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The Problem of Military Humanitarian Intervention Selectivity Reinterpreted: A Contrast of Active vis-à-vis Bystander Typical Intervener Actor Complicity

DISSERTATION

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Hesam Rahmani

Dissertation Committee:
Professor Daniel Brunstetter, Chair
Professor Cecelia Lynch
Professor Yang Su

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DEDICATION

To my parents.

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Hesam Rahmani

San Jose, December 2, 2022

VITA

Hesam Rahmani

2013	B.A. in Political Science (Field in International Relations, Minor in Psychology), San Jose State University
2014	M.A. in International Relations, King's College London
2016	Research Assistant, Seyed Hossein Mousavian, Princeton University
2016-22	Teaching Assistant, Graduate School of Social Sciences, University of California, Irvine
2023	Ph.D. in Political Science (Field in International Relations), University of California, Irvine

ABSTRACT OF THE DISSERTATION

The Problem of Military Humanitarian Intervention Selectivity Reinterpreted: A Contrast of Active vis-à-vis Bystander Typical Intervener Actor Complicity

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Hesam Rahmani

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Professor Daniel Brunstetter, Chair

The issue of selectivity remains a highly contested notion in the debate on the legitimacy of military humanitarian intervention (MHI). In short, selectivity can be understood as the practice of global powers intervening in certain humanitarian crises when it benefits them to do so yet refraining from armed intervention in others when it would not seem to advance its strategic interests. Though the scholarship has been largely ubiquitous in accepting a practice of selectivity from global powers, it has debated its ascription as 'problematic'. Critics have correctly pointed to this practice as a problem of 'double-standards' or 'hypocrisy' on the part of Global North actors, while defenders of MHI (or of its modern iteration in the responsibility to protect 'R2P' doctrine) have argued for the necessity of a selective practice of MHI and have construed it as unproblematic, unavoidable, and even pragmatic. However, an overarching characterization of the debate from both camps has rested on a key premise of selectivity as a problem of global power 'inaction' in 'nonintervened' crises – what I term as a paradigm of 'bystander complicity'.

In contrast, I argue that the selectivity issue must be reinterpreted as a problem of 'active complicity' from Global North actors to better understand its practice as problematic. Under the

active complicity paradigm, I provide a much-needed decolonization of the selectivity issue to problematize the existing scholarship's understanding of its practice as an issue of global powers simply 'standing by' as onlookers to disassociated, faraway crises, and instead reinterpret it a problem of Global North actors typically enabling and producing these crises in the first place through their foreign policies and actions. Upon an application of this reinterpretive paradigm towards previous cases of humanitarian crises, I find that the historical experiences of both 'intervened' and 'nonintervened' crises, as the existing selectivity paradigm would frame it, largely support this contention. As a prescription to remedy the existing literature's flawed understanding of MHI-selectivity as a problem of bystander complicity, I develop the responsibility for justice (R4J) conceptualization as an alternative framework to R2P to account for the problem of Global North active complicity and help us better understand and deal with past, current, and future cases of humanitarian crises.

CHAPTER 1 – INTRODUCTION

The idea of military humanitarian intervention (MHI), interchangeably referred to as armed humanitarian intervention, is typically conceived of as a response to a specific set of interrelated questions. What should the role of able international actors be in scenarios of humanitarian crises, particularly when they include instances of mass atrocity crimes? Is there an expectation for foreign actors to intervene amidst an outside state's turmoil to alleviate the suffering of its afflicted population if its own government is unable or unwilling to do so? These are, of course, two interrelated preliminary questions that have fashioned the basis for modern conceptual notions such as MHI and the 'Responsibility to Protect' (R2P) doctrine. Much has been written about these questions and notions.

Among the many points of contention in the existing debate has been the issue of a practice of selectivity. If we are to agree with the basic principle of helping our fellow man in the wake of their persecution if capable of doing so, and it is certainly difficult to imagine many disagreeing with this basic premise, then why do capable actors select to militarily intervene in some cases of humanitarian crises to put a stop to mass atrocity crimes but not in others? What accounts for this discrepancy? Is such a selective discrepancy in practice problematic or detrimental to the cause of the more preliminary expectation for capable actors to help a subjugated foreign populace at all? Should it be, one way or another? Are there reasons to be wary of such precedents?

It is important to consider that the term 'humanitarian crisis' is a broad one that evokes many meanings, encompassing both man-made crises as well as those caused by natural disasters, famine, or disease outbreaks. Due to the wide range of responses that is required for each one of these meanings, and it being beyond the scope of this research to investigate all of

them, this research focuses on those man-made humanitarian crises that have experienced major mass atrocity crimes from perpetrators of violence.

Nevertheless, the selectivity question remains: why MHI in some places but not in others? The scholarship has produced many works which have gone back and forth on the debate of selectivity. Thus far, some research has focused on identifying the type of conditions in foreign crises which tend to influence powerful actors enough to generate their decision for armed intervention. Binder's (2016) work, for instance, provides an outlook into the process of selectivity by identifying the interplay of three elements as explanatory factors for MHI decision-making: the degree of humanitarian devastation, the material interests at stake for the intervener actor, and institutional effects. Beyond addressing questions of 'how' MHI-selectivity operates, other works have predominantly sought to address the question of selectivity legitimacy from a myriad of perspectives. Pattison (2010) and Paris's (2014) works, for instance, are among those that have justified a practice of MHI-selectivity under the banner of pragmaticism, citing the practical impossibility for able intervener actors to intervene in any and every crisis, and that it is unreasonable for MHI-critics to expect so. Others have written about the relationship between MHI-selectivity and sovereignty. On one side of the debate, Power (2002) and Weiss (2016) are among those who have argued in favor of creating 'a new normative era' that accepts the overriding of state sovereignty in situations that warrant it 'to rescue suffering civilians'.[1] Still others, such as Ayoob (2002) and Menon (2016), have skepticized this worldview, arguing that the 'humanitarian' turn in the context of state military interventions has often functioned as a trojan horse for intervener powers – predominantly Western liberal states – to justify breaches of

[1] Weiss (2016), p.22.

sovereignty in norm-violating 'pariah' states, as Adler-Nissen phrases it.[2] Realist perspectives have seemed to align with critical ones in this perspective. Mearsheimer (2018), for instance, has plainly argued that 'liberalism and sovereignty are fundamentally at odds with each other' in his dismissal of liberal humanitarianism.[3] However, irrespective of position, there has been an understated assumption in much of the existing scholarship's understanding of the MHI-selectivity issue that has been crucial to selectivity's characterization as a 'problem'. This is the understanding of typical intervener actors (TIAs) as onlookers, or bystanders, to 'nonintervened' humanitarian crises. Both advocates and critics of MHI alike have reflected, and indeed, constitutively reproduced, this epistemic privileging of TIAs by presuming its maximum potential complicity in a MHI as a disassociated bystander to a crisis. In turn, this implicit assumption has produced an incomplete understanding of MHI-selectivity, and more expressly, a coloniality of the issue as a whole.

This research aims to correct this mischaracterization by reinterpreting the MHI-selectivity issue as a far greater problem of what I term as active complicity, whereby TIAs are understood as key enablers or perpetuators of humanitarian crises themselves, which fundamentally alters our understanding of MHI-selectivity as a far more pressing problem. I argue that the existing MHI paradigm is colonially structured. Thus, this reinterpretation argues in favor of developing a decolonized paradigm of MHI that accounts for selectivity as a problem of active complicity by destabilizing the ontological assumption of Global North TIAs as benevolent 'humanitarian' lenders of armed international policing to an indefinitely persistently unstable set of Global South states. For the purposes of this research, the 'Global North' here is

[2] Adler-Nissen (2014).
[3] Mearsheimer (2018), p.160.

predominantly understood as 'a political, not geographical, location'[4] that situates most Western liberal democratic states, namely the US, Canada, North American Atlantic Treaty Organization (NATO) states, and Australia, as an ensemble of actors who share a collective history of coloniality and interventionism on humanitarian grounds. This outlook provides a more reflexive perspective on the MHI-selectivity problem that shifts the focus in the process of foreign humanitarian crises away from the role of TIA response to a disassociated, faraway crisis onto the adverse role of typical intervener actors (TIAs) themselves in such crises.

Structure and organization

The research is structured in four main chapters, with an additional concluding chapter that offers an alternative framework to our understanding of MHI that is naturally derived from the findings of these chapters.

Chapter two provides a decolonization of our existing conceptualization of the MHI framework, with a particular focus on the problem of selectivity. In this chapter, I accomplish two major goals. First, I investigate the colonial and imperial underpinnings that have shaped the existing MHI-conceptualization, and, by extension, our understanding of its problem of selectivity. Through this decolonization of the MHI conceptualization, I identify the existing bystander complicity narrative that has shaped the current debate on MHI-selectivity, and thereafter introduce the more appropriate active complicity paradigm as its replacement to better understand the issue. Second, I decolonize the early history of MHI-selectivity up until the post-Cold War 'Liberal Humanitarian' epoch, as Barnett (2011) classifies it, to showcase the significance in decolonizing the MHI framework and the necessity to reconceptualize our

[4] Santos (2014), p.10.

understanding of its selectivity issue with an active complicity paradigm as opposed to the existing bystander complicity one.

In chapters three and four, I offer a reinterpretation of the MHI-selectivity issue via case study analyses from two subsequent eras that is based on the prior chapter's theoretical decolonization of the issue. Chapter three analyzes seven cases from the post-Cold War era in 1990 until the introduction of the R2P doctrine in the early 2000s, while chapter four looks at five post-R2P cases. In each chapter's analyses, I apply the active complicity paradigm to obtain a reinterpreted decolonized understanding of the experiences, and showcase the salience in doing so as an alternative to the existing bystander complicity framework. The twelve total 'case briefs' I consider feature a mix of what the existing scholarship has inappropriately dichotomously framed as 'intervened' and 'nonintervened' crises. In each case brief, I broadly contextualize an overview of the crisis and investigate the role of TIAs in potentially shaping it or perpetuating it. I argue that regardless of each case's binary understanding of 'intervention' as 'intervened' or 'nonintervened', TIAs have typically been actively complicit in the enablement or perpetuation of the crises. Thus, I argue that our reinterpreted understanding of the selectivity debate must consider the entanglement of TIA active complicity in humanitarian crises themselves as its main problem, as opposed to erroneously understanding the problem of intervention as an issue of TIAs 'not intervening' as a bystander and 'intervening' in cases that do not conflict with its interests. In these chapters, I also specify in greater detail the different types of TIA active complicity that are typically involved in humanitarian crises and identify them throughout each case brief with appropriate contextualization and evidence.

The fifth chapter supplements the prior two by investigating the salience of the active complicity paradigm in greater depth from a recent case: the humanitarian crisis in Yemen since

2015. The chapter begins by exploring the calamitous scale of the crisis and showcases it as the type of crisis that would typically engender R2P discussions for a MHI. I proceed to argue that the problem of selective 'nonintervention' by TIAs in this case, as the existing literature would identify it, has not been a problem of TIAs withholding from intervention to an external crisis disassociated from their policies and actions. Rather, it has been the direct intervention of TIAs themselves that enabled the crisis in the first place and that has perpetuated it in its duration. By the scholarship's existing logic in its understanding of the 'problem' of MHI-selectivity, the debate would deliberate on the acceptability for TIAs to act as mere 'bystanders' to the devastating situation. The decolonized active complicity paradigm of interpreting MHI and its problem of selectivity, however, problematizes the assumption of disassociation of TIAs from the crisis. Instead, the chapter investigates the role of TIA active complicity in Yemen and their in enabling and perpetuating its devastating humanitarian crisis, and does so in greater detail than the previous chapters' case briefs to highlight the salience of applying the active complicity paradigm to the MHI-selectivity debate.

I conclude this research by offering an alternative framework towards understanding the MHI-selectivity issue that also helps us to better understand future cases of humanitarian crises. In lieu of the active complicity paradigm, I develop a framework that was briefly introduced by Mahdavi (2015) initially as a response to the overlooking of postcolonialism in the R2P doctrine in West Asia: the Responsibility for Justice (R4J) doctrine. Unlike R2P, the R4J doctrine incorporates the active complicity paradigm and reflexively engages with the MHI-selectivity issue as it destabilizes the assumption of TIA disassociation from the production or perpetuation of a distant, faraway crisis. It shifts MHI discussions away from the narrative that presupposes afflicted foreign populaces in crises as 'uncivilized barbarian others', with experienced violence

born out of inherently unstable terrains that are byproducts of illiberal customs and practices as conversely 'civilized' liberal powers then benevolently sacrifice by intervening in their humanitarianism. Instead, it shifts the focus inwards onto the role that potential TIAs play themselves in creating the set of conditions that typically enable, develop, or perpetuate a crisis itself as opposed to the existing scholarship's focus on the legitimacy or practicability of TIAs militarily reacting to an unfortunate disassociated crisis.

In short, R4J is necessary to contextualize the pivotal role that TIAs play towards engendering or perpetuating crises into our understanding of the problem of selectivity. Given that the most notable TIA – the US – has conducted at least 251 military interventions from 1991-2022 and 469 since 1978, according to the US Congressional Research Service,[5] it is necessary to identify the 'problem' of MHI-selectivity as an issue of destructive hegemonic interference that leads to or perpetuates a crisis rather than as a problem of TIAs having had no role in the crisis as they 'intervene' in some crises yet refrain from doing so in others. It is upon a reflexive understanding and acceptance of the salient role of TIA complicity in typically enabling and perpetuating humanitarian crises that future crises can be better managed or entirely averted.

[5] US Congressional Research Service (March 8, 2022).

CHAPTER 2 – DECOLONIZING THE HISTORY AND CONSTRUCT OF SELECTIVE MILITARY HUMANITARIAN INTERVENTION

This chapter provides a much-needed critical perspective into the MHI conceptualization in IR, with a special eye to its problem of selectivity. In this chapter, I argue that the development of the MHI notion has been and remains entwined with colonial and imperial underpinnings. However, the existing literature's understanding of MHI's selectivity debate in particular has largely neglected the key element of colonial and imperial imperatives by TIAs. Thus, I argue that the sin of selective intervention from TIAs, namely Global North powers, has been largely misunderstood in the existing literature. The issue, I argue, has not so much been a problem of hegemonic powers deciding to 'stand by' in cases of mass atrocity crimes in foreign states as onlookers – what I term as bystander complicity – as the existing literature's debate has largely construed it. Rather, the MHI-selectivity issue has largely been a problem of hegemonic powers possessing active complicity in directly enabling or perpetuating humanitarian crises themselves. Applying a more critical and reflexive lens to the MHI construct, then, allows us to decolonize the MHI conceptualization, and helps us identify the problematic active vis-à-vis bystander complicity conflation in the existing literature, and reshapes our understanding of the MHI-selectivity problem.

My analysis proceeds as follows. I begin by exploring the current debate on MHI-selectivity and its theoretical deliberations. In doing so, I highlight the positions of various scholars who have either justified or critiqued the issue of MHI based on its selective application on theoretical grounds and consider their reasoning for arguing so. Once I have critically explored the nuances which have shaped these tensions in the existing debate and identified the bases for the disconnect between the varying perspectives, I situate my proposed active vis-à-vis

bystander complicity paradigm as an alternative mode of interpreting MHI-selectivity to better understand the issue as a natural derivation to the neglected components in the existing MHI-selectivity debate.

Next, I argue that the reason for why the active complicity component has largely been overlooked can be constitutively linked to the existing literature's overall shortcomings to consider the colonial and imperial underpinnings which shaped the modern MHI construct itself. To advance this notion, I critically analyze the early history of the tensions and motivations which led to the modern MHI framework. Here, I specifically consider the positions of Just War theorists on the legitimacy of engaging in war to save others as a key early influence towards the development of the MHI construct. I do so with careful consideration of these positions as they relate to two points. First, insofar as they relate to their influence towards MHI's modern understanding in terms of global powers possessing a 'responsibility to protect' developing states with weak 'infrastructural power' and high 'despotic power', as Mann (1984) would have it, whose governments cannot or simply will not put a stop to mass atrocities. Second, with a critical eye that decolonizes the ethos of MHI as a benevolent means of 'saving' others.

Finally, I share historical evidence of colonial and imperial powers having consistently applied the reasoning of MHI as a legitimating justification to pursue realpolitik-based interests, much akin to the rhetoric used by colonial power thinkers to justify foreign interference. Here, I consider major wars and invasions from hegemonic powers (namely, the US, UK, and France) throughout the 19th and 20th centuries to illustrate the lengthy and considerable history of colonial and imperial powers using the rhetoric of humanitarianism to justify their pursuits of such interests. In doing so, I reveal the colonial and imperial underpinnings of the framework's

application throughout recent history and showcase its enduring relevance despite the existing scholarship's neglection of it in the debate on MHI-selectivity.

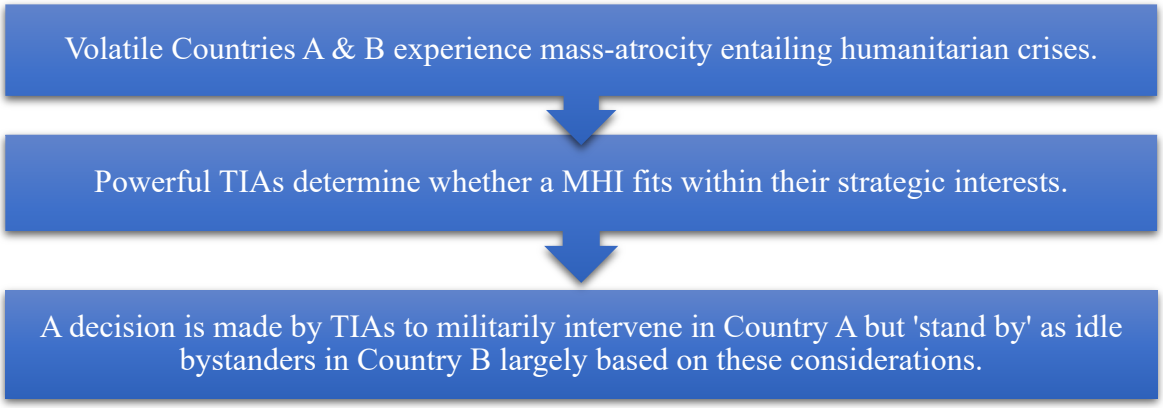
Decolonizing MHI-Selectivity and Deriving the Active Complicity Model

Amongst the most pressing issues that has persisted throughout the development of the MHI framework has been the issue of its selective application. Critics of MHI have long decried the practice of armed intervention by hegemonic powers – referred to here as a group of TIAs – in some cases of humanitarian crises, yet 'nonintervention' in others [Chomsky (1999), Ayoob (2002), Menon (2016)]. Advocates of MHI, most recently in the form of the R2P doctrine, have presented counterarguments towards this criticism for a variety of reasons [Welsh (2006), Pattison (2010), Bellamy (2012), Paris (2014)]. My goal in this section is threefold: (1) to explore these differences and introduce the overall selectivity debate, (2) destabilize MHI-selectivity as the existing scholarship has largely understood it and position the neglected colonial and imperial overtones in the debate, and (3) propose a new model of active complicity as a naturally derived way of better understanding the MHI-selectivity issue as a true 'problem'.

The current understanding of selectivity is one that is broadly understood as a practice of inconsistent application of MHI. Since 2005, this understanding has more or less been synonymous with an inconsistent application of R2P's third pillar, which similarly (though still vaguely) places a 'responsibility of the international community to protect when a State is manifestly failing to protect its populations'.[6] It is worth mentioning that R2P advocates have largely sought to distance R2P from the notion of MHI that became simultaneously synonymous with Western hegemonic overtures during the Cold War and failures of Western military

[6] Šimonović (2017), p.18.

operations in afflicted states during the 1990s. Nonetheless, the problem of selectivity is cited as one of the main theoretical arguments that critiques this broad idea. Its argument against MHI is simple enough: that powerful actors selectively apply military intervention in instances of humanitarian crises only when it furthers their interests, and refrain from doing so when it does not. Consequently, the 'new interventionism', or the 'new military humanism' as Chomsky (1999) has it, that formulated in the post-Cold War Liberal Humanitarian order from 1990 onwards has served as a front for hegemonic powers to pursue their realpolitik-based interests in certain cases of humanitarian turmoil. The existing logic of the MHI-selectivity problem, then, can be largely summed up as follows:



That there has been a phenomenon of selectivity within MHI experiences that has either in part or in full been based upon intervener actors' interests has been a widely agreed upon notion in the existing scholarship. Yes, some advocates of MHI will caveat the last point in the logic by arguing that the scale of the humanitarian crisis weighs as well in the triage of MHI decision-making [Weiss (1994), Redfield (2008)], as do normative elements such as changing normative landscapes in IR as it pertains to questions of which populations are protected and how interventions are conducted [Finnemore (2003)]. But that there has been a practice of selectivity itself has largely been uncontested. The critical scholarship in particular has correctly and

importantly identified that global power response to cases of mass-atrocity entailing humanitarian crises has historically been and indeed remains 'determined by interests and geopolitics, rather than principle'.[7] MHI-advocates have likewise conceded the key role of geostrategic interests in shaping MHI decision-making by TIAs. As Hehir astutely put it, scholarly perspectives over the idea of state interests driving MHI in some places but not in others is viewed as all but 'fact'; whether or not this is a 'sad fact' is where the debate lies. Viewed in this sense, it is easy (though mistaken) to assume that the existing scholarship has indeed taken into consideration colonial and imperial undertones in the modern MHI construct. However, advocates of MHI who have written on the 'problem' of selectivity typically do not view selective-MHI as a problem at all, per se. In fact, much of the existing scholarship who hold favorable views to MHI likewise advocate a practice of MHI-selectivity by TIAs.

According to this 'pragmatic liberal interventionist' logic of MHI-advocates, as Graubart (2013) classifies it, selective-MHI is not merely unproblematic, but prudent. Selectivity does not need resolution, but further advocacy. Pattison (2010) and Paris (2014) for instance both use the term 'desirable' to characterize a powerful typical intervener state's decision to practice selectivity in potential MHIs.[8] Roberts (2004) characterizes selectivity as 'inevitable' and 'unavoidable'.[9] The logic of this argument suggests that an intervener state's MHI would be haphazard and ultimately fail if it is not driven by the TIA's pursuit of realpolitik-based interests. In addition to necessitating a vested interest in the intervention, the two scholars cite a necessity

[7] Hehir (2013), p.120. Paris (2014) likewise finds the 'mixed motives' problem in MHI as 'unavoidable'. Among some other notable scholars who concede the existence of selectivity include Chesterman (2011), Bellamy (2015), & Lindemann & Giacomelli (2018).
[8] Paris (2014), p.573 & Pattison (2010), p.170.
[9] Roberts (2004), p.88 in Welsh (2004).

for intervener states to possess domestic political support for an intervention, maintaining that otherwise the MHI would again be haphazard and fail.

Pattison presents a hypothetical scenario of a French-led intervention in Chad vis-à-vis Algeria to illustrate this point, arguing that a French MHI in Chad would make much more sense for France than Algeria if both states experienced mass atrocity crime entailing humanitarian crises. He correctly notes that the colonial history and lingering tensions between France and Algeria would likely produce a bloody outcome for both sides, and further argues that a MHI in Algeria for France would not make sense as 'the intervention would lack internal effectiveness'.[10] Domestically, the MHI would not be well-received in France. Strictly in the domain of the hypothetical and theoretical, it is true that an intervener actor would be unwise to intervene in a foreign MHI if it does not have the political will, as gauged by domestic support, since that is needed for its intervention to be effective. Pattison further reasonably argues that though the hypothetical French-led MHI in Algeria would seek to alleviate suffering, such a scenario would only exacerbate the existing violence. However, despite the sound reasoning, Pattison's hypothetical scenario simultaneously reflects the broader existing literature's failure to consider lingering colonial and postcolonial legacies in conceptualizing MHI-selectivity. It therefore offers an example to showcase the salience of decolonizing the existing prevailing logic of MHI-selectivity to better understand its meaning as a true problem.

It is true that Pattison does consider France's longstanding history of violence, colonization, and mass atrocities committed against the indigenous Algerian population in considering its potential effectiveness as an intervener in Algeria. And to his credit, this recognition is more than what many in the interventionist camp achieve. But it is important to

[10] Pattison (2010), p.170.

note that he does so mainly from a pragmatic perspective. Within Pattison's logic here – and again, more wholistically, the prevailing liberal logic in the MHI literature – is an understanding of MHI-selectivity as a 'problem' that is premised upon a TIA's potential effectiveness upon a point of intervention in a distant, faraway crisis. A decolonial analysis of Pattison's hypothetical scenario of concurrent humanitarian crises in Chad (Country A) and Algeria (Country B), however, would deconstruct the hypothetical, and in so doing, reveal and destabilize an important assumption embedded in the logic: that France is a neutral actor disassociated from the production and perpetuation of the humanitarian crisis itself. Decolonizing the logic here, as Jones (2006) more broadly expounds upon in his 'Decolonizing International Relations', helps reveal this lack of reflexive self-awareness. Doing so offers 'a broader and deeper form of critique that encompasses the discipline as a whole – its underlying assumptions, modes of thought and analysis, and its consciousness and very *attitude*' of the existing scholarship.[11] As Laffey & Weldes (2008) likewise aptly decolonized the Cuban Missile Crisis, a decolonization helps us avoid taking this scenario 'at face value'. By its very definition, it forces us to 'take imperialism seriously' not just in geopolitical realpolitik terms, but also in how the different meanings and social myths embedded within the logic of MHI-selectivity are connected, constituted, and (re)produced – something that has far too often been dismissed in the existing literature as a thing of the past.[12]

As noted, in the logic of Pattison's hypothetical scenario, it makes sense for France to practice selective-MHI in Chad but 'nonintervention' in Algeria. However, Pattison's argument presumes the French government as a neutral bystander in the lead up to these hypothetical

[11] Jones (2006), p.6.
[12] Laffey & Weldes (2008), p.560.

humanitarian crises. Once more, for as pragmatic as the logic is, there is here an assumption of noninvolvement and disassociation of France as the prospective intervener actor from the development of the humanitarian crisis itself. On the contrary, past experiences of France's role in Chad suggests that this assumption is greatly misplaced. To assume France as a neutral bystander in the lead up to a hypothetical Chadian humanitarian crisis given France's continued state policies and influence on Chad, its colonial history in the region, and its sustained heavy military presence in the country is not only miscalculating, but part and parcel to the essence of MHI-selectivity's understanding as a 'problem' that the scholarship has largely neglected. Though it bears reminding that Pattison's postulated scenario is hypothetical and theoretical, the logic derived is used to advocate a practice of MHI-selectivity, and therefore justifies a heavier scrutiny – one that accounts for France's postcolonial order in Chad.

Overall, French policy in Africa supports Glaser's (2017) notion that France has continued to regard Francophone Africa as its 'backyard' in the postcolonial era, not dissimilar to the way in which the US has viewed Latin America from the start of the 20th Century onwards. From 1982 until the 1990s, French administrations provided unwavering critical support to convicted Chadian dictator Hissène Habré.[13] From 1990 onwards, France then provided pivotal support to former President Idriss Déby until his sudden death in April 2021, despite the leader's authoritarian rule that was marred with a notorious legacy of violence, human rights abuses, and cronyism.[14] In 2008, France controversially used military force to protect Déby from pro-democracy rebel forces which resulted in the deaths of hundreds of Chadian lives and displaced

[13] Human Rights Watch (June 28, 2016).
[14] Some reasons for this unpopularity include the country's consistently poor healthcare system, lack of education opportunities, high unemployment, crackdown on civil liberties (particularly political opposition and free speech), indefinite imprisonment of dissenting journalists, appointments of family to key governmental positions, extreme poverty despite the country's 6.7 million metric tons of oil production (2019), and ultimately '187' ranking out of '189' countries in the UN's 2020 Human Development Index over this time.

tens of thousands of others. Over the past several decades, there has been and indeed remains a strong military presence of French troops and bases in the country, ostensibly to fight terror groups in the volatile Sahel region, though certainly controversially so, as such groups often cite French military presence in the region as a reason for their violence. In short, it is impossible to disentangle France's longstanding history of support to Chadian dictatorships from a hypothetical scenario of a mass atrocity entailing humanitarian crisis in the country. The Spring 2022 wave of anti-France protests which swept across Francophone Africa, including Chad, which specifically protested French military presence and 'meddling in internal affairs', further speaks to the salience in problematizing and decolonizing Pattison's hypothetical as an example of the existing literature assuming the role of a Global North actor as disassociated from the development of a humanitarian crisis itself. The assumption becomes even more noticeably pronounced when considering France's direct involvement in the assassination of 22 African Presidents since 1963 as part of its broader effort towards establishing a domineering Francophone presence in the continent.[15] In short, the existing scholarship must account for the role of colonialism in constituting modern tensions and fractions in Africa.

Another aspect of Pattison's hypothetical scenario that warrants destabilization is the assumption of the French government as a legitimate intervener actor (and indeed, the only actor that is deliberated in the hypothetical as a unilateral intervener). It reproduces a paternalistic and 'duty of care' paradigm whereby Western powers – France, in this instance – function as a 'savior' to a developing state's humanitarian crisis. The R2P literature's understanding of

[15] The list of African presidents which France had a direct hand in assassinating, according to Chiwanza (2019), include Ironsi (Nigeria 1966), Shermake (Somalia 1969), Karumé (Zanzibar 1972), Ratsimandrava (Madagascar 1975), Tombalbaye (Chad 1975), Mohammed (Nigeria 1976), Ngouabi (Congo 1977), Bante (Ethiopia 1977), El-Sadate (Egypt 1981), Tolbert (Liberia 1981), Sankara (Burkina-Faso 1987), Abdallah (Comoros 1989), Doe (Liberia 1989), Boudiaf (Algeria 1992), Ndadayé (Burundi 1993), Ntaryamira (Burundi 1994), Habyarimana (Rwanda 1994), Mainassara (Niger 1999), Kabila (Congo 2001), Veira (Guinea 2009), and Gaddafi (Libya 2011).

'international community' too has largely reflected this assumption. Moreover, the very production of such a humanitarian catastrophe is largely implicitly understood as disassociated from the savior power that deliberates upon an intervention. Here, this assumption of a unilateral intervention from a powerful Western power with a considerable colonial history in the region as perfectly legitimate and unproblematic points to the practice of MHI-selectivity as a form of postcolonial imperialism motivated not by humanitarianism, but by realpolitik-based interests. Heerten's (2019) study of how Western states largely ignored Igbo calls for MHI-type of aid during the postcolonial Biafran crisis captures this concern.[16] It is thus considerably problematic to assume the French government as the candidate for a MHI when considering its colonial and postcolonial history of malpractice in Africa and indeed, in Chad itself.

Pattison's hypothetical scenario is but one example. However, the logic remains true for the great majority of the existing scholarship: the role of the powerful TIA is often disassociated from the humanitarian crisis at hand. Justifications to selectivity as a challenge are typically framed as a matter of intervener actors requiring some degree of self-interest to maintain a 'political commitment' or 'resolve', as Paris (2014) has it, in their intervention for it to be successful. But decolonizing the logic of this selectivity reveals that what is missing from its conceptualization as a 'problem' is the more pertinent issue of what I term as 'active complicity' rather than 'bystander complicity'.

Bystander complicity reflects the existing scholarship's understanding of selectivity as a problem of MHI (or more appropriately, a nonproblem for pragmatic liberal interventionists).

[16] According to Kemedjio (2017), even the French government – often cited as the state which did not ignore Biafran calls for aid – used humanitarianism as an opportunistic cover to pursue its strategic and political interests. Their support then, as Kemedjio has it, was fully 'consistent with the broader neocolonial French strategy in Africa' as they displayed a façade of neutrality.

Here, as noted, selectivity's 'problem' lies in an inconsistent application of MHI from TIAs across varying cases of humanitarian crises. Arguments against selectivity maintain that in practice, dominant states will only intervene in crises where doing so advances their interests and simply 'stand by' and refrain from MHI in crises which do not do so. According to this view, this inconsistency thereby undermines the credibility of MHI and R2P in its most modern iteration that an intervention is made for humanitarian purposes rather than to advance a dominant state's realpolitik-based interests. Subsequent rebuttals and justifications towards this practice of selectivity are then often justified under two main arguments. The first is made in pragmatic terms, suggesting that TIAs (typically understood as Western powers) simply cannot intervene in all instances of mass atrocity entailing humanitarian crises, however unfortunate this may be. Intervener actors require a certain threshold of strategic interests to be compelled enough to undertake a MHI [(Pattison (2010), Paris (2014)]. The second argument places a focus on the issue of sovereignty and advances arguments justifying breaches of sovereignty by foreign powers when foreign populations are being killed by despots or are on the verge of being killed by them [Bellamy (2014)].

Other determinants have plagued the selectivity challenge as well, such as the grievance that politics play a key role in determining selected cases for MHI, particularly cases which procure strong domestic pressure and media attention.[17] As such, the MHI-selectivity issue must be understood as partly a product of corporate capitalism given the impact that lobbyists and other actors hold in allocating the amount of coverage of a crisis. The urgency in which crises most warrant foreign attention and MHI (from the perspective of TIAs) is then partly based on not only political interests but economic ones as well. Another grievance is that the criteria for

[17] Mayall (2004) in Welsh (2004).

selective action by intervener actors is based on either the region or race of the afflicted population, bringing racial elements into the selectivity issue. This is an underappreciated and often overlooked grievance of selectivity. It is also not a recent one. Thinkers have long critiqued the use of armed force for ostensibly humanitarian purposes on this basis. In the 19th Century (which I showcase in greater detail later in the chapter), interventions were almost exclusively reserved against the Ottoman empire to protect Christians suffering under Muslim rule rather than vice versa.[18] In more recent memory, that moral outrage over mass atrocity crimes led to full-scale MHI in Yugoslavia, where predominantly white civilians were subject to suffering and the location of the atrocities were in Europe, instead of nonwhite regions of larger crises in the Congo or Haiti, was an example of this and critiqued as a continuation of old colonial practices.

Nonetheless, the existing debate most typically places arguments for or against MHI-selectivity on the basis that TIA interests are what drive MHI, with its selective deployment being unproblematic (and, in fact, desirable) to some [Pattison (2010), Paris (2014)] and problematic for others [Ayoob (2002), Barnett (2011), Menon (2016)].[19] To illustrate this point, in the Kosovo case, for instance, not many would argue that the NATO military operation was entirely disinterested. But to simply cast this understanding of TIAs possessing interests in an intervention as 'the problem' of selectivity does a critical disservice to the more involved 'active complicity' problem of selectivity. For many in the existing scholarship, the confluence of a humanitarian crisis with a potential intervener actor's possession of selfish motivations does not detract from the legitimacy of MHI. Paris (2014) plainly states that 'it is virtually impossible to

[18] Heraclides & Dialla (2015).
[19] Mayall (2004) in Welsh (2004), p.5 and others have typically separated the 'selectivity' and 'disinterested' problem in MHI, with selectivity as a problem of TIAs simply intervening selectively for a variety of reasons and the disinterested problem a critique of TIAs intervening for ulterior nonhumanitarian purposes. However, it is more appropriate to understand the disinterested problem as one facet of the larger problem of MHI-selectivity.

imagine a military intervention that is motivated solely by humanitarian considerations', and that 'decisions to use armed force almost always involve a mix of motives, including self-interest'.[20] Lyon & Dolan (2007) similarly argue that the tension between self-interested power pursuits and altruism becomes blurred in the impetus for MHI, and so the strong role of national interest considerations in MHI is unproblematic. Meanwhile, on the side of MHI-critics, Hehir (2010) too notes – and correctly so – that 'if we expect an absolute purity of motives, then clearly there has never been a humanitarian intervention'.[21] Likewise, Hehir also notes that if we accept the inevitability of mixed motives in MHI, it does not necessarily tarnish the credibility of MHI. However, it is important to consider that if we expect to find the mixed motivations issue as unproblematic, as the existing scholarship largely does, this has serious repercussions on the selectivity challenge when considering the active vis-à-vis bystander complicity model.

The existing scholarship agrees that there are mixed motivations for MHI that are either based wholly on self-interest or function as a primary motivation for either MHI or nonintervention, with humanitarian motives at best only functioning as an entirely secondary motivation. If we accept this understanding that interest-based motives take precedence over humanitarian ones, then it follows that we should expect these same self-interest-based motives to guide actions which would make TIAs actively complicit in the buildup to a mass-atrocity-based humanitarian crisis in the first place. Though these can be disconnected in the realm of the theoretical in principle, they cannot be disentangled in practice. Put simply, the same TIA realpolitik-based interests which result in MHI in some cases and nonintervention in others – which the existing scholarship concedes – certainly play key roles beyond the point of MHI-

[20] Paris (2014), p.573.
[21] Hehir (2010), p.175.

decision-making in IR.[22] Therefore, the impacts of these interests must not be constrained to the temporal point of MHI-decision-making, as they certainly also play major roles in the development or over the duration of humanitarian crises themselves. There is no reason to believe that these actors' interest-based decisions, foreign policies, and actions would not, in many instances, result in their active complicity towards the fruition or perpetuation of a humanitarian crisis. Viewed in this sense, a decolonized understanding of MHI-selectivity as a problem is directly tied to understanding the roots of a humanitarian crisis' development in the first place and its perpetuation, which is quite often directly tied to ethically objectionable foreign policy practices by hegemonic powers. Thus far, however, the mixed-motives problem in the existing literature has been framed in such a manner that confines the role of TIA interests to the temporal point of TIAs deciding to practice armed intervention or not in lieu of a humanitarian crisis.

Humanitarian crises are discussed in so far as instances which occur to states in the Global South due to their leaders' despotism and the weak infrastructural power of their state, among other reasons. Attention to the crises' fruition, perpetuation, or exasperation as a direct byproduct of Global North policies and actions is largely neglected. Instead, crises are often understood as simple byproducts of sectarian violence, for instance, and thus labeled as mere ethnic or religious conflicts, proxy wars between sectarian powers, or the result of dictatorial rule. Most importantly, they are understood as inherently internal struggles which occur in a vacuum and are excluded from the policies and actions of Global North actors, or the TIAs for MHI. It is often assumed as a given from those in the existing literature who find the practice of

[22] The term 'international relations' itself has been critiqued and alternatively termed as colonial or imperial relations in the critical scholarship. Shilliam (2011), p.16; Jones (2006), p.7.

MHI-selectivity as unproblematic that Global North actors prioritize genuine concern for the human security of the Global South and configure their foreign policies accordingly. However, as will be discussed in the following sections and chapters, colonial interventionist history, both recent and distant, suggests otherwise.

Thus, the 'problem' of MHI-selectivity cannot simply be understood as a matter of TIAs simply standing by as idle bystanders in the wake of a humanitarian crisis when it does not further enough of its interests to warrant a MHI. In this scenario, selectivity grievances are implicitly understood as that of 'inaction' and 'nonintervention', what I have termed as bystander complicity. It is a perspective which, I argue, possesses a historical amnesia regarding the past interventionist legacies of TIAs and a neglect of the very direct involvement of many TIAs in the production or perpetuation of crises themselves – something I showcase in detail in the following sections and chapters. The existing assumed disassociation of these actors from humanitarian crises is misplaced and warrants destabilization, as does the legitimating hermeneutic discursive framing which has enabled and constitutively reproduced this assumption, such as 'inaction', 'standing by', 'doing nothing', 'watching in silence', and 'nonintervention', among other framings of the sort.[23] Such terms have played and continue to play a subtle yet important role in contributing to colonial discourses, which in turn reproduce the TIA bystander complicity narrative as the 'problem' of MHI-selectivity.

There are no shortages of this type of bystander complicity and passivity framing. Beyond the scholars already discussed [Pattison (2010), Paris (2014)], Chesterman (2013) has framed the problem of MHI-selectivity as a choice 'for states to stand by silently' or intervene,[24]

[23] Power (2002), p.279, for instance, advocates for the US to not 'sit on the sidelines' and 'watch an entire people be slaughtered' in her advocacy for more US MHI.
[24] Chesterman (2013), p.498 in Weiss & Wilkinson (2013).

while Luck (2010) decried how 'the capable' have far too often '*stood by* as the slaughter of civilians unfolded' in his advocacy of R2P as a normative legitimating paradigm to practice MHI, to name a few others.[25] Policymakers too have consistently applied this bystander framing in their public statements of deliberation for MHI. Former US Secretary of State Madeline Albright declared that the US was 'not going to *stand by* and *watch'* in her advocacy for US MHI in Kosovo (1999),[26] while former Canadian Prime Minister Paul Martin declared Canada's readiness to intervene in Darfur's humanitarian crisis in 2005 by stating that 'we are not going to *stand by* and *watch* these massacres take place any longer'.[27] Mainstream Western media outlets have also reproduced a bystander complicity paradigm to evaluate MHI-selectivity cases. The Washington Post, for instance, consistently advocated for Western intervention in Haiti in 2021 with headlines that reinforced narratives of Western actors as passive bystanders: 'We can no longer *ignore* Haiti's descent into chaos';[28] 'Haiti descends into chaos, yet the world continues to *look away*';[29] 'As Haiti *sinks* into pandemonium, the international community is *silent*'.[30] Examples of this type of framing on the issue of armed intervention in humanitarian catastrophes have been and remain quite common.

The very word 'intervention' itself plays a similar role here, as 'intervention' implies the entrance of a neutral, sterile third-party actor, much like how a referee 'intervenes' in a football match or a counselor facilitates an 'intervention' in an effort to save an addict's life. The 'intervention' term is even further neutralized and then purified when prefixed with the 'humanitarian' ascription. The pervasiveness of the bystander complicity mode of understanding

[25] Luck (2010), p.361.
[26] Kuperman (2008), p.66.
[27] Nossal (2005), p.1024.
[28] Washington Post (October 18, 2021).
[29] Washington Post (October 31, 2021).
[30] Washington Post (August 6, 2022).

in the existing scholarship is abundantly clear when considering Vetlesen's (2000) study, for instance, which views TIA complicity following instances of mass atrocity crimes in humanitarian crises as a 'responsibility of bystander'. Vetlesen 'tries to distinguish between different kinds of bystanders' by concretizing a typology of bystanders and strives to understand global power complicity in enabling various humanitarian crises of the 1990s strictly within this confine of 'bystander'.[31] But it is not the problem of bystander complicity in selectivity that is the most pressing concern with the legitimacy of MHI. A decolonial perspective of MHI-selectivity, as I advance here, shows that it is the role of TIA active complicity that is the delegitimating factor and basis for its understanding as a true problem. Vetlesen's research focus reveals the broader existing literature's deeply rooted assumption of bystander complicity being the prime problem of MHI-selectivity. Even the critical scholarship typically tacitly understands the role of TIAs in humanitarian crises as a binary role of either 'standing on the sidelines' as a bystander or 'sending in the marines' in an intervention.[32]

In my proposed 'active complicity' alternative to understanding the selectivity issue, it is not simply hypocrisy in the form of selectively choosing to intervene in some cases of humanitarian crises while 'standing idly by' as bystanders that underpins the selectivity issue. And this is not to detract from an existing work on MHI-selectivity which correctly identifies this issue of double standards as part of the problem [Hehir (2015)]. However, the far more pressing problem of MHI-selectivity is that the same actors who intervene in some crises while refraining from MHI in others are typically themselves actively complicit in the mass suffering of both the 'intervened' and 'nonintervened' humanitarian crises. Selectivity, I argue, cannot be

[31] Vetlesen (2000), p.519.
[32] Chandler (2011) in Cunliffe (2011), p.30.

only understood as a matter of TIAs acting in some cases yet *ignoring* others, per se, as idle bystander actors. This misunderstood 'problem' of MHI-selectivity reflects a specific conceptualization of hypocrisy whereby bystanders, as Monroe's (2008) research on the psychology of the complicit bystander actor shows, typically have a 'moral insensitivity' to their (lack of) actions.[33] Rather, MHI-selectivity must be situated as a problem of Global North imperialism, or as a problem of global power active complicity to the suffering of the afflicted population in a humanitarian crisis. It is not a hypocrisy of failing to act due to certain interests and normative elements, but rather, a hypocrisy of acting and directly contributing to the development and perpetuation of crises due to these elements, all while presuming a moral superiority as actors who hold genuine concern for global human rights.

