

Militarization of humanitarian intervention: War as a means of democratization

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Abstract:

Humanitarian intervention in general is a subject of legal controversy among researchers, especially as it is a topic that blurs legal standards with its political counterparts in the context of the humanization of military intervention or the militarization of humanitarian intervention. Humanitarian intervention has raised many theoretical and practical problems politically and legally, as it is related to the main pillars and principles of the international system and its protection from chaos, mainly embodied in the principle of non-interference in the internal affairs of a state. However, on the other hand, we find that the principle of humanitarian intervention is rooted in international legislation, which has led to creating a contradiction and difficulty in reconciling between the two principles in the absence of consensus among international law scholars on the legitimacy of this principle, where theoretical and legal positions are divided between supporters and opponents.

Key words: humanitarian, War, humanitarian, Militarization, democratization.

introduction

With the internationalization of issues related to human rights and their liberation from the absolute sovereignty of states, and the emergence of the individual as a subject of international public law, extensive academic discussions have surfaced about the concept of human rights, democracy, and humanitarian intervention. These three topics are different from each other but intertwined at the same time. Despite the abundance of literature in these three topics, due to the prevalence of concepts, they have been used without examining their theoretical and conceptual foundations, as if they were fixed and rigid terms with no room for review and research into their foundation.

These three concepts become especially significant when considering political globalization, which is predicated on weakening state sovereignty through a variety of channels, including the market economy, multinational corporations, and international institutions. This has resulted in the deterioration

of borders and the modeling of political systems without consideration for the diverse societal specificities.

Democracy, as the comprehensive term for human rights and freedoms, indicating a system of governance that ensures its practice, is a valuable asset, fragile in structure, and complex in composition because the contents of democracy are diverse, encompassing various areas of individual and group rights, between the individual and his conscience, and between people to each other and between rulers and the ruled, as democracy is a title for different contents. History has witnessed several classifications of democracy, including liberal, socialist, scientific, religious, political democracy, and other social forms.¹

Despite the multiple democratic paths, the West presents a specific concept of democracy based on the market economy. It uses "democracy promotion" campaigns as a tool to achieve the benefits of the global market economy. The West considers the democracy as a cover for what is known as economic liberation. The United States sponsors such slogans and still supports non-democratic systems that disregard human rights, for pragmatic reasons based on mutual benefit. Meanwhile, it tries to overthrow democratic systems that do not align their policies with the requirements of economic liberation and opening the way for the free movement of capital, goods, and services.²

Human rights, peace, and international security are balanced against a set of fundamental principles that are considered the cornerstone of public international law, such as the principle of non-interference, sovereignty, and the principle of equality among states. With the rise in cases of humanitarian intervention in recent years, as a starting point to change the international legal rules resulting from the historical development of both human rights and the principles of sovereignty and the responsibility to protect, in an attempt to establish legal rules that work towards humanizing military intervention, or as some see it, the militarization of humanitarian intervention.

Humanitarian intervention is a controversial legal issue among researchers, especially as it intertwines with political considerations. The competing interests of human rights as a common international concern, to be protected by the international community without compromising established sovereign considerations, which prohibit interference in internal affairs as a key principle of international law. Humanitarian intervention is a subject where political factors mix with humanitarian impulses, leading to a reinterpretation and reformulation of legal texts to provide a legal cover for intervention in order to promote democracy in the post-Cold War world. To delve into the aforementioned issues, our study will focus on the problem: What is the reality of actual humanitarian intervention practices and democracy promotion amidst the ambiguity of the concept and the disagreement over its legitimacy? In an attempt to answer the problem, we will try to cover the various aspects of the topic by using the descriptive and analytical approach to compare the legal texts and the behavior of states in an attempt to interpret these legal texts.

