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THE HUMANITARIAN PRETEXT

Humanitarian Intervention Post Kosovo

ABSTRACT

Humanitarian ideals are increasingly driving the rhetoric of intervention in the post-Cold War period; especially since the NATO intervention in Kosovo. Is this indicative of conscientious international environment, or are more cynical machinations responsible? Through the analysis of prominent case studies and political rhetoric, this paper seeks to determine the nature of humanitarian intervention in relation to contemporary understandings of international politics.

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Introduction

Since the end of the Cold War, the international community has displayed its increased willingness to impose humanitarian ideals on sovereign states through the employment of military force. Explaining this tendency has seen scholars gravitate towards two competing schools of thought. On one side of the spectrum are those who see the pursuit of humanitarian ideals as emerging foreign policy prerogatives as the result of an evolving zeitgeist. International relations had moved beyond the pettiness of power politics and adopted a utilitarian approach to global governance, and it was only a matter of time before the dissemination of democracy and human rights would bring about the *"End of History"*. On the other side of the same spectrum, many scholars hold a more cynical view of humanitarian intervention. While the international community may have changed morphologically since the end of the Cold War, states are no less committed to self-interest and power than they have been at any other point in post-Westphalian history. So called commitments to human rights or humanitarian causes, can be explained as pretexts employed to help legitimise interventionist policies that subvert the most sacred of international norms; peace and sovereignty. Through the analysis and comparison of post-cold war humanitarian interventions, this paper will draw conclusions about which of these two positions is most accurately reflective of reality. Does the emergence of humanitarian intervention mean that

power politics were merely an antiquated temporal phenomenon? Or are states merely adapting new tricks to navigate the world of power politics?

Puzzle

The realist theory of international relations defines states as rational entities motivated by self-interest as defined by power (Waltz, 2000). The realist conception of international relations does not, therefore, account for states acting out of moral consciousness. Despite this, states frequently evoke human rights as an ideal guiding interventionist foreign policy (Goodman, 2004), as this paper will demonstrate. This discordance between theory and rhetoric can be explained in one of two ways; either realist theory is inapplicable to the contemporary political environment, or states are dishonest as to the motivations for their foreign policy. This paper seeks to understand which of these explanations, best reflect reality. Is realist theory ill-suited to the post-cold war environment? Are supposedly humanitarian motivations cynical pretexts used by states to conceal self –interest? Of course, the reality may not be such a clear cut dichotomy, and several shades of grey will undoubtedly exist between the two extremes of pure humanitarian idealism and sinister self-interest. For example, a state may well hold strong humanitarian values, but selectively impose them wherever strategically convenient. Nevertheless, answering this question will provide insight into state motivations and have broader implications to the understanding of state behaviour in the complex contemporary environment.

Academic salience

Central to this paper is Martha Finnemore's concept of legitimacy. Legitimacy is particularly interesting as it represents a nexus between the often contradictory and combative realist and constructivist theories. Through the incorporation of legitimacy these

rival theories can be brought together in a somewhat harmonious fashion to explain state behaviour in the post-cold war era (Finnemore 2009). Furthermore, since Martha Finnemore's renowned article on legitimacy, the subject has not been explored thoroughly in relation to foreign policy, and this gap in the literature leaves room for important contributions to the field of international relations.

Research: Key Concepts

This section will cover the literature necessary to give a general background on the topic to define and clarify the key concepts that will be employed in the paper. Furthermore, this section will establish the academic salience of the proposed research; demonstrating the value of the contribution that this proposal offers to the field of study.

Realist Paradigm

The Realist school of international relations was the prevailing theory of international relations during the 20th century. Realism is defined by the acknowledgment of the state's self-interest, the anarchic nature of the international community and the state's position as the most prominent unit of analysis (Waltz, 2000).

As a school of thought, realism has experienced three main waves of development; classical realism, structural realism and offensive realism. While these streams of realism are not necessarily mutually exclusive, the major point of departure between them can be found in their disparate explanations of the mechanisms that drive state decision making. Classical realism envisages states as motivated by an animalistic impulse to pursue power, a characteristic derived from the human nature of the state's constituents (Morgenthau, 1948). Structural realism places the anarchic nature of the international community at the

heart of state action; states orientate themselves defensively in relation to the structure of the international environment and the many actors that threaten their survival (Waltz, 1979). Offensive realism postulates that states seek as much power as possible so as to best ensure their survival; in an environment of uncertain intentions this is the most rational course of action (Mearsheimer, 2001). Realism, like many great academic schools, can find its origins in reactionary movement; a critique of the idealistic and unrealistic interpretations of international relations that preceded it (Morgenthau, 1948). Realism built on the legacy of *realpolitik*; the pragmatic approach to politics as propagated by historical political thinkers such as Thucydides, Machiavelli, Hobbes and Bismarck. Realism does not attempt to paint a pleasant picture of human interaction; in the brutish anarchic of competing interests and Darwinian principles there is little room for moral sentiment. The realist proclivity for pessimism should not be equated with sadism; in the words of Machiavelli; *"Many have dreamed up republics and principalities that have never in truth been known to exist; the gulf between how one should live and how one does live is so wide that a man who neglects what is actually done for what should be done learns the way to self-destruction rather than self-preservation."*[1] (Machiavelli, 1532)

As such, realist thinking was well suited to the international environment that defined the Cold War, but the end of the bipolarity and the new world order that would follow, has pushed realist machinations into unfamiliar territory. With its obsessive emphasis on self-interest and pragmatism, realism is unable to account for compassionate or selfless action. None of the three realist explanations for state behaviour, or any combination thereof, allow for the possibility of authentic humanitarian motivations. In the

cold-war era examples of such were few and far between, but in the contemporary unipolar environment humanitarian actions are the professed motivations of states. Realism dictates that the state should always act in its own interest, and those interests should be related to self-aggrandisement or self-preservation. Idealistic pursuits might define rhetoric, but never intentions. Humanitarian interventions of the post-Cold War era appear to discredit realist thought.

Constructivist Paradigm

In this paper the term "constructivism" will be used to refer to the prevailing political theories that differ significantly from the various sub-groups of realist thought. Some may argue that it is unfair to equate differing critical theories like neoliberal institutionalism and constructivism as one and the same. While there may be a few differences in their epistemologies, these theories have enough in common with each other (Sterling-Folker, 2000) so as to make distinguishing between them superfluous to the purposes of this particular paper. Effectively, constructivism is derives from the neo-liberal school, with elements of the now rarely mentioned school of functionalism (Sterling-Folker, 2000). While this paper does recognise that it is conflating separate theoretical schools, in this instance their defining characteristic is their reactionary stance in regards to realist thought (Sterling-Folker, 2000). Furthermore, this paper has already lumped together realist thought for ease of analysis and the differences between Realism and neolibreralism/constructivism are distinct enough to warrant a dichotomy.

During the Cold War, there as not much faith put in the noble idea of humanitarian intervention. In his seminal work on international law, *Just and Unjust War*, Michael Walzer laments that *"[t]he general problem is that intervention, even when it is justified, […] every country that is able to stop them decides that it has more urgent tasks and conflicting*

priorities; the likely costs of intervention are too high" (Walzer, 1977). In a world dictated by strategic interests, rational states pursuing costly humanitarian missions is not a realistic prospect. War is expensive, and saving the lives of another state's citizens is not going to pay that bill. But Walzer's pessimistic conclusion was made in a political context that is morphologically dissimilar to the contemporary; a time of Cold War power struggles and constant existential threats. During the Cold War self-interest was paramount and motivations were clear cut, with the east and west dabbling within their own spheres of influence and ignoring the rest (Mearsheimer, 2001). But since the end of the Cold War, constructivist scholars and progressive politicians have argued that the contemporary international environment can no longer be viewed through the sardonic lens of realism. Former US president Bill Clinton famously elucidated this transformation; *"[i]n a world where freedom, not tyranny, is on the march, the cynical calculus of pure power politics simply does not compute. It is ill-suited to a new era."*[2] Statements such as those made by Clinton imply that the world has transcended self-interest. In this world it is conceivable that states might pursue the interventions that Walzer had thought exceedingly costly.

Thomas Burgenthal is amongst those who believe realist world to be an antiquated phase of history (Burgenthal, 2002). Writing in his brief history of human rights law, Burgenthal cites the increased willingness of the international community to pursue humanitarian ends, as evidence of a new era of international relations (Burgenthal 2002). Burgenthal identified *"the emergence of a modern version of collective humanitarian intervention that has its basis in the convergence of two important developments: the growing power of the Security Council in the post-Cold War era and the increasing willingness of the international community to confront massive violations of human rights with force, if*

[2] Clinton,B (02/10/92) "Excerpts from campaign speech"

necessary" (Burgenthal, 1997). Burgenthal's contention that human rights are now a salient determinant of state behaviour due to a paradigmatic change in the international system, is central to this paper. Such a bold claim demands to be evaluated, and this paper will endeavour to do so.

Legitimacy

Realist theory describes all nation-states as ambitious and self-interested decision making agents motivated by a thirst for power (Morgenthau, 1948). This begs the question as to why states would even bother lying about their motivations in a world where might makes right. The answer, as expressed by Finnemore, is that although states are self-interested, this does not mean that they project their power with unconcealed belligerence; *"states […] find naked self-aggrandizement or even the prescriptions of machiavellian virtú difficult to pursue"*(Finnemore, 2009). As a rational actor, the state aims to achieve its ends at the lowest possible costs. While a powerful state might have sufficient power to act with unrestrained and shameless bellicosity, this is likely to draw condemnation from peers and constituents, both of which delegitimise the state and produce a number of costly annoyances. As Finnemore notes, *"simple opportunism will be appropriately condemned by those who judge a unipole's actions, but other kinds of hypocrisy may provoke more mixed reactions"*. In these instances, a policy of hypocrisy and duplicity is more effective, and thus more rational, than expressing openly motives that the international community is unlikely to support (Finnemore, 2009). Ultimately, the state is able to most efficiently wield its power through the appeasement of fellow states and internal constituents (Finnemore, 2009). If states do not seek legitimacy and act purely through virtue of power, they might still be successful but will encounter costly difficulties at every turn (Finnemore 2009). Therefore, states are should try to convince others that their actions are not expressions of power and interest.

