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Humanitarian intervention and human rights

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ABSTRACT. We are living in the "era of human rights," with increasing attention to them following the Universal Declaration of Human Rights. Humanitarian interventions are mechanisms aimed to protecting human rights and reducing suffering, yet they pose ethical challenges due to the use of lethal force and its resulting harm to civilians.

In this paper I am attempting to answer the question: Does humanitarian intervention enhance human rights or violate them in other ways? Could it be a cover for other goals?

In an attempt to answer this question, the paper discusses the concept of humanitarian intervention and its relation to human rights, along with some conditions for such intervention and the ethical challenges of using lethal force. Finally, the paper presents a case study: Darfur as an example.

Keywords: *humanitarian intervention, human rights, Conditions for humanitarian intervention, Violations.*

1. Definition of humanitarian intervention

Analyzing the words 'intervention' and 'humanitarian' may lead us directly, spontaneously and simply to the nature of the term: the word 'intervention' means concern for the affairs of others, while 'humanitarian' is the description of this act. It stems from concern for the humanity, people, and human rights. Therefore, humanitarian intervention is intervention based primarily on humanitarian foundations.

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Although there are many types of intervention, and this paper addresses only the military intervention, which Eric A. Heinze defines as follows: "the use of military force by a state or group of states in the jurisdiction of another state, without its permission, for the primary purpose of halting or averting egregious abuse of people within that state that is being perpetrated or facilitated by the de facto authorities of that state."[1] So, military intervention is a type of defense of others. Because it is a defense of the individuals of another country in cases where they are exposed to harm, deprivation of rights, and many other acts of violence by their own country. The primary purpose of humanitarian intervention is to deploy military force to protect individuals whose government is severely violating their rights, either through direct actions or by enabling and allowing extreme abuse.[2] Accordingly, the core idea here revolves around humanitarian intervention as a mechanism to protect individuals from severe human rights violations perpetrated; it refers to an international action taken when a government either directly engages in or allows widespread violations of human rights, such as genocide, ethnic cleansing, or systematic oppression. The military force is seen as a last resort to stop these abuses.

Humanitarian intervention is similar to the presence of a building consisting of a group of floors and separate apartments. However, the residents can always hear violent sounds coming from a particular apartment of this building. With the repetition of the situation, it is discovered that the father in this house is always abusing his children, so the neighbors decide to defend these children and to preserve their lives by interfering in the affairs of this house by contacting the police or through other types of intervention with the aim of preserving the lives and dignity of these children.

Having this image in mind and following Anthony F. Lang Jr, we can understand the military intervention as: "the use of military force across national boundaries to alter the internal affairs of a state that has violated international law or other widely recognised international norms"[3].

Because defending others is a moral virtue, some may call this intervention moral warfare, as Maja Zehfuss says in his book *War and the Politics of Ethics*: "I use

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[1] Heinze, Eric A., *Waging Humanitarian War: The Ethics, Law, and Politics of Humanitarian Intervention*, New York Press, United States of America, 2009, p. 7.

[2] See Ibid, p. 2.

[3] Anthony F. Lang, "Punitive Intervention: Enforcing Justice or Generating Conflict?" in Evans, Mark (ed.), *Just War Theory: A Reappraisal*, Edinburgh University Press, United Kingdom, 2020, p. 50.

the phrase 'ethical war' to sum up the idea that war is pursued in the name of the good. More specifically, 'ethical war' involves the claim that it is at least partly fought for the benefit of people other than the populations of the Western countries at war [...] ethical war is imagined as fought on behalf of others, that is, to protect or liberate people subjected to oppression and human rights abuses."[4]

Accordingly, moral warfare is the war or humanitarian intervention in which the decision to wage is made based on moral and humanitarian foundations, such as preserving the lives and safety of people, enabling human rights, and defending others. From this point of view, it can be said that in specific instances, intervention is deemed essential for humanitarian purposes, aiming to uphold the responsibility of protecting civilians when their state fails to safeguard their fundamental human rights.[5] This means that the purpose of humanitarian intervention is solely ethical (,i.e., the overcoming of sin and the victory of virtue), free from any selfish motives or malicious intent. This is the true humanitarian intervention.

Thus, in brief: humanitarian intervention is one of the attempts to promote human rights and maintain general human security and peace. The same idea is illustrated by Eric A. Heinze: "Human security is a general condition of human dignity and welfare that includes safety from threats originating from both inside and outside the state, threats that are acute and disruptive 'e.g., armed conflict', and threats that are structurally-caused and chronic 'e.g., poverty'. "[6] On this basis, acknowledging that the primary issue of intervention is a humanitarian one, and that this intervention must have humanitarian and moral foundations in the first place, Humanitarian intervention is limited and restricted by many conditions to ensure that it is truly humanitarian. Neither every intervention carried out by one state against another state is a humanitarian intervention, nor every war waged under the banner of morality is a moral war. Here arises the question that this paper will attempt to answer: When is humanitarian intervention truly just and humane?

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[4] Zehfuss, Maja, *War and the Politics of Ethics*, Oxford University Press, United States of America, 2018, pp. 10-12.

[5] See Ibid, p. 17.

[6] Heinze, Eric A., *Waging Humanitarian War: The Ethics, Law, and Politics of Humanitarian Intervention*, New York Press, United States of America, 2009, p. 38.

2. The relationship between human rights and humanitarian intervention

After all the changes and developments that took place in the past decades, all of which worked directly and indirectly to enhance human rights and duties, we can say that we live today in the era of 'human rights', especially since it has become a field through which we can judge any state or institution, or act as right or wrong.