1/ the problematic aspects of Western democratization campaigns

"Democratization campaigns" are democratic transition operations used by Western nations to reshape the intended world order and establish a new one. Conversations surrounding these campaigns

imply that democracy can be implemented in a standardized "Western" fashion, that it can be successful everywhere, and that it offers a viable solution to the contemporary global problems that transcend national boundaries.³

Democracy is an ideological system that its followers in the West often act out of the noble desire to grant it to the rest of the world, and even to impose it on them as the only form of comprehensive political organization. It should be noted that democracy, although born from liberalism, is not liberalism itself. Despite its significant and fundamental importance, it is not the only essential value in global politics. There is a constellation of these values: perhaps peace, political independence, equality among nations, religious and cultural freedom, coexistence, self-determination, reciprocity, if the most important of these values are mentioned.⁴

But the United States of America reduces democracy to its literal meaning, which is "rule by the people." Meaning that every two or four years citizens have the right to go to the polls and place a mark **X** in front of the name of one individual or another promising to improve their miserable situation, This is democracy in its narrow sense. What the White House sees as valid for all nationalities has nothing to do with human rights. At best, it is equivalent to elections and civil liberties. Even jobs, food and shelter are not part of this equation.⁵

The word "democracy" in the globalized political discourse is nothing but a "hollow sermon," according to Eric Hobsbawm, as it establishes the model of a constitutional state that pledges to guarantee the rule of law and protect civil and political rights and is governed by authorities that must include representative bodies elected by a numerical majority through general elections. All citizens participate in it and it is held periodically between competing candidates and organizations, but historians and political science professionals agree that this is not the original meaning of democracy, according to the liberal model as the most appropriate and capable form of democracy.⁶

This simplified concept of democracy is based on certain intellectual trends, whose names varied between "neo-liberalism" and "neoclassical economics" And the "new conservatism" Or the "Washington Consensus," which made the issue of "exporting democracy" an American national interest. The increasing flow of multinational corporate money into the American political field through deals concluded by companies with the Republican Party to support an agenda that supports the actions of multinational corporations has contributed to the formulation of an "inexpensive" concept of democracy that focuses on the withdrawal of the state from all fields in the service of corporate interests.⁷

In addition, the desire to impose democracy is not a valid justification for war; it is hardly a deception that conceals a more traditional motive: national interest, and US foreign policy is no exception in this regard. But it has two more distinctive features: The first is that the United States of America considers its interests to extend across the entire planet, and the second is that it is prepared to use force to defend its interests. The convergence of the two characteristics is evidence that the new world order is an imperial system.⁸

"The democratization of systems" does not cease to be a cover for what is called "economic liberation", which taints its democratic incentives with selectivity and pragmatism. One of the American national security advisors explicitly expressed this by saying: "...our strategy must be pragmatic as our

interests in democracy and markets do not stand alone... American interests sometimes push us to endorse or even defend non-democratic countries for mutual benefit reasons”⁹.

What democracy does is replace old dictatorships of national elites with new dictatorships of international capital, and countries are informed that if they do not comply with certain conditions, the International Monetary Fund will withhold its money lending, forcing countries to relinquish part of their sovereignty and opening the way for capital markets, reckless speculators, and profit-seekers regardless of national policies.¹⁰

Indeed, the United States of America worked to employ democracy in an American style in order to put pressure on many countries, especially those opposed to its approach and policies. In the name of democracy, its intelligence services were able to exclude and change many opposition governments and replace them with other supportive governments that facilitate their projects and plans in important strategic areas.¹¹

The wise observer of the claims of "promoting democracy" can only look at this American dedication with doubt and suspicion, and the Iraqi occupation is the best evidence of that. With the exposure of illusions about weapons of mass destruction, the United States tightened its tone more and more on the "democratic transformation of Iraq " despite its disdain for Turkey's democratic approach when it refused to enter the war against Iraq in accordance with the wishes of its citizens, While Silvio Berlusconi was rewarded when he complied with Washington's orders and joined the war on Iraq, opposing 95 percent of his people.¹²

