

Genocide Prevention in the New Global Architecture*

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Where do future humanitarian interventions fit into the evolving post-9/11 new global architecture? To answer this question I ask: what are the main features of this architecture? In what directions is it propelled? Could these expected developments accommodate more forthcoming and more effective humanitarian interventions than we have seen in the past? And, in what ways would these future humanitarian interventions differ from past ones, so that they would both find a home in the new global architecture and be more effective? To proceed, the article first explores short and long-term developments in the role legitimacy plays in international relations; it then examines the new global order and its quest for enhanced legitimacy; and it then places humanitarian intervention within this changing context.

I. A New Global Order

The Empire Seeks Legitimacy

Short term trends: After the tsunami hit Indonesia, Sri Lanka, Thailand and India in the waning days of 2004, the Bush administration announced that it would contribute \$15 million to helping victims of the catastrophe. Reacting to criticism, it quickly pledged \$35 million and within days enlarged the funding ten-fold to \$350 million, only to request \$950 million from Congress (*New York Times*, 10 February 2005). Previously, Bush surprised many observers by pledging an annual increase of \$5 billion in funding to the Millennium Challenge Corporation, an agency that directs grant money to developing nations pursuing sound governing and economic policies, and by announcing in his State of the Union Address in 2003 the \$15 billion President's Emergency Plan for AIDS Relief (\$10 billion of that amount comprising new monies) (White House 2003 and 2005; *The Washington Post*, 6 February 2005).

What caused these sizable donations by a government that had shown considerable disregard for not only global public opinion but also for the international institutions and laws that large majorities around the world consider sources of legitimacy? The Bush administration has discovered that its disregard for the views of allies and others alike, which dominated most of its first term, exacted far from trivial costs. Anger with US plans to go to war with Iraq led to the re-election of Chancellor Schroeder in Germany as well as the election of Roh Moo Hyun, a previously unknown politician in South Korea—both of whom rushed to oppose US policies, first with regard to Iraq and then the second with regard to North Korea. Opposition to the war also prevented the United States from opening a second front

through Turkey. During the 1991 Gulf War, a number of other nations sent their troops and picked up about 80 per cent of the war's cost (*Christian Science Monitor*, 11 June 1991). This time around, the United States got stuck with most of the bill. No Arab state participated in the 2003 campaign (in contrast to 1991) and, with the exception of Britain, only nominal help came even from America's allies. Also, a worldwide tsunami of anti-Americanism (*Economist*, 7 June 2003 and 19 February 2005) generated considerable concern that the US' actions were spawning more terrorists than they caught. Moreover, large segments of the American electorate were also critical of the administration's disregard for the UN and many formerly close allies.

As a result, the Bush administration became more attentive to public opinion. I am not claiming that America's increased foreign aid, greater attention to the UN, new courting of its previous allies and efforts to win over hearts and minds in the Muslim world reflect a deepening concern for legitimacy for its own sake, without ulterior motives. For instance, Secretary of State Colin Powell quite openly stated that massive increases in the aid to tsunami victims were part of an endeavour to improve America's image abroad (*Associated Press*, 4 June 2005). However, quests for public approval and legitimacy do not require purely altruistic motives but merely national policies consistent with widely held values.

The intensified quest for American legitimacy is also evident in the claim that the Bush administration is out to bring liberty and democracy to the four corners of the earth. True, neo-conservatives, who have considerable influence over the administration, have long held that values matter, differing in this regard both from old-fashioned and neo-realists (Walt 2005). However, in its first years, the Bush administration declared that its main purpose was that of national interest: the prevention of attacks on the US by terrorists and by rogue nuclear states (the Axis of Evil). The new brief is attempting to link Bush foreign policy to much more widely-shared values, to bring freedom to one and all.

I should note in passing that I am aware that the relationship between what is legitimate and what public opinion endorses is rather intricate. My contention stands on a deontological framework, which, as the word's definition implies, seeks to justify obligation or virtue not exclusively through an action's consequences but also the place that an action has within explicit moral or religious principles (Mautner 1996, 99). I emphatically contend that there is a set of basic values that speaks to us in unmistakable terms, what the founding fathers of the U.S. called 'self-evident truths'—values that are not dependent on what the public favours at one point or another. These core values are the ultimate mainsprings of what is legitimate. However, for the sake of this discussion I will follow the common practice of treating legitimacy as 'adherence to established rules' (Merriam-Webster 1994, 665) and what the public at large considers legitimate.

