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MULTILATERALISM, UNILATERALISM, AND LEGITIMACY TO INTERVENE

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Abstract: This article presents an overview of humanitarian intervention and the Responsibility to Protect doctrine, in terms of the main arguments surrounding the controversy concerning unilateral versus multilateral military action. Building on the literature that addresses this debate, the article identifies the main elements that support the idea that, while there are good reasons to legitimize unilateral interventions in specific circumstances, those interventions should be exceptional. The main argument is that multilateral interventions are the best alternative to, simultaneously, address the need to protect people threatened by mass atrocity crimes and the need to maintain international peace and security. Multilateral authorisations reduce the risk of conflicts emerging and spiralling among states, and in particular, the most powerful ones. They also reduce the likelihood of using the 'humanitarian argument' for intervening with different and self-serving agendas. In addition, they reduce the risk of abusive humanitarian intervention. Moreover, they foster more collaboration in terms of the need to address post-conflict situations and successful peacebuilding processes. Finally, they promote norm dissemination concerning the human rights agenda more effectively, particularly amongst non-liberal states.

Keywords: Humanitarian intervention, Responsibility to protect, Multilateralism, Unilateralism, UNSC.

Resumo: O artigo apresenta uma análise sobre intervenção humanitária e a doutrina da Responsabilidade de Proteger em termos dos principais argumentos em redor da controvérsia das intervenções militares unilaterais versus multilaterais. Partindo da literatura que aborda este debate, o presente artigo identifica os principais elementos que dão suporte à ideia de que, apesar de existirem boas razões para legitimar intervenções unilaterais em casos muito específicos, esse tipo de intervenções deve manter-se excepcional. O argumento principal é o de que as intervenções multilaterais são a melhor opção para, simultaneamente, acautelar a necessidade de proteger populações ameaçadas por atrocidades e preservar a paz e a segurança internacionais. As autorizações multilaterais reduzem o risco de surgirem e escalarem conflitos entre Estados, em particular entre as maiores potências. Para além disso, reduzem a possibilidade de o 'argumento humanitário' ser utilizado para intervir com agendas diferentes e em benefício próprio. Depois, reduzem também os riscos de intervenção humanitária abusiva. Adicionalmente, fomentam mais colaboração para a

necessidade de acautelar situações pós-conflito e processos de construção da paz com sucesso. E, para terminar, promovem a disseminação de normas relativas a direitos humanos de forma mais eficiente, muito particularmente, entre Estados não-liberais.

Palavras-chave: Intervenção humanitária, Responsibilidade de proteger, Multilateralismo, Unilateralismo; CSNU.

1. INTRODUCTION

Since the early nineties, we have witnessed a number of states – primarily the United States and its main Western allies – intervene in several countries. Most of those interventions have been labelled as 'humanitarian' and were carried out with UN authorization or with the approval by international regional organizations, such as NATO, the African Union (AU), or the Economic Community of West African States (ECOWAS).

Although the ideia of humanitarian interventions[1] supported by multilateral[2] authorisation clearly seems to be gaining ground relative to unilateral interventions[3] there is still substantial debate over whether only the former are legitimate. This is particularly the case given the controversy around 'The Responsibility to Protect' (R2P). Relative to the R2P, a number of questions have been raised concerning the decision-making process. The fact that the process is conducted through multilateral channels is also often put forward as an indication of reflecting some sort of 'broad-based consensus' but this idea is increasingly contested, in particular by the rising or resurgent powers. There is also a concern regarding the consequences of those interventions in relation to their outcome, namely, in terms of improving human rights and stopping atrocities from being committed, but also on what concerns the consequences for international peace and security. This article reviews some of the arguments concerning these controversies but argues that a stronger case can be made in favour of multilateral interventions. The stance taken here is centered on some of the theoretical debates and controversies around R2P and on the recent changes to the international order, but also on some of their consequences.

[1] I follow the understanding of Humanitarian Intervention suggested by Holzgrefe, J. L. and R. Keohane (eds.) (2003: 18): "the threat or use of force across state borders by a state (or group of states) aiming at preventing or ending widespread and grave violations of the fundamental rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied".