Democracy, as the White House sees it, has little or no relevance to human rights, and in fact, many announcements issued by official circles in Washington over the years make it clear that “democracy” is, at best, equated only with elections and civil liberties, and even Jobs, food and shelter are not part of the equation and it is not a coincidence that the United States has defined democracy in this narrow way, due to the possibility of using it as a tool in its foreign policies to achieve pragmatic goals that have nothing to do with human rights considerations.¹³

In his description of the employment of human rights issues within the framework of the new international system, Noam Chomsky says: "The driving forces of American policy are entirely 'humanitarian incentives,' but the current danger is surpassing the human dimension of those incentives. We have failed to reach a non-selfish understanding of the human dimension of mercy, just as we have failed to recognize the boundaries that must be respected when intervening in the affairs of others. It must be taken into consideration that there are limits that a state cannot exceed when providing assistance to another state, even if that state claims to be the most virtuous among states."¹⁴

Western-style democracy aims to create “institutional structures” that would encourage structural adjustment programs in order to subject developing economies more directly to the authority of the global economy. “Making democracy in the Third World” is an industry driven by a number of economic factors. The democracy promoted does not depend on implementing Civil and political rights, such as freedom of the press, freedom of publication, and freedom of assembly and organization, which can limit the alleged independent authority of the state and make it serve the broader national interest and not the interests of the actors in determining the paths of globalization.¹⁵

In addition, the process of building democracy is primarily linked to internal considerations and factors. In most of the democratic transformation experiences that took place since the beginning of the last quarter of the twentieth century, the role of external factors was secondary or auxiliary, especially since the records of the USA based on intervention Militarily, in order to build democratic systems in many regions of the world since the beginning of the last century, it has generally had a poor record, meaning that there are more failures than successes. The new approach to American policy on the issue of democracy faces the dilemma of lack of credibility.¹⁶

The crisis of credibility could result in a dilemma of choice for some influential forces, such that the actual alternative would be the establishment of totalitarian regimes. The transition from non-democratic rule to democratic rule assumes that the rulers themselves will undertake this transition process, and in this case they will have to willingly give up their powers and privileges.¹⁷

But democratization policies that took place within the framework of globalization under the influence of multiple ideologies, such as the use of direct political intervention or international sanctions, could be a framework for violating civil and political rights rather than a framework for respecting and promoting them.¹⁸

Both George Bush and Bill Clinton stressed that spreading and strengthening democracy must be a primary goal of American diplomacy. It seems that the West's clear failure to bring about an improvement in the human rights situation in China has flawed this hypothesis, proving that exporting democracy is declining in the list of priorities. In front of the interest in developing a friendly relationship with China based on the balance of power.¹⁹

As efforts to spread Western-style democracy are measured, making its chances of success very slim, due to fundamental contradictions in its structure, it is generally conceived as the optimal solution for the serious problems that transcend borders, especially as a growing part of human life is now outside the influence of elected officials, in a transnational public and private entities that are not subject to elections, or at least not democratic elections, and electoral democracy cannot operate effectively outside political units such as the nation-state, and therefore powerful countries try to spread a system that they themselves find unsuitable for today's requirements.²⁰

2/ Humanizing military intervention

There is a jurisprudential conflict and a multiplicity of terminology. Some jurists use the term "duty" of humanitarian intervention, some of them use the term "right" of humanitarian intervention, and there are those who use the term "humanitarian assistance." The multiplicity of terms is an indication that the term humanitarian intervention is not conclusive in its meaning. Therefore, it is difficult to give an accurate legal definition of this concept, especially since the "right" can be exercised in different ways and its owner may waive it, while the "duty" is a legal obligation that cannot be evaded.²¹

