

**The Justification of International Military Intervention in Response to Human Rights
Abuses**

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Abstract

Interstate conflict, in layman's terms - war, is by nature a highly complex and debated issue. From absolute or total war, to multi, dyadic, or systemic level conflicts, to simply a war fought for personal or state glory, the nature of war and military intervention is no doubt a complicated and intricate issue. When the nuance of human rights is added to the picture, the entire concept as a whole becomes increasingly difficult to delve into. But the fact remains that even in the fog of war the question of whether or not international military intervention is justified by human rights abuses, is of the utmost importance.

This paper will analyze the salience of this question, and the fact remains that no matter the circumstance there are bound to be human rights violations where there is military intervention and that action is justified. Specifically the paper will discuss three underlying themes behind this rationale 1. Due to the inescapable nature of war, 2. Numerous case studies such as the Rwandan or Armenian genocide, and 3. Most government's Responsibility to Protect commitment. Overall the paper will come to the conclusion that international military intervention is undoubtedly justified by human rights abuses.

Introduction:

Interstate conflict, in layman's terms - war, is by nature a highly complex and debated issue. From absolute or total war, to multi, dyadic, or systemic level conflicts, to simply a war fought for personal or state glory, the nature of war and military intervention is no doubt a complicated and intricate issue. Furthermore, adding the nuance of human rights to the picture, the entire concept as a whole becomes increasingly difficult to delve into. But the fact remains that, even in the fog of war, the question of whether or not international military intervention is justified by human rights abuses, is of the utmost importance.

The rationale behind this idea is seen throughout history and even in the present day. A newsletter from the Africa News in regards to the former President of Nigeria Goodluck Jonathan illustrates this exact point. In the letter, Jonathan stated in regards to the Nigerian Army combating terrorism in the region, “[w]e are sticking to international best practices in prosecuting the war against terrorism and doing our best to ensure that we don’t have cases of human rights abuses in the North-East” (Vanguard (Lagos), 2015). Even when it comes to dealing with atrocious terrorist groups such as Boko Haram, the importance of the issue still comes to light and showcases the importance of the question when it comes to discussing international military intervention in regards to human rights. Additionally, one can look towards the issue at hand that is currently occurring in Myanmar (former Burma). An article from the Islamabad Policy Research Institute spoke to the sentiment that western governments have towards the situation in Myanmar stating, “[t]he non-democratic governments and the human rights violations in Myanmar have been opposed by the West. This is reflected in the international support [they have received] over the year” (Dr. Imran Syed, 2019). Western democracies have opposed human rights violations, and as a result have supported this approach through any means necessary, including military intervention.

Furthermore, it is not only real world examples that showcase this question's significance, but also the input of learned political scholars as well. A news article from Ken Booth, a prominent political scientist of International Relations at the Aberystwyth University, spoke on how the relationship between military conflict and human rights is an unclear but salient issue. In the abstract of his article he stated “[h]uman rights have been in the practice of international relations... since the discipline became institutionalized in 1919” (Booth, 2019). Booth brings light to the fact that human rights are an extremely important facet of the international system, and the question of whether or not governments should intervene on behalf of human rights is far-reaching and consequential across all nations.

In light of these revelations, the fact remains that where there is military intervention it is bound to include some form of human rights violations, and due to the nuances of the problem those actions are justified. Due to the inescapable nature of war, numerous case studies such as the Rwandan or Armenian genocide, and most government’s Responsibility to Protect commitment, international military intervention is undoubtedly justified by human rights abuses.

Literature Review:

There are various scholarly publications that support this viewpoint and one of the most prominent is Hans Speier’s Journal on *The Social Types of War*. Speier was a German-American sociologist who worked with the government of the United States both during and following World War 1. His journal article distinguishes the difference between the various forms of war and how they interact with each other and society as a whole. The main thesis that he forms early

on in his article is what exactly these forms are and what differentiates them from one another. He states “The three pure types of war may be called absolute war, instrumental war, and agnostic fighting. Absolute war is unrestricted and unregulated war, agnostic fighting is regulated according to norms, and instrumental war may or may not be restricted, according to considerations of expediency.” (Speier, 1941). He goes on to elaborate on these three overarching types of war and what exactly they each constitute in their respective right.