While it is clear that the state has at least some motivation to expand its power, it is also incentivised to do so at the lowest possible costs (Finnemore, 2009). Although legitimacy is not necessary, it is a desirable condition and acting in concurrence with international laws and norms, as stipulated by the international community, is preferable to acting by virtue of hard power alone. The United Nations, and the laws, norms and principals it enshrines, represent the closest thing to an objective arbiter of legitimacy on the international scene. Of course, this need for legitimacy is not derived by virtue of the restrictive power of the United Nations *per se*. Even constructivist scholars widely agree that the UN has little means of establishing law through coercive or punitive measures. Rather, the codified norms of the UN convey legitimacy through softer means; providing guidelines and boundaries within which legitimacy can be found (Leitzau 2004). So while international law may not always be able to restrain states, it can influence the perceived legitimacy of their actions within the international community.

Security and the Use of Force

The most controversial policy a state can enact on an international level, is one that forcefully undermines the sovereignty of another nation state. Such a policy is likely to draw condemnation from the international community and number of associated costs. At the same time, a state may have a strong interest in doing just that. So how might a state pursue self-interest while maintaining the cost effective condition of legitimacy? In order ingratiate itself within the international community and maintain its legitimacy, the state must create a sound pretext for the more controversial aspects of foreign policy that it wishes to pursue, such as the subversion of another state's sovereignty.

With reference to international laws and norms, there are several "legitimate" grounds upon which states might justify the breach of another state's sovereignty. The most powerful

legitimising norm is self-defence. Realist theory posits that self-preservation is the fundamental interest of any rational decision maker. This logic is reasonable, as continued existence is the condition upon which all other of interests are dependent (Waltz 1979). Article 51 of the UN charter acknowledges the primacy of security and states that *"[n]othing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security."* Under conditions of insecurity a state may claim that it has *"just cause*" to use force as a means of ensuring its continued existence. When states are defending their territorial integrity or facing matters of insecurity, drastic actions are less likely to erode legitimacy in the eyes of the international community. International laws, norms and principals are relevant determinants of legitimacy, and acting in line with UN prescriptions is likely to reduce the costs associated with self-interested behaviour. The UN's lack of real power means that states do not need to adhere to laws, but merely make reference to a relevant international law or norms to legitimise their behaviour. This means that international laws and norms may be stretched to accommodate actions, and have a legitimising effect even in the absence of formal United Nations authorisation.

Because the politics of the Cold War were focussed largely on security and competition (Waltz,2000), all manner of foreign policy could be framed and legitimised with reference to the struggle for existence against the clearly identifiable enemy. The contemporary political environment, however, is one in which the most powerful states are no longer faced with such credible existential threats (Waltz, 2000). In the absence of Cold War bipolarity, modern powers are no longer able to justify intervention in sovereign states through the convenient security framework that defined the Cold War era. Furthermore, the erosion of bipolarity has meant that states are less concerned about breaches of sovereignty

escalating into fully blown war between superpowers (Mearsheimer, 2001). These two factors combine to pave the way for a wave of humanitarian interference, as the increased opportunities for intervention can no longer be framed in reference to national security. One notable exception is the Western led intervention into Afghanistan and Iraq. In this instance self-defence was stretched even to the point of justifying a foreign invasion in a distant land. While this was a successful legitimising device and helped forge a large coalition, it was made possible by the extremity of the 9/11 terrorist attacks. In the absence of such atypical events, a more flexible rhetorical device is required to legitimise foreign policy as the international community is unlikely to accept self-defence as a viable pretence.

In summation, the international community demands that its constituents do not enact belligerent policies. Often a state's interests force it into a situation of hypocrisy. In this instance the state is best able to legitimise its duplicitous position in reference to a deep-seated conflict of values, rather than its self-interest taking precedence over idealism (Finnemore, 2009). Therefore, in order to legitimise self-interested use of force, states are incentivised to frame their actions so that they are coherent with internationally recognised norms and principals. The prevailing principle of legitimisation has traditionally been security. In the contemporary environment, however, powerful states lack salient or credible security threats. Therefore, a more malleable tool of legitimacy is necessary in order to reduce the socially imposed costs of self-interested policy.

Human Rights as a Responsibility

If peace, security and sovereignty is the UN's priority, the secondary concern must be the promotion and enforcement of human rights. For this reason, human rights are a powerful purveyor of legitimacy. While often referred to singularly, "human rights" is an umbrella term that refers to a wide range of separate phenomena, some of which are quite poorly

defined. Therefore, "human rights" is a broad and unspecific article of rhetoric and can be applied to any number of diverse political situations. Actions in support of human rights will invariably be received in a predictably favourable manner. Alternatively, any violations of human rights are likely to draw condemnation from the international community. After all, in the political arena speaking out in opposition to human rights considerations means that one might be construed to being in favour of political repression, slavery or genocide. For these dual reasons of vagueness and virtue, human rights are a powerful purveyor of legitimacy.

A new norm has been developed to legitimise the use of force and breaches of sovereignty. Human rights scholars have widely heralded the emergence of Responsibility to Protect (R2P) as symptomatic of an increasingly conscientious international society. R2P was set down in a report drafted in 2001 by an organisation called the International Commission on Intervention and State Sovereignty (ICISS). The concept of R2P provides moral legitimacy for breaches of sovereignty enacted in the name of human rights. Rather than grant permission for the subversion of sovereignty, the phrasing of the R2P doctrine insinuates that sovereignty is a conditional state determined by the states' treatment of its constituents. If states do not treat their civilians humanely, then their claims to sovereignty are void can thus be the subject of legitimate foreign intervention. The ICISS report stipulates points of criteria that determine the applicability of R2P, the second of which refers to states having the *"Right Intention"*. stating that the "*primary motivation"* of intervening forces must be "*to halt or avert human suffering"*. The vagueness of this criterion, which defines norms not laws, is very difficult to determine. It leaves room for states to enact R2P with ulterior motivations, so long as those are not the *"primary"* motivations. This means that to prove that a state is subverting R2P, one would have to determine the hierarchical ordering of

state motivations which is a task that would require one to objectively measure and compare a state's humanitarian impulse with its geostrategic interests.

The complex issue of ulterior motivations has meant that scepticism towards this emerging norm has been made public by states and individuals. Notably, in a letter to the UN Security Council, The Brazilian ambassador to the United Nations stressed that *"There is a growing perception that the concept of the responsibility to protect might be misused for purposes other than protecting civilians, such as regime change".* Of course, the fact that it may be used in this sense does not necessarily mean that it is, and for R2P to be inapplicable it would have to be shown that the regime change was the primary motivation, which this paper has no real means of asserting. The expressed possibility that it may be abused, however, is something that invites investigation.

Responsibility to protect, along with other human rights norms, are powerful legitimising forces. The philosophical ideals of human rights are something that most would aspire to and if states possess the means of averting horrible catastrophes, it is not unthinkable that they would make great sacrifice to do so. Despite the plausibility of benevolent humanitarian interventions sections of the international community are sceptical towards the authenticity of humanitarian motivations. So how can it be determined whether or not great powers are actually sincere in their efforts to ensure human rights around the world? Sincerity, or authenticity of expressed motivations, is a slippery concept; difficult to identify and not inherently important in and of itself. Nonetheless, it is necessary to gauge the state's sincerity if any understanding of state motivations can be met. Of course it cannot be stated for certain that states are not interested in human rights. Taken at face value there is ample evidence to conclude that the enforcement and protection of human rights is the state's utmost priority (Goodman 2004). There are, however, reasons to suspect that powerful states

do not care for human rights in areas or situations that are of little geopolitical salience (Moravcsik 2001).

At this point, it might be claimed that the human rights are incorporated into the national interest, and thus states can rationally pursue these ends. But if states have a genuine interest in the respect of human rights one might expect them to uphold human rights within their own borders with absolute veracity. This is not evident the world's most powerful hegemonic powers have not ratified all relevant human rights treaties and have imperfect human rights records to say the least[7]. The world's three most powerful states, USA, China and Russia, are more than willing to illuminate the human rights failings of each-other. Furthermore, one might expect each breach of human rights to be treated equally, and evaluated only on the basis of the scale and severity of the violation. But history has demonstrated that this is not the case, and not all violations are equal. Some human rights violations are given disproportionate attention while others are largely ignored (Moravcsik 2001).

Topical Literature Reviews

This chapter will explore some of the most frequently cited literature on humanitarian intervention to determine the academic salience of the topic explored in this paper. This section differs from the key concepts section, as it will explore specific texts that directly pertain to international intervention. Furthermore, each text in this section approaches the topic through the employment of in depth case studies.

Goodman

In his 2006 article, "Humanitarian Intervention and Pretexts for War", Ryan Goodman postulated the possibility that human rights may be misused as a pretext for states who are

eager to engage in warlike breaches of state sovereignty. Although Goodman's essay is of a legal nature, it focusses on the real world implications of altering unilateral humanitarian intervention law and is open to cynical notion that humanitarian legislation might be commandeered unto politically strategic ends. Goodman draws on a number of case studies to identify patterns that shed light on the practical implications of laws used to regulate the use of force. Furthermore, Goodman uses available quantitative studies to analyse the determinants of war (Goodman, 2006).

Goodman states that the only internationally recognised means for war are self-defence and UNSC sanctioned actions. Goodman does not accept that there is any legal basis for unilateral humanitarian intervention or the threat thereof; although he does accept that other scholars in his field differ on this matter. One of the most important aspects of Goodman's work is the model he creates to summarise the "humanitarian pretext" argument, an argument that is at the heart of this paper.

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1. Static condition: The leadership of a revisionist state (state R) is motivated by self-regarding and aggressive purposes to wage war against a defending state (state D)

2. Dynamic interactions: Expanding the international legal exception increases the likelihood that state R will wage war against state D

Element A. State R undertakes efforts to justify escalating hostilities in terms of purposes that conform to the new legal exception

Element B. The effort to justify escalating hostilities is undertaken in order to convince actors or institutions to relax pressure that they would otherwise apply were state R to attack state D

Element C. The actual or expected reduction of pressure reduces the costs of state R to wage war against state D

Goodman concludes that although human rights may be used as a pretext for war, ultimately this might be seen as a pacifying, rather than aggravating, phenomenon;

"encouraging aggressive states to justify using force as an exercise of humanitarian

intervention can facilitate conditions for peace between those states and their prospective target" (Goodman, 2006).