A digression on the importance of legitimacy in international relations: Because a major school of international relations scholars and a fair number of policy-makers and advisers in the Bush administration scoff at the notion that what the 'world' thinks or considers legitimate should be of significant concern for a superpower, a few words on the importance of legitimacy in general, and in this age in particular. Much has been written about the importance of ideals, norms and values in inter-

national relations (Bull 1977; Jackson 1995; Williams 2004; Meyer 1987; Cronin 2002). I agree with much of what has been said, although occasionally some writers overstate their case to the extent that it sounds as if military power and economic assets matter little. A more accurate formulation would hold that soft and hard power complement one another. (The concept of authority when defined as legitimate power captured this combination.)

When those in power are considered legitimate, others follow willingly rather than seek to form a counter force. Thus, in the international realm, the more legitimate American hegemony is regarded, the less demand there will be for extending the military role of the EU, a Russo-Chinese coalition or some other counterbalancing grouping of states. And, when action is considered illegitimate, sooner or later the domestic opposition undermines the ability to stay the course, as became all too evident during the war in Vietnam. In short, all powers benefit from acting legitimately, and those that have superior power need it more rather than less than others if their power is to remain superior.

Some realist critics argue that paying mind to legitimacy only serves to tie down those in power, with weaker nations filling the role of the Lilliputians who nail down Gulliver. However, as others have pointed out eloquently (Nye 2004), and the evidence presented above further suggests, acting legitimately has many benefits. Moreover, it does not provide others with veto powers but only requires making a reasonable case to them and taking their responses into account. Indeed, the US quite successfully capitalised on its legitimacy in preventing the spread of Stalinism and the USSR across the world during the Cold War, in enlisting the support of most nations of the world after September 11 in a global drive against terrorism, and in the earlier drive to push Saddam back after he invaded Kuwait.

Also, public opinion, 'established rules' and even international laws and institutions are not cast in stone, but are continually revised and revisited. However, thumbing one's nose at them and declaring that they 'verge on irrelevancy', implying that US military power can do all that needs doing, does not legitimacy make. The Bush administration may well not have changed its goals over the years, and its motives may well have been pragmatic rather than idealistic, but it did substantially increase its efforts to justify its policies in terms of values many around the globe hold dear and to take these values into account in increasing the tsunami aid, other forms of foreign aid and the debt relief for poor nations.

Longer-term trends: There are reasons to hold that the role of legitimacy in international relations will further increase. As education and communication spread, more and more people—the 'masses'—in growing parts of the world are becoming more involved in politics in terms of following public affairs and reacting to them. In earlier generations, even in democratic nations, candidates for public office could be selected in smoke-filled rooms by power brokers, and elections could be won by 'machines'. The 'people' were largely inattentive, unaware and uninterested in public affairs.

Since the Second World War, however, and to some extent even before, the size of the attentive public in free societies has grown and become more ideological. Self-interest still plays an important role, but values, and hence legitimacy, have

grown in importance. It is enough to mention the war in Vietnam to realise the effects of moral criticism. Public rejection prevented the otherwise popular President Johnson from even running for a second term, forced the United States to accept a rare defeat on the battleground and resulted in a sharply divided nation. Cynics will say that the opposition was led by young people who feared being drafted and killed. However, millions of others—including this author—who had no personal stake in the outcome, held that the war was morally inappropriate and was being fought in immoral ways, and acted on these beliefs (Etzioni 2003).

Over recent decades, the masses have been entering politics in many parts of the world in which they previously were largely excluded. This has not been happening in all countries, nor to everyone in those countries that have opened up but, nevertheless, attentive publics are growing rapidly worldwide. And, they mind global, not merely local, affairs. They play an increasingly significant political role even in undemocratic nations such as China, Pakistan and even Kuwait. Moreover, worldwide communications (from CNN to Al Jazeera), the Internet, social activists, network organisers and others link these publics to one another and often move them in similar directions, although there are often minorities that do not move along.

