Why Are Asians Less Interested in Humanitarian Intervention?

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Introduction

Following the overall theme of this conference, "Asian Perspective on Humanitarian Intervention in 21st Century," this paper sets out a simple question about the reasons why Asians are less interested in humanitarian intervention. First, the paper clarifies how Asians seem to be less interested in humanitarian interventions or related forms of international interventions. Second, the paper presents the view that the mainstream international community's dominant ideological tendency is determined by liberal values with the discussion of R2P as its most symbolic representation. Third, the paper explores why and how Asians are less enthusiastic about advancing the international regime based upon Western-style liberalism. Finally, the paper seeks to make some suggestions for developing viable involvements of Asians in the matters concerning humanitarian intervention.

1. Asians' Less Enthusiastic Involvements in Humanitarian Interventions

The sphere of humanitarian intervention has been dramatically widened with the end of the Cold War. Although academic descriptions of the history of humanitarian intervention usually do not fail to mention the cases of India's military intervention in Bangladesh in 1971 and Vietnam's military intervention in Cambodia in 1978 as well as Tanzania's military intervention in Uganda in 1979, these cases do not really provide examples of seriously claimed humanitarian intervention.[1] It was after the end of the Cold War with the case of international intervention in Northern Iraq in 1991 after the Gulf War that the international community began to regard the issue of humanitarian intervention as a realistically viable topic of international society. Humanitarian

intervention was discussed as a policy option over the crises in Bosnia and Herzegovina, Somalia, Rwanda and Kosovo during the 1990s. In most cases the United Nations failed to meet the expectations for effective interventions, while the United States and Europeans states with the umbrella of NATO emerged as an actual conductor of intervention. This trend led the latter to controversial cases of Afghanistan and Iraq in the context of the War on Terror. The only exceptional case of intervention in Asia is East Timor after the referendum of 1999, although the intervention forces, INTERFET, were more or less led by Australians as in the cases in the Pacific like the Solomon Islands.[2]

Considering some other following cases of military interventions for humanitarian purposes in the first decade of the 21st century like the British intervention in Sierra Leone in 2000, the French-led EU intervention in the eastern part of the Democratic Republic of Congo in 2006, and the NATO bombing of Libya in 2011, the major pattern is Western powers' interventions in Africa. It is notable that AU as well as sub-regional organizations like ECOWAS has become active in promoting peacekeeping operations that have humanitarian purposes as in the case of AU's engagement in Darfur with the help of the UN. This means that African countries are not only accepting intervention forces, but also actively engaged in conducting humanitarian operations by themselves.

In contrast to this trend in Africa, Asia has seen few cases of humanitarian interventions or related international operations for humanitarian purposes. It could be because Asian countries have been more or less stable compared to African countries in the last two decades. But there was no attempt of humanitarian intervention by Asian countries in East Timor in 1999 and 2006, Afghanistan in 2001, Iraq in 2003 and Sri Lanka in 2009. Even if South Asian countries like Bangladesh, Pakistan and India are the top troop contributing countries for traditional types of UN peacekeeping operations, it is difficult to find any indication of humanitarian intervention pursued by Asian countries anywhere in the world. And in most cases Asian countries are unwilling to accept large-size peacekeeping missions.

This trend is not a distinctive phenomenon solely in the field of military-style humanitarian intervention. Civilian-oriented political and legal interventions in conflict-ridden areas have the same tendency. One of the outstanding examples is the International Criminal Court (ICC). ICC is the

international judicial organ which has the mission of advancing the regime of international humanitarian law, namely, it is an international institution for judicial intervention. Currently, the ICC has 121 states parties consisting of 33 states from Africa, 18 from Asia-Pacific, 18 from Eastern Europe, 27 from Latin America and Caribbean states, and 25 from Western European and other States. This regional division is somewhat outmoded in the sense that Europe is divided into East and West, which however would not make blurred the fact that Africa and Europe are the two major sources of the ICC providing 33 states parties respectively. This means that majorities of states in both regions have joined in the ICC. Importantly, the ICC has been dealing with seven countries, all of which are African countries. It is as if the ICC is an institution through which Europeans handles African affairs.[3]

By contrast, the Asia-Pacific region provides only 18 states, out of which 6 states are Pacific island states and two are Central Asian countries like Tajikistan and Mongolia. There are only three states, Cambodia, Timor-Leste and the Philippines, from South East Asia, while ASEAN has 10 member states. Three states, Afghanistan, Bangladesh and Maldives are from South Asia, while SAARC has 8 member states. There are only two states parties from the Middle East, Jordan and, vaguely from the region to say the least, Cyprus. Thanks to Japan's accession in 2007, there are two states from East Asia together with the Republic of Korea. So, the participation rates in South East Asia and the Middle East are quite modest, and the lack of China and India makes a significant blow to the ICC regime. Not a single case from Asia has been investigated by the ICC.