The observation of the US, for instance, which has played the largest role as a Global North TIA, deciding between action or inaction following a mass atrocity crisis based on whichever choice furthers its interests becomes far more pronounced and problematic, as far as the debate on selectivity is concerned, when contextualized in a world where US Administrations themselves have supported (and in some cases continue to support) at least 73% of the world's dictatorships.[34] If the same powerful actors who deliberate on intervention are complicit in supporting perpetrators of mass atrocities (or are adversarial to stabilizing or democratically-backed leaders of that state) in their foreign policies and actions, it becomes far more difficult to trust a sudden evocation of humanitarian concern. It ultimately delegitimizes MHI from TIAs.

To fully appreciate the salience in adopting a decolonized understanding of MHI-selectivity in terms of TIA active complicity, it is necessary to first consider the process by

[33] Monroe (2008), p.723.
[34] Whitney (2017). Some of dictatorships were also placed into power by the US at the great cost and suffering of domestic populations.

which the bystander complicity paradigm of MHI-selectivity came to be. Doing so reveals the colonial tensions – namely, the paternalism, Eurocentrism, and orientalism – which have been intrinsically linked to its development into the modern existing notion of MHI that became more popularized at the start of the 1990s.

A Brief Early History of MHI Selectivity

Though the term 'military humanitarian intervention' has long been used in the existing scholarly literature, the meaning of the term remains heavily contested. Among the type of military actions that can be used in MHI include 'supplying arms and military advisors to opposition forces, conducting secret raids, maintaining a naval blockade, protecting safe havens or enforcing no-fly zones, destroying stockpiles of chemical and biological weapons, bombing military installations, or introducing a full-scale ground invasion'.[35] Discussions of MHI often cite the end of the Cold War as the start of the 'Liberal Humanitarian' epoch, as Barnett classifies the era, to arrive at an understanding of the concept.[36] The reasoning makes sense upon initial inspection, as the idea of MHI became a more primary issue in global politics at that time. However, there is a rich history of armed intervention justified under humanitarian pretenses which stretches back much further than this that is paramount to provide appropriate contextualization for how MHI principles, norms, and evolved meanings have been formed over time. It follows then that to arrive at the existing scholarship's understanding of MHI and its issue of selectivity, we must explore a brief early history of MHI to highlight the longstanding

[35] Scheid (2014), p.3.
[36] Barnett (2011), p.30. According to Barnett, humanitarianism's history can be divided into three epochs, the first two being Imperial Humanitarian and Neo-Humanitarian, and from 1990 onwards, Liberal Humanitarian, which has focused on the fight against terrorism, the spread of human rights and democracy, globalization, and the battle against the HIV/AIDS epidemic.

tensions, elements, and arguments of selective-MHI which have endured, evolved, and contributed to its modern understanding.

Much of these early theoretical notions came from Just War thinkers. Given that the conceptualization of the existing MHI framework comes from Western figures and disciplines, other nonwestern frameworks which could provide insight into different modes of understandings to MHI will not be considered in this research, though they would be most interesting and useful to consider in future research. For the sake of clarity, this research's discussion will only focus on the understanding of humanitarian intervention in the classical sense of military intervention and is not to be conflated with general humanitarian aid in emergency situations.

The term 'humanitarian intervention' (much less MHI) as a discursive phrase was not a part of the common vocabulary in the West until the 19th Century when it was coined by the English lawyer and soldier William Edward Hall in 1880.[37] Even now, 'there is still no definitive legal standard' for humanitarian intervention, much less MHI.[38] Nevertheless, the principles of MHI are not a modern construct. Prior to the 19th Century, the paradigm which deliberated on the justifiable grounds for foreign interference lay in the early roots of what eventually evolved into the Just War tradition. During this time, debates on the conduct of legitimate vis-à-vis illegitimate grounds for warfare were partly concerned with the idea of a foreign actor's justifiable permission to intervene to save outside populations or put a stop to tyrannical rulers. Many early Just War influencers and thinkers supported this basic notion.

[37] Hehir (2013), p.188; Chesterman (2001), p.23-24, 35; Barnett (2011), p.19.
[38] Paris (2014), p.572.

Bass's (2009) work on the origins of humanitarian intervention provides evidence for thinkers as early as Thucydides, Plato, Aristotle, and later Cicero as advocates of placing limitations to waging war. Their positions ultimately framed the basic tenets of the modern *jus in bello* (justice in the conduct in war) and *jus ad bellum* (justice in the recourse to resorting to war) frameworks, such as establishing legitimate causes of war, avoiding injustice in the decision-making to engage in war, and sparing innocents during war, among other conditions. They also eventually led to the development of the *just post bellum* framework, which 'interrogates what justice after war's end should look like',[39] and, as we will see later, functions as one of the key elements of contention within the selectivity issue.

After the early philosophers, Gratian of Bologna in the 12th Century later argued in favor of specifically using 'interventional force against injustice *on behalf of others*'.[40] His Decretum was a key influence on what eventually developed into the Just War tradition as he replaced legal proceedings often judged by way of trial by combat with argumentation and derivation based on rational grounds instead. In the 16th Century, early conceptual notions of MHI became further pronounced in the public sphere, as partly evidenced with the two famous lectures of Dominican-Spanish thinker Francisco de Vitoria: *De Indis Noviter Inventis* (On the Indians Lately Discovered) and *De Jure Belli Hispanorum in Barabaros* (On the Law of War Made by the Spaniards on the Barbarians). As the two titles suggest, the discovery of the 'New World' and European deliberations of what to do with indigenous native inhabitants laid at the heart of these discussions. Like Gratian, Vitoria advocated from a jurisprudential perspective that just cause was required to justifiably wage war. However, he also maintained that saving these native

[39] Brunstetter (2021), p.12.
[40] Cox (2018) in Brunstetter & O'Driscoll (2018), p.44.

inhabitants constituted as such a just cause. Vitoria cited broad Christian duty from theological scripture as a defense to save innocents from barbarians in occurrences of 'objectively' unjust sin, such as human sacrifice and cannibalism. Thus, for Vitoria, the prime concern was to identify legitimate grounds, or just cause, which would justify European colonization of the New World.[41] This notion would build an early paradigm of the MHI doctrine (even if the term itself would not be used until much later). Simultaneously, however, Vitoria's argument for 'achieving victory, measured by the total annihilation of the enemy' in war to punish 'barbaric' enemies,[42] would also encapsulate the grievance against MHI that has it function as a vehicle for European (or white Christian) colonization.

The Italian-English jurist Alberico Gentili furthered Vitoria's perspective by permitting military assistance to popular resistance, or 'public persons', against an unjust ruler's 'fury'.[43] In addition to these two Roman Catholic theorists, early 17th Century Dutch political and legal theorist and a key 'father of international law', Hugo Grotius, permitted punishment through war unto other communities if they were committing crimes 'against nature'.[44] Though Grotius deemed the actual revolt of the suffering populace itself as impermissible, he did permit 'a foreign sovereign to take up arms so as to put an end to persecutions which a sovereign prince carries out against his own people, thereby imperiling their lives'.[45] Following Grotius, the German jurist Samuel von Pufendorf later agreed on the permissibility of waging war to save others, but unlike Grotius, also permitted oppressed subjects to resist and take up arms against a

[41] It is necessary to note here that though Vitoria sought to justify military intervention, and though humanitarian purposes were not yet a part of the legitimating discourse at the time, the preliminary humanitarian principle to save others still applied in his reasoning.
[42] Brunstetter (2021), p.246.
[43] Kelsay (2018) in Brunstetter & O'Driscoll (2018), p.126.
[44] Lang, Jr. (2018) & Glanville (2018) in Brunstetter & O'Driscoll (2018), p.137 & p.151.
[45] Gozzi (2021), p.4.

barbarous sovereign. Additionally, though others before Pufendorf like Grotius had rooted their criteria for a right of foreign intervention away from divine law, Pufendorf took this approach one step further by also permitting non-Christian societies the same right to this legalistic approach to war as a key contributor to positive law.

Thus, traditional thinkers in Europe clearly held a generally favorable view of notions compatible with the modern MHI construct. It remains difficult to neatly establish where some figures, such as Bartolomé de Las Casas, fell in this spectrum,[46] but early European thinkers on war typically permitted a foreign power's waged war on behalf of a suffering population. Notably, this advocacy came with the assumption that the foreign power actor which would be permitted to wage war was a Christian European power. Herein was an early orientalist civilized-barbarian dichotomy as understood in terms of a European civilizational and moral superiority over nonwhite or non-European 'others'. Las Casas noted the chastisement of the barbarous other and a lack of introspective reflection to the deplorable actions of 'the civilized' Spanish during war against indigenous populations in their effort to export their civility (notably decrying the rape, burning of villages, and impalement of children) as critical factors in facilitating what was, in his view, unjustified war.[47] As Brunstetter (2021) notes, 'he was highly critical of the barbarism of his own countrymen who committed atrocities in the name of justice'.[48] In this sense, the problem of hypocrisy in MHI was evident even in its early theoretical development. As Lindemann & Giacomelli's (2018) argue, MHI must therefore not be understood simply as a case of material interests dictating (non)intervention from TIAs, but as a confluence with the

[46] Lynch (2020), p.80 aptly notes that 'numerous analyses of Las Casas grapple with his legacy as a humanitarian and would-be liberator, while others cite his political failures and note that he remained an apologist for Christian superiority'.
[47] Brunstetter (2011), p.739-50.
[48] Brunstetter (2021), p.244.

'existence of the Other, and the self-attribution of a hero-protector role' playing major roles as well with little to no accountability of their own unhumanitarian actions.[49]

If we consider the MHI-selectivity problem through the lens of active complicity instead of bystander complicity, its early notions were intertwined with hypocrisy. Though this was not a hypocrisy of failing to intervene in one place while intervening in another as dictated by the interests at stake; rather, it was a hypocrisy that privileged some intervener actors as legitimate and others as illegitimate, with the extension of this hypocrisy legitimating any actions of the permitted intervener, particularly with Vitoria's understanding. The 'inversion of civilizational hierarchies' of the Spaniards in self-aggrandizing their moral superiority while committing the very same atrocities they accused the native Indians of doing, spoke to this lingering problem of intervener actors themselves being guilty of the same 'abominations', 'carnage', and 'butchery' that they decried against the native inhabitants of the so-called 'New World'. This understanding led to Las Casas denouncing 'the Spanish as "enemies of humanity"' for their treatment of the native Amerindians.[50] The active complicity model of selectivity reflexively accounts for this entanglement of colonial hypocrisy with MHI's development, and thus reinterprets our understanding of intervener actor complicity to account for the actions of TIAs themselves – spatially considered in relation *to* the atrocities as opposed to being situated as a mere onlooker *from* it. It shifts the focus inward back to reflexively consider the process by which TIA actions themselves play a pivotal role in the production or perpetuation of a crisis itself rather than view the role of these actors in a crisis with the presumed dissociation of a neutral bystander.

[49] Lindemann & Giacomelli (2018), p.57 in Brunstetter & Holeindre (2018).
[50] Moses (2021), p.57.

Later, the Neuchâtel (modern-day Swiss) international lawyer Emer de Vattel in his 18th Century influential work 'Law of Nations' provided a key influence on 'the themes of war and peace'.[51] On its impact on MHI legitimacy, Vattel supported the basic notion to help the oppressed when they rebelled against their government, as most 'Enlightenment' thinkers consistently did at the time (and had done before him). He also viewed a nation's struggle to combat a foreign crisis as a reflective barometer of the nation's moral standing itself as determined by its capability or willingness to help the foreign nation in such a scenario.[52] But it is important to note that he was also a key figure in reinforcing what Brunstetter (2021) concretizes as 'the intolerance of "barbarians" tension' and rhetoric, which privileges the would-be intervener's right to life over the 'other' if the intervener decides that the other is too 'barbarous' to consider a prospect of coexistence 'in the same community'.[53] In this sense, he possessed an escalatory, even exterminatory logic in his approach to waging war against 'savage nations' with 'barbarous' others that did not value diplomacy or other paths of conciliation.[54]

The Long 19th Century

As the debate on MHI developed into the 19th Century, the influential early liberal thinker John Stuart Mill succinctly expressed the conundrum for global powers at the time as it relates to early precincts of MHI notions:

> 'The question [is] whether a nation is justified in taking part, on either side, in the civil wars or party contests of another; and chiefly, whether it may justifiably aid the people of another country in struggling for liberty; or may impose on a country any particular

[51] Brunstetter (2021), p.189.
[52] Glanville (2017), p.7-10.
[53] Brunstetter (2021), p.189.
[54] Brunstetter (2021), p.189-91.

> government or institutions, either as being best for the country itself, or as necessary for the security of its neighbours.'[55]

For Mill, a carte blanche for foreign interference was not a credible idea. He acknowledged the possibility for foreign nations to simply seek to add territory or acquire revenue as the main determinant in their decision to go to war. For this reason, Mill, like many liberal thinkers before him, generally argued in favor of a nonintervention norm, but only in so far as it would be applied between liberal democratic states (more specifically, European states). Under the right set of circumstances, Mill saw not only clear exceptions to MHI, but prudence and even obligation for it. To Mill, the idea of sovereignty was directly tethered to responsibility. Glanville's (2014) historical analysis to the notion of sovereignty reveals that it was as much a responsibility for states as it was a right, even as early as the 16th and 17th Centuries. With it came a duty to help others, and this connotation has always persisted within liberal interventionism and would form the basis for Mill's and other liberalist thinkers' justification to override sovereignty.[56]

Mill's famous essay on nonintervention offered detail into what kind of circumstances and conditions would in his view not only legitimate breaches of responsibility, but call for it. He permitted Britain as the great power at the time to override the general notion of nonintervention under three main circumstances: (1) when the intervention would be a matter of its self-defense, (2) to remove a person or regime that it determined to be a 'menace' to peace or prospective peace, or (3) to halt a protracted civil war in which innocent people were suffering.[57] However, a decolonial outlook reveals that the chief reason for why Mill permitted British foreign

[55] Mill (2006), p.261.
[56] Barnett (2012), p.518.
[57] Doyle (2009), p.355-60.

intervention was implicitly regarded as it was tied to his belief in British exceptionalism. The essay, which Mill wrote in response to English-French disputes on how to construct the Suez Canal, is marred with discourse praising British superiority, beneficence, and civility over all others and particularly over the 'inferior dependencies' of the so-called 'New World' in Asia, Africa, Ireland, and elsewhere. In Mill's view, any British interference in a foreign country would be assumed as being 'in the service' of that country, and therefore inherently justified.[58] Additionally, since the British in Mill's view provided the world 'growth in wealth and civilization' as the most 'civilized' and 'advanced' country, 'the same rules of international morality' could not apply between 'civilized nations and barbarians'.[59] Thus, foreign intervention for Britain would always be justified whereas it would not for other states, even under a similar set of circumstances.

The benevolent exclusivity of British foreign intervention in Mill's view, along with other major European thinkers and statesmen sharing similar sentiments for their own country, naturally reflected the period's mass colonial expansion in the 19th Century. During this time, colonial expansion was often justified as benevolent – to save others from their own barbarism. Reference to the 'civilized-barbarian' dichotomy by colonial powers to justify mass atrocities very much became a legacy of the 19th Century. That much has been ubiquitous. As Bellamy (2012) notes:

> 'European colonialists referred to variants of the ideology of 'selective extermination' to justify mass atrocities against non-Europeans in the colonized world. This was supported at the beginning of the period by a widely (but not unanimously) held consensus among

[58] Mill (2006), p.252.
[59] In Mill's view, 'barbarians have no rights as a nation, except a right to such treatment as may, at the earliest possible period, fit them for becoming one. The only moral laws for the relation between a civilized and barbarous government, are the rules of morality between man and man'. Mill (2006), p.257-9.

> Europeans that 'uncivilized' (i.e. colonized) peoples were not protected by European moral conventions. If the exclusion of non-European peoples from moral protections excused mass killing, racist doctrines espousing a colonial 'civilizing mission' sometimes made a virtue of it, creating a permissive normative environment that enabled colonial powers and settler communities to employ, and normally get away with, mass atrocities. Of course, liberals sometimes employed this same doctrine for the opposite purpose – to enjoin restraint by demanding that colonizers protect the welfare of the colonized.'[60]

Beyond Mill, other European liberal thinkers during the late 19th Century shared similar sentiments on the prudence of early MHI notions and European colonial civilizing missions. The German diplomat and jurist Friedrich Geffcken reflected Mill's view that 'barbarians have no rights as a nation' and, as such, saw international law only as applicable for civilized Christian nations, with a 'necessity' for Muslims to have a different set of laws.[61] Similarly, the French political thinker Alexis de Tocqueville, though perhaps less overtly, maintained a position of European exceptionalism in war. Losurdo's (2011) study on Liberalism analyzes de Tocqueville's letter to the German political thinker Francis Lieber towards the end of the French July Monarchy in 1846 and finds it revealing of a staunch advocacy for French expropriation and colonization of the 'problem' of Algeria at the time. In his discourse analysis of the letter, Losurdo comments on de Tocqueville's perception of France's 'problem' of the non-European, non-Christian 'native' other in Algeria:

> 'A sort of Biblical aroma begins to make itself felt in connection with the landing in North Africa of a civilized people, who likewise seem invested with a providential mission. It was a people at once European and Christian: the colonial war tended to assume a religious character. Certainly, expelling the Algerians from their 'desert' was an operation that met with fierce resistance, but de Tocqueville was careful in this instance not to speak of 'war'. That was a category which could only be applied to armed conflicts

[60] Bellamy (2012), p.42-3.
[61] Swatek-Evenstein (2020), p.68.

> in Europe and between civilized peoples. It somehow implied recognition of the enemy, which was something denied Arabs and Indians alike. Precisely because of this lack of recognition, the campaign of colonial conquest could resort to pitiless violence that did not spare the civilian population'.[62]

The result of the French colonizing 'civilizing mission' in Algeria, of course, was the indiscriminate killings of hundreds of thousands – if not millions – of Algerian civilians.

More generally, European powers increasingly viewed the 'Eastern Question' with an eye to either modernize or, if unable to do so, entirely dismember the Ottoman Empire. In their view, the Ottomans were 'responsible for having failed to protect the lives of Ottoman (Christian) citizens' and therefore European powers held a right as 'self-appointed guardians' to ensure their safety, which was a reflection of Vattel's earlier logic.[63] As Gozzi (2021) writes, 'a Eurocentric understanding of human nature in light of which other peoples could be cast as backward' was a key part of the Liberal Humanitarian paradigm that sought 'to legitimize Western hegemony' and civilizational superiority.[64] Barnett (2011) too states that 'colonial powers frequently depicted their rapacious behavior as for the benefit of the local populations',[65] and this colonialism characterized the Imperial Humanitarian epoch from 1800 all the way through the end of the second World War (WWII).[66] Weiss (2016), a staunch advocate for MHI himself, likewise concedes that 'commercial and geopolitical calculations were cloaked in the language of humanitarian and religious motives, with an overlay of paternalism' during the 19th Century.[67] Ultimately, as the Argentine thinker Enrique Dussel astutely observed, it is fair to suggest that

[62] Losurdo (2011), p.233-4.
[63] Rodogno (2016) in Bellamy & Dunne (2016), p.10.
[64] Gozzi (2021), p.48.
[65] Barnett (2011), p.61.
[66] Barnett (2011), p.30.
[67] Weiss (2016), p.188.

'modernity elaborated a myth of its own goodness, rationalized its violence as civilizing, and declared itself innocent of the assassination of the Other'.[68]

In this regard, the colonial 'Scramble for Africa', which included the Berlin Conference of 1884-85, was particularly salient. The meeting had major European powers partition African territories into predominantly British, French, German, Italian, Spanish, Belgian, and Portuguese colonies, and was benevolently framed in humanitarian terms – as a Christian mission civilisatrice – by its exclusively European leaders to save the native populations from their own barbarism. However, irrespective of the mission's 'sincerity',[69] the conference possessed two interwoven major colonial goals: to maximize profit through trade, evidenced in part by the European representatives' backgrounds largely coming from major corporate entities, and to extract Africa's abundance of riches in natural resources through the slave labor of indigenous populations, both of which were achieved.

While the opportunity for colonization was certainly a large factor in European powers' fixation with Africa, it is also important to acknowledge the effect of the US Monroe Doctrine towards European powers' particular focus on Africa as well. The Doctrine's tenets, first indicated under US President James Monroe in 1823 (though the term itself was not coined until 1850), warned off European powers from any attempt to colonize the many Latin American Spanish colonies which had achieved independence at the time. The announcement, however, was certainly not an issue of US support for democracy or protection for indigenous peoples in those former colonies. Rather, it functioned as a declaration of the US's monopoly towards the

[68] Dussel (1995), p.35.
[69] According to Barnett (2011), p.60-75, for instance, though there is no defense for the colonialism of this period, the Christian humanitarianism sentiment was more complicated and likely genuine even if it coincided with European ambitions to further strategic interests.

colonization of the Americas as the image of this region as the US's 'backyard' took shape. The Doctrine's effects and relevance endured as US Administrations ultimately intervened in many instances in the region in the decades that followed while European powers instead focused on Africa.

Regular justification of armed intervention by intervener actors on humanitarian grounds became increasingly prominent during the Imperial Humanitarian epoch (from the late 18th Century until World War II). Indeed, as Hansen (2011) writes, discourse has functioned and continues to function as an important tool in politics to 'legitimize… foreign policies to audiences home and abroad', and so the rhetoric of humanitarianism became increasingly prominent as a euphemism for imperial and colonial endeavors.[70] As Mearsheimer notes:

> '… almost all leaders care about legitimacy and thus pay careful attention to well-established norms, as they do not want to be seen by other states as wantonly disregarding rules that enjoy widespread respect and support.'[71]

Of note were three main cases of Western intervention in this period: European intervention in the Greek city of Navarino in 1827, European intervention in present-day Syria and Lebanon in 1860, and US intervention in the Spanish-American War in 1898.[72] Each of the three cases reveal insight into the imperial and colonial undertones that shaped the modern construct of MHI upon a reinterpretation of their events with a decolonial lens.

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[70] Hansen (2011) in Baylis et al (2011), p.170.
[71] Mearsheimer (2018), p.159.
[72] There were other armed interventions that evoked humanitarian rhetoric by the great powers in the 19th Century, such as the Armenian Hamidian Massacres by the Ottoman Empire in the mid-1890s and the European powers' intervention in Macedonia in the early 1900s, but they were more so resolved by diplomatic pressure rather than military intervention. Heraclides & Dialla (2017) also cite the Russian response to the Balkan crisis and Bulgarian atrocities between 1875 and 1878 in addition to the three mentioned cases. It is important to note that this epoch also included cases of mass atrocity crimes which generated nonintervention, with the Armenian genocide just prior to the start of the first World war (WWI) as a prime example.

The joint British-Russian-French intervention against the Ottoman Empire in the Battle of Navarino in 1827 during the Greek Revolution was ostensibly to aid the Greeks during their war for independence. The naval intervention is often cited as the first historical example of an expressly stated MHI as major powers were successful in their intervention on behalf of the Greek population who were purportedly at high risk under Ottoman rule.[73] Navarino is also often regarded as a model MHI example as the joint intervention led to the destruction of the Egyptian-Ottoman fleet and paved the path towards Greek political independence two years later in 1829 and officially in 1832.

Others, however, problematize this Navarino narrative and interpret its model-MHI designation as 'part of the folklore of the teleological narrative of "progress" in (and of) international law', as Swatek-Evenstein's study on the history of MHI in the 19th Century determines, for instance.[74] The historian Rodogno (2012) in his study on 19th Century European MHIs to save strangers in the Ottoman Empire likewise determines the event's humanitarian ascription as 'unconvincing'.[75] The late international lawyer, Sir Ian Brownlie (1974), was similarly dismissive of Navarino's humanitarian characterization and judged the labeling as an ex post facto ascription. While the detailed history of the event is certainly complex and its humanitarian-classification problematizations are discussed in greater detail in these works, two general explanatory reasons stand out as driving forces for the intervention. The first relates to the previously discussed civilized-barbarian dichotomy, whereby Rodogno echoes Brownlie's

[73] Woodhouse (1965), p.37; Bass (2009), p.163; Bellamy (2012), p.55; Doyle (2015), p.78.
[74] Swatek-Evenstein (2020), p.75. According to Swatek-Evenstein, it is more appropriate to view Navarino 'as an early example of international lawyers creating a narrative of historic events to fit an agenda, to create a false distinction between the lawful and the lawless. To support the view that "human rights" were militarily defended in the course of the War of Independence, Navarino needs to be seen as an execution of the London Treaty, but this is fiction based on later interpretations of the events', p.68.
[75] Rodogno (2012), p.123-4.

argument that 'the intervention took place only because the population to be rescued was Christian', and thus the prevention of racial extermination was the major motive for the joint intervention.[76] The second commonly cited reason is that the joint intervention, particularly on the part of the British and French, was politically motivated. Even Bellamy, who ultimately recounts the event as a humanitarian one, concedes that 'strategic imperatives' played an instrumental role in driving the intervention.[77]

It is interesting to find that the two main reasons cited by scholars in taking issue with classifying Navarino as a MHI remain as longstanding issues in the MHI-scholarship today. Menon's commentary regarding Navarino astutely relates the intervention's role of strategic interests back to modern tensions in the MHI debate, stating that 'then, as now, calculations of self-interest and the circumstances created by the balance of power were paramount' and continue to remain so.[78] Mahdavi (2015) meanwhile in a postcolonial piece on MHI maintains orientalism as an extension of the enduring civilized-barbarian dichotomy worldview, summarizing the thought process as follows:

> '… the civilized, liberal and peace-loving world is obliged to bring in peace to the uncivilized and non-liberal world plagued by wars and conflicts. Kantian cosmopolitanism underlines the Western superior right and universal moral responsibility to save and civilize the *Other*.'[79]

The contentious 'humanitarian' labeling of Navarino was also not an anomaly. It set a precedent for contentious determinations of MHIs and noninterventions as humanitarian, imperial, or colonial, and reveals the fluidity in meaning between the notions.

[76] Rodogno (2012), p.130.
[77] Bellamy (2012), p.55.
[78] Menon (2016), p.79.
[79] Mahdavi (2015), p.8.

The other two major 19th Century MHIs have similarly been highly contentious given the confluence of the intervener powers' strategic imperatives and perception of the oriental other as barbarian in the events. In the second major case of a commonly cited MHI, the 1860 French-led European power intervention in present-day Lebanon and Syria purportedly set out to stop the massacre of Christians under Ottoman rule in what was called 'le règlement organique', or the organic regulation. Swatek-Evenstein's (2020) contextualization of the event, however, nuances the 'alleged purity of the motives of the powers involved'.[80] Historical research and evidence, he finds, points to the massacre of Maronites in Mount Lebanon as having been beyond Ottoman-authority control. Additionally, Swatek-Evenstein points out that while the Ottoman governor in Syria was indeed responsible for the massacre of Christian civilians, he was nonetheless swiftly held accountable and sentenced to death by the Sultan for his crimes.[81] He determines that the nexus of this history and the strategic imperatives for European powers to intervene at the time presented the situation as another opportunity for European powers 'to reinforce the portrayal of the Ottoman Empire as international law's uncivilized other',[82] which complicates the event enough to problematize its understanding as a case of 'genuine humanitarianism at work', as Bass (2009) for instance, among others, have it.

The third major case of a commonly cited 19th Century MHI was the 1898 Spanish-American war for Cuba's independence. This classification has too been marred with dispute. As Heraclides & Dialla's (2017) study on the history of 19th Century MHI finds, while most US and Spanish historians consider the US intervention as the decisive factor in the Cubans gaining independence from the Spaniards, most major Cuban historians do not, and these determinations

[80] Swatek-Evenstein (2020), p.85, p.92.
[81] Swatek-Evenstein (2020), p.92-3.
[82] Swatek-Evenstein (2020), p.92-3.

from Cuban historians came even before the arrival of Castro. Many Cuban historians have regarded this claim as a hegemonic US paradigm, arguing that the Cubans were already on the verge of winning the war, among other reasons.[83] That the US imperialism which followed was a byproduct of the 1898 US intervention, however, is of no dispute. As the historian Adam Burns (2017) put it:

> 'Almost all historians would accept that the United States had an 'imperialist moment' at the end of the 19th Century when, in the wake of the Spanish-American war of 1898, it annexed far-flung territories [i.e. the Philippines, Guam] but withheld full admission to the union… although formal independence and self-government had been granted [in the case of Cuba], the United States remained the economic master of Cuba and patron of its disreputable dictators for decades to come'.[84]

Though Walzer (2006), for instance, as one of the scholars who views the US intervention in Cuba favorably, concedes the imperialism which followed as a direct result of the MHI, he characterizes the event 'as an example of benevolent imperialism' given the alternative, which was to leave Cuba to the brutality of Spanish repression, which is notably also of no dispute.[85] But even Bass (2009), as one of the most vocal academic advocates who champions MHI to function as a tool of international justice, concedes in his historical case study analysis that the event cannot be considered as a true case of a MHI because of the imperialism that followed.[86]

It is clear upon revisiting the three discussed historical instances of interventions justified on humanitarian grounds that the scholarship has been divided in its determination of a MHI as either humanitarian, strategic, or somewhere in between. Immediate outcomes and lasting

[83] Heraclides & Dialla (2017), p.212.
[84] Burns (2017), p.98.
[85] Walzer (2006), p.144.
[86] Bass (2009), p.317.

consequences of an intervention typically have been major determinants in an ex post facto weighing of an intervention as either more humanitarian or strategic.

The discussed cases consider events which possess some nuance in their labeling as a case of MHI. Beyond these three events, the 19th Century certainly experienced other cases which, while discursively framed as humanitarian by the powerful foreign actor at the time, are now indisputably acknowledged as genocidal interventions. There was, for instance, Belgium's genocidal exploitation of the Congo from 1885 to 1908 led by King Leopold II whose colonial activities and mass atrocities resulted in the deaths of 8-10 million Congolese, which roughly halved the country's population at the time by 1910.[87] Leopold is famously remembered for his role in the Scramble for Africa's 'civilizing mission', as while he publicly declared a dedication to promote humanitarian policies, suppress the east African slave trade, and guarantee free trade with the colonies (with the International African Association (IAA) serving as his front organization to do so), his actions were indisputably anything but humanitarian, and instead imperial and colonial. The atrocities experienced in the Congo as a direct result of his role were some of the worst horrors recorded in modern history:

> 'This reign was famously marked by the enslavement of millions of Congolese who were forced to harvest ivory and rubber, and to build the massive infrastructure necessary for the international trade in these items; the mass cutting off of hands and penises of Congolese men; the kidnapping and rape of girls and women; the maintenance of "child colonies" in which children were forcibly raised to be soldiers to oppress their fellow countrymen; and forced starvation'.[88]

[87] Hothschild (1999), p.233.
[88] Kovalik (2020), p.3 in Hothschild (1999).

It is important to note that the US was the first state to recognize Leopold's dominion over Africa, as, in conjunction with its own slave system during this period, his conquest served the interest of the broader slave economy. Given these historical experiences, the dichotomous divide in interpreting an intervention's designation as either more 'humanitarian', aimed at alleviating an outside population's suffering, or more of a front driven by strategic imperatives, persists in the scholarship's determinations of recent MHIs today. As Schulte (2018) notes, 'the labelling of an intervention as humanitarian helps legitimize the breach of state sovereignty and violent action in general'.[89] Moreover, the language of humanitarianism also functions as a discursive legitimation for the aggressor state to avoid its stigmatization as a deviant pariah state (Adler-Nissen 2014).

Humanitarianism in the Interwar and Cold War Periods

The 20th Century experienced further development in the evolution of MHI, albeit in both similar and different fashions in comparison to its development in the 19th Century. The 19th Century included substantial discussions within international law on the doctrine of MHI. Much of the 20th Century, however, naturally placed less emphasis on MHI relative to the 19th Century and post-Cold War eras given that most of the period was engulfed in war (the two World Wars, the interwar period, and the Cold War). However, that is not to say that MHI took a complete backseat during this period. It is commonly understood that following WWI during the League of Nations and interwar period, for instance, there were no occurrences of MHI. However, the subject of MHI did not disappear from public debate and discourse during this time. On the contrary, just as the 19th Century included many events which were marked as 'humanitarian' but to many, only dubiously so, there were many military invasions in the 20th Century whose state

[89] Schulte (2016) in Klose (2016), p.257.

actors cited humanitarianism in their justification for military action against a foreign state actor. However, the scholarship has typically cited three main cases as examples of MHI at work during this time.

First was the 1931 Japanese invasion of Manchuria. Initially, the Japanese 'characterized the intervention as necessary to protect' their own nationals and businesses from the violence of Chinese military forces. However, they later cited the protection of inhabitants in the region as their rationale for the intervention.[90] The Assembly of the League of Nations rejected this notion and strongly condemned the invasion but only in verbal condemnation rather than substantive action, as Japan shortly thereafter declared a new puppet state of Manchukuo in Manchuria and also occupied Shanghai later in the year until the end of WWII.

A second example was the Italian military invasion and colonization of Ethiopia (part of the Abyssinian Empire at the time) from 1935-37 which resulted in the deaths of hundreds of thousands of Ethiopian civilians.[91] Italy, under Prime Minister Benito Mussolini, defended its war of aggression here by citing the 'high protection' of civilians as part of the League of Nations' 'civilizing mission'.[92] The League, however, rejected these claims, determining Italy's actions as violations of 'interwar international legal norms regarding sovereignty and the use of force'.[93] It eventually placed sanctions on Italy, which marked the first instance of the League taking substantive actions against a member state.

Finally, humanitarianism was also evoked by Nazi Germany in its takeover and occupation of Czechoslovakia just before the start of WWII. The aim of the takeover, of course,

[90] Murphy (1996), p.60.
[91] Barker (1968), p.292-3.
[92] Berman (2011), p.350.
[93] Swatek-Evenstein (2020), p.177.

was part of Hitler's nationalist efforts to incorporate the roughly 3 million Sudeten Germans into his idea of the greater German nation. Hitler had long sought to make this move in his interwar period strategy of imperial expansionism. He found an ideal timing for the invasion during the 1938 May Crisis amidst reports of German troop concentrations and the Sudeten Germans' backing of them which resulted in the Czechoslovakian army's subsequent mobilization. It is extraordinary to find that Hitler's logic to justify Germany's military measures in a letter to then-British Prime Minister Neville Chamberlain (later published in a prominent German newspaper) was humanitarian-based, as he claimed that:

> '… ethnic Germans and various nationalities in Czechoslovakia have been maltreated in the unworthiest manner, tortured, economically destroyed and, above all, prevented from realizing for themselves also the right of nations to self-determination'.[94]

To emphasize the need for immediate action to his masses and foreign audiences abroad, Hitler additionally highlighted in the letter that the security of more than 3 million German lives was at stake. Ultimately, Hitler achieved his sought-after Czech territory by way of humanitarian propaganda and 'the alleged violation of human rights'.[95]

Thus, the interwar period clearly possessed cases which support the notion of the potential for humanitarianism's misuse and function as a front for state actors to pursue interests. As Walzer (2006) notes, examples of genuine MHI are 'very rare' because foreign decision-making prioritizes state interests and trivializes 'the lives of foreigners… in the scales of domestic decision-making'.[96] The German case in particular reveals how the Nazis' misuse of humanitarian rhetoric functioned as a clear example of state actors using MHI as a legitimating

[94] Franck & Rodley (1973), p.284.
[95] Dülffer (2016) in Klose (2016), p.221.
[96] Walzer (2006), p.102.

vehicle for violence. Additionally, the cases clearly demonstrate a norm of states pursuing an image of benevolence and commitment to helping at-risk populations, to the point where even Nazi Germany cited humanitarian concerns as part of its justification to invade Czechoslovakia.[97] The rarity of genuine MHI at work also highlights the necessity to decolonize modern notions of MHI and revisit its experiences with a critical outlook, since much of the existing literature's theoretical discussions that seek to identify the boundaries of MHI legitimacy are detached from the historical processes and experiences of the MHI construct that masked state actor power pursuits. Overall, each of the three cases discussed were expansionist acts by a future axis power and thus represent evidence of states using MHI as a pretext for ulterior motives and wars of aggression.

Interestingly, however, the scholarship is not ubiquitous in its view of the misuse and mislabeling of foreign intervention as humanitarian as necessarily problematic. Goodman (2006), for instance, argues that not only is the misuse of MHI unproblematic, it is also actually desirable. According to Goodman, a pretext of humanitarianism for war produces two types of pacifying effects. First, a deliberate misnomer framing of an interstate dispute as humanitarian results in otherwise aggressively minded states to behave in a less escalatory manner, and so a humanitarian pretext functions as a regulation for state behavior. Second, Goodman contends, the very evocation of humanitarianism provides an existing framework for actors to negotiate and reach compromises to avert war.[98] As evidence, Goodman contends that the humanitarian ascriptions in the Kosovo intervention helped 'facilitate opportunities for leaders to bail out of militarized disputes that they' did 'not want to escalate', and that the same was true in Iraq,

[97] Although it is important to note here that the humanitarian concern was aimed at fellow Germans rather than a different ethnic population.
[98] Goodman (2006), p.116.

except the humanitarian justification rationale simply was not genuine.[99] But the piece does not account for hegemonic imperatives and their 'most important instruments' in 'international institutions and international civil society', as 'both of these played a major role in the decision to intervene in Kosovo and in the way the intervention was carried out'.[100] Moreover, the three discussed interwar period cases of humanitarianism as a pretext for war clearly run contrary to the Goodman's contention as they of course did not lead to peace but instead directly to the largest and deadliest war in human history – WWII.

While humanitarianism in the form of armed intervention was not yet a part of the global order in the mid-20th Century, it is worth mentioning that humanitarianism as a form of emergency aid response to crises did take center stage with the aftermath of WWII. The war gravely damaged Europe and importantly led to the emergence of the US as one of two prime global superpowers along with the USSR. The US issued its Marshall Plan to provide relief and reconstruction to its Western European allies, which led to the emergence and development of many aid agencies. Parallel to the development of these aid groups were two major points of significance during this period in the normative development and understanding of an armed humanitarian intervention.

The first was the establishment of the United Nations (UN) which, in conjunction with its commitment to deliver aid to Europe and maintain international peace and security, emphasized the protection of human rights.[101] In this vein, the UN's main policy-making organ – the General Assembly – unanimously adopted the Universal Declaration of Human Rights (UDHR) three

[99] Goodman (2006), p.132.
[100] Van Leeuwen (2015), p.12.
[101] The establishment of the North Atlantic Treaty Organization (NATO) in 1949 – the military alliance between the US, Canada, and Western European states – was also a point of significance during this period as the US and Western European states strengthened their strategic and military bond during the Cold War.

years following the end of WWII and UN's establishment in 1948 (though eight countries did abstain from voting). The chaos, ruin, and devastation felt by domestic populations across the globe in the aftermath of the most devastating war in human history functioned as a 'tipping point' towards codifying human rights as an idealized norm in international law, as Finnemore and Sikkink (1998) would have it. Leeuwen's (2015) study on MHI and hegemonic power from a Gramscian perspective showcases how there was certainly a hegemonic element in this codification of the human rights norm with the UDHR's formulation. The US and its Western allies would function as the arbiter of decisions to intervene, with international institutions such as the UN and NATO and international civil society (i.e. NGOs, the media, and individual activists) functioning as key instruments to expand their hegemonic power.[102] Though importantly the UN Charter also 'enshrined the nonintervention principle – which proscribes unwanted violations of another state's sovereignty – in treaty law' at this time,[103] the US in particular would come to breach this principle on numerous occasions particularly in Latin America under humanitarian pretenses or covert action to 'retain credibility and evade hypocrisy costs'.[104]

The advent of the UN also produced more frequent 'peacekeeping' missions during this period (though it was not formally understood as 'peacekeeping' at the time), starting with the UN brokering the ceasefire between India and Pakistan over the disputed Kashmir region in the Karachi Agreement of 1949. The idea of UN peacekeeping has also faced many of the same criticisms of MHI such as selectivity and orientalism. Similar to what this research does on the issue of MHI-selectivity, Autesserre's (2014) work provided a reflexive critique of Global North

[102] Leeuwen (2015), p.14.
[103] Poznansky (2020), p.3.
[104] Poznansky (2020), p.4-6.

peacekeeping missions which problematized the everyday practices, habits, and narratives of primarily Western peacekeepers which have engendered adverse consequences in the type of conflict situations they seek to resolve. Though the MHI model gained prominence in the 1990s, distinctions between military interventions on humanitarian grounds and early peacekeeping missions during the Cold War are blurred. Cottey (2008) offers four distinctions between the two: (1) MHIs take place during conflict situations instead of after as peacekeeping did, (2) MHIs do not necessitate the consent of the intervened government while it has typically been understood as a prerequisite of traditional peacekeeping, (3) peacekeeping traditionally entailed the non-use of military force while MHIs by definition use military force and other means to protect populations, and (4) MHIs are typically conducted by Western states while developing countries were said to be the primary contributors to peacekeeping until the 1990s.

A decolonial perspective, however, raises issues on some of these understandings. The contention that developing countries functioned as the primary contributors to peacekeeping would be heavily problematized. Fanon criticized developing state postcolonial leaders for having a 'lack of any ideology' and more generally having been colonized as agents of the ruling class. Moreover, this understanding of colonized leaders in the developing world acting as agents of imperial powers would further make sense in the context of intervened state leaders having granted consent for peacekeeping actors to enter the state. Fanon would akin this towards the greater project of creating a specific liberal subjectivity in the postcolonial era throughout developing states. In historical terms, peacekeeping's limitations quickly became clear following the early 1960s operations in both the Belgian Congo and West New Guinea. Both interventions saw the UN make its decisions based not on moral grounds but instead pragmatic realpolitik-based interests, as the UN sided with troop deployment in the country and, in the case of the

Congo, failed to protect (at best) the assassinated Congolese Prime Minister and national hero Patrice Lumumba.[105] This, along with the context of the tense US-USSR war, led to humanitarian tasks as ranking low on the agenda of UN peacekeeping 'until the détente of the two superpowers at the end of the 1980s'.[106]

A second point of significance in the development of MHI during the Cold War was the global population's disillusionment to war perhaps partly due to the devastating legacy of WWII. This led to a massive wave of protests across the globe and the US in particular during the anti-war movement of the 1960s. Many factions in the US populace demanded an end to the US's increased involvement in the number of foreign interventions and its expanded role in them as it pursued to further its global power and hegemonic standing. US domestic disapproval to war particularly heightened during the Vietnam War, and especially so across political spectrums once high casualties of US forces became evident. In Vietnam's case, the military invasion was justified under the general banner of protecting national security, but also more importantly in the context of its role in the history of MHI's development, to liberate and save the Vietnamese population from the perils of northern Vietnam's communist takeover and broader Soviet influence. As Jones (2006) states, 'the impetus for interventions' during the Cold War 'was not humanitarianism, but rather realpolitik and core national interests such as trade and security'.[107] The earlier interwar period trend of powerful states dubiously framing hegemonic pursuits as benevolent and 'humanitarian' persisted and perhaps even increased in the Cold War with the post-WWII codification of the human rights norm, with Western actors as their de facto arbiters.

[105] Some, such as Khokhlov (1961), p.105-15, argue that UN forces helped capture Lumumba and hand him to the groups involved with his murder. Kalb (1982), among others, views Western active complicity as further involved by arguing that then-US President Dwight Eisenhower directly ordered the CIA to assassinate Lumumba for being 'pro-Soviet' through poisoning his food or toothpaste.
[106] Schulte (2016) in Klose (2016), p.265.
[107] Jones (2016), p.163.

Based on these observations, a decolonial reflection on MHI's development finds issue with its typical understanding as aiding or saving others from a despotic ruler's mass atrocities. The 'humanitarianism' framing of armed invasions during the Cold War was largely justified as aiding or saving others from the threat of communism. The difference here points to the fluidity in meaning with equivocal terms such as 'humanitarianism' and 'humanitarian intervention' in political science discourse. Generally, as Hehir notes, an intervening state will frame its interventions as 'humanitarian' to legitimize them 'as non-partisan and moral, and inherently justified, rather than selfish and strategic, and hence necessarily contentious', akin to the selective and strategic usage of other equivocal contested terms such as 'terrorism' and 'sovereignty'.[108] The difference also reflects the extent of the Cold War's two powerful state actors' ideological competition against one another. By the standards of the eventual Liberal Humanitarian epoch of the post-Cold War era, the US's vilification of the USSR's communist ideology here essentially likened any state which allied itself to it, showed leniencies towards it, or resisted US interests, to a perpetrator of mass atrocity crimes whose people therefore required 'saving' with armed intervention. Thus, the Cold War's understanding of MHI became synonymous with Eisenhower's 'Containment Policy' rhetoric which sought to curb the spread of the communist ideology that was determined to be detrimental to US political, economic, ideational, and other interests. Several experiences would come to reflect this point, and its discussion is paramount to the decolonization of the MHI-selectivity issue, as it highlights the salience in accounting for the active vis-à-vis bystander complicity paradigm.

