

Addressing ‘So What?’ Sovereignty and Humanitarian Intervention  
in a “Post-American World”

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Fareed Zakaria’s persuasive and thoughtful answer to the “declinist debate” that has fascinated so many American international relations scholars over the past three decades is that US decline is real and that it has been the outcome of two trends – internally, poor American domestic policy choices that have led to economic underperformance alongside foreign policy actions that have alienated allies; and externally, the “rise of the rest”, especially the economic and political dynamism of China and India. However, Zakaria also argues that US decline is relative, not absolute; and he believes that its implications for the United States of America are manageable through better policy choices that reinvigorate US economic performance and re-engage “the rest” by giving them more voice and a greater stake in an international system whose form and character certainly were products of postwar American influence but whose continuation and stability benefits all of them today. Other approaches to this debate emphasize historical patterns or ‘long cycles’ of hegemonic rise, overstretch and decline in the life of the international system driven, by inevitable and unavoidable political and/or economic dynamics; or, as Niall Ferguson recently argued, sudden collapses of complex and unstable systems that

are not deterministic in nature but also neither predictable nor always avoidable even by good policies and good leaders.<sup>i</sup>

Zakaria is convinced that the world both needs and desires a US state and government that will “affirm its own ideals”, and he expands this notion much further still, with the argument that “that role, as the country that will define universal ideals, remains one that only America can play.”<sup>ii</sup> American ideals thus are assumed to be universal ideals; and it is taken as unproblematic that the world wants firm US policy leadership, even if undertaken in several ‘new’ forms as agenda setting, defining relevant issues, and organizing coalitions (of the willing?). Zakaria clearly, as Martin Woollacott observed, has “drunk deeply from the exceptionalist cup” and he shares the common belief of the US scholar and practitioner that “America is uniquely necessary to the world”.<sup>iii</sup>

However, this is the point at which the contemporary humanitarian intervention debate begs a far better answer to the question “so what?” than is provided in *The Post-American World*, even though Zakaria does note that “the management of US political and military power remains the single most important task for global stability.”<sup>iv</sup> The relatively young Democratic administration of President Obama may have brought fresh and more open thinking into the White House, and the president appears to understand well that legitimacy is a critical form of power in international affairs, one that has implications and effects in hard power terms as well as soft power. Still, it is far too early to judge whether any changes that have taken place will prove to be enduring beyond the next federal or even congressional elections – and the experiences of the previous two decades counsel for caution when dealing with the dynamics of American foreign and

security policy. In any case, for policy oriented scholars and policy practitioners interested in the human security agenda and facing urgent global demands for new humanitarian interventions, and for the populations suffering harm and displacement as a result of civil wars and other violent conflicts, the more fundamental question that needs to be addressed about American leadership in, and of, the world of the early twenty first century is not whether US superpower status is in decline, real or perceived, absolute or relative, inevitable or reversible. The real question is – *with or without America, do we really need to care either way?*

Do the answers about US decline actually make a difference that will be important and, especially, consistent regarding human security and humanitarian intervention - or will any answer given about (and policies formulated by) Washington D.C. today be subject to potential reversal tomorrow? Would it be wise in other capitals to assume that it is better for “the rest” to say “so what?” and to move ahead with their relations and policies *as if* the US state was no more than a first among equals – predictably self interested as are all states, not always necessary and not always sufficient? In answering this basic question, one which takes us from structural debates about relative and absolute decline to the policy implications of American and international leaders’ policy choices and responses, I leave aside the more partisan ideological matter of whether American participation in, and US military leadership of, humanitarian intervention serves ultimately and critically as a cover for a much larger self-perpetuating and self-serving imperialist project (liberal democratic or capitalist) that creates its own equally determined opponents and enemies.