Previous wars and calamities, such as the First and Second World Wars, may have had negative effects but they played a positive role in developing international and humanitarian awareness in general. After the end of World War II, we found in front of us, for example, The Universal Declaration of Human Rights, the founding of the United Nations and the drafting of the United Nations Charter, along with other human rights organizations. All of them have a very broad scope in that they do not speak to or relate to an individual in particular or a specific country, but rather take all people, individuals and countries as their subject. This may mean that the war taught us a lot, and this is proven by the United Nations, where it is "Famously, the Preamble of the UN Charter begins: 'We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind'. "[7] and where the "universalist moral ideas are expressed in the Preamble of the UN Charter: 'We the peoples of the United Nations determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women'. Significantly, also expressed in the Preamble is a universalist idea of principles regarding the use of armed force: 'We the peoples of the United Nations determined to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest'. Frequently, in moral philosophy, the idea of the common interest is a universalist moral idea."[8] Accordingly, there are universal moral principles and ideas that the United Nations works to confirm and consolidate in its Charter, such as: equal rights, living in freedom and dignity, in addition to the right to life, which is one of the most important human rights. Moreover, one of these principles is the necessity of restricting the use of armed force.

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[7] UN Charter apud Lango, John W., *The Ethics of Armed Conflict: A Cosmopolitan Just War Theory*, Edinburgh University Press, United Kingdom, 2014, p. 8.

[8] Ibid, p. 23.

Here we can move to the concept of humanitarian intervention, which is essentially based on the idea of protecting human rights. It is, in a sense, one of the methods of defending human rights and one of the forms of representing awareness of the problems of others, as

> This growing transnational awareness of the plight of another nation's people has in part been the product of the last decade's expansion of human rights as an international rhetoric of demand aimed at governments by citizens and outsiders alike - a rhetoric that is simultaneously elaborated in international human rights treaties. Much of the human rights rhetoric, as well as the content of many international human rights treaties, is a "wish list" that goes far beyond a nation's capacity or political will to fulfill. Even so, new global and international communities are judging national compliance against international human rights standards. The UN, regional systems like the EU and the Inter-American systems, and myriad non-governmental organizations, have both direct and indirect input into human rights issues today.[9]

This excerpt highlights the increasing global consciousness regarding the struggles faced by people in other nations, driven by the growing prominence of human rights discourse over the past decade. This discourse, reflected in international treaties, acts as a framework for holding governments accountable through demands from both their citizens and the global community. However, the excerpt also notes the disparity between the aspirations outlined in these treaties—often described as an ambitious "wish list"—and the limited resources or political will of nations to fully implement them. Despite these challenges, international and regional organizations, such as the UN, the EU, and the Inter-American systems, along with numerous NGOs, play a vital role in shaping and monitoring compliance with human rights standards. Together, these entities contribute to creating a global benchmark for evaluating and addressing human rights practices across nations.

However, simply recognizing human rights from this point of view is not enough. Rather, there must be an application of these rights on the ground. Every project begins with an idea and this idea must end with implementation. But here is the question: What if these rights do not move into implementation? Here, human rights defenders respond by saying: 1. There must be someone to supervise the implementation of these rights and ensure that they are not violated in a particular

[9] Stacy, Helen, *Intervention, Terrorism, and Torture: Contemporary Challenges to Just War Theory*, in Lee, Steven P. (ed.), Germany: Physica-Verlag, 2007, p. 93.

country or region, and supervision is often carried out by major powers. 2. Just as there is recognition of rights, there is also recognition of the duty to defend these rights. In this regard, Finaly says:

> If we have human rights and if they are to have any meaning, then we must in some circumstances of political adversity also have a right to resist. That is, we must also have at least prima facie right to obstruct attempts to violate human rights and a right to remedy the failures particularly of states to fulfil the duties that some human rights entail.
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> Not only, therefore, is it likely that international actors 'foreign states, the UN, NATO' are burdened with a prima facie duty to try to prevent or remedy human rights abuses from outside the states inflicting them, as many believe, but there is also a right and, sometimes, a duty to try to do so from the inside, on the part of those suffering from unjust rule.[10]

This is a principled recognition of humanitarian intervention as a form of resistance to human rights violations and addressing the failures of states. These are the first and most important justifications for humanitarian intervention, as humanitarian intervention is justified first, last, and primarily on the basis of defending human rights.

The talks regarding human rights may sometimes seem very generic. However, there are various types of rights, some fundamental, some secondary. They may also be divided into: economic, social rights, cultural rights, civil and political rights and so on. The question here is: Are all of these rights in the same sense? do they have the same degree of importance? Certainly, all these rights are equal for all individuals but at the same time they do not have the same importance in all circumstances. For example, the right to life is equal to the right to freedom of movement, and we cannot place all human rights in one place despite the importance of each one of them in and of themselves.

Example: my right to save my property in the face of a thief does not mean that I can kill that thief and infringe on his right to life, while in contrast my right to save myself from death in the face of a serial killer might justify this. In such cases, following Rex Martin, "we need to know what level of rights violations is required for intervention and what the theoretical justification for picking that level is. Martin finds that Walzer and Rawls answer the question of the required level of rights

[10] Finlay, Christopher J., *Terrorism and the Right to Resist: A Theory of Just Revolutionary War*, Cambridge University Press, United Kingdom, 2015, p. 20.

violations largely by pointing to shared judgments intervention is justified when the rights violations 'shock the conscience of mankind', but do not provide theoretical underpinnings for their answers."[11] This idea emphasizes the importance of determining the threshold of human rights violations necessary to justify humanitarian intervention. Thinkers like Walzer and Rawls address this issue by relying on a shared moral intuition: intervention is justified when rights violations are so severe that they shock the conscience of mankind.

The question required here is: When is humanitarian intervention justified and just? What are the human rights that justify humanitarian intervention? Here we must emphasize that humanitarian intervention is only justified in light of serious and repeated violations of basic human rights, Accordingly, the debates around the turn of the century focused on the responsibility of the international community to respond, including the use of force when necessary, to severe human rights violations classified as crimes against humanity.[12]

This means that humanitarian intervention is limited and restricted, and therefore we must move to another level of discussion, namely the conditions that justify humanitarian intervention. In other words, we may ask: what are the conditions and actions that justify intervention, add humanity to it, and place it in an ethical context?