Goodman's paper provides a valuable point of reference, but in no way does his research render this paper redundant. Goodman covers the topic from a legal perspective, meaning that his outlook is somewhat different from the political focus of this paper. Furthermore, the expressed intention of Goodman's paper is fundamentally, although subtly, different than that of this paper. While Goodman's paper seeks to know whether the codification of the humanitarian norm will increase the frequency of war, this paper seeks to understand whether humanitarian intervention is actually a phenomenon that exists outside of a rhetorical realm. While Goodman believes that the creation of a humanitarian norm could affect the frequency of intervention, this paper believes that states pursue their geostrategic ends independently of humanitarian pretexts, which are merely appropriated to reduce costs. That is to say that states would pursue their interests with or without the humanitarian justification, rendering the emergence of humanitarian interventions a largely illusory phenomenon. Another important reason why Goodman's work is not insuperable, is that this paper will benefit from eight years of posterity. Accordingly, this paper will be able to draw on important examples unavailable to Goodman when his article was published. Finally, Goodman's conclusions do not always seem to be consistent with the evidence that he puts forth, and his efforts to undermine the pretext model he elucidated, are unconvincing (Goodman, 2006).

Müllerson

Rein Müllerson similarly wrote on this topic, devoting special interest to the case of Ukraine and the role of humanitarian considerations in his paper *Ukraine: Victim of Geopolitics* (Mülllerson, 2014). Müllerson offers a realist interpretation of the post-Cold War

world, claiming that despite a wave of early optimism for an idealistic world *"international law and morality are used mainly as covers in the geopolitical struggle."* Furthermore, Müllerson declares that in instances of high geopolitical salience, considerations of international law are not relevant outside of their function as a tool for propaganda as international law is either too malleable or too easily ignored. Central to Müllerson's argument is the comparison between the 1999 NATO military intervention into Kosovo and the 2014 Russian intervention into Eastern Ukraine, where he highlights the similarities between the two conflicts. What makes this comparison especially illuminating, is the diametric switch of roles; wherein Russia displayed dismay at the Kosovo intervention and NATO was similarly outraged at the Russian intervention in Ukraine. Given that human rights were purported to be the back bone of both interventions, one might expect both states to see eye to eye on this matter. But these states only agreed on the human rights situation when it was congruent with their interests, a fact that leads Müllerson to conclude that the humanitarian factor of both conflicts was vastly overstated. Müllerson does not limit his conclusions to these particular conflict, he extrapolates his reasoning to claim that Western powers have never been particularly concerned by the propagation of democracy or human rights, as is made evident by the United States' toppling of democratic regimes as was seen in Iran and central America. This, he concludes, must have been enacted for strategic, rather than ideological, purposes. Müllerson does concede that the United States has in some instances been a positive force for change, but sees these instances have "*always been secondary or collateral to its geopolitical calculations"* (Mülllerson, 2014). Müllerson's article is an opinionated paper that is far from a rigorous academic review. This is not to say that Müllerson does not raise valuable points or that his cynical reasoning is erroneous, but his work is in inexhaustive and built on general observations rather than corroborated evidence. Nevertheless, the portrayal of Ukraine as a victim of Geopolitics rather than a

humanitarian case, and the explicit likening of this case to Kosovo, offer encouragement for the proposed research.

Carsten Stahn

In his 2014 article, *"Between Law-breaking and Law-making: Syria, Humanitarian Intervention and 'What the Law Ought to Be'"* Carsten Stahn examines the Syrian crisis to construct a normative argument as to the structuring of criteria for intervention. Stahn identifies a schism in the scholarship between those who condone a restrictive view, which is reluctant to allow the subversion of sovereignty, and the "permissive view", which allows for intervention under extraordinary circumstances (Stahn, 2014).

Stahn highlights that states are increasingly conflating justifications for intervention. States seeking to intervene compile a number of separate objectives that alone *"[…]are not sufficient on their own to support a legal basis, but are weaved together in order to make the case for legality more acceptable"* (Stahn, 2014). The Syria conflict is one such example as it utilised a number of distinct justifications to legitimise intervention. Stahn also identifies an internal contradiction in the humanitarian question that is admittedly troublesome for the Constructivist/Realist dichotomous spectrum established in this paper. Stahn argues that humanitarian intervention and its principles *"[..]reduces the options for accountability of military action. It shifts the balance from a centralized enforcement system to a decentralized system where nations become the arbiters over the legality of their claims to intervention"* (Stahn, 2014). In a sense, this equates humanitarian principles with realism, as a normative view of humanitarian intervention can promote the anarchic international structure over the centralised law faring structure envisaged by IR theorists sympathetic with institutionalism. This is especially true when laws are deemed subservient to norms, and when actions can be deemed "*illegal, but legitimate"* (Stahn, 2014). These are keen observations that highlight the

complexity of the issue. It highlights that the wave of international intervention, especially unlawful and unsanctioned intervention, is indicative of both the constructivist paradigm (the promotion of ideals) and the realist paradigm (the disregard for institutions) simultaneously. This, however, is only true if the ideals are used as with genuine intentions and not as a pretext.

Proposals

This section outlines the guiding questions and assumptions that will structure the rest of the paper.

Research Question

The main research question that this paper seeks to answer is *"Are human rights employed as a pretext to increase the legitimacy of states that pursue self-interested foreign policies that breach the sovereignty of another state?"*

The answer to this questions will in turn supply evidence as to the applicability of realist theory to the contemporary international environment. Some may argue that using the constructivist concept of legitimacy to support Realism is inherently contradictory. Realism, however, does not discount states attempting to reach their goals at the lowest possible costs, and the idea that a state might deceive others as to its intentions, is a distinctly realist thought. Furthermore, it is not the intention of this paper to determine the accuracy of either pure realism or pure constructivism, but rather utilise both theories to form an understanding of contemporary interventionist practices.

Hypotheses

This paper hypothesises that human rights are widely invoked by states as a rhetorical device to legitimise expansive foreign policy, and does not indicate that states have a primary interest in the maintenance of human rights norms. This paper hypothesises that whenever a state declares its intentions to uphold human rights through armed intervention, there will be identifiable motives to do so that are not related to human rights. The secondary hypothesis that follows coherently from the first, is that human rights rhetoric is similarly employed as a tool to delegitimise rival regimes. Should these questions be answered, this paper would contend that the phenomenon of human rights mobilising foreign policy is illusory, and that realist considerations are still relevant to an accurate understanding of the contemporary political environment.

Null Hypothesis

Of course, in the absence of evidence to the contrary, then the expressed intention of the state should be taken at face value. Under these circumstances it is necessary to conclude that states, especially powerful states, genuinely view humanitarian intervention as an ideological obligation. Foreign intervention is thus pursued unto these ends regardless of costs. This would support the view put forth by constructivists; one that identifies a paradigmatic shift in the political environment that happened at some-point towards the latter end of the 20th century. This is conceivable given the widely documented changing morphology of the international environment in the post-cold war world.[3] This is the view put forth by Thomas Burgenthal *et al* and cites the increasing frequency of humanitarian

[3] Humanitarian goals have in the past been pursued by governments, the greatest of course being the British Government's abolition of slavery in a time where it was commonplace. Nevertheless, there is little doubt that humanitarian intervention has increased in frequency.

intervention as the result of a concerted and persistent effort by international institutions dedicated to the human rights cause. This hypothesis would be confirmed in the absence of evidence to the contrary, as this is frequently the expressed motivation of states in regards to human rights. If the findings would support this alternative hypothesis, the realist school of thought would be undermined significantly. None of the main schools of realist thought would be able to explain such behaviour.

Alternative Hypothesis

An alternative hypothesis would contend that states do have genuine motivations to enforce human rights, but can only pursue them selectively due to the finite nature of their resources. This hypotheses blends aspects from the previous hypotheses to find some middle ground, and can become manifest in two different morphologies. Either states are primarily interested in pursuing humanitarian goals but can only do so when it coincides with geostrategic interests, or the opposite might also be true whereby the state pursues geostrategic interests when there is a coincidental humanitarian cause that can be utilised as a pretext.

Methodology

Research Design

To determine the role of human rights as a device of legitimation, this paper proposes a comparative analysis of official state press releases and the speeches made by political leaders, in reference to a number of case studies. The methodology of the proposed research will take a qualitative form; namely a comparative case study analysis with an emphasis placed on theory implementation and hypothesis testing.

The guidelines laid down by George and Bennett in *"Case Studies and Theory Development in the Social Sciences"* will provide a framework that ensures the academic rigour of the comparative analysis. Each study will directly pertain to the hypothesis. Using comparative case studies allows a deep exploration of mechanisms, in this instance the state's use of human rights as a tool of legitimation. Two tiers of analysis are proposed, the first stage being an analysis of individual cases, and the second will be a comparison of said cases. The universe that this paper hopes to investigate, is breaches of sovereignty; namely international interventions. The first level of analysis will be a qualitative comparison of state reactions to a given "instance". This stage will focus on one particular case, and proceed to compare the statements made by rival states to evaluate the differing views pertaining to this singular event. There will be standardised questions and themes will be explored in each independent case study, so as to create qualitative data that will be ultimately comparable.

Tier 1: Analysis Template

This section will outline one possible method of structuring the case studies to ensure that the first phase of analysis yields information that can be readily used effectively in the comparative phase. If the case studies were not done with an element of sameness, then they would not be as comparable and make the second phase of the study more difficult to perform. Although this paper does not profess to possess quantitative value, the rigidity of structure lends itself to more refined qualitative results. Therefore, each case study will endeavour to cover each of these topics so as to gain a somewhat uniform understanding of each. When reading these questions, bear in mind that the sources of information will be found in the speeches and statements of political leaders, and are structured in such a way as to enable this method of analysis.

Template

- **History and Background**.
  - What is the historical back ground of the case study?
  - What other cases, if any, do state authorities link this one to?
  - Are there any precedents about what should or should not be done?
  - Are these conclusions agreed upon by all parties?

- **Motivation.**
  - Can the main stake-holders be identified?
  - Who has the most to gain from intervention and who has the most to lose?
  - Which states are most supportive of intervention and which states are most reluctant?
  - Is there symmetry between the above?

- **Nature of human rights abuses.**
  - What was the human rights situation on the ground?
  - Are these abuses unanimously agreed to have happened/ are the perpetrators identifiable?
  - Which laws or norms invoked to justify invasion, were these abuses intensifying or of an especially unusual nature?

Scope

This paper will focus on content derived from official state sources, which is a term that must be defined. The state will make a statement with the intention of legitimising its actions. It is fair to assume that this is the intention of most state rhetoric, or there would be little incentive to make statements in the first place. In light of this, state addresses should be a rich source of legitimation rhetoric; ample enough to create a comprehensive comparative analysis. Items that will be considered official state sources include press releases from the given state's press office, along with transcripts of speeches, interviews and statements made by high ranking individuals who occupy an official capacity (such as heads of state, foreign ministers, chief of intelligence etc.). Of course, the state may choose to vocalise itself through

the proxy of private media, but such a possibility will not be explored in this particular paper. The reason for this is that excluding private media sources eases the problem of "selection bias", as there is now fairly limited well of data to draw from. Another point of consideration is that the loyalties of state sources are relatively clear cut; one might safely assume that the state mouthpiece will consistently voice state preferences. This is not necessarily the case with private media. Although it may be naïve to suggest that the private media never push a political agenda, it is difficult to substantiate such claims with anything other than conjecture. Furthermore, private media may vary by administration or sensationalise stories in pursuit of profitability. For this reason private media is excluded from this study but remains a fascinating topic for further inquiry.