One prime example that helps us understand this was the 1965 US intervention in the Dominican Republic. Here, the Johnson Administration sought to further US interests by

[108] Hehir (2013), p.15-6.

preventing ‘the start of Castro’s expansion’, as former Central Intelligence Agency (CIA) Director William Raborn framed it.[109] At the time, leftist uprisings in the Dominican Republic sought to restore power to Juan Bosch, the country’s first democratically elected president in 1962, after he had been ousted by senior military commanders. The US, however, invaded the country in what was codenamed Operation Power Pack and justified it as humanitarian and as a necessary response to the ‘fear of a communist takeover’.[110] One US Ambassador stated that US ‘forces were dispatched purely and solely for humanitarian purposes’ not just to protect the lives of US citizens, ‘but the lives of citizens of other countries as well’ from the threat of communism.[111] The state of conditions in the Dominican Republic following the intervention then deteriorated into violence and war and ultimately resulted in the allied Dominican and US militaries maintaining power. In his justification of the US decision to intervene in the Dominican affair, Thomas Mann, then Under Secretary of State for Economic Affairs, specifically dismissed both the OAS (Articles 15, 19-22) and UN charters (Article 2) which prohibited foreign intervention and interference in other countries’ affairs as outright ‘irrelevant’, since in his view, ‘they were drawn up in 19th Century terms’.[112] Another high ranking official in the State Department plainly stated that ‘the doctrine of nonintervention was obsolete’.[113] The statements reflected the sentiment for the overt disregard of the ethics of humanitarianism (despite using its rhetoric to justify its practices) in the wake of potential strategic gains under the understanding of international politics as a zero-sum game which became the defining characteristic of the Cold War.

[109] Department of State (April 29, 1965).
[110] Poznansky (2020), p.146.
[111] Nanda (1966), p.472-3.
[112] Cabranes (1967), p.1173-4.
[113] Foreign Affairs (December 1965).

The Dominican intervention was certainly not an anomaly in the US's approach to interventionism and reimagination of humanitarianism as 'saving foreign populations from communism' during this period. Rather, it was part of a larger carryover of the Monroe Doctrine into the 20th Century, framed varyingly under different US Administrations as the 'Roosevelt Corollary' (1904) and the 'Johnson Doctrine' (1965), for instance.[114] Indeed, US unilateral intervention in Latin America became all but commonplace practice during the Cold War.[115]

The period's influx of hegemonic humanitarian-justified interventionism came to represent the key criticism of MHI functioning as a cloak for global powers to enact regime change in norm-violating 'pariah' states who resisted their imperial order.[116] Years earlier, the 1954 US military intervention in Guatemala was a key instance of this when the country's second democratically elected president, Jacobo Arbenz, was ousted in the coup d'état codenamed Operation PBSuccess by the CIA once Arbenz challenged the United Fruit Company's monopoly of exporting bananas from the country.[117] While this example over the export of a fruit certainly showcased the lengths to which the US was willing to go to protect its imperial interests, it is important to note that economic interests were not the cited reason for

[114] It is important to note the exception of US foreign policy towards Latin America during President Franklin D. Roosevelt's administration, whose 'good neighbor policy' from in 1933 generally resulted in a period of cooperation rather than intervention.

[115] Though Latin America would become the 'killing zone' of the Cold War', as Rabe's (2016) study's title describes it, cases of US intervention beyond Latin America were also aplenty during the Cold War. One notable early case was the CIA's overthrow of Iran's democratically elected President Mohammad Mossadegh in 1953 and reinstatement of the Shah's regime, which escalated an antagonistic relationship between the two countries for years to come. Southeast Asia also experienced high cases of US interventions, most notably in Vietnam but also in other countries such as Cambodia, Laos, Indonesia, and East Timor, each of which suffered tremendously from US military campaigns. Africa was no exception to US interventions either, with not only the Congo continuing to experience major military interference from Belgium and the US in its country, but Ghana, Angola, and Libya all experiencing military bombing campaigns and political sabotage as well.

[116] Adler-Nissen (2014), p.144.

[117] Arbenz aimed to grant Guatemalan farmers a fairer share of the 'banana republic's' land, with the term referring to a Central American country such as Guatemala or Honduras whose economy rested largely on the export of bananas. Ultimately, the CIA funded and trained military forces from El Salvador and Nicaragua and deemed them 'freedom fighters', as US President Ronald Reagan called them, though they 'routinely raped, castrated, mutilated, decapitated, and dismembered their victims.' Stone & Kuznick (2012), p.427-8.

intervention here. Once again, the anti-communist rhetoric of humanitarianism was cited, as evidenced by US officials routinely characterizing Arbenz and his policies as a communist threat during this time (though many historians have skepticized this blanket designation and have cited Arbenz as a nationalist with anti-imperialist leniencies).[118] Arbenz was ultimately overthrown and replaced by a US-selected dictator, Castillo Armas, whose authoritarian rule witnessed the ban of all political parties in Guatemala and was responsible for the arrests and killings of thousands of civilians, particularly members of unions and peasant organizations. Despite the mass atrocity crimes, Armas' induced humanitarian crisis was met with what the existing scholarship would classify as 'inaction' from TIAs, though of course, as this research argues, 'non-interveners' were themselves actively complicit in the crisis for installing Armas and facilitating his crimes.

As the historian Rabe (2016) accounts in his work on US interventions in Latin America during the Cold War, the US intervention in Guatemala was particularly significant. It signaled that the US 'could no longer abide by the nonintervention principle' which was the fundamental tenet of both the Good Neighbor Policy and OAS.[119] Guatemala also 'served as a training ground' for subsequent US interventions, interference, and regime change operations in Latin America, including Bolivia and Brazil in 1964, Chile in 1973, Argentina in 1976, El Salvador and Nicaragua during the 1980s, Grenada in 1983, and Panama in 1989, and a persistent trade embargo on Cuba from 1958 onwards following the Cuban Revolution.[120] Without exception, each case possessed the same anti-communist humanitarian rhetoric of the 1954 Guatemala and 1965 Dominican interventions in their justifications from US officials. In many of these

[118] Schlesinger et al (2005).
[119] Rabe (2016), p.36.
[120] Rabe (2016), p.36.

instances, the US installed an authoritarian dictator, such as in Chile (Augusto Pinochet) and Panama (Manuel Noriega), yet selectively practiced 'inaction' in response to the mass atrocity crimes in the humanitarian crises, though of course it was their very actions that were the critical elements in the very production of the crises.

The USSR was also not immune to conducting military interventions during the Cold War, as it interfered in several Eastern Europe states (i.e. Hungary (1956), Czechoslovakia (1968)) and, most notably, its failed intervention in Afghanistan during the 1980s which was a key turning point that led to its demise. Its justifications for its interventions were also purportedly humanitarian, as they were predominantly a reversal of the US anti-communist rhetoric. The USSR saw fit 'the right to intervene whenever socialism was under attack in a fraternal socialist country'.[121] More generally, justifications of the offensive interventions were to ward off the imperialism of the Western bloc which in their view included the UN as well. Its number of foreign interventions, however, was considerably fewer than the US.

Beyond the two global hegemons, other states too codified their military interventions as benevolent acts of humanitarianism. India's 1971 intervention in East Pakistan after violence between the countries escalated was one example. India characterized its intervention as both self-defense and humanitarian as it sought to put an end to the mass atrocities committed by the Pakistani army on the two countries' border, protect the high numbers of refugees the violence produced, and provide autonomy to the East Pakistanis who had a greater population than West Pakistan but far less political power. The intervention was a pivotal point towards the establishment of Bangladesh's independence.[122] Syria in 1976 characterized its military

[121] Murphy (1994), p.91.
[122] The intervention, however, was not condoned by the UN, US, and other Western powers at the time despite the acknowledgement of human rights abuses by the Pakistani army due to the USSR's existing alliance with India.

intervention in Lebanon as humanitarian as well. Syrian President Hafiz al-Assad claimed the intervention was in response to Lebanese pleas for assistance following the onset of the Lebanese Civil War. Geopolitics was certainly a major factor in the decision-making for this intervention, as the war was a bloody one with many actors involved. The civil war turned into a proxy war as the Israeli invasion of the country in 1978 to defeat the Palestine Liberation Organization (PLO) also functioned as an impetus for Syrian intervention.

Other cases which evoked humanitarianism included the concurrent 1979 military interventions of Vietnam in Cambodia and Tanzania in Uganda. There were also certainly other cases which entailed heinous mass-atrocity crimes that were met with no strong action being taken by the UN, US, or other TIAs. Notably, there was Saddam Hussein's use of chemical weapons against civilians during the Iran-Iraq War (particularly in the city of Halabja). Though the claim was denied by the US for years, in 2013, declassified CIA files 'prove America helped Saddam as he gassed Iran'.[123] On their own, the chemical weapons were estimated to have killed over 100,000 civilians. But the event was not only selectively met with 'inaction' (other than hollow statements of moral indignation), many global powers endured in their allied relations and direct assistance to Saddam for the political objective to defeat the newly formed Islamic Republic following Iran's 1979 revolution which toppled the Western-backed Shah. The experience and role of the typical intervener global power actors in assisting Saddam during the Iran-Iraq would come to epitomize the vital yet largely overlooked point in the selectivity-literature: the issue of active complicity in TIAs directly assisting perpetrators of mass atrocity crimes in 'nonintervened' crises instead of simply 'standing by' as idle bystander actors.

[123] Foreign Policy (August 26, 2013).

Conclusion

Upon analysis, it is evident that MHI in its conceptual and historical development was marred with colonial and imperial underpinnings. It therefore follows that its particular issue of selectivity was likewise embedded with such understandings in its development. A decolonization of the MHI-selectivity problem reveals three interrelated lasting legacies which stand out as pertinent, particularly when considering their continued relevance to the existing literature's ongoing conflation of the active vis-à-vis bystander complicity model.

Firstly, and perhaps most importantly, the existing literature's debate on MHI-selectivity has come to reflect an 'intervener bias' in its narrative structuring of TIAs exercising force to combat a mass atrocity crime entailing crisis. It presumes and at times even advocates for a TIA to have its realpolitik-based interests ultimately determine its decision to either conduct or refrain from conducting a MHI amidst a foreign crisis yet altogether disregards the role of these same interests in contributing to the fruition of the crisis in the first place or to its perpetuation. This presumption of blamelessness (or, at times, benevolence) from Global North TIAs in conducting policies which lead to or perpetuate humanitarian crises is a direct byproduct and extension of the colonial and imperial foundations of MHI. Complicity of TIAs is understood in so far as a bystander in nonintervened crises.

Second, early liberalist thinkers who ultimately laid the foundation for the development of the MHI paradigm possessed strong colonial views of orientalism, paternalism, and generally 'championing despotism for non-Western peoples', particularly in India.[124] It is no secret that Mill, in particular, as one of the key influencers of what later became known as MHI, viewed the

[124] Tunick (2006), p.587.

Indians as 'civilizationally, if not racially, inferior' to the British as he discussed justification for the British Empire's rule in India in the 19th Century.[125] Many Just War thinkers also promulgated the civilized-barbarian conceptualization of foreign outsiders and argued in favor of their 'saving' through military force. From the so-called 'New World' to the 'Eastern question', this paradigm of the 'other' as barbarous or at the very least inferior persisted into the eventual development of the MHI framework witnessed in the early 1990s. In this sense, the worldview of MHI rested 'on the dual assumption that the colonized were "barbarous" peoples who wanted to be civilized and that the West could lay a claim of superiority over an inferior humanity'.[126]

Finally, the third legacy was the element of humanitarian rhetoric being used as a cloak to justify ulterior purposes by colonial and imperial powers, particularly during the interwar and Cold War periods. Of course, the misuse of humanitarianism was certainly not exclusive to this period, as powerful actors justifying interest-driven interventions on humanitarian grounds was evident as a practice in previous eras. Debates on the legitimacy of foreign intervention to help suffering populations dates back centuries to discussions of legitimate Just War practices. Instances of humanitarian justification for foreign intervention date back at least to the 19th Century and its 'civilizing missions'. Global South states, particularly in the Latin American and African regions, were subject to the devastating impacts of colonial and postcolonial intervention, and the liberal language of humanitarianism functioned as its discursive vehicular justification for hegemonic power pursuits to stay within conformity to the nonintervention norm. In total, O'Rourke's (2021) dataset showcases that the US alone attempted 72 regime change operations during the Cold War between 1947 and 1989, and Levin's (2016) dataset

[125] Said (1978), p.14.
[126] Gozzi (2021), p.1.

found that the US operated in 81 ‘partisan electoral interventions’ between 1946 and 2000. Many of these interventions were framed in humanitarian terms primarily to save foreign populations from the threat of communism. Even if we disregard the humanitarian labeling of these offensive military power pursuits as genuine cases of MHI operations, their legacy on Global South perceptions of humanitarianism cannot be neglected. If we accept this history of humanitarianism’s misuse from hegemonic actors, then it is all the more reason to skepticize future evocations of humanitarianism to justify armed intervention from these same actors.

Thus, the framework of the current MHI-selectivity issue is tethered to imperial and colonial logic and cannot be disentangled from its epistemic colonial roots. In lieu of this, if we are to better appreciate the salience of MHI-selectivity a true ‘problem’ in IR, then it is paramount to apply this research’s proposed active vis-à-vis bystander complicity model to the debate to better appreciate Global South grievances against the framework.

CHAPTER 3 – REINTERPRETING POST-COLD WAR SELECTIVE MILITARY HUMANITARIAN INTERVENTION

To recap from the prior chapter's analysis of the MHI-selectivity issue, the existing literature's understanding of it as a 'problem' has thus far been largely understood as an issue of TIAs intervening in some cases of humanitarian crises yet acting as idle bystanders in others. Power (2002) famously attacked the US's supposed 'toleration of unspeakable atrocities' and refusal 'to take risks' to suppress mass atrocity crimes during the 1990s as she advocated for more MHI from the US moving forward.[127] According to Power, and indeed much of the liberal scholarship, the selectivity problem of MHI can be framed as follows: 'why does the United States stand so idly by' in cases of humanitarian crises?[128] In their defense of 'inaction' from the US and other able powers, Pattison (2010) and Paris (2014) both dismiss a practice of MHI-selectivity as 'unproblematic' and determine it as even 'desirable', reasoning that TIAs must possess sufficient levels of strategic interests to intervene to make certain that their MHIs are not haphazard.[129] Binder (2016) has more recently provided a 'configurational explanation' for the variance in selective TIA response to humanitarian crises and has attributed it to 'the interplay of humanitarian concerns, material interests, and institutional effects'.[130] However, I argue that the existing arguments on the MHI-selectivity issue are largely misplaced, as they fundamentally rest on the premise of TIAs functioning as benevolent actors in international politics who are disassociated from the very production or maintenances of humanitarian crises themselves.

In lieu of this, I argue that the more appropriate question for Power to have asked would have been the following: why do the US and its allies directly enable or perpetuate, continuously

[127] Power (2002), p.504.
[128] Power (2002), p.504.
[129] Pattison (2010), p.170 & Paris (2014), p.573
[130] Binder (2016), p.241.

aid and abet perpetrators of mass atrocity crimes, or foster the conditions which produce or maintain humanitarian crises through their policies and actions? The selectivity issue, I argue, is not that TIAs 'stand so idly by' to occurrences of humanitarian crises, as Power argues. Nor is it one that necessitates a certain threshold of TIA strategic interests to justify TIA 'action' to 'save' a suffering population from mass atrocities or disaster in a major humanitarian crisis. It is not mainly a case of TIAs selectively militarily intervening in some humanitarian crises due to a confluence of humanitarian, strategic, and institutional imperatives while practicing 'non-coercive measures or inaction' in others.[131] I argue that from the perspective of the Global South, and alternatively if we reimagine IR as a paradigm of colonial or imperial relations as some of the critical scholarship have done,[132] the prime grievance against the selectivity issue is that TIAs have been part and parcel of the very production or perpetuation of humanitarian crises themselves – not that there has not been enough MHI. Therefore, the selectivity issue is not a matter of TIA bystander complicity in 'nonintervened' crises, but a matter of 'active complicity' of the very same TIAs engendering or perpetuating the humanitarian crises they claim to seek to alleviate through their armed intervention.

In considering this argument, this chapter offers a practical reinterpretation of the selective-MHI issue. More specifically, I juxtapose my proposed TIA-active-complicity model of understanding MHI-selectivity against cases of MHI during the post-Cold War 'Liberal Humanitarian' epoch of the 1990s, as Barnett (2011) frames it, when MHI became prominent (both in its conceptualization and application) to test its salience. In accordance with the active complicity model's logic, I argue that the selectivity issue has largely disregarded the broader

[131] Binder (2016), p.12.
[132] Shilliam (2011), p.16; Jones (2006), p.7.

issue of TIAs possessing active complicity in the production or perpetuation of humanitarian crises themselves. Moreover, I problematize the existing literature's understanding of MHI-selectivity in two respects. First, as simply a problem of inconsistency from TIAs in their MHIs as they practice armed intervention on humanitarian grounds in some crises yet 'stand by' as idle bystanders in others. And second, as a problem of hypocrisy in intervening in areas of interest yet practicing 'inaction' in areas which do not possess sufficient levels of interest to warrant intervention. Instead, I argue that the selectivity issue becomes better understood and more salient when considering that many instances of humanitarian crises were made possible or exacerbated by the very actions of the TIAs, irrespective of their problematic labeling as cases of 'intervention' or 'nonintervention'.

Thus, the purpose of this chapter is to revisit such instances of notable past humanitarian crises during the Liberal Humanitarian epoch from the 1990s which either procured MHI or what the existing literature would categorize as selective 'nonintervention', and assess the accuracy of this argument and mode of understanding MHI-selectivity. I apply the decolonial TIA-active-complicity lens towards reinterpreting seven cases of humanitarian crises during this era up until the MHI-under-R2P era: Iraq (1991), Somalia (1992), Rwanda (1994), Haiti (1994), Bosnia (1995), Kosovo (1999), and East Timor (1999). I also historize each of these crises under a decolonial lens and note their impact on the normative development of modern MHI, particularly on its issue of selectivity. Throughout doing so, I identify and specify the type(s) of TIA complicity at play in each case by introducing and using the following typology:

- *Postcolonial Active Complicity:* The intervener actor's colonial policies, actions, and postcolonial legacy in a state directly contributed to the development of its later humanitarian crisis;

- *Precrisis Active Complicity:* The effects of odious TIA foreign policies and actions in a state prior to its humanitarian crisis directly contributed to the development of its later humanitarian crisis. Here, the TIA could have supported authoritarian leaders or regimes at one point, and this support later enabled the leader or regime to be in a position to commit its atrocities and engendered a humanitarian crisis;
- *Regime Change Active Complicity:* The TIA adopts policies, conducts actions, and/or distorts the crisis' representation to domestic and foreign audiences to change the leadership of a state undergoing a humanitarian crisis, as it possesses political, economic, or normative interests in doing so. Indicators include the TIA placing coercive sanctions on the state, arming rebel groups to opportunistically further destabilize a previously less severe or more manageable crisis in an adversarial 'pariah state', and/or depicting the crisis with misrepresentation of the perpetrators or the suffering;
- *Crisis Escalation Active Complicity:* Similar to regime change active complicity, the intervener actor here escalates the development or severity of a humanitarian crisis and subverts efforts that seek a nonmilitary settlement of the crisis. It adopts escalatory policies, uses inflammatory rhetoric, and/or conducts provocative actions to further destabilize a crisis enough into warranting a potential MHI. An indicator of this type of complicity includes acting as spoilers to potentially peaceful or diplomatic settlements to the crisis. This type of complicity is often a precursor to regime change efforts;
- *Perpetrator Support Active Complicity:* The TIA does not hold the leadership of a state accountable for its mass atrocity crimes during a humanitarian crisis because of its political, economic, or ideological ties to the state. Its support to the perpetrators is often critical to it sustaining power. Measures which indicate this type of complicity include diplomatic support and military aid to the perpetrator. This complicity type can be viewed as the inverse of regime change active complicity, as rather than adopt policies or conduct actions aimed towards deposing an adversarial state's leadership, the TIA instead adopts policies or conducts actions geared towards maintaining this leadership;
- *Consequential Active Complicity:* The intervener actor does not adhere to the Pottery Barn rule, which calls for intervener states to fully prepare to deal with the consequences of their MHI should they decide to intervene. TIA nonadherence to this rule can be out of negligence or deliberate, once more, as an interest-based calculation;

- *Crisis Identity Active Complicity:* The TIA possesses hypocrisy as it practices MHI in one place yet not in another, with racial, ethnic, or religious differences between the crises' populations as an implicit or explicit discriminatory factor for this selectivity. Here, the TIA champions itself as an enforcer of humanitarianism while possessing other types of active complicity in the 'nonintervened' crisis with an 'otherized' populace and intervening in the crisis with a largely white and/or Christian population;
- *Bystander Complicity:* TIAs practice nonintervention as bystanders to a crisis. They may not possess sufficient political, economic, or normative interests to practice a MHI in the crisis or the capability to do so, regardless of the severity of the crisis;
- *No Complicity:* TIAs are not involved in enabling or perpetuating mass atrocity crimes in the humanitarian crisis. It has meaningfully attempted to put an end to the crisis in reasonable accordance with its capability to do so, no matter the results of this effort.

Reinterpreting key experiences in the recent history of MHI in terms of these types of complicity helps us decolonize the issue of selectivity to arrive at a more nuanced understanding of its salience as a 'problem'. Recognizing complicity as integral to the skepticism of MHI also helps us better think about the legitimate grievances against MHI from much of the Global South (Ayoob 2004). Finally, the types of complicity listed are not mutually exclusive, as a TIA can simultaneously be accountable for different types of complicity.

The 1990s Post-Cold War Era of Military Humanitarian Intervention

As discussed in the previous chapter, the roots of MHI are not uniquely modern. The debate on the legitimacy of foreign intervention in cases of a population's existing or imminent mass suffering has been a centuries-old point of contention. That being said, the paradigm of an armed 'humanitarian intervention' itself is largely a product of the post-Cold War era in the contemporary IR scholarship.

The collapse of the USSR in 1989 left the US standing alone as the sole global hegemon. Preambles of a rule-based 'new world order' to replace the power-politics of the Cold War order

and proclamations of an 'end of history' with the triumph of capitalism and Western liberal democracy became rampant narrative points from many US politicians and academics.[133] One expectation of this new period following the end to the US-USSR hegemonic rivalry was for there to be 'greater international enforcement of human rights and concomitantly more "humanitarian intervention"', which was to be enforced predominantly by the US either through institutions such as the UN or NATO or unilaterally to maintain stability in this new global human rights regime.[134] Expectations were for there to be less interstate war between states with the triumph of the 'defender of the free world' in the US. And while there were expectations for more intrastate war within states, this type of violence was thought to be more manageable in this unipolar 'embryonic new humanitarian order' with the availability and permissibility of MHI, along with the ominous threat of its use serving as a deterrent to potential human rights abusing leaders.[135] However, the euphoria from the end of the Cold War perhaps functioned as a blind optimism towards expecting an international order with only sparse instances of mass atrocity crimes with MHI as a deterrent. For many, this optimism of MHI's promise quickly faded as the 1990s instead 'begat a wave of ethnic and religious conflict' all over the world, with the cases of violence occurring 'in rapid succession'.[136]

Iraq: 1991

The UN-authorized intervention in Iraq during the Gulf War following Saddam Hussein's army's quick takeover of Kuwait that took place between January 16th and February 27th in 1991

[133] This sentiment was most notably exclaimed by US President George H. W. Bush and (at the time) US State Department policy planner, Francis Fukuyama.
[134] Hehir (2018), p.21.
[135] Weiss & Minear (1993), p.vii.
[136] Lucas (2020), p.131.

is sometimes cited as the first case of a MHI in the post-Cold War era.[137] Amidst Saddam's illegal annexation of Kuwait in August 1990, mass atrocity crimes against the Kurdish population in northern Iraq, and the threat of continued crimes against the Kurds and other minority populations, the UNSC passed several Resolutions ordering Iraq to leave Kuwait, with a final ultimatum to leave the country by January 1991 under Resolution 678 or face military action. No-fly zones were also imposed in northern Iraq to protect Iraq's Kurdish population along the Turkish border and in the south to protect its Shia population who were targeted by Saddam, including by way of chemical weapons attacks.

The Western MHI in the Gulf War is typically celebrated in the existing literature as a successful 'intervened' case, with the UNSC serving as a legitimating platform for the US, UK, and France to 'step in' and alleviate the suffering of those afflicted. Given that the MHI came shortly after the end of the Cold War, it is often cited as an inauguration to the start of the US-policed so-called human rights based global order. However, it is mischaracterization to understand the MHI as a case motivated by humanitarian motives, as there were strategic elements that drove the eventual intervener actors' decision to conduct the MHI. There was, most notably, regional hegemony and control of the region's rich oil reserves at stake, which Falk (1991) and many others have cited.[138] There was also Saddam's increasing hostility towards two key regional allies of Western intervener powers: Israel (firing rockets into the area) and Saudi Arabia (Kuwait's strong ally, who also felt a security threat from Saddam's invasion of its

[137] The first case of a military intervention in the post-Cold War era was the December 1989 US intervention in Panama known as Operation Just Cause. Here, US President George H. W. Bush cited national security objectives and the protection of US civilian lives in Panama in his official justification for deploying 15,000 troops to the country. The intervention's purpose, however, was to complete a coup d'état of Panama President Manuel Noriega, which it succeeded in doing. But Bush in his national address on the US's decision to intervene did not evoke human rights or humanitarian purposes, and so the intervention does not constitute as a case of a MHI.
[138] Falk (1991), p.271.

neighboring state). These two factors heavily contributed to the US's ultimatum for Iraq in late 1990 to withdraw from Kuwait under Operation Desert Shield. Once it became clear that Saddam was not going to listen after he instead bolstered his army's forces in the area, the US conducted its bombing campaign in early 1991 under Operation Desert Storm. As Menon aptly notes, 'once the alignment between Saddam and the United States turned to enmity… the Iraqi tyrant's abuse of his people became intolerable to American leaders' in their sudden attention to Saddam's humanitarian concerns.[139]

Thus, it is mischaracterization to simply attribute the MHI as a byproduct of a successful new post-Cold War global human rights regime. Like other armed interventions which cited humanitarian concerns before it, strategic elements certainly played a leading role in the UNSC's decision to greenlight MHI. Branch (2011) correctly sums up Western power logic of the 1991 Iraq intervention:

> '… the Council's actions in Iraq had been motivated, not by a new global normative regime, but by the fortuitous convergence of UN interests in proving its efficacy and American interests in driving Iraq from Kuwait while having Council authorization for the operation.'[140]

Additionally, prior to the Saddam's invasion, as one New York Times article framed it at the time, the 'US gave Iraq little reason not to mount [the] Kuwait assault' in its diplomatic message since Saddam had an understanding that doing so would be in accordance with the joint US-Iraq geopolitical interest in surrounding Iran.[141] Based on an Iraqi transcript of a conversation between Saddam and US Ambassador April C. Glaspie, the article suggests that the US

[139] Menon (2016), p.11-12.
[140] Branch (2011), p.21.
[141] NY Times (September 23, 1990).

conveyed a message of 'indifference' to a potential Iraqi invasion of Kuwait, stating that the US had 'no opinion on the Arab-Arab conflicts, like [the] border disagreement with Kuwait'.[142] Though some may skepticize the validity of this statement from the Iraqi government's transcript, it is worth noting that though the US State Department declined to comment on this statement, 'officials did not dispute Ms. Glaspie's essential message'.[143] In the immediate aftermath of the operation, former US Attorney General Ramsey Clark pushed this argument even further, contending that strategic interests made it so that the Iraq intervention 'was planned in Washington long before the first Iraqi soldier entered Kuwait'.[144] According to Clark, the US as the prime eventual intervener actor capitalized on the situation by encouraging Kuwait to adopt 'a belligerent attitude towards Iraq… to ensure that a peaceful settlement of the differences between the two states' could not be reached so that a Western-led MHI could move forward.[145] If these arguments are true, the US as the eventual leading intervener actor held crisis escalation active complicity as it welcomed a military operation in Iraq to advance its geopolitical interests as well as normative interests to showcase its strength as the new sole dominant post-Cold War power.

Beyond purportedly conveying a message of indifference to Saddam or blocking of a potential negotiated settlement, often neglected in the existing literature's analyses of the MHI is the certain precrisis support active complicity of the intervener actors.[146] It was the US itself that staunchly supported Saddam in his eight-year offensive war against Iran's newly formed Islamic Republic during the 1980s. It is true that the US and other Western powers were not alone in

[142] NY Times (September 23, 1990).
[143] NY Times (September 23, 1990).
[144] Clark (1992), p.3.
[145] Clark (1992), p.3.
[146] The perpetrator support active complicity here is caveated by noting that TIAs supported Saddam prior to their military intervention instead of supporting a perpetrator during a 'nonintervened' crisis.

their support of Saddam during this time. However, the US specifically offered diplomatic support and provided Saddam with 'intelligence assistance, such as maps, satellite imagery and information on Iranian troop positions during the late states of the war – information that would be used to support chemical attacks on Iran's troops', as declassified CIA documents later confirmed.[147] The documents, as senior US National Security writer Shane Harris acknowledged, were 'tantamount to an official American admission of complicity in some of the most gruesome chemical weapons attacks ever launched' against Iranians as the US sought to restore the Shah following the 1979 Islamic Revolution, even if it came by any means necessary in the way of Saddam using chemical weapons.[148] Thus, prior to the 1991 MHI, US support to Saddam came despite the US's full knowledge of Saddam having had his forces gas Iranians during the war with chemical weapons. The remainders of these weapons, which included mustard gas and the nerve agent sarin gas, eventually contributed towards engendering the later crisis as they were used against minority populations and dissidents in the late 1980s and early 1990 as 'Saddam razed the Kurds' villages, drove them from their homes, and slaughtered and, during the infamous 1988 Operation Anfal campaign, even gassed them'.[149]

As we think of the importance of considering active complicity in the selectivity issue, it is critical to reflect on this point. Indeed, MHI-critics such as Menon are fully correct in their charge of hypocrisy against Western powers for selective outrage as they supported Saddam amidst his crimes during the 1980s yet conducted MHI in 1991 when it suited their interests. But the meaning of MHI-selectivity as a 'problem' must move beyond an equivalence with mere hypocrisy in choosing to intervene in one place yet not in another if it is to more appropriately

[147] Smithsonian Magazine (August 26, 2013).
[148] Foreign Policy (August 26, 2013).
[149] Menon (2016), p.11.

understand and gain lessons from it. The larger problem is that the latter 1991 crisis cannot be disentangled from the experiences that enabled it to occur. This process, of course, was the role of the eventual intervener actors in 1991 in directly enabling Saddam to later commit his crimes. Yes, the US and other TIAs played a key role in providing diplomatic and military support to Saddam during the Iran-Iraq war yet considered humanitarian concerns several years later. But this does not reflect the larger problem of selectivity. The issue is not merely that the US and other TIAs practiced MHI when Saddam invaded Kuwait and committed mass atrocities against minority populations during the late 1980s and 1990 but dismissed his mass-scale human rights violations in his invasion and war against Iran via 'nonintervention' just a few years earlier (much less practice a military intervention premised on humanitarian grounds on behalf of the Iranians). It is that the US and other TIAs in the 1991 Gulf War were *actively complicit* in enabling Saddam's invasion and war on Kuwait after enabling his atrocities against Iran just years earlier, which then also enabled Saddam to be able to commit his crimes in the Gulf War.

In terms of impact, another element largely absent from the collective memory of the Gulf War Western MHI is that the eventual UN-authorized intervention itself ultimately did not do much in the way of protecting the minorities it sought to protect. In fact, as Blake (2014) put it, not only were the Kurds, Shias, and others left unprotected following the US intervention, 'they were actively harmed' as a direct consequence of it. According to Blake, the Kurds were 'induced to place themselves in harm's way, under the expectation of protection that never came', and attacks against Shias became even more prevalent despite (but perhaps also due to) them having been stationed nearby US forces.[150] This was nothing new, as Finnemore (2003) notes that 'the United States, France, and Britain ha(d) been allowing abuse of the Kurds for

[150] Blake (2014) in Scheid (2014), p.145.

centuries',[151] and it was the convergence of the US's goal to protect its geopolitical and economic interests (as well as its normative interests) that drove the decision for MHI.

The Western-led MHI in the Gulf War is typically remembered as a case of a successful MHI for the US as it purportedly put an end to Saddam's mass atrocity crimes against minority populations and invasion of Kuwait. Less acknowledged, however, have been the adverse consequences of the MHI on Iraq, the further endangerment it brought to minority populations afflicted, plethora of war crimes committed by TIAs during and after the MHI, and TIA subversion of opportunities for peaceful negotiations between Iraq and Kuwait. As a rare exception to this, Clark's (1992) work 'The Fire This Time: US War Crimes in the Gulf' highlighted these factors shortly after the MHI, and determined that it was the US government, not Iraq, that bore 'prime responsibility for the war'.[152] The prime responsibility, according to Clark, was twofold. First, there were the brutal crimes themselves against a defenseless Iraqi population and civilian targets which violated the Geneva Conventions. Clark specifically cites the 19 war crimes charged by the International War Tribunal against Bush on February 29, 1992, as one major piece of evidence and example of such crimes. Second, it was also the strategic interests of Western powers to strengthen their presence in the West Asian region, with the language of humanitarianism acting as its discursive cloak to legitimate this pursuit, that was what led to the crimes that was a part of this responsibility as well.

Somalia: 1992

The Somalia (1992) MHI came shortly after the Gulf War intervention with the US's Operation Restore Hope. The decision to conduct a MHI was ostensibly made to save 1.5 million

[151] Finnemore (2003), p.52.
[152] Clark (1992).

Somali lives from famine, as George H.W. Bush stated in his presidential national address, and came at the personal bequest of UN Secretary General Boutros Boutros-Ghali, once again with UNSC approval after Resolution 794 was passed in December 1992.[153] In his address, Bush emphasized that the US decision was guided by humanitarianism towards alleviating this famine, clearly stating that the US's mission was a response to the increasingly devastating drought conditions. During his speech, however, he notably added that he would 'not tolerate armed gangs ripping off their own people, condemning them to death by starvation', which functioned as a subtle framing of the starvation as a pure byproduct of a barbarous ethnic conflict that was, most importantly, disassociated from the repercussions of colonialism.[154] Less abrasive humanitarian narratives of the crisis, such as the starvation's framing as simply a direct consequence of a 'natural disaster' in Somalia as it had 'the worst drought in decades', also functioned as a key heuristic trope that neglected and distanced the role of colonial powers in enabling the crisis. As Maundu (2019) highlights, California, in comparison, experienced a worse drought between 2012 and 2016, yet did not experience such a humanitarian crisis.[155] As Corcoran (2022) notes in his analysis of the colonial causes of famine in Somalia:

> 'To fully understand why Somalia lacked the state capacity to prevent famine, it is necessary to "reverse the lens" and explore the manner in which the west was also complicit in the crisis. The portrayal of famine in Somalia pushes a narrative where the country is a perpetual recipient of western funds. However, Ngũgĩ wa Thiong'o challenged this perception by arguing that the opposite is true; throughout history, Africa has always "given" to the West as its resources, wealth and even its people were extracted during colonial occupation as well as postcolonial economic and political interventions. Any aid received by countries such as Somalia pales in comparison to what

[153] Transcript of Bush (Dec. 4, 1992) national address.
[154] Transcript of Bush (Dec. 4, 1992) national address.
[155] Maundu (CIHA Blog, September 20, 2019).

> has been taken from them through colonial domination and its aftermath. This erasure of colonial dynamics is particularly troubling given that it is essential to understanding why famine occurs'.[156]

Indeed, the effects of colonialism significantly contributed to Somalia's inability to combat the man-made catastrophe. As Corcoran further highlights, colonial powers also institutionalized ethnic divisions, supported regional dictators, and conducted destabilizing military operations in the region in the prelude to the crisis. The International Monetary Fund's (IMF's) postcolonial liberalization role in Somalia by its imposition of structural adjustment programs (SAPs) also contributed to the creation of famine.[157] Thus, Somalia's food insecurity issue cannot be disentangled from the adverse effects of colonialism and neoliberalism, and immediately implicates postcolonial active complicity on the eventual intervener actors in the 1992 MHI for engendering the set of conditions that produced the crisis in the first place.

Unlike the Gulf War intervention, the Somalia intervention is recognized by many in the scholarship as a case of genuine altruism functioning as the driver for intervention. According to Finnemore, for instance, Somalia was a clear example of a MHI that had 'little or no strategic or economic importance to the principal intervener', the US in this case.[158] It is important to note, however, that the US possessed considerable strategic interests for a MHI in Somalia as well, even if – strictly in theory – the happenchance convergence of an intervener actor's strategic interests with a humanitarian disaster would not necessarily delegitimize the moral impetus for a TIA to embark on a MHI in theory, as the existing scholarship have correctly largely argued, though misleadingly so as the theoretical has rarely translated into the practical.

[156] Corcoran (CIHA Blog, August 1, 2022).
[157] Chossudovsky (1993), p.23-24.
[158] Finnemore (1996) in Katzenstein (1996), p.153.

Azikiwe (2019) contextualizes these strategic interests, arguing that the US sought to reassert its military prowess 'in the aftermath of its colossal defeats in Southeast Asia during the mid-1970s, Lebanon in 1983-84 and Southern Africa in the late 1980s, where the world's leading imperialist state was forced to retreat after humiliating failures'.[159] To this end, Somalia was viewed as the paradigmatic failed state that was unable or unwilling to protect its population following the dissolution of its government and thus open to coercive intervention. The UN had already begun a peacekeeping mission there in April 1992 (in what is typically labeled as 'Phase 1' of the Somali intervention), and thus the opportunity for the US to restore its credibility and affirm its position as the sole post-Cold War global hegemon by joining and leading the intervention presented itself (in what became known as 'Phase 2' of the intervention). Somalia was also another opportunity for the US to deliver on its promise for conducting more MHIs in its effort to concretize its preamble of a new human-rights-based world order. The US jumped at the opportunity and proceeded to conduct its largest armed intervention in a foreign state since the Vietnam War.[160]

Initially, the Somali intervention was heralded as a success by its intervener actors as part of their promise to promote human rights in the newly established global order. But the triumphant reaction was short-lived, as US domestic support for the intervention drastically plummeted following the Black Hawk Down incident when 18 US soldiers were killed in the intervention's Battle of Mogadishu. Images of the soldiers' dead bodies being dragged through Somali streets was broadcasted all over US television news as the US-led MHI soon morphed into a US-Somali war. Samuel Huntington echoed the sentiments of many in the US as he argued

[159] Azikiwe (2019).
[160] Branch (2011), p.25.

against US involvement in Somalia, stating that 'it is morally unjustifiable and politically indefensible that members of the armed forces should be killed to prevent Somalis from killing one another'.[161] US domestic disapproval ultimately put enough pressure on its government to end the intervention which had quickly morphed from a humanitarian-based priority to reduce famine and distribute aid in the country to a full-blown conflict resolution military operation that sought to eliminate hostile militias and establish a stable government. The phenomenon was what could be described as a reversal of the 'CNN effect' which typically has media showcase to domestic audiences the dire circumstances of a humanitarian crisis to garner support for intervention, but in this case instead conjured opposition to intervention following the continued portrayal of dead US forces on state media.

There were three notable impacts in the evolution of MHI following the joint US-UN intervention in Somalia. First, following the incident, the US blamed the UN leadership for its soldiers' deaths and reacted by taking command of the military operation and withdrawing its troops from the country shortly thereafter. This led to the US rejecting the model of UN-led MHI altogether, with the sentiment later codified by President Clinton under Presidential Decision Directive 25 (PDD-25) which defined UN peace-operations as merely 'one useful tool to advance American national interests' that the US would only hereafter join to pursue 'national security objectives'.[162] Second, the experience effectively marked the end of US troop deployment in Africa in humanitarian missions. The bullish sentiment over the promise of MHI quickly turned bearish in terms of the US's initial willingness to send troops abroad, particularly to Africa, for humanitarian purposes at the start of the post-Cold War era. Third, the image of

[161] Huntington (1993), p.338.
[162] US State Department (1994) in Branch (2011), p.25.

Africa was cemented to Western actors 'as a terrain of helpless victims' with 'the continent as a place of permanent violence and conflict'.[163] As a result, the practice of selectivity continued with respect to the UN and US's choices of MHI. Future African humanitarian crises in the decade (i.e. Congo, Darfur, Ethiopia, etc.) would be determined as strategically disadvantageous and therefore met with 'nonintervention', regardless of the condition of using triage based on the severity of the crisis that Weiss (1994), for instance, advocated to determine which areas most warranted MHI.[164] Other later crises, such as the eventual 'rich man's war' in the former Yugoslavia (as Boutros-Ghali framed it following his disapproval at the UNSC's decision to enter the crisis 'while Somalia fell further into crisis without notice') and Libya a little over a decade later, would be met with MHI from the US and UN based not on the severity of the crisis, but on the interests at stake.[165]

Having said this, a further three lessons can be obtained upon revisiting the experience of Western MHI in Somalia as it relates to its issue of selectivity. First, as was the case in the Gulf War just prior to it, the costs of the armed intervention in Somalia were significant, as an already turbulent situation and famine following the overthrow of the Siad Barre dictatorship plummeted the country into even further chaos. The failure of the US MHI in Somalia cemented the experience as 'one of the most important setbacks to US prestige since Vietnam'.[166] US consequential active complicity in the MHI underscores the lack of consideration TIAs had for

[163] Branch (2011), p.16, 22. This picture of Africa as a place with backwards and incapable inhabitants had long existed prior to the Somalia incident. Following the 1915 US intervention in Haiti, for instance, Robert Lansing, former US Secretary of State under Woodrow Wilson, plainly stated in the most racist manner that 'the experience of Liberia and Haiti show that the African race are devoid of any capacity for political organization and lack genius for government. Unquestionably there is in them an inherent tendency to revert to savagery and to cast aside the shackles of civilization which are irksome to their physical nature'. Corbould (2009), p.167.
[164] Though within this 'nonintervention', the US would still play a critical role in the crises via peacekeeping missions as it continued to finance, train, arm, and equip repressive allies in Rwanda and Uganda whose militia groups further destabilized the Congo and Darfur crises.
[165] Branch (2011), p.22.
[166] Gibbs (2009), p.138.

the Pottery Barn rule in their decision to conduct a MHI. In what can be seen as a prescription for TIAs to learn from this experience, Blake's (2014) interpretation of the Pottery Barn rule calls for TIAs to practice disintervention unless they 'are able to bear the costs of acting so as to bring about a morally justified state of affairs after warfare ends'.[167] Blake (2014) asserts that intervener preparedness to bear the costs of MHI matters greatly in the moral impetus and legitimacy to intervene, in line with the ethics of *jus post bellum* (justice after war).