In this limited sense, one can speak meaningfully of a global public opinion, which tends to favour the environment, the United Nations, reallocation of wealth and much else (Gallup International 2002; PIPA 2003). Data from 61 countries representing each region of the world, collected by Shalom H. Schwarz and Anat Bardi, support the idea that there is a worldwide consensus on several key values (Schwarz and Bardi 2000). A survey of 44 countries in different regions of the world also provides support for the idea of an emerging worldwide consensus. A majority of people in every country surveyed believed that moral decline was a 'very big problem' or a 'moderate big problem' (Pew 2002, Question 15d, T-21). When asked whether differences between their country and the United States were due to different values or different policies, most respondents answered different policies, and in only a handful of countries did a majority pick different values (ibid., Question 64, T-51). Michael Walzer and Frances Harbour have also found that people in many different societies have a shared moral sense (Walzer 1994; Harbour 1995).

There are reasons to expect that the well-established trend to demand more legitimacy from those who project their power in the international arena will become still more prominent in the near future. These reasons will come into relief once the nature of the current new global architecture is depicted.

The Rise of a Supranational Police Agency

Anti-terrorism and de-proliferation: The question, what was going to be the new global order following the collapse of communism and the bipolar world, has been answered following 9/11, though hardly in the way many visionaries expected. It is a far cry from the one that the United World Federalists, Immanuel Kant or Bertrand Russell had hoped for. It has basically taken the form of a global police department that I refer to as the Global Safety Authority (GSA), which is run by

the United States and its allies but encompasses most nations of the world. It is a true supranational agency that pays limited respect to national sovereignty, it is much more hierarchical than typical international organisations, and much more coercive and consequential.

The GSA's main division is what might be called the Anti-terrorism Department. It was formed shortly after 11 September 2001 when the United States asked all of the nations of the world to join it to combat terrorism. Numerous nations joined, often by forming informal networks of collaboration and command rather than by treaties or generating one more international bureaucracy. As a result, the intelligence and police services of scores of nations work together quite seamlessly, sharing information, covering actions and even integration. Fifty nations, including Egypt, Saudi Arabia and Jordan, often working closely with the CIA, have arrested suspected terrorists at the behest of the United States. A government programme known as 'extraordinary rendition', set up to combat terrorism in the 1990s and expanded since 9/11, involves 'extraditing terrorism suspects from one foreign state to another for interrogation and prosecution' (Mayer 2005, 106, 108). Although the exact number is unknown, it is estimated that 150 people have been 'rendered' ('abducted by hooded or masked American agents, then forced onto a Gulfstream V jet' and interrogated by those third-party nations) since 2001 (*ibid.*, 107). NATO, for the first time in its 50 years of existence, agreed to act outside of Europe in order to fight terrorism in Afghanistan. The United Nations legitimated the war against terrorism through two resolutions it passed in support of the need to combat terrorist threats (UNSC 2001a and 2001b).

The nations involved have also made several significant changes in their domestic laws and policies that serve to enhance the fight against terrorists, even if they entail some curbing of individual rights. Thus, the European Union introduced a community-wide arrest warrant for terrorists (*Irish Times*, 14 December 2001; *European Report*, 17 November 2001). Germany tightened its surveillance and immigration laws (*Financial Times*, 29 October 2001; *New York Times*, 8 November 2001). Britain expanded its anti-terrorism act (*The Independent*, 15 December 2001). Japan has passed new legislation that will allow its Self-Defence Forces to assist the United States (*Asahi News Service*, 31 October 2001). France adopted a law that provides the police with greater search powers (*Christian Science Monitor*, 15 November 2001) and the Indian government passed an ordinance that granted the police sweeping new powers (*New York Times*, 19 March 2002). Special Forces, CIA agents and the US military are positioned across the world (Johnson 2004; Kaplan 2002 and 2003). Phone calls and emails all over the world are scanned by computers in the United States, the United Kingdom or Australia, and the information gleaned is shared worldwide (Keefe 2005; European Parliament 2001; *The Independent*, 30 May 2001).

All said and done, the US-led Global Safety Authority acts as if it were some kind of supranational rather than international Interpol focused on fighting terrorism.

The GSA might be said to have opened a second division, which focuses on the de-proliferation of nuclear weapons. It seeks to ensure that rogue nations (such as North Korea) will stop producing and selling nuclear arms and the materials from which they are made. The de-proliferation department pressures failing states

(such as Russia and Pakistan) to upgrade the security of their nuclear bombs and materials, disarm nuclear warheads and blend down nuclear materials; it pays for a good part of the costs involved. And, the same department started a campaign to encourage some 200 nuclear reactors strewn around the world, in places such as the Congo and Nigeria, to convert their high-enriched uranium (from which nuclear arms can be readily made) to low-enriched uranium, which is safe. Much attention in this context has been paid to the Nunn-Lugar programmes that were originally limited to the former Soviet Union but now have expanded to other nations.