Furthermore, it is necessary to contain this study within a period of time. This paper (via various scholars) has already identified a temporal shift in the mechanics of legitimacy at the end of the Cold War. This event is often cited by international relations theorists, especially constructivists, as a watershed of international relations (Sterling-Folker, 2000). The post-Cold war period, however, spans 25 years of turbulent and eventful international politics. While, this may be the least arbitrary denomination for testing this particular hypothesis, it is too long a time to derive specific observations. Instead, this paper will focus on the Post-Kosovo period, which starts with the NATO intervention into Serbia in 1999. One problem with this time period is the war on terror which was defined by policies of security in the events after the 9/11 terrorist attacks. The sheer scale and unusual nature of these events is rather anomalous and arguably atypical of the post-Cold War era. This event may have significantly distorted the international political environment, and played a significant role in shaping government rhetoric. Therefore, interventions directly concerned

with terror, namely the wars in Afghanistan and Iraq, will not be cited as examples in this paper.

Four case studies will feature prominently with a devoted chapter. Given the United States' unique position as the world's most powerful regional hegemon, it will feature prominently within case studies. This is testimony to the United States being the most relevant state in the world and is not indicative of any inherent bias for or against the US. This paper will also include the foreign policy statements of rival states such as the Russian Federation which will also feature prominently. Wherever a state should be deemed relevant to the particular conflict in question, it will be discussed. Although the US and Russia will be the states featured most prominently in this paper, this is a reflection of the discourse, not of any inherent bias held by the author of this paper. This paper is a comparative analysis that expects to find more similarities than differences between states. It would be surprising to find disparities between states, but in that event efforts will be made to explain these. Furthermore, this paper does not need to identify the exact motivation of a state, so long as it can prove that there are viable alternative motivations that would require a human rights pretext. Creating hard proof of something as abstract as an intention or motivation will admittedly prove difficult. But by coalescing enough evidence and by examining enough case studies, this paper will demonstrate that expressed motivations should always be met with scrutiny.

Case Criteria

There will be two subgroups of case studies in order to test the hypothesis. The first group of case studies will be conflicts in which there was no intervention. The second will be cases in which intervention eventuated.

The selection criteria for a case study will read as follows.

1. The post-Cold War period
2. Specifically, the "post-Kosovo" period
3. Humanitarian concerns as expressed by a foreign state. This refers to states highlighting human rights violations abroad in reference to a need, responsibility, obligation etc. to intervene
4. Intervention will be defined narrowly. This paper distinguishes between peacekeeping and intervention. Intervention only takes place if the stricken state refuses to accept foreign interference. This refusal must be derived from the state's *de facto* leadership. Therefore, in the instance of the Ukrainian conflict, Yanukovych's sanctioning of Russian military action in eastern Ukraine does not make it a peace keeping mission as he has no *de facto* power regardless of his legal status.
5. The lack of primary security concerns to said state in regards to stricken state. Although the Iraq and Afghanistan wars were waged with human rights as a partial motivation, security was by far the greatest expressed concern of the coalition. It might be argued that human rights played an important role, but the expressed security goals make this case inappropriate for analysis.
6. Abstract security goals, such as promoting the rule of law or creating precedents of deterrence, will not disqualify a state from analysis.
7. The expressed willingness of at least one member of the international community to intervene. States need not actually interfere so long as there is sufficient rhetoric to form a case study.
8. Cases in which intervention formally eventuated will be prioritised, however counter examples will be selected in which intervention did not eventuate if the humanitarian

rhetoric was especially prominent. This will allow us to investigate what defines cases of non-intervention.

9. Any example that meets the criteria but is not given an independent case study will be briefly examined to ensure that it is not being selectively neglected. At this point selection bias may become evident, but any alternative would create arbitrary criteria to exclude certain cases. Instead, efforts will be made to explain why these cases are concurrent with others, unfit for analysis or insignificant.

Method of Analysis

When looking at sources it will be important to identify key terms upon which to focus. Allusions to a state's *"responsibility to protect"* will provide an obvious indication of a state's invocation of human rights rhetoric. Explicit mention of human rights, sovereignty, pretext and legitimacy will be similarly illustrative. This paper is of a political nature and not concerned with distinctions between human rights, humanitarian law or specific terminologies, and will instead focus on the general nature of the speeches content. For example, the state leadership of the threatened regime will be accused of having violated human rights even if no explicit reference is made to particular laws it is said to have violated. This might take the form of people being denied freedom, democracy, being subjected to unusual treatment or any other social matter that is of no geostrategic interest for out-side states. This paper will make these judgements with due consideration given to any possible strategic utility that might be derived from the aforementioned. For example, many humanitarian concerns are often conflated with security issues by leaders.

The comparative analysis of rhetoric within a single case might demonstrate inconsistencies of opinion between states. Differing sentiments to what is the same instance will demonstrate that at least one state is either a) misinformed in regards to the situation on

the ground b) lying in order to pursue strategic interests or c) has a different code of ethics that is nonetheless internally consistent. If a conflict does not have any mention of human rights on one side, there may still be evidence of human rights evocation on the other. Human rights, may just as readily be employed to delegitimise as to legitimise; examples of either sheds light on validity of the hypothesis of this paper.

One of the most difficult tasks of this paper will be the identification of state interests. This is an important factor as the hypothesis is somewhat dependent on interests as a motivation and, as to explain why states may make insincere appeals to human rights, it is necessary to explain feasible ulterior motives. The most authoritative source on this matter will be the state's themselves, who will be more than willing to point to the disingenuous nature of rival states and willing to speculate upon the *realpolitikal* motivations of their contemporaries. In that sense, this paper will not speculate on the "real" interests of states, but rather cite the accusations made by the international community as to these motivations. Either states are cynically accusing others of cynicism, or states are rightly being accused of cynicism (notwithstanding that states might be misinformed about the situation). While admittedly one accusation does not hold much weight, when juxtaposed one side and another, these comments will prove illustrative.

A few caveats on style and analysis. This paper must insist that it is unconcerned with the establishment of empirical facts or the normative evaluation of actions and outcomes in the conflicts that are the subject of case study analysis. What happened on the ground in each individual case is not something that the author of this paper has special knowledge of and therefore this paper could only indulge in speculation. This paper instead focusses on what leaders report to have happened, with the words in and of themselves forming the topic of analysis rather than the events that they describe. The distinction is important as this essay is

not a journalistic chronology of various conflicts but rather an analysis of state reactions to events. In light of this, the views purported by the leadership of various states are in no way reflective or representative of those of the author. There will, however, be some background information supplied to remind the reader of context for the described conflict. In some cases this information will not be sourced from official state sources but will be of such a general nature so as not to bias the study. The reason for this one exception is the difficulty in finding state sources to describe extremely general events.

Case Studies

This section will explore some relevant case studies so as to set up the second stage of analysis. These case studies will focus on the rhetoric of states so as to establish their stance in regards to humanitarian intervention within certain conflicts.

Kosovo 1999

Frequently cited as a precedent for the use of force, the 1999 NATO intervention in Kosovo is a watershed moment in international law and politics. The humanitarian rhetoric that defined the conflict, combined with the scale of the intervention, render it an integral case for analysis. The Kosovo conflict was the culmination of years of unrest in the former Yugoslav republic. This long volatile region was held together by the influence of the Soviet Union, but with the end of the Cold War, the former Yugoslav Republic would be destabilised; reviving the underlying tensions between its various ethnic, national and religious groups. The 1990s saw a number of wars in the region, each of which disassembled Yugoslavia along nationalist lines. In 1998, Albanians in the Serbian province of Kosovo *"strenuously opposed"* the influence of Belgrade and sought greater independence from the Serbian state and leader Slobodan Milošević. With peaceful protests yielding few results, members of the Kosovar Albanian community formed the Kosovo Liberation Army (KLA), targeting Serbian police

officers and state officials with violent remonstrations. After reports of fighting between Kosovar Albanians and Serbian forces, a NATO envoy was dispatched to effectuate diplomatic negotiations between the factions. These efforts, however, were short lived with both sides levelling accusations that the other was uncooperative. NATO issued an ultimatum to Milošević, stating that he must *"stop attacks on the Kosovar Albanians or face imminent NATO air strikes"*[4] Milošević was deemed not to have complied, and NATO initiated *Operation Allied Force;* a series of airstrikes that lasted seventy-seven days. With the Serbian leadership subdued by the Operation, Milošević was removed from power, regime change was effectuated, and the Serbian leader would later be indicted on crimes against humanity and tried in The Hague.

British Prime Minister, Tony Blair, acknowledged the strategic interests of pacifying the region, stating that "*instability and civil war invariably spill over*"[5], meaning that the interests for the whole of Europe were at stake. Furthermore, Blaire was keen to intervene in order to ensure credibility, upon which *"peace and security were dependent"*[6]. In a speech to the British Parliament Blair asked *"[w]hat possible credibility would NATO have next time that our security was challenged if we did not honour that guarantee?"*[7] Blair also went on to delegitimise Milošević, accusing him of duplicity, by stating that *"[Milošević] has comprehensively shattered that cease-fire"*[8]. Although Blair did outline the strategic goals of bombing Serbia, he was keen to emphasise the contention that strategic interests were secondary considerations, stating that *"[w]e do so [intervene] primarily to avert what would otherwise be a humanitarian disaster […]"*[9].

[4] NATO (15/07/1999) "NATO's role in relation to the conflict in Kosovo"
[5] Blair, T (23/02/1999) "Kosovo: The Military Campaign"
[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid*
[9] *Ibid.*

Humanitarian rhetoric formed the back bone of the Kosovo intervention, and shocking anecdotes would be used to ensure that the conflict was seen through a humanitarian lens. Presiding US President, Bill Clinton, was keen to place the conflict in a humanitarian frame; *"[...] an elderly Albanian woman […]saw all the male members of her family and most of the men in her village rounded up by Serbian authorities, tied up, doused with gasoline, and set on fire in front of their families. It's the kind of story that would be too horrible to believe if it were not so consistent with what so many other refugees have been saying."*[10] While a moving story, this anecdote is not likely to have much bearing of the American geostrategic interests. Clearly framing the Kosovar fight for independence in humanitarian terms, is the intention of such a story.

