

# From Intervention to Non-Intervention: The Triumph of State Sovereignty Over Human Rights?

Dr. Maxine David

## Syllabus

### Course Description

The fundamental organising principle in the international system has long been one of state sovereignty, whereby states are considered to have authority over a defined and internationally recognised territory, protected from external intervening forces. Thus, inextricably linked to sovereignty has been the further principle of non-intervention. In 1991, George Bush Senior spoke of a 'New World Order', one in which the United Nations would now be free to fulfil its founders' visions. As a result, for much of the post-Cold War period, the principle of non-intervention was challenged by successive interventions into the sovereign affairs of states by international organisations, notably the United Nations and NATO, as well as some states. As if in acceptance of this new world order in which human rights protection could – would – be privileged over traditional understandings of sovereignty, in 2005 the international "community" adopted the principle of the Responsibility to Protect (R2P). R2P has since been widely debated by reason of the emphasis it places on achieving justice for people, placing obligations on states to protect the wellbeing of their citizens and to face the possibility of an outside intervention when they fail to do so. However, following the so-called Arab Spring, successive states in North Africa and the Middle East have experienced instability and/or intrastate conflict, leading to enormous loss of life, injury and displacement of people. After a speedy intervention in Libya in 2011, western states particularly have apparently lost all appetite for intervention, as the Syrian people have discovered since the start of the intrastate conflict that has engulfed their own state.

In November 2015, the UN's Under-Secretary-General for Humanitarian Affairs spoke of this war "that has cost an estimated 250,000 people their lives, given rise to extremist and terrorist groups, and reduced much of the country, a middle-income country, to rubble". He estimated that 13.5 million Syrian people were now in need of humanitarian assistance, while more than 4 million had become refugees. Despite these figures, it was not until Syria's conflict was brought to the streets of France through the Paris attacks in November 2015 that European states began to reconsider their non-interventionist stance. Thus, just 10 years after R2P, circumstances are suggestive of a limited and certainly wavering commitment to the principle of rights protection and therefore to the vision of a New World Order.

In this course, students will be introduced to the underpinning concepts and competing understandings of (non-)intervention in situations of conflict, state collapse, humanitarian and human rights emergencies. Students will learn to identify and deliver a critical analysis of those factors that shape crisis, international intervention and non-intervention. Emphasis is then placed on the application of concepts and theories to real-life scenarios, examining a few of the case studies that have been particularly significant in respect of developing international-level responses to crises. Ultimately, students will be required to deliver well-evidenced verdicts on whether human rights have been relegated to the second tier of principles to be defended by the United Nations and its signatories.

## Course Themes

Throughout the course, students will be asked to consider the causes and effects of events and actions in relation to conflict and crisis in the international arena. Four core themes in the study of Intervention will sit at the heart of our studies: Sovereignty, Legitimacy, Legality, Human Rights. The course aims to help students understand the arguments for and against intervention: what motivates actors to intervene, what constrains them, the inherent costs and dangers of their choices. Through study of a number of interventions, students will debate the choices available to actors in order to achieve an understanding of the context in which difficult decisions are made and the consequences of those decisions. Finally, they will have to consider whether and how those decisions shape the wider international order.

## Earn academic credit for your participation in this course

In order to receive academic credit for your participation in the summer school, you must submit a learning log by no later than noon on Monday, July 11th to your course professor.

## Introductory / Background Reading

Entire issue of:

- Snippe, Marjolijn, Mehta, Vijay and Melber, Henning (eds.) (2011) 'Erskine Barton Childers – For a democratic United Nations and the Rule of Law'. *Development Dialogue*, 56 (June).

Entire issue of:

- Murray, Robert W. & McKay, Alasdair (eds) (2014) "Into the Eleventh Hour: R2P, Syria and Humanitarianism in Crisis", *e-IR edited collection*.
- Bellamy, A. (2002) 'What's so wrong with human rights?' *International Journal of Human Rights*, 6, 4: 121-133
- Chandler, D. (2003) 'Expanding the Research Agenda of Human Rights: Reply to Bellamy' *International Journal of Human Rights*, 7, 1: 128-140.
- Bjola, C. (2008) 'Legitimacy and the Use of Force: Bridging the Analytical-Normative Divide' *Review of International Studies*, 34, 4: 627-44.

And if possible – borrow or purchase to read:

- Newman, Edward (2015) *Understanding Civil Wars. Continuity and change in intrastate conflict*. London: Routledge.