Absolute war is characterized by the absence of any restrictions or regulations that are more common to the concept of traditional warfare, and includes more instances of treachery, human rights violations, and violence. Also referred to as “total war”, this form of war is further based on the fact in which an entire nation is taking part in the fight against another and the only way to victory is, as Speier puts it, “Absolute war is waged in order to annihilate him.” (Speier, 1941). On the other hand, instrumental war is waged in order to gain control or access to resources and/or values that the opposing party controls. These values can be considered as political (such as strategic sites, or alliances), economic (industry, or access to markets), or religious (cultural sites). The last form of warfare that Speier speaks of is agnostic fighting. This form of warfare is much more complex and difficult to grasp. As Speier puts it, agnostic fighting is observed “under the strict observance of rules” (Speier, 1941). Meaning that both parties are seemingly equal, and the purpose of the fight is nothing more than personal or state glory. Overall Speier’s argument boils down to the idea that there are only these three pure types of war, and they are “oriented, respectively, toward (1) annihilation, (2) advantage (especially enrichment), and (3) glory and justice.” (Speier, 1941). But more so that no actual war coincides with any specific one of these three pure types of war, and that making the distinction between what constitutes as a morally “good” or “bad” war is highly up to speculation and debate.

In addition to Speier’s journal on the various forms of war, it is imperative to identify specific case studies of actual examples of prominent human rights violations. One in particular was that of the Rwandan Genocide that occurred without (and some argue because) there was little to no use of military intervention. David Scheffer, the former U.S. ambassador at-large to the U.N.’s War Crimes Issues, and current Northwestern Law professor, wrote a journal article in the Georgetown University Journal of International Affairs titled, “Lessons from the Rwandan Genocide”. For those who are unfamiliar with the genocide, over the course of 100 days, more than 800 thousand men, women, and children (mostly of Tutsi decent) were killed by the Hutu majority. Over the course of his article, Scheffer makes the claim that both the United States and the international community failed to respond to the atrocity, and that the main lesson to be learned from this event is that policymakers have to be able to handle multiple crises simultaneously - especially due to the fact that so many lives were at stake.

Early on in his article Scheffer asserts the notion that there were various reasons that the U.S. and international community reacted to the situation poorly, including the disbelief of information, a ‘politically correct’ early response, and an incohesive U.S. peacekeeping policy. Overall, Scheffer brings light to the fact that the main idea that can be learned from this event is that policymakers have to juggle multiple tasks in order to fulfill their civic duty, “We learned that policymakers cannot permit other priorities and breaking events to distract them from responding swiftly to atrocities” (Scheffer, 2004).

In addition the Armenian Genocide is another prominent case study that further explores the effects of non-military intervention in regards to human rights violations. Richard G. Hovannisian, an Armenian American professor emeritus at the University of California Los Angeles, wrote a chapter in the book “Embracing the Other: Philosophical, Psychological, and

Historical Perspectives on Altruism” entitled *The Question of Altruism during the Armenian Genocide of 1915*. Hovannisian makes the claim that those who intervened and carried out good deeds during the genocide garnered little public attention, but still made an immense difference. Over the course of his chapter, Hovannisian explains that it was very difficult to recap the events of the genocide due to a multitude of factors, including the limited amount of data on the subject, that the Turkish government denies the fact that a genocide ever occurred, and that the event was overshadowed by an overarching World War.

Hovannisian goes on to detail how he carried out a study and investigation of 183 individual survivors of the genocide and how they recount an overarching account of instances of altruism over the course of the genocide. He went on to elaborate how there are various facets to his study including, sexual exploitation, the economics of the situation, religious motivations, humanitarian motivations, and prior acquaintances. Overall, Hovannisian makes multiple conclusions, the most important of which “there were numerous individuals, families, and even entire villages that were moved to intervene” (Hovannisian, 1992).

Furthermore, perhaps the most important concept to discuss is the concept and idea of *Responsibility to Protect*, that exists within the international system. Expanding upon the idea that within these case studies, even when there are multiple forms of warfare occurring, most nation-states maintain that they carry the responsibility to intervene during such occurrences. Dwight Raymond, a former Colonel in the U.S. Army and current member of the U.S. Army Peacekeeping and Stability Operations Institute, constructed a research report within the Igarape Institutes report *Implementing the Responsibility to Protect: New Directions for International Peace and Security?* titled “Responsibility to Protect and the Military”. Raymond’s overall claim is that the overall concept of Responsibility to Protect (R2P) is vital but does include various caveats, and that while instituting R2P, policy-makers and the military have to additionally include the new concept of Responsibility while Protecting (RWP).

