personal benefits. The forgoing argument creates a middle line between the extremist

conceptualization of altruism and the extreme other which argues against the existence of altruism. It is only normal that any leader, whose primary duty is to protect those who bequeathed their sovereignty to him/her, does not undertake any external military action that has the capacity to bring untold harm to his/her citizens. However, in HMI, this principle has little application given that in contemporary history, only powerful states with strong military capabilities have undertaken the interventions. These interventions are also undertaken in less powerful states which means that there is no risk of inviting military aggression on the citizens except in the form of terrorism as has been the case with Kenya after being part of the AU intervention in Somalia.

Even societies that have been defined as communitarian whose individuals are seen to be ardent followers of the concept of sacrificing one's self for others, such acts of pure altruism as put forward by Bar Tal (1986: 5) have been hard to come by. These communities mostly in precolonial Africa which have been based on the concept of '*Ubuntu*' which stated that '*umuntu ngomuntu ngabantu*' (which literally means that, you are a human being because of other human being) (Murove, 2005: 132) have not been purely altruistic societies. The theory of Ubuntu, which can be understood as African humanism perceives human beings as part of a single human community that is subject to the spirits and ultimately, the Creator. According to the Ubuntu concept, one is fully human when his/her actions contribute to the societal wellbeing (Murove, 2005: 131). However, this wellbeing is undertaken by one to have a good co-existence with other societal members, hence the goodwill is premised on anticipation of a goodwill in return. The famous Shona saying that, "*kandindiro kanoenda kunobva kamwe*" (literally meaning; a favour deserve a favour in return) proves that there has never been pure altruism in societal relations, both internally and externally. Outside Africa, in the traditional Scandinavian states, Mauss (1967: 1) states that "In Scandinavian and many other civilizations contracts are fulfilled and exchanges of goods are made by means of gifts. In theory such gifts are voluntary but in fact they are given and repaid under obligation." From this assertion, while there were practices that appeared on the surface as acts of altruism in the exchange of gifts, in actual fact those gifts always deserved other gifts in return, which was an unwritten rule of the practice. This practice is in line with the practical concepts of Ubuntu.

Singer (1981:16-18), however, does not accept that the practice of expecting a return after a good gesture or assisting others in anticipation of reciprocal assistance is self-interest. Singer (1981: 16-18) forwards that such kind of behaviour should be termed "reciprocal altruism". Hence, from Singer's argument offering a good gesture for a return as exemplified in the Ubuntu concept or in the pre-historic

Scandinavian society resembles help that assisted in nurturing group growth. While these arguments can be traced in individuals and even in animals from a sociobiological perspective, in larger groups like states it has not been easy to establish these kinds of behaviour. Maxwell (1990: 23) established what she termed “the immorality of groups” in international relations. She notes that the concept of the immorality of groups holds that, “a group of persons does not act ethically, as a body in a way that reflects the typical behaviour of its individual members. Rather, there are certain characteristics of group behaviour which lead to a lower moral standard for the group.”

HMI is developed from the concept of humanitarianism, which is a philanthropically derivation. As previously defined in the thesis, HMI refers to the use of force to protect the lives “of persons situated within a particular state and not necessarily nationals of the intervening state” (Shaw, 2003, 1045). The definitions of HMI denote that it is military assistance rendered to citizens who are facing brutality at the hands of their leaders who would have digressed from their sworn mandate to protect the citizens. In such a case, the intervention is driven by the moral imperative to save lives and humanity. When an intervention loses its altruistic traits, it falls of the conceptualization of being an HMI. While there could be traits of altruism in individual state leaders, it does not translate that the aggregate decision of the leaders is driven by the morality of the individuals but rather by the immorality of the group. In the conduct of military activities outside national borders, major powers like the USA have not shown an ethical empathy to civilians’ deaths which it constantly refers to as collateral damage (Kiernan, 2003). In reference to this assertion, more than 65 000 civilians are estimated to have been killed in the Iraq war (Encyclopedia Britannica, online), while currently Russia has been accused of killing civilians in a war it claims to be targeting terrorists in Syria (Mullen, 2015) (<http://edition.cnn.com/2015/10/25/middleeast/syria-russia-airstrikes-hrw/>). NATO forces were also accused of killing innocent civilians in the intervention in Kosovo (Cronin, 2014: 2).

While HMI is a moral concept, the practice has always been marred by allegations of the pursuit of national self-interest. The concept of HMI is prone to abuse by ambitious powers that may use the concept to justify missions that are meant to pursue national interests. The fact that HMI is susceptible to abuse is proven on the ground by the actions of ambitious powerful state. The concept which was initially promulgated to protect civilians facing brutality amounting to mass organized torture and killing was used to justify the wars in Iraq in 2003 and Libya in 2011 which did not comply with the ethical principles of HMI. This desire to stretch the doctrine from being an exercise of last resort in extreme

cases to embrace general human rights as defined by the powerful states is one reason in the 21st Century that has seen the doctrine being denounced by weaker developing countries as an imperialist tool by the former colonial masters to install puppet leaders in weaker states. This was witnessed in the case of Zimbabwe in 2008 when Britain planned a military intervention as revealed by former South African President, Thabo Mbeki, whom Blair wanted to rope in the military intervention (Smith, 2013) as well as the joint sponsoring of a draft UNSC resolution (S/2008/447) that was double vetoed by Russia and China, which sought to have the case of Zimbabwe to be categorized as a Chapter VII issue that threatened international peace and security. While there were humanitarian issues in Zimbabwe which included political violence that was perpetrated by both the ruling party, Zimbabwe African National Union Patriotic Front (ZANU PF) and the main opposition, Movement for Democratic Change (MDC) supporters (Asuelime and Simura, 2014) and specifically the crumbling economy that led to economic emigration into other regional countries, the situation was not catastrophic to be compared with cases of genocide or mass killing that are classified as extreme cases that warrant HMI. The desires for an HMI was a pure exhibit of the pursuit of self-interest given the fallout between New Labour government led by Blair and ZANU PF led by Robert Mugabe, specifically on the land issue.

8.6 Conclusion

The chapter critically discussed and analyzed the pertinent concepts that impact on the morality of HMI by powerful states in the affairs of weaker states. It interrogated how the pursuit of national interest by powerful states impact on the conduct of HMI. It also critically analyzed how the concepts of national sovereignty, nationalism, perceived shared moral values and the prevalence of anarchy in the international community of states impact on the ethical conduct of HMI.

The major question that the chapter attempted to answer was whether it is possible for states to prioritize morality ahead of their national interests. From a Realist position, as was argued in the chapter, power expressed as the pursuit of national interests is the currency of international relations. Every state pursues it at any cost. The adverse effect of not prioritizing the pursuit of national interests, at least from a Realist perspective, is that one's state would be doomed for death as other states are always seeking to destroy it. Prioritizing ethics and moral rules in the conduct of international relations is seen as a dangerous path towards the extinction of that state. This argument translates into that there cannot be any HMI that is purely guided by humanitarian intentions and motives. In any HMI, the powerful capable

states that conduct the HMIs in the developing countries will be seeking to extend their influence and hegemony in international affairs.

The chapter argued that the conduct of HMI in contemporary history has taken place in two distinct eras, namely the pre UN anarchical era and the post anarchical era. It was argued that anarchy put simply refers to a system that has no governing and regulating rules. In the international system anarchy prevailed until European powers with the help of the former USA President, Woodrow Wilson, established the League of Nations. This attempt at creating an international society and community was short lived as it failed to put an end to imperialist manoeuvres by Adolf Hitler, Benito Mussolini, and Hideki Tojo in Europe, Africa and the Far East. The battle to establish a community of nations was finally established in 1945 with the creation of the United Nations.

These transformations in the international system had tremendous impacts on the concept of HMI. Prior to the establishment of the UN, the conduct of HMI was undertaken by powerful states in the affairs of weaker states without taking regard to what the other states would say. In the case of the Western powers' intervention in the affairs of the Ottoman Empire, the best the rival powers could do was to join in the intervention and be able to influence the peace process to safeguard their strategic interests (Hammond, 2006: 9-10). That it was an anarchic situation is further proven by the fact that the reasons that the Western power gave for their HMIs in the Ottoman Empire were either similar or less heinous as compared to the crimes the European leaders committed against those who challenged their power in their internal states or in the colonies.

Under the international community created by the UN based system, the international system can no longer be classified as anarchic. However, such a transformation did not tremendously change the nature and conduct of HMI. Powerful states have remained the major players in HMI, with less powerful developing states being the subjects of intervention. However, the conduct of HMIs is no longer explicitly anarchic. Powerful states have now developed a new strategy of exploiting genuine humanitarian concerns in subject states for them to camouflage their pursuit of national interests. The use of genuine humanitarian concerns as was the case in Haiti, East Pakistan, and Sierra Leone when the USA, India and Nigeria undertook their respective military interventions, should not be seen as a turn in international relations from the realist route to an ethical one. These interventions came up with humanitarian outcomes, but only as by-products of the pursuit of national interests.