## COURSE OUTLINE

***Students are required to come to each class having done some reading. This is in order to facilitate informed discussion of very complex issues. Students should come to class with either an electronic or hard copy of the readings marked as required for that session; we will then spend some time on analysis of the specified literature.***

***The additional readings will serve to deepen understanding of the theoretical literature and empirical cases, and assist in understanding how to apply the former to the latter.***

## Understanding International Intervention

**Morning Session:** Introduction and Course Outline

**Afternoon Session:** Identifying Key Concepts & Actors

### Required Reading:

- Ayoob, Mohammed (2002) 'Humanitarian Intervention and State Sovereignty' *The International Journal of Human Rights*, 6,1: 81-102.
- Coady, C. (2002) *The Ethics of Armed Humanitarian Intervention*, United States Institute for Peace: 'Peaceworks No 45'.

### Additional Reading:

- De Waal, Alex., and Omaar, Rakiya (1994) 'Can Military Intervention be "Humanitarian"?' *Middle East Report*, 187/188 (March-June): 2-8.
- Evans, Gareth, (2008) 'The Responsibility to Protect: An Idea Whose Time Has Come...and Gone?' *International Relations*, 22, 3: 283-298.
- Welsh, Jennifer, (2009) *Implementing the 'Responsibility to Protect*, Oxford Institute for Ethics, Law, and Armed Conflict Policy Brief 1/2009.

## DAY 2:

### Northern Iraq 1999-2001 & Theorising International Relations

**Morning Session:** Sovereign Rights vs International Morals: The New World Order

**Afternoon Session:** Theorising International Intervention

### Required Reading:

- Hurd, Ian (1999) 'Legitimacy and Authority in International Politics', *International Organization*, 53, 2: 379-408.

OR

- Mayall, James (1991) 'Non-Intervention, Self-Determination and the "New World Order"', *International Affairs*, 67, 3: 421-429.

AND

- Adelman, Howard (1992) 'Humanitarian Intervention: The Case of the Kurds' *International Journal of Refugee Law*, 4, 1: 4-38.

OR

- White, Nigel D. (1999) 'The Legality of the Threat of Force against Iraq', *Security Dialogue*, 30, 1: 75-86.

### Additional Reading:

- Jahn, Beate (2012) 'Humanitarian Intervention - What's In a Name'. *International Politics*, 49 (1): 36-58.
- Orford, Anne (2009) 'What Can We Do to Stop People Harming Others?' in Edkins, J & Zehfuss, M (eds) *Global Politics. A New Introduction*, London: Routledge, 427-53.
- Snyder, J. (2008) 'Realism, Refugees, and Strategies of Humanitarianism' Presentation at University of Oxford, Centre for International Studies and the Refugee Studies Centre, October 17 2008.

## DAY 3:

### Failings and Consequences: Yugoslavia in the 1990s

**Morning Session:** STUDENT PRESENTATION: Crimes against Humanity: the Road to Dayton

**Afternoon Session:** STUDENT PRESENTATION: The Kosovo Crisis 1998-1999.

**Morning Session:** Crimes against Humanity

- The Weight of Chains
- Srebrenica – A Cry from the Grave
- Robert Fisk – Bosnian war documentary 1993 part 1, part 2, part 3:

**\*We will not have time to watch all these in class – students are strongly encouraged to watch them in their own time.**

**Afternoon Session:** The Kosovo Crisis 1998-1999: Overruling Sovereignty

- 1999 – A Documentary about Kosovo War and Ethnic Cleansing
- 2008 Debate – UN Ambassador Nominee Samantha Power vs. Jeremy Scahill

**Recommended Reading:**

- Chinkin, Christine M. (1999) 'Kosovo: A 'Good' or 'Bad' War', *American Journal of International Law*, 3, 4: 841-847.
- Freedman, Lawrence (2000) 'Victims and Victors: Reflections on the Kosovo War', *Review of International Studies*, 26: 335-58.
- Fridman, Orli (2015) 'How Belgraders Remember the NATO Bombings'. *BalkanInsight*. 30 March 2015.
- Kerr, Rachel (2005) 'The Road from Dayton to Brussels? The International Criminal Tribunal for the Former Yugoslavia and the Politics of War Crimes in Bosnia', *European Security*, 14:3, 319-337.
- Parish, Matthew (2007) 'The Demise of the Dayton Protectorate', *Journal of Intervention and Statebuilding*, Volume 1, Special Supplement: 11-23
- Solana, Javier (1999) 'NATO's Success in Kosovo', *Foreign Affairs*, 78, 6: 114-120.

## DAY 4:

### The Responsibility to Protect

**Morning Session:** Theorising R2P

**Afternoon Session:** STUDENT PRESENTATION: Darfur 2005-9: A Retreat from Humanitarianism?

**Required Reading:**

- Arbour, Louise, 'The Responsibility to Protect as a Duty of Care in International Law and Practice,' *Review of International Studies*, 34, no. 3 (July 2008), pp. 445–58.