Second, it is underacknowledged in the existing literature's analysis of the Western MHI in Somalia yet nonetheless critically important to consider that prior to the domestic unrest and longstanding dictatorial rule which resulted in his overthrow in 1989, Barre was a strong ally of the US after siding with them and cutting ties with the Soviet Union during the late 1970s of the Cold War. Thus, the timing of the US MHI uncoincidentally converged with the newfound loss of a strategic ally in the horn of Africa along the key Red Sea location, providing added evidence to the notion that interests – not humanitarianism – largely drive intervention. This point is directly interrelated with the third and arguably most important lesson upon revisiting the Somalia MHI experience. Though the existing literature's logic of MHI-selectivity as a 'problem' may point to a convergence of a TIA's decision to intervene in a humanitarian catastrophe while possessing strategic geopolitical interests as unproblematic, the problem becomes far more glaring when considering the TIA support for the leader despite their terrible human rights record. Barre's longtime rule was characterized by human rights abuses, including the Isaaq Genocide of the late-1980s which resulted in the killings and displacement of hundreds of thousands of Somalians in what is often recalled as 'the forgotten genocide'. Pattison too acknowledges how 'the Canadian airborne division was subject to allegations of torture, murder,

[167] Blake (2014) in Scheid (2014), p.145.

and racist behavior' while they were in Somalia in 1992.[168] Here, of course, was a serious problem of Western power perpetrator support active complicity in holding strategic relations with Barre and enabling his crimes as opposed to simply 'standing by on the sidelines' as idle bystanders and 'doing nothing'. Further compounding this type of active complicity is taking into consideration, as mentioned earlier, the critical effects of postcolonial active complicity. An additional aspect of this was the violent legacy of postcolonialism's imposition of arbitrary borders which engendered the ethnic tensions in Somalia and also led to Barre's misplaced attempt to establish Somalia as an ethnically monolithic state via his mass atrocity crimes against various clans.

Rwanda: 1994

The Rwandan genocide in the Spring of 1994 that followed the Somalia catastrophe is arguably the most notable and likely the most recognized 'nonintervention' example in the post-Cold War experience of MHI. The crisis functioned as a critical catalyst for engendering the eventual R2P doctrine in the broader evolutionary trajectory of MHI.[169] By the end of April 1994, the humanitarian crisis had led to the deaths of nearly one million Rwandans. Despite the cruel horrors of the situation which occurred rapidly in a short few weeks' span, the crisis was met with nonintervention from the US and subsequently the UN.

The Clinton Administration's decision against MHI was undoubtedly impacted by the fallout of the Mogadishu event from just a few months earlier. Publicly, the Administration justified its decision to refrain from sending troops or involving itself in the conflict by stating that 'the situation in Rwanda was too ambiguous' and that it was instead sending aid to

[168] Pattison (2010), p.99.
[169] Hehir (2012), p.29.

refugees.[170] Discursively, the Administration avoided using the term genocide in reference to the situation even though it was clear that it was the appropriate word to use to describe the targeted mass slaughter of the largely Tutsi ethnic minority group (as well as many moderate Hutus). Instead, US officials (now famously) only went so far as to describe how 'acts of genocide' may have been what was occurring in the country at the time. The UNSC and Western European powers later echoed this description in their own resolutions and statements on Rwanda.[171] The term 'acts of genocide' was significant. It functioned as a discursive gymnastic to avoid moral and legal imperatives to intervene in a timely manner as the 1948 UN Convention obliged able states to 'prevent and punish' those responsible for genocide. Additionally, refraining from labeling the event as genocide was an attempt to manage global outcry as the US and UNSC committed themselves to noninterventionism in Africa.

The legacy of the Rwandan genocide arguably functioned as the most pivotal event in the evolution of the selectivity challenge within MHI. Though the dichotomy of global power pursuits to ensure state accountability to domestic populations while at the same time preserving the integrity of state sovereignty was often (and continues to be) evoked in the academic debate on the legitimacy of MHI, the topic of states grappling with the ethics of violating a state's sovereignty was certainly not a factor in the global power decision for nonintervention in Rwanda, as Wheeler (2006) and Hehir (2012) note. Rather, it was the unwillingness of the five permanent members of the UNSC, the P5, and other global powers to intervene, as Wheeler and Hehir (amongst many others) argue, due to a lack of strategic interests compelling them to do

[170] Menon (2016), p.41-2.
[171] One exception to this was the French government's request for US planes to escort their troops for a military intervention, which the US denied.

so.[172] Others point to an unlikely chance for a MHI to have done much given how swift the killings were as an explanatory justification for global power nonintervention.

Nonetheless, two important metanarratives, or implicit theoretical assumptions or storylines which perpetuate and privilege certain broader ideologies over others,[173] were constructed following the genocide. Both directly relate to the problem of TIA active vis-à-vis bystander complicity in MHI. First was a resurgence of the 'never again' narrative that international actors had used following the holocaust as global powers famously vowed to 'never again' allow the horrors experienced in Rwanda to take place again without powerful global actors taking meaningful action to put a stop to them. The narrative is important as it implicitly endorses a need for more MHI from global powers while pushing to the periphery Global South concerns of the language of humanitarianism to practice armed intervention functioning as a vehicle for Western imperialism.[174]

The second narrative that was popularized following the genocide was that global powers simply 'failed to intervene' in Rwanda. Herein is a reflection of a critical narrative in discussions of selective-MHI: that the world 'stands by' as genocide occurs in cases of 'nonintervention' and the failure of global powers is understood as 'doing nothing' in their 'inaction'. The 'stood by' framing ultimately became intertwined with the selectivity narrative following Rwanda. Global powers have since been seen to have two choices in the wake of a genocide or impending genocide: (1) selectively choose to act and meaningfully attempt to put a stop to a mass-atrocity entailing humanitarian crisis through a MHI, particularly if doing so runs parallel to its strategic

[172] Hehir (2012), p.34.
[173] Klotz & Lynch (2007), p.51.
[174] Saccarelli & Varadarajan's (2015) 'Imperialism: Past and Present" argues that the term 'imperialism' is often dismissed as a distant artifact of the past in the existing liberal positivist literature, but that it nonetheless remains at the heart of global issues and especially ones surrounding HI.

interests, or (2) elect to 'stand by' in the wake of the catastrophe and 'do nothing', as the phrase's usage insinuates, particularly when there is no strategic benefit to the prospective intervener(s) in doing so. In the case of the latter, global powers simply 'stand idly by' as actors disassociated from the humanitarian crisis itself. In the absence of a particular despot, mass atrocity crimes are typically understood and framed simply as a tragic result of ethnic tensions and divides – a markedly internal experience contained in the informal boundaries of its geographical region. However, this framing – as a legacy of the Rwanda impact on the MHI-scholarship – often mischaracterizes the role of global powers as that of mere bystander. Thus, the legacy of Rwanda became associated with the narrative that global 'failed to intervene' in the crisis, a direct result of inaction. MHI proponents such as Power (2002) would come to use Rwanda's case as an example for why global powers must conduct MHIs in future crises to prevent the genocide that occurred from replicating again elsewhere.

In contrast to this narrative, Mamdani's (2001) study on the Rwanda genocide finds settler colonialism, or postcolonial active complicity, as I call it, of the same TIA global powers as a key contributor towards the construction of the Hutu and Tutsi political identities, and therefore to the genocide which came decades later. Mamdani studies the genocide by tracing the development and relationship of Rwanda's history, geography, and politics. In so doing, he finds the construction of the Hutu as 'native' and 'indigenous' and Tutsi as 'settler' and 'alien' to be a byproduct of Belgian colonialism and postcolonialism after 1962, which 'led to two genocidal impulses'.[175] The first of these 'was the genocide of the native by the settler', and the second was 'the native impulse to eliminate the settler'.[176] Thus, the targeted violence on the minority but

[175] Mamdani (2001), p.9-10.
[176] Mamdani (2001), p.9-10.

powerful Tutsi from the majority Hutu, for Mamdani, was not an 'ethnic' targeting as many analyses frame it, but a 'racial' one. The significance of this distinction is that the violence experienced in the Rwanda genocide was:

> '… not a violence against one who is seen as a neighbor but against one who is seen as a foreigner; not a violence that targets a transgression across a boundary into home but one that seeks to eliminate a foreign presence from home soil, literally and physically… For the Hutu who killed, the Tutsi was a settler, not a neighbor.'[177]

Beyond longstanding colonial impacts, others have pointed to global powers playing a key role in enabling the actual genocide itself in the few years leading up to it. As mentioned, there was a failure of global powers – namely the US, UN, UK, and others – to simply label the genocide as such as it was occurring in 1994. But the role of global powers stretched much further than this.

One major law firm's investigation conducted from 2017-2021 assessed the role of the French government in the genocide and concluded that France's former president, Francois Mitterrand, was 'chiefly responsible' for enabling it. The report claims that Mitterrand's government backed, trained, and armed the largely francophone Habyarimana Rwandan regime's Interahamwe militia, which was eventually largely responsible for carrying out the genocide during the critical period of 1990 to 1994, despite having been warned of the risk of genocide at the hands of this group prior to the event's occurrence.[178] The law firm contends that the Mitterrand government through its army also provided the genocidaires shelter under the label of refugees following the genocide and facilitated their regrouping in Zaire (modern-day Democratic Republic of Congo (DRC)). This marks France in particular as holding precrisis active complicity as it enabled the actors that carried out the violence of the crisis.

[177] Mamdani (2001), p.14.
[178] Levy, Firestone, Mise (2021), p.567.

In addition to this, like in Somalia, there was also the destabilizing role that global power financial institutions played in fostering the conditions for the genocide. A rapid influx of IMF and World Bank loans to Rwanda in the 1980s to boost its capabilities to export riches in coffee, tea, and tin when it was a near debt-free state at the time backfired and ultimately led to a twenty-fold increase in the country's external debt by 1994, especially after Rwandan coffee prices crashed once the International Coffee Agreement collapsed. Moreover, the Habyarimana regime embezzled much of these loans so that rather than being used towards public investment, much of this wealth was used to buy arms from France and bolster the Habyarimana army.

Beyond France's role, Mamdani (2010) argues that 'the United States, too, did intervene in Rwanda, but through a proxy. That proxy was the RPF [the Rwanda Patriotic Front political party], whose commander, Paul Kagame, had recently returned from training in the United States'.[179] Branch (2011) offers an astute analysis of the Rwanda genocide as it pertains to underpinning the duplicitous narrative of 'nonintervention' from Western powers:

> 'Instead of seeing the genocide as the product of the failure of the West to intervene, we should look at the Western interventions that were *already occurring* in Rwanda that helped set the stage for the genocide. Therefore, the lesson of Rwanda for the West would not be that more Western intervention is needed in Africa, but, rather, that constructive Western *disintervention* is needed so that ongoing Western intervention does not unintentionally or intentionally set the stage for political violence.'[180]

This point by Branch has been largely neglected by the scholarship, which has instead largely remembered the Rwanda tragedy as a case of TIA 'nonintervention', often to maintain an argument in favor of more MHI. The major element missing from the Rwanda legacy, however,

[179] Mamdani (2010), p.67-8.
[180] Branch (2011), p.246. (Italicizations are my own.)

is an awareness of the set of conditions brought forth from Western intervention in the area from years prior that ultimately set the stage for the genocide to occur. The crisis certainly did not occur spontaneously in a vacuum. In this respect, TIAs would be better described as possessing postcolonial and precrisis active complicity in the Rwanda case rather than bystander complicity.

Haiti: 1994

Though Rwanda was certainly the most famous 'nonintervention' case of MHI and the overall failure to codify its practice as a norm, other humanitarian crises – including 'intervened' crises – plagued what came to known as 'the turbulent 1990s' as well (Weiss 2016). The next major MHI experience after Rwanda was Haiti.

At the start of the decade, Haiti became yet another Central American state to experience a colonial Monroe Doctrine carryover into the 20th Century. The end of the Western-backed Duvalier dictatorship in 1986 brought Haiti its first democratic election in 1990 and saw the left-leaning theologian Jean-Bertrand Aristide win the popular vote with a two-thirds majority. Just eight months later, however, a US-backed coup deposed Aristide from power and sent him into exile, replacing him with military rule and resulting in the massacre of hundreds of unarmed Aristide supporters protesting the regime change operation. Repression against Haitians became so brutal following Aristide's deposition that many Haitians fled the island in boatloads, which shortly thereafter caused a serious immigration crisis for the Clinton Administration. Consequently, the US conducted a MHI in 1994 codenamed 'Operation Uphold Democracy', with authorization from the UNSC Resolution 940, to stabilize the turbulent situation in Haiti by removing the military regime that took over its leadership following the coup and restoring Aristide to the country and to his post as Haiti's president. However, this was only done so with

the conditionality that his government would adopt the neoliberal policies outlined by the US in congruence with the Washington Consensus principles established in 1989.[181]

As was the case in Rwanda, Haiti too experienced adverse consequences from foreign interference which directly contributed to the development of its humanitarian crisis. As Kelly (2018) notes in her study on Haiti's history of dependence in the period of neoliberalism, the push for neoliberal policies in Haiti came long before both the 1994 US MHI and 1989 Washington Consensus predominantly through the intervention of nongovernmental organizations (NGOs). It came as a byproduct of Haiti's resistance to colonial rule for centuries, particularly French colonialism. As one New Yok Times article notes, 'Haiti was the first modern nation to win its independence after a slave uprising, only to be financially shackled for generations by the reparations demanded by the French government for most of the 19th Century'.[182] Instances of the colonial order financially shackling Haiti were far too common:

> 'Far from an instrument of Haiti's salvation, the central bank was, from its very inception, an instrument of French financiers and a way to keep a suffocating grip on a former colony into the next Century. Haiti's central bank was set up by a Parisian bank, Crédit Industriel et Commercial. At a time when the company was helping finance one of the world's best-known landmarks, the Eiffel Tower, as a monument to French liberty, it was choking Haiti's economy, taking much of the young nation's income back to Paris and impairing its ability to start schools, hospitals and the other building blocks of an independent country'.[183]

Shortly thereafter, the US entered Haiti. It was allegedly responsible for coordinating the assassination of its President Jean Vilbrun Guillaume Sam. In any case, US President Woodrow

[181] Chesterman (2001), p.153.
[182] New York Times (May 20, 2022).
[183] New York Times (May 20, 2022).

Wilson ordered began his invasion of Haiti the same day of his assassination, ostensibly to restore stability. Following its takeover, the US executed one of the longest military occupations in its history from 1915-1934, only behind its 20-year war in Afghanistan at the start of the 21st Century. During the long occupation, the US instituted forced labor, chose Haiti's political leaders, and killed many who resisted.[184] The Wilson Administration also attempted 'to force a new constitution onto the Haitian government that would allow foreign land ownership, which had been prohibited as a way to protect domestic resources and prevent foreign powers from taking control'.[185]

Following the occupation and WWII, Haiti experienced further massive destabilization in large part due to the failures and impositions of neoliberal NGOs.[186] This failure ultimately significantly contributed towards Aristide's initial popularity in 1990 as he offered an alternative to the neoliberal model, with promises to the country's poor such as an increase in the minimum wage from $1 to $2.50 a day and other forms of support. Aristide would come to be overthrown by the US (with help from France) in a military coup as his policies conflicted with US strategic interests prior to the US's conditional reinstallation of him a few years later in 1994. The US 1994 MHI, however, ultimately did not bring about stability and instead further entrenched Haiti's dependency on Western agencies. In the years following the MHI, an estimated $1.8 billion in IMF loans were brought into the country, but this created a major trade imbalance

[184] Johnston (Counterpunch, October 17, 2022).
[185] Gamar (Vox, July 10, 2021).
[186] According to Kelly (2018), one example was the major refugee crisis in the 1980s which came as a direct result of the Cooperative for Assistance and Relief Everywhere (CARE) international humanitarian agency creating a program called *Food for Work* in the 1950s. The program encouraged rural farmers to leave their farms to work in the country's capital to develop Haiti's infrastructure and industries. However, the CARE intervention caused a mass exodus of farmers from the countryside and CARE could not provide enough jobs in the city. Moreover, imported food prices became much cheaper than homegrown foods which caused more rural farmers to abandon their work and move to the country's capital.

which indebted Haiti to the IMF and deepened its dependency on neoliberal institutions. Kelly (2018) describes what came after:

> 'In an effort to rectify this imbalance, as well as a $54 million bail out for the 1998 debt crisis in Haiti, the IMF instituted austerity measures. However, Haiti was unable to meet demands. The IMF followed with a freeze of all international funds to the state of Haiti… [and] ultimately led to NGOs circumventing the measures and providing continual "aid"… accomplished through assisting in the removal of import tariffs and undermining local agricultural production through dumping of U.S. agricultural surplus onto the market.'[187]

The failed policies in Haiti during the 1990s and the US's 1994 Operation Uphold Democracy showcases the skepticism that many in the critical scholarship have had towards the concept of MHI. As Bellamy (2005) frames the contention, MHI can here function as a 'trojan horse' for intervener actors to quell movements and leaders who potentially threaten their broader strategic interests by way of regime-change operations and coups, which typically fail in any case, as one CATO Institute study finds.[188] In the Haiti case too, then, the complicity of the US and other TIAs was certainly not limited to that of a bystander that failed to intervene in the early 1990s. Rather, it was of global powers playing an active role in fostering the conditions which engendered a humanitarian crisis in a Global South state in the first place. Both postcolonial and precrisis active complicity on the part of the eventual TIAs were at play here, as well as regime change active complicity given the coups from prior years. Moreover, the instability which then followed as a result of the MHI produced a chilling effect for prospective investors, which 'resulted in no American firms investing in the country for eight years following the crisis'.[189]

[187] Kelly (2018), p.77.
[188] CATO Institute (2020).
[189] CATO Institute (2020).

The 1994 MHI then further deepened the crisis by indebting the country to the IMF. The adverse effects of US and neoliberal interference in Haiti remain significant as it continues to feel the impact of Western interventionism and struggle against more Western intervention in its country.

Bosnia: 1995

Another one of the most recognized mass-atrocity-entailing humanitarian crises of the post-Cold War era was the Bosnian War from 1992-95. Along with Rwanda, the Yugoslav wars in general arguably played the most pivotal role in shaping modern discussions of MHI in the existing literature. The dissolution of Yugoslavia during the early 1990s heightened ethnic tensions amidst the uncertainty and instability of the situation. Serbs feared the Muslim-Croat alliance of the newly formed Bosnia-Herzegovina state following a March 1992 referendum that saw 99.7% of votes go in favor of Bosnian independence. Shortly thereafter, the Serbs seceded from the state, formed militias, and in seeking to expand territory for the new Serbian state, forcibly drove out Muslims and Croats through mass ethnic cleansing. One of the most particularly egregious atrocities occurred towards the end of the war in July 1995 when approximately 8,372 Bosnian Muslims, largely males over the age of 16 who had been rounded up into concentration camps, were brutally executed in the city of Srebrenica. The event marked the largest mass killing in Europe since the end of WWII. In terms of an immediate MHI, the Bosnian crisis was controversially met with what the existing scholarship would term as 'inaction' from the US and UN until after the Srebrenica massacre. By then, roughly 100,000 people – most of them Bosnian Muslims – had already been killed.[190] It was only after the brutal

[190] Menon (2016), p.84. Estimated figure taken from BBC (2007), *Bosnia War Dead Figure Announced.*

massacre that NATO forces intervened on August 30, 1995, as it launched its Operation Deliberate Force bombing campaign on the seceded Serbian state.

Once more, the critical role that Western powers played towards engendering the crisis itself is often neglected in recollections of the Bosnian crisis. One notable exception to this is Parenti's (2001) *To Kill A Nation*, which details the colonial and imperial role the West played in the breakup of Yugoslavia. Parenti combats the West's humanitarian narratives that were used to justify its involvement by investigating the events and identifying the interests at stake, which he argues reveals duplicitous intentions. Initially, as another critic of humanitarianism in Bosnia, David Gibbs (2009), suggests, 'Germany played a key role in making possible Yugoslavia's breakup' via arms sales and military training to Croatian and Bosnian separatist groups, 'and they therefore contributed to the larger tragedy of the wars that resulted'.[191] Later, Gibbs argues, the US played a major role in the Balkans as it overtook Europe as the main outside actor in the diplomacy of post-breakup Yugoslavia.

As in Somalia, the US sought to flex its hegemonic dominance during this time in the early 1990s. Its leading role along with NATO powers, however, would prove gravely costly to the future of the Balkans. Specifically, motivated by realpolitik factors of geostrategic (Yugoslavia's resistance against NATO) and economic interests (Yugoslavia was also significantly indebted to the IMF following failed SAP impositions), the US undercut the Lisbon Agreement as a negotiated settlement between the Serbs and Bosnian Muslims which precipitated the war. Though the agreement was far from perfect, it certainly held considerable promise in preventing the full-scale war that eventually followed without it.[192] Insights into this

[191] Gibbs (2009), p.107.
[192] Gibbs (2009), p.106-114.

history from Gibbs marks a stark contrast to the 'widespread perception that US officials ignored Bosnia and were reluctant to intervene'.[193] Ultimately, the 'inaction' to the atrocities that followed was another instance of Western powers, particularly the US, possessing crisis escalation active complicity.

Of course, TIAs possessed active complicity in having 'little concern' for the Muslim victims in their policymaking that helped engender the crisis. This is not to say that internal factors were nonexistent towards producing the crisis, but simply that external factors cannot be ignored as key contributors to the crisis. Bosnian Muslims were a main casualty of these factors. As Khan's (1997) research argues:

> 'The indifference and often the complicity of Western nations toward the fate of the Bosnian Muslims aided and encouraged the Serbs in their genocidal excesses and insured that the victims would be effectively rendered defenceless. The United States, the hierarchy of the United Nations, and the European Community led by Britain and France were well aware that the Serbs would seek to expand through the territory of Bosnia-Herzegovina whose Croat and Muslim population had voted for independence in February 1992 and which had subsequently been recognized as a sovereign member of the United Nations. However, all three refused to take concrete action to deter a Serbian invasion of the defenceless republic because they had concluded that sufficient interests were not involved to justify a significant intervention in support of the elected Bosnian government and because there was little concern for the fate of the likely victims'.[194]

Two legacies of the Bosnian crisis are implied here by Khan as they relate to MHI: the problem of TIA interests producing a crisis itself, and the identities of the likely victims playing a weighted role in determining a TIA's foreign policymaking. The experience for many highlighted the typical reservation for Western global powers to undertake a MHI for 'othered'

[193] Gibbs (2009), p.107.
[194] Khan (1997), p.288.

identities such as Bosnian Muslims (Khan 1997). Later, Quinton-Brown (2020) echoed many others as he poignantly decry liberal interventionism as 'all too Whiggish, and all too white'.[195] But it would not be appropriate to suggest Western military 'nonintervention' in Bosnia as a byproduct or example of discrimination against Muslims. Rather, the otherized identities of Bosnian Muslims represents the triviality of Muslim lives in the policymaking calculus of TIAs, which encompasses far more than mere military intervention. While TIA policies led to the breakup of Yugoslavia and the suffering of these lives, which eventually culminated in a strategically beneficial MHI, other Muslim lives were selectively being met with 'nonintervention', though in purely MHI terms. As Parenti notes, at the very same time of the Bosnia intervention,

> '… more than a thousand people were dying every day in the CIA-sponsored war of attrition against Angola, far many times more than were perishing in Bosnia. The civil war in Liberia had displaced 85 per cent of the population. In Afghanistan, in Kabul alone, about a thousand people were killed in one week in May 1993. In July 1993, the Israelis launched a saturation shelling of southern Lebanon, turning some three hundred thousand Muslims into refugees, in what had every appearance of being a policy of depopulation or "ethnic cleansing"'.[196]

The Bosnian experience also evoked one key debate within humanitarian interventionism: the question of which actors are allowed, presumed, or expected to assume intervener roles. While the US, UN, UK, and other global powers would not intervene during the Bosnian crisis, a lesser power Global South state actor such as Iran was quick to offer a willingness to intervene in 1993 by sending 10,000 troops to prevent further massacres.[197] When the offer was met with

[195] Quinton-Brown (2020), p.514.
[196] Parenti (2001), p.12.
[197] CS Monitor (July 1993).

disapproval from global powers, Iranian foreign minister Ali Akbar Velayati responded in kind by claiming that Western nonintervention and dismissiveness to Iran's offer for MHI encouraged the 'continued genocide of Muslims' in Bosnia.[198]

Once the atrocities reached new heights by 1995, NATO launched its 'Operation Deliberate Force' bombing campaign against Serbians. Shortly thereafter, the US helped broker the Dayton Accords peace agreement which resulted in a general framework agreement for peace in Bosnia-Herzegovina. The agreement rested on the establishment of two separate Serbian and Muslim-Croat regions and put an end to the Bosnian War. However, this was done controversially so, as the agreement further entrenched ethnic divides, invited 'IMF and NATO regency' into the former Yugoslavia, and established 'a colonial administration' with its imposition of a 'high representative' appointed by the US and European Union (EU) that 'could overrule the laws passed by either' the Muslim-Croat or Republic Srpska governments.[199] The Bosnian Serb leadership was also excluded from participating in the agreement negotiations.

Kosovo: 1999

While global power 'inaction' came to define the legacy of the Bosnia crisis, TIAs quickly decided to intervene in another part of the former Federal Republic of Yugoslavia (FRY) amidst another crisis in Kosovo in 1999. The intervention was perhaps the most significant event towards the increased usage of the term 'MHI' in political discourse.[200] Ostensibly, the 78-day aerial bombing campaign conducted by NATO was to put a stop to the ethnic cleansing of

[198] CS Monitor (July 1993).
[199] Parenti (2001), p.50-1.
[200] According to Wertheim (2010), p.150, MHI as an IR norm flourished in the late 1990s and it did so concurrent to the rise of neoconservatism in the US. For Wertheim, the novelty in meaning of MHI in the late 1990s was 'that the US, hopefully joined by allies but acting alone if necessary, could execute the interventionist agenda' which now would look to end genocide and ethnic cleansing altogether rather than simply strive to ameliorate their effects as it they before.

Albanians and limit their large flow of refugees into other parts of Europe by Yugoslav forces, with an overarching goal of having Kosovo secede from the FRY. The atrocities, however, were not as clear in the Kosovo case as they were more plainly evident in Bosnia and other crises. Western officials who were advocates of the NATO intervention claimed that the lives at stake ranged in the tens of thousands. Others problematized the assumption of a large enough imminent threat capable of producing a mass killing of such magnitude.

The intervention was framed again in humanitarian terms to prevent another genocide, this time 'in the heart of Europe', as the NATO Secretary General at the time, Dr. Javier Solana, framed the narrative.[201] The intervention that followed is typically cited as a success story by MHI-advocates in the existing scholarship. But the sincerity of altruistic motivations functioning as the driving force for MHI has also been problematized. Wood (2000) concluded that the MHI was 'all about US global hegemony', citing Clinton's statements towards maintaining 'a strong economic relationship' with Europe as being what the MHI was 'all about' as one piece of evidence that plainly suggested this.[202] Critics of the intervention have rightly pointed to the destined failure of the proposed Rambouillet Agreement just prior to the start of the bombing campaign as evidence of a disingenuous effort from to avoid war by the eventual intervener actors. The proposed agreement presented Serbian President Slobodan Milošević with ultimatums highly unlikely to be accepted, the most significant of which was to agree to the total surrender of Serbia to NATO effectively for full occupation of the FRY or face US-led military bombardment. Milošević is said to have even offered to withdraw all troops from Kosovo, but this effort to reach a diplomatic solution was rejected by the eventual TIAs, and the bombings

[201] NATO Secretary General Speech (June 2, 1999).
[202] Wood (2000), p.190 from Hehir (2013), p.174.

shortly thereafter commenced. As Clinton's Secretary of State, Madeleine Albright, a chief negotiator of the talks, put it, 'I got increasingly frustrated that we were doing this peacefully… we had to take action'.[203] For many in the scholarship and Global South, the experience gave added credence to the perspective that Western powers were simply disinterested in a diplomatic solution that 'could have probably prevented the war'.[204] The role of TIAs in having played spoiler to potential diplomatic settlements marks their crisis escalation active complicity in Kosovo.

The NATO offensive in Kosovo also marked a notable departure from prior instances of MHI as it did not receive permission from the UNSC. Russia and China (as well as Libya's Muammar Gaddafi) sought to block the NATO campaign given so. In justification for this, the Independent International Commission for Kosovo (IICK) famously stated that the Kosovo MHI was 'illegal, but legitimate', a concept that remains routinely defended by many. According to Bellamy (2005), for instance, though the intervention was illegal under international law, the IICK's designation 'implies a degree of consensus around the idea that states have a moral right to intervene to save strangers in supreme humanitarian emergencies'.[205] But this notion can just as easily imply an alignment of the Commission's interests with those of the Western powers who ultimately were the intervener actors. Unsurprisingly, the states that rejected Russia's draft UNSC resolution to condemn the intervention were Western powers. The 'degree of consensus' discussed by Bellamy therefore reflects the same grievance held against those who routinely use the term 'international community' to describe the idea of global consensus when it is more accurately a representation of Global North alliances.

[203] Albright (Frontline PBS Interview, February 22, 2000) in Parenti (2001), p.119.
[204] Zunes (2018), p.20 in Coady & Dobos (2018).
[205] Bellamy (2005), p.34.

The Kosovo experience left a notable impact on the legacy and skepticism of MHI. As Glanville (2014) notes, 'it became clear to critics that the greater danger was not that powerful states would manipulate the deliberations of the Security Council, but that they would simply bypass the Council and intervene "unilaterally"' in states' affairs, particularly those in the Global South.[206] Many liberal states, as Bellamy (2014) mentions, began 'to accept the proposition that intervention not authorized by the Security Council could be legitimate' following Kosovo. The experience entrenched the debate on MHI as more of an issue of ethical legitimacy than international legality. Moreover, no sanctions were imposed on the interveners (in part given that the actors and institutions which typically place the most impactful sanctions were the TIAs themselves). The MHI also betrayed NATO's intended function as a defensive military alliance since there was insufficient evidence that the FRY was set to attack any NATO member state.

In terms of the Pottery Barn rule and the consequences of the MHI, critics have long argued that rather than end the atrocities, the MHI precipitated the worst of them. According to Chomsky (2011), among other critics, most of the mass atrocity crimes followed the NATO aerial campaign.[207] Though Clinton himself in a December 1999 Press Conference mentioned feeling 'very, very proud' of the US's role in the NATO intervention,[208] the IICK itself later plainly conceded that 'the intervention failed to achieve its avowed aim of preventing massive ethnic cleansing'.[209] A myriad of human rights violations from the NATO coalition's airstrikes instead came to define the case. Throughout the MHI, both military and civilian buildings were

[206] Glanville (2014) in Scheid (2014), p.151.
[207] The exception to this for Chomsky was the Račak massacre. But from a moral standpoint, he argues, this massacre 'was of little principled concern to the US and UK' since 'at the very same time they were not merely condoning but actively supporting much more serious crimes in East Timor, where the background of atrocities was incomparably more grotesque than anything that had happened in the Balkans.' Chomsky (2011), p.15 in Cunliffe (2011).
[208] The White House (Dec. 8, 1999). Press Conference by the President.
[209] IICK (Oct. 23, 2000). The Kosovo Report.

targeted with extraordinary precision. However, airstrikes later often became indiscriminate as what were determined as 'mistakes' from NATO forces, such as bombings of civilian trains, roads, and bridges, cluster bombs on open air markets, a strike on the Chinese Embassy in Belgrade, and the use of depleted uranium, later became common occurrences, and more civilians were being killed than soldiers. Hehir (2010) notes on Kosovo that 'NATO's intervention unquestionably led to a dramatic increase in ethnic cleansing'.[210] Despite this consequential active complicity of the NATO offensive, MHI advocates often cite the Kosovo case as an example that showcases the efficacy of targeted airstrikes. Moreover, even disregarding these 'mistakes' during the 78-day bombing campaign, this sentiment is not entirely accurate as the Kosovo Liberation Army (KLA), whom the Clinton Administration condemned in 1998 as terrorists but heralded as 'freedom fighters' who stood 'for the same values and principles' of the US just one year later in 1999,[211] played a critical role in functioning as the on-the-ground troops needed for NATO's Kosovo takeover. In this role, the KLA, itself a violent sectarian and ethnically supremacist separatist militia group, committed numerous atrocities and 'expelled 100,000 non-Albanians from Kosovo while Kosovo was supposedly controlled by international forces'.[212] Ultimately, the KLA's atrocities resulted in the ethnic cleansing of the minority Serbian and Roma populations. Thus, TIAs held consequential active complicity in their actions and policymaking in Kosovo.

The Kosovo case immediately drew skepticism on MHI being used as a new form of imperialism for many critical scholars. Tariq Ali (2000), for instance, described the NATO MHI as 'a war for US hegemony in Europe and the world'.[213] Johnson (2000) argued that the Kosovo

[210] Hehir (2010), p.232.
[211] US Senator Joseph I. Liberman (D-Conn.) in 1999; see CATO Institute (July 29, 2009) for reference.
[212] McCormack (2011) in Cunliffe (2011), p.44.
[213] Ali (2000), p.23.

case marked the beginning of humanitarian objectives committing NATO, 'a defensive military alliance, to a totally unprecedented offensive role, in violation of the treaty that created it'.[214] Parenti asserted that humanitarianism was used as a pretext for the intervention to simply serve Western interests, much as it was in past experiences of selective-MHI as discussed earlier. The case also reemphasizes the *jus post bellum* salience for intervener actors to take responsibility of the aforementioned Pottery Barn rule, as 'prior to the bombing', the US 'had no responsibility for atrocities committed by either Serbs or ethnic Albanians', but after US planes 'bombed much of Serbia into rubble to drive the Serbian military out', the US became actively complicit in the atrocities committed with its leading role in the NATO airstrikes and its support of the KLA against the remaining Serbs.[215] NATO powers, according to Gibbs (2009), 'did not stand "idly by" and allow atrocities to proceed in the Balkans. On the contrary, Western powers were deeply involved in the conflict from its earliest phases', as 'Western intervention was a major factor in triggering the country's breakup in the first place and thus set the stage for war' as a major part of TIA precrisis active complicity.[216] In this sense, had NATO not have conducted a MHI, the framing of 'nonintervention' would still be problematic in the Kosovo case since TIAs were actively complicit towards the very development of the crisis. It is an example of the problematic dichotomous intervention vis-à-vis nonintervention labeling of MHIs and how it does not present an accurate portrayal of the story of events and actors involved.

Due to the Western interference which led to Kosovo's declared independence almost a decade later in 2008, 78 states, most of them in the Global South and including all the BRICS nations, have yet to recognize Kosovo as an independent state. Many of these states cite NATO's

[214] Johnson (2000), p.93.
[215] Bovard (2000), p.338.
[216] Gibbs (2009), p.13.

role towards Kosovo's declaration of independence as a violation Serbia's sovereignty. Legacies of the earlier MHI itself remain highly contested. The skepticism over the sincerity of NATO's decision to unilaterally intervene in Serbia was particularly pronounced when juxtaposed against similar cases of indiscriminate killings of civilians during this period in Turkey, Palestine, and elsewhere which did not produce military action from global powers – and even more so given the Kosovo intervener actors' political ties to many of the perpetrators of those killings.

East Timor: 1999

It is important to briefly contextualize how the East Timorese crisis developed to better appreciate the issue of MHI-selectivity as characterized by TIA active complicity rather than bystander complicity. It was during WWII that the Japanese conquered the eastern half of the Timor Island following several centuries of Portuguese colonialism of the area. Roughly 70,000 Timorese were killed resisting the Japanese occupation – about 15% of its entire population at the time. Following Japan's global and regional defeat at the end of WWII, Indonesia took over the Western half of the island (as part of the Dutch East Indies) while the eastern half was returned to Portugal where it remained a neglected colony until Indonesia invaded and took over East Timor as well in 1975. The Indonesian occupation of the island was marked by extreme violence such as extrajudicial killings and forced starvations which led to a genocide of hundreds of thousands of East Timorese lives lost by 1999 – roughly one-third of its population. The US as the leading global power, however, did not intervene in the 1990s despite its promise for a rule-based 'new world order'. The issue of crisis identity active complicity on the part of Western powers came to the forefront during the crisis given the contrast in identities of the 'intervened' in Kosovo vis-à-vis East Timor. As Welsh (2004) notes, 'allegations of hypocrisy were levelled

against Western states because of their inaction during East Timor's post-referendum violence in 1999 – mere months after the Kosovo intervention'.[217]

According to the understanding of selectivity in the existing scholarship, TIA 'nonintervention' in East Timor would be understood as a matter of bystander complicity whereby TIAs simply 'stood idly by' as the genocide unfolded. If we dismiss the ethnic, racial, and religious component of those suffering in East Timor vis-à-vis Kosovo, it would claim that TIA intervention in Kosovo occurred because TIAs possessed enough interests that compelled them enough to do so, while they did not have the same for East Timor. However, this understanding of selectivity as a problem of TIA hypocrisy, though not incorrect, is limited and neglects the larger issue. Selectivity becomes far more pronounced when considering that the US as a leading TIA maintained a critical role in enabling and perpetuating the East Timor crisis itself with both precrisis and perpetrator support active complicity. The realpolitik-based anti-communist foreign policy of the Cold War led to unequivocal US support for the Indonesian dictator Suharto after he forcibly took power in Indonesia in a 1965 coup and remained so throughout the 1990s. Though Suharto had convinced US President Gerald Ford of the threat of communism in Timor during his 1975 visit to the US, military-industrial imperatives also drove US support for Suharto. Menon aptly expounds on this critical point:

> 'American-supplied weapons enabled the Indonesian military's offensive against the pro-independence insurgents in East Timor and its bombing of Timorese civilians. Declassified documents make clear that the Ford administration knew about and acquiesced to Indonesia's conquest of the Timorese. The Carter administration… handled Suharto in the same way its predecessors did. Likewise, American arms sales to Indonesia persisted throughout Bill Clinton's first presidential term… The total value of

[217] Welsh (2004), p.170.

> American arms sold to Indonesia amounted to $1.1 billion… On top of all this, notes Robinson, the Western democracies "also abetted the genocide by aiding the Indonesia army's cynical manipulation of information, humanitarian assistance, and access to the territory."'[218]

The UK's policy was no different. According to declassified British documents from the National Security Archive, the UK too supported Indonesia's invasion and occupation of East Timor in 1975-76.[219] By 1999, Australia finally stepped in as an intervener actor in a UN-sanctioned MHI to help put an end to the crisis. Even then, the UK still sent fighter jets to support Indonesia after Australian peacekeeping forces had entered.

For many, Australia's intervention in East Timor establishes its place in the history of MHI as an 'intervened' as opposed to 'nonintervened' crisis. But imagining Australia as a benign humanitarian savior actor drastically misrepresents its role. Much like the US, Australia too maintained consistent support to Suharto throughout the Indonesian occupation, providing arms and military training to Suharto's regime despite having been aware of its crimes, as it sought to obtain the riches in oil and gas along the Timor Sea. Australia was also 'the first (and only) government to legally recognize the annexation in spite of considerable public opposition' in 1986.[220] Connelly's (2022) study on Australian policy and neocolonial violence in East Timor finds that Australia's sudden policy reversal on East Timor in September 1999 can be attributed to 'an unusual alignment of events', which included Indonesia's financial collapse, Suharto's weakened hold on Indonesia's military and institutions, an increased international spotlight, coverage, and public outcry on the crisis (particularly vis-à-vis the heavy-handed NATO Kosovo intervention occurring during the same period), the influence of NGOs and church networks to

[218] Menon (2016), p.101-2.
[219] National Security Archive.
[220] Simpson (2016) in Klose (2016), p.283.

rally populations around the world, and, of course, 'the international community's desire to avoid a repeat of the recent humanitarian disasters endured by the innocent victims of Rwanda and Srebrenica'.[221] Connelly considers these elements in her analysis for why global powers did not act sooner when the suffering of the crisis was at its height and concludes that a 'tipping point was reached when the wider geopolitical realities of upheaval and policy change in Indonesia converged with the willingness of the international community to act'.[222] Simpson (2016) adds that the personal diplomacy and efforts of then-UN Secretary-General Kofi Annan was also a key factor in driving Australia's decision to intervene.[223] Australia's benignity remains a point of contention given the roughly $1.2 billion in revenue it controversially obtained from siphoning Timorese oil and gas in the rich Timor Sea fields between 1999 and 2002 following its intervention. Moreover, in the immediate aftermath of 1999, both Australia and the US 'pivoted with embarrassing speed to "rehabilitating" Indonesia's tarnished image, resuming military assistance, opposing vigorous prosecution of Indonesian perpetrators of mass human rights abuses, and pressing the Timorese to forgive and forget'.[224]

Thus, the difference in approach and policy to the Kosovo and East Timor humanitarian crises from Western powers underscores the selectivity challenge of MHI. It is misplaced to identify the selectivity challenge in the two cases as Western powers acting as savior and intervening in Kosovo through MHI yet 'standing by' in East Timor as bystanders in their 'nonintervention' during the height of the crisis until Australia's involvement. This false dichotomy obscures the active complicity of Western powers in both crises. In Kosovo, it was Western powers acting as spoiler to a potential negotiated settlement with crisis escalation active

[221] Connelly (2022), p.241.
[222] Connelly (2022), p.243.
[223] Simpson (2016) in Klose (2016), p.293.
[224] Simpson (2016) in Klose (2016), p.298.

complicity and then consequential active complicity through militarily devastating the former Yugoslavia area with the Kosovo intervention. In East Timor, TIA's possessed perpetrator support active complicity as they enabled and perpetuated the crisis primarily by way of their continued critical support to Suharto in the 'nonintervention'. Declassified documents now show that Western powers were well-aware of the Suharto regime's 'determination to thwart an independence vote in East Timor through terror and violence', yet the actors still sought to preserve close ties to the regime in the runup to the independence referendum to protect its interests.[225]

Conclusion

This chapter aimed to revisit post-Cold War cases of humanitarian crises to reinterpret the problem of selectivity under an active complicity paradigm. Upon analysis of seven cases in Iraq (1990-91), Somalia (1992), Rwanda (1994), Haiti (1994), Bosnia (1992-95), Kosovo (1999), and East Timor (1999), it is clear that TIAs played major roles in enabling and perpetuating many crises.

In Somalia, Haiti, and Rwanda, Global North actors possessed considerable postcolonial active complicity. The Iraq, Rwanda, Haiti, Kosovo, and East Timor crises saw these actors actively complicit in the prelude to their crises through a series of policies and actions that enabled them to occur in the first place. Haiti was (and remains) a target of regime change in its struggle against foreign interference. Iraq, Bosnia, and Kosovo all saw TIAs escalate their crises rather than deescalate their situations to advance their strategic interests. Similarly, TIAs enabled the perpetrators of the Somalia (Barre) and East Timor (Suharto) crises for substantial periods as

[225] National Security Archive (Aug. 28, 2019), Simpson, briefing book #682.

they committed their atrocities in favor of pursuing these interests. Intervener actors themselves were in large part responsible for producing dire consequences in the Somalia, Iraq, and Kosovo crises following their intervention (or from their very intervention). Finally, the identities of the spotlighted 'intervene' crisis in Kosovo vis-à-vis far worse crises in places such as East Timor (or for late intervention in Bosnia) cannot be neglected as a part of the hypocrisy of selectivity, particularly in lieu of the aforementioned actively complicit role of these actors in the crises.

The salient and consistent role of TIAs in the destabilization that produced or prolonged these crises cannot be neglected if we are to arrive at a better understanding of selectivity as a 'problem'. As Williams & Bellamy (2012) concede, a historically selective pattern of intervention supports the overarching skepticism towards the moral legitimacy to MHI: that international 'humanitarian' interventions are mostly guided by interests instead of it being the other way around, as Barnett (2011) advocates should be the case.[226] But the reinterpretation of the MHI-selectivity problem under the lens of the active complicity model provides a far greater depth and clarity towards this skepticism as it reflexively showcases the key role of TIAs as part and parcel to the enablement and perpetuation of humanitarian crises themselves. Thus, the selectivity literature cannot continue to rely on the narrative of TIAs as bystanders in 'nonintervened' crises. It must consider the typically actively complicit role of TIAs in enabling or producing crises through their foreign policies and actions if it is to better prepare dealing with future crises.

[226] Williams & Bellamy (2012), p.284-5.

CHAPTER 4 – REINTERPRETING POST-R2P SELECTIVE MILITARY HUMANITARIAN INTERVENTION

The aftermath of the 1999 experiences in Kosovo and East Timor and broader experiences of humanitarian crises throughout the 1990s decade led to considerable debate on the legitimacy and circumstantial applicability of MHI. Ultimately, a group of participants, led by Gareth Evans and Mohamed Sahnoun under the authority of the Canadian government and helped by Ramesh Thakur and others, formed the International Commission on Intervention and State Sovereignty (ICISS). Central to this group's purpose was to establish a normative framework in IR that would protect citizens from becoming victims of crimes against humanity in circumstances when host states were unable or unwilling to defend them or were the perpetrators themselves. As a direct consequence of the many instances of 'inaction' and 'noninterventions' of humanitarian crises in the 1990s, particularly Rwanda and Bosnia, the ICISS released the byproduct of their collective discussions and work in a final report titled the 'Responsibility to Protect' (R2P) in December 2001.