While NATO was members were eager to point to the victimisation of Kosovar Albanians, on other sides of the conflict there were differing opinions. Russian incumbent Boris Yeltsin, in a speech at the summit of the Organization for Security and Co-operation in Europe in Istanbul, would condemn the NATO intervention in Kosovo. Yeltsin claimed that NATO's actions had "*disproportionate consequences"*[11], and made clear his suspicion of NATO's motives; *"I refer to calls for humanitarian intervention in the affairs of another state - a new idea, this - even when they are made under the pretext of defending human rights and freedoms."*[12] In a 1998 press conference, then president Yeltsin expressed Russia's wishes for non-intervention in comments that would prove somewhat prophetic: "*Basically, Russia is against any application of force. Today's issues and conflicts should not be resolved in a military way, be that Kosovo, Iraq or Afghanistan, as well as others."*[13]

[10] Clinton, B (28/04/1999) Statement on Kosovo released by the White House Office of the Press Secretary
[11] Yeltsin, B (18/11/1999) "Speech to the OSCE"
[12] *Ibid.*
[13] Yeltsin, B (01/09/1998) "Text Of Clinton-Yeltsin News Conference"

The close ties between the Russian state and Yugoslavia were not secretive, and the Russian interests in the continuation of the Milosevic regime are reflected in their support of the Serbian regime and their opposition to the KLA. NATO motivations in this instance are slightly unclear, although from a zero sum realist conception the weakening of a Kremlin asset in ends unto itself and all the explanation necessary. Nonetheless, the Kosovo intervention and subsequent declaration of independence would set the tone for humanitarian intervention, and form a precedent that would be referenced in all subsequent precedents.

Libya 2011

The North African state of Libya descended into a bloody civil war in 2011. This conflict was fought between a collection of rebel groups and the Libyan state, led by perennially controversial figure of Colonel Muammar Qaddafi. Following bitter fighting in which the government forces appeared to have gained ascendency, a US lead coalition enforced a no-fly zone which grounded the Libyan air force, and performed targeted airstrikes that contributed significantly to the victory of the rebel militias and the overthrow of the Qaddafi regime. The end of the civil war was marked by the public execution of Colonel Qaddafi on the 20th of October 2011.

The intervention into Libya was undertaken by a US led coalition of nations acting in the name of a United Nations Security Council resolution 1972, with the United States playing a central role in instigating the intervention. President Obama saw the uprising in Libya as an extension of the Arab spring; *"Libya sits directly between Tunisia and Egypt – two nations that inspired the world when their people rose up to take control of their own destiny."*[14] Obama stated that he supported the rebels in their struggle to *"oppose tyranny"*[15]

[14] Obama, B (28/03/2011) "Remarks by the President in Address to the Nation on Libya

[15] *Ibid.*

and claimed that the Whitehouse had "*mobilized the international community to protect the Libyan people from Colonel Qaddafi's regime"*[16]. The United States was not alone in their willingness to pursue humanitarian goals in Libya, and a NATO alliance, dubbed *"Operation Unified Protector",* was established.

The White House portrayed the revolution as Libyan's taking to the streets to *"claim their basic human rights"*[17] with Obama describing the Qaddafi regime as one that was *'tyrannical and repressive'*. In his address president Obama stressed that Qaddafi's response to the uprising was disproportionate and highlighted the unusual nature of the violence; *"Innocent people were targeted for killing. Hospitals and ambulances were attacked. Journalists were arrested, sexually assaulted, and killed"*[18]. While Obama used powerful imagery, there were no specific claims as to the extent or nature of human rights abuses carried out by Qaddafi's forces. Despite the vagueness of American allegations, President Obama cited the humanitarian situation of the Libyan people as the foremost factor motivating US intervention. *"Like all governments, the Libyan government has a responsibility to refrain from violence, to allow humanitarian assistance to reach those in need, and to respect the rights of its people. It must be held accountable for its failure to meet those responsibilities, and face the cost of continued violations of human rights"*[19]

The intervention into Libya received the backing of UNSC and was mandated under security-council resolution 1972. Having gained approval from the United Nations Security Council, NATO was mandated to perform three tasks; the protection of civilians, the

[16] *Ibid.*
[17] *Ibid*.
[18] Obama, B (23/02/2011) "President Obama Speaks on the Turmoil in Libya: "This Violence Must Stop""
[19] *Ibid.*

establishment of a no fly zone and the enforcement of an arms embargo which would cut Libya off from the sea. Although Russia and China did not support the resolution, they decided not to deploy their veto; a decision that would give resolution 1972 UNSC approval and legality under conventions of international law. Despite the UNSC decision, not everyone viewed the ruling as legitimate. Somewhat predictably Qaddafi refused to acknowledge the competence of the Security Council; *"[t]o start with, it [UNSC1972] is null and void. It is not a legitimate resolution, because the Security Council is not mandated. It has no jurisdiction to look into such a case."* Furthermore, Qaddafi highlighted that his country had been unfairly targeted; *"[w]hy were such sanctions and measures not taken against the Algerians? It is a known fact that the Algerian army is fighting in the streets.*[20]*"* And that NATO motivations could be found in their "*intention to colonise Libya"*[21].

Medvedev's decision not to veto the resolution is interesting, as Russia would in the future express strong opposition to the Libyan intervention. Initially however, Medvedev seemed to be supportive of intervening in Libya; an attitude that is reflected by the then president's 2011 statement that *"[a]ll that is going on in Libya is connected with outrageous behavior of Libya's authorities and the crimes that were completely against their own people. We must not forget about it. Everything else is simply a consequence"*[22]. Although Medvedev did not explicitly condone international intervention, he did place responsibility squarely on Qaddafi, and implied the illegitimacy of the Libyan regime, through the use of language reminiscent of the conditional sovereignty of R2P. This position was one that was only briefly held, and since the 2012 re-election of Vladimir Putin, it is clear that the Russians have changed their stance towards the Libyan intervention and resolution 1972. Putin, who

[20] Qaddafi, M (01/03/2011)"Gaddafi interview"
[21] *Ibid.*
[22] Medvedev, D (21/03/2011)"Russia did not veto in UN to protect Libyan civilians"

was from the beginning opposed to the Libyan intervention, likened the operation to the wars in Iraq, Afghanistan and Kosovo, framing it as a conflict of conquest conducted by an ambitious and self-interested force. Putin saw the intervention as one that was that was not interested in humanitarian goals, but rather one that was focussed on regime change; *"They [NATO] said they didn't want to kill Gaddafi. Now some officials say, yes, we are trying to kill Gaddafi […]Who permitted this, was there any trial? Who took on the right to execute this man, no matter who he is?"*[23]

After Putin's re-election, Medvedev would lament that his decision to permit the UNSC 1972; declaring that it was *"[…] trampled by actions committed by certain countries"* and that *"[…] subsequent developments demonstrated how such resolutions can be manipulated.*[24]*"* Medvedev was especially critical of the events in Libya which he claimed *"undermine the credibility of the United Nations."*[25] Medvedev's successor, Vladimir Putin, would echo these sentiments and accuse the West of "*distorting"* the resolution; saying that it *"only spoke of closing the airspace for government aircraft, while it all ended with bomb attacks and special-forces land operations."*[26] These comments make clear the Russian administrations scepticism to the West's professed humanitarian motivations for enacting resolution 1972.

Colonel Muammar Qaddafi rose to the highest office as the leader of a *coup d'etat* enacted in 1969. Qaddafi would quickly establish himself as an antagonising force on the international scene and became known for his persistent resistance to the international status

[23] Putin, V (04/26/2011) "Libya coalition has no right to kill Gaddafi"
[24] Medvedev, D (23/05/2011) "President Dmitry Medvedev on NATO, Libya, Syria, missile defence, BP/Rosneft"
[25] Of course, this might also be a case of revisionism and one might speculate that the Medvedev retroactively realigned his position so that it was congruent with that of the incumbent Putin. After all, Russia has not been historically shy about employing the veto. Speculating as to why the Russians changed their tone in regards to resolution 1972 is a task that perhaps extends beyond the scope of this paper.
[26] Putin, V (04/03/2014) Vladimir Putin answered journalists' questions on the situation in Ukraine

quo and outspokenness against both the cold war super powers. Qaddafi saw both the USSR and the West as threats to the Arab identity and made it his goal to resist these forces throughout his reign. He established progressive socialist policies and adopted Sharia law (or a close approximation thereof) within Libya, making clear his prescribed image for the Arab world. It became obvious from an early stage in his leadership that Qaddafi had demonstrated a proclivity for contrariness, a fact that would supply innumerable actors with motives for his deposal.

According to Russian foreign minister, Sergei Lavrov, the intervention in Libya lead to a great increase in civilian casualties and did not contribute positively to the human rights situation of the Libyan people. Barack Obama, on the other hand, describes the intervention as one that saved the lives of countless Libyans. According to a co-authored opinion piece placed in the New York Times, David Cameron, Nicolas Sarkozy and Barack Obama would declare that Operation Unified Protector had *"degraded [Qaddafi's] war machine and prevented a humanitarian catastrophe."*[27]

Syria 2013

The 2011 conflict in Syria is a case study in which alleged human rights abuses did not result in material intervention. Although the proposed airstrikes on Syria did not eventuate, the case contains illustrative examples of foreign policy posturing and perhaps the most explicit employment of human rights rhetoric in reference to international humanitarian responsibilities. Furthermore, it might be argued that the Syrian case does constitute intervention, as the use of force was explicitly used a threat which might be considered a breach of sovereignty under international law, a point raised by Carsten Stahn in his article on the conflict. While this paper is not concerned with legality so much as perceived legitimacy,

[27] Cameron, Obama, Sarkozy "Libya's Pathway to Peace"

the implied use of force is a belligerent practice in a normative sense and thus, a practice that requires legitimation. For these reasons, it is an important case study even in the absence of intervention, especially given the many parallels to the NATO intervention in Libya that preceded it and the Russian intervention into Eastern Ukraine that would follow.

As was the case in Libya, the Syrian crisis can be said to have started with the Arab spring; a wave of popular uprising that swept across the Arab world, starting in Tunisia and spreading to Algeria, Egypt, Libya, Syria and Yemen. As Syria descended into a brutal civil war fought between government forces and a number of fragmented opposition groups, Syrian leader Bashar al-Assad and his administration were faced with a salient existential threat. After widespread reports that Assad had used chemical weapons against civilian populations, the United States and Security Council allies France and the United Kingdom, declared that they were considering punitive retaliations against the Syrian regime. This threat, however, did not eventuate with Russian president Vladimir Putin brokering a compromise which saw Syria agree to voluntarily disarm itself of chemical weapons to avoid the *"targeted military strike"* proposed by the Obama administration as a punitive strike for the attack.