The same pattern is identified in a more political and diplomatic organ like the UN Peacebuilding Commission (PBC). Since its establishment in 2005, the PBC has picked up six countries on its agenda. All the six countries are African countries. While the chair of the organizational committee of the PBC tend to be Asian countries like Japan and Bangladesh, country-specific meetings which organize substantive discussions on peacebuilding strategies and priorities for countries on the agenda of PBC tend to be chaired by European states. Again, there is a tendency of political intervention by Europeans in domestic affairs of African states through the window of the UN PBC. Asians handle organizational matters of the PBC itself in New York, while they are not quite active in organizing more substantive issues of peacebuilding strategies for particular countries.[4]

2. Liberalism as the Framework of International Intervention

It can be widely observed that Asian countries are less prone to conduct and accept humanitarian intervention or related interventions for humanitarian purposes. It would not be correct to assert that the reason for such an Asian attitude is the small nations' abhorrence of intervention in contrast to the great powers' preference for it. Not all Asian countries are necessarily small. Many African countries are more prone to accept and conduct interventions. It is worth asking thus why Asians are less interested in new interventionist issues including humanitarian intervention.

Out of some explanatory factors, this paper first illustrates the ideological factor at the level of political theory. There have been many discussions on liberalism as the dominant ideology in the field of the study of peacebuilding, which more or less applies to some broader topics like humanitarian intervention. The linkage between humanitarian intervention and liberalism can be explained by the contemporary doctrine of sovereignty.

The liberal theory implies that not all interventions in sovereign states violate sovereignty. Even when an intervention repudiates a certain governmental power, it might not be a violation of sovereignty. If governmental power was abused, the constitutional order of the state would be destroyed. Then a revolutionary action would be required and justified to replace the governmental power holder in the name of the supreme power of the people. This is a typical logic of justification for contemporary humanitarian intervention.

The basic argument for the "Responsibility to Protect" is, surprisingly or not, in line with the very traditional liberal theory of sovereignty. The two "Basic Principles" of their argument is these;

A. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
B. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.[5]

These simple two sentences represent the core value of liberalism from the time of John Locke. Sovereignty is an inalienable principle of domestic legal/political/social order as well as international legal/political/social order. But this notion of sovereignty contains the principle of responsibility between the two supreme powers; the exerciser of sovereignty is responsible for protecting the fundamental rights of individuals. Once it is proved that the power holder/government is unwilling or unable to take responsibility, the ultimate supreme power holder resumes sovereignty. The sovereign people are then allowed to "appeal to the Heaven" or even resort to a revolution. This is the theory of sovereignty in the Anglo-American tradition of liberal democracy. We can just add that in the context of contemporary international society this act of "appeal to the Heaven" could justify humanitarian intervention to help people protect themselves in case of serious abuse or negligence of governmental power.[6] This is the theory of sovereignty in the school of the "Responsibility to Protect."

The ICISS continues that "The foundations of the responsibility to protect, as a guiding principle for the international community of states, lie in (1) obligation inherent in the concept of sovereignty; (2) the responsibility of the Security Council, under Article 24 of the UN Charter, for the maintenance of international peace and security; (3) specific legal obligations under human rights and human protection declarations, covenants and treaties, international humanitarian law and national law; and (4) the developing practice of states, regional organizations and the Security Council itself." In short, the ICISS insists that conflict prevention, humanitarian intervention and peacebuilding are the matters of "responsibility" on the side of the international community, while the initial primary responsibility is "inherent in the concept of sovereignty."[7]

The same kind of logic can be found in the Resolutions simultaneously adopted by the Security Council and the General Assembly on December 20, 2005 actually decided on the establishment of the PBC as well as PBSO. The Resolutions recognize "the primary responsibility of national and transitional Governments and authorities of countries emerging from conflict or at risk of relapsing into conflict, where they are established, in identifying their priorities and strategies for post-conflict peacebuilding, with a view to ensuring national ownership." They also underline "the primary responsibility of the (Security) Council for the maintenance of international peace and security in accordance

with the Charter."[8] These two responsibilities are not contradictory to each other and to the responsibility of the PBC, since a system of responsibility is supposed to be coexistent with state sovereignty. The PBC will help governments of post-conflict states, as long as they are not sufficiently willing or capable enough to exert their sovereign powers properly. This help is theoretically understood to be in line with sovereignty, as the PBC simply helps the exercises of sovereignty. But when the government of a post-conflict state is apparently unwilling or unable to meet its responsibility, the Security Council will be asked to take its international responsibility to deal with such states.