Although some of these efforts are undertaken in traditional intergovernmental terms, for instance the Nunn-Lugar projects, much more typical of the supra-national nature of the GSA is the Proliferation Security Initiative (PSI). The State Department refers to it as an 'activity' to prevent the impression that yet another transnational security body has been created outside the UN. However, in effect, PSI has some clear police functions. Eleven nations have worked together in initiating the activity of PSI, including the United States, Australia, France, Japan, Portugal and Spain (USDOS 2005). More than 60 other nations support its activities. These nations agreed not only to share and to stop all nuclear arms and materials shipments that pass through their territory, ports, airspace or on ships flying their flags (*Wall Street Journal*, 21 October 2003), but many of them also agreed to act in unison to stop and board ships on the high seas that are suspected of carrying WMD or related materials. The PSI reflects an informal weaving together of national efforts to serve a widely shared goal of keeping WMD out of the hands of states or non-state actors of 'proliferation concern'. To contribute, states are encouraged to formally, publicly endorse the PSI, review internal capabilities, establish a contact point and participate in training exercises or actual operations. In the past, such imposition of a global order was considered fully legitimate only when applied to stopping the shipment of slaves or preventing piracy, hence the dubious legal status of the American blockade of Cuba—to prevent the transfer of nuclear arms—during the Kennedy era. The PSI is now implementing a new element of global order, but its legitimacy is not well established, to put it carefully.

Future trends: The Bush administration has run into a great amount of criticism because of the invasion of Iraq, but its drive against terrorism has been much more broadly supported for several reasons. It has some 'face legitimacy' (which I take to indicate that the merit of certain actions or policies is so obvious that they sort of justify themselves, at least primarily and to some extent), as it was in response to an unprecedented attack on the American homeland and engages more directly the national interests of a variety of nations as different as Russia (because of its drive against the Chechens and fear of Muslim republics on its border), Spain (for its drive against the Basques and 11 March attacks) and Saudi Arabia (which, since the rise of 'domestic terrorism' from al-Qa'eda, has become 'perhaps [the most] determined partner for the US war on terror' (*Christian Science Monitor*, 8 January 2004)). Indeed, during the height of opposition from France and Germany to the war in Iraq from 2003 to 2004, they continued to collaborate fully in the war against terrorism. And, although there are significant differences among various nations about the best ways to curb the spread of nuclear weapons and their devel-

opment by Iran, North Korea and others, the main powers consider as legitimate the goal to curb them, as do the attentive publics. Given that there are no signs that the various threats of terrorism and the spread of nuclear arms are about to vanish (or even to recede significantly), it is reasonable to expect that the GSA will not be dismantled in the near future and that the international order will not return to doing business, in these matters, in the old-fashioned way via lengthy and laborious intergovernmental consultations and agreements—say the way the drive to protect the environment is conducted.

The term empire has been used to describe the same supranational agent I refer to as the Global Safety Authority. Empire implies occupation and holding territories, the way the US did in Iraq from 2003 on, but most of the ‘territory’ covered by the GSA is not occupied by its troops but ‘only’ put under its surveillance and interfered with sporadically. Hence, some have called it a ‘virtual empire’ (Clark 2003a and 2003b). I thus use the term GSA to emphasise that the scope of the missions embraced is much narrower than that of empires, which sought to control in considerable specificity the economy, education, culture and social life of the areas encompassed.

If one accepts for the sake of argument that there is now a supranational police agency, in what direction might it evolve? Development in nation states that were initially cobbled together by force provides the basis of one hypothesis. Germany, Italy, the UK and Switzerland are all cases in point. (Some would include the US on the grounds that only after the Civil War did it become truly one nation.) In all of these countries, the trends were to expand the missions of the government in order to build legitimacy, as well as to increase the accountability of the government to citizens; they all were democratised. Here only the first trend will be explored in order to examine whether a similar trend may be occurring on the international level (Etzioni 2004a). In what direction might the GSA evolve if the long and short-term trends of demanding more legitimacy, as already discussed, continue? (I write ‘more’ legitimacy because, as already indicated, the GSA already has some face legitimacy and has acquired considerably more support in its endeavors to fight terrorism).