Even in the early days of the conflict, the United States made strong statements about the humanitarian situation in Syria. In a speech made in February 2012, Obama affirmed that *"[e]very government has the responsibility to protect its citizens, and any government that brutalizes and massacres its people does not deserve to govern. The Syrian regime's policy of maintaining power by terrorizing its people only indicates its inherent weakness and inevitable collapse. Assad has no right to lead Syria, and has lost all legitimacy with his people and the international community."*[28] Obama's efforts to delegitimise the Syrian

[28] Obama, B 04/02/2012 "Statement by the President on Syria"

regime through the evocation of humanitarian norms are transparent. He explicitly mentions the responsibility to protect and makes clear his contention that Assad and his regime have no right to lead, citing the abuses against civilians as actions that delegitimise the regime and presumably surrender its sovereignty. Obama's statements would extend beyond the mere condemnation of Syrian leader; he presented Assad with an order to *"step aside and allow a democratic transition to proceed immediately"*[29] and ended with a rallying call to mobilise the international community to support intervention;*"[t]he [United Nations Security Council] now has an opportunity to stand against the Assad regime's relentless brutality and to demonstrate that it is a credible advocate for the universal rights that are written into the UN Charter."*[30]

While Obama's early speeches contained powerful demands, it was not until much later that intervention into Syria appeared to be a serious prospect. The alleged use of chemical weapons on civilian populations by the Syrian regime in August of 2013, almost a year and a half after Obama called for Assad's resignation, put the conflict back on the international agenda. The charge against Assad was made by a number of western powers, as well as being independently verified by a host of private and social news sources. The evidence Obama provided to incriminate Assad is found in his September 10 speech, in which he indicated that US intelligence knew that a sarin nerve agent was prepared at a Syrian arms facility, and that gasmasks had been distributed to Syrian troops in the lead up to an attack that targeted *"[…] 11 neighborhoods that the regime has been trying to wipe clear of opposition forces"*[31] [32].Obama following up on his already strong rhetoric in reference to

[29] *Ibid.*
[30] Obama, B (04/02/2012) "Statement by the President on Syria"
[31] Obama, B (10/09/13) "Remarks by the President in Address to the Nation on Syria"

[32] Despite evidence put forth by the Americans as to Assad's culpability, there remains controversy surrounding the event and the identity of the attack's perpetrators. This paper will not contend one way or another as to the nature of the alleged chemical weapon attack or claim to have any knowledge as to who was responsible for the attack. What matters here, is the utilisation of this occurrence as a topic of political rhetoric.

this event with a detailed anecdote; *"On August 21st [...] Assad's government gassed to death over a thousand people, including hundreds of children. The images from this massacre are sickening: Men, women, children lying in rows, killed by poison gas. Others foaming at the mouth, gasping for breath. A father clutching his dead children, imploring them to get up and walk."*[33] Obama's accusations were reinforced by fellow Security Council members France and the United Kingdom, along with close ally Germany. British Prime Minister David Cameron stated in an August 27 interview that *"[...]we shouldn't stand by when we see this massive use of chemical weapons, the appalling levels of suffering, morally reprehensible, something the world came together almost a hundred years ago and said, "These weapons shouldn't be used", and they are being used here in Syria."*[34]

Despite the West being confident of Assad's culpability the Syrian leader dismissed the allegations; "*how can a government use chemical weapons – or any other weapons of mass destruction – in the area where government troops are concentrated? This is against elementary logic."*[35] President Putin was similarly unconvinced as to Assad's culpability; *"[...]we have no evidence that these chemical substances – it is not clear yet whether it was a chemical weapon or just some harmful chemical substance – have been used by the Syrian Army"*[36]. Furthermore, he implicated the Syrian rebels in the crime; *"some think it [the chemical weapon] is a compilation made by these very rebels, who, as we are well aware, and the US Administration acknowledges it, are linked to Al-Qaeda and who have always been distinguished by extreme brutality.*"

[33] *Ibid.*

[34] Cameron, D (24/08/13) "Transcript of PMs Interview"
[35] Assad, B (26/08/2013) "Accusations that Syria used chemical weapon 'against logic'"
[36] Putin, V (04/09/2013) "Interview to Channel One"

While Putin dismissed the Syrian rebels as Jihadists and extremists, the identity and allegiances of the rebels was a point of contention. Initially at least, the Whitehouse was forthright with their support of the rebels, stating that Assad was *"[T]rying to suppress the aspirations of young people who simply wanted jobs and education and opportunity"*[37], and at no point did the Americans entertain the idea that they were responsible for the gas attack.

Understanding the Russian opposition to the Syrian intervention is straight forward, as the Kremlin views Syria as an important geopolitical asset. The United States were quick to acknowledge this connection, and in June of 2012, long before the chemical weapons attack, then secretary of state Hilary Clinton, would accuse the Russians of supplying the Assad regime; *"[w]e know there has been a very consistent arms trade, even during the past year, coming from Russia to Syria. We also believe the continuous supply of arms from Russia has strengthened the Assad regime"*[38]. The Russians themselves make no secret of their stake in Assad's regime. In 2010, before the outbreak of the Arab spring, President Medvedev and President Assad held a joint press conference during which both parties expressed mutual partnership and admiration, with Medvedev emphasising the *"[…]mutual friendship, long-standing trustful cooperation and dialogue"*[39] that existed between the two states. The Russo-Syrian connection was made further evident by Putin's leading role in handling the diplomatic solution that would end the cause the intervention. With Obama seemingly poised to strike, it was Putin who persuaded Assad to agree to the destruction of Syrian chemical weapon caches as a form of diplomatic compromise.

[37]Kerry, J (27/02/2014) "Remarks on the Release of the Annual Country Reports on Human Rights"
[38] Clinton, H (1/06/2012) "Oslo Health Conference"
[39] Medvedev, D (11/05/2010) "Russian-Syrian summit talks

Of course, Russia's staked interest in the continuation of the regime may not be the sole motivating factor in determining its stance towards Assad. Perhaps Russia's partnership with Assad was less important than the political point scoring to be found in discrediting American foreign policy. Either way, it does support the notion that states will reflect their geopolitical interests regardless of human rights. In any case the Russian interpretation of humanitarian intervention was consistent with their political agenda.

The issue of security in reference to the Syrian case is an interesting point at which a necessary departure will be made. Obama did declare that his motivations for invading were not merely humanitarian but that "*what happened to those people -- to those children -- is not only a violation of international law, it's also a danger to our security."*[40] So while security was employed to a certain extent, Obama saw the threat of Assad's chemical weapons only in the abstract, which is reflected in his statement that *"[…] failure to stand against the use of chemical weapons would weaken prohibitions against other weapons of mass destruction […]"*[41] and in the very same speech would he go on to clarify that there was no "*direct or imminent threat to our security"*[42]. So while Obama did indeed evoke security as an incentive to strike Assad, it is was framed as a periphery concern with Obama transparently stating that Assad did not pose any salient threat to American national security.

Outside of humanitarian concerns, Western motivations for the deposal of the Syrian regime are obvious. Assad's close relationship with the Iranian leadership is often cited by the United States as one such motivation. As demonstrated by George Bush's inclusion of Iran amongst the three pronged "Axis of Evil", there is little doubt that the Americans see the Tehran friendly Assad regime as a political liability, regardless of Sarin attacks.

[40] Obama, B (10/9/2013) "Remarks by the President in Address to the Nation on Syria"
[41] *Ibid.*
[42] *Ibid.*

Ukraine 2014

Since the Orange Revolution of 2004, Ukraine has endured ten turbulent years of political scandal and economic turmoil. Geographically, Ukraine sits between the rapidly emerging Russian economy and the powerful European Union; with this political fault line playing a major role in the country's decent into its current turbulent situation. In February of 2014, protestors in Kiev took to the streets in opposition to the leadership of Victor Yanukovych, who had become unpopular in the capital because of his pro-Russian stance on economic issues. The protests, that would adopt the moniker of Euromaidan, would grow in severity leading to heated clashes between rioters and state security personnel. The intensifying conflict would capture the attention of the international community, and as the Maidan protestors would gradually gain control of the capital through sheer weight of numbers, the democratically elected Yanukovych would flee from the capital after formally ceding control of the country. The revolution in the Kiev and the ousting of Yanukovych would prove to be little more than a prelude to the unfolding Ukrainian conflict which, at the time of writing, is far from concluded.

There are two aspects of the Ukrainian case that are relevant to the purposes of this paper. The first is the Western support for the Maidan uprising and the utilisation of humanitarian rhetoric to legitimise the Maidan movement. The second refers to the retaliatory uprising of the ethnic Russians in opposition to the newly established Ukrainian government. In this sense the Ukrainian case study is a comparative analysis inside of itself. Following the deposal of the Yanukovych regime, ethnic Russian "defence forces" would take control of the state apparatus while and troops from the neighbouring Russia moved into the Crimea region of eastern Ukraine. After a sudden declaration of independence, Crimea which would go on to join the Russian state after a hastily arranged referendum. The Russian justification for

their military presence in Eastern Ukraine was the protection ethnic Russians, who were facing a humanitarian threat that demanded intervention; *"we have decided to organise work in the Russian regions to aid Crimea, which has turned to us for humanitarian support."*[43] Putin dismissed accusations that his motivations were purely strategic, legitimising his actions by stating *"[political interests] coincide with our interests to protect the people with whom we have close historical, cultural and economic ties. Protecting these people is in our national interests. This is a humanitarian mission"*[44] Lavrov would give more detailed description of human rights abuses, stating that *"The Ukrainian Verkhovna Rada passed bills restricting the rights of the language minorities and dismissed Constitutional Court judges and demand to open criminal cases against them"*[45] The Western interpretation of the Maidan protests was in stark contrast to that of the Russians, with Kerry describing Maidan as *"brave Ukrainians [who] took to the streets in order to stand peacefully against tyranny and to demand democracy. So instead, they were met with snipers, who picked them off one after the other."* Russia would label the Maidan protestors as a collection of radical right wing nationals, making continued reference to possible Nazi elements within the group in an effort to delegitimise the uprising.