3. Liberal Theory of Revolution

The Anglo-American theory of liberal democracy has its theoretical origins in the social contract theory in the seventeenth and eighteenth centuries. The revolutions in the period in Great Britain and the United States established the political systems which remain the oldest in our contemporary world. Thomas Hobbes in his Leviathan published in 1651 argued that in order to establish a common power to end the "state of nature," the necessity of a covenant of every man with every man is required

> in such manner, as if every man should say to every man, I Authorise and give up my Right of Governing myself, to this Man, or to this Assembly of men, on this condition that thou give up thy Right to him, and Authorise all his Actions in like manner. This done, the Multitude so united in one Person, is called a COMMON-WEALTH, in Latine CIVITAS. This is the Generation of that great LEVIATHAN, or rather (to speak more reverently) of the Mortall God, to which wee owe under the Immortall God, our peace and defence.[9]

Hobbes started his theory with the natural rights of individuals, which symbolized the liberal nature of his theory. He argued that in order to keep individual rights well in reality, a political community needs sovereign power.

The word "authorise" is important here, because autonomous authorisation is a condition of self-sufficient commonwealth and signifies the autonomous status of liberal theory. What is symbolic is that the "Mortall God" is at the

same time "an Artificiall Man," "in which, the Soveraignty is an Artificiall Soul, as giving life and motion to the whole body." Hobbes' theory of authorisation makes possible the emergence of an autonomous state.

There appeared shortly after Hobbes in the age of the Glorious Revolution the champion of the Anglo-American tradition of the liberal theory, John Locke. He did not fully elaborate upon the theory of sovereignty, but his standpoint on sovereignty is evident in his *Two Treatises of Government*. It was his criticism of the absolute notion of sovereignty that led to his creation of two supreme powers.

Locke developed a theory of an autonomous political society by establishing two "supreme powers." On the one hand, Locke asserted that even after consenting to make one community, "there remains still in the people a Supreme Power." According to Locke, "the Community perpetually retains a Supreme Power." Individuals never give up their right to property, which all political powers are set up to secure. Furthermore, they have the right to the appeal to "Heaven," namely, the right to resistance and revolution, in case of abuse of governmental power. On the other hand, Locke noted that although the community is "always the Supreme Power, but not as considered under any Form of Government, because this Power of the People can never take place till the Government be dissolved."[10]

By avoiding the word, sovereignty, Locke asserted two supreme powers. The theory of two supreme powers is possible, because he distinguished between "the Dissolution of the Society, and the Dissolution of the Government." One supreme power reigns in society, while the other represents the supreme power of government. This "distinction between constituent and ordinary power" was the foundation of civil revolutions, since abuse of governmental power would now result in invoking the other supreme power of the people.[11] This distinction leads to the most important premises of modern constitutionalism: the distinction between constitutive authority and ordinary power, i.e. between constitutional rules and ordinary laws. This was the logic of legitimizing the Glorious Revolution, to which revolutionaries in the thirteen colonial States in North America later resorted.

If we introduce Locke's theory of the state in contemporary terms, we will find the two supreme powers in the liberal theory of sovereignty. The exerciser of governmental supreme power must protect the fundamental rights of

individuals, since the people as a whole keeps the supreme power of authorization. Both of the supreme powers are part of the integrative theory of sovereignty in the political theory of liberal democracy. This is a conception of sovereignty in contemporary constitutional states. This liberal conception of sovereignty cultivates a foundation of the political theory of peacebuilding and humanitarian intervention. Governmental power may sometimes be unwilling or unable to protect citizens, or it may not be willing and capable enough to protect citizens properly. That is the case of a failed state. Under such a circumstance, some kind of peacebuilding activities, or even humanitarian intervention, could be justified. The international community may encourage and help the government protect citizens. This is a theoretical logic of justifying international peacebuilding activities and humanitarian intervention.

What is lacking in most parts of Asia is this tradition of theoretical framework of liberalism which has a solid historical foundation of *revolution*. Humanitarian intervention seen in the eyes of the logic of domestic constitution is a form of revolution or an exercise of the right to resistance. The Glorious Revolution was impossible without the intervention by the Netherlands, then hegemonic power in Europe's classic example of humanitarian intervention in the 17th century. The American revolutionary independence was impossible without the intervention by France and other European powers. Most of the events called revolutions in Asia, if not simply military victories of a certain armed group, were still not revolutions based on liberal values like human rights. With some exceptions of the Philippines and the Republic of Korea which have achieved their own democratic transition, Asian countries do not know liberal value oriented civil revolutions. Japan is a notable example which became a liberal democracy as a result of rather radical foreign surgical occupation.