3. Conditions for humanitarian intervention

Every humanitarian action has pros and cons linked to the decision to carry it out or not, and therefore it is necessary to think carefully before undertaking any action, especially if this action is military or related to the decision to use armed force. As these actions have very dangerous consequences and horrific results specific rules, conditions, and limits must be set out.

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[11] Steven P. Lee, in the introduction to *Intervention, Terrorism, and Torture: Contemporary Challenges to Just War Theory*, referencing Rex Martin's chapter: Walzer and Rawls on Just Wars and Humanitarian Interventions, Germany: Physica-Verlag, 2007, p. 8.

[12] See Sutch, Peter, "Defending Conventionalist Just War Theory in the Face of Twenty-First-Century Warfare" in Steven C. Roach and Amy E. Eckert (eds.), *Moral Responsibility in Twenty-First-Century Warfare: Just War Theory and the Ethical Challenges of Autonomous Weapons Systems*, State University of New York Press, Albany, 2020, p. 2.

Here we try to answer the question: when is humanitarian intervention justified or correct? Or in other words: what are the conditions that give humanitarian intervention its legitimacy and the possibility of carrying it out?

In what follows we will discuss a number of conditions that the intervention must meet in order to be considered a just and legitimate humanitarian intervention.

3.1. Seriousness of the threat

This criterion or condition can be expressed in more than one term: the seriousness of the threat or the just cause or just issue.

In order for the intervention to be legitimate, it must be based on justifications, the most important of which is the existence of a reason for this intervention. As Larry May states, "It is certainly not enough to point to the fact that some of our own citizens' lives will be saved by a given war, or even that those who are innocent in another part of the world will be saved, in order to justify killing lots of soldiers and other civilians."[13] Rather, it must be proven that the issue on which the intervention depends is a major and important issue that deserves this intervention; therefore, the seriousness of the threat can be expressed, according to the United Nations' *Report of the High-level Panel on Threats, Challenges and Change*, by asking the following question: "is the threatened harm to State or human security of a kind, and sufficiently clear and serious, to justify prima facie the use of military force? In the case of internal threats, does it involve genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law, actual or imminently apprehended?"[14] Therefore, humanitarian intervention must be based on reasons related to major risks that deserve us to bear the consequences of this military intervention. Not all human rights violations - as we discussed previously - are at the same level of seriousness, and therefore humanitarian intervention should be limited to extreme cases or dire humanitarian emergencies to prevent causing more harm than good. For this reason, many advocates of humanitarian intervention view imminent genocide as a morally justifiable cause

[13] May, Larry, *Contingent Pacifism: Revisiting Just War Theory*, Cambridge University Press, United Kingdom, 2015, p. 69.

[14] Report of the High-level Panel on Threats, Challenges and Change (December 2004) apud Lango, John W., *The Ethics of Armed Conflict: A Cosmopolitan Just War Theory*, Edinburgh University Press, United Kingdom ,2014, p. 19.

for military intervention, while excluding intervention for lesser offenses such as political repression or the denial of voting rights. The risks associated with armed conflict are simply too high to warrant the use of force in response to minor or less significant abuses.[15] This means the necessity of establishing limits and restrictions on military humanitarian intervention.[16]

Sometimes the consequences of not intervening at all are greater in some sense than the consequences of intervention, and this is what makes genocide, for example, and ethnic cleansing at the top of the list of legitimate reasons for intervention. This means that intervention must be limited to exceptional cases, only to those that can be called "crimes against humanity." The list of cases for justified intervention provided by Eric Heinze runs as follows: "genocide, massive war crimes, crimes against humanity, wide- spread torture, ethnic cleansing, forced migration, enslavement, deliberate starvation, or the purposive creation of any other conditions intended to kill or displace large populations."[17] This means that humanitarian intervention is not limited only to the concepts of genocide, but includes all other causes of death. In other words, it does not include only the direct killing of the population, but there are other acts that are tantamount to indirect killing of the population - that is, not by armed force and weapons - such as starvation and health neglect of the population. The idea as the idea of human security that humanitarian intervention seeks to protect includes many types of structural threats such as famine, disease, violence, poverty, and pollution. Although these threats are considered natural, they may be exploited by the state to engage in greater abuses that harm individuals.[18]

On this basis, Helen Stacy discusses in her paper 'Humanitarian intervention and relational sovereignty' that: "humanitarian intervention may also be justifiable for massive cases of letting-die, such as starvation and disease. In other words, national sovereignty cannot shield corrupt or neglectful governments that fail to distribute essential sustenance-food, medical care, and essential services to their

[15] See Heinze, Eric A., *Waging Humanitarian War: The Ethics, Law, and Politics of Humanitarian Intervention*, New York Press, United States of America, 2009, p. 3.

[16] Although we also believe in the existence of these limits and restrictions for other types of intervention, such as political or economic intervention, these types are not the subject of our research here.

[17] Heinze, Eric A., *Waging Humanitarian War: The Ethics, Law, and Politics of Humanitarian Intervention*, New York Press, United States of America, 2009, p. 56.

[18] See Ibid, p. 37.

citizens in exigent circumstances. International morality is invoked not only for the commissions of nation-states, but also for their omissions. My argument is that widespread death by malnutrition or disease should make a government just as culpable as death by civil violence, where the government has the capacity to prevent starvation and disease and fails to do so."[19] This perspective broadens the traditional understanding of humanitarian intervention by emphasizing that a state's failure to meet its citizens' basic needs can be just as harmful as acts of violence, asserting that the international community has a moral obligation to step in when a government neglects its responsibility to protect its population. Stacy's argument underscores the importance of prioritizing human welfare over political boundaries, suggesting that sovereignty comes with moral accountability. This approach advocates for intervention in cases of systemic neglect, ensuring that all forms of human suffering are addressed with equal urgency.