The chapter established that the concept of national sovereignty has been subject to abuse by state leaders. As highlighted in the chapter, sovereignty as established in the social contract does not translate to the right of the state leaders to inhumanely dominate their citizens. Rather, leaders hold it in custody for the whole nation to the world outside the nation's physical state boundaries. The Westphalian concept could have been an abuse of the social contract. National sovereignty as noted has faced double abuse, firstly by tyrant leaders seeking to insulate themselves from accountability to their peers on the international arena and from their citizens. Secondly, it is used by Major Powers when they seek to disregard brutality by leaders in states they do not hold strategic interests or to insulate leaders in states they are protecting from international attention and formal scrutiny. This has been the case with the Russian defence of the Syrian government on different international fora.

The last sections of the chapter were dedicated to the relationship between HMI on one hand and human rights and altruism on the other. It was noted that principles that constitute altruism are contested. In its extreme sense altruism has been understood as assisting others in ways that disadvantages the helper or even bring harm on the helper without expecting any benefits or rewards from the altruistic action. However, in its lighter form, altruism is seen as a rationale form of assisting others in distress but without necessarily undertaking the altruistic action when the helper is threatened by harm.

In relation the ethics of HMI, the chapter argued that HMI is derived from the concept of altruism given that it is a concept that seek to give relief to people suffering from the tyranny of their leaders or military groups with the consent or abetting from the leadership. The concept of HMI as a use of military force to stop a tyrant from killing his or her own people is arguably derived from the instincts in human beings to assist fellow human beings in distress. However, as noted in the chapter, while individual human beings may have the moral instincts to help other human beings and animal species for no gain, the concept of the immorality of groups makes it difficult for states to undertake purely HMIs.

The sum of this chapter is that there are a number of ethical principles which gives a military intervention a humanitarian tag. These principles include altruism, protecting the lives of civilians, acting with consistency and being driven by humanitarian intentions and motives. In judging the military interventions that have been declared as humanitarian by the powerful states in the affairs of weaker developing states, the argument is that most of the interventions that were declared as humanitarian fall short ethically. In almost all the interventions, the influence of self-interest was highly visible. This visibility was noted through firstly the comparative response of powerful states to humanitarian cases that deserved HMIs,

the internal conduct of the foreign troops and the use of heavy weaponry in civilian populated areas as was the case in Libya, and the lack of a will to restore the socio-political situation to normalcy and peace after the intervention, with Libya and Iraq having been reduced to failing states. The chapter therefore accepts that there are humanitarian cases that deserve an HMI. However, such cases have become subjects of abuse by Major Powers that view these cases as opportunities to extend or protect their hegemony and economic interests on the international arena. The next chapter will give a general conclusion of the thesis.

CHAPTER 9: RESEARCH FINDINGS

9.1 Introduction

Chapter 1 to 7 covered the aspects that relate to the concept of HMIs. Chapter 8 ethically critiqued the practice of HMI. Chapter 9 gives the research findings and recommendations in line with the research objectives. The chapter aims at answering the questions that influenced the research and in so doing meeting the objective that the research set to accomplish.

After discussing the research findings the chapters goes on to give recommendations. The chapter will provide a summary of the thesis from chapter 1 to 8. In this chapter, it is noted that the role of self-interest in military humanitarian intervention has been a subject of debate amongst the whole spectrum of scholars, politicians and state leaders in the world. Some scholars have challenged military humanitarian intervention as a complete camouflage of national self-interest while others see it as a trump on sovereignty. This study questioned the morality of HMI in developing countries by the powerful states. The study also interrogated the ethical role of HMI and the doctrine of the international society as an interventionist doctrine seeking to apportion more power to powerful countries to subvert the ethical rule of sovereignty. Having discussed these issues throughout the thesis, this chapter will give concise conclusions on the issues.

The chapter is structured as follows; research findings, Theories and practices of ethics in international relations, Conceptual definitions of humanitarianism, An investigation on the role of self-interest in HMIs, Historical analysis of HMIs, The pursuit of strategic resources through the cover of HMI, The creation of the Responsibility to protect doctrine (R2P), State sovereignty and HMIs, An ethical analysis and critique of contemporary HMIs.

9.2 Research Findings

It has been noted through chapters 1 to 8 that in many areas where military interventions have taken place, its application has not been consistent and in certain cases it has been abused and critically motivated by national self-interest rather than moral and ethical principles/obligations. Double standards in the application, use and practice of HMIs have been noted. This section succinctly provide a conclusion of findings in line with each objective.

9.2.1 Objective 1: To Discuss the Different Contentious Reasons for the Undertaking of Humanitarian Military Interventions

The thesis noted that the reasons for undertaking HMIs are basically argued to be ethical. The concept of HMI is supported by the liberal school of thought in international relations. Liberal scholars like Teson (2003) and Grotius (1625) argue that HMI is an ethical practice that was accepted and undertaken by different kingdoms and countries since the creation of the state system and beyond. The major reasons for undertaking the HMI adventures as given by the liberal school of thought is the gross violation of human rights of the citizens by their leaders and government.

However, the realist school of international relations object to the dominance of ethics in international relations. The school put forward that international relations is governed by objective law of nature where different countries seek to survive hence morality has no place. From this argument, HMI is seen as a utopia if ever it can be thought of. The school argues that while there exists the violation of human rights, countries who intervene do protect their interests and not the interests of those suffering from gross human rights violations. This notion of interest will be dealt with under objective 2.

What has been contentious on the reasons for undertaking an HMI mission is the failure to establish legal and moral thresholds which when surpassed would warrant an intervention. The thesis observed that intervention undertaken in Kosovo was based on a clear reason that there was a genocide²⁸ that was being undertaken. While there have been legal contentions on the Kosovo HMI given that it was not authorized by the UNSC, there were clear justifying reasons on the ground. However, in other cases as in the intervention in Iraq (2003), the reason was that Saddam Hussein, then the Iraq President, had brutalized his citizens before. It is important to note that the justification was given in the post intervention phase given that initially the military intervention had been undertaken on the pretext of disarming Saddam Hussein of weapons of mass destruction (WMD). This reason is not in line with the ethics of HMI which notes that an HMI should be undertaken when a leader is in the process of committing gross

²⁸ The definition of genocide in relation to Kosovo is drawn from the December 1948 UN General Assembly Convention on the Prevention and Punishment of the Crime of Genocide. Article II of the convention defines Genocide as, "genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such : (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

human rights violations or has threatened such violations with high chances that he/she will act on the threat with the citizens having no means to protect themselves. This was exemplified in Libya when Gaddafi threatened genocide to the people of Benghazi. In Saddam Hussein's case, the violations had been committed in a long time and international corrective measures had been undertaken to deal with the leader's brutality. These corrective measures included the passage of UNSC Resolution 688 which authorized a no fly zone in Iraq and international sanctions against Saddam Hussein.

In the case of an intervention in Libya and non-intervention in countries like Rwanda, Sudan and Syria, a lot of contentions were brought to the front on HMI debates. In Rwanda and Sudan genocide and war crimes were committed with the international community acknowledging the atrocities as noted in this thesis. However, the international community took no meaningful action to save the civilians or take to task the perpetrators during the time the crimes were being committed.²⁹ Contrary to this approach, in Libya, there was a swift response from NATO with countries like the USA and France mobilizing their military machinery before the passing of the UNSC Resolution 1973 (Issaka; 2011: 10-11). Gaddafi was accused of having threatened a genocide or mass murder to the people of Libya specifically those living in Benghazi.

UNSC Resolution 1973 was passed in line with the principles of the new R2P doctrine. However, after the military intervention and the assassination of Gaddafi, the intervening forces took no further steps to fulfill the principles of the Responsibility to Re-build as enshrined in the R2P document. As argued in the thesis, more people died in the aftermath of the fall of Gaddafi than those he was accused of having killed. In place of building institutions to bring Libya back to a peaceful era, the intervening countries were alleged to have concentrated on winning oil concessions, as argued in the thesis. This brings us again to the question of self-interests in HMI which is subject of the next section.

9.2.2 Objective 2: To Analyze the Role of National Interest in the Context of Humanitarian Military Interventions

²⁹ In an interview on 19 June 2015 in Addis Ababa, Simon Badza noted that, "In Rwanda people were massacred in the face of the same humanitarian masters."

The question of the role of national interest in HMI has been the central ethical question in this research. This is proven by the fact that the hypothesis of this thesis was; *national self-interests are the main motivating factor in the undertaking of HMIs*. The research showed that national self-interests dominate in the decision by powerful countries when they decide to undertake HMIs. The majority of the interviewees agreed that national self-interests although publicly concealed are always taken into consideration by decision makers of powerful countries before deciding on undertaking any HMI. However, it is important that there was no consensus among respondents on what an HMI is in relation to HMI as well as the real meaning of HMI.

Firstly, it is important to note that Mandaza (2015)³⁰ and Nyuykonge (2015)³¹ (interviewees) argued that there is nothing like an HMI. The two argued that there are military interventions and humanitarian interventions. Furthermore, they urged that once there is more of military combat in HMI, then the intervention ceases to be humanitarian. In their conceptualization, the two put forward that a humanitarian intervention should not be dominated by combat military personnel. The two interviews are in support of a humanitarian intervention that is dominated by civilian personnel. It is because of this that the two put forward that what has dominantly become known as HMI is to them simply military interventions which are always defined by national self-interests under-currencies.

