

INTERNATIONAL INTERVENTION

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Contents

1. Introduction
 2. The Characterization of Intervention
 - 2.1 Peaceful Settlement
 - 2.2 Coercive Acts
 - 2.3 Use of Force
 - 2.4 Peacekeeping
 - 2.5 Mandates
 - 2.6 Incidence of Forcible Intervention
 3. Permissive Intervention
 - 3.1 Self-defense
 - 3.2 Protection and Rescue of Nationals
 - 3.3 Response to Terrorism, Drugs and Weapons of Mass Destruction
 - 3.4 Invitations to Civil Conflicts and Self-determination
 - 3.5 Humanitarian Intervention and Protection of Human Rights
 4. Collective Security and Peace Support Operations under Chapter VII
 5. Conceptual Developments
 - 5.1 Sovereignty and Intervention
 - 5.2 A Normative Shift and a Challenge to Sovereignty
 - 5.3 The Compatibility of Intervention and Sovereignty
 - 5.4 The Re-packaging of Self-interest
 6. Command, Control and Decentralization
 7. Conclusion
- Glossary
Bibliography
Biographical Sketch

Summary

The meanings of intervention are usually constructed with an eye to legal or moral legitimation and authoritative appeals to international practice. Representations of intervention have changed in accordance with developments in the historical and geographical contexts of world politics. Since the end of the Cold War greater emphasis has been placed on appeals to the UN Charter to permit international intervention in states where domestic jurisdiction has broken down, and particularly where human security is abused and denied. Analysts have commonly cited this as new challenge to sovereignty based on a cosmopolitan approach to individual rights. On the other hand, there has been little sign of a universally accepted normative shift in the underlying

political determinants of military intervention. Governments continue to act on the basis of perceived state power and interests, while adapting their representations of interventions to the discourse of ethics and justice.

1. Introduction

One of the most vexing and contentious issues confronting global society is external military intervention in the domestic jurisdictions of independent states. The concept of intervention is inextricably linked to the concept of sovereignty. Foundational theories of international relations contend that in a formal, legal sense states possess jurisdictional sovereignty recognized by other states. It signifies a supreme juridical status: the right of a state to determine and enforce its own laws. This right is not to be confused with political autonomy, the practical ability of a state to operate without concern for specific external influences or the international environment in general. Since political entities, even so-called ‘closed’ ones such as Myanmar, are not completely cut off from the rest of the system, autonomy is always a matter of degree. Indeed a state may exercise the option of voluntarily curbing its jurisdictional rights through pooling sovereignty in a supranational body such as the European Union, for example.

The phenomenon of intervention is certainly not new, and sovereignty has never been an absolute, unchanging concept. However, commentators have detected that the international system has entered an ‘age of intervention’, marked by an increased incidence and legitimacy of forcible interference in the internal affairs of states. Does this indicate a normative shift in inter-state behavior, and if so what are the rules that govern it?

This article adopts a critical perspective to argue that the meanings of intervention are usually constructed with an eye to legal or moral legitimation and authoritative appeals to international practice. These representations of sovereignty and intervention have changed in accordance with developments in the historical and geographical contexts of world politics. But the production of elastic definitions of sovereignty by adventurous states and their allies does not mean that the exercise of intervention is based either on fixed rights or on changing norms of international life. There has been little sign of a universal normative shift in the underlying political determinants of military intervention. A critical perspective suggests that the only discernibly consistent element in intervention is its basis in interests as conceived by the ruling elites of intervening parties – and as represented and promoted through a cadre of ‘the international community’.

Governments have taken a close interest in the domestic order of other states when it has been consequential to them. The impetus for intervention often comes from free-lance militarized political groups, notably in Africa, but international intervention mainly arises in the relatively powerful states in the world, or from regional hegemons. In this respect, interventions also reflect the structures of inequality in the international system and intervenors are dealing with the manifestations of problems that arise partly from their dominance of the global economy. It is no coincidence that the ‘targets’ of intervention, are overwhelmingly from poorer parts of the world, marginalised in, or

excluded from, the capitalist world economy and that are now to be rescued or policed by those who organize the intervening. Although a particular intervention may be portrayed as liberating people from oppression, and can achieve immediate results in this respect, its function is generally to contribute to an international order that maintains a global political economy formed according to the ideologies of the most wealthy and formative actors.