According to the above, we find that justifying military humanitarian intervention necessarily requires, firstly, proving that such violations as discussed above have occurred and that these violations are widespread. Secondly, it requires proving that this particular party against whom the intervention is being carried out is responsible for the occurrence of these violations.

3.2. Proportionality

We said previously that we must think carefully before performing any action because every action or lack of it has consequences. This is the criterion of proportionality, that is, the necessity of examining both the negative and positive aspects of an action before doing it, and make sure that the percentage of benefit resulting from doing or not doing it will outweigh the percentage of harm.

With regard to humanitarian military intervention, the principle of proportionality can be according to Lango as follows:

> "It is morally obligatory not to follow a planned course of military actions, if those that are grievously harmful are not outbalanced by those that are vitally beneficent."[20]

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[19] Stacy, Helen, *Intervention, Terrorism, and Torture: Contemporary Challenges to Just War Theory*, in Lee, Steven P. (ed.), Germany: Physica-Verlag, 2007, p. 90.

[20] Lango, John W., *The Ethics of Armed Conflict: A Cosmopolitan Just War Theory*, Edinburgh University Press, United Kingdom, 2014, p. 182.

Which means that when planning any military action, it is essential to balance the harm that these military actions may cause 'such as human casualties, material destruction, and environmental damage' with the benefits that could be achieved 'such as achieving peace, protecting human rights, or preventing a serious threat'. If the severe harm caused by these military actions is not outweighed or balanced by the vital benefits that will be achieved, then proceeding with the military action is unethical.

The principle of proportionality, as explained above, does not mean not recognizing the existence of risks and consequences resulting from undertaking any military action, but rather it means choosing actions with minimal risks: "the relevant question is not how to eliminate risk but how to make war and armed conflict something that can be conducted within reasonable risk limits."[21] and this means the necessity of thinking carefully before starting the intervention in the first place, and during military action as well, and knowing well the danger of making any decision, and the duty not to carry out any action unless it has a direct and important benefit and is primarily related to the noble goal of the intervention. For example:

> If there is a military mission that it is known will have no bearing on the outcome of the war and will not substantially reduce the harm to just combatants 'or just non-combatants', and yet will cause foreseeable, though unintentional, deaths to civilians in the country that is pursuing an unjust cause, then that mission fails the test of proportionality. It doesn't matter whether 500 tanks will be destroyed in the process and only a single civilian killed. If the destruction of these tanks doesn't change the war's outcome or costs, then there can be no justification for killing even one innocent civilian.[22]

Accordingly, every humanitarian intervention must have a greater benefit than the harm that the action in question will cause. Also, this criterion is an indirect recognition that "choices in war are rarely between good and bad, but rather between bad and worse".[23] In a sense, the criterion proportionality means choosing the bad with good benefits from the worst, which will perhaps lead us to the same benefits, but with greater costs and harm.

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[21] May, Larry, *Contingent Pacifism: Revisiting Just War Theory*, Cambridge University Press, United Kingdom, 2015, p. 175.

[22] Stephen R. Shalom, *Just War Theory*, in Brooks Thom (ed.), Brill, Netherlands, 2012, p. 136.

[23] Zehfuss, Maja, *War and the Politics of Ethics*, Oxford University Press, United States of America, 2018, p. 166.

3.3. Last resort

The decision to resort to war and use any military force carries with it long woes and suffering. Therefore, considering that it is the most difficult decision, it must be well ensured that all options have been exhausted before resorting to the option of using armed force meaning that that the military solution must truly be the last resort, and this must be unequivocally proven, demonstrating that all other alternatives were thoroughly explored before resorting to it. When evaluating whether going to war is justified, it is sometimes necessary to weigh the reasons for opting for war over alternatives that might cause greater unjust harm, as well as the reasons for choosing war over options that might cause less unjust harm—or no harm at all.[24] Accordingly, military humanitarian intervention as a solution to stop human rights violations must be the last solution assumed and must be preceded by a long list of peaceful solutions that must be resorted to first. This idea is highlighted by Lango when he states: "The last resort principle morally requires that, before resorting to the use of armed force, every reasonable nonviolent action must be attempted"[25]. In other words, the last resort principle emphasizes that the use of armed force should only be considered after all reasonable and nonviolent alternatives have been thoroughly explored and exhausted. This means that morally, one must first attempt peaceful solutions, such as diplomacy, negotiations, sanctions, or other nonviolent measures, before resorting to violence or war. The principle ensures that armed conflict is treated as an absolute last measure, only justifiable when no other option can effectively address the situation.

This principle is evident even in the context of our daily lives. In our problems, we always rely on a general rule: the most harmful solution is necessarily the last solution. For example, I cannot fire an employee from a company as a result of a small or unintentional mistake, or if this mistake was done with good intentions. Rather, I must first talk to this employee and hear his point of view, determining why he made this mistake, and to what extent will this mistake have negative effects. After this, perhaps I may forgive him, or warn him, and then, in another step, I may sanction him in some way, but the solution of expulsion remains the last resort. On this basis, the criterion or condition of last resort -in military intervention- means

[24] See Draper, Kai, *War and Individual Rights: The Foundations of Just War Theory*, Oxford University Press, United Kingdom, 2016, p. 170.

[25] Lango, John W., *The Ethics of Armed Conflict: A Cosmopolitan Just War Theory*, Edinburgh University Press, United Kingdom, 2014, p. 146.

primarily that before resorting to the use of armed force, one must try to take reasonable non-military measures, as negotiations or mediations, and try hard to ensure that those diplomatic actions end with positive results and a peaceful agreement. However, here a question arises: if peaceful solutions do not work and the diplomatic measures fail to bring any benefit, does this mean the possibility of resorting to a military solution immediately? The answer is a negative one, since, as in our example, there are many measures that can be resorted to before considering a military solution. For example, there are other peaceful measures such as voluntary judicial settlements, and there are also coercive non-military peaceful measures such as economic sanctions. Finally, military measures that authorize the use of armed force are the last and most difficult solutions.[26]

3.4. Non-combatant immunity

One of the most important principles and conditions underlying humanitarian intervention is the principle of civilian immunity. This principle prevents humanitarian intervention from transforming from a defense of the oppressed into a cause of harm to them. It represents a fundamental recognition of the other and their rights. Therefore, in cases of humanitarian intervention, even if the situation is clear and the intentions can be considered good, the interfering party, willing to act upon the oppressor, must pay close attention to the innocents or non-combatants and their rights.