### Progress, *without* Washington

The human security agenda emphasizes placing the physical security (and for some advocates, the related forms of welfare e.g. access to shelter, food, medical care and education for populations displaced by conflict) of individuals and of populations on par with the traditional state-centric notions of national security and wealth. Supported by several ‘like-minded’ states including Canada, Japan, Norway, and Australia as well as a global network of nongovernmental organizations, the core concepts and the various policy initiatives of human security made some significant strides during the mid-1990s and into the first decade of the new millennium. Notably also, they advanced most often with minimal constructive American political leadership and even, during the low years of the junior Bush administration, very active American political and diplomatic opposition that expressed itself on occasion as open hostility and ill-informed or malign criticism. It did so as well while those states that Zakaria calls “the rest” – especially China and India, but also Russia – for their own reasons and interests stood idly by, not actively hostile like Washington DC but at best benignly skeptical.

Despite this uninviting political environment several significant new international agreements were reached, and new institutions were established – including the Ottawa Treaty (more popularly known as the Landmines Ban treaty) for which Jody Williams and the global antipersonnel landmines ban movement were awarded the 1997 Nobel Peace prize; and the 1998 Rome Summit and Rome Statute that led to the creation in 2002 of the permanent International Criminal Court (ICC). The US military opposed signing the Landmines Ban treaty especially as it continues to rely on dense mine fields on the border between North and South Korea and uses antipersonnel mines to deter

interference with antitank mines. Their opposition was military-technical more than political-ideological, and did not feature the sorts of active hostility that characterized American opposition to the Rome Statute. In the latter case, after President Clinton signed the Rome Statute just prior to leaving office, his successor George Bush declared his intention to “unsign” the document – meaning actually to withdraw the signature and any legal obligations associated with it, and certainly not to proceed from signing to ratification. The White House and Republican-dominated Congress then pursued an aggressive campaign to undermine the ICC, including the threat of military action to “rescue” any US citizens arrested and taken to the seat of the Court at the Hague; and warning its allies bluntly that US military and economic assistance would be cancelled (a threat Washington pursued with several of those states that rejected its demand) if they did not accept special new Bilateral Immunity Agreements (BIAs) granting immunity from potential future ICC warrants to any US military or other government personnel serving on their territory. Finally, Washington also initially threatened in the UN Security Council to veto the renewal of mandates for all UN peacekeeping operations if the Council did not grant US troops permanent immunity from ICC prosecutions. Such demands eventually ceased after photographs emerged of US troops abusing Iraqi detainees at Abu Ghraib prison and US policymakers engaged in an unsightly but revealing ritual of buck-passing and responsibility-avoidance.

The Ottawa Treaty, not having faced such active American hostility, counts 156 States Parties, and notably has supported the removal of landmines from several war-scarred states including Rwanda, El Salvador, Honduras, Guatemala, FYR Macedonia and Albania. Washington, however, remains outside the treaty along with Russia, the

People's Republic of China and India. US accession to the treaty might persuade "the rest" to follow suit, but each of them has its own distinct self-interested political and security reasons for not having signed initially and it is not at all clear that a change of opinion in the White House (or Pentagon) would persuade them to do likewise. Despite the threats or cajoling of the Bush administration, the International Criminal Court counts 111 States Parties to its founding Rome Statute, with another 30-plus states that have signed but not yet ratified, including Russia. Washington's opposition may have had some effect in reducing the number of signatories, and it persuaded or pressured its allies to sign up to 100 BIAs; but its threats regarding UN peacekeeping mandates won it no friends and was withdrawn in the disgrace of Abu Graib. If legitimacy is power, America lost both in its approach to the International Criminal Court. Instead, the government of George Bush joined the government of Sudan in withdrawing its signature; and stood alongside Iraq, Libya, China and Yemen as rejecting the Court, although in a twist of logic the Bush administration did agree to work with the Court when the latter was engaged in actions against American 'enemies'.