Despite the difference in terminological approaches, it appears that the concept of humanitarian intervention includes three basic elements, the first of which relates to the presence of a threat to use or coercive use of force, while the second relates to the existence of gross and systematic violations of human rights, and the third relates to the will of the countries targeted by the intervention that takes place without Its consent and against its will. The truth is that the three elements raise several problems that

make the task of accurately defining the concept difficult, as it is impossible to determine the nature and scope of human rights violations that motivate intervention. The issue of the use of force to protect human rights also raises many reservations, in addition to the jurisdiction entrusted with the exercise of humanitarian intervention.²²

International jurisprudence related to defining the concept of humanitarian intervention can be divided between those who defend a narrow concept of humanitarian intervention, which can only be done through military action and the use of armed force, while the second trend defends a broad concept of humanitarian intervention, which considers that intervention as it can be done by using military force. It can also be done by using other means such as political, economic, diplomatic and other pressures.²³

Humanitarian intervention finds its legal basis in the texts of the United Nations Charter, which do not explicitly mention it but can be referred to for justifying humanitarian intervention, relying on Articles (4 paragraph 2), (7 paragraph 2), (51), (55), (56), and on the theory of *jus cogens* in international law under Article (53) of the Vienna Convention on the Law of Treaties..²⁴

The American interventionist strategy has evolved through three stages: from intervention based on unilateral sanctions of a political, economic, and military nature, through various adaptations of international law outside the United Nations during the Cold War due to the paralysis that affected the Council as it turned into a battleground between East and West, then shifted to leveraging the same organization to give a legal character to these interventions after the collapse of the communist bloc, before finally resorting to bypassing the United Nations through direct military operations without consideration of the UN Charter.²⁵

In this context, America, considering itself the greatest power at present, has tried to harness the United Nations through the concept of preventive diplomacy to intervene at the right time and under the appropriate conditions in potential conflict zones under different names that serve its interests and allies by legitimizing these interventions. Therefore, the United Nations no longer exercises intervention within an objective framework subject to specific controls derived from international law, especially since the decision-making mechanism is subject to the vital interests of major powers, so that the right of veto and permanent membership become privileges that determine the course of interventions amidst the ambiguity of criteria for determining international peace and security, preventive intervention, or even the rules for exercising the right of veto. Thus, the legal principles of intervention have become mere tools of pressure harnessed to achieve gains and expand influence.²⁶

This interventionist policy changed again after the events of September 11 in the context of the American international campaign against terrorism, which prioritized security over public freedoms, from all voices rejecting its policies within the phrase "if you are not with us, you are against us". This new approach, which America considers a form of legitimate individual and collective defense, aims to launch preemptive military strikes against any target believed to pose an immediate or future threat to its interests. This is evidence of the shift in interventionist policies from a defensive and deterrent approach to an offensive approach, directing military strikes against all "rogue" states attempting to acquire prohibited weapons that could threaten American interests.²⁷

It has become clear that American behavior, through various declared strategies, is laying the foundation for a new international phase in favor of consolidating American hegemony. These strategies can now encourage some countries to attack other countries under various pretexts, such as possessing prohibited weapons or seeking to possess them, or supporting terrorism. This in turn solidifies resorting to force to settle international disputes as an alternative to diplomatic solutions, leading to marginalizing the role of the United Nations in resolving international crises and opening the door to intervention in countries' affairs without boundaries or controls.²⁸

Therefore, humanitarian intervention is nothing more than a weapon of the American administration that it uses whenever it wants with clear duplicity, as it sets it aside if it will negatively affect its economic and political interests, and uses it if it has a positive impact on its interests. The American view of human rights is a pragmatic, utilitarian view that is in line with its interests. Political and economic, which is what President Bill Clinton expressed in his contradictory statements when he said, "The United States will intervene to prevent the killing of innocent civilians, regardless of their gender and religion." Then he goes back and says: "Because we have different interests in parts of the world, we cannot intervene in every part of the world where human rights are violated"²⁹.

