

Humanitarian Intervention and Disinterestedness

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Humanitarian Intervention is, with terrorism, one of the most debated issues in ethics of international relations. Defining it is not an easy task, but a consensus seems to have emerged in the last decade. Most authors converge to the following model:

Humanitarian Intervention is the use of force by a State or a group of States conducting military intervention in a foreign territory with the aim of preventing or stopping grave and widespread violations of the most fundamental human rights on individuals who are not citizens of the intervening State and without the consent of the target State.

One should notice that humanitarian intervention is defined according to its goal. It is humanitarian because it has a humanitarian goal; this aspect is common to all definitions. Humanitarian intervention is always conducted in order to, aiming to prevent or stop certain actions. It seems to be nothing but an intervention in which the intention is humanitarian. Therefore, the contemporary conception of humanitarian intervention is entirely based on what is usually called the “right intention” or the “good intention” criterion that is one of the classic requirements of the medieval just war doctrine.

For Aquinas, the right intention (*recta intentio*) was the advancement of good or the avoidance of evil. Modern day scholars have conserved these two aspects. Right intention, in its positive definition, is the aim to create or restore peace, to provide assistance, help, justice, to prevent or stop human suffering. In its negative definition, it is the absence of self-interest motives. From that point of view, the right intention criterion expresses itself by the requirement of disinterestedness of the intervening state.

This essay aims to show that requiring the disinterestedness of the intervening state is very problematic and should therefore be abandoned. The goal is to reconstruct an ethics of humanitarian intervention without an *a priori* right intention criterion, which I submit here to a realist criticism. My conceptual framework is a qualified version of realism that, contrary to a widespread prejudice, is not an amoral conception of foreign policy,

but an epistemological commitment to analyze international relations as they are actually and not as one would wish they be.

In the case in point, the *realpolitik* is right to observe that a state has no reason to intervene unless it has an interest in doing so. Is that not what history teaches us? In such a context, the intervention is never purely humanitarian: preventing or ending widespread and grave violations of fundamental human rights is not the only motivation of the intervening state.

Of course, it does not mean that the state never has some humanitarian and philanthropic motives—the state is nothing more than a group of human beings, who, taken individually, are able to be moved by some situations, to feel solidarity and to be helpful. What it does mean is that the humanitarian motive of the state is never sufficient and alone. This is the reason why we refer to this problem as the “mixed motives” problem. A caricatured realist attitude, therefore, would be just as naïve as an idealistic one. Saying that politics are always or never hypocritical amounts to the same concept, that it is too simple to be true. The qualified version of realism that inspired me in this essay does not cynically presume that states are always and only self-interested; rather, it cautiously presumes that they are never totally disinterested, which is to say that their motives are always mixed.

Nevertheless, there is a strong consensus in the idea that one of the most important criteria of humanitarian intervention is the requirement of disinterestedness of the intervening state. This aspect is essential to the very definition of humanitarian intervention and is supported by the overwhelming majority of scholars. It is a serious problem: how can we appreciate the disinterestedness of a state that is, by definition, always interested? How disinterested should the intervening state be?

The disinterestedness of the intervening state is not, cannot, and should not be absolute. It is not absolute as history and even a glance at the interventions of our time demonstrates that. One has a lot of evidence as to the instrumentalization of human rights and pre-textual use of humanitarian intervention. It cannot be absolute because, given the financial, human and political costs, a state will intervene only if it has a reasonable prospect for gain to compensate for the risk. And, above all, it should not be absolute, because the *raison d'être* of the state is to protect its own citizens and to defend the national interest: an absolute disinterestedness would be, by definition, a grave failure of the state's responsibility.

Does this mean, however, that we should abandon the requirement of disinterestedness as a whole? No, says the doctrine, if the disinterestedness is no more absolute but only relative. Indeed, the classical solution is to distinguish between absolute or complete and relative disinterestedness. The intervening state cannot be completely disinterested, but in order to

qualify its action as “humanitarian,” it has to be at least relatively disinterested.

To admit that the disinterestedness of the intervening state can be nothing but relative is to admit the presence of self-interest and non-humanitarian motives in every humanitarian intervention. The question then becomes: Do these non-humanitarian motives disqualify the legitimacy of the humanitarian intervention?

This is the well-known “mixed motives” problem. By mixed motives, we usually mean a mix of philanthropic (humanitarian), economic, and political motives. Mixing motives is often presented like adding some (bad and dirty) economical and political motives to the (good and pure) humanitarian goal. But, by the same token, the humanitarian goal is not denied, and the good will is not totally excluded. It is precisely the reason why the motives are mixed. The debate is about which of these motives is dominant. And the question then becomes: How is humanitarian a mixed motivated intervention?