Accordingly, one of the most important conditions and standards for humanitarian intervention is respect for the rights and dignity of these innocent people. As Larry May pointed out, engaging with them can happen only under specific circumstances: "the rights of civilians during war has meant that they can be directly attacked only if it is clear that these civilians pose a threat to other civilians or soldiers."[27] This means that the interfering forces do not have the right to harm civilians if they are truly innocent, especially if this harm is without justification. It is not possible to intentionally kill a single innocent civilian except with justification or if that would change the course of the entire intervention. This is what John W. Lango points out as follows: "The received noncombatant immunity

[26] See Ibid, pp. 44, 29, 27.

[27] May, Larry, *Contingent Pacifism: Revisiting Just War Theory*, Cambridge University Press, United Kingdom, 2015, p. 95.

principle prohibits harming noncombatants intentionally, but it permits proportionate foreseen but unintended harm to them".[28] In a sense, this is an acknowledgment that using armed force has major consequences, the effects of which may extend to creating harm to innocent civilians, but this harm must be proportional to the good and benefit it must bring. The emphasis is put on the impossibility of killing civilians intentionally, John W. Lango considered this a "very major moral mistake. Since the act of killing is the worst of all unlawful acts, in all societies moral standards prohibit the killing of innocent people, especially if this killing is intentional and unjustified. "[29] This means the necessity of preserving the dignity and rights of innocent people even in the worst circumstances.

In addition to these four criteria that were previously explained "i.e., seriousness of the threat, proportionality, last resort, and immunity for non-combatants," we can mention many other criteria, some of which relate to the decision to initiate military humanitarian intervention, while other relate to how this intervention is practiced, we can say: pertain to the standards and rules governing the conduct of such interventions.

As an example: "In the ICISS Report, there are six criteria for military intervention - namely, principles of 'right authority, just cause, right intention, last resort, proportional means and reasonable prospects."[30] All of these principles have a fundamental role in making decisions about humanitarian intervention, and what concerns us here is to prove that every action, in order to be a sound humanitarian action, must be subject to logic and sound rational thinking, and that humanitarian intervention must be subject to restrictions and controls; because the first and most important reason for humanitarian intervention is to improve people's lives and enhance and respect their rights, and this must be the primary goal of intervention.

In addition to the above, it should be noted that some thinkers propose other conditions for just humanitarian intervention. Some of these conditions relate to the party that will intervene and the reasons for such intervention, while other relate to the oppressed party whom the humanitarian intervention is trying to support and protect. Also, there are conditions related to the question:

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[28] Lango, John W., *The Ethics of Armed Conflict: A Cosmopolitan Just War Theory*, Edinburgh University Press, United Kingdom, 2014, p. 20.

[29] See May, Larry, *Contingent Pacifism: Revisiting Just War Theory*, Cambridge University Press, United Kingdom, 2015, p. 81.

[30] ICISS Report apud Lango, John W., *The Ethics of Armed Conflict: A Cosmopolitan Just War Theory*, Edinburgh University Press, United Kingdom, 2014, p. 27.

"What After humanitarian intervention?" That is, it has to do with the long-term goals of the intervention. For example, Helen Stacy suggests three conditions for humanitarian intervention:

- the first, the existence of a real and severe humanitarian crisis, as in cases of genocide, ethnic cleansing, famines and diseases on a large scale, which are caused by an actor;

- the second, a strong consensus among the affected citizens to accept the intervention, or, in other words, the existence of a support from the victims to intervene;

- the third condition, the intervention must achieve good. International intervention should only occur where it is beneficial or at least does not cause greater harm.[31]

Finally, it should be noted that the multiplicity of conditions and standards for military humanitarian intervention does not mean the priority of one over the other, nor does it mean that any of them can be more important than the others. All of these conditions are integrated to justify an intervention.

This means that for example, a just cause alone is not sufficient, because the use of armed force is not morally permissible unless the other conditions are met. Each of these conditions is not sufficient alone, but rather it must be proven that all the other standards of legitimacy are met, as each of these principles is considered a standard morally necessary to determine whether a particular use of armed force to stop genocide would be just.[32]

After talking about some of the conditions for humanitarian intervention, its limitations must be considered. In what follows we will see when such an intervention ends and how its boundaries can be understood.

Unfortunately, there is no clear and strict law that demarcates these borders with the required accuracy in order to guarantee the rights of the state in which an intervention is being undertaken. However, setting these borders is necessary for many reasons, two of which seem to be essential: ensuring the preservation of the sovereignty and independence of a state and ensuring that the humanitarian intervention is based primarily on ethical considerations and does not transform into an aggression aimed at occupying the country and exploiting its resources.

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[31] See Stacy, Helen, *Intervention, Terrorism, and Torture: Contemporary Challenges to Just War Theory*, in Lee, Steven P. (ed.), Germany: Physica-Verlag, 2007, pp. 8, 96, 97, 100.

[32] See Lango, John W., *The Ethics of Armed Conflict: A Cosmopolitan Just War Theory*, Edinburgh University Press, United Kingdom, 2014, pp. 32, 36.