Kurasha (2015)³² on a different note argued that the notion of HMI is by itself unethical. He noted that, every single life from an ethical perspective is sacred and cannot be unjustly sacrificed for anything. Kurasha went on to postulate that when the powerful western countries led by the USA argue that they are intervening on humanitarian grounds, they will be driven by the pursuit of their interest mostly resources, drawing parallels between Iraq (2003) and Libya (2011) on one hand and Rwanda (1994) on the other. He went on to point out that after the intervention in Iraq and Libya, the intervening forces left the people exposed to more appalling humanitarian catastrophes. Kurasha stated that, "What is humanitarian is contrasted with what an animal does. If an action is going to live me in a street, then you have reduced my life to live like an animal. Humanitarian action should lead to humanitarian life. These interventions are leading people to live and run away like animals". On the notion of "running away

³⁰ Mandaza is a Political Analyst, Academic and Director of SAPES Think Tank and Publisher.

³¹ Nyuykonge is a Senior Researcher at ACCORD.

³² Kurasha is a Researcher, Academic, Publisher and Programme Coordinator at the Zimbabwe Open University.

animals”, Kurasha meant the mass dangerous migrations undertaken by many people from war zone including Syria and Libya were the hand of the powerful countries has been visible.

On another note, Kurasha questioned the whole notion of what is termed national self-interests. He stated that, “They cannot be called (national) self-interest. They are class interests. It is a few economic barons who determine the policy of the United States. It is not the national interests of the United State but the interests of a few. The interests of big banks and economic tycoons determine the foreign policy of the USA. It is not about the USA nation but of a few.” This is in line with the theoretical arguments presented in chapter 1 which argued that the question of national interests should be understood from the concept of the ‘self’. From this notion, one will be able to understand the argument by Kurasha that what are called national interests can in most cases be alien to the majority of the citizens, hence the question of how such can be seen as the aggregate of the interests of all.

The dominance of national self-interests was argued to be the driving force behind the undertaking of HMIs. This, as argued by respondents, is proven by the differences in responses to humanitarian disasters, specifically those which are politically and militarily perpetrated by state leaders. In some cases, there has been swift responses as was the case in Libya as noted earlier on as well as in Kosovo, in others there were half-hearted responses as was the case in Somalia and calls for political solutions as is the current case in Syria, while in other cases there is total neglect as was the case in Rwanda. Badza (2015) stated that, “The reasons for the existence of a state is national interest both at home and abroad. Even if it means undertaking a war disguised as a humanitarian war, it will still be done. For me I will always say that national interest is the core guiding line. In real politics, altruism is wishful thinking. National interest is at the core of all military interventions under humanitarian umbrella.”

On a related note, Salim Ahmad Salim (2015) forwarded a different view in regards to HMIs. Ahmad Salim postulated that there are national interests and racial connotation to the undertaking of HMIs. In his postulation, when there is a humanitarian catastrophe that calls for HMI in Europe, powerful countries from the Western hemisphere come with a swift reaction because such catastrophes are seen as a dent on white supremacy. However, when there are similar catastrophes in Africa and other less developing countries the powerful countries neglect such issues and when they take action it is mostly done in giving financial and military support while those indigenous peoples are left to sacrifice their lives. Ahmad Salim cited the interventions in Kosovo, Somalia and Rwanda as illustrations.

The arguments put forward by interviewees was also dominant in most debates by scholars on the subject. Köchler saw the practice of HMI as a façade for the pursuit of national self-interests. He argued that all major HMIs that are used by liberalists scholars to argue that HMI was established by customary international law was simple the moralisation of the pursuit of geo-strategic interests in the Ottoman Empire and the Mediterranean Sea. While other theorists and scholars like Grotius (1625), Teson (2003) and Walzer (1977) saw HMI as an ethical practice that was undertaken to deal with gross human rights abuses by national leaders or those whom they support, the thesis proved that examples given are contested and at best proved that HMI is the pursuit of national self-interests in a moralised manner to counter internal and international condemnation. For instance, the thesis argued that the example noted by Grotius that the wars of Constantine against Maxentius and Licinius were simple battles for the control of the Roman Empire.

Teson acknowledged, so does Walzer, the influence of national self-interests. Teson, however, argues that national self-interests and humanitarianism can be compatible if the intervening country do so based on clear humanitarian reasons and that both the intervening country and the subject country benefit. However, this, as argued in the thesis is against the tenets of humanitarianism and HMI. Badza (2015)³³ stated that, "As long as humanitarianism is applied in a selective fashion it remains hypocritical and illegitimate. Hence there is no humanitarianism." The selective application of HMI is driven by national self-interests were in cases where powerful countries see no benefit, they ignore the catastrophes or simply pay lip-service in the form of what may sometimes be called a political solution. The question of the compatibility between self-interests and humanitarianism is the subject of the section that follows.

9.2.3 Objective 3: To Assess Whether Self-Interest is Compatible with Humanitarianism

Having observed that national self-interests of the powerful intervening countries are central in influencing powerful countries on whether or not to undertake HMIs and in which cases, this section answers the question on whether national self-interests is compatible with humanitarianism. As noted above, Teson saw the two being compatible as in theory they brought mutual benefits both to the intervening country and the subjects of the intervened country. While in theory this seems like so, in practice, history shows that it is not the same.

³³ Badza is a Senior Political Officer AU, Department of Peace and Security.

Among the many examples cited in the thesis, Somalia (1991), Iraq (2003), Rwanda (1994), Darfur (2003), Libya (2011) and Syria (the crisis which is still ongoing), national self-interests have not been compatible with humanitarianism. In Somalia, the death of 18 USA rangers resulted in the USA pulling out of the HMI and leaving hundreds of thousands of Somalis to brutality from warlords. In such a case, the argument by Salim Ahmad Salim that HMI is driven by both interests and race and colour becomes more clear and answered. In this case, one is driven to question if the lives of 18 rangers was more important than the lives of hundreds of thousands of Somalis who were killed or displaced by the humanitarian crisis. If this is contrasted with Iraq, where thousands of USA service personnel were killed without pulling out, one again would question whether humanitarianism and humanitarian life of the Iraqis is more important than that of the Somalis.

Following on the Iraq example as well as the example of Libya, USA and other intervening countries pulled out without creating the necessary institutions for sustainable peace and humane living. On the two example the interests in oil was seen as the dominant factor and after removing stumbling blocks to accessing the resources, the intervening countries pulled out and left the people more exposed to loss of life than before.

On the other hand, Rwanda and Darfur, clearly defined as cases of genocide, were ignored due to, as argued in the thesis, lack of strategic interests for the powerful countries that have the capacity to intervene. In Rwanda, more than 800 000 people lost their lives while in Darfur powerful countries paid lip-service while innocent people were subjected to government sponsored brutalist and mass murder. The Somali, Rwandan and Darfur crises among others in the developing world can be seen to be in line with the argument forwarded by Salim Ahmad Salim on the interplay between interest and race.

Lastly, in Syria the contrast/divergence of the interests of powerful countries resulted in the utopian talk of what has been defined as a 'political solution' to a crisis. In all the talk both the USA and Russia, who are the leading powers in the crisis have played active roles that have seen the death, internal displacement, maiming and emigration of hundreds of thousands of civilians. There has been a failure to take an active intervention, which Simura (2014) argues that it was as a result of the pursuit of national interests driven intervention in Libya. Hence the battle for the domination of the Middle East which is regarded as a strategic region by both major powers has seen the neglect of innocent civilians who are the primary subject of HMI. Due to the influence of geo-strategic interests, this thesis argues that Syria will be another Srebrenica and another Rwanda, only in different circumstances.

9.3. Theories and Practices of Ethics in International Relations

As discussed in chapter 1, it was observed that the practice of HMI by major powers in the affairs of less powerful countries was informed by a number of theories, namely Realism, Liberalism (Idealism), Altruism, International society and Just War which were basically constructed to explain state behaviour in international relations. These theories are grounded in ethical relations between states in the international system. Realism and Idealism are arguably the most contending theories in relation to the morality of HMI. Korab-Karpowicz (2011), quoted in Hall (2013, 12) states that realists contend that international relations and interactions between different countries are defined by power struggles between countries. State survival is seen as the primary reasons for interaction in the international system.

On one hand, such characterisation creates a picture of a continued and sustained cold war among countries, including those that claim to be allies. This is exemplified by media leaks by former USA National Security Agency (NSA) contractor, Edward Snowden that the USA had spy programmes on its European 'allies' (Clackson, 2014). In accepting that international interaction resembles a sustained cold war means that morality has no place in deciding the behaviour of different countries. Morality, in realist thinking is a weakness which others can take advantage of and work to destroy you or eliminate you through the use of even unethical ways like spying on an ally.

On the other hand, liberalists have sought to justify that the world is equally run on moral values as it is also affected by principles of survival and national self-interests (Blair, 2006: 7-8). Liberalists argue that human rights are an essential element of human societies. Faced by the argument that the UN was more premised on realist dispensations of the world, Kofi Annan and likeminded thinkers have put forward the argument that the UN charter also takes great regard of the human individual as it does to countries (Annan, 2000: 6). Annan cites the use the term, "We the people" in the UN Charter as representing the unity of individuals as equal to the unity of countries in a UN system when he states that, "it reaffirms the dignity and worth of the human person, respect for human rights and the equal rights of men and women". The argument is further sustained by the fact that the UN Charter encourages member countries to adhere to human rights, which are put down in the Universal Declaration of Human Rights. One can then conclude that the UN Charter is a moderation between Realist and Liberalist thinking in international relations.