Russian president Vladimir Putin declared that the revolution in Ukraine was inevitable, stating that *"this revolutionary situation has been brewing for a long time, since the first days of Ukraine's independence"*[46]. In spite of this, Putin did not recognise the legitimacy of Ukraine's newly anointed government, labelling the Maidan uprising as *"an anti-constitutional takeover, an armed seizure of power"*[47] and made it clear that he would

[43]Putin, V (04/03/2014) "Vladimir Putin answered journalists' questions on the situation in Ukraine"
[44] Putin, V (04/03/2014) "Vladimir Putin answered journalists' questions on the situation in Ukraine".
[45] Lavrov, S "Address to The United Nations Human Rights Council".
[46] Putin, V (04/03/2014) "Vladimir Putin answered journalists' questions on the situation in Ukraine".
[47]*Ibid.*

not recognised the newly established Ukrainian leadership; *"the current Acting President is definitely not legitimate. There is only one legitimate President, from a legal standpoint [….]Yanukovych is the only undoubtedly legitimate President."*[48] Putin would reiterate the illegitimacy of the newly formed Ukrainian government by implying that European leaders were consciously complicit in the revolution, having *"[…] supported an unconstitutional armed take-over, declared these people legitimate and are trying to support them."*[49] Furthermore, Putin denied the suggestion that Euromaidan was a spontaneous uprising focussed on economic reforms; "*[r]egarding the events in Ukraine, they remind me less of a revolution than of a pogrom. And strange as it is, this all has little to do with Ukraine-EU relations. Because if you pay attention, no one is delving into these draft agreements, no one is looking at anything or listening to anything."*[50]

Russian rhetoric did not just employ human rights to delegitimise the Maidan uprising, it was also used to justify Russia's interference in Crimea. *"We call for a responsible approach, to put aside geopolitical calculations, and above all to put the interests of the Ukrainian people first …I reiterate, we are talking here about protection of our citizens and compatriots, about protection of the most fundamental of the human rights – the right to live, and nothing more*[51]*."* Lavrov's American counterpart, Secretary of State John Kerry, countered Russian claims of acting in the interest of human rights, saying that *"It is clear that Russia has been working hard to create a pretext for being able to invade further"*[52] and claimed that ethnic Russians in the east of Ukraine were not threatened with violence. The Whitehouse support of Maidan, is contrasted by their condemnation of the ethnic Russian nationalists. Unsurprisingly, the Kremlin was diametrically opposed on the

[48] *Ibid.*
[49] *Ibid.*
[50] Putin, V (02/12/2013) "Press statement and answers to journalists' questions following Russian-Armenian talks"
[51] Lavrov, S (03/03/2014) "Russian option to send troops is only to protect human rights"
[52] Kerry, J (04/03/2014) "White House on Russia; Russian Troops Seen Firing; Putin Speaks"

two matters, condemning Maidan and offering assistance to the Russian nationals. Both parties accused proclaimed the legitimacy of their chosen uprising, while accusing the other of cynically controlling the unfavourable movement.

Other Cases

Despite their omission, the interventions into Afghanistan and Iraq contain valuable insight as to the evolution of human rights rhetoric, and displayed many of the same characteristics as the above interventions. The reason for their omission is that from the start, these interventions were primarily framed in reference to security objectives. In Afghanistan the expressed mission was an offensive against Al-Qaeda, while in Iraq, the intention was to disarm Saddam Hussein of weapons of mass destruction. Although these expressed motives are somewhat contentious, these were the main issues guiding the interventionist rhetoric. Although humanitarian amelioration was mentioned in both cases, it was a decidedly incidental concern when put aside the supposed threats to security. That these interventions were of a security, rather than humanitarian, nature, might be explain the larger scale of the operations. For these reasons, the War on Terror is unfit for analysis.

Another interesting case study not covered in this paper is the Russian invasion of Georgia, an act that arguably fulfils the stipulated criteria and is closely reminiscent of the Russian intervention into Eastern Ukraine. The reason that this case is not included is due to the fact that the conflict is often defined as a war, and not an intervention. This is not merely a semantic definition; the nature of a territorial dispute is quite distinct from that of an intervention. Although Putin did explicate his humanitarian concerns in regard to ethnic Russians in South Ossetia and Abkhazia, the reciprocal nature of the conflict makes it unfit for analysis.

Finally, there have been other case of humanitarian action that have not been mentioned that happened in the post-Cold War period. The 1994 United Nations Armed Mission in Rwanda (UNAMIR) is an often cited example of humanitarian crisis and intervention. Despite its prominence, UNAMIR is an inappropriate case study for a number of reasons. This conflict was defined by the lack threadbare nature of the intervention and the unwillingness of powerful states to commit any soldiers to the area. This intervention is notable for its inadequacy, rather than its occurrence, and is somewhat illustrative because displays the apathy of the international community to strategic backwaters. Unified Task Force (Somalia, 1992) and Operation Uphold Democracy (Haiti, 1994), are similarly omitted, if only because they were of such a small scale so as to inflict negligible costs on those enacting the intervention. Furthermore, the operations were less concerned with humanitarian issues and more explicitly political. Operation Uphold Democracy is still a fascinating case study that might be fitted within this framework, but is somewhat irrelevant when put aside the other case studies.

Stage 2 Analysis

In this stage of analysis it is necessary to compare the preceding case studies with one another in order to draw broader conclusions pertaining directly to the research question.

Consistencies

There is a striking similarities between the cases of Kosovo, Libya, Syria and Ukraine. In each instance there is an internal uprising against an unpopular leadership[53], resulting in an armed crackdown by the state, which in turn led to an external actor intervening with reference to the humanitarian situation. In both Kosovo and Syria, security concerns were

[53] In the case of Ukraine, it was ethnic Russians rebelling against the newly instated regime in Kiev, not the initial Maidan protests.

acknowledged in passing reference, but only abstractly. In Kosovo the argument was made that the conflict might domino into eastern Europe and destabilise the continent, but Milošević was not likely to possess the capacity to pose a realistic threat to European security beyond his locality and nor had he displayed any intention of doing so. In Syria the security concerns were even vaguer, with the use of chemical weapons framed as an act that needed to be punished; consequences had to be meted out so as to deter the possible use of chemical weapons in the future and thus ensure security. While this logic is not entirely unreasonable, it doesn't seem likely that any of the states pushing for strikes on Syria were meaningfully threatened by chemical weapon attacks from a security perspective. Alternatively, if the punitive measures were intended to dissuade further humanitarian abuses, then this is not a security argument at all but rather an extension of the normative humanitarian pretext. What can be noted is the reluctance of leadership to equate any actions with strategic self-aggrandisement. In a sense, self-interest is the one great taboo on the international scene. While realism dictates that states are rationally bound to pursue their interests, every state is doing its best to ensure that any possible rational motivation is framed as incidental or of only peripheral relevance. Ideological concepts, such as human rights, is by far the greatest motivating factor in international relations out-side of security.

In each instance there was contention as to the identity of the rebel combatants; with their identity generally reflecting strategic interests. It is often said that the distinction between a freedom fighter and terrorist is entirely subjective; in both Syria and Ukraine this cliché is especially appropriate. While the Russians identified the Syrian rebels as Jihadists and the Maidan demonstrators as Nazis, the Americans portrayed both as repressed populations fighting against tyranny. In the case of Kosovo, the Russians were also decidedly less supportive of the KLA than the Americans, and in Ukraine the pro-Russian separatists were similarly schismatic. It seems unlikely that these opinions, which are uniformly

consistent with state interests, arise from anything other than the cynical manipulation of information.

Inconsistencies

For the rule of law to exist meaningfully within the international community, arbitrariness of application must be eliminated. Justice is blind if it is to be just, and the enforcement of law must be uniform if it is to be law. A brief investigation of the case studies, however, uncovers a number of unsettling inconsistencies that cast a shadow over constructivist assumptions. At this stage of the analysis a number of puzzling discrepancies become evident between case studies. How does one account for the absence of intervention into Syria despite the humanitarian crisis being substantially worse than that of Libya? Why does one state condemn intervention, while it practices intervention itself?

The decision to intervene in Libya, but refrain in Syria, is one such enigmatic example. While there were reports of human rights abuses in both cases, the crimes against humanity appeared to be of a far greater scale in Syrian than in the instance of Libya. Just comparing the statements made by Obama makes this clear. In Libya there were only vague claims that state forces were abusing power, repressing people and acting tyrannically. In Syria, hard evidence was put forth to suggest that the Assad regime had wantonly used chemical weapons to murder more than a thousand civilians. In Libya, the result was intervention and the destruction of the Libyan state apparatus. In Syria, there was no such action. The mere comparison of these two cases shows that the responsibility to protect does not exist as a principal in and of itself, but rather as a supplementary justification that can be utilised when convenient. Of course, perhaps this is an unfair comparison, as in the Libyan instance there was a Security Council resolution mandating intervention. This realisation moves the charge of arbitrariness from the West and places responsibility squarely on the international system.

Regardless of the scale or severity of human rights abuses, the fact remains that it is power, and not ethereal principals that are the primary determinant of interventions. Russia was willing to allow the Libyan intervention, not because the human rights violations were than those of the Assad regime, but rather because they had only periphery interests in that area. Their opposition to the Syrian regime was comparatively greater, not because Assad was less tyrannical than Qaddafi, but because he was more strategically valuable.

One illuminating example of humanitarian rhetoric being used to legitimise political ends can be observed in the juxtaposition of the Syrian and Crimean case studies. Having just lectured the United States on their cynical use of human rights rhetoric in Syria, Serge Lavrov would then justify Syria's intervention into Ukraine in light of humanitarian concerns. Secretary Kerry, who had just been speaking of humanitarian responsibilities, then went on to accuse Lavrov of abusing human rights as a pretext. The irony that can be extracted from the comparison of these two incidents is immediately apparent. While both states assure each other of their humanitarian motivations, neither state is willing to concede that the other might be motivated by anything other than self-interested power politics. Furthermore, both made efforts to delegitimise the other for using the exact same techniques that they themselves employ. Interestingly, although Lavrov and Kerry must have been at some level aware that they were throwing stones from glass castles, they seemed entirely unfazed by their hypocritical standpoint. Putin launched a scathing attack against the United States for their attitude, labelling *it "a kind of baffling, primitive and blatant cynicism. One can't just twist things to fit his interests, to call something white on one day and black on the next one."*[54] Of course, to add a meta-level of irony, Putin's comments might just as well have

[54] V, Putin (18/03/2014) "Putin: Crimea similar to Kosovo, West is rewriting its own rule book"

been directed towards his own foreign secretary, who is equally complicit in the hypocrisy of humanitarian rhetoric.