My main thesis, and where I differ from those who see the new world order as being composed mainly of INGOs and other civil society-like bodies or mono-functional intergovernmental agencies (Slaughter 2004; Ikenberry 2001), is to hold that the GSA will evolve also in ways reminiscent of the nation state (albeit not by replacing it but by constructing a layer on top—the way the nation state was fashioned on top of local governments and the EU on top of nation states). That is, the current, narrow layer of global government will broaden to encompass more missions in two main directions: first, a broader concept of security, including that of other people in their homelands; second, non-security missions. This is expected both because several human needs, other than security, demand to be addressed in an effective manner, which is beyond the reach of the old system (national governments and intergovernmental originations), and because serving these needs will generate more legitimacy for the GSA than dealing with security alone.

One may say that the distinction between the protection of life (security missions broadly understood) and improving the quality of life (economic development,

environment protection, welfare, etc.) is an artificial one because unless the environment is better protected or starvation is reduced, people will also die. However, the fact is, people perceive safety needs as more urgent than all others, as has been recently demonstrated in post-invasion Iraq and post-communism Russia. Also, security measures are viewed as serving all citizens while welfare missions are considered a form of wealth transfer, the expansion of which those of means (often also those with political power) tend to oppose. Indeed, as the history of the development of nation states shows, non-lethal missions are latecomers, while security missions lead to state expansion.

One can see a similar pattern on the global level. After a rather small health scare, SARS, which caused about 800 deaths (including those in the West), the World Health Organisation acquired 'the authority to begin ground inspections without a formal invitation' from national governments, moving a baby step from a typical UN agency towards a supranational one (*Washington Post*, 28 May 2003). If there were to be a worldwide attack of bird flu or some other pandemic like the 1918 influenza outbreak and one that were to reach also into the west, WHO's powers and legitimacy—say, to limit international travel and impose quarantines—are likely to be expanded, making it, in effect, a third department of the GSA.

Humanitarian interventions, especially if limited along the lines suggested below, could come to be viewed as a priority mission of the GSA because they concern massive saving of lives and grant additional legitimacy to the agency. In effect, when humanitarian interventions have occurred in the past, they have often taken place against the better judgement of those in power, who tried not to get involved but felt spurred to act under the pressure of public opinion once the atrocities in Kosovo, Cambodia and East Timor became widely known (due in part to the 'CNN effect', or the ability of horrific images of violence on the news to create demand for responses to humanitarian crises). Moreover, those occasions on which humanitarian interventions either did not take place, most notoriously in Rwanda, or when they failed, as in Srebrenica, have become signs of Cain—an indication of a major moral defect that the publics abroad and those who govern are keen to avoid facing in the future. In short, preventing genocide has considerable and broad-based public and moral support; hence, it is a mission that is highly legitimate in itself and bestows legitimacy on those who carry it out.

Moreover, such interventions will serve other, less altruistic goals, such as preventing massive waves of refugees (for instance, Haitians fleeing to the US, ethnic Albanian Kosovars displaced throughout the Balkans or Sudanese villagers pouring into Chad). And, humanitarian interventions are much less costly than major economic, educational, health and environmental development and aid programmes, including President Bush's much-touted political development and his major quest for a new source of legitimacy, i.e. democratisation (Etzioni 2004b).

In short, expanded humanitarian interventions, especially if formed along the lines next explored, are probably a source of new legitimacy for the GSA, which is arguably much needed and will not impose unacceptable costs and strains on the US and other big powers and 'have' nations.

II. Genocide Prevention

Prevention versus Reaction

I have already suggested that the development of the new global architecture may in some ways follow that of nation states in the sense that attention to security will take precedence over other goals but security arrangements in a quest for legitimacy will propel mission expansion. Expanded humanitarian interventions fit into this pattern. Humanitarian interventions share another parallelism with the development of nation states and their internal security systems: one of the major functions of law and order is to prevent crime rather than deal with it after it occurs. It is commonplace that if law enforcement grows too slack, criminals will be emboldened. But, if law enforcement is systematic and effective, criminals will be discouraged and less likely to proceed. The same must be expected on the global level. Samantha Power, in her seminal book *A Problem from Hell*, provides several compelling examples in which those planning genocide began by 'testing the waters' or even giving notice of what they planned to do; when their preliminary acts of expanding violence were ignored, they proceeded on an increasing scale (Power 2002). It stands to reason that the opposite would be the case: if measures needed to prevent genocide were in place beforehand (more about this later), the mechanism for determining when to intervene clear and sharp, and the inclination to act much stronger than it is at present, in effect the GSA would have to engage in humanitarian interventions much less often than one might expect. The machinery intended to stop genocide would deal mainly in prevention, which would both tax the GSA's resources and political capital less and enhance its legitimacy. (I defer the discussion of standby forces and related measures that may well enhance the legitimacy and effectiveness of humanitarian interventions until the features of humanitarian interventions have been clarified.)