Practically, it is not easy to contextualise a historical case or an ongoing case into a single theory. The behaviour of different countries in the international system vacillates between explanations given by different theories. For instance, while the USA led invasion of Iraq in 2003, which costs it more than three thousand lives of service personnel by end of December 2007 (Curtis and Payne, 2010: 45) and approximately more than two hundred and fifty billion dollars by the end of 2005 (Bilmes and Stiglitz; 2006, 1) can be best explained under the realist theory of asserting hegemony and entrenching its influence in the Middle East, its entry and subsequent exit from Somalia in 1992-1993 after the death of its rangers cannot be easily explained by this theory given that the USA had dumped Somalia as a hegemonic territory after the fall of the Cold War and its return on humanitarian basis had been explained as being a reaction to the Cable News Network (CNN) (Livingston, 1997: 2, Luttwak, 1999/2000: 59).

Countries tend to abide by moral rules in international relations when such actions do not pose any threats to their interests. It has been noted that when a country's interests are under threat, abiding by moral rules may translate the threat into a real damage or attack on the subject country, morals become subservient to the principle of survival which translate to pursuing national interests. It has been discussed that in international relations, it is a moral rule that in the case of a power intending to undertake military strikes in another country to deal with a threat there is need to inform the government of the target state. However, in a number of instances this moral rule has been by-passed as exemplified by the extra-judicial killing of Osama bin Laden in Pakistan by American Navy Seals without the knowledge of the Pakistani government (Deeks, 2011).

9.4 Conceptual Definitions of Humanitarianism

As was noted in chapter 2, the concepts of humanitarianism and national self-interest have been the core of this chapter. Humanitarianism as a concept developed from philanthropy mostly from the major religions as well as the Chinese, Indian, African and Greek philosophy. The chapter noted that under the Greek philosophy, the subject was contested between the Stoics and the Epicurean Schools of Thought. The Epicurean School of Thought argued that human beings by nature were driven by self-interests, while the Stoic School of Thought propounded that altruism was the natural endowment of human beings and those who acted under the motivation of self-interest were driven by avarice.

It was concluded that, in the traditional African societies as well as the traditional Scandinavian societies, there were rules that put the society above individuals. However, as noted in the chapter, the observance

of societal norms was driven by the compelling need for the society to take care of the individual. Hence those who did not put the society first were shunned by the same society. The working together, was therefore seen as acting in self-interest given that any deviation would result in some form of excommunication from the society.

The chapter further noted that the concept of humanitarianism was influenced by different religions, specifically the Judaic-Christian doctrine as expounded in the Bible. The Christian doctrine notes that humanity is a single family of a single parentage by Adam and Eve. The chapter observed that the Bible gave some confusing remarks on the equality and sameness of human beings given that while the Old Testament which puts forward that humanity is a single family divides them later into a chosen race of Jews and non-chosen race who are gentiles, the Pauline doctrine in the new testament argues that humanity is one and only differs in righteousness. Hence, in its practice, the Europeans used the Christian doctrine to look down upon the colonized world as semi human beings were treated inhumanely, a practice that was also popular in the Greco Roman Tradition which separated between *homo humanus* and the *homo barbarous*. The 'civilized' Europeans were the *homo humanus* who held rights and had to be treated in a civilized manner, while other races were viewed as *homo barbarous*, some form of semi human beings who needed to be educated and transformed if they were to be allowed to enjoy human rights. It was because of this line of thinking as espoused in the chapter that the Europeans saw no moral blameworthiness in practicing slave trade.

The chapter concluded by discussing the intercourse of humanitarianism and military intervention. It highlighted that the use of the term 'humanitarian' in military intervention was derived from the fact that such a military intervention would not be driven by the needs of self defence, self-gain or assistance to another sovereign state that would have called for assistance, but driven by ethical desires to save civilians in distress. In contemporary times, the chapter traced the application of humanitarianism in warfare to Dunant who advocated for humanitarianism in war after witnessing the scourge of war in the aftermath of the battle of Solferino in 1859.

While Dunant's humanitarianism specifically targeted creating moral rules for the treatment of combatants and non-combatants in war, HMI specifically target to relieve civilians who are subjected to gross abuse by their leaders.

9.5 An Investigation on the Role of National Self-Interest in Humanitarian Military Interventions

Chapter 7 was an investigation on the role of national interest in HMIs. The concept of national interest was traced from individual self-interest to national self-interest. The chapter began by defining self-interest from dictionary, encyclopedia and scholarly perspectives. It observed that the general definition of self-interests from the three dimensions explained above is that self-interest refers to self-inclination and the desire for self-aggrandizement mostly pursued at the expense of others.

The chapter followed by locating the development of self-interest in the liberal economics doctrine. In liberal economics, was popularized by Adam Smith who argued that people pursue developmental issues not for the benefit of the society but for personal benefit. The benefits that accrue to the society are only meant to promote the interests of the business persons. This line of thinking had already been supported by the Greek Philosopher, Aristotle, who argued that human beings were naturally self-inclined.

From the development of self-interests in liberal economics, the chapter linked the notion to the concept of national interest. It argued that national interest refers to the total aggregate interest of the whole nation. National interest, therefore, can be seen as the total national interests that cut across different group interests.

As discussed in the chapter, national interest has both internal and external dimensions. Internally, national interest is defined by the needs and aspirations of the people. These desires and aspirations influence the external dimensions of national interest, hence influencing foreign policy. The external dimensions refers to the aspirations of a nation state and its goals in the international arena. However, the notion of national interest is prone to abuse. As shown in the chapter, it can be used to cover elite interest. These can be the interests of the political elites or the interests of dominant business persons. The notion is also used to create strong defence against critics of a policy that would be seen by others as a wrong or bad policy.

In relation to the concept of HMI, the chapter mentioned that national interest is the major influencer of HMI. Ethical scholars like Walzer (1977) have noted that national interest greatly influence HMIs, specifically for the benefit of the intervening powers.

9.6 Historical Analysis of Humanitarian Military Interventions

The development of the concept of HMI is grounded in the Christian doctrine. Its development was also, like the development of the concept of human rights and humanity, exclusive. Intervention was mostly justified in cases where Christians were being persecuted by non-Christian sovereigns and being denied the right to practice their religion freely. It has also been argued in the chapter that there has been a considerable influence of self-interest even in the initial stages and development stages of the concept.

The argument that the Indian intervention in East Pakistan, the Vietnamese intervention in Cambodia and the Tanzanian invasion of Uganda are classical cases of HMI during the Cold War should be questioned. The intervening countries did not structure their intervention on humanitarian plans and did not justify their military interventions as such.

In the Vietnamese case, Vietnam acted out of self defence against military incursions from the Pol Pot government, and in the Indian intervention, India acted to protect itself from the influx of refugees into its territories, while to a lesser extent it was driven by religious relations given the argument that it was the minority Hindus who bore the greatest brunt of Pakistani misrule. In the case of the Tanzanian invasion of Uganda, the case was purely of defence against an invasion that had been launched by Uganda. Pursuing Idi Amin after crossing the Ugandan/Tanzanian borders was justified to dispel the threat he posed to Tanzania.

The chapter concluded that, while it has been noted that the only country that had a quasi-humanitarian justification was India in its intervention in East Pakistan, it is important to note that in all the three countries that military intervention took place, there were humanitarian concerns that would have warranted an HMI according to the Grotian tradition. The interventions, though as argued, not undertaken for humanitarian reasons, achieved humanitarian outcomes.

However, achieving humanitarian outcomes did not warrant the categorization of a military intervention as humanitarian. A military intervention can only be classified as humanitarian if it is driven by a humanitarian intention and should also be conducted by guiding HMI rules like proportionality, limiting civilian casualties and a considerable chance of success.

In the post-Cold War period, it was concluded that, a number of interventions were undertaken on the pretext of HMI. While some were justified, as was the case with the Kosovo intervention, intervening

states always hesitated to justify the military interventions under the concept of HMI. Most of the cases were justified under Chapter 7 of the UN Charter, thereby describing them as threats to international peace and security.

The chapter also noted that the concept was also tainted by the justification of the Iraq invasion as a HMI. In Africa, the concept was tainted by neglect of the neediest cases of Rwanda and Darfur, while the Libyan intervention and the uprisings in the Arab states only brought back the memories of the pursuit of self-interest even in humanitarian cases. While HMI as a concept is meant to protect civilians against tyrant leaders, powerful states have tended to abuse the concept for self-interests, rendering the interventions unethical and immoral. It is finally concluded that the application of the concept of military intervention is fraught with abuses and inconsistencies and that double standards are at play when decisions are taken by the UNSC.

9.7 The Pursuit of Strategic Resources through the Guise of Humanitarian Military Interventions

Chapter 4 dwelt on the actual tangible interests of Major Powers that define their military interventions in weaker developing states. These interests were grouped into categories namely economic interests, protection of geo-strategic zones and regions, and protection of the balance of power and diffusion of the rise of antagonistic regional and international powers that will challenge the hegemony of the dominant powers internationally or regionally. These groups of interests have a greater influence on the decision by Major Powers in undertaking HMIs.