This point should not be construed as an argument in favor of leaving populations to the mercy of brutal regimes. The non-intervention principle constructs a vision of hell as war inflicted on a people from outside the state, a distraction from the common experience of many people that hell is on the inside. Any ethical basis for a redistributive justice that mitigates, if not rejects, the disintegrative socio-economic effects of the global economy ought to be reciprocated by respect for human welfare by the ruling elites of poor states.

The analysis begins with the characterization and definition of intervention as an indication of way the phenomenon has been framed and objectified. It then considers a classification of intervention to indicate whether new types have emerged since the end of the Cold War.

The discussion then focuses on the debate about the changing nature of intervention and sovereignty with particular reference to the enforcement provisions of the UN Charter. Finally, the article questions whether the trend to decentralization of multilateral enforcement operations is an indicator of a normative shift. It argues that decentralization could underpin the agendas of governments with special interests in regional crises.

2. The Characterization of Intervention

This article adopts a ‘use of force’ definition to control the scope of the discussion, but it should be acknowledged that other approaches are more inclusive and include ‘peaceful settlement’ and ‘coercive acts’.

2.1 Peaceful Settlement

A broad characterization includes the tradition of non-violent intervention by international ‘peace teams’ of civilian volunteers that have attempted to engineer resolutions to social conflict in Bosnia and Herzegovina and elsewhere. It would include humanitarian relief work by non-military organizations that require local, if not governmental support for their activities, such as the activities of the International Committee of the Red Cross and a multitude of non-governmental organizations (NGOs) specializing in aid provision.

Conflict prevention and conflict resolution techniques are encompassed, such as preventive diplomacy and deployment, mediation and the ‘good offices’ of the UN Secretary-General. Whilst this may suggest a promising avenue for assessing normative change in the international system, for political scientists this characterization is flawed

by its failure to distinguish the voluntary surrender of political autonomy from forcible challenges to domestic jurisdiction.

2.2 Coercive Acts

Another characterization of intervention pivots on the notion of coercion: the authority of a state is left with no choice about how its population is governed. Economic intervention by international financial institutions, for example, may leave a state no choice but to adopt a policy of marketisation. Exertion of economic power may be a more subtle and more effective way of intervening in a state's domestic jurisdiction than use of military power. In Johan Galtung's formulation, there is equivalence between military and non-military coercion, such that non-military controls over peripheral states amounts to 'structural violence'. In practice, however, coercion usually means that options exist, but are limited or conditional. A government may be forced to act in a certain way only in the sense that if it does not it will have to face dire consequences. Paradoxically, however, communities do choose paths of apparent contrariness. The Cuban revolutionary government could have submitted to the United States in the 1960s but chose economic autonomy, cushioned by trade with communist-ruled states. In 1999, the Milosević government in Belgrade refused countenance a peaceful abrogation of sovereignty required by the Rambouillet ultimatum in the knowledge that NATO would contravene Yugoslavia's sovereignty with devastating force. In effect, this characterization of intervention merely indicates that international relations are pervaded by the attempts of international actors to compel others to behave in certain ways.

2.3 Use of Force

Without accepting its pretensions to objectivity, this article features the definition most commonly employed by political scientists, based on use of military force. As a physical and generally visible change in relations, with pronounced legal implications, it is widely regarded as a prime indicator of a normative shift in respect of sovereignty. Four key elements typically comprise a definition:

- the use of armed force;
- trespass in a state's domestic jurisdiction, including airspace;
- the absence of full and consistent consent on the part of the legal authority of a state (or all competing authorities) for a foreign presence;
- an attempt by the intervenor to organize or alter the authority structure or policy of the intervened state, including organizing a transition of power from one authority to another.