Humanitarian intervention as the continuation of foreign policy by other means: Scholars and policy-makers often define humanitarian interventions as if they all involve arms. For instance, J. L. Holzgrefe defines humanitarian intervention as:

the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied' (Holzgrefe 2003, 18).

Fernando R. Tesón defines 'permissible' humanitarian intervention as the 'proportionate international use or threat of military force, undertaken in principle by a liberal government or alliance, aimed at ending tyranny or anarchy, welcomed by the victims, and consistent with the doctrine of double effect' (Tesón 2003, 94). In contrast, J. L. Holzgrefe offers a much wider definition that includes 'threat or use of economic, diplomatic, or other sanctions' (Holzgrefe 2003, 94). It hence makes sense to distinguish between humanitarian interventions in general and armed ones, as well as between those that seek to stop (or prevent) a genocide and those that seek merely to prevent smaller-scale atrocities or human suffering. It

follows that one might best view genocide prevention as a sub-category of armed humanitarian interventions and view these as a sub-category of humanitarian interventions of all kinds. Each category raises separate sets of issues concerning who will decide that the time to intervene has come, who will do the intervening and so on.

Obviously, armed interventions deserve much closer and stricter scrutiny than 'softer' interventions. However, for many purposes it is best to treat armed humanitarian intervention, to paraphrase Clausewitz, as a continuation of genocide prevention efforts by other means. To approach a brewing genocide as an either/or proposition (either one ignores the threatening developments or sends troops marching in) blinds one to the fact that in most circumstances it is best first to employ other preventive means, ranging from diplomacy and formal condemnations by various nations and the UN to threats to bring the leaders of the threatening group before the International Criminal Court (ICC) and so on.

These softer measures, though, will benefit if it is crystal clear that if these non-violent measures are not effective, armed action will follow. In the recent emphasis on the importance of soft power, one tends to overlook the old adage 'speak softly but carry a big stick' (or at least have it hanging within easy reach on a nearby wall).

Moreover, many of the arguments made against armed humanitarian interventions are also made against the 'softer' acts, such as moral condemnation and economic sanctions, and hence it is best to respond to them in unison. For instance, those who oppose armed humanitarian interventions on the grounds that they impose a Western conception of rights (Frank 2001) also oppose moral censure on the same grounds of cultural relativism. Responding to such untenable claims is essential for justifying the prevention of mass and systematic murder, by whatever means are to be employed.

Mixed motives do not undermine legitimacy: Critics have no case when they reveal that humanitarian interventions draw on a variety of motives and that not all of them are noble or altruistic ones, as the term 'humanitarian' implies. The same is true of most, if not all, human actions, from donating organs to saving Jews from Nazis (Brown 2003). There is no reason to deny that humanitarian interventions take place for a variety of reasons, including fear of a refugee crisis if law and order is not restored in a given country, because members of some of the ethnic groups involved have a sizable representation in the intervening country (e.g. Croats in Germany) or because the intervening nations are keen to maintain their self-image as big powers (e.g. Russia and France). So long as intervening forces help to prevent or at least stop genocides once they have started, their actions are highly legitimate in terms of what most people value highly—a life free from the threat of displacement, annihilation, torture and rape.

Inconsistency is not a barrier: Other critics have argued that humanitarian interventions cannot claim the moral high ground—and hence help legitimate those who provide them—as they are inconsistently applied. For instance, Edward Luttwak asks, 'What does it mean for the morality of a supposedly moral rule when it is

applied arbitrarily, against some but not others?' (*Times Literary Supplement*, 14 July 2000). Two responses are called for. First, foreign policy is never driven by merely one consideration or to maximise the realisation of one principle. Humanitarian interventions (just like democratisation) must be squared with other concerns, including narrowly defined national interests. One cannot expect a nation to give up, say, access to fuels on which its economy depends in order to be 'consistent', for instance in dealing with Saudi Arabia. It does not follow however that other nations, without such concerns, cannot step up to the plate or that the same nation cannot discharge its humanitarian duty in other situations. After all, we cannot prevent all crimes at home either, but this does not mean we ought to give up on law and order. Moreover, the argument against inconsistent application is as much a case for more consistent application than it is for no application at all. The more consistently humanitarian interventions are employed, the less they will need to be employed.