Under economic interests, it was noted that Major Powers undertook HMI to protect strategic resources that were important for their industries. These resources included but not limited to petroleum and minerals. Regions that have these vast resources and have been subject to great power competition for control include the Middle East, North Africa and Central Africa, while West Africa was also rising as an influential producer of oil.

9.7.1 Economic Interests

Other economic interests were based on the preservation of traditional areas of influence for marketing and extraction of raw material. This explained the asserted gentleman's agreement among former

colonial powers and dominant western major powers that have seen former colonial power undertaking HMIs in their former colonies, while the USA leads in the HMIs in South America and the Middle East. In this regard, as noted in the chapter, France leads in HMIs in the former francophone African region which includes Ivory Coast and Central African Republic (CAR) while Britain leads in former Anglophone Africa which includes countries like Sierra Leone and Zimbabwe. In some cases, where stakes were high, Major Powers have stumbled on each other to undertake HMI specifically to secure economic concessions, as was the case in the 2011 Libyan intervention by NATO (Stratfor Global Intelligence, 2011: 6-12).

9.7.2 Geo Strategic Interests

Under geo-strategic interests, it has been argued that different powers have different regions that they consider to be of vital interests to their nations. The accordance of such importance is determined by economic and defence needs of the Major Powers. The major geo-strategic regions in the world have been the Panama Canal for the USA and the Middle East for USA, Russia and Britain, while the Caucasus Region is considered a geo-strategic region for Russia. The importance of geo-strategic regions is noted in the actions of Major Powers where they either ignore all moral rules, or use HMI as a façade to intervene to either maintain stranglehold on the region, to get control of it or deny another Major Power or regional power exclusive dominance of the region.

Russian purported interventions in the Ottoman Empire in the 19th Century were influenced by the need to gain accesses to the Mediterranean Sea and have total control of the Black Sea. However, in a geo-strategic countermove, Britain, France and Austria joined the humanitarian military adventure not because of the need to protect civilians but to counter Russian advances into the Mediterranean Sea.

The chapter noted that, in the Cold War era, USA declared the Middle East a region of vital interests. This saw the USA curving its own sphere of influence that it has jealously guarded against any encroachment, either from external powers or from internal regional powers like Iraq and Iran. This dominance has been challenged by Russia in Syria. The Syrian crisis can be seen as a geo political war by proxy between USA and Russia in general but also including regional powers like Saudi Arabia, Turkey, Qatar and Iran. In this regard, contending powers have disregarded the need to protect Syrian humanitarian concerns as they have continued to militarily sponsor their sides, (the government beings supported by Russia and Iran, and the armed insurgence being supported by the West, Qatar, Turkey and Saudi Arabia) with arms that are used to attack civilians. The crisis has led to the creation of the

greatest humanitarian catastrophe and migration crisis which the international community has only condemned in public but stalked covertly.

9.7.3 Balance of Power and Threat Diffusion

The other cluster which the chapter noted is that of the need to preserve the balance of power and deter ambitious weaker states from becoming major regional or international powers. It has been noted that while it takes relatively a longer period of time for a state to rise from being a weaker state to become a hegemonic global power, it is relatively easier for states to rise and be regional powers. Regional powers have the potential to scuttle the interest of major powers in their areas of influence. Hence international Major Powers continue to monitor the rise of less powerful states especially those known to be nonaligned to such a Major Power. It could be because of this competition of national interest between a Major Power and a regional power that the USA has had a turbulent relationship with Iran in the Middle East. The rise of Iran, which is antagonistic to USA national interest and the interests of USA allies such Saudi Arabia and Israel in the Middle East which saw the creation of a conflict which has also manifested itself in the Syrian proxy war, while Saddam Hussein was toppled because he exhibited hegemonic tendencies against a USA ally and sought to influence the change of the global petro dollar to a petro euro. Regime changes in Iraq and Libya were as a result of self-national interest rather than the humanitarian concerns by the USA and her Western allies.

In summary, the chapter attempted to bring to light and illustrate how national interests are the end goal or the hidden objectives in HMIs. The discussion of interest of Major Powers in less powerful states was also meant to give an understanding on what the thesis means when it argues that HMI was not conducted in a certain country due to lack of the interests of major powers. These interests are simply the pursuit of economic benefits, protection of geo-strategic regions and fighting to bar the entry of other countries into the ranks of regional and international powers and it is these interests that are camouflaged under HMIs.

9.7.4 Political Hegemonic Interests

It was noted that the term hegemony originates from the ancient Greek 'Hegemonia' literally expressing the dominant and oppressive status of one element in the system of others. According to Gramsci, hegemony represents the status of the most powerful country in the international system or the position

of a dominant state in a specific region (Barrett, 1997: 239). He further notes that hegemony entails “cooperation ensured by force, combining social and political supervision, force and consent”. Cox (1981: 16 – 155) postulates that hegemony enables the dominant state to spread its moral, political and cultural values around the society and sub-communities. This has been done through civilian society institutions which consist of the net institutions and practices that are partly autonomous from the state. He further notes that hegemony produces social and political systems that are to be applied on the nations targeted.

9.8 The creation of the Responsibility to Protect Doctrine

The R2P doctrine came up as a result of different experiences the world has gone through since the end of the Cold War. The failure by the international community to prevent or stop the Rwandan genocide of 1994, the degeneration of the Somali conflict into a failed state and the intervention by NATO into Kosovo without UNSC authorization are some of the cases that have impacted on the need to have a precise intervention doctrine.

The success of the doctrine was made possible by the support and drive it got from influential world leaders, among them the former USA President, Bill Clinton and the former British Prime Minister, Tony Blair. The success of the doctrine was also spurred by the pressure exerted on the UN by the then Secretary General, Kofi Annan. Due to the support given to the need of having new rules on intervention by the liberal world, the government of Canada sponsored ICISS which produced the R2P report. From the report, R2P became a doctrine that was debated at the World Summit of 2005 and in the general assembly before world leaders accepted it as an intervention policy that would be implemented on a case by case basis.

The R2P doctrine is a concise doctrine that is built upon the Just War doctrine. The crafters however, tried to make it more acceptable by stating that it is not a challenge on the international relations cardinal principle of state sovereignty. The concept of sovereignty was redefined as the sovereign right from interference and the duty of the sovereign to protect his or her subjects who are the true owners of sovereignty. The state had a responsibility to protect its citizens. In the case of failure by the state to protect its citizens from genocide, war crimes and crimes against humanity it had the duty to seek assistance from the international community in which failure or unwillingness would transfer the responsibility to protect to the international community.

R2P was applied in a number of cases but scholars have agreed that the doctrine was explicitly used in the crises in Ivory Coast and Libya. Attempts to apply the doctrine in the Syrian crisis failed due to mistrust among the UN Security Council veto powers emanating from the excesses by NATO in its implementation of Resolution 1973. Russia and China argued that the USA, France and Britain were pursuing regime change under the cover of implementing UNSC resolutions. The chapter argued that the moral failure of the international community in implementing the R2P doctrine was a burden for all powers in the crisis. All the players that included but not limited to USA, Britain, France, Russia, China, Iran, Turkey, Saudi Arabia and Qatar considered their national interests ahead of the safety and lives of the Syrians. The battle for Middle East dominance by the Major Powers resulted in them fighting the war by proxy, hence exacerbating the suffering of the Syrian people whom they purported to be protecting.

9.9 State sovereignty and Humanitarian Military Interventions

State sovereignty has a long history which goes back to the days of the creation of states. As discussed in chapter 6, there is no single definition that can be accepted as exclusive to state sovereignty. The embodiment of sovereignty itself has been a subject of debate. The term has been conceptualized in terms of state sovereignty, absolute sovereignty, constitutional sovereignty and individual sovereignty, among others.

As noted in this chapter, the chapter was concerned more with state sovereignty given that it is states that are primary actors in international relations. Sovereignty has gone through a process of transformation especially in interpretation in different times. However, as established, the concept of sovereignty has always accorded rights and duties to the sovereign in relation to the citizens in his or her state. The most important of the rights is to be able to enforce authority without hindrance and the capacity to use legitimate force in cases of non-compliance. However, this right is only exercised in enforcing the rights of the society and restraining those who might want to hinder the enjoyment of these rights.

The Peace of Westphalia ushered in a new era in state systems and the concept of state sovereignty. The Peace of Westphalia separated the state from the church. It also established the principle of territorial based state sovereignty. The principle of sovereignty was observed as a right which meant that in a number of instances, the right was breached which led to the two world wars and the establishment of the UN based international system.

The UN system adopted the Westphalian system of sovereignty. However, it abolished the acceptance of wars of conquest, specifically on the so called uncivilized world. Hence for the first time, there was a coded international instrument which abolished all aggressive wars as unethical in the international system. It also established the Universal Declaration of Human Rights in 1948 as part of norms to be followed by sovereign states in dealing with their peoples. The chapter noted that the UN system, unlike the Westphalian system, gave importance to both the states and peoples. Hence there is numerous reference to 'peoples' in the UN Charter as well as the term 'human rights'. However, the importance given to peoples by the Charter did not demean the importance of state sovereignty. Far from it, the Charter strengthens sovereignty as it looked back at the primary aims of granting sovereignty from its philosophical roots.