[2] The definition of multilateralism that is adopted here is consistent with the definition that "conceives of multilateralism as institutionalized collective action by an exclusively determined set of independent states" (Keohane, 2006: 56). Another definition conceives of multilateralism as action by at least three states and "on the basis of generalized principles of conduct" (Ruggie, 1993: 11). In the present context, multilateral interventions are those that have been authorized by a multilateral international organizations, in particular the UNSC.

[3] And, therefore, lacking the authorization by multilateral international organizations, such as the UN.

The main argument evolves around two major concerns. Those are, to simultaneously address the need to protect people threatened by mass atrocity crimes and the need to maintain international peace and security. And the conclusions point to a series of reasons that favour adhering to multilateral channels for intervention. Current multilateral authorisation methods reduce the risk of conflicts emerging and spiralling among states and, in particular, the most powerful ones. They also reduce the likelihood of using the 'humanitarian argument' for intervening with different and self-serving agendas. In addition, they reduce the risk of abusive humanitarian intervention. Moreover, they foster more collaboration in the need to address post-conflict situations and successful peacebuilding. Finally, they promote norm dissemination concerning the human rights agenda more effectively.[4]

My reasoning will proceed as follows. I start with a brief overview of the R2P doctrine given that it is the current multilateral reference procedure for intervention. I then proceed with an overview of some of the main arguments in favour of unilateral humanitarian intervention and the reasons why it may also be considered legitimate under certain circumstances. This is followed by a discussion about the multilateral nature of the R2P and the reasons why it has generally been considered a better alternative to unilateral interventions. But the R2P is not exempt of difficulties and, because of that, a discussion of some of the major problems associated with this doctrine as a multilateral principle follows suit. Some of these problems are discussed in the following three sections, and I pay particular attention to the changes in international order, the legitimacy of rules and procedures for intervention, and the selectivity with respect to output-legitimacy.[5] I conclude with some of the arguments that I believe best support the idea that seeking multilateral legitimacy is the preferred alternative for military intervention.

2. THE R2P DOCTRINE

Currently, the R2P is widely accepted as the predominant framework for discussing the need to protect people victim of certain types of crimes, more specifically, genocide, war crimes, ethnic cleansing and crimes against humanity. In cases where egregious human rights violations are taking place, and states are unable or unwilling to protect their populations from those atrocities (R2P's pillar one), the international community has a responsibility to assist them (under

[4] Similar arguments, albeit in different contexts, have also been forward by other authors, namely, Keohane and Martin (1995), Malone and Khong (eds.) (2003), Newman, Thakur and Tirman (eds.) (2006), and Recchia (2016b).

[5] According to Keohane (2006: 58), "The sources of organizational legitimacy are conventionally divided into 'output' and 'input' legitimacy". See also Scharp (1999) *Governing in Europe: Effective and Democratic?* Oxford: Oxford University Press.

R2P's pillar two) or coerce them to do so (under R2P's pillar three).[6] The 2001 report of the International Commission on Intervention and State Sovereignty (ICISS) on the R2P is considered as providing the most detailed account of the various responsibilities involved, dividing it into the responsibilities to 'prevent', to 'react', and to 'rebuild'.[7]

It is significant that there is an important development in so far as the notion of state sovereignty becomes interlinked with the notion of responsibility and the language that is employed changes from 'a right to intervene' to a 'responsibility to protect'.[8] The idea is that states have a responsibility to protect their population (Pillar 1), but when that does not occur that responsibility falls under the international community either in terms of assisting states in fulfilling that responsibility (Pillar 2) or through active and decisive action to coerce them to do so (Pillar 3).

The version of the R2P that has been adopted and is considered the reference on this matter is the one that has been agreed at the 2005 UN World Summit (United Nations, 2005). This version is significantly different from the account of the R2P in the ICISS report that was released in December 2001 (Pattison, 2015: 191).[9] The version adopted at the 2005 UN World Summit has softened quite substantially some of the responsibilities of the ICISS report, of which the endorsement by the P5[10] members of the UNSC of the obligation to act and undertake military intervention. The same occurred with the agreement to remove the veto in situations where it has become obvious that specific crimes are being committed (Hehir, 2012: 49).