Here, the doctrine and the authors who require the relative disinterestedness use an argument that could be called the “hierarchy of motives” criterion. It says that the presence of political, economic and egoistic motives would not be prejudicial as long as the humanitarian aspect stays the “primary goal” or the “overriding motive.”

From a pragmatic point of view, this criterion is easy to refute. It is impossible to know with certainty if an intervention is majority humanitarian, if the humanitarian intention is actually primary and overriding the non-humanitarian concerns. It is impossible to check with certainty the hierarchy of real motives of the intervening state. How could we measure the relativity of the disinterestedness? How could we disentangle the humanitarian intentions from the political motives? How could we establish the priority of one over the other? History will help, with the benefit of hindsight and an exhaustive use of archives. But when it is time to intervene or not, when it is time to decide, there is no sense of talking about a “hierarchy of motives” because we do not have access to the real intentions of the intervening state.

Therefore, the “hierarchy of motives” criterion relies only on the good faith of the intervening state, which exposes in its rhetoric the official reasons to intervene. Here we should distinguish the intention the intervener says he has from the one he really has, which is not accessible *a priori*.

If the humanitarian argument can be a pretext to hide some strategic and geopolitical choices, as history shows, why should we believe a state that does not deny its self-interest motives but instead pretends that its humanitarian intention comes first? Let us take an example. You are in a difficult situation. Someone offers to help you. You discover that he has also a

personal interest in doing so. He admits it, but he insists that he came first of all in order to help you. How much credibility do you give to this “hierarchy of motives?”

Conscious of the weakness of this “right intention” criterion, some authors work on the different ways to satisfy it, that is to say to constrain the intervening state to have good intentions, or at least to limit its bad ones. Opinions converge toward at least three criteria: the collective dimension of the intervention, the consent of victims and the consent of the region. The problem is that none of these criteria withstands the reality check.

There is a widespread agreement that the collective requirement appears to be an adequate solution to the right intention problem. That is why the legalists today require that the humanitarian intervention must be approved by the UN, whereas others prefer the community of the democratic states, because of the deficit of moral legitimacy that affects the Security Council (for the reasons we know—poor representation and the fact that some of its permanent members, for instance China, do not meet the standard requirement of political legitimacy).

From a realist point of view, what is one to think? First, one should notice that the unanimity of the Security Council does not mean the defense of a common standard of moral principles, but the identity of their interests. Multilateralism does not exclude egoism and self-interest, if the states have a converging common interest.

Second, the self-interest of a state would be frustrated by multilateralism if, and only if, the self-interests of the other states not only conflict with it but also neutralize it. Conflicting is not sufficient if the power is not there to make this opposition efficient. The ideal model of a multilateralism where different self-interests would cancel each other is precisely an ideal—but it is not how it works in a unipolar world dominated by the only superpower.

Let us take the example of the “coalition of the willing” gathered around the United States for the war in Iraq in 2003, which was not humanitarian intervention, as it was well demonstrated elsewhere. The U.S. proudly presents a list of 48 states publicly engaged, from all continents, all races, religions and ethnic groups, which represents 1.23 billion people. This kind of rhetoric is based on the fact that multilateralism is supposed to bring more representation, legitimacy, and credibility. But in reality, can we say that this coalition, ironically called “coalition of the Billing,” is susceptible to limit the self-interest of its main component, the United States? Not at all. It is precisely the self-interest that gathered 47 states around the United States, the self-interest to win some political, strategic, or economic benefit in this collaboration.

The collective or multilateral requirement is often an illusion that does not guarantee the intervention is well-intentioned, but only that the intervening states, may they be 30, 40, or 50, have some converging self-interests. And it is easy for the only superpower on earth to drive the interests of others in one common direction.

The International Commission on Intervention and State Sovereignty (ICISS), but also a number of authors, like Tesón and Miller, require the consent of victims as a good criterion to guarantee the right intention of the intervening state. It is an old and classical requirement in the Just War tradition, which is already found in Vattel's *Droit des gens* (1758), for instance. What can be thought of this?

First, logically, it is not a limitation of the egoism of the intervening state. There is no link between the consent of victims and the right intention of the intervening state. Victims can consent to an intervention that is initiated for self-interest reasons. Therefore, this is an independent argument that does not help to guarantee the disinterestedness of the intervening state.