While there was strengthening of state sovereignty and human rights, there have always been breaches of these concepts by either powerful states like the USA, and Britain in the invasion of Iraq (2003) among other cases, or by rogue leaders like Idi Amin's invasion of Tanzania in 1979. There have also been grave breaches of human rights, specifically the right to life, as was explained that numerous cases of alleged genocide as was in Srebrenica, Rwanda and Darfur. These events and other cases of war crimes led some scholars like Deng et al. (1996) at Brookings Institute to argue for the reconceptualization of state sovereignty. Deng et al. (1996) propounded that sovereignty should be conceptualized as a responsibility to protect the citizens. The argument was headed by some neo-liberal Western leaders like Bill Clinton of the USA and Tony Blair of Britain. Blair came up with what he termed the doctrine of the international community which argued that sovereignty was now limited by the interconnectedness in the world. In 2000 the government of Canada led in sponsoring the ICISS which forwarded an official call to the UN to redefine sovereignty as the responsibility to protect, a term which also became the title of the report which the ICISS produced in 2001.

The concept of the responsibility to protect as a redefinition, or re-interpretation of state sovereignty, denotes that every state has a responsibility to protect the right of its citizens through its internal mechanism. When the internal mechanisms are failing, the state has a responsibility to request international help, failure of which will result in the international community morally assuming the responsibility to protect the citizens in the distressed state without its consent. The international community can exercise this moral duty by any means which in extreme cases can be the use of force, after authorisation by the UNSC.

The chapter noted that this redefinition of sovereignty, while morally appealing, has a number of problems in implementing it. The concept can be seen as diminishing the sovereign rights of the weak while empowering the strong to trample on the weaker states that for long had seen the concept of state sovereignty as a shield. There is no proven case that when the strong fail to protect the weak, mostly minority citizens, there will be another state or coalition of states who can intervene. Hence, the concept is open to abuse by the strong in furthering their interest. Even the argument by the ICISS that the UNSC authorisation can limit the influence of abuse and self-interest, has been tested and proven to be wrong in Libya and Syria. Hence, the notion of sovereignty as responsibility is still to prove its practical moral and ethical clout.

9.10 An Ethical Analysis and Critique of Contemporary Humanitarian Military Interventions

The chapter critically discussed and analyzed the pertinent concepts that impact on the morality of HMI by powerful states in the affairs of weaker states. It interrogated how the pursuit of national interest by powerful states impact on the conduct of HMI. It also critically analyzed how the concepts of national sovereignty, nationalism, perceived shared moral values and the prevalence of anarchy in the international community of states impact on the ethical conduct of HMI.

The major question that the chapter attempted to answer was whether it is possible for states to prioritize morality ahead of their national interests. From a Realist position, as was argued in the chapter, power expressed as the pursuit of national interests is the currency of international relations. Every state pursues it at any cost. The adverse effect of not prioritizing the pursuit of national interests, at least from a Realist perspective, is that one's state would be doomed to death as other states are always seeking to destroy it. Prioritizing ethics and moral rules in the conduct of international relations is seen as a dangerous path towards the extinction of that state. This argument translates into the idea that there cannot be any HMI that is purely guided by humanitarian intentions and motives. In any HMI, the powerful capable states that conduct the HMIs in the developing countries will be seeking to extend their influence and hegemony in international affairs.

The chapter argued that the conduct of HMI in contemporary history has taken place in two distinct eras, namely the pre UN anarchical era and the post anarchical era. It was argued that anarchy put simply refers to a system that has no governing and regulating rules. In the international system anarchy prevailed until European powers with the help of the former USA President, Woodrow Wilson, established

the League of Nations. This attempt at creating an international society and community was short lived as it failed to deal with Germany's Adolf Hitler, Italy's Benito Mussolini and Japan's Hideki Tojo. The battle to establish a community of nations was finally established in 1945 with the creation of the United Nations.

These transformations in the international system had tremendous impacts on the concept of HMI. Prior to the establishment of the UN, the conduct of HMI was undertaken by powerful states in the affairs of weaker states without considering what the other states would say. In the case of the European powers' intervention in the affairs of the Ottoman Empire, the best the rival powers could do was to join in the intervention and be able to influence the peace terms to safeguard their strategic interests (Hammond, 2006: 9-10). That it was an anarchic situation is further proven by the fact that the reasons that the European power gave for their HMIs in the Ottoman Empire were either similar or less heinous as compared to the crimes the European leaders committed against those who challenged their power in their internal states or in the colonies.

Under the international community created by the UN based system, the international system can no longer be classified as anarchic. However, such a transformation did not tremendously change the nature and conduct of HMI. Powerful states have remained the major players in HMI, with less powerful developing states being the subjects of intervention. However, the conduct of HMIs is no longer explicitly anarchic. Powerful states have now developed a new strategy of exploiting genuine humanitarian concerns in subject states for them to camouflage their pursuit of national interests. The use of genuine humanitarian concerns as was the case in Haiti, East Pakistan, and Sierra Leone when the USA, India and Nigeria undertook their respective military interventions, should not be seen as a turn in international relations from the realist route to an ethical one. These interventions could come up with humanitarian outcomes, but only as by-products of the pursuit of national interests.

The chapter observed that the concept of national sovereignty has been subject to abuse by state leaders. As established in the chapter, sovereignty as noted in the social contract does not translate to the right of the state leaders to inhumanely dominate their citizens. Rather, leaders hold it in custody for the whole nation to the world outside the nation's physical state boundaries. The Westphalian concept could have been an abuse of the social contract. National sovereignty as noted has faced double abuse, firstly by tyrant leaders seeking to insulate themselves from accountability to their peers on the international arena and from their citizens. Secondly, it is used by major powers when they seek to

disregard brutality by leaders in states they do not hold strategic interests or to insulate leaders in states they are protecting from international attention and formal scrutiny. This has been the case with the Russian defence for the Syrian government on different international fora.

The last sections of the chapter were dedicated to the relationship between HMI on one hand and human rights and altruism on the other. It was noted that principles that constitute altruism are contested. In its extreme sense altruism has been understood as assisting others in ways that disadvantages the helper or even bring harm on the helper without expecting any benefits or rewards from the altruistic action. However, in its lighter form, altruism is seen as a rationale form of assisting others in distress but without necessarily undertaking the altruistic action when the helper is threatened by harm.

In relation the ethics of HMI, the chapter argued that HMI is derived from the concept of altruism given that it is a concept that seek to give relief to people suffering from the tyranny of their leaders or military groups with the consent or abetting from the leadership. The concept of HMI as a use of military force to stop a tyrant from killing his own people is arguably derived from the instincts in human beings to assist fellow human beings in distress. However, as noted in the chapter, while individual human beings may have the moral instincts to help other human beings and animal species for no gain, the concept of the immorality of groups makes it difficult for states to undertake purely HMIs.

The sum of this chapter is that there are a number of ethical principles which gives a military intervention a humanitarian tag. These principles include altruism, protecting the lives of civilians, acting with consistency and being driven by humanitarian intentions and motives. In judging the military interventions that have been declared as humanitarian by the powerful states in the affairs of weaker developing states, the argument is that most of the interventions that were declared as humanitarian fall short ethically. In almost all the interventions, the influence of self-interest was highly visible. This visibility was noted through firstly the comparative response of powerful states to humanitarian cases that deserved HMIs, the internal conduct of the foreign troops and the use of heavy weaponry in civilian populated areas as was the case in Libya, and the lack of a will to restore the socio-political situation to normalcy and peace after the intervention, with Libya and Iraq having been reduced to failing states. The chapter therefore accepts that there are humanitarian cases that deserve an HMI. However, such cases have become subjects to abuse by Major Powers that view these cases as opportunities to extend or protect their hegemony and economic interests in the international arena.

CHAPTER 10: GENERAL CONCLUSION AND RECOMMENDATIONS

SECTION A: Conclusion

It is noted in the thesis that HMI is an 'evil' that is necessary to avert a greater 'evil'. I argue that it is an evil as it is a trump on state sovereignty, which is the international regulating norm since the Peace of Westphalia and as noted in the thesis, it has been in most cases abused by countries that have the means to intervene, to intervene for their national self-interest and not to save humanity. However, it is necessary in extraordinary times when a leader or leaders refuse to honour and respect the rights of those who entrust them with power by brutalising innocent and defenceless citizens. This thesis took serious note of the question by the then UN Secretary General, Kofi Annan (2000, 48), that, "If humanitarian (military) intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?" The appeal by Kofi Annan was against both those who would use sovereignty as a reason for not intervening in extreme cases and those who would use sovereignty as defence against HMI when they are in the process of brutalising their citizens. This thesis, therefore argues that there is need to regulate and create stringent rule for the undertaking of HMI.

HMI can be insulated from abuse by creating regional reaction forces that should not only be trained in peacekeeping and dealing with invasions, but also in carrying out HMI missions.³⁴ There is also need to ensure that the forces that intervene in a case are those with minimum interests in the country where intervention is undertaken. This can be achieved through the use of military forces from regional task forces like the Southern Africa Development Community (SADC) Standby Force. The duty to intervene should be given firstly to the regional organisation and hierarchically transferred to high regional and international organisations due to lack of capacity. Regional forces should be trained in tactics on how to undertake an HMI given that an HMI is different to a purely offensive or defensive war between two countries.