Thus international intervention is seen as a dramatic, abnormal, change in relations between states, in which jurisdictional boundaries are crossed by intervenors using military force to achieve political goals that fall short of all-out war, naked conquest and annexation. It protects the concept of statism but seek changes in government or policy. For example, military intervention can lead to the installation of a puppet government or a form of protectorate – as established in 1962 by the UN General Assembly in West

Irian (the UN Temporary Executive Authority), and in 2000 in East Timor by the UN after the Indonesian administration collapsed.

However, the use of force definition maps the phenomenon imperfectly and is vague about what constitutes armed force. Politically, the use of clandestine activity and support to rebels through the provision of training, advisers, logistic support and arms have advantages for governments in blurring the concept of intervention in order to more easily fend off accusations of breaking the non-intervention principle. An equally problematic issue is whether military forces engaged in peacekeeping are interventionist.

2.4 Peacekeeping

The use of force definition excludes traditional peacekeeping, i.e., the peaceful insertion of unarmed, or lightly armed forces and observers with the full and consistent consent of the parties to a dispute. Peacekeepers enter buffer zones to patrol and observe ceasefires between states, or operate within states to foster stability. Such operations fall somewhere between Chapters VI (peaceful settlement of disputes) and VII (enforcement operations) of the UN Charter (see below). Peacekeepers represent a diplomatic symbol of even-handedness between parties to a dispute. The rules of engagement usually allow them to use light weapons only for purposes of self-defense. They are not combat forces and, when under UN control, make themselves highly conspicuous in their blue berets and white-painted installations and vehicles. When Israel invaded the Lebanon in 1982, the UN Interim Force in Lebanon simply had to stand aside. Peacekeeping is not regarded as a threat to sovereignty because hosts have voluntary memoranda of understanding governing the presence of foreign soldiers. This consent can be withdrawn and the peacekeepers required to leave, as happened to UN Emergency Force II in 1967 when Egypt mobilized its forces against Israel.

Following the UN's inability to deal with guerrilla war in Somalia (1992-1995) and former Yugoslavia (1992-1995), traditional peacekeeping was dismissed by many observers in the late 1990s as irrelevant to peace and security. It was assumed that the requirement for interstate buffer zone patrolling was a thing of the past, and that peacekeepers would be attacked in all intrastate conflicts. These assumptions were contradicted by deployments to the Former Yugoslav Republic of Macedonia, where a preventive deployment (UNPREDEP) patrolled the northern frontiers; to Bougainville in Papua New Guinea (1997) where a UN-authorized, lightly armed, South Pacific Truce Monitoring Group supervised the end of a secessionist conflict; and to the Ethiopia-Eritrea border (2000), where for the first time the UN deployed its Denmark-based Stand-by High Readiness Brigade (SHIRBRIG).

However, the concept of peacekeeping underwent a transformation in the 1990s, spawning a host of new terms (such as multidimensional peacekeeping, strategic peacekeeping, peace enforcement, peace support and peace maintenance) to describe the increased range of tasks and robustness required of intervention in civil conflicts. In fact, the traditional 'blue berets' had crossed over into coercion in the past. For example, the UN's first Congo mission (1960-1964) engaged in combat to enforce freedom of movement and expel foreign troops and mercenaries. It has been widely

accepted now that non-combatant peacekeepers in intrastate conflicts often face ‘gray areas’ of authority and consent, in which the authority of those granting consent is not always straightforward and the consistency of that consent cannot be relied upon. To avert situations in which peacekeepers withdraw rather than assert authority (as in Rwanda in 1994), advocates of coercive diplomacy and peace enforcement have developed doctrinal and operational concepts that are now widely known as peace support operations (PSOs). These require troops to be prepared to engage in limited combat, by having the capability to escalate in the use of force, for example to enforce a separation of warring parties or to coerce them into respecting a peace agreement. Such enforcement will be included in this discussion as conforming to the above definition.

