

Can Humanitarian Intervention Be Justified?

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Should a country's handling of its affairs be considered sacrosanct or can other countries be allowed to intervene in the matter's of a country? This is a question that continues to be discussed, especially in the field of humanitarian intervention.

Humanitarian intervention is military action taken by a foreign country justified by the ability to save lives or help citizens within that country (Hammond, 2017). This form of military intervention is a polarizing subject. Some schools of thought denounce humanitarian intervention as being inherently illegal through undermining the authority of the state being entered, while other forms of analysis view humanitarian intervention as a way of preventing states from acting with impunity and mitigating the suffering of that state's citizens.

In this paper, I will argue that humanitarian intervention is justified since it limits the extent to which a country can maltreat its citizens or citizens of another country. I will also present and refute some of the criticisms about humanitarian intervention, mainly the viewpoint that it is inherently illegal and unacceptable due to the ulterior motives of the intervening countries.

Humanitarian intervention always involves an intervening group entering a foreign territory and executing military action. This innate characteristic is seen by some scholars as the focal point to justify why humanitarian intervention is illegal; it violates article four of the United Nations (UN) Charter which states that no member nation shall threaten another state nor use force against any other state (United Nations Charter, 1945). This argument highlights the inviolable sovereignty of all countries, precluding all types of interventions in foreign countries.

In contrast to this argument, there is another analytical framework, the Responsibility to Protect, which states that a nation has the responsibility to protect its own citizens and citizens in other countries against genocide, war crimes, crimes against humanity and ethnic cleansing. The moment a state commits any of these crimes on its own citizens or citizens of another country, an intervening force can act and put an end to these actions (Global Centre for the Responsibility to Protect, 2023). Being able to limit the extent of the crimes mentioned earlier mitigates the loss of life and suffering felt by civilians. This can be seen in the aftermath of the actions taken by the North Atlantic Treaty Organization (NATO) during the Bosnian War in Bosnia and Herzegovina, in which the Muslim Bosnian population was persecuted and slaughtered by a Serbian Bosnian military group (“Genocide in Bosnia”). In this case, the NATO aerial campaign instilled hesitation in the leadership of the Serbian Bosnian military group towards continuing the war and influenced their decision to engage in a peace process sooner (“Peace Support Operations”). By ending the war sooner, the number of lives lost to this conflict and the suffering endured by civilians was less than the potential outcome of a longer war. Therefore, intervention by NATO in this conflict reduced the harm done to the Bosnian citizens and prevented the continued and unimpeded massacre of Bosnian citizens.

Another case of where humanitarian intervention occurred was the East Timor conflict in 1999. The citizens of East Timor had a referendum determining whether the citizens wanted the country to be independent or to become part of Indonesia. The results of the referendum, largely favouring independence, angered pro-integration militias who launched a string of attacks in the country. Responding to these attacks, the UN Security Council authorized an intervening group spearheaded by Australia, The International Force East Timor (INTERFET), to stop the attacks

caused by the pro-integration militias and restore peace in the country (“East Timor - UNMISET”). INTERFET’s actions against the militias prevented further death and destruction. Had no response against the militias occurred, further murders and havoc would have continued. In the Bosnian war and the Timorese conflict, the intervening groups acted after being authorized by the UN Security Council. However, there are cases of humanitarian intervention in which an intervening group acts without obtaining approval of the UN Security Council. This occurred in Cambodia in 1978, when Vietnam entered Cambodia to remove the Khmer Rouge as the Cambodian governing body. The Khmer Rouge also intended to invade Vietnam. Under the Khmer Rouge regime, Cambodian citizens suffered from the deprivation of many freedoms, including the freedom of speech, religion, and association, among others; the cruel and draconian laws played a role in the deaths of hundreds of thousands of citizens (Rummel & Horowitz, 1994). Had the Khmer Rouge successfully taken control of Vietnam, these same deprivation of freedoms, death and suffering would have been inflicted on the citizens of Vietnam as well. Vietnam’s removal of the Khmer Rouge precluded the continued acts of injustice against the citizens of Cambodia and the potential impacts on Vietnamese citizens. Had Vietnam not intervened, the Khmer Rouge would have continued causing more deaths and suffering in the region.

Bosnia and Herzegovina, East Timor, and Cambodia offer examples of the positive effects of humanitarian intervention. Through the acts of NATO, INTERFET and Vietnam, the atrocities committed by the Bosnian Serbian military group, the pro-integration militias, and the Khmer Rouge were mitigated. These interventions saved the lives of citizens in Bosnia and Herzegovina, East Timor, and Cambodia.