In relation to financing the interventions, the international community, through its different regional blocs, should create an HMI fund from which resources can be withdrawn when needed to deal with the cases.

³⁴ Interview with Hon. Dr. Sydney Sekeramayi, Zimbabwe Minister of Defence, at Defence House, Harare, 6 August 2015.

Such mechanism would give the intervening forces independence and autonomy from richer countries that can use the power of the wallet to direct any matter into their interests.

An international court/tribunal should be empowered to try soldiers from any country who commit war crimes during HMI missions. Powerful countries manage to diplomatically arm twist international humanitarian law by signing agreements with some less powerful countries so that after a military intervention their servicemen are not arraigned before any local or international court of law to answer to crimes committed during service. The USA has signed treaties with countries like Afghanistan that make USA service personnel in those countries not to be subjected to the local laws when they commit crimes. These laws, including the failure to ratify the Rome Statute are a clear sign that the USA views its personnel as unaccountable to International Law. This approach is immoral especially when weighed against the fact that it is Major Powers which push for the respect of global human rights.

There should be a well-defined End state to the mission of any HMI. For instance, when the international community agrees that there is a case that warrants intervention, prior to undertaking the intervention, intervening countries should state clearly what they aim to achieve. On the achievement of the targeted goals, the intervening forces should initiate the process of withdrawing troops. An intervention should never be an occupation. Furthermore, HMIs should restore normalcy in the country that has been intervened.

There should be an intervention template. An HMI template is a list of do's and don'ts which service personnel should use. An HMI template will lay down rules on how the intervening forces would deal with both peaceful and hostile citizens of the subject country, how they would handle perpetrators of human rights violations and how they would deal with armed forces of the subject country and would also incorporate the End state. HMIs should not be used as regime change tools.

In summary, the concept of HMI is a noble ideal response to excesses by an abusive government on its citizens who cannot defend themselves. The concept can serve as the intervention of last resort given that HMI is not the only intervention mechanism that can be used by the international community to deal with excess cases of human rights violations (ICISS, 2001). Where there are cases of genocide, humanitarian intervention should be speeded up to stop the carnage by abusive governments without selectivity.

However, as already noted, this concept of HMI has been used as a tool to camouflage national interest based invasions by powerful countries. From the consultations done by the researcher in books, articles and interactive as well as in-depth interviews, HMI is an ideal tool to control tyrant leaders, which is problematic in practice given that in most of the cases where the concept has been used as a pretext for intervention, the underlying motives have been national self-interests. The research established that self-interest has been the major influencing factor on the decision by the powerful countries to intervene in the affairs of weaker developing countries. Intervening countries have always turned a blind eye in most situations where human rights were trampled if they had no self-interests in those countries. The concept has been selectively applied in different countries. In most deserving countries like Rwanda, the powerful nations pretended as if the case did not deserve intervention.

Because of its inherent weakness to abuse, HMI is resisted by leaders of weaker developing countries. Weaker countries argue that HMI is an immoral adventure that trumps on the ethic of respecting the sovereignty of other countries in the international system. The argument is premised on the selective application of HMI by powerful countries that have the capacity to intervene. The assertion is further supported by the argument that the human rights that the western world claims to be protecting on intervention are not constant but creations of western values. The notion of HMI has therefore remained a contested moral principle which without being regulated will continue to be a camouflage for national self-interest by the powerful countries in the weaker countries.

SECTION B: Recommendations for a Future Balanced Humanitarian Military Intervention

From the interview responses, it was established that while HMI is riddled with contentious issues, it is a necessary evil which should be evoked in some extreme cases when there is gross violations of human rights and when the genocide and war crimes are being committed. The thesis noted that even less powerful countries that quickly rush to invoke the concept of state sovereignty have in some cases accepted the need for HMI. The AU Constitutive Act accepted that while the continental body held up the concept of state sovereignty, that right will only be enjoyed by legitimate leaders and those committing gross human rights violations will be subject of HMI. Leaders of countries like Uganda and Rwanda, Yoweri Museveni and Paul Kagame, respectively, spoke on support of HMI mainly because their countries experienced mass atrocities perpetrated by the state.

In light of all the observations and contributions from the research and interviews the study recommends the following:

- That the conduct of HMI should be regulated by the use of regional organisations and non-interested parties with the UN acting as the supreme regulator. Coupled with this should be the production of an agreed upon HMI template to regulate the conduct of the intervening countries and their service personnel in order to limit or curtail abuses of HMI. For HMI to have some ethical standing, the missions should not destroy more lives than those previously threatened and should leave the subject country in a better position than what is had been before the intervention. From this point of view it is recommended that the amount of force to be used and the nature of the weaponry should be regulated to limit civilian casualties as well as military personnel casualties of the intervening countries. After the mission the international community through the regional communities and the UN should work to rebuild the administrative as well as physical institutions for sustainable peace. The End-state of any HMI should be to restore peace and security in the country to its original form before the manifestations of compelling reasons for intervention or even better.
- The creation of an international HMI fund that will be accessed and used in HMI. This fund will help reduce the reliance only on powerful countries that have the financial capacity to undertake HMI. Hence, one can argue that the fund will liberate HMI from being an adventure of a few privileged powerful countries to being a genuine ethical practice that can be delegated even to service personnel from less powerful countries as is the case with UN peacekeeping missions. This would be ideal to ensure that, those countries which harbour national self-interests are prohibited to intervene.
- Special training on the conduct of HMI to military as well as civilian personnel. This recommendation was influenced by the fact that in the conduct of HMI is different from conventional warfare. Hence, just as peacekeeping forces are given special training on their missions, there is also need to do the same for other personnel undertaking HMI.
- That the pursuit of national self-interest within the community of nations should be done only through the authorisation of the UN if it is to promote the interest of the whole nation state. This recommendation implies that regardless of how powerful a state is, HMI should be undertaken after authorisation. This is to ensure that states do not abuse or camouflage their national interest under the guise of HMI.

- The establishment of rules and regulations that would also allow for the prosecution of personnel that perpetrate war crimes and human rights violations while conducting HMI.

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APPENDICES

Appendix 1 Letter of Full Approval



15 November 2012

Mr Michael Chaminuka 212561264
School of Religion, Philosophy and Classics
Pietermaritzburg Campus

Dear Mr Chaminuka

Protocol reference number: HSS/1213/012D
Project title: Humanitarian Military Interventions in developing countries and the Role of Self Interest: An Ethical Critique.

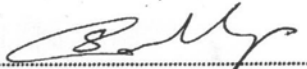
Expedited Approval

I wish to inform you that your application has been granted Full Approval through an expedited review process.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number. Please note: Research data should be securely stored in the school/department for a period of 5 years.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully



.....
Professor Steven Collings (Chair)

/px

cc Supervisor Professor Felix Muroye
cc Academic Professor P Denis
cc School Admin. Mrs Catherine Murugan

Professor S Collings (Chair)
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Founding Campuses: ■ Edgewood ■ Howard College ■ Medical School ■ Pietermaritzburg ■ Westville



INSPIRING GREATNESS

Appendix 2 Letter of Informed Consent



Letter of Informed Consent

Dear Participant

My name is Michael Chaminuka, a student in the school of Religion, Philosophy and Classics, pursuing PhD studies in the Department of Ethics studies at the University of KwaZulu Natal (UKZN). The topic of my thesis is, **Humanitarian Military Interventions in developing countries and the Role of Self Interest, An Ethical Critique.**

Humanitarian Military Interventions have taken center stage since the turn of the 21st Century. These interventions have been taken in the form of unilateral, multilateral and through coalitions of the willing with or without the authorization of the United Nations Security Council (UNSC). Such interventions are usually claimed to be for humanitarian purposes that are aimed at rescuing and protecting people in a foreign territory from gross violations of human rights. These interventions have been undertaken by powerful nations in developing countries at global and regional levels.

The activities of foreign powers in Northern Iraq (1991), Somalia (1992-93), Haiti (1994), Bosnia (1993-95), Kosovo (1999), East Timor (1999), Sierra Leone (2000-01) and Libya (2011) can all be classified as humanitarian military interventions, in the sense that they were at least partly designed to prevent national authorities from perpetrating human rights abuses. However, in contrast to the above, there were large scale human rights abuses including genocide that occurred in Rwanda (1994) than in most conflicts

mentioned above but no humanitarian military intervention took place. Instead, the only intervention was operation 'Turquoise' by France which was carried in support of the perpetrators of the genocide rather than the victims. There have also been civil wars, foreign invasions and large scale human rights abuses in Angola, Burundi, former Zaire (DRC), Mano River Union region (West Africa), Palestine, Western Sahara, and Kashmir, but humanitarian military intervention has not been undertaken in these regions. This has, thus, raised questions and debates from scholars, political commentators and analysts as to why interventions are conducted in other regions and countries and not in others. The selective and inconsistent nature of interventions by the intervening countries leaves a number of moral and ethical questions unanswered. One can therefore argue that humanitarian military interventions have been undertaken not necessarily for humanitarian or ethical considerations, but to pursue national self-interests.