#### Disappointments and Failures, *with* Washington

While this period saw these human security agenda issues gain traction and move forward despite – rather than because of – the views and policies and leadership of Washington, the same period also bore witness to the use of American military assets in several interventions. At one end of the spectrum, in the cases of Somalia and Kosovo at the start and end of the 1990s respectively, these might best be described as well intended efforts at providing leadership and capability, reasonable in motive but ill considered in

implementation. Somalia ended in disaster for the US forces and a hasty withdrawal of the military that would have wider negative effects on attitudes towards intervention in later crises (e.g. Rwanda). The 1999 NATO air campaign against Serbia, often labeled as an “illegal but legitimate” effort at preventive intervention, did eventually end with the withdrawal of Serbian military forces from the breakaway province of Kosovo but left the future of the region unsettled (as it remains today, in 2010), and Slobodan Milosevic still defiantly in power in Belgrade. It would be Serbian student-led popular protests that finally ousted his holdover authoritarian regime from office, not American-led NATO air power.

At the other end of the spectrum, in particular the invasion of Iraq in 2003, America’s use of its hard power capabilities was an expression of deep arrogance mixed with blinkered and ideologically predetermined ignorance towards the use of military power to achieve political or even personal goals that were as confused as they were short-sighted. Weapons of mass destruction; personal historical vendetta; the vague notion that removing Saddam Hussein from Iraq would somehow serve to advance peace talks between Israel and Palestine; a desire to “prove” the value of cherished US military reform initiatives; pursuit of Iraqi oil assets; errors in intelligence gathering and evaluation; deliberate misinformation and lies; belief in spreading democracy - the list of possible motives in and around the White House was as numerous as the personalities involved.

Whatever the reason(s), Washington’s demonstration of its power mired its military for years in Iraq, and effectively destroyed international goodwill and support for its leadership in the aftermath of the 9/11 attacks. It also served as a huge strategic

(personnel, material, finances, expertise, and serious political and diplomatic thinking) distraction from the war against Osama bin Laden and his Taliban hosts in Afghanistan launched in response to those attacks, and as an invaluable recruiting tool for a new generation of anti-American militants. While Washington spoke with increasing hollowness of non-existent WMDs in Iraq, and then attempted to portray the invasion as a liberation campaign to spread democracy and human rights, both North Korea and Iran advanced their nuclear programs and the former became a nuclear weapons state; and the early victory in Afghanistan was wasted as the Taliban regrouped in that country and entrenched itself even more deeply in new forms across the border in Pakistan.

#### Pragmatic Policy, *with or without* Washington

Especially notable for the subject of humanitarian intervention, in December 2001 – and hence eclipsed by the events of 11 September 2001 and the subsequent US military intervention in Afghanistan - the International Commission on Intervention and State Sovereignty (ICISS) published the *Responsibility to Protect* document, whose somewhat watered down language was adopted by the United Nations General Assembly at the 2005 World Summit in New York City.

The ICISS report, referred to as ‘R2P’, was a response at least in part to the debates surrounding the NATO air campaign of 1999 targeting Serbia in an effort to stop Serb military and paramilitary forces that were said to be planning or committing mass atrocities against the Albanian population of the province of Kosovo and Metohija. This conflict, which did engage American interests sufficiently at least to have the US military provide leadership of the NATO air campaign (but not enough to have the Republican-

dominated Congress or the politically weakened Clinton Administration be willing to commit American ground forces), was described by then-British Prime Minister Tony Blair as a war of values rather than one of territorial ambitions. It was arguably the first ‘post-modern war’, conducted by the North Atlantic Alliance for humanitarian motives – to prevent and/or to halt ethnic cleansing and crimes against humanity.