While this analysis measures the outcomes of humanitarian interventions, this is not the only aspect of humanitarian intervention that can be contemplated. Other approaches are to shift the focus to the authority of the state where the intervention has occurred or the motives of the intervening group.

Humanitarian intervention is a complex issue due to a myriad of factors that need to be considered to evaluate if an intervention is legitimate. This document will specifically consider the sovereignty of a state and the motives of the intervening party. These factors are commonly used in the analysis of humanitarian interventions to discredit the interventions as having humanitarian characteristics. There are other factors that will not be included in the current paper such as whether the mission requires approval of the UN Security Council to be legitimate and whether the means used in the intervention are deemed humanitarian.

The sovereignty of a state and its right to manage its affairs without interference from foreign nations is enshrined in the UN Charter. The moment this right comes under attack, the assaulted country can invoke article 51 of the UN Charter to call for assistance from other member states in recovering this right (United Nations Charter, 1945).

However, this protocol would label humanitarian intervention as foreign interference and would attempt to prevent it. In cases where a nation perpetrates acts of genocide, ethnic cleansing, war crimes, or crimes against humanity against its own civilian population, nations that intervene would be challenging article 51 of the UN since the intervening group is breaching the authority of the nation committing these crimes.

Having serious crimes go unpunished simply because they fall within the purview of a nation is unacceptable, which is why the UN charter has additional clauses that circumvent the argument

of the sacrosanct authority of a country. The clauses 39, 41 and 42 of the UN Charter, give the UN the right to perform any action necessary to restore international peace if peace is threatened (United Nations Charter, 1945). Clauses 39, 41 and 42 of the UN Charter demonstrate that the dominion of a nation cannot be considered absolute for there could be cases where supreme control over domestic affairs must be rendered null in order to bring about international peace. Any argument that is premised on the absolute nature of the authority of a nation ignores the fact that the UN Charter has clauses that allows the UN to take action if it deems it necessary. Beyond looking at the effect on the authority of the nation being entered, other writers analyze the motivations of the intervening party. The focus of the analysis is not the outcome, but the whether the intervening group has humanitarian concerns as opposed to other intentions. One school of thought is that humanitarian intervention is only legitimized through the primary or singular humanitarian intention of the intervening party. It is argued that the outcome of an intervention is more likely to be humanitarian if the intervention itself is driven by humanitarian motives. If the intervention's main motivation is not humanitarian, then the intervention is deemed illegitimate (Bellamy, 2004).

This viewpoint fails to take into account two crucial points concerning the motives of the intervening party:

1. Humanitarian action can be a direct tool to fulfill non-humanitarian objectives; and
2. The motives of the intervening parties are multifaceted and complex.

Two examples in which humanitarian action was the direct extension of non-humanitarian motives was Vietnam's intervention of Cambodia in 1978 and INTERFET's intervention of East Timor in 1999.

Vietnam's approach to prevent the Khmer Rouge incursions into its own territory was to annihilate the Khmer Rouge (Heller, 2021). Removing the Khmer Rouge also freed the citizens of Cambodia of a cruel regime that had committed massacres and deprived the citizens of basic rights. Although Vietnam was not motivated by the suffering of the citizens in Cambodia, Vietnam's intervention addressed both its own goals and the Cambodian people's humanitarian needs.

Motivated by Australia's desires to have East Timor remain politically and economically stable and to keep continued access to Timorese oil, INTERFET stopped the pro-integration militias (Heller, 2021). This limited the militias' killings and destruction. INTERFET was not influenced by the East Timorese citizen's wellbeing, but acted against the militias to aid the citizens and maintain stability in the region.

These examples demonstrate that a lack of humanitarian motive does not imply that non-humanitarian action will be undertaken by the intervening force. In addition, even when the intervening group holds humanitarian motives, it may not be the sole or primary motive. A country can have various objectives when intervening, such as restoring international peace, defending itself, maintaining continued access to assets located in the country where the intervention is occurring, and reducing the suffering of the citizens, among many other reasons. Considering the multitude of factors potentially influencing a state to intervene it is natural that humanitarian concerns may not be the sole reason. In cases where concerns about the wellbeing of the citizens are intermingled with other motivations, having the humanitarian concern at the forefront is not a requirement for humanitarian action to occur. As seen with Vietnam in Cambodia in 1978, non-humanitarian motives can beget humanitarian outcomes. Worries about

the legitimacy of an intervention based on the humanitarian intentions of the intervening party is rendered moot for it is not the most important factor in determining whether humanitarian action will lead to positive results. The intervening party has no control over what will unfold. Given this, the effects of humanitarian action cannot be guaranteed (Bellamy, 2004). Therefore, the lack of strong humanitarian motives has no implication on the humanitarian effects of the intervention.