In itself, this should probably be regarded as a reminder of how important the reciprocal recognition of sovereignty is within the UN[11], but it also suggests that a decision to intervene is probably also dependent on other factors beyond humanitarianism. Besides, the existing accounts of the international responsibilities of the R2P in its post-2005 incarnation are still somewhat fairly

[6] These are the three pillars on which the R2P rests according to Secretary-General Ban Ki-moon in a speech on July 15 2008 in Berlin, organized by the Managing Global Insecurity and the Bertelsmann Foundation. See also United Nations (2009).

[7] International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001).

[8] Francis Deng (1993, 1995) was the first to articulate the approach of 'sovereignty as responsibility' to protect the people of a given territory, which explicitly challenged the key principle of non-intervention. This notion was later included in the International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001.

[9] The essence of R2P in the 2005 World Summit Outcome Resolution is included in paragraphs 138 and 139 of the final document. However, despite providing a mandate for activities aimed at preventing atrocities and protecting populations many supporters of R2P were deeply disappointed by the content of those two paragraphs.

[10] The five permanent members of the UNSC.

[11] It is specified in Article 2 of the Charter.

ad hoc and are not clearly systematised. As a result, despite the recognition of the need to put an end to mass atrocities, the idea of intervention is still a rather controversial one. Not less important, the R2P places a much greater emphasis on the prevention of the circumstances in which certain type of atrocities are likely to occur instead of (military) intervention. In effect, the idea is to focus more on norm building and norm dissemination rather than military intervention.

3. ARGUMENTS IN SUPPORT OF UNILATERAL INTERVENTIONS

There is still substantial controversy as to whether only multilateral interventions are legitimate or if the case can be made for unilateral interventions. Even in the case of the former, some authors consider that those should only take place in situations where the abuses that are taking place constitute a threat to international peace and security. However, only considering multilateral intervention in cases where international peace and security are at risk may be too restrictive. It may well provide support to the idea that unilateral interventions may well be the best alternative because, ultimately, as noted by Wheeler (2000: 1), what is at stake is "the dilemma of what to do about strangers who are subjected to appalling cruelty by their governments" and some governments may consider that action needs to take place, if necessary, unilaterally. But, under those circumstances, other motives beyond humanitarian ones may also be at play and have dire consequences for international peace and security.

However, there are authors who argue that what is at stake in terms of legitimacy to intervene is effectiveness. That is, "an intervener´s effectivenesss is the most important factor for the legitimacy of an intervener" (Pattison, 2010: 69). Recchia (2016b: 71) also considers that "existing multilateral procedures for authorising armed military intervention should be evaluated first and foremost against their ability to limit the negative consequences of intervention". The implication of this is that unilateral interventions are legitimate if the above mentioned criterion is met. This argument does not exclude other non-consequentialist factors, namely those that are related to the application of *jus in bello*[12] principles but the idea is that "to have the right to intervene – for its intervention to be permissible – an intervener needs to be likely to be effective" (Pattison, 2010: 74-75). In support of this consequentialist argument, the author points to Tanzania's 1979 military intervention in Uganda, which led to the fall of the regime of Idi Amin Dada. More specifically, it was through this unilateral intervention that it was possible to put an end to the atrocities that were being committed against the population, in a clear violation of their basic human rights.

[12] The *jus in bello* principles require proportionality of means and non-combatant immunity. It is also worth recalling that the *jus ad bello* principles of Just war Theory also require that there is a reasonable prospect of success and proportionality of ends. On this topic see, for instance, Lee (2012).

Wheeler (2000: 298-299) also considers that this intervention had humanitarian motives and was legitimate. Furthermore, in his opinion, it should have been endorsed and supported by the international community, inclusively with financial support.

Nevertheless, the argument that the intervention had humanitarian motives and was legitimate may be contested given that it was essentially carried out for national security reasons related to the hostility between the two countries and fear of Idi Amin's regime rather that for pure humanitarian reasons (Recchia, 2016b: 69). On this account, humanitarian intervention can be considered, at best, a by-product of that intervention.