Early on in his report, Raymond claims that the military carries a prominent role in the prevention of various atrocities and human rights violations, being done in various stages including preventing, reacting, and rebuilding. There are, however, various risks while undergoing the process of instituting R2P which include unintended escalation, collateral damage, anti-intervention sentiment, quagmire, and politicization. Raymond makes the point that adopting the new measure of Responsibility while Protecting (RwP), which include facets as planning for contingencies, efficient reporting, and the quick termination and withdrawal of forces, will mitigate these risks and create an overall more efficient and effective program in stopping global atrocities. Raymond states “RwP can be a helpful concept to shape R2P efforts effectively (including military measures) and mitigate the risks of action and inaction.” (Raymond, 2013). Overall, he makes the claim that RwP is a helpful and important tool in order to effectively implement R2P policies and prevent future human rights violations.

While building upon these concepts of R2P and RwP, it is important to note that there is some controversy that exists within these ideas, and a few questions that require a deeper investigation in order to fully explore the exact nature of these concepts. Questions such as whether or not people believe if intervention reduces human rights abuses or makes them worse; the fact if scholars and leaders think these ideas are even effective; and what constitutes if intervention is good or when it is bad? In answering these questions, we need look no further than the third chapter in a book published by the Brookings Institute, written by Gareth Evans titled “The Scope and Limits of the Responsibility of the Responsibility to Protect”. Evans makes the argument that there are five quintessential problems, or what he refers to as

'misunderstandings', that exist within this protocol known as R2P. The first being that "R2P is just another name for Humanitarian Intervention" the second, "In extreme cases R2P means the use of coercive military force" third, "R2P applies only to weak and friendless countries, never the strong" fourth, "R2P covers all human protection issues" and fifth, "Iraq 2003 was an example of the application of the R2P norm and a forstate of things to come" (Evans, 2008).

These five 'misunderstandings' as Evans characterizes are more or less simple to understand. But their true importance lies in trying to understand and answer these core questions when it comes to analyzing R2P. Not all scholars agree that R2P will reduce the amount of human rights abuses and furthermore that there is a lot of skepticism if the policy is effective at all. Overall Evans' core analysis is that R2P is not all that it appears to be and that there are some fundamental flaws that lie within it.

Along with navigating these questions regarding the flaws in R2P, it is imperative to explore exactly what constitutes implementing the policy. Afterall is it not easier to engage in discussion over a concept, than it is to actually implement it? That is the very discourse that Julia Rabar at the Australian Strategic Policy Institute seeks to answer. In March of 2011, she published a policy report titled "Uncharted Terrain: Libya and the Responsibility to Protect". In her report she delved into how the concept of R2P, simply put, is much easier said than done. She cited the intervention in Libya as her prime example, expanding on the fact that the situation in the nation became increasingly complex as the relationship between President Muammar Qaddafi's government and the rebels continued to escalate. That intervention itself means so much more than simply protecting the populace in this conflict, but forces countries to legitimize and pick a side. In Rabar's words "... it enables the rebels and implicitly legitimises[sic] their agenda. The intervention chooses a side." (Rabar, 2011). The whole idea of military intervention for the basis of human rights revolves around this idea of R2P, and Libya in itself is an important case study in how the concept of R2P is flawed while at the same time highly important in the battle to protect those who need it. Overall, Rabar's core argument aligns with most academic scholars, that although R2P is somewhat flawed it is the best tool we have in order to correct the abuses of human rights.

Discussion:

The question of whether or not military intervention is justified in response to human rights abuses is by no means a straightforward discussion. It is without a doubt, however, that due to the nature of war, numerous case studies, and the international community's commitment to the concept of Responsibility to Protect, that military intervention is undoubtedly justified by human rights abuses. The literature review encompassed six salient pieces of information, all of which include multiple sources of evidence and explanation that supports the notion that the answer to this question is clearly 'yes'. But it is important to realize that it is possible to go about this discussion in two distinct themes or ways. The first of which is characterizing this argument from the facts of the nature of war, which correlate to the case studies of Rwanda and Armenia. The second theme revolves around the whole concept and idea of Responsibility to Protect - how it functions, what it constitutes, and what flaws that it also has. By going about this discussion in the means of these two individual themes, the purpose is to craft and expand on the nuanced and complex relationship that exists between them in order to fully support the assertion that international military intervention is justified by human rights abuses.