Chris Brown puts it well in his defence of inconsistent humanitarianism. While acknowledging that 'it does actually seem widely believed that morality is about rule-following ... and thus that there is something wrong with the idea that moral behaviour could be arbitrary or inconsistent' (Brown 2003, 40), he concludes, 'there is no viable universal moral rule that can tell statespersons what is the right thing to do in response to particular circumstances' (*ibid.*, 47). He advises not letting perfection become the enemy of good while advocating the use of sound judgement and pragmatic calculation by statesmen.

Limited scope essential: One of the most damaging critiques of humanitarian intervention is based on the so-called 'Pottery Barn rule', which states, 'you break it, you own it'. (*New York Times* writer Thomas L. Friedman popularised this phrase in a series of articles, which also was common in pre-invasion discussions in the Bush administration, especially in the State Department.) That is, once a nation interferes in the internal affairs of another, it 'must' engage in nation building. As nation building turns out to be at best very onerous and often fails, critics—including George W. Bush during his first election campaign—have argued that one should not go down this road in the first place.

However, it has been pointed out before that pottery barns have no such rules (*The Washington Post*, 28 April 2004). The moral precept that if nation X saves population Y from being wiped out in country Z, the intervening nation 'owes' the country in which the genocide was taking place anything (other than a gracious acceptance of thanks) is hard to follow. Practically, it might be necessary to engage in some peacekeeping for a limited period of time to prevent the genocidal tendencies from reasserting themselves. However, there is no moral obligation or even pragmatic reason I recognise that a country, once 'invaded', has to be economically developed and democratised. Both may well be desirable but are often very difficult to achieve and are not necessarily preconditions for avoiding the reactivation of latent genocidal tendencies. Moreover, the resulting differences, not from armed humanitarian intervention but from the nation building that follows, often themselves become a source of new tensions and stresses. Armed humanitarian intervention should not be discouraged in order to avoid the obligation to engage in nation building, as no such obligation exists.

I already mentioned in passing the critique that those intervening for ostensibly humanitarian purposes are out to impose Western values on the world (Pollis and Schwab 1979a, xiii). Such critics argue that each nation should be free to follow its own values (Pollis and Schwab 1979b, 4), that people must themselves decide from within when they can no longer abide by the abuses of their regime, rather than such a determination coming from without (Walzer 1977) and that humanitarian interventions are called for only if the majority of the people in a given country calls for them. Michael Walzer, in *Just and Unjust War*, offers a caveat to the rights of sovereign states when it comes to humanitarian protections, arguing that ultimate power rests in the people to enforce human rights and the rule of law: 'when a government turns savagely upon its own people, we must doubt the very existence of a political community to which the idea of self-determination must apply' (Walzer 1977, 101). It is useful in this context to distinguish between what might be called vital human rights (those that directly concern life) and all others (including many legal and political rights and not just socioeconomic rights). These vital rights are quite widely respected, not just in the West. Where they are not universally respected, those who champion these rights have a strong moral claim on the grounds that they are 'self-evident' moral truths—rights to which all human beings are entitled. Adding that if there are some people who in their blind hatred for others would rather kill and even be killed than respect the right to live by those of different racial, ethnic or religious affiliation, we ought to treat them as morally uninformed rather than accord them a veto power on genocide prevention. However, it also follows that one must beware of vague definitions of what constitutes human rights for which armed humanitarian interventions are justified.

Standby, Regional and Professionalised Forces

An important factor in enhancing the legitimacy of humanitarian interventions, and thus of the GSA, in transitioning from genocide termination to deterrence (as well as to earlier and more effective termination than has often been the case in the past), is to have standby, regional and professionalised forces. The issues raised by the selection of interveners and their mode of operation are numerous, complex and vary from situation to situation. The following discussion merely focuses on key changes that if introduced would enhance humanitarian interventions.