The argument in favour of unilateral interventions can also be put forward because of the fact that multilateral international organizations can become prone to deadlock and often fail to be "fair, transparent, and procedurally just" (Pattison, 2010: 188). Often times, the UNSC is unable to authorize humanitarian interventions because of the use of the veto by some of its permanent members, therefore making humanitarian intervention a 'right' but not a 'duty' (Wheeler, 2000: 298). This leads Pattison (2010: 5) to consider that, "The Security Council's representativeness and functioning […] are morally problematic, and this means that it is far from obvious that interveners authorized by the Security Council are legitimate".

Furthermore, the UNSC often fails to authorize humanitarian interventions when it is desperately needed. As a result, intervention may often only occur too late to have a positive impact, as many civilians may have already been killed and the worst of the crisis may be over. It is worth noting, however, that irrespective of the problems and limitations associated with interventions authorized by the UNSC the states that are members of the UN tend to accept and not challenge interventions that are authorized by this organization. Differently, many strongly oppose unilateral interventions irrespective of the arguments concerning effectiveness.

4. R2P AS A MULTILATERAL PRINCIPLE

There are also many arguments in favour of only authorized interventions. For starters, in the case of interventions carried out under the R2P, those are considered legal because they are conducted through established multilateral channels, such as the UN, and, therefore, they meet the criteria set by international law. The legitimacy provided by a recognized multilateral international organization provides robustness to the decision to intervene to the extent that some consider it to reflect some sort of consensus of the international community. This legitimacy is important for an intervention to put and end to egregious crimes being committed, or to promote human rights more generally.

In terms of the international order, it is also worth noting that multilateral intervention is consistent with the Westephalian tradition of a pluralist

international society, in the sense that it takes into consideration the will of the states and existing norms of the international order. By following multilateral procedures and commonly shared rules it is possible to achieve a sense of consensus by the international community that provides legitimacy. One of the major functions of the UN has been to provide collective legitimacy and 'proper authority' (Welsh, 2004: 177). Legitimacy is very important given that "Legitimacy is a property of a rule or rulemaking institution which itself exerts a pull toward compliance on those addressed normatively because those addressed believe that the rule or institutions has come into being and operates in accordance with generally accepted principles of right process" (Franck, 1990: 24). And as noted by Claude (1966: 374) more than fifty years ago, "the value of acts of legitimization by the United Nations has been established by the intense demand for them". Significantly, the ICISS report (2001: 49) also makes reference to the fact that being a member of the UN brings about obligations, particularly on the part of the great powers, to try and intervene only through multilateral procedures. Consequently, following procedures is "thought somehow to validate action in some other way, by implying its soundness or conformity with other norms" (Clark, 2005: 193).

5. DIFFICULTIES ASSOCIATED WITH R2P

Many question the legitimacy of authorized action altogether and even in cases where those interventions are conducted through established multilateral channels. Several countries, including some of the P5 were, and some still are, sceptical about R2P from the very beginning. And while many supporters of R2P were hoping to see the General Assembly in the 2005 World Summit make a commitment to the original tenets set in the ICISS report this did not happen. They counted on seeing the UNSC agree on: 1- To act whenever a certain just cause threshold was crossed; 2- To submit its decisions concerning the use of force to public deliberation, and 3- To agree not to use the veto in cases of clear humanitarian emergencies when national interests were not at stake. Nevertheless, only the decision to submit the possibility of the use of force to public deliberation was retained (Bellamy, 2006: 153). According to Bellamy (2006: 167) the consensus that was reached was "produced not by the power of humanitarian argument but by bargaining away key tenets of the ICISS's recommendations". Later, the same author also noted that "the responsibility to protect statement in the outcome document has done little to increase the likelihood of preventing future Rwandas and Kosovos." (Bellamy, 2006: 145-146). In turn, Weiss (2007: 127) goes as far as saying that "while ICISS was not enthusiastic about unilateral intervention, it had left open the possibility that humanitarian intervention not be totally dependent on the procedural rules of the Charter governing the use of force. As such, the summit's language could be

seen as a step backward, as 'R2P lite' – because humanitarian intervention has to be approved by the Security Council".