Speier's article on the Social Types of War first, provides the framework on which to explain the inherent nature of war and conflict in general. Simply put, war is an extremely

intricate and dynamic issue, but can be categorized to fall within one of these three forms that Speier insinuates - absolute, instrumental, and agnostic. But furthermore is the fact that there is the possibility for these three forms of war to intersect and overlap in various ways. An instrumental war, for instance, can be waged in a manner that is consistent with absolute warfare, and thus it would be unfeasible to distinguish the two from one another. This is the first generalization that is important to make, that simply due to the nature of war and conflict, that while there are various forms of war in theory it is near impossible to distinguish them in reality. Moreover, the second generalization that is vital to muse over is that Speier's first form of warfare, absolute war, is by definition consistent with every human rights violation imaginable. The purpose of absolute war is not merely to win strategically but to "annihilate" the enemy, as the theory suggests that there can be no peace until the opponent is wiped out. With these two generalizations, it is safe to say that it is simply in the nature of war for violations of human rights to occur. Since the three forms of warfare are dynamic and overlapping, and due to the fact that absolute war consists of human rights violations, conflict in general will inevitably lead to human rights violations. And such, it is because of this fact that military intervention is always justified by the human rights violations simply because there is no escape from the fact that human rights violations will never cease to exist in the scope of war.

This further leads to the two case studies of the Rwandan and Armenian genocides. And specifically these were not merely factual accounts of both events but rather more nuanced approaches to both affairs. In the case of Rwanda, through the perspective of the West and international community, and the lessons that can be learned from the incident. In the case of Armenia, with the overtone of the theme of altruism and how that motif fits into the overall picture. Both Scheffer and Hovannisian assert the position that there are numerous undertones that go along with both of these events. In the case of Rwanda, the international community made multiple mistakes and as a result, one of the greatest atrocities of the 21st century occurred. In the case of Armenia, although the international community did not necessarily have the ability to intervene due to the circumstances of the situation (the First World War), there were still individuals and communities that took the responsibility to intervene even while the events of the genocide unfolded. What both of these sources work to provide is that it is both the responsibility of the international community and system to intervene when human rights violations like this occur, and in addition, it is in our human nature to help those who need it even in the most dire of circumstances. As a result it is more than justifiable to engage in military intervention, as it is both our civic duty as well as in our human nature.

In addition to these two case studies, it is vital to incorporate the topic of how these human rights abuses and international conflicts have affected people in the scope of their actual livelihood. The main avenue to explore that dynamic is in reference to the refugee crisis that currently exists in many wartorn countries that both have and have not experienced international military intervention. The table above comes directly from the UNHCR (United Nations High Commissioner for Refugees) and showcases the amount of refugees that various regions of the world currently have. However, going a step further, the table below showcases that pertaining data and explores exactly which countries have the highest number of refugees.

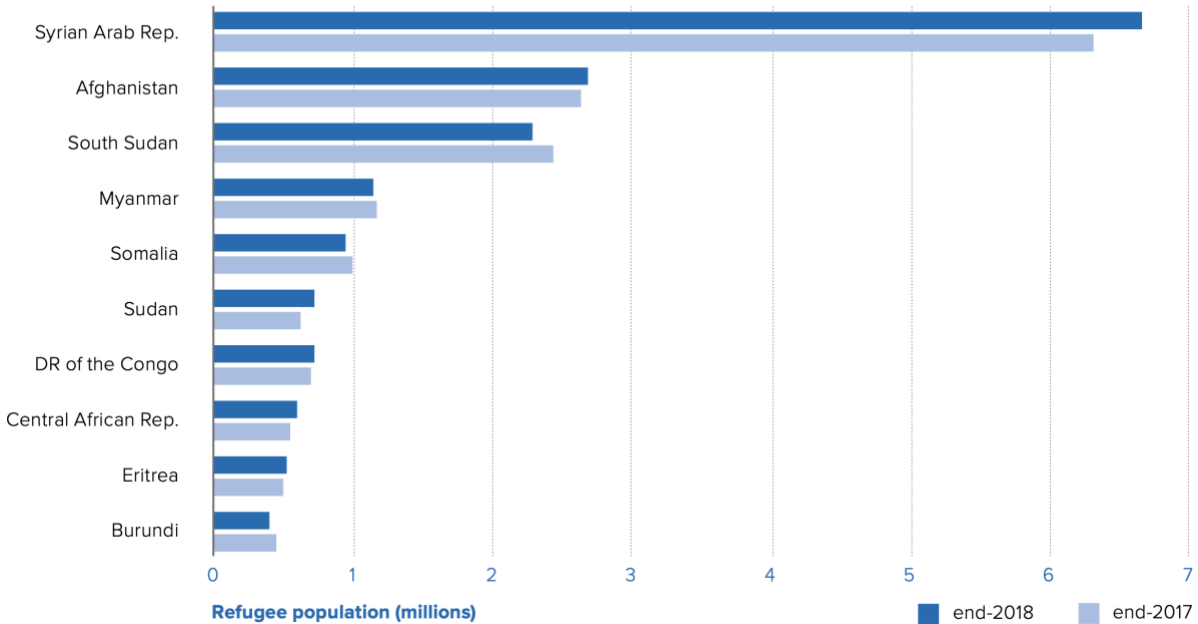
Table 1 | Refugee populations by UNHCR regions | 2018