Currently, the assistance that is given to the rebels in Syria by United States of America (USA) has brought a new dimension on the analysis of the question of humanitarian military intervention and the role of self-interests. The actions by the USA and her allies of sponsoring rebels in other states, for instance, in Syria and Libya in order to create instability and insecurity for the civilians and at the same time bringing the case to the UNSC as a humanitarian catastrophe and calling for humanitarian intervention is an illegal and immoral act. These cases of unethical practices will form an important part of the research in order to discuss the role of national self-interests by powerful states.

There have been scholarly policy debates on the rationale behind the undertaking of humanitarian military interventions in developing countries by powerful nations. Questions have been raised as to whether these interventions have been carried out to safeguard international norms related to human catastrophes as propounded by the intervening countries.

Attempts have been made by powerful nations to lobby for support at the level of the UNSC and convince the world that any humanitarian military intervention undertaken is meant for safeguarding human security. A case in point is the UNSC Resolution 1973 against the Libyan government in 2011. Whilst the resolution mandated NATO to enforce a no-flying zone over the territory of Libya as primarily part of humanitarian military intervention carried out on moral and ethical reasons, and in this case to protect the air bombardment of Libyan civilians by the Ghaddafi regime. Criticism has been leveled against the

NATO coalition intervention in Libya as a pursuit of national self-interests camouflaged as humanitarian military intervention. Arguments can also be raised as to how NATO intervention in Libya could be justified as having been undertaken in the context of ethical considerations given the number of civilian casualties as a result of the NATO air bombardment. It can be argued that national self-interests were the major motivating factor given the fact that NATO prematurely pulled out from Libya leaving the civilians more insecure than they were during the Ghaddafi era while companies from the intervening states got preference in oil concessions. This is due to the fact that no disarmament and demobilization had been done to both the armed rebel factions and the Ghaddafi 'loyalists'. If one therefore contrasts the Libyan and Syrian crises, it can be argued that the veto wielding states pass or veto a UNSC resolution based on their national self-interest. Therefore, any humanitarian military intervention by the intervening states has been used as a camouflaged for intervention by the powerful states.

In the context of this research, questions will also be examined that, if ethical considerations are the guiding principles for humanitarian military interventions, why is it that notably most of these interventions are carried out in some developing countries whilst catastrophic insecurity situations in some of these developing countries do not draw the attention of these powerful nations to undertake humanitarian military interventions?

On the other hand, if humanitarian military interventions are undertaken due to ethical considerations, the research will seek to unearth the reasons for the premature exit of intervening states that would leave the conflict zone in a more deplorable state or without having achieved the stated results at the entry time.

The research is guided by the following objectives,

1. Conceptually analyse the ethical considerations that are purportedly used by powerful nations in undertaking humanitarian military interventions.
2. Analyse how national self-interests remain a determining factor in the context of humanitarian military interventions.
3. To determine whether self-interest is compatible with humanitarianism.
4. Offer scholarly suggestions on future humanitarian military interventions from an ethical perspective.

You are kindly requested to participate in the interview given your academic, political, NGO and/or military experience and exposure in international relations, specifically in areas of humanitarian interventions operations, with Multilateral Institutions, Coalitions of the Willing or unilateral interventions. I am aware of the busy work schedule of your office, thus I humbly request that the interview takes 60 minutes of your time.

I will ask you questions related to the topic and the set objectives. You should feel free to honestly answer the questions to the best of your knowledge. However, you may choose not to answer questions which you may not be comfortable with. I may ask follow up questions as follow up to given answers in order to broaden the scope of the thesis.

In order for me to capture your answers and not to distort information obtained I will be taking notes and request that I record the interview.

Your participation sir/madam is on voluntary basis. If you decide to withdraw from the interview you may do so without prejudice.

The results of this study may be published in journal articles or presented at the post graduate conferences. KwaZulu Natal University may also use these information/findings for future studies of similar interests. Confidentiality will be maintained throughout using pseudonyms and nicknames, hence personalities' identity will be kept as anonymous as possible.

If you have any questions regarding the study, you may contact the researcher at the University of KwaZulu Natal, School of Religion, Philosophy and Classics, contact number, (+27731631241), or you may also contact Dr Munyaradzi Murove at the University of KwaZulu Natal, School of Religion, Philosophy and Classics, contact number (+27332606056).

I will take great pleasure and appreciation in interviewing you.

Yours sincerely

MICHAEL CHAMINUKA

If you have any queries, contact,

Researcher

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Consent

I _____ (full names of respondent)

Hereby confirm that I understand the contents and the nature of this study and agree to participate. I understand that I am participating freely and without being forced to do so. I also understand that I can withdraw from this interview at any point should I not wish to continue.

I understand that my name will remain confidential.

Signature

Date

Signature of Researcher

Date

Appendix 3 Structured Interview Guide Questions

PhD Thesis: Structured Interview Guide Questions for Academics, Politicians, Political Analysts, Security Practitioners and Analysts

Sir/Madam, please kindly provide analytical answers to the questions.

Section 1

1.1 Kindly state your designation.

- Professor,
- Senior Lecturer/Researcher.
- Politician/Political Analyst
- Security practitioner/Analyst

Section 2

To conceptually analyse the ethical considerations that are purportedly used by powerful nations in undertaking humanitarian military interventions.

2.1 What are the general ethical considerations that are purportedly used by powerful nations in undertaking humanitarian military interventions?

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2.2 In your view which specific case studies have ethical considerations been purportedly used by powerful nations in undertaking humanitarian military interventions?

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Objective Two

To analyse how national self-interests remain a determining factor in the context of humanitarian military interventions.

2.3 To what extent do national self-interests remain key factors in contemporary humanitarian military interventions?

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2.4 In your view, what is the likelihood of having national self-interests continue being key factors in the undertaking of humanitarian military interventions in the near future?

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2.5 In your view, what have been the effects of national self-interests to humanitarian military interventions?

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Objective Three

To determine whether self-interest is compatible with humanitarianism.

2.6 How have ethical and moral factors been used by intervening countries to camouflage national self-interests in undertaking humanitarian military interventions in developing countries?

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2.7 In your view, what have been the effects of the camouflaging of national self-interests on the credibility of humanitarian military interventions?

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2.8 Using case studies, where have ethical and moral factors been used by intervening countries to camouflage national self-interests in undertaking humanitarian military interventions?

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Objective Four

Offer scholarly suggestions on future humanitarian military interventions from an ethical perspective.

2.9 Is it ethically correct to sponsor uprisings in another country and then condemn it as a humanitarian case?

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2.10 What are the key policy suggestions on the conduct of future humanitarian military interventions in the context of ethical and moral considerations in developing countries?

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Appendix 4 List of Interviewees

Serial	Name	Designation
1.	Gen Paulino Macaringue	Commander Mozambique Armed Defence Forces
2.	Mr Ibbo Mandaza	Political Analyst, Academic and Director of SAPES Think Tank and Publisher
3.	Ekwealor C T	
4.	Ambassador Salim Ahmmed Salim	Former OAU Secretary General and Tanzanian Ambassador to UN
5.	James Tsabora	Legal Officer
6.	Colonel (Dr) M J Chinyanganya	Senior Directing Staff, National Defence College Zimbabwe
7.	Ambassador Issac A Moyo	Zimbabwe Ambassador to the Republic of South Africa
8.	Webster Zambara	Senior Project Leader
9.	Dr S T Sekeramayi	Minister of Defence, Republic of Zimbabwe
10.	Ashton Murwira	Lecturer University of Zimbabwe
11.	Squadron Leader Mhandara	Researcher University of Zimbabwe
12.	Dr Donald Chimanikire	Chairman Political and Social Science Department University of Zimbabwe
13.	Nakaha Stanisley	Political Officer AU Department of Peace and Security
15.	Mr Simon Badza	Political Officer AU, Department of Peace and Security
16.	Ahmed Shide	State Minister
17.	Ambassador Albert R Chimbindi	Zimbabwe Ambassador to Ethiopia
18.	Fred Ngoga Gateretse	Head Conflict Prevention and Early Warning Division

19.	Melody Siangombe	Programme Officer Peacemaking Unit – ACCORD
20.	Charles Nyuykonge	Senior Researcher – ACCORD
21.	Baffour Ankomah	Editor – New African
22.	Major General Samaila Iliya	Consultant – Peace and Security Department AU Commission
23.	Colonel Kabenga Nsa Kaisi (Rtd)	Chairman of the Board
24.	Jeffrey Mapendere	Senior Mediation Expert
25.	General (Dr) C G Chiwenga	Commander Zimbabwe Defence Forces
26.	Ambassador C Mutsvangwa	Former Ambassador of Zimbabwe to the Peoples' Republic of China and Minister of Government, Zimbabwe
27.	Dr M Mtisi	Senior Researcher – ACCORD
28.	Dr Jide Martyns Okeke	Head Policy Dev Unit Peace Support Operation Division (AU)
29.	Sunday Ayodeji	Regional Civil-Military Coordination Officer (OCHA)
30.	Prof Jameson Kurasha	Senior Lecturer Zimbabwe Open University
31.	Dr A Kambudzi	Secretary to the Peace and Security Council of the AU
32.	Dr Munyaradzi Kereke	Member of Parliament Zimbabwe and Political Analyst
33.	Dr J Kurebwa	Senior Lecturer, University of Zimbabwe