The idea and argument behind R2P was that the debates around the Kosovo intervention – illegal as it was not authorized by the UN Security Council, but legitimate as it was widely supported even by the vast majority of Council members - had shown most clearly both the ‘new’ face of international cooperation in support of basic human rights and the prevention of mass atrocities, and its clash with the four hundred years old core doctrine of state sovereignty understood as meaning acceptance of the territorial inviolability and political integrity of the state, whatever its domestic policies towards its own population. The new document avoided portraying the debate as one of sovereignty versus humanitarian intervention. Instead, drawing on the human security agenda with its focus on people as well as states, the international commission argued that sovereignty implied not just rights but responsibilities, such that a state had the primary responsibility to protect its own population from harm. In the event that a state was unable or unwilling to fulfill this responsibility, that obligation then shifted to the international community. Assuming that interventions would take place in future, the ICISS sought to provide a more clear and consistent framework through which to differentiate between genuine humanitarian interventions and self-interested exercises of military might, and to press the Security Council to act more readily and firmly in support of the former.

As the expression of an emerging new international norm of humanitarian intervention, the R2P document made surprisingly rapid progress. It moved from initial document to acceptance by the UN General Assembly in only four years, 2001-2005. It did so without significant American government opposition, and also without significant American government support or sponsorship. Having earlier joined Sudan's President Bashir in withdrawing from the ICC's Rome Statute, the Bush administration nonetheless proved supportive of the ICC Chief Prosecutor's decision to issue an indictment against the Sudanese leader over Khartoum's policies and actions in Darfur. Washington, however, was not willing to stand behind advocates calling for the robust application of R2P doctrine to justify a larger international military intervention to halt further atrocities or to enforce the ICC indictment.

The mixed response of the US in this case appears to have coincided with, rather than pushed against or pulled along, the approaches of other states towards R2P and humanitarian intervention. Neither Canada (the original sponsor of the ICISS in 2000-2001) nor the members of the EU have shown any inclination to employ their diplomatic, political or especially military and financial resources to put any real bite into R2P in Darfur, nor more generally. Canadian and British – and until recently, Dutch - military assets are focused almost entirely on war fighting in Afghanistan. Whatever the economic interests or other motives of China and Russia in resisting any Security Council demands for firm action against Khartoum (and for being reticent to offer any support for the notion of R2P intervention in principle), it has been apparent that even previously strong western state advocates of R2P as an idea or emerging norm have been far less interested in implementing R2P in practice. Pragmatism has regained its ground and humanitarian

idealism has receded, as open and unpredictable commitments to R2P operations in Africa or elsewhere have found little support in these states' war-weary publics and no support at all in their governments. Canada, having drawn down its participation in international peacekeeping missions almost to zero, recently for its own internal reasons even rejected an overture from the United Nations that the 'founding nation' of UN peacekeeping operations might provide a senior military officer to command UN forces in the war-torn Democratic Republic of Congo.

At a broader level, and perhaps counter-intuitively, it increasingly is the case that humanitarian aid workers actually would be relieved if American and European policies towards R2P received less attention and were placed on a distant backburner. American claims of humanitarian motives in Iraq, and NATO's mixing of humanitarian outreach programs alongside kinetic military operations in Afghanistan, also have had the unintended but predictable effect of discrediting humanitarian intervention as one more tool of the west. Even the representatives of nongovernmental organizations such as the ICRC and MSF, engaged in humanitarian relief operations that could not be confused with political and military actions, have begun to be targeted, hampering or halting their activities. Too much talk by government policy practitioners, scholars and activists – whether American or western European - about humanitarian intervention and state sovereignty, may be bad for humanitarian practice

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<sup>i</sup> Niall Ferguson, "Complexity and Collapse: Empires on the Edge of Chaos," *Foreign Affairs* 89:2 (2010): 18-32.

<sup>ii</sup> Fareed Zakaria, *The Post-American World* (New York: Norton, 2009), 234.

<sup>iii</sup> Martin Woollacott, "Decline and fallacy", *The Guardian*, 12 July 2008, available at [www.guardian.co.uk](http://www.guardian.co.uk).

<sup>iv</sup> Zakaria, xxix.