In the past, often after the decision was finally made to intervene, forces had to be assembled, command lines worked out, especially if the forces of several nations were involved, and the forces moved to the relevant locations—often from another continent. These steps often took months, while the genocide raged. However, if the forces were on standby duty and in place in various global regions, they could not only act more swiftly and effectively when called upon, but also make those who are contemplating genocide realise that they are likely to be stopped and punished, and hence be less likely to proceed—thus, helping to move from termination to deterrence.

Regional forces (such as those of the African Union or the Organisation of American States) have the additional advantage of enhancing the legitimacy of

humanitarian interventions because they may help overcome the suspicion that the interventions, if carried out by big powers often not of the region, have agendas other than terminating genocide, for instance gaining control of oil wells. Also, it is assumed that regional forces will be more familiar with local cultures, languages and traditions than those from outside the region. Finally, for reasons I elaborate elsewhere (Etzioni 2004a, 179–197), building regional transnational unions is an essential step towards an effective new global order; the formation of regional forces both expresses new regional identities and bonds and helps their development. This does not mean that these regional forces must or ought to act without UN approval or may not act under its flag (Pugh and Sidhu 2003).

Professionalisation is of special importance. In the past, regional forces were often found to cause problems of their own: sexual misconduct, looting and increasing violence. Bangladeshi troops were found to be running a child prostitution ring in Sierra Leone, while peacekeeping troops are reported to have engaged in forced prostitution rings in Bosnia (*Toronto Star*, 11 March 2002; *The Guardian*, 27 November 2000). After eventually halting the genocide in the former Yugoslavia, NATO and UN forces have been criticised for being largely ineffective and unable to stop regular violence against ethnic minorities in the region (*The Independent*, 27 July 2004; *The Independent*, 17 August 2000). Widespread looting and violence by Nigerian troops characterised the regional mission to Liberia under the Economic Community of West African States Monitoring Group (ECOMOG) (*New York Times*, 8 August 2003; Tuck 2000). Due to incompetent and ineffective tactics, the ECOMOG mission inflamed violence, leaving a UN observer to calculate that one in six women were raped during the chaos (*ibid*). Currently, the UN is looking into allegations of 150 occurrences of sexual abuse or exploitation of Congolese girls (some no more than 12 years old), as well as additional charges of sexual assault and even rape, by regional forces stationed in the Congo as well as by UN civilian employees (*Washington Post*, 21 March 2005). Moreover, whatever codes of good conduct currently exist apply only to UN forces; other troops fall under the jurisdiction of their national governments, for instance in dealing with cases of abuse such as those carried out by Nigerian forces in Liberia, under a regional mandate.

If these forces are standby forces, rather than forces assembled in an *ad hoc* fashion, there will be opportunities to professionalise these armies and move them quickly. By the time slow-moving *ad hoc* coalitions respond to a genocide, most of the damage has already been done, as in the case of Rwanda. The Brahimi report recommended something similar by calling for the establishment of ‘several coherent, multinational, brigade-size forces’ to serve as rapid deployment forces, capable of responding to Security Council mandates within 30 to 90 days (UN 2000). With the creation of regional, standby forces, armies would be positioned to respond more quickly to genocide and also to enhance their own training and discipline.

Thus, for reasons already mentioned, in principle, reliance on regional forces is a sound idea. However, some participation by non-regional forces should not be ruled out. The blending or combining of regional with non-regional forces, say Canadian or Scandinavian troops with African ones, is essential for two basic reasons. First, it will reduce the likelihood that regional troops will act in an unpro-

fessional manner—to put it in plain English, that they will rape, loot, sell drugs or refuse to leave their barracks when the level of violence is high. Second, extra-regional forces may provide logistical and communications assets that regional forces lack. Eventually, such blending may not be necessary but, in the foreseeable future, blended forces are to be much preferred over forces comprised purely of regional troops.

All said and done, if properly professionalised and backed up, standby, regional forces might become a credible and significant factor in deterring genocides and thus increasing the legitimacy of the evolving new global architecture. They would help transform the GSA from a supranational police agency focused on the safety of the citizens of the powers that be and their allies to one that is also out to enhance the safety of all citizens on all continents.

Thus, as less respect is accorded to national sovereignty, publics across borders become more influential sources of legitimacy, the power of supranational bodies grows and new global architectures continue to expand, the GSA will serve not merely big power interests but also global humanitarian goals.

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Note

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