UNHCR regions	Refugees (including persons in a refugee-like situation)		Change		% of total, end-2018
	Start-2018	End-2018	Absolute	%	
- Central Africa and Great Lakes	1,475,700	1,449,400	-26,300	-1.8	7
- East and Horn of Africa	4,307,800	4,348,800	41,000	1.0	21
- Southern Africa	197,700	211,000	13,300	6.7	1
- West Africa	286,900	326,300	39,400	13.7	2
Total Africa*	6,268,200	6,335,400	67,200	1.1	31
Americas	646,100	643,300	-2,800	-0.4	3
Asia and Pacific	4,209,700	4,214,600	4,900	0.1	21
Europe	6,114,200	6,474,600	360,300	5.9	32
thereof: Turkey	3,480,300	3,681,700	201,400	5.8	18
Middle East and North Africa	2,705,400	2,692,700	-12,700	-0.5	13
Total	19,943,600	20,360,600	417,000	2.1	100

* Excluding North Africa.

UNHCR 2018

| Major source countries of refugees | end-2017 to end-2018



UNHCR 2018

At closer inspection and comparison between these two tables, one can easily see that Syria (6.7 million), Afghanistan (2.7 million), South Sudan (2.3 million), Myanmar (1.1 million), and Somalia (0.9 million), just five countries house more than two-thirds or 67% of all refugees worldwide. The reason why this information is vital, especially when analyzing which specific countries have the most refugees, is because when one compares that data to the international

military intervention that particular nation has seen it showcases how conflict has impacted the lives of that nation's people in regards to their human rights. When you look at nations such as Myanmar (which was discussed earlier) and South Sudan, it becomes known that there is not an immense degree of international military intervention if any at all. In turn that reflects the immense amount of refugees from those states. Yet, if there was international military intervention perhaps those numbers would be smaller and fewer people would have been displaced. This only works to prove the fact that if there were international military intervention, then the amount of refugees from these countries could be lower and this only works to justify the fact that international military intervention is not only vital in stopping human rights abuses but is justified by them.

Building off of this point, the last theme to discuss is the concept of R2P as a whole. Colonel Raymond's report on the concepts of both the Responsibility to Protect as well as the Responsibility while Protecting, works to encapsulate this entire argument. One can already see that it is both an aspect of civic duty as well as in our human nature to intervene when there are violations of human rights, and this whole concept of R2P is that very idea codified. Evans showcased the dynamic that exists on the other side of the aisle, bringing to light some of the fundamental flaws that exist within the R2P protocol. Yet even with these flaws, one can see that R2P is generally a successful and prominent approach when it comes to military intervention in the international system, and Rabar's report works to bring the whole argument together. That even though R2P is nowhere near perfect, it is by far the best approach the international system possesses, and fully works to the benefit of both the country receiving as well as the country giving help. This only works to support the notion that international military intervention is fully justified when it comes to human rights abuses. The R2P concept as a whole is an 'imperfect' approach towards working and solving the issues of international conflict, specifically in regards to human rights.

Conclusion:

Overall, it is clear to note that the importance of this question is easily distinguished. The entire concept of human rights is of the utmost salience and affects each and every one of us. That is why it is crucial to intervene when there are gross violations of human rights. Speier's three social types of war, theorize that war and conflict inevitably leads to violations of human rights. The case studies of Rwanda and Armenia goes to show that it is both our civic duty as well as in our human nature to step in when there are injustices occurring, and the data from the UNHCR only works to display what happens when states do not take action. The entire theory and practice of Responsibility to Protect works to encapsulate all of it; from a state's duty to intervene to an individual's desire to serve. As a result it can be clearly identified that due the inescapable nature of war, various case studies, and the concept of R2P that international military intervention is without a doubt justified by human rights violations.

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