2.5 Mandates

In some situations, then, the mandates of non-UN interventions have been endorsed retrospectively by the UN Security Council to give it legitimacy, e.g., the operations of the Economic Community of West African States in Liberia (1991 to date). But the Security Council mandates of the UN’s own interventions have also tended, during operations in internal conflicts, to creep into ever-extensive functions. The UN Protection Force in Former Yugoslavia was deployed in 1992 as a traditional peacekeeping mission. As consent disintegrated and the conflict spread, the UN troops in Bosnia and Herzegovina were given enforcement powers under Chapter VII of the UN Charter in February 1993. Similarly the UN Operation in Somalia began as a traditional peacekeeping operation in 1992 but was reconfigured as an enforcement operation in June 1993. In February 2000, after three months in the field, the mandates for peacekeepers in Sierra Leone and the Democratic Republic of Congo changed to allow them to afford protection to civilian populations. In a further development at the end of last century, mandates established quasi-protectorates in East Timor, Eastern Slavonia, Bosnia and Herzegovina, and Kosovo. The international authorities there were charged with wielding legislative and executive authority, with establishing security and law and order, and with operating a civil administration. This is not to say, however, that PSOs have been adequately furnished with the necessary personnel and capacity to carry out these enlarged mandates. On the contrary, during the conflicts in Bosnia and Herzegovina (1992-1995) and Sierra Leone (1999-2000), the numbers of troops and their capacity to protect civilians were hopelessly inadequate. UN member states wanted to be seen to be taking action, but without having the interests at stake to make the commitments necessary to ensure effective implementation. In the case of Sierra Leone the temporarily effective British intervention in 1999 was triggered by the collapse of the Lomé peace accord between the rebels and the government, because of its flawed demilitarization and demobilization provisions, for which the UK and the UN were largely responsible.

2.6 Incidence of Forcible Intervention

The UN’s capabilities have been stretched by the number of occasions it have been expected to put a force into the field. The UN was less prominent in the period from 1945 to 1989, during the so-called bipolar peace, when interventions averaged about 15 a year, many of them unilateral. The peak years of 1964, 1976 and 1988 approached 40 in number. Since the end of the Cold War, the average has fallen to fewer than ten a

year. However, the number of UN operations (non-enforcement as well as enforcement) increased from a total of 15 throughout the period 1948-88 to 46 in the period 1989-1997. In the same periods the number of contributing states doubled to about 100 and the total annual expenditures trebled. The number of troops engaged in UN PSOs (again of all kinds) increased from over 10 000 in mid-1990 to almost 80 000 in mid-1993. The number of UN troops fell to about 15 000 in 1997 but rose again to 30 000 in March 2000. To the more recent figures, however, one should add non-UN enforcement missions conducted since 1995. These include NATO-led troops in Bosnia and Herzegovina and in Kosovo, and West African forces in Liberia. As of mid-2000 about 80 000 troops were engaged in enforcement missions worldwide. PSOs involving enforcement have thus been a growing phenomenon, indicating to observers that international intervention has been evolving to produce a new permissive category of intervention.

3. Permissive Intervention

There are many ways of categorizing intervention – according to motivations (declared and undeclared); authorizing organization (whether UN or non-UN); level of participation (whether unilateral or multilateral); legitimacy (by law or custom). To facilitate assessments about legality and legitimacy, and to determine whether new norms are in vogue, one can highlight those categories that states have deemed to be permissible intervention by customary right or international law. These permissive principles are, of course, open to manipulation to serve the interests of intervenors.