Initially, R2P was heralded by many, evoking accolades such as 'the most important and imaginative doctrine to emerge on the international scale for decades' and 'a major paradigm shift for the protection of victims worldwide'.[227] In sum, the ICISS report sought to shift the debate from the terminology of 'MHI' and an explicit 'right to intervene' for global powers to a more general moral-based framework of a 'responsibility to protect' (R2P) the victims of mass-atrocity entailing humanitarian crises.[228] In so doing, it signaled a normative shift back to the heart of Millian liberalism with its discursive shift from a 'right' to intervene in MHI for global

[227] Crossley (2016), p.2.
[228] ICISS (2001), p.16-7.

powers and override the nonintervention norm under Westphalian sovereignty to a 'responsibility' for global powers to intervene under R2P.[229]

This chapter aims to evaluate if the emerged R2P doctrine produced any deviance to the experiences of humanitarian crises in the 1990s, which, as the prior chapter showcased, witnessed a norm of considerable active complicity on the part of Global North actors in enabling and perpetuating their humanitarian crises. In doing so, I analyze five cases of humanitarian crises in the post-R2P era: Iraq (2003), Libya (2011), Bahrain (2011), Syria (2014), and Gaza (2014). I consider each of these experiences beyond the existing literature's limited scope of understanding the selectivity issue simply as a problem of TIAs intervening in some crises yet acting as bystanders to others due to a lack of strategic incentive for involvement. Instead, I reinterpret these crises under an active complicity paradigm to better understand the selectivity issue. As done in the prior chapter, I consider if a case possessed no TIA complicity, bystander complicity, or active complicity in the form of the following types: postcolonial, precrisis, regime change, crisis escalation, perpetrator support, consequential, and crisis identity.

Military Humanitarian Intervention During the R2P Regime

In evaluating the potential impact of R2P on the TIA-active-complicity norm witnessed in the prior decade's cases of MHI and 'nonintervened' humanitarian crises, it is first important to clarify precisely what R2P entailed. R2P identified three specific responsibilities for the 'international community': (1) to prevent those man-made crises which put populations at risk from emerging, (2) to react to those situations with appropriate measures, and (3) to rebuild those areas which experienced a crisis in its aftermath – particularly those which also experienced

[229] Mahdavi (2015), p.10.

outside actor MHI.[230] Its principles also reflected the classical Just War elements of *causa iusta* (just cause)*, recta intentio* (right intention)*, debitus modus* (appropriate force)*,* and *legitima auctoritas* (legitimate authority) that were introduced by just war thinkers centuries earlier as criteria for just war.[231] By the time it was released in December 2001, the report was largely overshadowed by the terror attacks from a few months earlier on 9/11. The subsequent focus to fight terrorism in the 'Global War on Terror' was in large part responsible for the delay in the doctrine's endorsement by the UN General Assembly years later in 2005. The report, however, did not 'represent a resolution or breakthrough to disputes about sovereignty and intervention'.[232] Lingering questions such as what type of criteria would warrant intervention or which actors would be permitted or expected to intervene remained unaddressed, even though the report's opening declaration that its proposed R2P concept was 'about the so-called "right of humanitarian intervention"' naturally accrued this expectation.[233] Other than the discursive shift in framing from 'MHI' to a 'responsibility to protect', the report did not expound upon or present any new ideas or answers, nor did it provide clarity to the existing tensions and boundaries within the MHI debate.

Nonetheless, the discursive shift from a 'right of intervention' to a sovereign state's 'R2P' civilians lay in the choice of actors that it called for the so-called 'international community' to focus on. The report sought to shift the focus from the intervener actors to the victims and sufferers of humanitarian crises. As the document states, 'changing the terms of the debate from "right to intervene" to "responsibility to protect"' aimed 'to shift the focus of

[230] ICISS (2001), p.xi.
[231] Fröhlich (2016) in Klose (2016), p.305.
[232] McCormack (2011) in Cunliffe (2011), p.41.
[233] ICISS (2001), p.vii.

discussion where it belongs – on the requirements of those who need or seek assistance'.[234] But as McCormack (2011) argues, the ICISS's new R2P framework did not do much in the way of the MHI debate; rather, it circumvented lingering critical points of contention. The language of human security was always the modus operandi for MHI, as McCormack points out. There has been no disagreement over the notion 'that people suffer terribly in war and civil conflict'.[235] In principle, the position to help others in instances of mass atrocity crimes or even putting a stop to them if able and willing is all but indefensible. And though even critics of R2P such as Hehir (2011) consider the report's new framing for states having a 'responsibility to protect' as an 'attractive' use of terminology and view this discursive change as a 'noteworthy achievement', it bears repeating, as Hehir too acknowledges, that there could be (and indeed, was) little opposition to this proposed notion of others having a responsibility to prevent, react, and rebuild.

Moreover, the introduction of R2P did not alter the selectivity debate as the issue remained a lingering point of contention in the MHI debate. In reference to the emerging R2P doctrine at the time, Kofi Annan announced that 'the international community cannot stand idly by' when it comes to the role of global powers in the wake of humanitarian crises.[236] In this sense, the concept merely reinforced the bystander complicity metanarrative that came to (mis)characterize the issue of MHI-selectivity. Similarly, R2P failed to address key related tensions within the MHI-debate such as the trojan horse problem that many felt encapsulated the 1990s experiences of humanitarian crises. In this vein, O'Connell (2010), for instance, argues that the new R2P framework simply reflected a 'new militarism' in IR. Mamdani (2010) in a postcolonial critique of the doctrine highlights that R2P and its defenders also instrumentalized

[234] ICISS (2001), p.18.
[235] McCormack (2011) in Cunliffe (2011), p.41.
[236] Annan (2004) in Williams & Bellamy (2005), p.31.

the language of violence and war by arbitrarily designating certain acts as 'genocide' so as to discursively 'legitimate' and invite MHI for major powers when it advanced their interests. According to Mamdani, these arbitrary designations produced two results. First, major power determinations such as 'counter-insurgencies' and 'inter-state violence' were normalized in IR simply as a part of 'what states do' and were therefore more so glossed over in media coverage, and, more importantly, legal attention. Second, and instead, 'genocide', or violence that may be determined could lead to genocide, became understood as 'violence gone amok, amoral, evil', which therefore not only permitted but invited foreign intervention, even though distinguishing between such acts of violence is nearly impossible in practice.[237] Put simply by Mamdani, 'where mass slaughter is termed genocide, intervention becomes an international obligation; for the most powerful, the obligation presents an opportunity' to advance perceived gains via MHI.[238] Other postcolonial critiques of R2P have pointed to the problem of MHI by invitation as an additional facet of R2P which serves as a cover for hierarchical imposition of the Global North. Though Fanon's (1963) famous *The Wretched of the Earth* does not explicitly critique the international humanitarian order given that it was written in its development, its core arguments suggest that postcolonial leaders may ultimately appease Global North interests despite public appeals to national consciousness. If we follow Fanon's logic, invited foreign intervention in such circumstances can alternatively be seen as an attempt to domesticize the colonized, to create a liberal subjectivity of the masses, and further Global North interests.

Thus, substantively, the R2P report's heralding as a pioneering achievement, as Evans, Thakur, Bellamy, and others have it, rings hollow. Many critics pointed to an obvious potential

[237] Mamdani (2010), p.57.
[238] Mamdani (2010), p.59.

for the doctrine to 'function as a return to colonial habits and practices on the part of the major Western powers'.[239] The US invasion of Afghanistan following the attacks on September 11, 2001 did not evoke R2P considerations, as the experience was widely understood by the scholarship as a war of self-defense and national security.[240] However, it is important to note that Western media routinely framed it as a MHI at the time. The New York Times, for instance, described the US invasion as 'A Merciful War' that would 'advance humanitarian goals just as much as doctors or aid workers' and predicted that it would 'end up saving one million lives over the next decade'.[241] Instead, the war would continue for over 20 years and result in the killing of hundreds of thousands of lives. Critical voices of the new international humanitarian order grew even louder following the US's invasion of Iraq in 2003.

Iraq: 2003

The US and UK's decision to invade Iraq in 2003 followed the new trend started with Kosovo as it was made without authorization from the UNSC. This time, however, far less voices sought to legitimate controversial invasion amidst its illegality. Ostensibly, the invasion's purpose was twofold: (1) to destroy Iraqi dictator Saddam Hussein's alleged stockpile of weapons of mass destruction and (2) bring freedom to the Iraqi people a la the 'Bush Doctrine' via liberal interventionism. The latter purpose could be said to be humanitarian-based, 'particularly in retrospect when the fabled weapons of mass destruction failed to materialize'.[242] There is considerable belief that the fearful presupposition of the existence of such weapons, in addition to the US's humanitarian grounds-based justification, simply functioned as a pretext for

[239] Ayoob (2002), p.85.
[240] Though this framing too is heavily contested as 15 of the 19 hijackers of the planes which were flown into the World Trade Center were from Saudi Arabia. Two others were from the UAE, another, from Egypt, and another from Lebanon. None were from Afghanistan.
[241] NY Times (Feb. 1, 2002).
[242] Hehir (2012), p.43.

the US and UK to further their national interests. Global South actors were skeptical of a sudden humanitarian concern in the West's invasion of Iraq given the heavy toll that US sanctions had taken on the country's citizenry in the 1990s and the other adverse consequences on the country as a result of the earlier Gulf War MHI, as the support Western powers lent to Saddam in Iraq's war against Iran. Many still had former US Ambassador Madeline Albright's infamous declaration of 'the price' of over half a million Iraqi children's deaths to be 'worth it' in a futile attempt to oust Saddam (who fell out of favor to Western interests by the earlier Gulf War) in the 1990s still ringing heavily in their ears.

The timing of the invasion also converged with the R2P doctrine's development. Statements of support for the supposedly humanitarian invasion from intellectual figures such as Christopher Hitchens, Michael Ignatieff, and Fernando Tesón and politicians such as US President George W. Bush and UK Prime Minister Tony Blair with his declaration that the UK had 'a responsibility to act' to save the people subjugated under Saddam's tyrannical regime led some to think that R2P facilitated the dubious invasion. But to characterize R2P as having played a key role in justifying the invasion is erroneous. As the prior chapter's overview of previous MHIs showed, and as Hehir too astutely notes, 'the abuse of humanitarian rhetoric was prevalent prior to the emergence of R2P', and it was the same case in the 2003 invasion.[243] It was nothing new. Additionally, 'virtually all of the 12 ICISS commissioners, and especially cochair Gareth Evans, vocally and publicly explained why the 2003 invasion of Iraq violated the responsibility to protect'.[244] While the role of interests driving the intervention was certainly acknowledged and played a large role in the ICISS group's disapproval of the Iraq intervention, a plethora of

[243] Hehir (2012), p.44.
[244] Badescu & Weiss (2010), p.316.

deplorable human rights abuses during the intervention itself too fueled the attempt at disassociation of the war from R2P.[245] The consequential active complicity of TIAs following the invasion were severe as well, as 'postwar Iraq was an incubator for ISIS, as many of its leaders were forged in US prisons', particularly at Camp Bucca.[246] Ultimately, the invasion of Iraq is estimated to have resulted in the deaths of over one million Iraqis and, despite the ICISS's disassociation attempts, was an important experience in undermining the credibility of the notion of MHI and particularly to its new framing of R2P.[247]

The Iraq invasion too left a sizeable impact on the MHI-selectivity issue. It has remained arguably the most identifiable case of a humanitarian-justified war of aggression from a foreign power whose motivations for the invasion were suspicious enough to draw acknowledgement and heavy critique even from R2P-advocates. That there was a MHI in Iraq (at least in its framing) without authorization from the UNSC but no MHI elsewhere in cases such as Darfur has remained a point of skepticism towards the motivations of TIAs (namely, Western powers). As Binder notes on the selectivity between Iraq and Darfur,

> '… the USA and the UK were not in a good position to make the case for humanitarian intervention in Darfur. Many observers argue that the war in Iraq weakened the USA as a "norm carrier" for humanitarian intervention because the Bush administration's humanitarian justifications for its invasion of Iraq (with British support) were widely

[245] Notable instances of human rights abuses included the US's torture of prisoners in the military prison it set up in Abu Ghraib and its use of chemical weapons (white phosphorous) in its siege of the city of Fallujah, the latter of which has continued to produce severe ill-effects primarily in the form of extraordinarily high rates of birth defects and environmental damage.
[246] Brunstetter & Holeindre (2018), p.14 in Brunstetter & Holeindre (2018).
[247] While not evoked in Iraq, the language of R2P came to be used in other cases of international crises. In terms of an exact usage of the phrase 'responsibility to protect' in the UNSC, the language of R2P was first evoked in Georgia in various UNSC Resolutions from 2002-2005 for the Abkhaz to protect returnees and facilitate their return as a displaced population. But R2P came to be most notably used later in 2011by its advocates and in international discourse in the NATO MHI of Libya during the Arab Spring. Somewhat surprisingly, the legal basis which authorized the Libya intervention, UNSC Resolution 1973, did not use the exact phrase 'responsibility to protect'. Nonetheless, other iterations and the essence of the framework were both present in the resolution as it called for Libyan authorities to protect its population and ensure the protection of its civilians.

> perceived as "abuse" (Bellamy 2005, 38); observers and critics of US/UK policy especially have become increasingly suspicious of Western decision makers' motives, claiming that the latter employ humanitarian justifications to "mask neo-imperial ambitions"' (Williams and Bellamy 2005, 36).[248]

Here, Mamdani's (2010) arguments regarding the instrumentalization of violence bears recalling once more. The violence in Darfur was understood by Western powers as a markedly 'internal' experience – an 'inter-state' crisis – which therefore was a 'normal' form of violence that did not attract media attention or serious considerations of a MHI, particularly relative to Iraq and the purported justification to 'bring freedom' to its people by way of armed intervention. Moreover, the Iraq invasion also showcased the issue of hierarchy in the UNSC, whereby permanent members 'are placed from the outset above the law that they are supposed to implement' given that 'no sanctions were imposed' on the US and its allies for the illegal interventions in Kosovo and Iraq and for the crimes and consequences experienced in those cases.[249] Simultaneously, the Iraq intervention also came to represent the problem of hypocrisy, which is integral to the broader problem of MHI-selectivity. The same Western interveners who intervened on (however duplicitously) humanitarian grounds held consequential active complicity for the war crimes committed in Iraq in places such as Fallujah and Abu Ghraib, and most of all, for the one million civilians killed as a direct result of the war.

Libya: 2011

The duplicitous motivations, power plays, and calamitous human rights outcomes from TIAs in Iraq undoubtedly tarnished the moral legitimacy of Western powers acting as intervener actors for humanitarian purposes. For the rest of the decade, the idea of a MHI as carried out by

[248] Binder (2016), p.174.
[249] Todorov (2014) in Scheid (2014), p.49.

Western powers held little credibility until the issue was raised once more years later in 2011 with the case of Libya. Ostensibly, the goal of the 2011 Libya MHI was to end the longstanding de facto Libyan leader Muammar Gaddafi's government's attacks and, more pressingly, allegedly impending larger-scale attacks on pro-democracy protesters who called for an end to his reign of over four decades. Two major concerns were cited in UNSC Resolution 1973 in NATO's justification for a MHI: Gaddafi's intent to use Libya's air force to bomb civilians and his hiring of non-Libyan African mercenaries to crush dissenters.[250] In this sense, the Libya MHI is what some in the liberal scholarship have termed as a 'precautionary intervention' that was meant to prevent atrocities from taking place in the wake of foreign actors foretelling a high risk situation rather than bring stability to a crisis that already occurred or was still ongoing. Other causes for intervention such as Gaddafi's distribution of the vasodilator Viagra to his military forces as part of a plot to use rape as a means to terrorize dissenting protestors were also cited by NATO officials in their justification of the MHI.

Following NATO's airstrikes, Gaddafi was ultimately overthrown and executed, with democracy expected to be ushered in. The intervention was widely lauded as a success story of R2P in the immediate aftermath of the intervention. UN Secretary General Ban Ki-Moon referred to it as 'historic', and this sentiment was reflected by the political leaders of the US, UK, France, and other advocates of the MHI.[251] As Bellamy heralded, R2P's initial promise was here thought to be finally affirmed after the disastrous experience in Iraq as Libya was freed from Gaddafi amidst his 'chilling threats of retribution reminiscent of the terms used' by genocidal

[250] See Resolution 1973 operative clauses 4 and 5 for references to claims of Gaddafi's intent to bomb Libyan civilians throughout the country, including Benghazi. See operative clauses 6-12 for references to Gaddafi's intent to use Libyan air force to carry out the bombings and preambulatory clause 12 for a condemnation of Gaddafi hiring mercenaries.
[251] Fröhlich (2016) in Klose (2016), p.299.

Rwandan leaders nearly twenty years prior.[252] While the case was and remains heralded as R2P's chief success story by its advocates, it is more appropriately a case example of its failures. There is a plethora of existing research in the critical scholarship which problematizes the Libya NATO MHI. McKinney's (2012) work in particular offers a collection of chapters which showcase the illegalities of the MHI, the plan for regime change, and the intervention's role as part of a greater imperial project for Africa. The argument for its failures – particularly in lieu of the active complicity model for interpreting the problem of MHI-selectivity – can be primarily summed in five main reasons.

Perhaps most notably, TIAs possessed considerable consequential active complicity in the Libya case. The Libyan intervention was notorious for its failure to adhere to the Pottery Barn rule as TIAs did not bear the costs of their MHI or consider the ethics of *jus post bellum*. Prior to the intervention, Libya was the wealthiest state in Africa with the highest GDP per capita, life expectancy, standard of living, and Human Development Index (HDI) on the continent. While far from being a utopian paradise, it nonetheless enjoyed economic and agricultural independence with the world's largest irrigation project that had water available for over 70% of Libya's desert population, the highest per capita income in the region, its own banking system, free healthcare, free public education with a literacy rate above 90%, little homelessness, and the lowest infant mortality rate in Africa.[253] Just a short while after the NATO MHI, however, Libya became a failed state. Its main cities became engulfed in a perpetual state of war. Extremist militant groups established themselves in the country and took hold of (and continue to hold) strongholds in many regions of the country, where open air slave trades, mass

[252] Bellamy & Dunne (2016), p.8.
[253] Chengu (2015). Additionally, Libya was the poorest country in Africa when Gaddafi came into power in 1969.

executions and beheadings, and torture of the same civilians which the MHI ostensibly sought to protect are held. Economically, as Menon notes, Libya 'has been battered by the turmoil and uncertainty created by the rampant violence, the absence of an effective state, and militias' seizure of oil fields and export terminals'.[254] The country's irrigation was heavily bombed and destroyed during the NATO military operations. Moreover, the country's internal war has since 'created an arena for international rivalries' and its anarchy has adversely effected the securities of neighboring states such as Mali, Chad, and Egypt as it has produced a regional spillover of extremist armed groups, much like Gaddafi warned would happen with a coup in Libya prior to the Western MHI.[255] Hundreds of thousands of Libyans fled the country not just to neighboring states, but northward to Europe across the Mediterranean, where thousands of civilians drowned along the way. The subsequent refugee outflux created security difficulties for European states from the inpour of Libyans who did make it, and represented a situation where Europe largely did not take in the refugees it created. Over the course of the MHI itself, NATO liberally launched 9,700 strikes and destroyed 5,900 military targets during its brutal 7-month campaign and killed scores of Libyan civilians.

The catastrophic consequences of the MHI led former US President Barack Obama to state that 'failing to prepare for the day after' the Libya intervention was the single worst mistake of his two-term presidency.[256] The failure in accountability from intervener actors in Libya also led to Brazil's debasement of R2P and an amended proposal for an alternative called 'Responsibility While Protecting' (RWP), which sought to establish greater accountability from TIAs in the aftermath of a MHI and reemphasize the important of honoring the state sovereignty

[254] Menon (2016), p.144.
[255] Menon (2016), p.144.
[256] BBC (April 16, 2016).

of Global South states. Costantini (2018) notes that though R2P was used to justify the Libya intervention, at no point in the MHI was the 'responsibility to rebuild' component discussed or implemented.[257] If we consider the logic of the active complicity model and the lessons learned from past experiences, however, it is reasonable to consider that a plan for post-Gaddafi was, at the very least, not a priority for intervener actors, and thus even its ascription as a 'failure' by TIAs can be viewed as disingenuous.

A second failure of the Libya intervention was the regime change active complicity from TIAs in the MHI. While none of the BRICS state members voted against Resolution 1973, none voted in favor of it either. Following the intervention, each of the BRICS states along with many Global South states in the G-77 and Non-Aligned Movement coalitions strongly criticized the intervention as motivated by Global North strategic interests. There were notably several key global power strategic interests at stake during the decision to pursue MHI that raised regime change concerns as well. Notably, of course, was control over Libya's riches in oil.[258] Additionally, Gaddafi challenged the US and NATO-backed coalition of AFRICOM in the continent which aimed to establish Western military bases in Libya. Moreover, after falling out of favor with Western powers, Gaddafi sought to create alternative coalitions to neoliberal entities in the continent such as a 'United States of Africa', an 'African Investment Bank', and 'African Monetary Fund', the latter two which would look to provide interest-free loans to African nations and strive to eliminate the IMF's role in Africa altogether. Gaddafi also planned to introduce a gold-backed African currency independent from the US petrodollar – a new pan-

[257] Costantini (2018), p.228 in Davis & Serres (2018). Hillary Clinton's exuberant proclamation upon learning of Gaddafi's death that 'we came, we saw, he died' succinctly likewise summed up the extent of rebuilding discussions in Libya.

[258] For instance, Ugandan President Yoweri Museveni, Zimbabwe President Robert Mugabe, Venezuelan President Hugo Chavez, Iranian Leader Ayatollah Ali Khamenei, Bulgarian Prime Minister Boyko Borisov, among others, all accused Western intervener actors of using the MHI as a cover to obtain Libya's oil.

African currency that would be named the Gold Dinar – and summoned African and Muslim nations to join him in this endeavor. If successful, this move would significantly alter the economic balance of the world to the detriment of Western powers, with France in particular.

Declassified emails released by the US State Department on the final day of 2016 presented new evidence on the regime change motivations of the NATO intervention. Specifically, a thread of April 2011 emails between former US Secretary of State Hillary Clinton and her political aide, Sidney Blumenthal, titled 'France's client and Gaddafi's gold', discussed ambitions to gain access to Gaddafi's nationalized oil and put a stop to his plan of supplanting the French franc with a gold-backed dinar for the 31 francophone predominantly West-African countries.[259] Other declassified emails cited aims from former French President Nicolas Sarközy for France to gain a greater share of Libya's oil production, increase French influence in North Africa, provide the French military with an opportunity to reassert its position in the world, and a serious concern of a Gaddafi-led Libya as an impediment to these goals. Notably, no mention of humanitarian concern or moral outrage was expressed in the emails even though publicly it was the basis used to try and justify NATO's armed intervention.

A third failure of the Libya MHI was the distorted representation from TIAs on the scale of suffering in the crisis and of the framing of the actors involved in its pursuit for regime change, which certainly escalated the crisis that came as a result of the MHI. In Western media, anti-Gaddafi protestors were routinely portrayed favorably as peaceful 'secular-minded professionals' such as 'lawyers, academics, [and] business people'.[260] A portrayal of protestors as such was vital towards garnering the justification and momentum needed for the intervener

[259] See WikiLeaks (https://wikileaks.org/clinton-emails/emailid/6528) for thread of declassified emails from April 2011 between Clinton and Blumenthal.
[260] New York Times (March 21, 2011).

actors to obtain the domestic support to commit towards undertaking a MHI, particularly after the public's warranted skepticism following the debacle in Iraq. As Kuperman (2013) notes, however, this blanket portrayal of the protestors as homogenously secular and nonviolent was misplaced, as he concludes that the uprisings were 'violent, regional, and riven with tribalism and Islamist extremism' in his reassessment of the NATO campaign.[261] Kuperman is careful to correctly account that 'by no means does this excuse the Libyan government's response, which likely included criminal acts', but nonetheless asserts that 'the statistics, testimony, and documentary evidences' that the Gaddafi government 'committed no bloodbaths during the war, and had no intention of doing so', and that NATO 'misperceived the situation, believing that government forces already had slaughtered thousands of peaceful protestors and were poised to perpetrate a bloodbath' in Benghazi.[262] Moreover, his research concludes that the BRICS states were ultimately warranted in their suspicions of Western reports and framing of the circumstances in Libya, though stops short of definitively judging the intervener actors' intentions due to those assessments remaining classified.

There was skepticism over the portrayal of the situation in Libya even in the Global North, particularly in the aftermath of the crisis. In 2016, the British Parliament's House of Commons concluded that 'the proposition that Muammar Gaddafi would have ordered the massacre of civilians in Benghazi was not supported by the available evidence', and that the UK failed (or deliberately neglected) to carry out 'a proper analysis of the nature of the rebellion' prior to its intervention.[263] The CATO Institute (2016) similarly concluded that no evidence ever pointed to an imminent mass slaughter as was claimed by the NATO interveners.[264] Skepticism

[261] Kuperman (2013), p.133.
[262] Kuperman (2013), p.133-4.
[263] UK Parliament (Sep. 6, 2016).
[264] Friedman (CATO Institute, April 7, 2016).

was also pointed out during the crisis by some factions of the involved foreign military actors. When asked if there was any evidence of Gaddafi firing against his own people from the air in a Pentagon press conference, former US Secretary of Defense Robert Gates replied that his team had 'seen the press reports, but ha[d] no confirmation of that', while a Navy Admiral reaffirmed his statement.[265] US military and intelligence reports also concluded that there was no evidence of Libyan military forces being given Viagra or engaging in systematic rape against women in rebel areas.[266] In a later report, Amnesty International's Donatella Rovera stated that it had not found any cases of rape, let alone systematic mass rape, and Cherif Bassiouni, who led a UN rights inquiry of the claim, concluded that the story was the product of mass hysteria surrounding the situation, which can be attributed towards the broader goal to garner Western domestic population support for the MHI.[267]

A fourth failure was that it was clear that the impetus for a NATO intervention in Libya from Western powers did not meet the *jus ad bellum* element of last resort or the *jus in bello* criteria of distinction. On the latter concern, contrary to NATO claims, many civilians were not informed by NATO or the new Libyan authorities (NTC) to vacate targeted areas. Bachman (2015) explains that:

> 'If NATO had intended to provide civilian protection as it was authorized to do, it would have limited its actions to administering a no-fly zone and bombing forces – including rebel forces – that were threatening civilians… if NATO's intention was humanitarian, ceasefire offers would have been taken as opportunities to alleviate human suffering across Libya.'[268]

[265] Forte (2011), p.251.
[266] Davidson (2017), p.105.
[267] Davidson (2017), p.105.
[268] Bachman (2015), p.60.

In addition to a lack of ceasefire offers on the part of NATO, there was also no creation of safe routes for humanitarian aid delivery or an openness for dialogue to reform Libya's political system. These were all additional elements in the broader consequential active complicity of TIAs in the MHI. After witnessing these extraordinary uses of force from NATO, even staunch R2P supporters in Thakur and Evans conceded that 'NATO had overstepped its mandate' and, while still supportive of the Libyan MHI as an example of R2P's promise, soon after were compelled enough to acknowledge that 'regime change should not be part of a military intervention in the framework of R2P' after the regime change motivation from NATO became more commonly cited as obvious.[269] Instead, there was considerable effort by Western powers to move forward with a MHI military operation as quickly as possible without consideration for these elements. The war was almost certainly not made as a last resort, particularly when considering Gaddafi's apparent willingness for dialogue to avoid a MHI and a track record of concessions in the years leading up to the MHI following years of tension with Western powers to give credence to his apparent willingness. Among the concessions Gaddafi had made earlier was an abandonment of Libya's nuclear program, destruction of its chemical weapons stockpile, and payment of $2.7 billion in compensation to the families of the 270 victims killed in the Lockerbie plane bombing in 1988. While this may not necessarily constitute as escalating the crisis given that the MHI as a response to an expected crisis, the minimal efforts from TIAs to achieve a diplomatic solution must nonetheless be considered.

The fifth and final major failure of the Libya case directly relates to the problem of MHI-selectivity as understood in the existing literature: that NATO's decision to intervene in Libya when it possessed strong interests to do so came against the backdrop of a so-called

[269] Brockmeier, Stuenkel, & Tourinho (2015), p.123 referencing Evans, Thakur, & Pape (2012).

'nonintervention' in other cases of humanitarian crises such as Bahrain and Gaza. In the case of the former, both the Libyan and Bahraini crises took place almost concurrently in the Spring of 2011. Unlike in Libya with Resolution 1970, however, the Bahraini government's violence against protestors was not met with sanctions, condemnations for a government's use of lethal force against its people, or evocations of R2P to garner support for a MHI to protect civilians as it was from the intervener actors who intervened in Libya. In this sense, the problem of selectivity in Libya vis-à-vis Bahrain would ordinarily be construed as a problem of TIAs intervening in Libya but refraining from intervention in Bahrain, with some (if not many) finding this unproblematic for a variety of reasons. However, the active complicity model of understanding MHI-selectivity shows that the greater problem is that TIAs held active complicity in the Bahraini crisis, not for their 'nonintervention', but by way of their very intervention in the crisis in acting as key supporters and enablers of its perpetrators.

Bahrain: 2011

Hehir's (2015) analysis of the 2011 Bahrain protests finds that the conditions certainly qualified it as an 'R2P situation' worthy of foreign intervention to support the suffering in the country given the crimes against humanity that were taking place. He determines the humanitarian crisis, which went overlooked because of the interests at stake for powerful actors, as 'a blind spot' of R2P.[270] Though Hehir stops short of determining the Bahraini government's response to the popular uprising as ethnic cleansing, there is evidence that points otherwise. Hehir acknowledges the sectarian dynamic in Bahrain with the Wahhabi government's

[270] It is important to note that scholars such as Bellamy (2014) argue against using the term 'R2P situation', instead arguing that R2P is timeless, 'universal and enduring', applying 'everywhere, all the time'. But if the third pillar of R2P calls for intervention in times of mass human rights atrocities, then it seems that to be consistent with R2P's claim for timelessness, there are situations which warrant timely collective action, as the third pillar calls for. If Libya warrants R2P timeless applicability, other similar contexts do as well to maintain consistency.

crackdown against its Shia populations who represented roughly three quarters of the country's population. He also recognizes 'the heavy-handed tactics [used] against predominantly Shia villages and the destruction of Shia mosques' which transpired.[271] To Hehir, this was ultimately a tactic used by the al-Khalifa family – a Wahhabi Sunni monarchy with a history of antipathy and persecution of Shias – to provoke further sectarianism and label the uprising as such in an attempt to dissuade Bahraini Sunnis from joining the protests and also gain the support of other Sunni monarchies in the region around the gulf, most notably Saudi Arabia. But these reasons do not necessarily preclude the al-Khalifa government's anti-Shia actions from being a tactic of ethnic cleansing as well. If the motivation was to prevent Sunni protestors from joining the uprising, the tactic certainly failed, as one of the main slogans chanted in the peaceful Pearl protests was لا شي ولا سني، فقط بحريني, or 'neither Shi'i or Sunni, only Bahraini'. Other reasons point to ethnic cleansing having occurred in Bahrain as well.

Unlike Libya, Bahrain did not have a national army. In Libya's case, a domestic national army contextualizes the army's difficulty to clash with protestors, as they were fellow citizens, and provides insight into how some military personnel even joined the protestors. Bahrain's security forces, on the other hand, comprised of recruited mercenaries from foreign countries, typically Wahhabis whose clerics routinely deemed Shias as 'rawâfids' (infidels) and who had a well-documented history of persecution against Shias. Some of these clerics had also overtly issued fatwas permitting their killing.[272] In Bahrain's context, the mercenaries were, according to the president of the Bahrain Center for Human Rights, Nabeel Rajab, told that they were 'going

[271] Hehir (2015), p.1134.
[272] Mouzahem (2013). It is important to note that the beliefs of the extremist 'Wahhabist' interpretation of Islam functions as the ideological backbone of terrorist groups such as al-Qaeda, al-Nusra, and ISIS, who have a centuries-old history of antipathy against the Shia.

to go to a holy war to kill some non-Muslims or kafir [infidel] or Shias'.[273] The mercenaries were thus not only unsympathetic to the protestors as many were in Libya, but glad of the opportunity to fulfill acts of religious duty.

Another indicator of ethnic cleansing came from the al-Khalifa family's own rhetoric against protestors. On March 18, 2011, following the government's brutal crackdown on protestors and demolition of Pearl Square (the center of demonstrations that had become a symbol for pro-democracy protestors), the Bahraini state broadcast announced that the area needed to be 'cleansed' after 'vile' anti-government 'rawâfid' protestors had 'violated' and 'desecrated' it.[274] The government official also congratulated the mercenaries for cleansing the streets, during which 12 protestors were killed and 1,000 more were injured via tear gas and rubber bullets.[275] But the violence in Bahrain did not draw any meaningful response from TIAs, let alone the quick and decisive R2P-legitimating MHI experienced in Libya. The Kingdom of Saudi Arabia (KSA) – staunch campaigners for MHI in Libya – were perpetrators themselves in Bahrain. The KSA played a key role in coordinating Arab gulf state support for UN Resolution 1973 (although only 9 out of 22 member states of the Arab League ultimately voted in favor of the Resolution's No-Fly Zone) as it simultaneously sent troops to aid the al-Khalifa regime in Bahrain to crack down on protestors. The drastic discrepancy in response to the Libyan vis-à-vis Bahraini crises by the KSA, staunch allies of TIA Western powers, showcased the Global South's concerns of R2P functioning as a new basis for legitimating MHI even at the onset of the doctrine's development:

[273] VOA News (August 17, 2011).
[274] US State Department, *Country Reports on Human Rights Practices for 2011: Bahrain* (February 2013).
[275] To put into perspective, with Bahrain's population at the time totaling roughly 750,000, violent crackdown of that magnitude would be equivalent to roughly 8,254 civilians injured in a single morning in Libya.

> ‘In the debate that took place in the UN General Assembly on the secretary general’s “In Larger Freedom” report… many states expressed concern that the new basis for legitimizing humanitarian intervention – its basis under the RtoP doctrine – was no more than a device the great powers could use to further their own interests and impose their own values on the weaker states (Focarelli 2008, 331). As has been argued by many Third World or developing countries, including Algeria, Egypt, Colombia, Vietnam, Venezuela, Iran, Cuba, Syria, and Tanzania, the RtoP doctrine essentially serves the purpose of placing the stronger states in a position where they do not have to take the interests of the weaker states into account, all the while legitimizing neocolonial policies.’[276]

Though the issue of MHI-selectivity stops there in the existing scholarship, the active complicity models shows that it needs to be taken one step further. The problem of selective-MHI in Libya was not limited to action in Libya but inaction in Bahrain. Nor was the problem of selectivity limited to far more moral outrage from intervener actors in Libya than Bahrain. The problem of selectivity was that the same global powers which intervened in Libya themselves played pivotal roles in enabling and perpetuating the crisis in Bahrain. Selectivity becomes far more pronounced when considering these roles and relations. As Hehir (2013) notes regarding the response of TIAs to the brutal situation in Bahrain,

> ‘… the ICG note that Western states, the US in particular, criticized the violence “relatively mildly” and “threw its weight behind the Crown Prince’s efforts to jump-start a substantive reform effort”. This was a consequence, they note, of the US’s desire to appease the Saudi royal family who considered the continuation of the monarchy in Bahrain an “existential issue”.’[277]

[276] Gozzi (2021), p.59-60.
[277] Hehir (2013), p.295.

Moreover, one confirmed report by UN diplomats and Saudi officials revealed that the al-Saud government and the Obama Administration struck a deal where the Saudi regime would garner Arab League support for Gaddafi's removal in exchange for no meaningful repercussions from the US and its allies to Saudi forces moving into Bahrain.[278] The anonymous sources in the report bluntly summarized the deal: the KSA would be permitted to invade Bahrain, and in exchange, Western forces would take out Gaddafi.[279] The report demonstrates the significance of intervener actors' interests in not only driving a selective triage for where to intervene in the wake of many humanitarian crises, but also the role of these same actors' interests playing a key role in enabling or perpetuating humanitarian crises themselves.

The length of Gaddafi's 41-year rule in Libya was an oft-cited reason to validate Western power action in Libya. The MHI was to protect and save civilians but also to help usher in democracy. The selectivity issue is glaring when considering that comparatively, the Al-Khalifa monarchy in Bahrain had ruled (and continued to rule) for over 249 years by 2011, with the country's former Prime Minister Prince Khalifa bin Salman al Khalifa ruling for 41 of those years – exactly as Gaddafi had. As intervener powers were seemingly morally outraged over violence onto civilians in Libya, the crackdown of Bahraini protestors by the al-Khalifa forces went largely ignored from the UNSC, Western media, and powerful Western states, despite the crackdowns violating Article 7 of the Rome Statute of the International Criminal Court via:

- murder of peaceful demonstrators,
- death penalty to arrested Shia demonstrators and leaders,
- continuous attacks on unarmed peaceful demonstrators,
- attacks on hospitals,
- kidnappings and torture of medical personnel treating demonstrators,

[278] Menon (2016), p.105 citing Escobar (2011).
[279] Escobar (2011).

- systemic torture of prisoners,
- kidnappings of demonstrators,
- burnings of Shia mosques and scriptures across the country.

According to a HRW report, the 2011 Bahraini monarchy's violence was a 'systematic and comprehensive crackdown to punish and intimidate government critics and to end dissent root and branch'.[280] R2P application for MHI, however, was not considered much less acted upon in Bahrain as it decidedly was in Libya. According to the International Coalition for the R2P, ten separate UN documents between February 21-25 from varying actors such as the UN Human Rights Council, UN High Commissioner, UNSC, UN Secretary General, the Group of Friends on R2P, and other UN Offices and Special Advisors were produced on the Libya situation. Assertions to impose tough measures on Gaddafi's regime, calls for inquiries, reports on crimes committed, and in three of the documents' titles, specifically recalling the Libyan government's 'responsibility to protect' its population were among the documents produced. In contrast, the crisis in Bahrain did not produce any such decrees from these actors until one was finally produced five years later on June 22, 2016, when the UN Office of the Prevention of Genocide's Special Adviser issued a statement on the situation in the kingdom and simply called for 'peaceful dialogue between all relevant parties'. A look into the norms of the situation and interests at stake in Libya vis-à-vis Bahrain from the perspective of the eventual intervener actors in NATO and several GCC states provides insight into the reasons for this clear R2P and MHI-selectivity.

Bahrain has been home to the US's Fifth Naval Fleet since 1995 with one of the largest US bases in the region. The Bahraini government was also declared 'a major non-NATO ally' by

[280] Hehir (2015), p.1140.

the US, raising Bahrain to the same allied status echelon as Australia, Israel, Japan, and South Korea. A MHI in this case would have been a significant blow to the normative status of the US and other Western powers allied with Bahrain given their self-representation as promoters and protectors of global human rights. Additionally, Bahrain holds a small but geopolitically salient position in the Persian Gulf. The idea of Western powers calling for democratic reform in Bahrain which would terminate the al-Khalifa regime's rule, as the protestors by and large called for, would have likely spelled a geopolitical blow to the US. It would have meant the end of the US fleet in the country given that a democratically-based governmental reform would have likely resulted in the formation of a new Shia-led government who would likely ally itself with neighboring Iran instead of the US.[281]

It is also useful to consider here how the KSA in its own wave of Arab Spring protests similarly to the Bahrain case did not evoke much media coverage or significant response from powerful intervener actors in action or rhetoric. It is widely acknowledged that human rights abuses against minority populations have been rampant in the KSA. To consider a counterfactual, there is little doubt that even if the Saudi protests had occurred on a more 'brutal' and 'grand' scale, Western powers would hardly have considered approving a UNSC R2P-driven MHI in the KSA. Menon (2016) rhetorically postulates in stressing this point: 'would the Saudis ever face a Security Council-approved R2P resolution' given their close ties to Western powers?[282] Todorov (2014) similarly cites that 'at the very same time that they decided to intervene in Libya, members of the Council were encouraging very different types of interference by Saudi Arabia in the neighboring countries where they intended to defend the

[281] There is reason to expect this not only because Iran is a likewise Shia-majority state, but because it has been one of the few states which has expressed solidarity with the Bahraini protestors in rhetoric and the only state to send an aid flotilla, as it did so on May 16, 2011.
[282] Menon (2016), p.98.

established governments against the rebellious crowds'.[283] This led Todorov to astutely state that 'the justice in question is highly selective', which, indeed, marks selective justice as a quintessential component of the selectivity issue.[284] Since the protests, the KSA's human rights abuses have only continued to deteriorate. A 'Genocide Watch' (2021) study considered the KSA to have been at a 'State 8: Persecution' level in its domestic treatment of its Shia populations out of ten stages, the next 9th stage being mass extermination and the beginning of the Western legal framework of 'genocide'.[285] However, R2P-invoked MHI is hardly ever considered for this longstanding dire situation despite Shia populations having 'been subject to discrimination and sectarian incitement' since the KSA's establishment in 1932.[286]

To many, the NATO intervention in Libya came to be known as a 'coming of age' experience for R2P functioning as a legitimating vehicle for a MHI norm and an overall 'powerful new galvanizing norm' in IR, as Gareth Evans and Ramesh Thakur framed it.[287] As discussed, however, the experience ultimately left a legacy of controversy amidst a wide array of critiques against the intervener actors, such as not exhausting enough efforts for a diplomatic solution, attacking indiscriminately, opportunistically pursuing regime change, irresponsibly managing the substantially high costs of the MHI which resulted in disastrous consequences for Libya in the intervention's aftermath, mischaracterizing the situation (or failing to properly investigate the situation to garner support for MHI), and failing to meaningfully respond to other similar cases of humanitarian crises. But, once more, the major problem in the case of Bahrain vis-à-vis Libya is not that there was MHI in the latter but not in the former. Rather, while there

[283] Todorov (2014) in Scheid (2014), p.49.
[284] Todorov (2014) in Scheid (2014), p.49.
[285] Genocide Watch (February 10, 2021).
[286] International Crisis Group (September 19, 2005).
[287] Evans (2012) and Thakur (2011) from Paris (2014), p.569.

was MHI in Libya, the situation in Bahrain could have been easily dealt with through nonviolent means by way of strong diplomatic and political action by TIAs. In this vein, it was the *actions* – the direct intervention, if we would inversely call it – of TIAs by way of their continued support to the perpetrators of the humanitarian crisis despite the perpetual mass atrocity crimes committed by the Bahraini government as opposed to their 'inaction' or 'nonintervention' that underscores the selectivity problem in the MHI-debate.

Syria: 2014

The normative blow of the Libya intervention certainly translated into practice as China and Russia, in their skepticism of Western intentions, increasingly considered using their veto power to block Western-led MHI in future cases of humanitarian crises. This was most notably evident in the Syrian conflict throughout the 2010s decade following its own wave of protests in the 2011 Arab Spring. Between October 4, 2011 and July 10, 2020, Russia vetoed Western-created draft resolutions to the Syrian conflict on 16 different occasions, while China vetoed the drafts in 10 of them.[288] The 'lack of clarity about whether and when' R2P should apply to trigger MHI coupled with the experience in Libya and the rising involvement of foreign actors in the conflict (including a plethora of extremist groups) quickly deteriorated the situation in Syria into a large-scale proxy war and ultimately led to no MHI in the country.