OR

- Evans, Gareth, (2008) 'The Responsibility to Protect: An Idea Whose Time Has Come...and Gone?' *International Relations*, 22, 3: 283-298.

**AND**

- De Waal, Alex (2007) 'Darfur and the Failure of the Responsibility to Protect', *International Affairs*, 83, 6: 1039-1054.

## Recommended Reading:

- Albright, Madeleine (2008) 'The End of Intervention', *The Washington Post/New York Times*.
- Luck, Edward (2010) 'The Responsibility to Protect: Growing Pains or Early Promise?' *Ethics & International Affairs*, Volume 24.4.
- Massingham, Eve (2009) 'Military intervention for humanitarian purposes: does the Responsibility to Protect doctrine advance the legality of the use of force for humanitarian ends?' *International Review of the Red Cross*, Volume 91, Number 876.
- Rosenberg, Sheri P, (2009) 'Responsibility to Protect: a Framework for Prevention' *Global Responsibility to Protect*, v1, 442-477
- Williams, P. and Bellamy, A. (2005) 'The Responsibility to Protect and the Crisis in Darfur', *Security Dialogue*, 36, 1: 27-47.

## DAY 5:

### Plus Ça Change? Failing to Protect in Syria 2011, 2012, 2013, 2014, 2015 ...

**Morning Session:** STUDENT PRESENTATION: Geopoliticking, Refugees & Terrorism: Complex Outcomes from Syria

**Afternoon Session:** The Dis-United Nations: Attaching Worth to the UN Charter

## Required Reading:

- Reeves, Shane (2014-2015) 'To Russia with Love: How Moral Arguments for a Humanitarian Intervention in Syria Opened the Door for an Invasion of the Ukraine'. *Mich. St. Int'l L. Rev.* 199, 23(1): 199-229.
- Paris, Roland (2014) 'The Responsibility to Protect' and the Structural Problems of Preventive Humanitarian Intervention', *International Peacekeeping*, 21(5): 569-603.

OR

- Evans, Gareth (2014) 'The Consequences of Non-Intervention in Syria: Does the Responsibility to Protect Have a Future?'. In Murray, Robert W. (ed.) edited collection of *e-IR: Into the Eleventh Hour: R2P, Syria and Humanitarianism in Crisis*: 18-25.
- See UN News Centre for News Focus on Syria.
- United Nations (n.d.) *Charter of the United Nations*.

## Additional Reading:

- BBC News Middle East (2015) 'Syria: The Story of the Conflict'. *BBC News*.
- Daalder, Ivo H. and Stavridis, James G (2012) 'NATO's Victory in Libya. The Right Way to Run an Intervention'. *Foreign Affairs*..
- Ensor, Josie and Laing, Aislinn (2013). 'Battle for Libya: timeline.' *The Telegraph*.
- Heisbourg, François 'Russia's Success, the West's failure', *The New York Times*, 7 June 2013.
- Kuperman, Alan J (2013) *Lessons from Libya: How Not to Intervene?* Policy Brief, Belfer Center for Science and International Affairs, Harvard Kennedy School, September 2013.
- Pearlman, Wendy (2014) 'The Argument against U.S. Intervention in Syria ... And Why It's Wrong'. *Huffington Post*.

- Powell, Catherine (2012) *Libya. A Multilateral Constitutional Moment?* Georgetown University Law Center.
- Watt, Nicholas (2014) 'Syria crisis. failure to intervene will have terrible consequences, says Blair'. *The Guardian*.

## DAY 6 Course Conclusions

**Morning Session:** Conclusions. 1991-2015: A New World Order Begins & Ends?

### Required Reading:

- Freedman, Lawrence (2014) 'Ukraine and the Art of Crisis Management'. *Survival*, 56, 3: 7-42.
- OR

- MacFarlane, Neil & Menon, Anand (2014) 'The EU and Ukraine'. *Survival*, 56, 3: 95-101.

### AND

- Richmond, Oliver (2015) 'Peace During and After the Age of Intervention'. *International Peacekeeping*, 21(4): 509-519.

### Additional Reading:

- David, Maxine (2015) 'Transitional Times. Russian Agency and International Intervention' Special issue 'Russia in the world', *Comillas Journal of International Relations*, 3.
- Emerson, Michael (2014) 'The EU-Ukraine-Russia Sanctions Triangle'. *CEPS Commentary*. 13 October 2014.
- Mankoff, Jeffrey (2014) 'How Russia Won Crimea and Lost Ukraine'. *Foreign Affairs* 93: 60-68.

See also my older blogs for The Conversation: <https://theconversation.com/profiles/maxine-david-100989>