The "Lockean" model of liberal order which this paper characterizes as a typical justification of humanitarian intervention is not an orthodox doctrine in Asia. While many Asian countries accommodate basic principles of liberalism in the form of Western-style constitutionalism, their political aspirations for state-led economy as a source of political order tend to illustrate a different direction. Japan is not a beacon of Western-style liberalism, even though it is true that Japan contributed to consolidation of liberal values in Asia. The country's modern history shows a typical Asian model of state-led modernization through

benign developmental authoritarianism after radical political centralization. The belief that external interventions would do harm is most conspicuous in Asia, especially in East Asia, while many international actors including United Nations agencies have been spreading virtually liberal doctrines in Africa in the names of human rights, humanitarian law, human security, gender equality, good governance, etc.

4. Geopolitical Background of Asian Attitudes and their Future Course

This paper does not necessarily argue that the tradition of political theory is the only reason why Asians are less interested in humanitarian intervention. There are some more explanatory factors like those at international power politics. We assume that the end of the Cold War prepared a historic turn for humanitarian intervention due to the disappearance of the world-wide structural confrontation between the two super-powers in addition to the expansion of normative power of international humanitarian and human rights law. However, the end of the Cold War did not bring any dramatic change in Asia, as in the case of Europe. The presenter does not argue that the Cold War structure still exists in East Asia despite continuous risks over the Korean Peninsula and the Taiwan Strait, as long as we define the Cold War as the confrontation between the two super-powers. Nevertheless, the impact of the end of the Cold War was more or less modest, to say the least, and positive, if any, unlike Africa where so many negative events took place in the last two decades. The Indochina Peninsula, which was a major hotspot of Cold War battles, is now stable, while comparatively stable countries during the Cold War in West and Central Africa began to fall into serious armed conflicts in the 1990s (although Southern Africa could be said to be similar to the pattern of Southeast Asia with the factor of South Africa too).

The presence of the de-facto new super-power, China, also defines the major characteristic of international politics in Asia. In contemporary Asia, any political events can be immune from connotations in the context of the international politics defined by super-powers. The level of attention paid by China will significantly differ, if humanitarian intervention is conducted in Asia. The effect of humanitarian intervention upon international political scenes

tends to be great in Asia where China proclaims many areas of their vital interests and the United States remains a cornerstone of regional security. The high tensions concerning the territorial disputes in East Asia are certainly grave concerns, which would make any attempt of humanitarian intervention more fragile and risky. As any miscalculation of political impacts would entail grave risks in Asia, international actors have good reasons to be cautious in deciding on their possible actions.

5. Concluding Remarks

This paper may provide some suggestions for the future of Asian attitudes toward humanitarian intervention in a highly cautious way. It is not likely that Asian states will become leading proponents of humanitarian intervention in its currently understood form at least in the near future. Recently, the Arab Spring, especially Syria, critically highlighted the hole of debates and practices on humanitarian intervention that exists in the Middle East. Humanitarian intervention is in the end a dependent variable of some other factors like ideological traditions and geopolitical situations. When all or some of these factors change, Asians' attitudes would change. But it may not happen in a foreseeable future.

End Notes

1 See, for instance, Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (New York: Oxford University Press, 2000).
2 Jennifer M. Welsh (ed.), *Humanitarian Intervention and International Relations* (Oxford: Oxford University Press, 2006).
3 See the website of the International Crminal Court [http://www.icc-cpi.int/Menus/ASP/states+parties/], accessed June 25, 2012.
4 See the website of the United Nations Peacebuilding Commission [http://www.un.org/en/peacebuilding/pbso/index.shtml], accessed June 25, 2012.
5 The International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), p.xi.
6 See John Locke, *Two Treatises of Government* (Cambridge: Cambridge University Press, 1967), first published in 1690, p.385.
7 One of the core members of the ICISS, Ramesh Thakur, suggested that sovereignty as responsibility can be explained by the tradition of constitutional sovereignty by referring to the present author's book, Hideaki Shinoda, *Re-examining Sovereignty: From Classical Theory to the Global Age* (London: Macmillan, 2000). See Ramesh Thakur, "Intervention, Sovereignty and the Responsibility to Protect," *Security Dialogue*, vol.33, no.3, 2002.
8 General Assembly Draft Resolution A/60/L.40, Security Council Resolution S/RES/1645 and Resolution S/RES/1646 (21 December 2005).
9 Thomas Hobbes, *Leviathan* (London: Penguin Books, 1985), p.227.
10 Locke, *Two Treatises of Government*, p.385.
11 See Julian H. Franklin, *John Locke and the Theory of Sovereignty: Mixed Monarchy and the Right of Resistance in the Political Thought of the English Revolution*. (Cambridge: Cambridge University Press, 1978), p.124.