That formal MHI came in Libya but not in Syria has since become a staple point of contention for both critics and advocates of R2P and MHI alike. To many, the experience is also cited as a prime case of selective action in one area but inaction in another. But the case also

[288] It is important to note that heightened tensions and diplomatic deterioration between the US, UK, and France and rising powers in China and Russia was not one way. After the two states rejected a UNSC draft-Resolution in February 2012, for instance, Hillary Clinton responded in kind by likewise rejecting a mediation resolution attempt from UN Secretary General Kofi Annan two months later in April at a 'Friends of Syria' group conference in Turkey alongside many Arab gulf states who were aligned with Western powers in support of a MHI in Syria.

showcases the evolving nature and fluidity of norms and interests. The failure of the MHI in Libya for all its reasons certainly played a key factor in casting doubt over the legitimacy of R2P-invoked MHI as a norm in IR. Similarly, the absence of a strong enough direct conflict of interests between major powers in Libya more easily allowed for a Western MHI, while in Syria, Russia was a key ally of the government in power. MHI-critics often point to the discrepancy in atrocities and in the numbers of those killed in Syria vis-à-vis Libya as a serious concern of interests driving MHI in the former but their absence failing to generate enough momentum for a MHI in the latter. According to Menon, for instance, the lack of enthusiasm for a MHI in Syria can easily be explained by war-weary Western powers simply having no desire for their soldiers to get involved in humanitarian 'missions of mercy' (seeing as how no-fly zones and targeted airstrikes, in his view and explanation, would not have worked in Syria's case).[289]

In terms of interests, Finnemore astutely highlights that it is intersubjective 'international normative context' which 'shapes the interests of international actors'.[290] The idea that Western powers simply lacked enough interests to intervene in Syria would be a serious mischaracterization in analyzing the lack of a Libya-style MHI in Syria. The loss of normative credibility and increased skepticism of Western-backed MHI following historical experiences of Western liberal interventionism and particularly after the experience in Libya certainly one key difference between the two cases. As noted, this was evident through the firmer stances taken by Russia and China as both vetoed calls for action in Syria when the two states simply abstained from Libya's UNSC Resolutions. Additionally, many states were wary of a MHI in Syria as, relatively to Libya, a Syria MHI possessed a far greater risk in sparking a world war of enormous

[289] Menon (2016), p.125.
[290] Finnemore (1996) in Katzenstein (1996), p.573.

magnitude and devastation. Additionally, Libya did not receive the same support that Syria did. In addition to Russia's diplomatic and aerial support to the Syrian government, on-the-ground forces in Iran's IRGC (Islamic Revolutionary Guard Corps), Lebanon's Hezbollah, the Syrian Arab Army, Syrian groups such as the National Defense Force (NDF), the Shabiha, and Jaysh al-Sha'bi were all key Syrian-government backers, and their role in the war certainly factored in the strategic calculus for Western powers to avoid a full-scale MHI. Throughout the crisis, and despite their grievances, many Syrians also increasingly started to prefer the existing secular government to the extremist takeovers of the country which brought great instability to the country and heavily targeted minority groups before the areas were recaptured by pro-government allied forces.

Moreover, it is no secret that Western powers held strong interests in replacing the Syrian government with an allied government similar to ones in the KSA, UAE, and elsewhere. A declassified CIA memo released in 2017 supports this aim from as early as 1986, as the report concluded that 'US interests would be best served by a Sunni regime controlled by business-oriented moderates' as they 'would see a strong need for Western aid and investment to build Syria's private economy, opening the way for stronger ties to Western governments'.[291] As the political-sociologist Mann (2012) too cites, US General Wesley Clark revealed a classified memo from US Secretary of Defense that outlined a strategy to conduct regime change operations in the countries of Iraq, Syria, Lebanon, Libya, Somalia, Sudan, and Iran in the coming five years.[292] Mann (2012) further comments that Clark's revelation 'was imperialism on

[291] CIA (July 1986).
[292] Clark (2007).

an unprecedented scale' with the US 'escalating back up the hierarchy of domination, from informal imperialism, through proxies, into massive military intervention'.[293]

Thus, a lack of enough interests on the part of TIAs does not constitute as a sufficient explanation for intervention in Libya yet nonintervention in Syria. To better understand this, particularly in the context of the MHI-selectivity problem as understood under the active complicity model, it is important to recall a key lesson learned in Bahrain and other crises. Much like those crises, it is inaccurate to frame and understand the Syrian case as an example of 'inaction' and 'nonintervention', though much of the existing scholarship has done so.[294] While there was no full-scale MHI, many foreign actors did play a key role in taking violent action against the country, and the 'inaction' framing therefore deserves destabilization amidst a closer analysis of this role.

In 2014, the US launched the Syrian train-and-equip military program which reportedly invested $500 million for 'moderate' rebel groups ($100,000 per rebel) to overthrow the government. Though even critics of Western intervener actors and of the MHI framework such as Menon have framed the Syrian crisis as an experience of nonintervention and have argued that Western governments were 'not even willing to seriously arm the Syrian opposition's most democratic groups',[295] this understanding requires nuancing, as the active complicity model of interpreting MHI-selectivity prescribes. In the Syrian case, the US (through the CIA) by itself facilitated the transfer of a conservatively estimated $1 billion in arms, ammunition, and training to Syrian rebel groups.[296] The support came as early as the initial 2011 protests, as 160 US

[293] Mann (2012), p.292.
[294] Binder (2016), p.5, for instance, among others, routinely frame the experience in Syria as a 'nonintervention'.
[295] Menon (2016), p.125.
[296] New York Times (Aug. 2, 2017).

military cargo planes full of US arms were shipped to Syrian rebels.[297] Other state actors regionally nearby Syria, such as Turkey, the KSA, and Qatar, each too financed rebel groups, though much of these arms fell into the hands of terrorist groups such as the so-called 'Islamic' State in Iraq and Syria (ISIS) and Jabhat al-Nusra, among others, which further fueled the war.

Beyond weapons shipments, Western actors also acted in Syria by way of imposing sanctions on the state and its involved and allied actors – an act of war under international law.[298] The US, for instance, issued the Caesar Syria Civilian Protection Act on the country in an attempt to hurt the Assad government as part of a greater active complicity attempt to achieve regime change. As Foreign Policy and other reports pointed, however, the sanctions hurt ordinary civilians instead, with the sanctions' consequences on the country's electricity and trade resulting in the 'starvation, darkness, plague, misery, robbery, kidnappings, and the destruction of a nation'.[299] The Foreign Policy report concluded by stating that Western power 'grievances with Assad should not result in collective punishment of an entire nation', as rather than show concern for the lives of ordinary civilians, the actors instead 'renewed their sanctions' rather than critically review the effect of their sanctions in humanitarian terms.

Airstrikes were another key form of intervention in Syria. The US officially conducted 10 airstrikes between 2017 and 2018, while the Israeli Defense Forces (IDF) sent over 200 strikes in the same span.[300] Like the sanctions, however, and though largely championed by many,[301] the

[297] The weapons were first sent to Saudi Arabia, then sent to Qatar, then to Turkey before finally being funnelled through into Syria.
[298] Ogunnowo & Chidozie's (2020) study on international law, humanitarian intervention in Syria, and the role of the US further concluded that the US interventions in Syria (both in the form of airstrikes and sanctions) were illegal according to international law.
[299] Foreign Policy (Apr. 1, 2021).
[300] Times of Israel (Sep. 4, 2018).
[301] Upon showcasing the airstrikes to viewers, and quoting Leonard Cohen, CNN anchor Brian Williams famously described how he was 'guided by the beauty of our weapons' as he characterized them as 'beautiful' three times in a span of a thirty second segment. Williams here echoed the sentiments of many in the US, irrespective of partisanship. Worth noting is that although Democrats typically opposed many of Trump's policies and decisions

airstrikes did little to achieve its desired goal to harm the Syrian government, and instead harmed ordinary civilians. Reports revealed that 70 civilians were killed in one US airstrike that the Trump Administration sought to cover up, while other airstrikes also killed dozens more in refugee camps, hospitals, and other areas of civilian infrastructure.[302] In 2022, the NY Times confirmed that US forces intentionally bombed a Syrian dam on March 26, 2017 despite its 'no-strike list' designation as a protected civilian site given that its destruction would likely have directly resulted in the deaths of thousands.[303] Some of those airstrikes came after the second of the two arguably most likely entry points for a decisive Western MHI in the war: the April 2018 chemical attack in the city of Douma when Assad allegedly ordered his forces gas the Syrian population (after allegedly doing the same in Ghouta in 2013).[304] Though some Syrians hoped that this moment would engender a full-scale MHI, others feared it since it would potentially revert the country back into a state of great instability. The attack came at a point when pro-government forces were winning the war and did not have interests to conduct such an attack that would risk MHI from TIAs, which could have tipped the balance in the war once more.

Thus, instead of being framed as a case of a humanitarian crisis that was met with simple 'inaction' or was simply a 'failure of R2P', Syria's legacy in the literature on MHI-selectivity can be more appropriately framed as an experience which ushered a limited intervention from

during his tumultuous presidency, according to a Pew Research Center report, roughly half of Democrats supported the airstrikes at the time. Pew Research (April 12, 2017).

[302] New York Times (Nov. 13, 2021).

[303] New York Times (Jan. 20, 2022).

[304] The chemical weapons incidents were critical junctions for many Western powers as they increasingly pressured to conduct a full MHI. Obama, for instance, indicated that although the US did not initially plan to intervene in Syria, 'the situation profoundly changed… after Assad crossed a "red line"' through his use of such weapons (though attribution of the attacks to Assad was simultaneously contested by many non-Western-allied powers). The surge in indignation following the events highlights the difference in international norms between 'conventional' vis-à-vis 'unconventional' weapons. Here, the quantity of suffering was not as important as the type of suffering. The 'red line' dichotomy may also be interpreted as a de facto green light for perpetrators to commit atrocities via ordinary 'conventional' weapons, even though both types of weapons produce the same end results of death and destruction.

Western powers (as well as from other actors) which further destabilized the situation and escalated the humanitarian crisis itself. Moreover, Western powers would arguably have further intervened were it not for the strong backing of the Syrian government by Russia and other actors. The Syrian case highlights a need for the scholarship to move beyond the intervention vis-à-vis nonintervention paradigm in its understanding of MHI.

Gaza (2014)

The humanitarian crisis in the illegally Occupied Palestinian Territories (OPT) has arguably been the single greatest subject of concern for Global South actors dating back to the imposition of Zionism on Palestinian land and the subsequent ethnic cleansing of Palestinians in 1948 [Pappé (2006)]. For over seven decades since this time, Palestinians have been subjected to dismal humanitarian circumstances, systemic domination, dehumanization, and brutal mass atrocity crimes amidst Israeli settler colonization of their land. During the R2P regime since 2005 alone, there have been innumerable instances of crimes against humanity committed against Palestinians amidst 'unlivable' living conditions in Gaza, as UN Special Rapporteur for the Situation of Human Rights in the OPT put it.[305] The constant state of deadly violence and besiegement on Gaza prompted UN Secretary General António Guterres to describe it as 'hell on earth'.[306] Despite wave after wave of mass atrocity induced humanitarian crisis experiences, no formal MHI has ever taken place in Palestine. To cover the breadth or depth of these crimes would be far beyond the scope of this section. However, the section will provide a brief overview of the 51-day Israeli war on Gaza in 2014 as one notable instance of these crimes to reinterpret the selective decision for what is inappropriately though nonetheless typically classified as a

[305] UN Press Release (October 24, 2018).
[306] UN News (May 20, 2021).

'nonintervened' case. As I have argued, the active complicity model offers a critically important alternative paradigm towards better understanding the problem of MHI-selectivity, and it does so particularly in the case of the OPT.

In terms of scale, the 51-day Israeli War on Gaza (WoG) in the summer of 2014 was the deadliest assault on Palestinians since 1967 at the time. Codenamed 'Operation Protective Edge' by Israeli military forces, the 7-week aerial bombardment and ground invasion of the Gaza Strip resulted in the killings of over 2,250 Palestinians – over 70% of whom were civilians, at least 578 of whom (over 25%) were children. According to Amnesty International, Israel deliberately targeted residential buildings during its campaign as a part of its war crimes,[307] completely destroying 18,000 homes, partially destroying 150,000 others, and leaving 500,000 Palestinians internally displaced in the process.[308] During the bombings, Palestinians had nowhere to flee, as the Gaza Strip – commonly referred to as the world's largest open-air prison – was and remains compounded between two heavily militarized exits in the Erez Crossing in the north and Rafah Crossing in the south along a perimeter fence border comprised of barbed wire, surveillance networks, and lethal so-called 'no-go zones' close to the fence.[309]

The Gaza Strip already held dire humanitarian conditions prior to the 2014 WoG. Indeed, OPE was the third major deadly bombing campaign on Gaza in just a six-year span. The 2014 episode left an already-destroyed Gaza Strip somehow even further devastated given that it had already been the recipient of a similarly brutal bombardment several years earlier in the

[307] Amnesty International (December 9, 2014).
[308] UNRWA (2014 Gaza Conflict).
[309] Gaza is often described as an open-air prison given that its civilians are forcefully barred from entering or leaving the area. Its constant state of besiegement and the trauma inflicted on its mostly child population, however, coupled with its unlivable humanitarian conditions, marks it as more appropriately as an open-air torture prison.

December 2008-January 2009 Gaza Massacre and the 2012 WoG. As a UN report on the developments in the economy of the OPT noted, OPE:

> '… impacted an already paralyzed economy at a time when socioeconomic conditions were at their lowest since 1967. This operation therefore had a more severe impact on socioeconomic conditions compared to the previous two military operations in 2008 and 2012'.[310]

Like previous assaults on Gaza, civilian infrastructures such as schools, mosques, cemeteries, Gaza's port, desalination and sewage plants, medical facilities, and UN shelters and houses were all amongst the bombed and destroyed areas in OPE in the 25-mile-long and roughly 5-mile-wide strip. The roughly 1.7 million Palestinian civilians who inhabited Gaza in 2014 (over half of whom were children) already had access to electricity only a few hours a day before they had no access at all after Israeli shellfire in another war crime of OPE destroyed Gaza's only power plant.[311] As Roy (2016) details in her book 'The Gaza Strip: The Political Economy of De-Development', the Gazan economy was already in shambles and held one of the world's highest unemployment rates due its constant state of besiegement and the illegal political and economic land, air, and sea blockade. The 2014 WoG had Israel's navy expand and block off Gaza's fishing zone, thereby depriving many Palestinians of their sole source of livelihood, as well as open fire on Palestinian civilian boats. Water supplies were already unfit for use due to their contamination, with over 90% of the municipal water undrinkable at the time (now over 97%), and 75% of the largely child population were already food insecure. According to Amnesty International, Israeli authorities were already responsible for arbitrarily restricting movement in Gaza via its blockade, imposing forced evictions on Palestinians, killing scores of Palestinians in

[310] UNCTAD (September 1, 2015).
[311] Human Rights Watch (August 10, 2014).

unlawful attacks, and discriminating against Palestinians as lesser humans under a system of apartheid, among other crimes.[312] During the crisis itself, Israel bombed 118 UN Relief and Works Agencies for Palestine Refugees in the Near East (UNRWA) according to its Gaza Situation Report, including 83 schools and 10 health centers.[313] Shortly after the bombing campaign, Israel banned the import of construction materials into Gaza,[314] which permanented the strip in ruin, particularly as OPE 'left behind 2.5 million tons of rubble'.[315] Oxfam said that it would 'take Gaza a hundred years to recover from the 2014 assault'.[316]

Despite the criminality of OPE, an R2P-led MHI did not follow from NATO in Gaza as it had done in Libya. No limited intervention short of full-scale MHI came from TIAs as it did in Syria, nor was it at the very least called upon or considered by Global North TIAs. While it would here too be mischaracterization to suggest that Palestine has simply been 'neglected' in this selectivity, it is first noteworthy to point out that the OPT has been typically neglected in the academic scholarship and by humanitarian organizations, which reflects the general pervasiveness of Global North influence on these entities.[317] Entire books which discuss the issue of MHI and cases of mass-atrocity-entailing humanitarian crises have frequently entirely omitted mere mention of the OPT [Power (2002), Pattison (2010), Bellamy (2012), Binder (2016)]. Roberts (2004) did mention (not discuss) the issue of US, NATO, and UN selective 'nonintervention' in the West Bank, but once again, it was here characterized as a failure of those powers to act while acting as benevolent actors in Kosovo.[318] The critical scholarship has not

[312] Amnesty International (Israel & Occupied Palestinian Territories).
[313] UNRWA (2014 Gaza Conflict).
[314] UN Council of Europe Report on The Humanitarian Crisis in Gaza (July 12, 2016).
[315] Finkelstein (2018), p.211.
[316] Prashad (2016), p.194.
[317] Indeed, former national security advisor of the US John Bolton even 'warned that the US would sanction the ICC' if it pursued 'war crimes investigations against Israel arising out of its occupation of the Palestinian Territories'. Kovalik (2020), p.96.
[318] Roberts (2004), p.88 in Welsh (2004).

been immune to these omissions either, as Cunliffe (2011) and Hehir (2013), among others, have not discussed the issue in their books on MHI and R2P. However, Hehir and Bellamy did discuss comparative perspectives on the 2014 assault against Gaza in the context of R2P during the military operation with articles on the E-IR online platform.

Hehir questioned the selective morality of R2P organizations as they 'strangely ignored' the situation in Gaza at the time.[319] Save for Amnesty International, human rights organizations likewise largely provided a 'muted response' to the assaults, as Finkelstein (2018) details in his work.[320] Though Hehir's sentiment is well-taken, the 'ignoring' was anything but strange when considering OPE through the active complicity model. The 'ignoring' of Gaza here was deliberate, as any focus on it would have shined a reflective light back onto the complicity of the very actors and agencies that enabled and perpetuated it. Hehir too tacitly acknowledged this to be the case as he astutely concluded his piece:

> 'The mute reaction to date from these groups will surely further embolden those who consider R2P – and the human rights industry generally – to constitute a means by which "the West" interferes in the affairs of the developing world through the promotion of a discourse which selectively chooses human rights violators in a way which selectively coheres with the foreign policy agenda of Western states. *That a number of these prominent R2P advocacy groups – the GCR2P and APCR2P in particular – are funded in large part by Western state donations will naturally further this suspicion.*'[321]

[319] Hehir named 'the three most prominent and vociferous organisations established to promote the idea of "The Responsibility to Protect", namely The International Coalition for the Responsibility to Protect (ICRtoP), the Global Centre for the Responsibility to Protect (GCR2P) and the Asia Pacific Centre for the Responsibility to Protect (APCR2P)'. Hehir (July 15, 2014).
[320] Finkelstein (2018), p.238. According to Finkelstein, though Amnesty reported on the assaults, 'instead of falling silent on Israeli crimes during Protective Edge' as other humanitarian organizations did, 'Amnesty whitewashed them' as its reports attributed complicity to Hamas as much as Israel.
[321] Hehir (July 15, 2014). (Italicizations are mine.)

Conversely, in his response to the situation a week after Hehir's piece, Bellamy tellingly framed the assault as a 'conflict' and issue where 'both sides' have a R2P the people of Gaza as his main takeaway from the situation.[322] In doing so, Bellamy provided another piece which aligned with Western power positions. Specific phrases used such as 'few conflicts excite the passions more', 'eruption of violence between Israel and Hamas', 'situation is so fluid', 'questions about who did what to who and when', 'all the parties involved have legal and political obligations relating to R2P… none are doing a good job in fulfilling them', 'the complex governance situation that Gaza finds itself in', 'imperative that the actions of both sides be thoroughly and impartially investigated', and a prime focus in the piece for Hamas to accept its R2P the people of Gaza all pointed to a concerted and shameful discursive effort to shield Israel from its war crimes. These discourses were examples of broader 'linguistic cover-ups', as Pappé puts it,[323] that disguise TIA complicity through offering a 'balanced' perspective that conveys the impression to readers that both Hamas and shared equal culpability in the brutal Israeli OPE assault Israel (incredibly, more so Hamas since the bulk of Bellamy's piece refers to their R2P Gazans over the actual assault). It is worth reiterating that the 2014 Israeli WoG killed nearly 600 children.

The attempt at a faux evenhandedness was deliberate for a key reason. The cost of identifying Israel as the perpetrator of war crimes in Gaza in 2014 (and indeed over decades in the broader OPT) would severely damage the credibility of major Western powers for their unyielding support to Israel, both during the crisis, but more pertinently, for sustaining its decades-long system of settler colonial apartheid over Palestine which set up the context for which the assault came about. It would also damage the legitimacy of R2P advocates and

[322] Bellamy (July 22, 2014).
[323] Pappé (2017), p.68.

institutions given their silence and the 'nonintervention' of TIAs in Gaza despite having been fully aware of all the horrors inflicted onto its civilians for decades. It would also prompt calls to reconsider congenial ties with Israel in future relations. In short, Western power betrayal to its own humanitarian commitments was on full display in the 2014 WoG. It is also worth stating the salience of the civilized self vis-à-vis the barbarian other dichotomy in this case, as the role of TIA crisis identity active complicity cannot be neglected here, with Palestinian resistance to colonial occupation routinely condemned by TIAs and the identities of Palestinians as Arab non-Christians.

The response to the dire situation in Gaza by Bellamy and others in the academic scholarship, humanitarian organizations, and Western powers either through their neglect of the situation or reflecting concern over the assaults with a 'balanced' understanding of its perpetrators was both jarring and disconcerting. Quill's (2014) commentary on the purpose of the balance metaphor makes sense of this as it suggests that the balance metaphor is used to inherently connote a 'middle ground' approach to an issue so as to frame it as the ideal and pragmatic position to adopt.[324] Moreover, the metaphor's usage often serves as 'a rhetorical device' and 'conceptual trap' in discussions when its discursive devices (i.e. 'both sides') are invoked since it 'presupposes that "balance" is self-evidently a worthy goal', and thus 'acts as a substitute for real argument'.[325] The real argument that is substituted out of the conversation by Bellamy, among others, in OPE and in the broader issue of the OPT, of course, is the active complicity of Western powers in their staunch support of Israel. TIAs have also typically adopted the 'balanced' position in response to Israel's brutal occupation and assaults against

[324] Quill (2014), p.60.
[325] Quill (2014), p.64 & Neocleous (2007), p.132.

Palestinians. As one of many examples, for instance, France simply neutrally condemned a 'vicious cycle' of violence between Palestine-Israel during OPE and listlessly simply called for ceasefire and negotiations.[326]

Western media coverage too perpetuated narratives that absolved Israel, and by extension their own governments as Israel's backers, of their complicity in war crimes. Sirhan's (2021) analysis of British newspaper reporting on Palestine-Israel found that the British media apparatuses 'played and continue to play an insidious role in shaping events' through a deliberate neutralization of language. As an example, Sirhan notes that though the word 'conflict' 'is the word most frequently used to describe the situation in Palestine and Israel',

> '… it does not accurately convey the power imbalance between the Palestinians and the Israelis. Nor does it convey the truth that Israel, possessing the might of one of the world's most powerful and most heavily militarised armies, occupies the land and lives of the native Palestinians, a people forced to endure the longest, and last, settler colonial occupation in the world.'[327]

More specific to the Palestine-Israel reporting in OPE, Sirhan also finds that Israeli agency as perpetrators of the assault typically was (and remains) deliberately minimalized by British newspapers in Palestinian murders as Palestinians killed simply 'fell victim' or were prefixed with 'appeals for calm' after they simply 'died'.[328] In contrast, 'words like "murder" and "terrorism"' were typically used to headline the relatively incomparably fewer Israeli deaths in past instances.[329] Such discursive influences recall the need to decolonize the framing of humanitarian crises, as discussed in Chapter Two.

[326] RFI (July 27, 2014).
[327] Sirhan (2021), p.11.
[328] Sirhan (2021), p.85.
[329] Sirhan (2021), p.85.

Beyond brandishing a narrative of evenhandedness in their portrayal of the 2014 Israeli WoG through media apparatuses, Western powers (specifically, the US, UK, France, Canada, Australia, Germany, and Belgium) maintained their support to Israel in the leadup to OPE, during it, and in its aftermath as well. As Finkelstein (2018) notes:

> '… the United States did not publicly pressure Israel to desist. On the contrary, President Barack Obama or his spokespersons dutifully invoked Israel's "right to self-defense," while turning a blind eye to IDF atrocities and a deaf ear to Gaza's wails. The inescapable fact was that Obama did not just facilitate this latest Israeli massacre in Gaza; he was its enabler in chief.'[330]

Blumenthal (2015) too notes that:

> 'While Obama chastised Palestinian armed groups, he helped replenish Israel's supply of munitions after it exhausted them on civilian areas in Gaza. The most critical delivery of US weapons to Israel took place on July 20, just a day before the battle of Shujaiya that saw eleven Israeli artillery divisions reduce the eastern Gaza neighborhood to rubble, when the Pentagon to allow Israel to dip into the stockpile of more than a billion dollars of arms the US maintained in the country. The weapons transfer included all the 40 mm grenade launchers and 155 howitzer rounds the Israeli military needed to continue its assault without interruption.'[331]

Though the mass atrocity crimes committed by Israel in its 2014 WoG certainly constituted as the type of crimes 'that shock the moral conscience', as Walzer identifies as the type of crimes which justify a MHI-response,[332] the assaults did nothing to change the trend of TIA support for Israel. Rather than reconsider its foreign policy and close partnership with Israel particularly in response to its 2008, 2012, and 2014 assaults, the US in 2016 instead emphatically concretized

[330] Finkelstein (2018), p.220.
[331] Blumenthal (2015), p.127.
[332] Walzer (2006), p.107.

this close partnership to the tune of agreeing to send Israel's military forces $38 billion in military aid over the next 10 years.[333] This was, of course, one of but many instances which followed which further entrenched bilateral ties (and indeed broader Western ties) with Israel.

Other than dismissing the decades-long indescribable horrors inflicted onto Palestinians in the OPT by arguing that Israel has a supposed right to defend itself, the existing literature's general logic of the MHI-selectivity issue would construe the lack of a formal MHI to Israel's assaults on Gaza in 2014 as a byproduct of TIAs simply not possessing sufficient levels of interests to intervene, with some finding this problematic and others unproblematic. As a part of this logic, TIAs would by extension be understood as 'idle bystanders' in their 'nonintervention'. However, revisiting the case with the active complicity framework as a lens of understanding the MHI-selectivity issue reveals that TIAs have been part and parcel towards the production and perpetuation of the crisis itself. The real 'problem' of selectivity in Palestine, therefore, is that TIAs facilitated the conditions for the crisis via postcolonial and precrisis active complicity and held perpetrator support active complicity by way of their very active intervention in it. Thus, the selective problem of 'inaction' in terms of MHI in Gaza is not one that is critical of TIAs for their supposed 'nonintervention' in 'standing on the sidelines'. As Grovogui's (2015) analysis of the neglect of Palestine particularly under the R2P regime asserts:

> '… the troubling part of the neglect to protect Palestinians today is that the degradation of the lives of Palestinians and the existential threat to the territorial integrity of post-partition Palestine are the direct consequences of actions by the "international community," including indulging Israeli occupation, and the response of Palestinians to both.'[334]

[333] NYT (September 13, 2016).
[334] Grovogui (2015), The Beirut Forum.

The experience of the 2014 war on Gaza sheds serious light upon the issue of TIA active complicity. Western powers have been actively complicit in the atrocities committed against the Palestinian people, both in 2014 but also over their decades-long struggle against the settler colonial Israeli system of apartheid. It has not been an issue of TIA simple bystander nonintervention. As Prashad (2016) summed the issue, the 2014 WoG 'resembles in every respect Israel's punctual bombardment of Gaza. There is no care for human life, no regard for international law. When the ordinance runs, the West comes in to resupply these powers'.[335]

Conclusion

This chapter's purpose was twofold. First, I sought to evaluate this research's proposal that the TIA active complicity model is necessary towards better understanding the issue of MHI-selectivity as it drastically shifts our understanding of the issue as a 'problem'. Second, I evaluated the potential impact that R2P could have had on this problem of TIA active complicity in humanitarian crises. Upon revisiting five major cases of humanitarian crises during the post-R2P era, it is clear that TIAs held considerable active complicity in each of them, and so their role cannot be disentangled from the production or the perpetuation of the crises themselves. The problematic role of TIAs in these crises was their direct involvement in enabling, perpetuating, or worsening the crises as opposed to constructively intervening in one crisis upon a disassociated crisis yet deciding for inaction in others.

In the commonly understood 'intervened' crises (i.e. Iraq and Libya), TIAs possessed consequential active complicity in a failure to adhere to the Pottery Barn rule as the two states plunged into disaster as a direct result of TIA MHI. However, still more problematic was the role

[335] Prashad (2016), p.194.

of TIA strategic and normative interests in creating the conditions for the development of those crises (along with Bahrain and Gaza) in the first place by way of precrisis active complicity. The existing literature concedes and indeed largely finds unproblematic the role of interests in driving TIAs to decide upon MHI or nonintervention in the wake of crises. Yet there is an assumed disassociation between the development of a crisis itself and the role of a TIA in the legitimacy privileged for Global North actors. Moreover, there is an implicit assumption that the extent of interests leading to TIA complicity within the MHI-selectivity issue is that it will lead to TIA bystander rather than active complicity. That there was TIA active complicity in the typically framed 'nonintervened' crises (i.e. Bahrain, Syria, Gaza) further points to the general dissonance in the existing literature as it understands MHI-selectivity as an issue of TIAs not being able to intervene enough (with the debate pertaining to whether this is problematic or not) rather than as an issue of TIA active complicity. Cumulatively, TIA regime change active complicity was certainly evident in 'intervened' crises such as Iraq and Libya, as well as in the 'nonintervened' Syrian crisis.

The post-R2P humanitarian crises experiences underscore the issue of the selective morality and outrage of Western powers. Crises that suit their interests typically heighten attention and outcry, while those that do not are instead often urged for calm and framed with a 'balanced' approach. It marks the MHI-selectivity as an issue of hypocrisy. Though it is a form of hypocrisy that has hitherto been misunderstood in the existing scholarship. As stated, the hypocrisy is not that Western powers intervene in some crises yet 'stand by' as idle bystanders in others, if that could be appropriately termed as hypocrisy at all strictly theoretically speaking. Rather, it is a two-fold hypocrisy. First, Western powers are typically actively complicit in crises understood as 'nonintervened' as they enable or perpetuate them through direct intervention.

Second, it is also a hypocrisy whereby Western powers, human rights organizations, and R2P advocates assume a position of moral authority and enforcer of human rights though acting in direct contrast to them. To specifically showcase this with examples beyond foreign policy, the US itself 'has failed to ratify numerous core human rights covenants – including the International Covenant on Economic, Social, and Cultural Rights; the Rome Statute for the International Criminal Court; the Convention on the Rights of Persons with Disabilities; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of all Migrant Workers and Members of the Family; and the International Convention for the Protection of All Persons from Enforced Disappearance'.[336]

Further to this, there are several key lessons and legacies that may be derived upon revisiting past instances of MHI with a TIA active complicity lens. First, it bears acknowledging that it has typically been Western powers, and more specifically, US Administrations, that have had a long history of foreign intervention. It has often, if not always, been the case that they have evoked the language of humanitarianism in their justification. As Glanville (2014) concedes, the US and other Western typical interveners 'are not immune from condemnation simply because they appealed to the language of humanitarianism',[337] though there exists such a sentiment of an immunity in much of the existing literature's rationalization of the MHI-selectivity issue. In contrast to this, Murray (2013), among a plethora of others, have long pointed out that Western powers have consistently used the humanitarianism framework to instead pursue their own political, economic, and normative interests. Idris (2019) takes this argument several steps

[336] Kovalik (2020), p.77.
[337] Glanville (2014) in Scheid (2014), p.159.

further by genealogically linking the Liberal Humanitarian interventionist logic to make 'peace' through war as a weaponization of peace itself. It is consistent with Clark's famous statement regarding the US military's propensity to use force in its foreign affairs, in line with its military budget which typically spends more than the next ten largest states' military budgets combined per year: 'if the only tool you have is a hammer, everything problem has to look like a nail'.[338]

Second, intervener actors have typically possessed sufficient strategic interests to drive them to conduct MHI. This was the case with the Libya MHI, as many argued that 'NATO abased its mandate to protect civilians and instead pursued a self-interested war aimed at regime change'.[339] This finding supports Hehir's finding 'that intervention has occurred only when the intervening state had key national interests involved in the outcome of the situation'.[340] It also supports Richmond's (2016) argument that MHI is no different from the power pursuits of the Imperial and Neo-Humanitarian epochs:

> 'The problem has long been that the international architecture is mainly initiated by hegemonic, geopolitical, and economic interests rather than humanitarian norms, ethics, and international law. Its [MHI's] inconsistency is glaringly obvious in historical and distributive terms.'[341]

Lastly, and as Richmond has it, relatedly, MHIs have been selectively applied, as was the case with the humanitarian crisis in Libya vis-à-vis the crisis in Bahrain or Gaza. The following chapter will analyze the ongoing humanitarian crisis in Yemen in depth to explore this model of selectivity as a problem of active rather than bystander complicity in practice and gauge the impact and utility in making this distinction in our understanding of MHI.

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[338] Democracy Now (2007).
[339] Glanville (2014) in Scheid (2014), p.159.
[340] Brunstetter & Holeindre (2018), p.4-5 in Brunstetter & Holeindre (2018).
[341] Richmond (2016), p.148.

CHAPTER 5 – GLOBAL NORTH SELECTIVITY AND ACTIVE COMPLICITY IN THE YEMENI HUMANITARIAN CRISIS

The humanitarian crisis in Yemen is an important episode in the experience of selective-MHI. The prior chapters evaluated case briefs of prior humanitarian crisis experiences. This chapter analyzes the Yemen crisis in greater depth to better appreciate the significance in changing the existing scholarship's understanding of MHI-selectivity as a 'problem' from an assumption of TIA bystander complicity to TIA active complicity. In so doing, I advance two interrelated arguments towards understanding the case's impact on our understanding of the selectivity debate. First, I argue that despite the severity of the humanitarian crisis and numerous occasions of mass atrocity crimes since 2015, the crisis has not been met with meaningful action from TIAs to put a stop to the crisis, much less MHI. Instead, I find, the Yemeni case constitutes as an archetypal and glaringly notorious case of selective-MHI in practice with interests driving the decision-making for 'nonintervention'. Second, and more importantly, I contend that it would be mischaracterization to understand the extent of global power complicity and the issue of MHI-selectivity in this light of 'inaction'. Instead, I argue that TIAs have been actively complicit in enabling and perpetuating the crisis *by way* of their continued intervention in the crisis rather than complicit as an idle bystander via 'nonintervention'. In short, though TIAs have demonstrated muted responses to the situation, the extent of their complicity runs much deeper than this, as they have acted as perpetrators to the Yemeni crisis themselves. Thus, my proposed active vis-à-vis bystander complicity model offers nuancing to the existing scholarship's paradigm of the selective-MHI issue to better grasp its understanding as a 'problem'.

I explore these arguments through two main sections. In my first section, I start with the 'what' component of the situation and provide an overview of the humanitarian crisis. In this

stage, my aim is two-fold. I first provide detailed evidence to illustrate the dire state of the humanitarian crisis and share an overview of what the situation has looked like since it began in March 2015. In so doing, I demonstrate the salience in choosing the Yemeni crisis as important case study within the selective-MHI debate and towards understanding the issue of selectivity as a true 'problem' of MHI. Throughout this section, I refer to existing scholarly work, research, statistics, and reports from various humanitarian, international, and research organizations, media outlets, and UN officials to establish a broad background of the country's history and air raids, blockades, and disease epidemics which have ravaged the country since 2015. I also offer evidence of specific occasions of war crimes and mass atrocities during each crisis to establish the designation of the situation in Yemen since 2015 as a case of a dire mass-atrocity entailing humanitarian crisis. Second, I provide context for how their dire situation came to be by revisiting a brief history of how pivotal events and key figures played significant roles in shaping the crisis prior to 2015. Here, I also establish the lingering and critical colonial and imperial legacy that has shaped Yemen's history, as doing so provides greater clarity and contextualization towards understanding the roots of the crisis since 2015, the postcolonial active complicity role of TIAs in the crisis, and the 'problem' of TIA MHI-selectivity in Yemen as a whole.

Second, I explore the 'how' component of the Yemeni crisis as far as it relates to the critical role that foreign actors have played in enabling and perpetuating the crisis. Specifically, I study and investigate the roles that various state and nonstate actors have played in the crisis, particularly the P5, and further particularly Western powers given that it has been the US, UK, and France out of the P5 that has most typically acted as interveners for humanitarian purposes in recent decades. I juxtapose and situate these roles in relation to my model of active vis-à-vis

bystander complicity within the problem of selectivity in MHI. Herein, I consider the different types of TIA complicity in evaluating their enablement or perpetuation of the crisis.

Overview of the Yemeni humanitarian crisis

The case of the humanitarian crisis in Yemen deserves particular attention in the study of selective-MHI as the situation has been widely described as the world's largest and worst humanitarian crisis not witnessed in a century. Such expressions of the situation have not been made lightly. In January 2018, Mark Lowcock – head of the UN office for the coordination of humanitarian affairs – bleakly described the situation in Yemen as looking 'like the apocalypse' in West Asia's poorest country.[342] Multitudes of reports, such as a UN Development Program report released in November 2021 titled 'Yemen – Conflict and Impact on Civilians', along with other organizations such as Save the Children, UNICEF, and the International Rescue Committee, have presented jarring statistics to describe the unfathomably dire scale of the Yemeni crisis:

- At least 377,000 Yemenis were killed between the start of the war in 2015 and 2021,
- Roughly 70% of these deaths – 264,000 – were children under the age of 5,
- Over 24.4 million people – over 80% of the population – continue to rely on and remain in urgent need of humanitarian aid,[343]
- 150,000 people starved to death in Yemen in 2017 alone,
- A total of 113,000 children were killed in 2016 and 2017 because of preventable starvation or disease,
- 16.6 million people continue to lack access to clean water and sanitation services,
- 250,000 Yemenis currently starving cannot be saved; another 10 million remain on the cusp of this fate,
- The crisis has set back development in Yemen by a quarter of a century,
- Nearly 60% of Yemen's entire population lives in extreme poverty, with two-thirds of that 60% as a direct consequence of the war,

[342] Al Jazeera, (January 5, 2018).
[343] UN Office for the Coordination of Humanitarian Affairs (OCHA) Situation Report on Yemen (Jan. 2022).

- 50% of Yemeni children remain undernourished; 70% of that number as a direct consequence of the war,[344]
- Roughly 4 million Yemenis have been internally displaced between 2015 and 2021 – more than any other country in the world. In 2020 alone, 172,000 civilians were internally displaced, 79% of whom were women and children,[345]
- At bare minimum, there have been at least 8,983 documented civilian killings and another 10,226 of critically wounded Yemenis via 25,000+ documented air raid bombings between March 2015 and April 2022, according to both the UN High Commissioner for Human Rights and the Yemen Data Project (YDP).

Words simply fail to describe the bleakness of the situation in Yemen since March 26, 2015. The numbers presented here are undoubtedly staggering and place the severity of the crisis into perspective for how truly dire the situation has been and has remained in the country as the war has entered its eighth year at the time of this writing. Moreover, many reports such as Cockburn (2018) have argued 'that the number of people killed in the fight has been *vastly understated*' for both military and civilian deaths.[346] Similarly, the Armed Conflict Location and Event Data (ACLED) project conducted by researchers at the University of Sussex found recordings on the number of fatalities by direct violence from 2015 until October 2019 at over a truly devastating 102,000.[347]

Naturally, there is always a need to investigate the veracity of such numbers.[348] Statistics may be manipulated and at times can misrepresent situations. Merry's (2016) work on the Seductions of Quantification problematizes the 'indicators-as-knowledge norm' that has been increasingly regarded as the accepted methodological framework used by social scientists to

[344] UNDP (April 23, 2019).
[345] OCHA (January 2021).
[346] The Independent (October 26, 2018).
[347] ACLED Project, University of Sussex (2019).
[348] One possible reason for such a vast discrepancy between the fatalities listed by the ACLED project and YDP has to do with YDP's methodology in presenting its data findings. YDP states that 'to remove bias or inflation in casualty numbers, the lowest reported casualty number is recorded in the data, unless veified numbers from huan rights groups on the ground are available, in which case they are used', meaning that the data they present 'is the least civilian casualties reported from airstrikes'. Yemen Data Project Methodology..

understand the world, and critiques how this is often done so without complementing statistics with qualitative research, such as a case study. As such, this chapter is wholly dedicated towards exploring the Yemeni crisis in depth and complements the existing quantitative statistics on the crisis and on the problem of MHI-selectivity as a whole with qualitative research to assess the situation and determine its place in the MHI-selectivity debate.[349]

By whatever method of research, Yemen's calamitous situation is beyond doubt. As mentioned, the brutal nature of the crisis may be far more devastating than the statistics show. One important factor which has contributed to this relates to the constant state of war that has made it extremely difficult for researchers to freely explore the country and complete research on it. As Carapico (2016) astutely mentions, 'the kind of field research that social scientists do, or the kind of free-ranging, on-the-ground reporting that good journalists seek to do, is extremely hard to do' in Yemen. Of course, the KSA's domination of the area has been part and parcel to this, as it has prevented such independent research, which may be gathered as much upon a glance at the state's deplorable human rights track record. Journalists, minority or dissident researchers, social scientists who do not picture the KSA in a favorable light, or researchers who do not acquiesce to the country's dominant Wahhabi ideology's order, all stand to struggle with completing research inside the KSA or its neighboring Gulf states. Based on its record of human rights abuses, the KSA can be understood as an example of a state which affords 'no protection whatsoever for the freedom of most forms of information-gathering, association or expression',

[349] For reference, Binder (2016) explores the selectivity 'problem' from a quantitative approach to account for the variation in TIA intervention in some places but not in others. He considers factors in the moment of a crisis such as institutional effects and material interests of TIAs, as well as the degree of the humanitarian crisis itself, as prime factors which account for selectivity variation. The work offers interesting insights into the type of factors that lead to TIAs making the decision to intervene in one crisis but not in other crises. But like the predominant structuring of the debate throughout the existing literature, however, the research ultimately fails to consider colonial legacies and the continued role of global powers and institutions, acting as TIAs, towards the very production of the humanitarian crises they are assumed to have commitment to 'save', pending their ability to do so.

as Carapico (2016) concludes based on her own difficult academic and personal experience in completing research in the country.[350] As such, this research stops short from offering field-work research in Yemen and instead draws upon exemplary existing research from other scholars to present an understanding of the situation.

Specifically, I refer to three exceptionally well-researched works which explore the rich history of Yemen. First, Blumi's (2018) work 'Destroying Yemen: What Chaos in Arabia Tells Us about the World' offers an in-depth historical analysis of the war's deeper roots and considers the interplay of both domestic and foreign actors in shaping the development of the 2011 protests and the subsequent events which followed. Similarly, Carapico's (2016) work 'Arabia Incognita: Dispatches from Yemen and the Gulf' offers a collection of research from different scholars which 'trace the roots of the complex conflict in Yemen back to the popular struggles of the 1960s, taking the story through the 2011 uprisings and beyond'.[351] Finally, Lackner's (2017) work 'Yemen in Crisis: Autocracy, Neo-Liberalism, and the Disintegration of a State' unearths the 'socio-economic and political changes' in Yemen's modern history 'which have led to the current crisis'.[352] I also often refer to Michigan State University Assistant Professor of Education, Shireen Al-Adeimy, for additional insights via her own publications and through an exclusive interview I conducted with her for the purposes of this research on August 13, 2021. Al-Adeimy has written extensively on the Yemeni crisis in her research at 'In These Times' and has been a vocal commentator of the crisis. As a Yemeni herself, Al-Adeimy has provided invaluable insights into the crisis both in her publications and interview.

[350] Carapico (2016), p.29.
[351] Carapico (2016), p.38.
[352] Lackner (2017), p.33.

If there was ever a need for triage to determine the situations that would most urgently warrant a push for MHI, as Weiss (1994) and Redfield (2008) would have it, it would certainly be the current crisis in Yemen. Additionally, little analysis has thus far been completed on the crisis, particularly as it relates to the issue of selectivity in MHI. When addressing the question of how to temporalize the crisis to investigate the factors for TIA MHI-selectivity in Yemen, the 2011 Arab Spring protests offers a simple starting point. In places such as Libya and Syria where the destabilization of adversarial states would be beneficial to TIA interests, protests were largely supported by TIAs. Anti-government demonstrators were praised in their pursuits for democracy, and regime change was advocated both in rhetoric and in action. The same level of support, however, was missing in places such as Bahrain and Yemen. Much like in the case of the Bahraini leadership's lengthy rule, Yemen's President Ali Abdullah Saleh had too been in power for a prolonged period (over thirty years in Yemen's case). Saleh's reign had been marred with authoritarianism, human rights abuses, devastating poverty for Yemenis, and widespread governmental and institutional corruption. Thus, it is important to highlight the existing strained political conditions in Yemen that was present long before the immediate leadup to the Spring protests. Existing tensions became further strained after January 2011 when 'Saleh added fuel of his tense relations with the opposition by attempting to change the constitution so that he could stand for an unconstitutional third term in the 2013 presidential elections'.[353] The confluence of this unprecedented move with regional protests proved to be the catalyst in triggering the 2011 Spring protests in Yemen.