3.1 Self-defense

The inherent right of a state to self-defense or a group of states to collective self-defense is mandated under international law and enshrined in Article 51 of the UN Charter and the UN's Definition of Aggression Resolution of 1974. This was the legitimation mechanism employed by the Security Council to sanction a US-led coalition to drive Iraq out of Kuwait in 1991 (though the word 'force' was not used in its resolutions). It is possible to provide a definition of aggression as 'an armed attack' outside the legally permissible use of force, to distinguish it from self-defense. However, as the League of Nations had discovered in the 1930s, the labeling of particular acts as aggression are essentially political constructions. Thus the United States represented the Soviet invasion of Afghanistan as an act of aggression but would hardly have characterized its own attack on Panama in 1989 as such. Moreover, a state's right to defend itself through an intervention prior to being attacked, known as anticipatory self-defense, has long been considered to be conditional on fear of a demonstrably imminent attack. Israel's bombing of the Osirak nuclear reactor in Iraq in 1981 was justified as self-defense by Israel but this was far from being universally accepted as legitimate in the absence of an imminent attack.

3.2 Protection and Rescue of Nationals

By extension of the self-defense rule and long-established custom, rescue of nationals from persecution or conflict has been invoked regularly and does not necessarily amount to intervention as defined above. British ships with French and Soviet assistance

rescued foreign nationals from Aden in the Yemen civil war in 1986, with an operation that impinged on Yemen's territorial sea for only a few days. Nationals can also be extracted from emergencies by agreement with the host government or warring parties. By contrast, the intervention discourse employed by the Reagan administration for the invasion of Grenada (1983) included the declared need to protect up to 1000 American lives, though no attempt appears to have been made to rescue them through a process of negotiation and there were doubts about the extent to which they were genuinely in danger.

3.3 Response to Terrorism, Drugs and Weapons of Mass Destruction

Armed responses to terrorism, the threat of drugs and proliferation of weapons of mass destruction have been justified by constructing interpretations of the self-defense rule. The responses to terrorism have included military reprisals against terrorist bases or states alleged to be harboring terrorists. The United States launched missile attacks on targets in Afghanistan and Sudan in 1998 in reprisal for bombings of the US embassies in Kenya and Tanzania that were ascribed to the Ibn bin Laden Islamic group. But identifying and targeting the agencies responsible for such 'threats' is notoriously difficult, and making timely and proportionate responses is open to abuse and miscalculation. There is no definition of terrorism that would leave actions by Turkey, Israel and the United States indisputably free of the charge. Nor is there a rule in international law that allows states that possess weapons of mass destruction to attack other states that might be acquiring them.

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Biographical Sketch

Michael Pugh is Reader in International Relations and Director of the International Studies Research Centre, University of Plymouth, UK. He is the editor of the quarterly journal *International Peacekeeping* (London: Frank Cass) and of the Cass *Peacekeeping* book series. He was awarded his PhD from the University of East Anglia, UK and has a BA and MA (Hons) from the University of Auckland, New Zealand. He was a lecturer at the University of Southampton (1980-1994). He also edited *European Security Towards 2000* (Manchester: Manchester University Press, 1992) and *Maritime Security and Peacekeeping* (Manchester: Manchester University Press, 1994). In 1994-1995 he was an Economic and Social Research Council Senior Research Fellow conducting research on peacekeeping and humanitarianism. He currently directs the Plymouth Peacebuilding Project, which examines the ownership of peacebuilding in Croatia and Bosnia. In 1999 he was Senior Research Fellow at the Western European Institute for Security Studies in Paris conducting research on Mediterranean boat people and European maritime cooperation. This was published as *Mediterranean Boat People: European Maritime Cooperation* (Paris: WEU Institute for Security Studies, 2000). 1999–2000 he was Visiting Associate Professor at the Copenhagen Peace Research Institute researching the political economy of transition in South-east Europe. He has published on peacekeeping, humanitarian emergencies, management of refugees, the lead agency concept in humanitarian assistance, civil–military relations in international interventions and peacekeeping in the Mediterranean. His latest edited book is *Regeneration of War-torn Societies*, (Basingstoke: Macmillan, 2000). He is a core group member of the International Peace Academy (New York) project on the UN, NATO and other Regional Organisations.