Still, others remain positive about R2P and note that "There are grounds for some guarded optimism in relation to the prevention of future Rwandas" (Wheeler, 2005: 105). The idea is that after making a commitment to R2P and when egregious crimes are being committed, goverments – in particular the (permanent) members of the UNSC – will find it harder to ignore the need to intervene in order to protect endangered populations. That is, despite the fact that an agreement was reached only after difficult negotiations and many concessions there is now a multilateral procedure to operationalise and implement international action to prevent or stop atrocities (Bellamy, 2006: 155). Ten years after the adoption of R2P by the UN General Assembly, Bellamy (2015: 161) noted that "In the first decade R2P has moved from being a controversial and indeterminate concept seldom utilized by international society to a norm utilized almost habitually".

Nevertheless, other reservations subsist, most notably related to changes concerning the international order, the legitimacy related to the rules and procedures for approval of intervention, and on what concerns the selectivity with respect to output legitimacy.

6. THE CHANGES IN INTERNATIONAL ORDER

There are a number of changes within the international order that call for attention. The states that have been the main supporters of R2P – the Western liberal states – are the ones that have been associated with an assertive liberal internationalism, the promotion of democracy and the liberalization of markets. This has been a source of concern for many countries, generally non-Western states - that do not agree with the possibility of foreign interference, and wish to see the principles of sovereignty and of international law fully respected according to the UN Charter. In essence, they do not agree with the concept of sovereignty as expressed in the ICISS report. This is not new and it has its well-known historical roots dating back to colonialism.

More recently, we have also been witnessing power shifts that are occurring with the emergence of rising powers that need to be taken into consideration. A number of those non-Western states, namely China, Russia, India, Brazil and South Africa, have raised worries about the way in which those Western liberal states have dominated the R2P agenda. And even though there has been an attempt to narrow the concept of R2P, following the 2005 World Summit, it is still considered very much as part of a broader liberal agenda associated with the promotion of democracy and conditioning sovereignty to the upholding of certain values related to human rights. This issue is particularly acute given that many of these rising powers wish to play a more significant role in international affairs.

Much of this is also inevitably related to the tension between sovereignty and individual justice. According to Newman (2013: 235), the current controversies are not just about the operationalization and implementation of R2P but also very much about the tension between human rights and international order. Newman (2013: 236) also argues that changes in the balance of power - that occur as new powers emerge - bring about tensions in the international order, in particular, through the diffusion and adoption of norms "as rising powers are increasingly assertive and resistant to ideas with which they do not identify and to the manner in which these ideas are promoted".

Some authors have taken a stance against this so-called 'liberal agenda' that is shared by the Western democracies from the very start. In their view, the post Cold-War international order has been very favourable to these liberal ideias and excessively in favour of intervention. Chandler (2004: 64-65) argues that R2P is simply a way for powerful states to gain the right to intervene whenever it suits their interests using the language of the rights of individuals to protection as an excuse. The notion of 'sovereignty as responsibility', whereby state sovereignty comes with responsibilities, and that there is a global responsibility to protect people from certain types of crimes and preserve the sovereignty of those countries, simply amounts to a change in terminology to legitimize military intervention by the most powerful states. The end-result is that both sovereignty and jurisdiction end up being impaired. In effect, what is at stake is more a logic of power rather than rights. In that sense, R2P would be "the dynamic driving the convergence of morality and Realpolitik, whether expressed in the 'responsibility to protect' or the 'war against terrorism'" (Chandler, 2004: 75). The difference, in his view, is that the change in terminology to R2P may nevertheless render it easier to accept.

Bellamy (2005: 32) also questioned the nature of the doctrine, particularly following the war in Iraq in 2003, and asked whether R2P is the new "Trojan Horse" of powerful states. Similarly, others view R2P as a return to ancient colonial ideas and practices with the possibility of great powers taking advantage of certain particular situation in order to intervene in other countries. Ayoob (2002: 85) considers that the "'sovereignty as responsibility' thesis, once again raises the spectre of a return to colonial habits and practices on the part of major Western powers". In that sense, the R2P represents a challenge to the notion of the respect for each country's sovereignty as the best alternative to maintaining international order with states adhering to the norms of non-intervention in the affairs of other states.