Once protests escalated, the Saleh government responded in kind with brutal force as government forces cracked down on dissenters. Of note was the March 18, 2011 'Friday of

[353] Lackner (2017), p.42.

Dignity' massacre when military forces shot dead at least 45 protestors.[354] Saleh's aim to crush protests, however, was ultimately unsuccessful. After surviving an assassination attack amidst heightened protests, Saleh eventually stepped down and fled to the KSA in September 2011 where he was given refuge.[355] In a last-ditch attempt for his government to retain power, and under the strong influence of the KSA government, Saleh appointed his Vice President, Abdrabbuh Mansur Hadi, as the country's new interim president in a deal brokered by the Gulf Cooperation Council (GCC). Towards this end, Hadi made two promises to the Yemeni people: (1) to hold a free and fair democratic election for a new government within 90 days, and (2) to transition his interim presidency after two years to a newly elected president and government.

By 2014, neither of the two conditions were met. Though Yemen did hold elections in 2012, Hadi was the sole candidate listed on the ballot and, by default, declared himself president. Despite mass protests of indignation from Yemenis, Hadi refused to step down and honor the promise he had made to the Yemeni people two years prior. Moreover, Hadi's short stint as Yemen's interim president maintained the country 'within the confines of neo-liberalism' and did not have the transition 'which would challenge the financial and economic interests of its existing elites' that the 2011 widespread protests sought.[356] After the 2014 election was also met with supportive affirmations from the P5, the Zaydi revivalist Yemeni group known as Ansarullah – better known as the 'Houthis' in the Western diaspora – took control of Yemen's capital city of Sanaa in September 2014 to combat and oust the KSA and West's interference in

[354] HRW (February 12, 2013).
[355] A few years later in 2014 in the midst the political turmoil in the country, Saleh later changed loyalties as he attempted to regain power by openly supporting Ansarullah and distancing himself from Hadi. Ansarullah, however, largely did not welcome him, and in late 2017, Saleh again changed loyalties as he openly cut ties with the group and called for his own supporters to take back the country and support allyship with the KSA. Al Jazeera (December 3, 2017).
[356] Lackner (2017), p.47.

the country. Like Saleh before him, Hadi too fled to the KSA. But rather than show support to pro-democracy demonstrators who opposed their state's political corruption as they had done to Arab Spring protestors in Egypt, Libya, and elsewhere, the UNSC instead responded by issuing Resolution 2140 which placed sanctions against 'individuals and entities' (namely, Ansarullah) which 'threaten(ed) the peace' of the country by 'undermining the political process in Yemen'.[357] The sanctions had devastating consequences. As Blumi (2018) notes, roughly 80% of the already heavily impoverished Yemeni population suffered as a result of these sanctions due to a vast majority of the population having some form of loose affiliation with the Resolution's targeted individuals and groups.[358] In spite of this, Western powers condemned the protests and political takeover of the country by Ansarullah, and proceeded to swiftly close their embassies in Yemen and remove all their ambassadors from the country.

It was a few months later in the early hours of March 26, 2015, that the KSA – in a coalition with the United Arab Emirates (UAE) and other GCC states – began its aerial bombardment of Yemen in what they called 'Operation Decisive Storm' (ODS), and did so without any provocation or attack from Ansarullah.[359] Once more, however, rather than condemn the foreign intervention despite the KSA's violation of the Westphalian sovereignty norm, the UNSC once more responded in support of the KSA-led coalition's invasion by passing Resolution 2216 which imposed an 'arms embargo' on the country and offered the KSA and GCC states full support to restore Hadi to his presidency.[360] To actors in the Global South, the

[357] UNSCR 2140 (February 26, 2014).
[358] Blumi (2018), p.3.
[359] Of course, the aerial campaign was all but 'decisive' as the bombings have ultimately endured for over 7 years with still no end in sight at the time of this writing, despite the KSA's announcement a few weeks later on April 21, 2015, that it planned to reduce them as it reframed its military campaign to 'Operation Restore Hope', which, interestingly enough, was also the same name of the failed US MHI in Somalia in 1992.
[360] UNSCR 2216 (April 14, 2015).

passing of the Resolution was controversial, as the Resolution itself 'was drafted by Saudi Arabia in 2015 to provide international legitimacy for its blockade and military operations, assuming that it would meet the objectives of driving' out Ansarullah from Sanaa and reinstating Hadi 'within a few weeks'.[361] It also served as an 'internationally sanctioned' (via the UNSC) license for the KSA-coalition to conduct military operations in Yemen and establish a land, air, and sea blockade in an effort to oust Ansarullah and regain power.

The controversy was also just as much rooted in what the Resolution did *not* state, as it did not mention – let alone condemn – the KSA-led coalition's bombings, which was particularly glaring as 'the majority of the 600 people killed since the start of the Saudi assault' until the Resolution was passed were civilians, as UN Deputy Secretary General for Human Rights, Ivan Simonovic, himself stated.[362] That the resolution was drafted as such and passed, however, was ultimately not entirely surprising given the confluence of interests between the GCC states themselves with Western powers, as the GCC had historically 'been strongly supported by the United States and its NATO allies'.[363] Since the war on Yemen began in late-March 2015, sanctions, aerial bombardments, and a crippling blockade on the country have turned Yemen into the humanitarian disaster the likes of which has not been seen in over a century in what was already one of the most impoverished countries prior to these experiences.[364]

It is important to note the agency of many Yemenis in the wake of these events. According to Blumi (2018), the removal of Hadi's interim Administration by Ansarullah 'was

[361] El-Tayyab (March 25, 2021).
[362] Carapico (2016), p.518. The World Health Organization, however, recorded more than the 600 cited by the UN Human Rights Deputy-Security and instead put the figure at 736 between the onset of ODS in September 2014 and UNSC Resolution 2216 in March 2015.
[363] Carapico (2016), p.28.
[364] Cholera and COVID-19 outbreaks have likewise had an enormous impact on the country during this time, though it is important to recognize, as will be discussed earlier, how the blockade in particular has severely hindered the country from being able to combat both crises.

deemed by most Yemenis as entirely justified' given that, beyond Hadi's failure to keep his promises, his two years of governing 'had made Yemeni lives demonstrably worse'.[365] Several reasons accounted for this, such as the Administration's push to adopt SAPs and austerity measures under pressure from neoliberal institutions akin to Haiti's experience in the 1990s, amongst other reasons:

> 'By 2013, for example, the number of assassinations, bombings of mosques frequented by Zaidi Muslims, paired with growing poverty, rising unemployment, and property confiscations, grew to epidemic proportions. Perhaps the biggest shared concern for Yemenis of all political, cultural, and economic stripes was a realization that this supposedly "interim government" took it upon itself, with no parliamentary oversight, to push forward economic liberalization "reforms" that illegally put much of Yemen's public assets up for sale. More problematic still, the main beneficiaries were foreign."[366]

Thus, by September 2014, Ansarullah's takeover was seen by many Yemenis as driving out both the political as well as the economic corruption of the country's leadership. It signaled a reversal of the previous leadership's much-maligned policies which were seen as further jeopardizing Yemen's future and entrenching dependency on foreign actors.

Of course, this brief overview of the crisis' background does not pretend to capture a complete perspective of how the humanitarian crisis came to be (if such a perspective could ever be attained). But to illustrate a more nuanced perspective, particularly as it relates to assessing the type and degree of TIA complicity in the Yemeni crisis, it is necessary to consider experiences much earlier than the 2011 protests since, as mentioned earlier, political tensions escalated over decades. There are key occasions and factors which are vital to consider to better understanding the conflict's development. To understand the situation in Yemen since 2015

[365] Blumi (2018), p.3-4.
[366] Blumi (2018), p.4.

without this context would be negligent of this broader picture, and particularly so given that this history is often neglected in analyses of the Yemeni crisis. I posited this contention to Professor Al-Adeimy to collect her view for a good starting point when trying to temporalize the crisis. Al-Adeimy likewise agrees that it is necessary to go back far earlier than the 2011 Arab Spring protests to understand the many actors, motivations, and reasons for the crisis, but acknowledges that 2011 makes sense to be considered as a simple starting point to identify the catalyst that sparked the crisis.

Yemen has been underappreciated as a country with a centuries-old long and complex history. Unfortunately, its history has been marred with violence and attempts at colonization. Despite frequent attempts from foreign powers to subjugate the country, however, Yemenis have been notoriously resistant, and so historically, Yemen has been a difficult country to conquer. Given this, as Blumi (2021) considers, 'if imperialism itself is defined as a system in which one political, cultural, and/or economic order imposes itself on', then 'the story of imperialism is ambiguous' in Yemen in the 19th Century and earlier since foreign powers consequently sought 'to tip the scales in favor of one of the local surrogates of empire rather than secure outright direct occupation' in their violence.[367] The strategic colonial tactic used by the British during the 19th Century, for instance, following their takeover of Aden in 1839, was to attempt to subjugate Yemeni resistance by subduing Yemeni parties and tribal leaders rather than vie 'to exclusively rule over all Yemenis'.[368] In the decades that followed, however, consistent Yemeni rebellions against British rule led to harsher measures undertaken by the British to secure their order, and the indirect colonialist endeavor by the British steadily grew more direct and violent. The effect

[367] Blumi (2021), p.2909.
[368] Blumi (2021), p.2909.

of these measures by British forces created a devastating humanitarian crisis far before the existing one in the 21st Century, and its colonial footprint would linger on all the way to the current humanitarian crisis and mark postcolonial active complicity on the part of TIAs. As one example, the British Empire used the tactic of blockading Yemen in 1840 to forcefully try and secure its interests as it sought to subordinate the rebelling Fadhli tribe 175 years prior to the KSA-coalition's blockade of the country. It also kept close relationships with various wealthy indigenous tribes and factions of the Yemeni population to maintain power – something the KSA would also come to do in later years.

Over the centuries, Yemen has held unique regional strategic importance for foreign powers. It is situated along the trade passage of the Red Sea and Suez Canal, whose passage connects Europe all the way to East Asia. Given this strategic importance, other imperial powers who were involved in the region at the time, such as the Italians, French, and Ottomans, also became involved in Yemen as competing colonizers as a consequence of its 'curse of geography'.[369] Eventually, as violence against indigenous Yemeni populations by British and Ottoman powers became more rampant, as did violence between the two colonial powers themselves, Yemen split at the turn of the 20th Century in 1904 into North and South Yemen. The two imperial powers reached a treaty that divided Yemen into British rule in the South (Aden's location) and Ottoman rule in the North (in the Sanaa area). The Ottoman Empire, however, ultimately failed to ever attain strong control over Northern Yemen as Yemenis in the region consistently rebelled against their rule. Their resistance could in some degree be attributed to the population's largely Zaydi Muslim demographics, whose theology emphasizes a key obligation for adherents to resist and overthrow corrupt or illegitimate leaders (the '*taa'ghoot',*

[369] Carnegie Endowment for International Peace (May 18, 2021).

or in this context, loosely interpreted as 'tyrannical power'). The confluence of this difficulty for the Ottomans to fend off Yemeni Zaydi-imbued resistance along with their own Empire's collapse by the end of WWI eventually led to indigenous Yemeni populations to take back their country's autonomy in the Northern region.

The Zaydi leader, Imam Yahya Muhammad Hamid ed-Din, having already made agreements with the Ottomans following Yemeni rebellions against Ottoman colonization even prior to their decline in WWI, took leadership of North Yemen. Under Yahya's rule, Yemeni rebellions eventually drove out Italian and French colonizers as well. According to Blumi, one way the British were able 'to survive the wave of anti-imperialism that infested its overseas ambitions' in Yemen where other colonial powers failed was by investing 'in Wahhabism as a tool to culturally insubordinate older Islamic traditions, including the prevailing order dominated by Zaydi/Shafi'i/Sufi traditions' which was allied with Yahya.[370] Another way was by placing a naval blockade on Yemen during WWI to secure the important Yemeni port of Hudaydah in their battle against rebellions led by Yahya's indigenous Yemeni supporters, marking yet another instance where foreign powers attempted to blockade the country to achieve subservience. The decades that followed WWI were marred with British (and later, US) efforts to defeat Yahya's forces and colonize Yemen. It is important to note that during this time, 'the use of the Saudis as an ally, if not as an outright blunt instrument of the British' (as their embrace of Saudi Wahhabism would suggest) would mark a key point in the development of hostilities between Northern Yemenis and the KSA in later years.

[370] Blumi (2021), p.2913. According to Blumi (2018), p.34, another method was by integrating subordinated coopted states such as Yemen (and Egypt at the end of the 19th Century) into the global economy, which was 'long applauded by European banks raining money down on infrastructure development' as it 'opened the floodgates of debt financing'.

Following waning British power after WWII, South Yemen was finally able to declare its independence from British imperial rule in 1967 during its revolutionary war. In the years that followed came another one of the most important events in Yemen's history as it relates to both the KSA government's direct involvement in Yemeni affairs even from decades earlier and to grievances against Saleh himself: the 1977 assassination of North Yemen's president, Ibrahim al-Hamdi.[371] Al-Hamdi, who many consider as the founder of modern Yemen, came into power in 1974 after leading a nonviolent coup to overthrow Abdurrahman Aleriyani. A socialist Lieutenant Colonel, al-Hamdi carried out the coup largely to redirect North Yemen back towards the path of decolonization from British dependence and overall modernization which the extremely impoverished country sought for decades and was a key impetus in driving the eight-year revolutionary war from 1962-1970. Towards this end, Al-Hamdi famously established Local Development Associations (LDAs), which accessed and directed domestic funds and taxes 'to help build water wells, roads, other infrastructure, or collectively invest in new-revenue-producing agricultural projects' as part of a five-year development project which sought to rapidly modernize the country.[372]

Al-Hamdi's development plan was in stark contrast to the previous government's path 'to move forward with those prescriptions drawn up by the World Bank, IMF, and scholars paid for by USAID', which were seen as being pushed by supporters of the old British colonial rule.[373] Al-Hamdi also devoted a staggering 31% of the country's budget towards education. Al-Hamdi's LDA policies quickly paid dividends for North Yemen, as during the three years of Al-Hamdi's

[371] For 150 years, the Yemeni state was divided into two states, as 'Yemen was divided between the British and the Ottomans in the mid-19th century'. History (May 20, 2020). North Yemen and South Yemen reunified in 1990, but the two states largely enjoyed cordial relations throughout this time.
[372] Blumi (2018), p.127.
[373] Blumi (2018), p.129.

term, North Yemen's GDP dramatically rose from 21.5% in 1974 to 56.1% in 1977, while 'its per capita income rose by 300%' in the same span.[374] Though not receiving tangible support from the Eastern bloc, Al-Hamdi also established congenial relations with both the USSR and China. As a result of his resistance to Western powers who had envisaged for North Yemen to follow a path of internationalization, Bretton Woods institutions, the KSA, and tribal factions within North Yemen who disapproved of his reunification efforts for the country, Al-Hamdi was assassinated and later replaced with Saleh in 1978.[375]

Upon taking power in 1978 following the short-lived presidencies of Ahmad al-Ghashmi and Abdul Karim Abdullah al-Arashi from 1977-1978, Saleh immediately reversed Al-Hamdi's locally focused development agenda and instead redirected North Yemen's economy away from LDAs and instead towards dependency on Bretton Woods institutions. He also persecuted supporters of Al-Hamdi and reestablished strong ties with the KSA and UK (along with the US in later years). Many Yemenis would come to hold Saleh as chiefly responsible for setting back Yemen's development for three decades until his resignation in the 2011 protests. They also suspected Saleh to have played a direct hand in the plot for Al-Hamdi's assassination. In a May 2016 interview, roughly a year and a half prior to his death in December 2017, Saleh himself affirmed those suspicions, claiming that 'Saudi Arabia killed al-Hamdi under the supervision of Saudi military attaché, Saleh al-Hiddian, because he was an opponent of Saudi Arabia and did not comply with its instructions and interventions in Yemen'.[376] Blumi (2018) states that while Yemen 'was economically booming, external interest considered that North Yemen's further

[374] Aljamra (Apr. 2, 2019).
[375] Terrill (2011), p.7.
[376] Aljamra (Apr. 2, 2019).

development could pose a long-term security threat to the KSA', which sheds further light in understanding the impetus for the KSA's alleged decision to have orchestrated the coup.

Thus, foreign power colonization and neoliberalization efforts, along with Saudi interferences, have been instrumental obstacles in Yemen's history and its struggle for independence. They undoubtedly served as critical impediments towards the Yemeni state's capacity and capability to combat the set of internal, external, and natural elements that lead to a humanitarian crisis. In the current humanitarian crisis since 2015, Yemen has experienced countless incidents of major human rights violations perpetrated by the KSA, and in various forms. According to the YDP (one of the only independent data collection projects on Yemen that is also sourced in Yemen and has tracked, collected, and disseminated data on the conduct of war in Yemen since the start of the war in 2015), at least 'one-third of all the air strikes have hit civilian targets including hospitals and schools' of the roughly 25,000 air raids from the KSA government between March 26, 2015, and March 31, 2021.[377] The scope of the areas bombed during this time have been wide-ranging and not limited to military sites.[378] Indeed, one would be hard-pressed to find civilian-populated areas which have not been met with bombings during this span. The YDP too advances this notion, as it also finds that air raids on nonmilitary sites have clearly not been few and far in between. In its September 2018 research, it found that 'of the 154 air raids where the targeted could be identified', 'over 70% (110) targeted non-military

[377] Brookings Institution (April 13, 2020).

[378] Amongst the areas the YDP has documented to have been bombed have been banks, boats, checkpoints, hospitals, clinics, blood banks, telecommunication infrastructure, embassies, factories, farms, houses, storage units and centers, transportation infrastructures, museums, cemeteries and tombs, archeological sites, UNESCO world heritage sites, camps of internationally displaced peoples (IDPs), schools, universities, market places, journalist offices, media stations, mosques, churches, moving targets, fuel stations, dams, aqueducts, grain ports, veterinary quarries, quarantine centers, medical units and ambulances, restaurants, hotels, stores, private businesses, workshops, stadiums, clubs and other sport facilities, airports, seaports, water and electricity infrastructures, and vehicles and buses.

sites' and indicated regular fighting in urban areas.[379] According to an August 2020 Oxfam report, the KSA-coalition forces carried out the equivalent of one air raid every ten days during the conflict which specifically affected hospitals, clinics, ambulances, water drills, tanks, and trucks between 2015 and 2020.[380]

It is worth qualifying such atrocities on civilian targets and populations to humanize the lives lost rather than simply view such events through a purely statistical lens and to better appreciate the criminality of the atrocities committed. One of the most heinous war crimes during the war on Yemen occurred on August 9, 2018, when a KSA-UAE coalition fighter jet bombed a civilian school bus full of children on a field trip as it was passing through a densely populated market in the city of Dahyan in northwestern Yemen. The bombing killed 51 total people, including 40 children mostly under the age of 10, in addition to wounding 79 others, 56 of whom were also children under 10 years of age.[381] One exasperated Yemeni father cried out 'they were children; they were not carrying ballistic missiles' as he dug through the ruble and eventually found the bodies of his two lost sons in the attack.[382]

Another atrocity was on October 15, 2016, when a KSA-led coalition bombed a funeral ceremony in Sanaa, which killed at least 140 civilians and wounded 600 others.[383] The nongovernmental organization (NGO) Human Rights Watch (HRW) was able to speak with some of the survivors. Abdulla al-Shami, a 35-year-old businessman who suffered a leg injury in the attack, recounted how 'there were dead bodies and body parts' all over and 'people under rubble', and distinctly remembered there being many 'children inside' the funeral hall before the

[379] YDP Report (September, 2018).
[380] Oxfam (August 18, 2020).
[381] Al Jazeera (August 9, 2018), CNN (August 17, 2018).
[382] Abdulkareen (August 9, 2018), MPN.
[383] The Guardian (October 15, 2016).

bombing.[384] Another man in his thirties who spoke under the pseudonym 'Ahmed' out of fear of being identified recounted how there were 'more than 50 burned bodies, many where you can still tell the features, but half of their body was gone, half of their head was gone' and 'it was very, very hard to tell who they were'.[385]

As outrageously egregious as the school bus bombing was, as were the other 25,000+ bombing campaigns, air raids have only been partly to blame for contributing towards the severity and calamitous nature of the Yemeni humanitarian crisis that has been correctly emphasized as 'man-made' and 'apocalyptic' by the UN's humanitarian chief, among others. The KSA-led coalition's land, air, and sea blockade on Yemen has far and away had the largest impact towards producing the severity of the humanitarian crisis. Though there have been at least 8,983 civilians documented to have been killed by virtue of the bombing campaigns as of April 2022, millions more have suffered due to the blockade instilled by the KSA government, particularly on the country's main Red Sea port of Hudaydah. As the World Bank Group's report on the crisis noted as early as 2017, the KSA-led coalition's 'violence has disrupted supply chains and a blockade of the ports have restricted the imports of both food and fuel, which is particularly harmful given Yemen imported approximately 90 percent of its food prior to the conflict' as a result of a lack of domestic development during Saleh's rule.[386] Though understated, the Hudaydah port blockade has arguably been the most heinous atrocity in the war, as roughly 80% of the entire Yemeni population – 24.1 million people – live in the nearby Ansarullah-government-controlled Sanaa area. Thus, the great majority of the population which

[384] Human Rights Watch (October 13, 2016).
[385] Human Rights Watch (October 13, 2016).
[386] World Bank Group (June 2017).

relies on this single port have been deprived of food, water, fuel, and supplies as a result of the blockade, and deliberately so, hence the 'man-made' crisis designation.

Other ports in the country such as ones in the cities of Aden and Mukalla are in the southeastern region of the country and hundreds of miles away from 80% of the country's population in the northwestern Sanaa controlled area. The ports have also been far more expensive in terms of fees and taxes than Hudaydah.[387] Moreover, they have remained under the strict control of the Hadi government and the KSA-UAE coalition, with the UAE also stationing thousands of its troops in nearby southern areas of the country. The long route back to Sanaa for trucks transporting fuel from the southern ports has also been prone to interception from armed militant groups such as Al-Qaeda in the Arabian Peninsula (AQAP) in the few instances that fuel ships were docked to these southern ports and transported to the Sanaa controlled area. These militant groups have then imposed additional taxes for clearance to pass, which has then become money that has gone 'towards funding terrorism and prolonging the conflict'.[388]

Thus, the blockade has prevented Yemenis from having access to essential items such as food, water, fuel, and medical supplies throughout the conflict. It has caused severe food shortages which starved and continues to starve millions of Yemenis. The blockade's fuel embargo from the KSA-coalition has had devastating impacts on the country's economy and civilians. As the KSA-coalition entered its 8th year of war against Yemen at the time of this research in March 2022, the country's inflation rate compared to 2021 rose a staggering 40.75%, producing unimaginably devastating consequences, such as a hike in the price of a gallon of gasoline in the country to the equivalent of $9.50 a gallon. Such an impact is particularly

[387] Medhurst & Althibah (March, 28, 2022).
[388] Medhurst & Althibah (March, 28, 2022).

staggering when recalling that Yemen was already one of the world's most impoverished countries even prior to the 2015 war and its deterioration into the world's worst humanitarian crisis. Another impact from the fuel blockade has been on the country's health infrastructure. Beyond making Yemenis unable to purchase fuel for transportation, hospitals have been unable to operate and have been forced to shut down as a result. According to a statement from the Federation of Yemeni Private Hospitals, the KSA 'blocking fuel from entering Yemen has caused the death of many patients in intensive care units, emergency and operations departments, as well as the hospitals' inability to save and store medicines for chronic diseases'.[389] Additionally, with no fuel, power generators have become obsolete, and so Yemenis have not been able to afford cooking gas or electricity.[390] Moreover, 'Yemen's agriculture, industry and service sectors' have been ruined.[391] Of course, the economic strangulation of the country caused by the blockade has had a direct consequence on Yemeni hunger in the humanitarian crisis. UN Undersecretary General for Humanitarian Affairs and Emergency Relief Coordinator Martin Griffiths cited that food affordability for the few available foods has somehow been an even greater dire issue than the food shortage itself.[392]

The embargo has also resulted in a steep hike in demurrage charges against Yemenis for impounded fuel ships, which have deliberately been held for roughly a year, on average. It has further prevented fuel from reaching Yemeni civilians and infrastructures. To illustrate this process, Medhurst & Althibah's (2022) research shows how fuel ships have first been inspected by the UN verification body in Yemen, the UN Verification and Inspection Mechanism for Yemen (UNVIM), from Djibouti. Upon clearance from the UNVIM, the fuel ships have then

[389] Medhurst & Althibah (March, 28, 2022).
[390] Medhurst & Althibah (March, 28, 2022).
[391] Medhurst & Althibah (March, 28, 2022).
[392] UN Press Release on Yemen (August 23, 2021).

been sent to Yemen but have immediately thereafter been detained by the KSA navy, who have then rerouted them to the KSA Coalition Holding Area (CHA) near the Saudi city of Jizan where they have been typically kept in custody for nearly a full year on average. This has caused 'fuel prices to rise exponentially' and incurred massive demurrage charges on Yemenis in addition to preventing the fuel from reaching the country's public and private sectors.[393] In 2020, for instance, each ship that was granted entry into Hudaydah after being held by the KSA in the CHA was forced to pay an average of $1.2 million in such fines and a grand total of $85 million in fines. This average rose to $3.2 million per vessel in 2021. Due to the country's rising inflation and increasing inability for Yemenis to afford these fines, fewer fuel ships for public consumption have been released from the CHA to Hudaydah each year. In 2019, 80 total fuel ships were released to Yemen; 63 were released in 2020, 5 in 2021, and only 3 in 2022 until the beginning of April, which is clearly impossible to sustain an already starving and impoverished population of over 24 million.[394] To summarize, in addition to over half the population being starved to death and unable to import food, medicine, and fuel to survive, Yemenis have been forced to also pay for their suffering as a result of these charges even though the ships detained by the KSA already receive full clearance from the UNVIM.

With no means of attaining food, many of the 19 million food insecure Yemenis (according to the World Food Programme) in the Sanaa controlled areas Yemeni have consistently been forced to resort to boiling vine leaves for food to try and survive.[395] In the city of Moulis, one father had two starving 9-month infants and urgently required food and medical attention to treat their starvation and severe malnourishment. After begging for help, he managed

[393] Medhurst & Althibah (March, 28, 2022).
[394] Medhurst & Althibah (March, 28, 2022).
[395] AP News (September 14, 2018), Norwegian Refugee Council (October 10, 2018).

to receive just enough of a loan from a local businessman to be able to pay for only one of his infants to travel with their mother to the nearest hospital.[396] He ultimately made the unfathomably impossible decision of choosing between the two infants, and chose who he determined was the most ill infant. Despite the most emaciated infant reaching the hospital in time with the mother, both infants succumbed to their starvation in the days that followed. In another instance in October 2021, Meshal, a starving 4-year-old boy, was documented to have flesh wounds on his hands 'caused by his constant chewing' of them out of dire hunger. His mother, Mariam Hadadi, told reporters that 'he gnaws on it until it bleeds' and that she often sees 'blood in his teeth and mouth'.[397]

The harrowing stories represent the reality of life under siege for Yemenis. The man-made preventable atrocities have led to the KSA government being accused of intentional starvation as a tactic of war.[398] Leijon's (2020) research, for instance, explores starvation, famine, and hunger's conceptualization as a crime in the existing literature with the Yemeni crisis as its case study. He concludes that given that (1) 'mass hunger does not just happen – it is inflicted' as an 'actor-driven' (as opposed to natural) phenomenon, (2) involved actors in the Yemeni crisis can be identified, and (3) intentionality can be established, the KSA-coalition has undoubtedly 'effectively turned starvation into a weapon of war'.[399] Likewise, Al-Adeimy (2018) argues that the KSA-coalition's attacks on Yemen's main port of Hudaydah in 2018 – accurately described as Yemen's 'lifeline' – shows it has been 'willing to use starvation as a weapon' in the war.[400]

[396] Washington Post (October 30, 2021).
[397] ACT News (October 04, 2021).
[398] New Yorker (July 11, 2018).
[399] Leijon (September 17, 2020).
[400] Al-Adeimy (June 13, 2018).

Major disease outbreaks have also ravaged Yemen throughout the crisis. Notably, a major cholera epidemic – the worst of its kind in modern history – has engulfed the country since 2015 with over 1.2 million cases of Yemenis contracting the disease as a result of contaminated water due to bombed infrastructures.[401] Children have been the group most affected during this horrific outbreak, with more than 50% of the 4,000 average daily cases in 2018 having been aged under 18 and 25% of those cases having been children under the age of 5. If this situation was somehow not dire enough, 5 years of war in Yemen by 2020 left it highly vulnerable to COVID19 outbreaks because of the destroyed infrastructure from the bombings (according to Alsabri et al's (2021) study on COVID19 in Yemen, only half of Yemen's hospitals have been under full working conditions) and blockades which prevented crucial medical and fuel imports that is needed to keep hospitals, clinics, and other medical treatment centers afloat.[402] In addition to cholera and COVID19, other diseases such as diphtheria, dengue, and measles have all ravaged the country with mass outbreaks amidst Yemen's little ability to provide treatment to its civilians.

Like the KSA-led coalition's military blockades' intentional starvation of Yemen, the disease epidemics have too been entirely preventable. Amnesty International's Middle East Research Director Lynn Maalouf asserted that the KSA actions have been in clear violation of international law given the 'substantial disproportionate harm to civilians' it has caused to the Yemeni people.[403] One joint research report from Physicians for Human Rights (PHR) and Mwatana for Human Rights documented 120 attacks on health facilities and medical personnel in Yemen over a 45-month period from March 2015 and December 2018.[404] These grievances

[401] Federspiel & Ali (2018), BioMed Central Public Health.
[402] Al-Adeimy (March 24, 2020) & Alsabri et al (2021).
[403] Amnesty International (June 22, 2018).
[404] Mwatama for Human Rights & Physicians for Human Rights, March 2020.

ultimately offer further examples for why the UN (and other actors) have regularly referred to the Yemen crisis as 'humanity's greatest preventable disaster' and as a 'man-made crisis'.[405]

Active vis-à-vis bystander TIA complicity in Yemen

The prior section explored the story of disaster in Yemen since 2015, discussing, in distressing detail, what the situation has been and how it came to be. This section studies the crisis within the active complicity paradigm and evaluates the role of TIAs in the Yemeni humanitarian crisis. It analyzes how the mass atrocity crimes and dire situation discussed in the prior section have been able to take shape without evocation of R2P or MHI from such powers. In evaluating the role of TIAs within the MHI-selectivity framework, it bears first positing the following question: what have TIAs done in the wake of such atrocities? Have TIAs simply 'stood by' and failed to act in Yemen in the wake of the KSA's aerial bombings and siege warfare on Yemen? Or, in lieu of my argument for the need to distinguish between active vis-à-vis bystander complicity to better understand the issue of selectivity as a true problem in MHI, have TIAs themselves actively contributed to the enablement or perpetuation of the Yemeni crisis itself? Thus, this section assesses the salient role of the P5 state actors as the TIAs we ordinarily think of for MHI – particularly the US as the world's 'paradigmatic liberal country'[406] – since March 2015 towards this end. In doing so, I evaluate the type of complicity of each of these actors, and, if applicable, determine the importance of their active complicity.

When analyzing the role of the US in the Yemeni crisis, it is important to contextualize its actions (or nonactions) within the broader history of US relations with the KSA government, which has been the main perpetrator of the mass atrocities committed throughout the Yemeni

[405] UNDP (April 23, 2019) & Independent (April 30, 2019).
[406] Mearsheimer (2018). P.140.

crisis. The US has had a long history of good relations with the KSA and has consistently supplied the KSA government with military aid. Indeed, the close relationship and cooperation on security as well as economic and political affairs between the US and KSA stretches back almost a full century to 1933 when diplomatic relations were formally established and US exploration for oil began in Arabia, which also coincided with the US's efforts to internationalize Yemen as the KSA's neighboring country.[407] Arguably the most notable period in this history which entrenched congenial ties between the two states took place during the early 1970s when US President Richard Nixon pegged the US dollar to the petrodollar. The move signaled that the US dollar would no longer be backed gold, as had been the case since the establishment of the Bretton Woods institutions following WWII, but instead by Saudi oil. Given that the KSA has remained as the largest crude oil exporter in the world since that period, with the US simultaneously as the world's largest oil consumer, the KSA's agreement to only sell oil in a currency of US dollars has provided the dollar a great deal of its value. In exchange for the KSA only trading their oil in US dollars and broader economic cooperation, the US has since provided security and military aid in exchange for oil and US dollars. A related key event which further strengthened the bond between the two countries was following the US-Saudi Arabian Joint Commission on Economic Cooperation in 1979, whereby the two countries formally cemented oil-for-dollar contracts. Since then, the agreement has acted 'as an important political link between the' two countries amidst the KSA-coalition's 2015 war on Yemen.[408]

The longstanding allyship between the two countries, however, has not passed without controversy. Over the decades, the KSA has accumulated a sizable track record of human rights

[407] According to Riedel's (2019) work, the relationship can be traced back to 1943 when President Roosevelt met with two future Saudi monarchs and initiated a stronger alliance. This meeting also gave birth to the petrodollar.
[408] Harbinson (1990), p.282.

abuses. Such violations have ranged from infringes on freedom of expression and association, arbitrary detainments of human rights defenders, frequent executions of dissidents, journalists, regime-critics, and minority non-Wahhabi leaders and populations, forced labor and abuses of migrant workers, cruel and unusual punishment of civilians, and discriminations against women and other groups, to name some of the prominent grievances. That the KSA itself has survived its onslaught of human rights abuses from the retribution of TIAs reflects the salience of its role as the leading global oil exporter. In this vein, An-Na'im (2001), among others, has correctly cited that it has been the aforementioned 'Western dependence on the oil of' the KSA that has been largely responsible for making it 'less vulnerable to pressure by Western governments about' its 'human rights performance'.[409]

The close relationship between the two countries also faced a pivotal point in its history in the aftermath of the 9/11 terrorist attacks, as 15 of the 19 commercial airline hijackers were Saudi citizens. The KSA government was here accused by many of playing a role in funding the terrorist groups involved in the attack and radicalizing those individuals. Rather than buckle, however, the US-KSA relationship not only persevered, but strengthened. In the immediate aftermath of the attack, then-US President Bush instead named the KSA's regional rival, the Islamic Republic of Iran (IRI), as one of three states which were part of the world's supposed 'Axis of Evil', as he framed it.[410] In addition to this, Bush diverted blame away from the KSA government, allowing for 'some 144 individuals, mostly from the Saudi elite, to fly back to Saudi Arabia without being questioned by the FBI' and, as one picture showed, cheerfully

[409] An-Na'im (2001), p.728.
[410] In addition to none of the hijackers being Iranian and the IRI government not playing any role in the attack, both the IRI's Supreme Leader Ali Khamenei and President Khatami were 'one of the first foreign leaders to denounce' the attacks, as they did so within hours. Additionally, the IRI immediately offered goodwill to have 'unconditional cooperation against Al-Qa'ida and the Taliban' with the US as Iran was at war with them too and the two groups were responsible for many terrorist attacks in Iran. Leverett (2013), p.118.

conversed 'with the influential Saudi ambassador to Washington, Prince Bandar bin Sultan, just a few days after the attack.[411] Academics too advocated for a continued strong relationship between the two countries despite this alleged involvement and incontrovertibly deplorable human rights track record in favor of the US-KSA oil-for-dollars partnership. Bahgat (2004), for instance, urged the US not to confront the KSA government over these issues, again citing the US's dependency on foreign oil as his primary reason for urging the US to favor pursuing interests rather than jeopardizing this relationship.[412] Suspicions of the KSA government having some degree of complicity in the 9/11 attacks grew over time, particularly as 28 key pages on this role within the official US 9/11 Commission Report were kept classified from 2003 until 2016 and also as it became confirmed that the hijackers 'had interacted with Saudi state employees' in the leadup to the attack.[413] Declassified records released in April 2022 confirmed that 9/11 hijackers had indeed colluded with KSA intelligence operatives prior to the attack.[414] Regardless of its intended or unintended role in the 9/11 terrorist attacks itself, the KSA government has been known to provide, as Hillary Clinton framed it in a declassified email, 'clandestine financial and logistical support' to terrorist individuals and groups such as Al-Qaeda and ISIS.[415] Despite this and the KSA's human rights abuses, the US has maintained its support to the KSA government in favor of pursuing its interests.

Indeed, the US-KSA allyship remained strong in the lead up to the KSA-coalition's war on Yemen. As the prior section noted, the humanitarian crisis in Yemen has experienced

[411] Cockburn (September 14, 2021).
[412] Bahgat (2004), p.60.
[413] Cockburn (September 14, 2021).
[414] CBS News (April 27, 2022).
[415] CATO Institute (June 30, 2017). As the prior chapter noted, the extremist Salafist (or Wahhabist) interpretation of Islam has doubled as both the state religion of the KSA and the ideological backbone of extremist terrorist groups such as ISIS, Al-Qaeda, and al-Nusra.

countless accusations of mass atrocities, war crimes, and crimes against humanity committed by the KSA-led coalition. Despite this, TIAs – particularly Western powers, and even more particularly, the US – have continued their trend of maintaining strong bilateral ties with the KSA government rather than hold it accountable for its war crimes in bombing and starving Yemen. Front and center to the way in which Western powers have maintained close ties and support to the KSA government particularly in lieu of its war on Yemen has been its consistent sale of arms and bombs to the monarchy. Historically, arms sales between governments have typically been covert. Feinstein's (2011) work 'Shadow World: Inside the Global Arms Trade', for instance, details the nefarious practices of these typically covert arms deals between governments, weapons manufacturers, and Western militaries. Secret meetings between the KSA and Israeli military for 'the transfer of Israeli espionage technologies to the kingdom' worth $250 million can be identified as one example of this,[416] as could the Trump Administration's 2019 secret approval of two nuclear technology transfer agreements to the KSA government.[417] But the case of direct US arms deals with the KSA government has been well-documented, overt, and widely acknowledged. The UN High Commissioner for Human Rights' (UNHCHR) October 2020 annual report on the 'Situation of Human Rights in Yemen' was a pivotal point in finally acknowledging Western complicity in the crisis given the transparency of such deals for years by that point. It called for three of the P5 and TIA states – the US, UK, and France – to halt their continued support of the KSA coalition 'through arms transfers' which it determined was, in its own words, 'helping to perpetuate the conflict'.[418]

[416] JPost (October 28, 2018).
[417] Reuters (March 27, 2019).
[418] UNHC Human Rights (October 6, 2020).

The role that these arms deals – particularly between the US and KSA – has played in creating the devastating conditions of the humanitarian crisis cannot be overstated enough. The KSA-led coalition's bombing campaigns have regularly used US-manufactured bombs in Yemen throughout the entirety of the crisis. For example, HRW identified the munitions used in the October 2016 funeral hall bombing as 'a 500 pound (227 kilogram) laser-guided MK 82 bomb made by Lockheed Martin'.[419] Despite the crime having been committed with US-manufactured weapons, the US later instead increased its sale of arms to the KSA rather than halting them or adjusting its support to the KSA-coalition. Likewise, an exclusive CNN Report (2018) found the bomb used in the August 2018 school bus bombing to have been the exact same US-made model.[420] In January 2022, Doctors Without Borders confirmed that the KSA-led coalition used a similar 'precision-guided munition made in the United States' (specifically by Raytheon) on a detention center which 'killed at least 80 people and injured over 200', according to Amnesty International.[421] In total, between 2015 and 2019, 73% of the KSA's arms imports came from the US, while 13% came from the UK, according to a Stockholm International Peace Research Institute's (2020) study. The KSA was also the world's largest arms importer during this period.[422] France and Canada were also major arms contributors in that period, and a similar percentage distribution of arms exports transferred from Western powers to the UAE. According to a Forbes (2018) report, two-thirds of all Saudi combat capable aircraft came from deals with the US, including 171 F-15 fighter jets.

The provision of arms from the US to the KSA government has persisted throughout the war despite the egregious of the crimes committed by the coalition. The US has often justified its

[419] HRW (October 13, 2016).
[420] CNN (August 17, 2018).
[421] Amnesty International (January 26, 2022).
[422] SIPRI (March 9, 2020).

arms deals from an economic basis, simply stating that they serve 'as job generators for firms like Raytheon, which has made billions in sales to the Saudi coalition', as Trump Administration officials did, for instance.[423] Specifically, in lieu of his announcement to further sell the KSA weapons in the midst of its war on Yemen, Trump himself stated that the sales would 'create hundreds of thousands of jobs, [provide] tremendous economic development, and much additional wealth for the United States'.[424] He also cited economic justifications, stating that he did not 'want to lose all of that investment' of $450 billion or the one 'million jobs' it would generate.[425] Though the blatant privileging of profit over human lives is undoubtedly morally reprehensible, that much has been true. Defense contractors and weapons manufacturers have worked in conjunction with multiple US Administrations to generate lucrative armament deals and have profited significantly from them.[426] The May 2017 immediate sale of $110 billion worth of arms to the KSA government during the Trump Administration that was also worth between $350-$450 billion over ten years which Trump was referring to was, in terms of scale, the most notable one.[427] Arms merchants such as Boeing, Lockheed Martin, Raytheon, General Electric, and General Dynamics each profited from massive arms deals between the US and KSA governments. By 2019, they together profited over $109 billion in weapons and weapons systems sold.[428] Stock shares soared as Boeing's share price jumped from about $150 in March 2015 from when the war started to over $440 by March 2019 (marking a nearly +200% increase in this period; in comparison, other S&P500 securities accrued a +34% increase on average), while Lockheed Martin's soared from roughly $200 in March 2015 to over $450 by March 2022.

[423] NY Times (May 16, 2020).
[424] Trump White House Archives (November 20, 2018).
[425] CNN (October 22, 2018).
[426] Reuters (September 7, 2016).
[427] CNBC (May 21, 2017), The Independent (May 17, 2017).
[428] In These Times (May 20, 2019).

Both companies have publicly declared their deals and partnerships with the KSA government in company reports and programs. For these reasons, Trump consistently vetoed bills that would have ended US arms shipments to the KSA-UAE coalition, as he also claimed they were 'unnecessary' and 'dangerous' to his 'constitutional authorities', which 'endanger(ed)… the lives of American citizens'.[429]

Though the Trump Administration facilitated the largest deal between the US and KSA and provided massive support to the KSA-coalition perpetrators in its war on Yemen throughout its tenure,[430] to understand US-armament support as an exclusively Trump-Administration practice would be inaccurate. Arms deals have been bipartisan, as there have been major agreements between the two countries during both the prior Obama and subsequent Biden democrat Administrations. In the Obama Administration, roughly $115 billion worth of arms over 42 separate deals were sold to the KSA government – 'more than any other US administration in the history of US-Saudi relations, according to a report by the Center for International Policy'.[431] In addition to welcoming lucrative arms deals in the midst of Yemen's crisis, the Obama Administration maintained strong diplomatic relations with the KSA rather than raise serious concern over issues of mass atrocity crimes and humanitarian conditions as he had done so with Libya, Syria, and elsewhere. On September 4, 2015, for instance, he received King Salman at the White House to reaffirm 'the enduring relationship' between the two countries and 'stressed the importance of continuing to bolster their strategic relationship'.[432] By this point, the KSA-coalition's war on Yemen had endured for over 5 months, and this

[429] New York Times (April 16, 2019).
[430] Another one of Trump's final acts was expediting a further $500 million worth of weapons to the coalition bombing Yemen. Washington Post (December 23, 2020).
[431] CNN (March 11, 2021).
[432] Obama White House Archives (September 4, 2015).

functioned as a tacit sanctioning of the heavy bombing of Yemen by KSA-coalition forces. Obama maintained this close relationship and support for the KSA until the end of his term.