Another observation to be made is the predictable alignment of state interests with the interpretation of humanitarian issues. In the case of Kosovo, the western world had a relatively strong strategic incentive to dispose of the Slobodan Milošević, while Russian interests were opposed. In Syria, the western states were initially eager to assist the rebels while the Russians willing to allow the war to continue. The Libyan case is less certain, especially since the Russians had relatively few interests in the area and would only come to oppose the NATO operation in retrospect. It is, however, most probable that the West had far greater interests in the dissolution of the Qaddafi regime than the Russians. These examples supports the hypothesis that human rights do not seem to be an issue that either party is concerned with so long as it does not affect their interests. One might expect states to have somewhat similar, and not diametrically opposed, views on the topic were they only interested in the humanitarian situation of citizens; which given the universal nature of human rights should be an objective reality rather than subjective opinion.

The Humanitarian Pretext

If human rights are indeed used as a tool of legitimation why is this the case? Why don't states simply express geostrategic interests and inform the international community that they are acting in a rational manner? As has been established by Finnemore, while it is true that powerful states may act with unstrained might, this is not a rational course of action when the social nature of the international community is taken into account. The state would be delegitimised on the international scene and this would increase the possibility of their actions being inhibited into the future. At this point constructivist theorists might claim this institutionalised social pressure as evidence that supports their core tenets. In this instance the

conception of a world transcendent of power politics is ultimately valid; with international institutions projecting soft power in a way that is morphologically determinant of the international environment. Unfortunately however, the effect of human rights on political behaviour is largely superficial; states with sufficient power to intervene with impunity are unlikely to face considerable backlash from the international community. But making policy at least appear to be driven by selfless intentions is a relatively cost free endeavour, one that easily pays for itself if strategic interests are only vaguely ameliorated.

Another constructivist approach envisages the internal social functioning of the state as determinant of foreign policy. While this is a slight divergence from the mission of this paper, it is likely that states seeks internal legitimacy, as well as social legitimacy. A large amount of power within any state is derived from the constituents, and this is true even in non-democratic states. State constituents might disagree with state policies on moral grounds. If the population demands that the state acts on this moral impulse, this could affect the decision making of the state. After all, a leader must be mindful of public opinion, even if this means foregoing strategic interests. In this sense the domestic pressures do not invalidate the mechanics of strategic and rational politics, so much as reshuffle the preference ordering of a state's national interest. Therefore, it is conceivable that a state may pursue strategically costly intervention simply to appease the humanitarian ideals of the voting public. The humanitarian sympathies of the state is an encouraging development for constructivists, as it lends credibility to the idea that social forces are determinant of state behaviour. This conclusion, however, is not necessarily the only one to be drawn from adding public opinion into the mix. Perhaps it is not the political will of the people determining foreign policy, but rather strategic foreign policy is being rebranded so as to appease the moral consciousness of the voting citizens. While it is probable that this dynamic works in both directions, this paper is not able to determine the causal direction of the relationship.

It might simply be the case that human rights are a relatable topic with which a broader audience can identify. This is possibly why state leaders are so willing to relay anecdotal accounts of humanitarian abuses; a tactic that is universally employed in the case studies examined. Whether it is Obama describing the foaming mouths of Syrian children, Clinton describing the gasoline drenched victims or Putin speaking of men surrendering only to be tortured, the use of anecdotes is a powerful rhetorical device. This is especially true when it creates unusual lasting imagery, and the personal nature of the story means that the individual might be able to vicariously sympathise with the victims. From a political perspective, human rights is a subject that is difficult to critique. After all, speaking against human rights could be easily construed as speaking out in favour of human rights abuses, something that no political entity would be eager to associate themselves with. Speaking out against self-interested foreign policy is a far more tenable position.

The final reason why humanitarian figure pointing is so prevalent on the international scene is perhaps the most fundamental. Human rights abuses can be charged against nearly any state. This means that a state may "legitimately" invade any other in reference to humanitarian norms. Just taking a look at the United Nations Security Council is a revealing example. The prominent non-governmental organisation, Human Rights Watch, routinely highlights the human rights violations of Security Council Members. China has a well-documented history of abuses that continue to this day and is frequently accused of oppressing its ethnic minority groups. Russia is similarly accused of marginalising its population, with numerous abuses of ethnic and social minorities being repressed. Even the United States, the oft-proclaimed champion of human rights, practises illegal detention and has faced allegations of torture and other unusual punishments. This list is far from exhaustive and has only mentioned domestic abuses. The point here is not to expose "evil" or "immoral" states, but rather highlight that the reason that none of these states are intervened

with are reflected by the inalienable realities of international relations, not the doctrines of human rights. Humanitarian abuses are only one aspect of intervention, and far from the most salient. Human rights are simply the ideological counterpoint to state sovereignty, and the only way in which the subversion of another state's sovereignty can be justified in the absence of security considerations.

The Verdict

By investigating a number of case studies and subjecting them to comparative analysis, this paper has sought to determine whether states are committed to humanitarian goals or are merely repackaging their self-interest. When states disagree about the facts of a single incident, as was the case in each case study, it is difficult to reconcile these discrepancies without concluding that leaders are being dishonest in an effort to confer legitimacy and pursue self-interested policies. When a conclusion is drawn by one state, only to be contradicted by another, it is only logical to assume that at least one state is manipulating the facts. Perhaps such a strong conclusion is unfair as there are, of course, explanations for these discrepancies that do not involve dishonesty. It is possible, for instance, that states are basing their position on information that is debased. This would excuse leaders under such circumstances as they are reliant on the information that is given to them by their intelligence agencies and different agencies of different states might well look at the same situation and draw diametrically opposed conclusions. Differences in rhetoric could thus be deemed to be resultant of contradictory sources, and not strategic interests. This possible explanation would support the null hypothesis, and attribute the duplicity of states to chance.

Were this the case, however, one would not expect states to view issues in a way that is consistently concurrent with their geostrategic interests. In the four case studies utilised,

this trend is definitely implied. In the case of Kosovo, the Russians expressed outrage at the flagrant disregard for international law, while NATO sided with the separatist rebels. Of course, it is difficult at this point to prove the nature of state interests or to even conclude that geostrategic interests are anything but incidental. One would need a far greater amount of case studies to statistically prove that the correlation is indicative of causation. The burden of proof is a troublesome concept in this instance. Should the burden be on those trying to prove that politicians are duplicitous? Or should it instead be placed upon those who identify a paradigmatic shift that renders realism antiquated? While there is not enough evidence to prove that states do utilise human rights as a cynical pretext, there is also very little evidence to suggest that they do. The only reason to believe that state motivations for intervention are primarily humanitarian, is that states claim this to be the case. Given that states are so suspicious of their rivals purported intentions, there is little doubt that

Of course, the observation that states pursue self-interest is not particularly novel or enlightening. That politicians are capable of deception is similarly a stale conclusion. This paper has not set out to prove that states are responsible for great crimes of selfishness and dishonesty, nor does it imply that one state is more culpable than another. What this paper has succeeded in, however, is encouraging scepticism towards expressed humanitarian intentions and the notion that the post-Cold war environment is fundamentally different to the self-interested environment that preceded it. In numerous instances we see human rights rhetoric being deployed in a sense that is incompatible with the statements of other parties. Furthermore, the case studies suggest that a state's view of a human rights situation is invariably linked to their geostrategic interests. When a state has an interest in non-intervention, they invariably down pay human rights concerns, such as the stance of the United States towards the Ukraine, or Russia towards Kosovo. When they call for interventions, they are accused of harbouring ulterior motives. These observations are not

consistent with the null hypothesis that states are impartial in their assessment of humanitarian situations. Since the events of Kosovo, foreign intervention has taken on a quite distinct morphology. While Goodman argued that the use of R2P and humanitarian rhetoric to justify self-interest could be a pacifying force, it seems unlikely that this is the case and it seems to be a wholly aggravating phenomenon, reducing the cost of conflict through legitimation. For example, the previous US incursions were evoked by Putin to justify his incursion into Ukraine, *"I have to recall the actions of the United States in Afghanistan, Iraq and Libya, where they either acted without any UN sanctions or completely distorted the content of such resolutions, as was the case with Libya. There, as you may know, the resolution only spoke of closing the airspace for government aircraft, while it all ended with bomb attacks and special forces land operations."*[55] While Kerry would complain that it *"is not appropriate to invade a country, and at the end of a barrel of a gun dictate what you are trying to achieve. That is not 21st-century, G8, major nation behaviour"*[56], his words were driven by the kind of cynical hypocrisy that Finnemore would deem cost effective.

In each case examined humanitarian intervention might well have been motivated by a number of less legitimate intentions. This is supportive of the alternative hypothesis that states pick and choose their conflicts in relation to their humanitarian interests. States do not have unlimited resources and as such they have to weigh their humanitarian impulse against practical constraints in order to determine which conflicts they can afford to get involved in. It might be argued that states choose to pursue those humanitarian missions that happen to coincide with one or more strategic interests, and indeed throughout the case studies we do see states claiming that humanitarian and strategic interests are coherent. US Secretary of

[55] Putin, V
[56] Kerry, J (27/02/2014) "Remarks on the Release of the Annual Country Reports on Human Rights"

State John Kerry affirmed that *"[t]he places where we face some of the greatest national security challenges today are also places where governments deny basic human rights to their nations' people, and that is no coincidence."*[57] But despite its superficial appearance as a reasonable explanation for interventionist policies, the alternative hypothesis is weak in its epistemology. Furthermore, it would only be inconsistent with realist tenets if it was the determinant factor of intervention and not just a contributing factor. As has been discussed earlier, nearly any nation-state has a problem with human rights that could warrant foreign intervention. Therefore, its position as a contributing factor could be applied to any conflict.

Although they are undoubtedly a prominent new phenomenon on the international scene and will probably continue to be used into the future, humanitarian interventions and humanitarian rhetoric should not be seen to herald a new paradigm of international relations.

[57] Kerry, J (13/03/2014) "Opening Remarks Before the Senate Appropriations Subcommittee on Foreign Operations"

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This paper has drawn on the academic sources which are referenced with in text citations. Academic sources were used to elucidate established theory and essential concepts. Furthermore, three academic texts of immediate relevance were analysed and evaluated to create a contextual background for this paper. These texts are ordered alphabetically by name, and then chronologically in the event of more than one entry from the same speaker.

The second section contains transcripts of the speeches used in this paper. The texts are referenced with footnotes. All hyperlinks are functional as of 27/05/2014 and these speeches have been sourced wherever possible within their original context. In the event that the original context is no longer available, a link to a journalistic source may be utilised, but only in reference to direct quotes. For example, several links on the Secretary of State website resulted in 404 search results for Hilary Clinton transcripts. However, these speeches were referenced extensively on third party news sites. Speakers are ordered alphabetically and a given speaker's speeches are sub-ordered chronologically.

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