7. LEGITIMACY OF RULES AND PROCEDURES FOR INTERVENTION

There is also much controversy in so far as the representation in established multilateral institutions is concerned, whether in relation to the voting system

or the composition of these institutions in terms of membership. With respect to the former, clearly the veto rights of the permanent members of the UNSC and the supermajorities that are required at some regional organizations may often result in institutional deadlock. In the case of the UNSC, one veto by one of the permanent members is sufficient to prevent adoption of a certain resolution. In the case of NATO, for instance, consensus is required for a measure to be adopted and the two-thirds majority required at the AU may often be difficult to obtain. With regards to ECOWAS, decisions may be taken by unanimity consensus or by a two-thirds majority of the member states. The difficulty with altering the current situation concerning the voting systems, particularly in the case of the UNSC, stems from the fact that the countries who hold more decision power are not open to the idea of giving it away.

More problematic may well be the composition of institutions, in particular the UNSC, whereby a number of countries, such as India, Brazil and South Africa, consider that the current architecture of global governance is out of alignment with the current political reality. In their view, the UNSC is considered as being unrepresentative for the powers held and, therefore, not passing the test of 'input legitimacy'. This line of argument is shared by Keohane (2006: 60) who argues that "its permanent membership does not reflect any principled set of criteria for representation, but rather the power politics of 1945, as negotiated at San Francisco". Furthermore, "giving five arbitrary selected states absolute vetoes over action cannot be justified on the basis of principles of either democracy or elementar fairness and reciprocity" Keohane (2006: 60-61). This argument is somewhat linked to the previous one concerning voting systems and is a source of tension that is likely to persist. Moreover, it may well hinder the development of R2P.

Ayoob has even suggested that decisions concerning humanitarian intervention should not be considered under Chapter VII of the UN Charter. In his opinion, "Chapter VII was created to augment the sovereignty of states and protect them from external aggression and unwarranted intervention, not to intervene in their domestic affairs. As such, humanitarian interventions subvert the very purpose for which the Chapter was written" (Ayoob, 2002: 95). Indeed, Chapter VII was created to address issues related to international peace and security and not for reasons related to humanitarian intervention. His argument rests on the premise that most cases of humanitarian intervention do not fall under the scope of international peace and security, particularly considering that most situations that require intervention occur intra-state. The latter is, however, open to debate given that there may be situations of humanitarian intervention that are, or may become at some later stage, an international security concern. This is particularly true at the current stage of the globalization process.

8. THE SELECTIVITY WITH RESPECT TO OUTPUT LEGITIMACY

There has also been much controversy concerning the application of the R2P with respect to interventions to address human rights abuses and the extent to which the UNSC adopts selective and discrecionary rules. Indeed, there have been situations in need of human rights attention where the UNSC did not intervene. Other times, such as in the case of Darfur in 2003, the response was considered to be muted. Bellamy (2005: 32) considers that in that specific case "The UN Security Council has taken an ambivalent position". But there are also situations where the UNSC simply failed to authorise justifiable interventions because it lacks procedures for accountability and ends up obstructing other parties from carrying out that responsibility. With respect to the latter situations, Buchanan and Keohane (2011: 41-42) suggest that "under some conditions, multilateral coercive intervention to resolve a humanitarian crisis […] could be legitimately authorized through other means". In others words, although the UNSC has legitimacy for making these decisions, it is not the only one and it is worthwhile considering a framework for selecting alternatives, their suggestions being, a 'Democratic Coalition'[13] or a 'Precommitment Regime for Democracy-protecting Intervenfition'[14]. At the same time, they warn that "the dangers of unilateral intervention, or intervention by a relatively small set of powerful states, are sufficiently great that these other options should be quite carefully restricted" (Buchanan and Keohane, 2011: 42).