In summary, when discussing humanitarian intervention, two of the main considerations of the legality and legitimacy of the intervention are the sovereignty of the state in which the intervention occurs and the motives of the intervening group. Some writers state that the very act of intervening a country violates the UN charter, which guarantees the authority of a nation to manage its domestic affairs. However, there are additional clauses in the charter which bypass the sovereignty of a nation in cases where that very nation causes a threat to international peace. These clauses allow intervening parties to intervene in nations which commit atrocities against its own citizens, such as NATO's intervention in Bosnia and Herzegovina, INTERFET's intervention in East Timor, and Vietnam's intervention in Cambodia. Another concern regarding humanitarian intervention is the motive of the intervening party. A position held by some authors is that having a sole or primary humanitarian motive legitimizes the intervention since the intervening party is more likely to bring about humanitarian action. This view does not take into account that non-humanitarian objectives can be accomplished through humanitarian means or that countries' motives can be multifaceted. The interventions performed by Vietnam in Cambodia and by INTERFET in East Timor demonstrate both of these points. Vietnam was

influenced by wanting to defend itself and to give support to the government in Cambodia, while INTERFET was motivated by the economic and political stability of East Timor. Neither intervention had motives with a humanitarian nature. In spite of this, both parties acted with humanitarian action. Vietnam removed the Khmer Rouge from Cambodia, alleviating the suffering of the Cambodian citizens by removing a brutal regime that terrorized its own citizens; INTERFET stopped the pro-integration militias from causing more attacks, limiting the deaths of citizens and destruction to East Timor. These examples demonstrate that humanitarian action can arise from various non-humanitarian motives, showing that a primary or sole humanitarian motive is not necessary to guarantee humanitarian action.

This essay started with a question that is vital to humanitarian intervention: are the domestic affairs of a country untouchable or can other states be allowed to directly affect them? To respond this question I discussed humanitarian intervention in Bosnia and Herzegovina, East Timor, and in Cambodia.

In Bosnia and Herzegovina the military campaign lead by NATO expedited the end of the war and prevented further loss of life and misery. In East Timor, INTERFET prevented the pro-integration militia from killing more citizens. In Cambodia, Vietnam removed the Khmer Rouge and freed the citizens of Cambodia from a murderous regime; had no action been taken against the Khmer Rouge, further killings would have occurred and the bloodshed would have extended to other surrounding nations, such as Vietnam. The three interventions illustrate that humanitarian intervention can reduce the suffering of the citizens and the number of citizens killed.

In order to gain a nuanced view on intervening, two criticisms of humanitarian intervention were explored: how humanitarian intervention violates the UN charter and how the lack of intervening group's humanitarian motives impact the legitimacy of the intervention itself. In regards to the claim that intervening a country violates its sovereignty, which is guaranteed under the UN charter, there are two points to note which make the above argument less tenable. First, the UN Charter has additional clauses which allow the UN to take any action it deems necessary to protect international peace. If the method to protect international peace requires humanitarian intervention, the UN is able to circumvent the authority of a nation and intervene. Second, the Responsibility to Protect principle allows the international community to act in accordance with the UN Charter against nations that commit horrendous acts against its own citizens (Global Centre for the Responsibility to Protect, 2023). Using the additional clauses in the UN Charter which grants the UN the ability to do whatever it needs to protect international peace, the UN could have certain member states intervene in the offending nation.

Aside from the dominion of a nation, I discussed the legitimacy of the intervention based on the prominence of humanitarian motives in the intervening group. The argument is that legitimacy is determined by the probability of humanitarian action occurring, which is expected to increase if the intervention was predominantly driven by humanitarian motivations. The argument ignores the fact that humanitarian action can be an extension of non-humanitarian objectives, as when Vietnam intervened in Cambodia and INTERFET intervened in East Timor. Vietnam wanted to defend itself, while INTERFET wanted to preserve the stability of the region. Neither goal had a humanitarian aspect. To achieve their respective goals, Vietnam removed Pol Pot, the Khmer Rouge leader, and INTERFET stopped the pro-integration militias from causing more attacks.

This had the effect of freeing the Cambodian citizens from a cruel regime and protecting the East Timorese citizens from further death and destruction.

These interventions demonstrate that humanitarian action can occur from non-humanitarian motives, signifying that a lack of humanitarian motive does not indicate that humanitarian action will not occur.

After considering the examples where humanitarian intervention had positive effects and the critiques against humanitarian intervention, the conclusion is that humanitarian intervention can be justified through its ability to throttle the extent to which governments or military groups can harm citizens.

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