As for the problem regarding the end of an intervention, some opinions suggest that intervention cannot end immediately even if its main goal is achieved 'stopping the massacres, for example', as the intervening state bears the responsibility to complete its moral mission and establish the foundations of peace. In this regard, May L. cites the UN Secretary-General as stating:

> Societies which have emerged from conflict have special needs. To avoid a return to conflict while laying a solid foundation for development, emphasis must be placed on critical priorities such as encouraging reconciliation and demonstrating respect for human rights; fostering political inclusiveness and promoting national unity; ensuring the safe, smooth and early repatriation and resettlement of refugees and displaced persons; reintegrating ex-combatants and others into productive society; curtailing the availability of small arms; and mobilizing the domestic and international resources for reconstruction and economic recovery. Each priority is linked to every other, and success will require a concerted and coordinated effort on all fronts.[33]

This report by the Secretary-General highlights the critical and multifaceted approach required for post-conflict peacebuilding. It underscores that societies emerging from conflict face unique challenges that must be addressed holistically to prevent a relapse into violence and to build a sustainable future. Key priorities include fostering reconciliation, protecting human rights, promoting inclusive governance, and ensuring national unity. Additionally, the safe return of displaced individuals, the reintegration of ex-combatants, and the reduction of small arms availability are essential for stability. Success, however, depends on the coordination of domestic and international efforts, emphasizing that these priorities are interconnected and require a unified strategy to achieve long-term peace and development; this means that it is crucial to emphasize that effective intervention cannot merely aim to end violence but must also focus on rebuilding and revitalizing the nation. Intervention should leave the country on a path toward stability, prosperity, and self-sufficiency. This involves addressing the root causes of conflict, promoting inclusive governance, and ensuring economic recovery. Abandoning a country in a state of devastation not only risks a return to violence but also undermines the legitimacy and purpose of the intervention itself. True success lies in helping the affected nation rise stronger, with systems in place to prevent future crises and support sustainable development.

[33] *Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* apud May, Larry, *Contingent Pacifism: Revisiting Just War Theory*, Cambridge University Press, United Kingdom, 2015, p. 179.

4. Consequences of humanitarian intervention

Despite the noble goal of humanitarian intervention, this does not prevent military humanitarian intervention from resulting in consequences that may be disastrous at times. On the other hand, military intervention - which depends primarily on allowing the use of armed force - despite all its conditions and restrictions imposed on it, remains an unlikely solution. It is undesirable for many reasons, the most important of which is the moral contradiction that this intervention carries. On the one hand, it aims to protect human rights and honor human life, but on the other hand, it may cause the killing of these people and sometimes their displacement from their homes, as well as the destruction of public and private property alike. In what follows we will discuss a number of consequences, outcomes, dilemmas or ethical problems of humanitarian intervention.

Indeed, there are many conditions that would like to be practiced by professionals with experience and draw its boundaries, as we discussed previously, and that try as much as possible to put this within a primarily professional framework. However, we must acknowledge according to Kai Draper that military conflicts and human rights do not make a great team:

> There is an obvious tension here, for even the most discriminate of war efforts predictably kill many innocent bystanders as 'collateral damage', and presumably most if not all innocent bystanders have a right not to be killed. It is tempting, therefore, to attribute inconsistency and perhaps even hypocrisy to those who support war and yet demand respect for individual rights.
>
> Briefly: even the noblest of liberation war efforts will infringe upon the rights of some innocent bystanders.[34]

The matter does not stop only at violating the rights of innocent bystanders and sometimes even taking their lives, but the matter extends culturally, environmentally, health-wise and socially. It is self-evident that the use of military force kills, maims and destroys people's lives, and causes unimaginable suffering, even when it is in accordance with the rules of the just war. Secondary, the use of military force includes the destruction of private and public property, the disruption of economic

[34] Draper, Kai, *War and Individual Rights: The Foundations of Just War Theory*, Oxford University Press, United Kingdom, 2016, pp. 1, 164.

activity and the draining of health care resources.[35] All of the above are basic features of armed conflicts and wars. War can only bring human, social and economic destruction, whether intentionally, recklessly, negligently, or as a side effect and nothing more.

All of what was mentioned above can be classified as direct effects of armed conflicts, but as for what can be classified as indirect effects, Eric A. Heinze points out "a broad range of adverse effects. For example, refugee flows force people into crowded conditions without access to clean water and create conditions for infectious disease; crime and homicide rates rise during wars and often remain so for some time afterward."[36] Consequently, wars have violent and harmful effects that extend beyond the end of these wars, as psychological crises remain entrenched in the minds and feelings of the people who lived through them, fear remains dominant in the lives of the children involved these countries, and economic crises remain for many years without a solution. This means that future generations will live in poverty and extreme hunger. Although this is not a crisis of killing and genocide, it is a war of a different kind, a war of survival and terrible pain. Michael Walzer further develops on this point:

> A successful and extended intervention brings benefits of an important kind: not only gratitude and friendship, but an increment of peace and stability in a world where the insufficiency of both is costly- and not only to its immediate victims. Still, any particular country will always have good reasons to refuse to bear the costs of these benefits; or it will take on the burden, and then find reasons to perform badly. So, we still need justice's critical edge.
>
> The argument about endings is similar to the argument about risk: once we have acted in ways that have significant negative consequences for other people (even if there are also positive consequences), we cannot just walk away. Imagine a humanitarian intervention that ends with the massacres stopped and the murderous regime overthrown; but the country is devastated, the economy in ruins, the people hungry and afraid; there is neither law nor order nor any effective authority[37].

Walzer here draws a parallel between the arguments about risk and the aftermath of interventions. He asserts that when a country intervenes and its actions cause substantial negative consequences for others, it bears an ongoing

[35] See Heinze, Eric A., *Waging Humanitarian War: The Ethics, Law, and Politics of Humanitarian Intervention*, New York Press, United States of America, 2009, p. 42.

[36] Ibid, p. 42.

[37] Walzer, Michael, *Arguing About War*, Yale University Press, United States of America, 2004, p. 20.

moral responsibility. Simply walking away after achieving initial goals, such as stopping massacres or toppling a tyrannical regime, is not enough. Without ensuring the country's recovery—restoring law and order, rebuilding the economy, and addressing the people's basic needs—the intervention risks leaving the affected nation in a worse state than before; leaving a nation in chaos after intervention undermines the very purpose of humanitarian action and risks further instability. This perspective challenges intervening powers to balance their moral obligations with practical execution, ensuring that interventions truly serve the interests of the people they aim to help.