Power considerations and national interest always need to be considered in all aspects of international affairs. Wesley (2005: 55) contends that "considerations of interest, viability, and partiality continue to drive the pattern of interventions". From a realist perspective, the international system is anarchic and composed of sovereign states that seek power. Their priority is to saveguard their national interests and, consequently, humanitarian intervention is considered to be an action that may or may not be taken depending on the relative interests of the state. Wheeler (2000: 30) goes as far as stating that "humanitarian considerations can play a part in motivating a government to intervene, but states will not use force unless they judge vital interests to be at stake". Moreover, humanitarian interventions may also require risking the lives of the intervening states' soldiers. With regards to this, Wheeler (2000: 50) considers that in certain circumstances of humanitarian catastrophe "state leaders should accept the risk of casualties to end human rights abuses". The idea is that there are circumstances where states should be willing to "make the agonizing decision that saving the lives of civilians beyond their own borders requires risking the lives of those who serve in the armed forces" (Wheeler, 2000: 50).

The above are not easy decisions and it is worth reminding that national

[13] Buchanan and Keohane (2011: 52).
[14] Buchanan and Keohane (2011: 55).

interests continue to be a criterion in ethical foreign policy making. It is, therefore, important to understand the existing tension between national interest and ethics. Chris Brown (2001: 19) notes that an ethical dimension to foreign policy distinguishes "between 'interest' which is associated with prosperity, and 'ethics' which is associated with 'mutual respect' and thus causing a potential conflict between an interest-based foreign policy and an ethically driven foreign policy to emerge". However, the author also argues that ethical behaviour does not mean that motives cannot be mixed. That is, also being concerned, partly or primarily, with national or self-interest cannot be synonymous of behaving necessarily in an unethical manner. Otherwise, "if being partly motivated by self-interest becomes morally equivalent to being wholly motivated by self-interest, states do indeed come to be seen as the kind of nakedly egoistic beings that virtually all ethical theories condemn" Brown (2001: 23). In other words, states would never behave ethically given that some self-interest is always involved.

9. WHY SEEK MULTILATERAL APPROVAL FOR INTERVENTION?

The need to take action in order to save lives, particularly in extreme cases of egregious atrocities, should always take into consideration the preservation of international peace and security because otherwise the risks of violence and human suffering may be much greater. In other words, the risks associated with interventions in terms of putting at risk the stability of the international order should be balanced against the humanitarian necessity that requires attention. And this provides further support to the idea that there are good reasons for any country to seek multilateral approval.

Multilateral authorisation reduces the risk of conflicts emerging and spiralling among states. Complying with multilateral procedures is regarded as the normal procedure for state relations with reference to the use of force given that these procedures already exist and are seen as the adequate behaviour. As noted by Claude (1966: 367) when referring to the UN, "the world organization has come to be regarded, and used, as a dispenser of politically significant approval and disapproval of the claims, policies, and actions of states". Chapter VII of the UN Charter sets the rules for the use of force based on the principle of non-intervention and of multilateral authorisation for the use of force. This follows from the fact that "the principle of non-intervention is an imperative requiring states to refrain from interference in each other's affairs" (Vincent, 1974: 20). Therefore, when military intervention is being considered states "want political reassurance about the consequences of proposed military adventures (Voeten, 2005: 528). In addition, seeking multilateral authorisation tends to build trust by reducing uncertainty and by creating stable expectations regarding state behaviour. Greater transparency with regards to intentions is vital for reducing the risks of misunderstandings and of escalation amongst (powerful) states. As

Hedley Bull pointed out (1984: 195) "we have a rule of non-intervention because unilateral intervention threatens the harmony and concord of the society of states".

Following multilateral procedures also reduces the likelihood of using the 'humanitarian argument' for intervening with self-serving agendas. According to Ayoob (2002: 92), "given the disparity in power among states, humanitarian intervention has the strong potential of becoming a tool for the interference by the strong in the affairs of the weak, with humanitarian considerations providing a veneer to justify such intervention". This is what Pattison (2010: 57) calls "the Trojan Horse Objection: states use humanitarian intervention as a cover to engage in abusive humanitarian intervention". It is probably naïve to expect states to intervene only for humanitarian reasons but as noted by Pattison (2010: 159), to believe "that interveners possess either purely humanitarian motives or purely self-interested motives […] is unduly narrow". As a result, the motivation of a state, or states, to intervene for humanitarian reasons should only play a marginal role. Apart from being difficult to assess it does not seem to be that relevant. There may be cases where an intervention out of self-interest and humanitarian reasons may be more effective than another one based solely on humanitarian reasons. In most cases, they are likely to have mixed motives. What seems crucial is that the objective is, indeed, humanitarian, and there are multilateral procedures that exist to assess that, such as monitoring an intervention as it occurs. When a prospective intervener seeks multilateral authorisation, it is also submiting itself to closer scrutiny. Differently, acting unilaterally will likely raise questions about its true intentions.