Second, practically, in the real world, measuring the consent of victims is an illusion. Who does it? The intervening state itself? Those in power within the state could decide to count or not to count certain categories of people. How do you do it? How do you proceed to measure the consent of a population in a country where the freedom of expression does not exist? How do you show your support to a foreign intervention in a place where you risk torture or death if you are suspected of betraying a tyrannical regime? How many testimonies do you need—10, 100, 1,000, 10,000, a certain percentage of the total number of victims?

The victims' objective opinion is not accessible. One can even say that it does not exist. Victims' opinion, their support or their opposition to the intervention, is nothing but the interpretation of this supposed opinion by the intervening state itself. It is an illusion that is established without them.

To illustrate this point, one can look at the difference in CNN's and Al-Jazeera's broadcastings on the fall of the statue of Saddam Hussein in Firdos Square on April 9, 2003. Whereas CNN showed close-ups of joyful, dancing Iraqis, Al-Jazeera showed men clearly affected by the site of the American flag draped over Saddam's face. It is quite clear that "consent of the victims" is all in the interpretation.

The third criterion is no better than the others. The opinion of the other countries in the region, be they supportive or not, does not limit the self-interest of the intervening state. It is according to its own self-interest that the neighbor will consent or not to the intervention. And his interest is not necessarily concordant with the one of the victims of the target state.

It can be in the self-interest of the neighboring state either that the target state population kills each other, or that a certain ethnic group disappears, or to make a decision not according to the interests of the region, but according to foreign pressures. The United States, for example, could propose to the neighboring state some economic or military advantages for a vote in favor of or against an intervention.

None of these three traditional criteria resists the reality of international relations. Therefore, it seems that there is no way to guarantee the right intention of the intervening state. The “hierarchy of motives,” approach which relies only on the good faith of the intervening state, should be abandoned. But the question persists: Does the presence of self-interest and non-humanitarian motives disqualify the legitimacy of the humanitarian intervention?

One criterion seems more adequate to the reality of international relations: the one of consistency, or non-contradiction. Political motives and the humanitarian goal become contradictory when the self-interest of the intervening state opposes the one of the population it is supposed to save. Therefore, the principle is the following: self-interest motivations or non-humanitarian concerns of any sort are acceptable if and only if they are not contradictory with the humanitarian goal. As long as the self-interests of the intervening state coincide with the humanitarian goal of the intervention, that is to say with the interests of the victims, the presence of political motives or non-humanitarian concerns is not a problem.

Therefore, we do not need to require the disinterestedness of the intervening state, which is an impossible and idealistic requirement. All we need is to be sure that the political motives of the intervening state, which is always and by definition self-interested, are not contradictory with the interests of the victims. If both coincide, and as long as the humanitarian goal is satisfied, the intervention is legitimate.

The essential question seems to be: Is it possible to be both neorealist and interventionist? In other words, to admit that humanitarian intervention is always tarnished with self-interest motives and, notwithstanding, to defend it?

Yes, because it is as naïve to believe that a purely humanitarian intervention is possible in the reality of international relations as to believe that an intervention that is not at first motivated by humanitarian goals cannot have, in fact, a humanitarian effect. Effects of a non-humanitarian motivated intervention can be themselves humanitarian. Let us take an example. A state can intervene only for self-defense reasons and, as a side effect, stop some widespread and grave violations of human rights. That is what happened when Vietnam intervened in Cambodia and

Tanzania in Uganda in 1979. The reason is simple: killer regimes are often very bad neighbors. Those who tyrannize their people often threaten regional security and maintain border conflicts with the states around. What does it show? In both cases, we have interventions that are considered humanitarian because they had positive humanitarian consequences, independent of the initial motivations of the intervening states. It shows that the humanitarian character of an intervention depends less on the intervening state motives than on the outcome.

One should distinguish two schools. On the one hand, the “motives-first” or “motives matter” perspective evaluates the legitimacy of a supposed humanitarian intervention by first examining the intervening state motives. It says that an intervention is humanitarian if and only if its goal—some would say its only goal—is to help the victims. It is the perspective of those who require the disinterestedness, complete or relative, of the intervening state. It is the traditional, standard approach.

On the other hand, the “outcomes-oriented” perspective starts not from the motives, but from the outcomes, the consequences of the intervention. I defend such an “outcomes oriented” perspective, for methodological reasons. From an empirical point of view, the fact that the intervening state’s real motives are not accessible is a sufficient reason to reject the motives-first perspective and to judge an intervention on what we can experience by ourselves—the results.

But this consequentialist approach is obviously limited, because before the intervention, and even during it, these results, outcomes, and consequences are inaccessible. We cannot know with an absolute certainty what the future will be. Therefore, the decision to intervene relies on a system that is only probabilistic. This is one of the traditional criterion—the positive effect should be “highly probable.” One can also speak about a “reasonable prospect for success.” Because of this difficulty, the solution cannot be purely consequentialist. It should be a mixed combination of *ex ante* and *ex post* mechanisms.