3/ Manifestations of human imperialism

The international reality indicates that the "international community" has always shown a tendency to intervene for the benefit of the great powers, intervening where they benefit and refraining from intervention in other cases, or when the aggressor governments were allies of Western countries. In most cases, intervention exacerbates the suffering of oppressed peoples, and globalization has contributed to expanding the concepts of intervention and reducing sovereignty. Military interventions have been engineered and legislated under humanitarian pretexts under the umbrella of the Security Council, to the extent that some have called it "humanitarian imperialism" and the subsequent abuse of preemptive and preventive concepts, and the emergence of pretexts of counter-terrorism for political, military, and cultural intervention.³⁰

In April 1991, the Security Council issued Resolution 668, which called for the protection of Kurdish citizens in northern Iraq and Shiites in southern Iraq, and to prevent the former regime's aircraft from attacking them. Britain and the United Nations agreed that the regime's attacks on citizens could not be stopped except by preventing Iraqi aviation from attacking them. Flying in its airspace, which is a new case in which the Security Council violates the state's sovereignty over its air territory. This decision was based on Chapter Seven of the United Nations Charter and the group of resolutions that followed it related to compensation, all of which were far from the principles of international law and were formulated as the texts of the peace agreements that the victorious party imposes its conditions on the losing party³¹.

As the international coalition forces intervened militarily on March 20, 2003, launching the intervention operation (Iraq Liberation War), the United States and Britain fabricated justifications to legitimize their intervention, starting from Iraq's possession of weapons of mass destruction, through the relationship of the previous regime with the terrorist Al-Qaeda organization. After the falsehood of these justifications was proven, the justification of replacing the dictatorial regime with a democratic system

was put forward, as Saddam Hussein was dictatorial. The coalition countries tried to adapt their military intervention in Iraq as self-defense and preventive, while the correct characterization of this intervention is aggression against the people and state of Iraq, based on Article 1 of General Assembly Resolution 3314 of 1974, which defined aggression as "the use of armed force by a state against the sovereignty or territorial integrity of another state."³²

The Islamic State organization, known as ISIS, surprised everyone by expanding from the Syrian city of Raqqa and quickly spreading towards Baghdad after taking control of Mosul. This forced the U.S. to intervene in Iraq after the organization executed American journalists and persecuted the Christian and Yazidi minorities in Nineveh. This prompted the U.S. administration to form an international coalition that conducted airstrikes and provided support to the Peshmerga forces in Iraqi Kurdistan to push back the organization's expansion. President Barack Obama insisted on calling the American intervention in Iraq a "comprehensive and successful strategy to combat terrorism" and not a war, as naming it as such could have certain implications for America, such as the Iraq Liberation War in 2003.³³

Another example of politicized humanitarian intervention is what happened after the Presidential elections in Haiti in 1990. In the following year, in 1991, a military coup took place that overthrew the president, who sought refuge with the Americans. Since the latter occupies the Haitian island of Navassa and establishes a military base there, it hastened to impose Economic sanctions under the banner of the Organization of American States against the military regime and on 11 October 1991 The United Nations Assembly condemned this coup and included this issue in its agenda under the item "The situation of democracy and human rights in Haiti."³⁴

The intervention in Haiti is considered a precedent in the phenomenon of international humanitarian intervention in order to establish democracy and return an elected regime to power, given that the dictatorial rule in Haiti threatens international peace and security. The United Nations claimed that humanitarian considerations and the restoration of democracy are the motives behind its intention to invade Haiti under Security Council Resolution 940, which authorized military intervention through multinational forces only, as this case is another example of individual intervention by the United States, followed by the formation of international forces led by the United Nations entrusted with the task of contributing to facilitating the return of normal life to the country in question. ³⁵

In fact, the American dealing with the Haitian situation actually involves the United States benefiting from lessons in previous interventions:

In its intervention, the United States of America took into account the issuance of two Security Council resolutions to legitimize its intervention. It also took into account the gradual start of the crisis and then military action. The intervention was accompanied by diplomatic efforts to avoid losses to the United States forces in the Somali intervention. But what is taken to intervene in Haiti is American uniqueness in managing the crisis, Where the United States imposed its vision on the United Nations and obtained the resolutions it wanted from the Security Council, it was required to intervene and reinstate "Aristide" came to power and then gave way to military forces, but she took advantage of the political deal with the Haitian military leadership and ended the crisis on her own without paying attention to the

international resolution, indicating that the intervention was not purely humanitarian but moved by the narrow interests of the United States.³⁶

With the beginning of the popular movement on the 17th February 2011 Following the example of everything that happened in Tunisia and Egypt to demand basic freedoms and the departure of the Gaddafi regime, which continued to rule for forty years after a military coup and committing various forms of repression and systematic human rights violations against peaceful demonstrators and committing crimes against humanity, the Human Rights Council decided on 25 February 2011 Urgently dispatching an independent international commission to investigate all violations of international human rights law and international humanitarian law in Libya.³⁷

In view of the reversal of the security situation in Libya, the UN Security Council issued Resolution No. 1937 imposing a no-fly zone over Libya and taking all necessary measures to protect civilians. Western and Arab countries and international military alliances joined forces to implement the UN resolution, and the countries participating in implementing the resolution called it “the dawn of Odes.” The operations began in March 2011, and France, the United States of America, Britain, Egypt, Sudan, the Emirates, and Kuwait participated in providing logistical support to NATO, and on 23 November 2011 The National Transitional Council announced the liberation of the country after the defeat of the military forces of the Gaddafi regime and announced the formation of a new transitional government, and plans to hold parliamentary elections and unfreeze most of Libya’s assets abroad to make way for the foreign market to return to normal.³⁸

Intervention in Libya may have had an effective impact in stopping the bloody violence of the Gaddafi regime, but in any case it is not possible to judge the effects and results of this intervention immediately, as this depends on the stability and security of the country in the future or on its transformation into extremism and conflicts related to the division and distribution of natural resources, and the transformation of Libya. In view of the weapons left behind by the regime and the mercenaries who were fighting alongside the regime, and the weapons dropped by NATO forces under the pretext of protecting civilians, but realistically it cannot be disputed that human rights and the responsibility to protect are the reason behind the intervention in Libya. This idea is unacceptable, especially given the human rights situation. It did not witness this desired development, especially since human rights are being violated more severely in Syria, Sudan, Mali, and the Congo, but it did not attract the attention of the “international community.” Perhaps overthrowing Gaddafi, changing the regime, arming the opposition, and recognizing it made the claim that the responsibility to protect behind the intervention in Libya inappropriate.³⁹

Conclusion

The "democratization of the world" within the framework of the globalization of politics is a phenomenon with multiple manifestations and dimensions. Its promising facade differs from its actual reality, which primarily aims to create an environment conducive to economic globalization processes aimed at achieving profit and pragmatic benefits for the globalized. The spread of democracy is a right desired in vain, especially in the face of the monopolization of democracy by the Western measured

concept and the attempt to impose it on all specificities. Democracy is diverse and what may be suitable for one society may not be suitable for another society. However, the ultimate goal of every democracy is to respect and effectively promote all categories of rights. Democracy is not limited to civil and political rights and electoral rights as promoted by the West.

Humanitarian intervention finds its legal basis in the texts of the United Nations Charter, which do not explicitly mention it but can be inferred from the wording of the texts to justify humanitarian intervention. They rely on Article 4 paragraph 2, Article 7 paragraph 2, Article 51, Article 55, Article 56, and Article 53 of the Vienna Convention on the Law of Treaties, which establish the concept of peremptory norms. However, intervention conflicts with state stability and its freedom in dealing with citizens, especially since relying on ethical rules is not sufficient to justify this intervention. This intervention is unjustified because the ethical rules it is based on are flawed and thus violate legal rules as it is not based on any explicit legal basis, thereby violating the principles of sovereignty and non-interference.

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