Violence, as Sjoberg suggests, is a continuum rather than a delineable entity, and that there is no nonviolent alternative to violence, emphasizing that there is no end to this violence, According to Sjoberg "even in well-known and well-documented set of conflicts the question of whether it is possible to declare a start point and an end point is not easily answered. 'Beginnings' have lead-ups, 'ends' have follow-ups, and those do not extend to days or weeks but to months, years, and even decades."[38] Although there are standards, conditions and restrictions for humanitarian intervention, and although these standards are attempts to reduce and eliminate violence, they create violence of a different kind. In other words, according to the same author, "even if just war theorizing is rigorously applied and treated as strict limitations, it does authorize the practice of violence when/if all the standards are met. Even though that violence might well be 'better' violence than violence that does not meet those criteria, it is violence nonetheless."[39] This is what drives some, like Maja, to reject what might be called 'moral war', meaning wars of humanitarian intervention, since, from his point of view, these wars put us in a war that seems to have no end and no escape. This means that a moral war is a war that make the human ideals a major element in justifying contemporary violence; moral war kills and destroys like any other war and therefore the idea that morality can tame war is a dangerous illusion.[40]

[38] See Sjoberg, Laura, "The Fantasy of Nonviolence and the End (?) of Just War" in Steven C. Roach and Amy E. Eckert (eds.), *Moral Responsibility in Twenty-First-Century Warfare: Just War Theory and the Ethical Challenges of Autonomous Weapons Systems*, State University of New York Press, Albany, 2020, p. 50.

[39] Ibid, p. 64.

[40] See Zehfuss, Maja, *War and the Politics of Ethics*, Oxford University Press, United States of America, 2018, pp. 3, 45, 180.

The main reason for thinking this way and rejecting these wars lies in the moral paradox that themselves produce: they risk the lives of those people whom they were primarily launched to protect, in addition to the destruction and tragedies that they can cause. For these same reasons, the standard of 'last resort' was established. Which is one of the most important conditions for waging humanitarian wars. For example, we rely on preventing the disease before first contracting it, but after contracting it, we initially choose those medications with occasional or mild side effects, meaning we always start with those low-cost solutions.

Finally, following Eric A. Heinze, it can be said that the humanitarian intervention poses a complex moral dilemma and requires ethical evaluation for at least two reasons. On the one hand, by employing military force, it is effectively akin to war, which negatively impacts international stability, results in loss of life, and leads to inevitable suffering. Moral arguments of this nature suggest that humanity is best served by minimizing such wars. On the other hand, such an intervention may be morally justifiable if it is the only means to protect innocent individuals from severe mistreatment by oppressive regimes. While one stance seeks to prevent what the other advocates for, both positions are inherently rooted in moral reasoning, as both regard human life as the fundamental value to be preserved.[41]

5. Case study: Darfur crisis

After discussing the paradoxical nature of humanitarian interventions, in what follows we will try to provide a brief overview of the Darfur crisis.[42]

Darfur in Sudan is suffering from an armed conflict that began in February 2003 and until now, despite the efforts made internationally to resolve this conflict, it still exists.The main reason for this conflict can be attributed to several factors as inter-communal violence, the discriminatory and unjust economical practices of the Sudanese government directed against Darfur, and the existence of accusations

[41] See Heinze, Eric A., *Waging Humanitarian War: The Ethics, Law, and Politics of Humanitarian Intervention*, New York Press, United States of America, 2009, p. 15.

[42] This paragraph synthesizes ideas and arguments discussed in Damboeck, Johanna, "Humanitarian Interventions: Western Imperialism or a Responsibility to Protect? An Analysis of the Humanitarian Interventions in Darfur", in *Multicultural Education & Technology Journal*, Vol. 6, No. 4, 2012, pp. 287–300. and Bellamy, Alex J., and Paul D. Williams, "The UN Security Council and the Question of Humanitarian Intervention in Darfur", in *Journal of Military Ethics*, Vol. 5, No. 2, 2006, pp. 144–160.

directed against the same government for persecuting the non-Arab population,, Accusing the government of persecuting the non-Arab population in addition to the existence of poverty and other shortcomings. These factors amounted to the emergence of two rebel groups in Darfur, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM). They launched attacks against government military installations while the government responded by militarizing the Popular Defense Forces (PDF) 'Janjaweed', military body known for its extraordinary ferocity.

Since conflict resulted in a huge number of victims, and attempts for international interventions began by means of consultations and negotiations. The principle of just cause as intervention was not undertaken until it was confirmed that this conflict was increasing in its violence. Moreover, the principle of last resort was observed, as we find many attempts to resolve the conflict peacefully: the international community started to react by sending the UN Commission on human rights to Darfur to report on the situation. The main conclusion was: 'it is clear that there is a reign of terror in Darfur' Since then, the Security Council was divided into two blocks: the first (United States, United Kingdom, and France) supports the intervention and the second (Pakistan, China, and Russia) considers that the situation was not serious enough for a humanitarian reaction of the international community.

Over the years, the Security Council has held many meetings to study the situation in Darfur, and as a result we find several resolutions, including *Resolution 1556*, demanding the government of Sudan to demilitarize the Janjaweed and to bring justice to the leaders of the inhuman regime.

Resolution 1564 called for an expanded presence of the African Union (AU) and reiterated demands for all parties to adhere to the ceasefire. However, shortly after its adoption, the situation in Darfur worsened, making the extended AMIS (African Union Mission in Sudan) mission unsuccessful. This necessitated broader action, leading to the issuance of *Resolution 1590*, which aimed to establish UNMIS (United Nations Mission in Sudan) in Darfur. As part of this effort, 10,000 military personnel and a civil component of 3,000 were deployed to support AMIS.