First, *ex ante* mechanisms are the means of an a priori evaluation. Just war theories usually require six cumulative criteria: just cause, right intention, proper authority, last resort, reasonable prospect for success and proportionality. The first three requirements, which are more deontological, are the most problematic in my opinion, but of the six criteria, “right intention” is the only one I reject.

Proper authority is a distinct and difficult issue that I do not have the space to elaborate on here. We saw earlier that neither the legalist solution nor the collective requirement were realistic, therefore, I do not have an *a priori* objection against an intervention launched without the consent of

the Security Council or even by a single state provided that all the other requirements are fulfilled.

Just cause, linked to right intention, deserves a more particular consideration. In the case of humanitarian intervention, just cause is what Walzer calls a “supreme emergency” and Pogge calls a “massive human rights problem.” What it is exactly is hard to define because this criterion has an irreducible subjective and interpretative dimension. For now, however, it is quite consensual to limit just causes to genocides, comparable mass murders, ethnic cleansing, wide-scale forced expulsion, and state collapse.

The essential problem is terminological, and it is double. First, the just cause is a cause. Therefore, strictly speaking it does not designate a particular event like a massacre. What it does designate is a causality link between two events: the massacre and the intervention. It is the fact that the massacre is the cause of the intervention. Second, the just cause is just. Therefore, straightaway, by definition and correlatively, it implies the good intention. Saying that the massacre is the just cause of the intervention presumes that the intention of the intervening state is actually to end it, which is to say that the intervention is well-intentioned.

This ambiguity has two consequences for us. On the one hand, we have to recognize that the right intention requirement is not totally abandoned if we are to maintain the just cause one, which is essential, notably because it obliges not to confuse the intervention motivated by regime change, the pro-democratic intervention, with humanitarian intervention. The first one does not fulfill the emergency condition of the second. This distinction is particularly useful in the case of Iraq; it is precisely in ignoring it that Tesón can consider the Iraq war as a humanitarian intervention. Therefore, the just cause criterion is indispensable, and we should assume that it presumes the implicit presence of right intention.

On the other hand, it is precisely the reason why we do not need a supplementary and explicit right intention criterion! My point is that right intention cannot be an explicit requirement. It does not exclude its inevitable presence in the necessary just cause requirement.

Secondly, from the time when the intervention is launched, we can do an *a posteriori* evaluation, which will become more and more precise with the hindsight of history. Therefore, it is only after months and even years that we will be able to tell if the intervention was or was not humanitarian. It is all the paradox and the difficulty of the evaluation. When it is the most useful, before the intervention, at the time to take a decision, evaluation is also the least reliable, because it is based on a probabilistic criterion (the reasonable prospect for success). Conversely, when it is too late, when

the intervention already happened, that history will be able to give a more reliable evaluation.

This poses three questions: What are the criteria of such an *a posteriori* evaluation? Who does it? Is it really useful?

The first criterion of the *a posteriori* evaluation is of course the positive effect that will appear, or not, as and when time passes. The second one is the respect of International Humanitarian Law. A state claiming humanitarian motives is supposed to care about the civil population in the name of which it is intervening. The evaluation will examine means and methods of warfare: the priority in the operations (securing population before oil wells for example), weapons used (no fragmentation or uranium bombs, no napalm, yellow phosphorus or all weapons targeting large surfaces) and the way they were used. From that point of view, the *jus in bello* (the behavior of the state during the intervention) has an impact on the *jus ad bellum* (the legality of the intervention). A third criterion would be the conduct during the occupation, where it is easy to commit an abuse of power, in occupying the territory longer than necessary, capturing local resources or violating the fundamental rights of prisoners, for instance.

Who proceeds to the *a posteriori* examination of the humanitarian intervention? The international community in a broad sense (that is to say, not only the UN and the states, not only the NGOs and the official observers, but also the world citizens, through medias). Given the media globalization and democratization, everybody can, with a laptop, a digital camera, and Internet access, publish information. Independent journalists and even soldiers' blogs can reveal some very important information and start international inquiries. That is what happened recently with the torture scandal in Iraq, which was revealed by stolen images.

Is this examination useful? If the intervention is already passed, is it not vain and useless to give a judgment on its humanitarian character? It will not correct or cancel past abuses and mistakes. But it will, however, help to refine the definition of humanitarian intervention, which will become more precise over time. Hopefully, it will also allow the appropriate granting of the humanitarian label in the future.

RECOMMENDED READINGS

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