Even powerful states should value multilateral approval for intervention and attach importance to acting according to international rules and norms. As suggested by Recchia (2016a: 78-79), "Multilateral approval from the United Nations (UN) or the North Atlantic Treaty Organization (NATO) can enhance the perceived legitimacy of military intervention by signalling that the use of force is not narrowly self-serving but instead follows established international rules and procedures". In that sense, it can be argued that multilateral procedures for intervention also tend to mitigate intervention for self-serving agendas.

In addition, multilateral authorisation reduces the risk of accidental abusive humanitarian intervention. Here, the situation differs from the "Trojan Horse" situation mentioned above because it occurs due to a misjudgement on the part of the intervener and despite of its true humanitarian objectives (Pattison, 2010: 58). The seriousness of the situation may simply be overstated or the other way around. Assessing the exact situation as to whether intervention is warranted may be difficult to grasp but submitting that judgement to a larger number of actors reduces the risks.

Seeking multilateral approval for intervention also fosters more collaboration for addressing the post-conflict situation and achieving a successful peacebuilding process. More often than not, humanitarian intervention requires

a post-conflict effort of peacebuilding and multilateral authorisation should facilitate burden sharing in those situations, either through an initial formal commitment or at a later stage. And in those situations, the only way to accomplish this is through multilateral and broad support by the international community. As noted by Recchia (2016a: 79), "policymakers may be motivated by concerns about operational burden sharing" and acting in conformity through multilateral channels should facilitate that. Differently, unilateral interventions tend to be seen as deemed to fail on this account.

Last, but not least, it promotes norm dissemination and normative change concerning the human rights agenda more effectively, particularly amongst non-liberal states, because of its focus on trying to generate consensus. Acharya (2006) provides a list of five 'drivers' explaining why and how multilateralism promotes norms and normative change, and in his opinion "Without multilateralism, the norms of sovereignty would not have become so prominent a feature of the post-war international order" (Acharya, 2006: 113). Operating according to international norms leads to norm dissemination, where a norm can be identified as "a standard of appropriate behaviour for actors with a given identity" (Finnemore and Sikkink, 1998: 891). In addition, it facilitates domestic approval for action as "international rules and norms can affect national policy choices by operating through the domestic political process (Cortell and Davis, 1996: 471). International rules and norms play a role in generating support both within the international and the domestic realms. From a constructivist perspective, Glanville (2016: 186-187) argues that norms matter and that they have a real and relevant impact in the way states behave. This occurs either through 'regulative' effets, in the sense that they induce states to behave in a certain way, or in a 'constitutive' way, which means that they influence the preferences and interests of states. The cases of Syria and Libya are good examples.

10. CONCLUSION

Following an analysis of humanitarian intervention and the R2P doctrine, centered on the main arguments surrounding the controversy concerning unilateral versus multilateral military action, the article argues that multilateral interventions are the best alternative to, simultaneously, address the need to protect people threatened by mass atrocity crimes and the need to maintain international peace and security. There may be situation of humanitarian emergency that warrant unilateral intervention but those should be exceptional. Even then, the intervener, or interveners, should try to obtain some kind of consensus to the extent possible. Although humanitarian intervention always carries some risks, unilateral interventions seem to exarcebate them. The risks and the costs for the population at risk are greater and the probability that the intervention fails in its objectives is also higher. Furthermore, the risks of creating

instability for the international order should not be underestimated. This is particularly important given that much of the focus concerning the R2P has been on norm building and norm dissemination, and we are witnessing an increasing influence of states that have not necessarily shared the foundations of the liberal international order.

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