In July 2007, *Resolution 1769* established UNAMID (United Nations–African Union Mission in Darfur), which proved to be more effective than previous missions. UNAMID significantly improved the humanitarian conditions in Darfur. By this point,

there was widespread acknowledgment that genocide had occurred in Darfur, reinforcing the urgent need to restore peace and stability in the region.[43]

Since then, the Security Council has been trying to send peacekeeping missions to protect civilians in Darfur and facilitate the delivery of humanitarian aid by UN agencies and international relief organizations, as without this support thousands of people would die.

According to Alex. J. Bellamy, on March 31, 2005, the council made a historic decision by referring the Darfur case to the International Criminal Court (ICC). It is important to mention that within the Security Council about Darfur crisis, the commission insisted that military intervention should be considered if two just cause thresholds—large-scale loss of life and ethnic cleansing—and four precautionary principles—right intention, last resort, proportional means, and reasonable prospects—were met.[44]

Despite all of the above, we must acknowledge that all of this was not enough to stop the conflict, but the fighting was renewed, and Darfur became a humanitarian disaster and a human rights crisis.

In August 2023, International IDEA (International Institute for Democracy and Electoral Assistance) hosted a democratic and transparent dialogue on Darfur, Sudan, bringing together academics, experts, civil society activists, and youth groups from the Darfuri diaspora. The event, titled 'From the Horrors of War to the Bliss of Peace, Coexistence, and Stability,' took place in Kampala, Uganda, from the 28th to the 30th of August. The dialogue emphasized the importance of promoting peaceful coexistence in Darfur through negotiated discussions, identifying key conflict issues, and establishing mechanisms to ensure human security.

Peacemaking mechanisms were also discussed, and many suggestions were put forward, such as:

[43] This paragraph synthesizes ideas and arguments discussed in both Damboeck, Johanna, "Humanitarian Interventions: Western Imperialism or a Responsibility to Protect? An Analysis of the Humanitarian Interventions in Darfur", in *Multicultural Education & Technology Journal*, Vol. 6, No. 4, 2012, pp. 287–300. and Bellamy, Alex J., and Paul D. Williams, "The UN Security Council and the Question of Humanitarian Intervention in Darfur", in *Journal of Military Ethics*, Vol. 5, No. 2, 2006, pp. 144–160.

[44] See Bellamy, Alex J., "Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq", in *Cambridge University Press: Ethics & International Affairs*, Vol. 19, Issue 2, 2005, pp. 31-54.

- Supporting peacebuilding efforts in Sudan in a collaborative international partnership involving the entire global community, including regional and international organizations. The peacebuilding process would be kept free from international rivalry and polarization to ensure its effectiveness.
- Showing that atrocities often start with words, such as hate speech and dehumanizing language, local communities and civil society organizations (CSOs) expected to address intercommunal hatred, thereby playing a vital role in preventing atrocities.
- The involvement of women and young people, along with gender and youth analysis for enhancing the inclusivity of initiatives.[45]

The intervention in Darfur did not rise to the level of military intervention, as all the missions that were sent were peacekeeping missions and not explicit military missions. Therefore, we can say that this intervention remained within the framework of moderate intervention.

Referring to the conditions for humanitarian intervention, we can notice the extent of the Security Council's commitment in its intervention in Darfur. The Security Council's resolutions on Darfur were not put forward until it was confirmed that the situation in Darfur is critical, as the missions proved the existence of a violation of human rights along with cases of genocide and injustice. Those were related to the seriousness of the threat. Moreover, these decisions were always trying to create a state of proportionality, so that the severity of each decision changed from the decisions that preceded it, due to several reasons: firstly, the worsening of the humanitarian situation, and secondly, the parties to the conflict did not adhere to the decision, so the subsequent decision came in more severe language to make it proportionate to the situation. Not resorting to a military solution is one of the indications of the need for military intervention to be the last decision and the last resort to resolve the conflict, as until now, as we noted in the dialogue that organized by International IDEA the peaceful solution was present. All Security Council resolutions included the necessity of establishing the rules of peace between warring parties through negotiation, consultation, and concluding peace agreements or treaties.

[45] See Saeed, Sami, *Darfur Dialogue: From War to Peace, Coexistence and Stability*, Organized by International Institute for Democracy and Electoral Assistance, Kampala, Uganda, 28–30 August 2023.

In brief, the transition from the stage of peaceful intervention to military intervention is a dangerous step and it should not be taken except within certain conditions and limits that no one can exceed.

7. Conclusion

In general, humanitarian intervention is a political concept that carries the characteristic of humanity and altruism. It was created in an attempt to consolidate cooperation between countries with the aim of preventing or alleviating human suffering in the targeted country. Military intervention is one of the attempts to impose peace using force, and it is the highest level of intervention. Since it is a military action, it raises many problematics in international law and in international and humanitarian relations. Because of the seriousness of this intervention, it has several conditions; it is only legitimate when these conditions are met. It also requires the approval of the Security Council to ensure the right intention and neutrality in this intervention.

Despite the declared noble goal of the intervention, it carries many humanitarian and moral problematics, such as harming civilians, creating long-term instability, etc…

Finally, we may say that every problematic situation has two sides and we must set limits for each type of action. Accordingly, we must set conditions for humanitarian intervention, since even though it supports human rights, it has very wide effects on innocent people who may be affected by the consequence of such an intervention.

On the one hand, humanitarian intervention is a type of humanitarian altruism, moral cooperation, and an act of caring for others; however, on the other hand, it may turn into the opposite if it includes bad intentions or transgressions of the imposed limits, such as attacking civilians or trying to turn this humanitarian intervention into aggression and occupation of state lands.

In order for humanitarian intervention to promote human rights, it must be truly a humanitarian intervention, i.e., it must have clear limits and conditions. It must also be Integrative, meaning that there must be a subsequent economic, psychological or a humanitarian intervention of another kind, following the military humanitarian intervention.

In short, determining whether the risks of war or humanitarian intervention are justified or worth depends on the scale and severity of the human suffering in question.

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