Beyond his support for the KSA-coalition's war on Yemen, Obama also rapidly advanced US involvement in bombings of Yemen even prior to the 2015 war under the so-called 'War on Terror'. Though it was under the prior Bush Administration that the US directly began bombing campaigns inside Yemen in its targeted killing program on November 3, 2002, the Obama Administration majorly expanded this policy and ultimately conducted ten times as many strikes in Yemen as Bush did across Yemen, Pakistan, and Somalia.[433] The drastic increase in drone bombings eventually led to Obama being known as a 'drone president' and became one of his Administration's lasting legacies.[434] Indeed, US drone operations in Yemen via the CIA and US Joint Special Operations Command (JSOC) killed over 1,000 Yemenis by 2015 in over 200 airstrikes, and controversially so, as many of the killed were civilians.[435]

When assessing the Biden Administration's role in the crisis, it is important to highlight that there were initial signals which suggested a possible departure from the trend of US foreign policy support for war in Yemen that was experienced during the prior three Administrations. Throughout his presidential campaign, Biden sought to distance himself particularly from the Trump Administration's brazen support to the KSA-coalition despite its awareness of the increasingly dire state of the humanitarian crisis and prevalence of mass atrocity crimes committed by the KSA-coalition that was being enabled by US support. In the 2019 Democratic Presidential debates, when prompted to state if his Administration would change course from the

[433] Brookings (January 19, 2022).
[434] Stanford-NYU (2012), p.11. The US Targeted Killing Drone War in Yemen also set the precedent for future devastating drone strike programs in Pakistan, Afghanistan, and Somalia. As the study notes as well, according to a Pew Global Attitudes poll, a majority of those surveyed in the US supported this drone war.
[435] An estimated one-third of all those killed in Yemen were civilians, though this is a conservative estimate as it is difficult to confirm the identities and allegiances of those killed. Military Times (November 14, 2018).

Trump Administration and instead punish the KSA government in the wake of its brutal dismemberment of the journalist and Washington Post columnist, Jamal Khashoggi, Biden made his intention to end US armament support and, to an extent, diplomatic support to the KSA perfectly clear, stating:

> 'Khashoggi was, in fact, murdered and dismembered, and I believe on the order of the crown prince. And I would make it very clear we were not going to, in fact, sell more weapons to them. We were going to, in fact, make them pay the price and make them, in fact, the pariah that they are. There's very little social redeeming value of the – in the present government in Saudi Arabia. And I would also, as pointed out, I would end – end subsidies that we have. End the sale of material to the Saudis where they're going in and murdering children, and they're murdering innocent people. And so, they have to be held accountable.'[436]

Upon his Presidential election, Biden again reiterated his intended policy to end US support to the KSA-coalition's war on Yemen, albeit less vehemently than he had done in November 2019, though still maintaining his stance that the war 'has to end'.[437] A part of this less vehement stance was Biden's discursive framing on the subject, as he made a commitment to end 'all American support for *offensive* operations in the war in Yemen including *relevant* arms sales'.[438] This comment replaced the broader public optimism that Biden would change the US's key role in Yemen with much trepidation. On the very same day of these remarks, Al-Adeimy made her reservations of this cursory announcement to end the war on Yemen clear with a piece on the subject. According to Al-Adeimy, it was much too soon to celebrate Biden's announcement given his particular use of conditional qualifiers such as 'offensive' and 'relevant'.[439] Moreover,

[436] NBC News (November 20, 2019).
[437] Reuters (February 4, 2021).
[438] Reuters (February 4, 2021).
[439] Al-Adeimy & Lazare (February 4, 2021).

there was a lack of exposition on the meaning of these qualifiers, and 'to date, the Biden Administration has not publicly clarified what it means by its decision to no longer support Saudi-led coalition offensive operations in Yemen, or what its defensive support to Saudi Arabia entails'.[440]

As Klotz & Lynch (2007) highlight, discourses are important as they 'shape people's mindsets, worldviews, and goals in more-or-less unconscious ways', and act as a mechanism to an actor mutual constituting its identity and practices.[441] Early on, Wittgenstein identified language as imperative towards understanding how 'meanings make certain types of action possible'.[442] Perhaps more relevantly to the lingering colonial impacts on the war in Yemen, Gramsci argued that language is a critical tool that the dominant economic class use to establish their hegemony. Onuf (1998) observed that it is 'by speaking' with which 'we make the world what it is'.[443] When deconstructing Biden's discursive framing here and keeping these expositions on the crucial role of language in mind, it becomes clear that the qualifiers used by the Biden Administration – particularly in retrospect in the wake of the Administration's continued support to the KSA-coalition – sought to establish a metanarrative that the KSA-coalition's war on Yemen was largely defensive and that bilateral arms deals between the countries were irrelevant to the humanitarian crisis. Doing so would also minimalize the outcry over the US's role in supporting the KSA in its crimes against Yemen. Of course, by default, the KSA-led war on Yemen has been an offensive war. It has been a case of one of world's wealthiest countries in the world (per capita) in the KSA bombing its southern neighbor and the poorest country in West Asia without any attack from the country. Thus, actions during the

[440] Sharp (2021), p.17.
[441] Klotz & Lynch (2007), p.44-57.
[442] Klotz & Lynch (2007), p.100.
[443] Onuf (1998), p.29.

current Biden Administration such as its sale of an additional $650 million worth of missiles and missile launchers to the KSA government in December 2021 are to be understood by their conceptual oppositions as 'defensive' and 'irrelevant'.[444]

Arms deals have persisted across Administrations as well. In November 2020, for instance, the Trump Administration approved a $23.37 billion arms package to the UAE which included 50 F-35 aircraft, 18 armed MQ-9B drones, and other air-to-air and air-to-ground military equipment and finalized it on January 20, 2021, only 'about an hour before Biden was sworn in as president'.[445] Though the deal went under a brief review once the Biden Administration took office, it nonetheless passed and proceeded as planned within a few months in April 2021.

According to a Brookings Institute (2021) report, prior to the KSA government's war on Yemen in 2015, the US had sold roughly $3 billion in arms to the KSA government between 2010 and 2015.[446] If the US had chosen to sever ties to the KSA amidst its bombing of Yemen and put a halt to its arms support of the country, there would still be a strong argument to be made for the US possessing precrisis active complicity for its role in arming the country for years in the wake of the KSA-coalition's war despite possessing full awareness of the KSA government's deplorable human rights abuses. But arms deals such as the $3 billion armament support over five years and overall ties between the two states not only failed to subside in the wake of the KSA-led coalition's war on Yemen, it also dramatically increased and strengthened. In the subsequent five years that followed between 2015 and 2020, the US sold roughly $64 billion in arms to the KSA government, marking a 2,033.33% increase in arms sold upon the

[444] Al Jazeera (December 8, 2021).
[445] Reuters (April 13, 2021).
[446] Brookings Institute (February 4, 2021).

onset of the KSA-coalition's war on Yemen.[447] Moreover, the figures exponentially rose (as did sales to other belligerents in the war such as the UAE) despite the US possessing full knowledge that the weapons sold were being used in the criminal killings of Yemeni civilians.

The US's consistent backing of the KSA coalition in its war on Yemen through various means has been widely accepted and routinely acknowledged, even by several key US officials. Trump, as the US's former commander-in-chief, proudly boasted about his good relations and arms deals with the KSA on many occasions. Other members of Congress have too admitted US support to the KSA in its war on Yemen. For instance, in a 2018 hearing in the US Senate, Senator Elizabeth Warren inquired from then Lieutenant General Kenneth McKenzie Jr. for confirmation of the US military's involvement in the KSA-coalition's war on Yemen:

> Sen. Warren: *'Are you saying that we provide intelligence support and military advice?'*
>
> Gen. McKenzie: *'That is correct.'*
>
> Sen. Warren: *'And, until November 11th of this year [2018], we've refueled Saudi-led coalition strike air force that bombed these targets in Yemen. Is that right?'*
>
> Gen. McKenzie: *'Senator, that is correct.'*
>
> Sen. Warren: *'And Saudi aircraft routinely drop both guided and unguided bombs, some of which are sold by U.S. defense contractors. Is that correct?'*
>
> Gen. McKenzie: *'Senator, that's correct.'*[448]

Notably, upon further analysis of this senate hearing, General McKenzie in this instance was not so much admitting as he was advocating US officials to further commit to the US-backed KSA-coalition war on Yemen. Moreover, the US has sold cluster bombs to the KSA in its arms agreements despite the Convention on Cluster Munitions at the Oslo Convention having banned their use, production, trade, and stockpiling. According to the director general of the Yemen Executive Mine Action Center (YEMAC), more than 3 million US-made cluster bombs were

[447] Brookings Institute (February 4, 2021).
[448] Committee on Armed Services (December 4, 2018), Stenographic Transcript, p.57.

dropped on Yemen in the roughly 25,000 air raids by the KSA-led coalition throughout the crisis. By themselves, the cluster bombs have caused a civilian death toll of at least 3,921 and 2,884 wounded.[449] In another senate hearing, Senator Chris Murphy confirmed the role of the US in supplying the KSA government with cluster bombs in an effort to change US policy on the war in Yemen:

> 'And there have been multiple reports of cluster bombs – US-made cluster bombs – being used in or near civilian populations. Now, the United States has enabled this campaign. It would not happen without US participation. There would not be a Saudi-led bombing campaign without the United States. Why? Well, first of all, it's billions of dollars in US weapons and US munitions that are being dropped – including those cluster bombs – inside Yemen. And it is our intelligence that's providing the basis – the foundation – for all the targeting that is being done.'

In a later hearing in 2017, Senator Murphy highlighted US complicity in the Yemeni crisis:

> 'The Saudi-led coalition that has been engaged in an incessant two-year-long bombing campaign in Yemen is blockading Yemen – not allowing any humanitarian relief, not allowing fuel or food or water to get into the country. It would be one thing if the United States was a mere observer, but we are a participant in this. This horror is caused in part by our decision to facilitate a bombing campaign that is murdering children, and to endorse a Saudi strategy inside Yemen that is deliberately using disease and starvation and the withdrawal of humanitarian support as a tactic.'[450]

Thus, there has been heavy involvement and backing from US Administrations throughout the war on Yemen, though some congresspersons have been critical of US involvement given that the situation in Yemen since 2015 has clearly been catastrophic as a direct consequence of US-backing. In this vein, Bruce Riedel, a senior fellow at the Brookings Institution and director of its

[449] The Cradle (April 5, 2022).
[450] Senator Murphy Press Release (November 14, 2017).

Intelligence Project, aptly confirmed the US's role as a partner to the crimes being committed in the KSA-coalition's war on Yemen. Perhaps most poignantly as far as this research's analysis to gauge the type and level of TIA complicity in Yemen is concerned, he crucially added that 'if the US and the UK tonight told King Salman [King of the KSA since January 2015] that this war has to end, it would end tomorrow'.[451] It is imperative to reiterate this point to properly appreciate the US's role of consequential active complicity in Yemen – not by way of their decision for 'intervention' in MHI terms vis-à-vis their 'nonintervention' – but by facilitating the consequences experienced in Yemen as a result of their perpetrator support active complicity. Without Western support, the KSA government would have been unable to commit its human rights abuses in Yemen, as doing so would highly risk war against the KSA from both Yemeni nonstate actors and other regional actors.

As the UNHCHR October 2020 report noted, the US has not been the only major Western power supplier of arms to the KSA-led coalition. Other TIAs such as the UK and France have too played key roles since 2015. Wearing (2019) found evidence that the UK has been actively complicit in fueling the war in Yemen as well, stating that the UK has been 'behind the slaughter in Yemen' as British planes and bombs have spearheaded the mass killings.[452] Sultana (2021) furthered Weaver's argument by arguing that 'bombs supplied by Britain' have been 'dropped from planes built by Britain, flown by pilots trained by Britain and kept in the sky with British maintenance', adding that the war would not have happened or persevered as it has 'without British support'.[453] According to a July 2021 Campaign Against Arms Trade (CAAT) research report, the UK has supplied over £20 billion (over $26 billion) in arms to the KSA

[451] Brookings Institute (April 22, 2016).
[452] The Guardian (September 6, 2019).
[453] Tribune (March 26, 2021).

government since its war on Yemen began in 2015.[454] After the UK Court of Appeal 'found that the UK government's decision to continue licensing exports of military equipment' to the KSA was 'unlawful',[455] the UK government nonetheless decided to proceed with its arms sales to the KSA government, dismissing concerns over mass human rights abuses and the role of the UK in enabling and perpetuating them by arguing that only 'isolated instances' of the KSA-led coalition's violence breached humanitarian law in a written statement.[456]

Meanwhile, according to a SIPRI (2022) study on trends in international arms transfers from 2021, France was the 3rd largest global arms exporter between 2017 and 2021 and experienced a 59% increase in arms exports in this time relative to its sales between 2012 and 2016. During this time, Saudi Arabia ranked 2nd in global arms imports, with its top-3 suppliers being the US (82%), France (5.1%), and the UK (5%).[457] French officials attempted to justify their arms sales to the KSA by arguing that, as Jean-Yves Le Drian (France's Foreign Minister under the Macron Administration) did for instance, they were or sales which were the result of contracts signed from years earlier.[458] However, a HRW research investigation into this claim 'revealed that the most recent contract was signed in December 2018 – well after the coalition's misuse of weapons was evident'.[459]

Comparatively, the remaining two P5 states, Russia and China, each decreased their arms exports in this time by over 25%.[460] Nonetheless, they too have been complicit in providing the KSA with arms and other forms of support, though far less so than the US, UK, and France. In

[454] CAAT (July 15, 2021).
[455] Amnesty International (June 20, 2019).
[456] UK Parliament Statement (July 7, 2020).
[457] SIPRI (March 2022).
[458] Le Parisien (May 11, 2019).
[459] Human Rights Watch (May 17, 2019).
[460] SIPRI (March 2022).

May 2017, Russia sold $3-$3.5 billion in arms sales to the KSA and agreed to strengthen ties with the KSA in late 2021 amidst its strained relationship with Western powers.[461] Meanwhile, China has maintained ties with the KSA-coalition state actors, as evidenced by its recognition of the Hadi government as Yemen's legitimate governing body in 2014 and President Xi Jinping's visit to the KSA in 2016. Both China and Russia have consistently voted in line with the US, UK, and France in the UNSC in placing the blame of the devastating war and humanitarian crisis in Yemen squarely on Ansarullah rather than the KSA-coalition. However, both Russia and China's role relative to Western powers has been negligible relative to Western powers, as the latter have offered far greater amounts of arms support and other forms of support to the KSA-coalition. The sheer magnitude of this support relative to the other two P5 powers has enabled it to occur.

In addition to supplying the KSA government with Western-manufactured bombs, the US, UK, and France have at varying points throughout the war supplied the KSA-coalition with intelligence sharing, refueled warplanes mid-air, provided spare parts to warplanes, assisted with targeting, and trained soldiers and pilots. With the US, another one of the final moves made by Trump on the last day of his presidency on January 19, 2021, was designating Ansarullah as a Foreign Terrorist Organization (FTO), which would have been cataclysmically disastrous in its ramifications on the bare minimum amount of humanitarian aid that is provided to the millions of suffering Yemenis. The designation, however, was revoked a few weeks later on February 16 by the incoming Biden Administration at the bequest of UN humanitarian agencies.[462] On the subject of humanitarian aid in the wake of discussions on arms deals, a November 2020 Oxfam

[461] Breaking Defense (September 1, 2021).
[462] When pressed if he would consider redesignating Ansarullah as a terrorist organization in January 2022, however, Biden responded by saying that the move was 'under consideration'. Washington Post (January 19, 2022).

report conservatively valued arms sales to the KSA-coalition by G20 countries as more than 5 times the amount of aid those countries gave to Yemen.[463]

The UN too has faced criticism in enabling and perpetuating the KSA-coalition's war on Yemen. As mentioned earlier, the UNSC Resolution 2216 was drafted by the KSA and passed by TIAs to legitimate the coalition's war on Yemen. In 2020, the UN removed the KSA-led coalition states from its annually published UN Child-Killer blacklist. It briefly did the same a few years earlier in June 2016 after being added in 2015 following the KSA-coalition's war on Yemen. In the three days that the UN removed the KSA from this list in 2016, former UN Secretary-General Ban Ki-moon stated that he was amending the list to better 'reflect the highest standards of accuracy possible'.[464] However, three days later, he admitted that his real motivation for removing the KSA from the list was due to extortion, as he faced 'a financial threat to defund' UN programs, 'presumably by the Saudi government'.[465]

Other actors have in varying capacities been complicit in enabling and perpetuating the war on Yemen via arms sales and diplomatic support. According to the UNHCHR's 2020 report, Canada received $14 billion in 2019 in exchange for shipping Light Armored Vehicles (LAVs) to the KSA, which Saudi soldiers have used in the war in mass atrocity crimes and human rights abuses.[466] Interestingly, three states that have had a recent history of perpetrating war crimes and crimes against humanity, Germany (WWII), South Africa (end of WWII until 1990), and Rwanda (1994), have each allied and strengthened ties with the KSA government in the wake of its series of mass atrocity crimes in Yemen. Germany and South Africa each provided further

[463] Oxfam (November 17, 2020).
[464] The Intercept (June 6, 2016).
[465] The Intercept (June 6, 2016).
[466] CBC (April 9, 2020).

arms sales to the KSA. In 2019 alone, 'German arms manufacturers exported over £1 billion ($1.1 billion) worth of weapons' to different state actors within the KSA-coalition alliance, despite full awareness of the dire situation of the Yemeni crisis by this point.[467] Domestic resistance to the approval of further arms sales from Germany and a subsequent ban on arms deals between the two states was short-lived. But even then, the temporary ban only came in lieu of the KSA's abhorrent killing of Khashoggi as opposed to its killing of Yemenis. In South Africa's case, the former 'apartheid state's complicity in human rights violations' led it to build a constitutional order based on human rights, but this commitment was abandoned as it instead chose 'profit over Yemeni lives' and became 'complicit in war crimes in Yemen' upon selling over $550 million in arms to the KSA and UAE governments.[468] And while Rwanda did not have much in the way of weapons manufacturing and therefore arms sales, its Kagame-led government signed a major agreement with the KSA government to strengthen bilateral ties and cooperation in 2021.[469]

Beyond transparently citing economic reasons as one reason to attempt to justify support to the KSA coalition, TIAs and other actors have regularly cited the IRI's support to Ansarullah as another reason for their support to the KSA-coalition in its war on Yemen. Indeed, the KSA-coalition itself has consistently attempted to justify its offensive war on Yemen by caveating it as a response to battle the IRI's ambition 'to transplant elements of the Iranian Revolutionary Guards and its affiliate – Hezbollah -- … into Yemen'.[470] Moreover, as Blumi (2018) notes, Ansarullah have been 'manipulatively characterized in most media as "Shi'a tribesmen with

[467] DW (February 4, 2020).
[468] Al Jazeera (April 16, 2021).
[469] Arab News (June 9, 2021).
[470] Embassy of the KSA – Statements (December 22, 2017).

links to Iran"'.[471] Almost without exception, Western media outlets and state officials have described Ansarullah as 'Iran-backed Houthi rebels'. Abdi & Basarati's (2016) critical analysis on the representation of the Yemeni crisis finds that the KSA-coalition and Western newspapers have introduced Ansarullah 'as terrorists and rebels, in justifying their military presence in Yemen'.[472] The framing has been routinely juxtaposed against the violence perpetrated by the KSA-coalition, which has insinuated a more-or-less equal footing and responsibility in the mass atrocities committed between the KSA-backed coalition and 'Iran-backed' Ansarullah – not dissimilar from the Hamas vis-à-vis Israeli characterization discussed in the previous chapter. Humanitarian agencies and the academic scholarship have, too, have largely espoused the Iran-Houthi framing of the crisis.[473]

The framing of the Ansarullah group as 'Iran-backed Houthi rebels' has served several purposes in the KSA-coalition's war on Yemen. Firstly, and most pertinently to this research's argument for a need to reconceptualize our understanding of MHI-selectivity as a true problem, the rhetoric has been espoused by TIAs as a rationalization to attempt to absolve its own active complicity in enabling and perpetuating the war. The 'Iran-backed' prefix has been deliberately used to deflect the attention of domestic and foreign audiences away from its own role in enabling and perpetuating the war. Instead, it is used to redirect attention towards an actor that has played, as Al-Enezy & Al-Duajj's (2020) study on the IRI's role in Yemen concluded, a comparatively 'nominal' role in it.[474] To a large extent, this purpose has been successful. TIA

[471] Blumi (2018), p.3.
[472] Abdi & Basarati (2016), p.50.
[473] Al-Enezy & Al-Duaij (2020) p.236, for instance, frame the crisis as a proxy war with the KSA-led Arab coalition supporting the Hadi Yemeni government and 'Iran supporting the Houthi group'. Medicins-Sans-Frontieres' (2015) study on humanitarian aid in the Yemeni crisis similarly frames the Houthis as 'a Shia sect… actively supported by Shia Iran'. MSF (2015), p.8.
[474] Al-Enezy & Al-Duaij (2020) p.236.

media attention on the war on Yemen and its place as the world's worst humanitarian crisis that has been man-made has been notably scarce relative to other news. For instance, one study by the US media watch group Fairness & Accuracy in Reporting (FAIR) found that despite the being the world's largest humanitarian crisis, the US news network MSNBC 'ran nearly 5,000 percept ore segments that mentioned Russia than segments that mentioned Yemen' in the second half of 2017.[475] Additionally, the IRI's support to Ansarullah has been rhetorical and its support to the group has not been influenced by sectarian allegiances but as an extension of its support to Global South actors. Indeed, as Al-Adeimy too noted in our interview, 'Zaydi Islam is a faction of Shia Islam, but it is closer to Sunni Islam in jurisprudence (*'Fiq'h'*) than it is to the Twelver Shia Islam ('*Ithne'Ashari*') that the Iranians practice'. It is particularly close to the Shafi' Sunni tradition 'with few theological or practical differences' from it.[476]

The understanding that Ansarullah is a proxy of the IRI is misconstrued and marginalizes the centuries-old agency of Yemeni struggle and resistance against colonizers, hegemonic powers, and foreign aggressors. As Prashad (2016) highlights:

> 'Saudi claims that the Houthis are an Iranian proxy seek to make this conflict part of the wider geopolitical tussle. In no time at all, the complex political problems of Yemen that have plagued the country since unification in 1990 have been reduced to the inexplicable language of sectarianism.'[477]

Indeed, Ansarullah even acted against the IRI's advice at the very start of the war. As Al-Adeimy shared in our interview, for instance, when Ansarullah 'took over Sanaa in September 2014, the Iranians actually warned them not to do that'. According to US 'officials familiar with

[475] FAIR (January 18, 2018).
[476] Lackner (2017), p.181.
[477] Prashad (2016), p.194.

intelligence' on the takeover, 'Iranian representatives discouraged Houthi rebels from taking the Yemeni capital of Sanaa'.[478] As for 'the accusation of Iranian weapons in Yemen', Al-Adeimy continued by explaining that the KSA has continued to examine all air and sea shipments coming in and out of Yemen through its blockade and that it would be impossible for the IRI to send Ansarullah weapons given that there is not a single port which Ansarullah controls and would be able to attain such weapons. As Lackner (2017) too notes, initially, the US and other Western powers were extremely skeptical of claims made by Saleh that the IRI was assisting the Ansarullah, as has been made 'clear from Wikileaks cables and other statements'.[479]

Secondly, the framing has also been heavily cited to justify TIA decisions to prioritize profits and geopolitical interests over principles and commitments to ethical doctrines such as the R2P. Of course, TIAs here have prioritized arms deals, but their support to the KSA-coalition despite its mass atrocity crimes reveals a broader effort to maintain relations with key economic and geostrategic partners like the KSA who have committed mass atrocity crimes in the war, and the 'Iran-backed Houthi rebel' framing serves advances that purpose. Additionally, it simultaneously functions as a metanarrative to further stigmatize the IRI as a norm-violating state and pariah, one that is 'squarely positioned outside the company of "civilized states"'.[480] Western powers, of course, have had a long history of painting a mythology of the IRI as:

> '… an immature, ideologically driven polity incapable of thinking about its foreign policy in terms of material national interests', 'an illegitimate and deeply unstable political order at serious risk of implosion', and that 'through converted diplomatic

[478] Huffington Post (April 20, 2015).
[479] Lackner (2017), p.97.
[480] Adler-Nissen (2014), p.144.

> action, economic pressure, and military measures, the United States can isolate the Islamic Republic, both regionally and internationally, and facilitate its demise'.[481]

It is also noteworthy to highlight the timing of this framing during the war on Yemen since 2015 as it came in the wake of increased tensions and sanctions on the IRI from Western powers and amidst a deterioration of the Joint Comprehension Plan of Action (JCPOA), or Iran nuclear deal, which Trump illegally backed the US out of in May 2018.

Thirdly, the 'Iran-backed Houthi rebel' framing has furthered the 'otherization' metanarrative and 'civilized-barbarian' dichotomy discussed in the second chapter of the Ansarullah group. The 'Iran-backed' prefix attached to the term 'Houthi rebels' evokes the civilized-barbarian dichotomy of earlier centuries whereby domestic and foreign perceptions of the Yemeni resistance group Ansarullah is tainted as an extension of a barbarian 'other' in Shia Iran that is expansionist in its sectarianism and uses the group as a proxy towards this end. Additionally, the 'Houthi' term itself which has been routinely espoused by Western officials and its broader media apparatus in place of Ansarullah has functioned as a slight towards depicting the group as barbarous Shia tribesmen, not dissimilar to the function of the term 'Alawite' in Syria as they have been both espoused in having affinity with the IRI pariah state.

Here, the framework of Said's famous work 'Orientalism' (1978) can be aptly used to contextualize the function of a term such as 'Houthi'. It can be understood as a discursive framing of postcolonial rule that is used to privilege Western superiority and civility over the 'barbaric Orient' of the Eastern, and more particularly, Islamic world.[482] Moreover, it can be understood as a postcolonial means for hegemonic powers to promote sectarian divide within

[481] Leverett (2013), p.15-16.
[482] Said (1978), p.152.

Yemen and the Islamic world itself, instigated by the barbarous Shia of the IRI, and paint the Yemeni war as an age-old sectarian war between competing racial or religious parties as opposed to a broader resistance against colonial aggressors. Abdul-Malik al-Houthi, the leader of the Ansarullah group, himself disassociated the group with the term 'Houthi', stating that 'the name "Al-Houthi" is not a name we call ourselves. Rather, enemies and some friends call it for us, and we do not want it because it is relative to the city of "Houth"'.[483]

Conclusion

As discussed in prior chapters, the problem of selectivity as the existing literature understands it is unable to account for how the Yemen conflict has not had a MHI or even serious MHI consideration. If we are to take the existing literature's understanding of selective-MHI, the issue of the case of Yemen would be that the crisis has perpetuated without external intervention from TIAs, namely Western powers, to put an end to it. As Welsh (2004), for instance, describes the selectivity problem, it is an issue of incentivizing a powerful state – typically a P5 state, and more typically a Western one – to promptly take 'effective action to prevent mass suffering'.[484] With this understanding, the Yemeni case would be designated as a case of nonintervention, and thus the criticisms against the UN or P5 states would be for their failure to intervene due to their selectivity. Subsequently, this 'problem' of selective 'nonintervention' in Yemen can then be counterargued for as prudent given this understanding, since Western powers may simply lack the interests that the existing literature has argued is necessary for a powerful state to intervene with efficacy to help bring a crisis to a halt (Tharoor & Daws (2001); Pattisson (2010)).

[483] ISW News (April 23, 2021).
[484] Welsh (2004), p.178.

Consequently, counterarguments to the designation of selectivity as a problem, as argued in works such as Roberts & Zaum's (2008) 'Selective Security', typically essentially run along the lines of one major theme: the 'selectivity problem' is not really a true 'problem' since the UNSC cannot possibly intervene in all cases of mass atrocities. It is simply not practical due to a variety of factors such as the veto power of the P5, their varying interests and circumstances, etc. TIAs can only do so much in mass atrocities that is inextricably linked to their domestic circumstance. Though TIAs would like for the KSA-coalition's war on Yemen to subside, they simply do not possess sufficient levels of imperatives to get involved in putting a stop to the crisis, and thus their complicity can only be argued as that of a bystander. In this understanding, TIAs are assumed as responsible actors who themselves are committed to preserving the standard for human rights worldwide that they preach. Thus, if the scholarship's existing understanding of selectivity is applied to the case of Yemen, it would interpret selectivity as a 'problem' of TIAs intervening in places such as Libya and Yugoslavia but not intervening, or even 'failing' to intervene according to critics, in Yemen. Counterarguments can then correctly claim based on this flawed understanding of selectivity that 'what an intervener does or does not do in one state should not change the judgment of the legitimacy of its intervention in another'.[485] And so while TIAs would like to 'intervene' in Yemen to alleviate the suffering and put an end to the mass atrocity crimes, it regretfully decides not to do so since it does not possess sufficient levels of interest or the domestic resolve to be able to commit towards doing so. This understanding, however, is deeply flawed given its assumption of the role of TIAs as neutral and disentangled from the crisis with which it seeks to stabilize and alleviate suffering.

[485] Pattison (2010), p.172.

On the contrary, this chapter's research finds that TIAs – specifically, the US, UK, and France – have themselves been highly actively complicit as enablers and perpetuators of the KSA-coalition's war on Yemen. They bear serious responsibility in destabilizing the country and producing the violence onto the country's civilians and infrastructure with postcolonial, precrisis, and consequential active complicity as they have enabled the crisis' conditions before it and perpetuated the conditions during it. Their support of the KSA-coalition's brutal blockade and military operations on Yemen by completing arms deals with the KSA-coalition perpetrators, as well as providing them with other means of material and immaterial support, has been a key case of perpetrator support active complicity.

The characterization of Yemenis and resistance groups such as the 'Houthi rebels' has functioned as an otherization of Yemenis into desensitizing their suffering and averting attention away from the role of TIAs in enabling as part of a broader crisis identity active complicity. Additionally, TIAs have further deflected their own active complicity in the crisis by emphasizing its understanding as a proxy war between two regional sectarian powers. Upon analysis, however, it is clear that Yemeni struggles against the KSA-coalition has been a continuation of its longstanding history of resisting colonial powers. The proxy-war narrative structured by TIAs has marginalized the agency of Yemenis. It has also furthered an orientalist conception of the crisis that is akin to the centuries-old civilized-barbarian dichotomy that has plagued notions of MHI, as highlighted in early notions of Just War formulations.

TIAs have also failed to make serious efforts towards ending their complicity, much less ending the war and crisis itself. Without support from TIAs, the war would not have been able to perpetuate or, indeed, even come about if there was a legitimate threat to the KSA-coalition that its war on Yemen would be met with an R2P-led MHI from TIAs.

As Hehir (2018) notes, one of the lessons evidenced by the post-Cold War record of intervention is that the 'national interests of the council's five permanent members (P5) continue to influence their responses, however grave the humanitarian crises'.[486] In no place has this phenomenon been truer than in the Yemeni humanitarian crisis since 2015, but particularly with Western P5 states. In short, this chapter's research affirms Menon's brief observation in his finding of a primacy of so-called pragmatism for TIAs when considering 'friendly states' who commit atrocities: that 'great powers are wont to look away, offer political cover, or even provide material assistance' to such perpetrators, the latter of which certainly has applied in the KSA-coalition's war on Yemen since 2015.[487] It reveals a blatant double standard in Western states' commitments to preserve international norms of human rights and sovereignty, as not only have they failed to put a stop to these violations in the case of Yemen, they have been instrumental actors in enabling and perpetuating the war.

[486] Hehir (2018), p.21.
[487] Menon (2016), p.99.

CHAPTER 6 – CONCLUSION: RECONCEPTUALIZING R2P as R4J: A RESPONSIBILITY FOR JUSTICE

The prior chapters offered a reinterpretation of the existing MHI-selectivity paradigm. The major point of contention throughout these chapters has been to destabilize and problematize the existing TIA bystander complicity conceptualization in the MHI-selectivity framework and to argue that its replacement with an active complicity paradigm is in order if we are to better understand the selectivity issue as a true 'problem' of MHI. According to this existing view, it is selective bystander 'inaction' on the part of TIAs to crises when they do not advance the interests of the TIA that is connoted as the 'problem' of MHI-selectivity. Pro-interventionists largely chastise a 'lack' or intervention as TIAs supposedly 'stand-by' to crises, while others argue that it makes sense in certain circumstances to refrain from MHI despite ongoing or impending atrocities. Instead of arguing in favor of a position along this binary axis of interpreting intervention, however, I have argued in favor of a reflexive approach towards reconceptualizing MHI-selectivity. As I have highlighted, it is not the 'inaction', but the very actions of TIAs themselves, in mass-atrocity entailing humanitarian crises that has – and continues to – characterize the more salient MHI-selectivity problem. The problem of MHI-selectivity, as I have argued, must be reimagined as a problem of TIA active complicity in enabling or perpetuating humanitarian crises themselves rather than as a problem of bystander complicity. This reconceptualization moves beyond the existing literature's arbitrary dichotomous case framing of crises as 'intervened' or 'nonintervened' by TIAs, as it showcases the prevalence of TIA active complicity and the prominence of their roles in crises irrespective of their understanding as 'intervened or 'nonintervened'.

Chapter two analyzed this contention by first showcasing the commonplace 'bystander complicity' metanarrative that has permeated discussions of MHI-selectivity in the existing scholarship. Both advocates and critics of MHI-selectivity alike have largely understood it as a problem of bystander complicity. To recap, Hazbun (2018), for instance, a critic of Western power interventionism, correctly states that 'the United States has refused to meaningfully support the resolution of violent conflicts in Palestine, Yemen, Libya, Syria, and elsewhere'.[488] While this much is true, however, it is insufficient towards understanding the depth of the MHI-selectivity problem as it stops short of addressing the larger, more pertinent issue. In line with Hazbun's own example, the US played a pivotal role towards enabling and perpetuating each of those crises by its very actions, as the latter chapters showcased. A conceptualization of the US's role as a simple bystander 'refuser' to propose or support resolutions to these crises minimalizes its very present role as a critical actor itself in those crises. The 'refuser' or 'bystander' framing implicitly attaches a hegemonic undertone in its discourse as it structures the MHI debate upon a paradigm that maintains the benevolence of TIAs, while hinging any potential complicity solely on the basis of Global North powers withholding their benevolence (justifiably so, as it is typically argued, for strategic purposes) through 'inaction'. Thus, the lesson learned from this chapter's decolonial perspective on the problem of MHI-selectivity, TIA complicity in Hazbun's listed crises cannot be understood simply as a bystander onlooker, as the framing of the statement implies, but as an actively complicit actor in each of those crises.

The chapter then continued to demonstrate how TIAs, predominantly Western powers, have historically used the rhetoric of humanitarianism as a justification for ulterior interest-based purposes. The practice, I found, could be traced back to the liberal paradigm's practice of

[488] Hazbun (2018), p.36.

'civilizing missions' to 'barbarous' populations, even if the theoretical roots of the MHI-conceptualization itself can be traced back to Just War principles. In short, hegemonic powers, I found, have long sought to shield imperial and colonial endeavors under a rhetoric of humanitarianism, and this trend continued throughout the imperial epoch of humanitarianism.

Chapter three aimed to concretize the prior chapter's decolonized understanding of the MHI-selectivity issue in a practical sense by reinterpreting seven major experiences of humanitarian crises during the modern post-Cold War Liberal Humanitarian epoch. It set out to translate the theoretical findings from the second chapter to the practical and assessed and accounted for the role of TIA active complicity in each of the seven cases. I found that TIA active complicity was prevalent in all seven cases and identified the different types that were at play, namely postcolonial, regime change, consequential, precrisis, perpetrator support, crisis identity, and crisis escalation active complicity. I also showcased the entanglement of these types of complicity with the enablement and/or perpetuation of the crises themselves. The case-by-case reinterpretation of post-Cold War crises also illustrated how the existing 'bystander complicity' humanitarian narrative paradigm has been incapable of understanding the depth of the MHI-selectivity problem, as TIAs (namely, Global North Western powers) played critical roles in both selected 'nonintervened' cases of humanitarian crises (i.e. Rwanda, Bosnia, East Timor) as well as commonly understood 'intervened' cases (i.e. Iraq, Somalia, Haiti, Kosovo).

Chapter four followed a similar structure to its preceding chapter by offering a decolonized reinterpretation of recent humanitarian crisis experiences in the post-R2P era. Here, I explored five further cases of humanitarian crises during this time in Iraq, Libya, Bahrain, Syria, and Gaza. I argued that the existing scholarship's flawed and limited understanding of MHI-selectivity inappropriately classified two of the crises as 'intervened' (Iraq, Libya) and

three as 'nonintervened' (Bahrain, Syria, Palestine). As the chapter showcased, my proposed active complicity model of interpreting the MHI-selectivity problem revealed the direct active complicity of Global North powers in each of these crises. In the 'nonintervened' cases (Bahrain, Syria, and Gaza), there was significant direct intervention from Global North powers in developing and perpetuating those crises, making it thus problematic to understand them as cases of selective 'inaction' on the part of TIAs. Likewise, the 'intervened' cases (Iraq and Libya) were both driven by strategic considerations rather than humanitarian ones against adversarial states and produced disaster upon intervener military actions.

Chapter five provided a much-needed supplemental support to the findings of the third and fourth chapters by providing a more in-depth case study analysis of the humanitarian crisis in Yemen since 2015 to further explore the salience of the TIA active complicity paradigm. The chapter analyzed the pivotal role that TIAs, particularly the US and other Western powers, have played in enabling the production and perpetuation of the crisis through their continued military, diplomatic, logistical, and weapons support of the KSA perpetrators. Most pertinently, the Yemeni case demonstrated in full the critical distinction between understanding the problem of MHI-selectivity as an issue of TIA active complicity as opposed to its existing bystander complicity counterpart. Under the existing bystander complicity paradigm, the scholarship's understanding of the MHI-selectivity 'problem' would deem that there has been a *lack* of intervention in Yemen, with controversy surrounding how TIAs have 'failed' to act to put an end to the crisis, along with presumptions of sectarianism, longstanding tribal divides, and regional actors in the IRI and KSA using Yemen as a proxy ground to establish religious sectarian dominance at the heart of the crisis. However, the active complicity model destabilizes this presumption of disassociation and benevolence from TIAs. Instead, it reflexively engages with

the agency of those powerful actors who consider MHI in the first place by arguing that TIAs have been predominantly responsible for the very crisis itself. It shows how the Yemeni case has persisted not due to a *lack* of TIA intervention, but *by way* of TIA intervention in enabling and perpetuating the crisis by way of its support and diplomatic immunity to the KSA perpetrators. It also highlights the critical role that TIAs have played towards engendering the crisis itself by considering colonial and hegemonic legacies.

In lieu of the prior chapters, it is worth recounting if some types of TIA active complicity were more common than others. The following table provides a summary of which types of TIA active complicity were found in the reinterpreted total 13 cases analyzed in this research.

	Postcolonial Active Complicity	Precrisis Active Complicity	Regime Change Active Complicity	Crisis Escalation Active Complicity	Perpetrator Support Active Complicity	Consequential Active Complicity	Crisis Identity Active Complicity	Bystander Complicity	No Complicity
Iraq (1991)		X		X		X			
Somalia (1992)	X				X	X			
Rwanda (1994)	X	X							
Haiti (1994)	X	X	X						
Bosnia (1995)				X			X		
Kosovo (1999)		X		X		X			
East Timor (1999)		X			X		X		
Iraq (2003)		X	X			X			
Libya (2011)			X	X		X			
Bahrain (2011)					X				
Syria (2014)			X	X					
Gaza (2014)	X	X			X		X		
Yemen (2015)	X	X			X	X	X		

Notably, the role of TIAs in facilitating the conditions for a crisis to arise prior to the start of a humanitarian crisis seems to be the most common type of active complicity on the part of

intervener actors with TIA precrisis active complicity present in 8 of the 13 analyzed cases. This tells us that the role of TIAs in engendering a humanitarian crisis can be most appropriately linked to the TIA active complicity paradigm. Next was TIA disregard for the consequences of their role in a humanitarian crisis in 6 of the cases. Postcolonial, crisis escalation, and TIA support to the perpetrators of a humanitarian crisis rounded out the top three most common complicity types found.

It is important to note several limitations of solely referring to these findings without their proper qualitative contextualization as the earlier chapters provided. First, uncontextualized labeling of these active complicity types does not account for the confluence of intervener interests playing a key role towards driving intervener decisions to intervene as a problematic active complicity type. The case briefs and fifth chapter on Yemen discussed the importance of this factor, but it does not appear as an active complicity type specifically since this research does not necessarily condemn the confluence of an intervener's selection to militarily intervene in a humanitarian crisis as problematic in a purely theoretical sense. Practically, however, it is quite clear that past experiences have shown this confluence of intervener interests to be problematic as these interests typically play a significant role in producing TIA active complicity, particularly precrisis and consequential active complicity. Second, the typology does not account for TIA hypocritical active complicity as was the case in Bahrain vis-à-vis Libya or East Timor vis-à-vis Kosovo, as once again, theoretically, crisis selection based on TIA interests at stake does not necessarily establish TIA active complicity, though it certainly signals it based on the cases analyzed with contextualization. Third, it is worth mentioning that the degree or level of TIA active complicity is not reflected in these findings. In a case such as Bahrain (2011), for instance, though there was only one type of active complicity present (perpetrator support),

the role that this TIA active complicity played towards producing and perpetuating the crisis was certainly highly significant and arguably more salient than other active complicity types in other crises. Fourth, though the typology divided up active complicity into seven types for the sake of further clarity, it is important to note that some of these types often – though not always – function hand in hand. The interplay of postcolonial and precrisis active complicity, for instance, is understood as a longstanding role of TIA active complicity in the former and direct role of active complicity over perhaps up to a handful of years prior to a crisis in the latter. But there is certainly often overlap there and something worth further exploration in future research. There is also overlap between other types of active complicity. Lastly, there is the possibility of a hierarchy in which types of active complicity are more significant or worse than others. Investigating this possibility is also a point that warrants closer examination in future research.

Towards a Responsibility for Justice

Having said this, what must be the response of TIAs in cases of mass atrocity entailing humanitarian crises? The criticisms laid out in this research may seem harrowing. But the point of these chapters is not to simply criticize to place blame on the part of TIAs for the sake of condemnation without offering an alternative solution. TIAs are not forever trapped in a catch-22 whereby they are, in the proverbial sense, "damned if they do, damned if they don't" in their selected response to a mass atrocity entailing humanitarian crisis. At the same time, however, there is no new model that can serve as a silver bullet to expatiate all-encompassing instructions for appropriate TIA response to mass atrocity entailing crises. The solution, then, in accordance with this research's theme, is to destabilize the question instead of falling prey to offering a reactionary response that warrants MHI in particular cases or circumstances, for instance.

Part of the purpose of this research's criticism of Global North actors is to incite serious introspection. To do this, the MHI literature must engage with the selectivity problem more reflexively by broadening its scope beyond a Western-centric lens that assumes Western powers as moral authorities in disassociated foreign crises. In the wake of future mass atrocity entailing humanitarian crises, TIAs must change their *outlook* from a response-oriented one to a reflexive one that considers the potentially key role that TIAs have played in the crisis themselves. It must entail a genuine effort towards hearing and acknowledging the legitimate grievances of the Global South expressed in forums such as the Non-Aligned Movement summits. If this is genuinely considered, its implications functions as an immediate qualifier for TIAs to be considered as an intervener actor. The altered outlook also functions as a major preventative measure to limit the development of crises in the first place. In formally offering this alternative mode of thinking and practice in this reinterpretation of MHI-selectivity, I argue that the existing MHI framework must be reimagined away from TIAs having a 'responsibility to protect' lesser powers, and instead shifted towards TIAs adopting a far more preliminary Responsibility for Justice (R4J).

The R4J conceptualization was briefly introduced by Mahdavi (2015) in his postcolonial critique of the R2P doctrine in West Asia. His piece falls in line with the overall theme of this research, as it 'calls for decolonizing and emancipating global ethical norms from the hegemonic discourse of neo-liberal order', with an advocacy towards establishing a global power commitment towards R4J as a precondition for any just implementation of R2P.[489] According to Mahdavi, in R2P, 'the (neo) liberal language of Rights and Humanitarianism and a paternalistic legacy of Orientalism in the discourse of R2P, and more so in its practice, have reinforced the

[489] Mahdavi (2015), p.7.

policing language of human rights'.[490] The R4J concept, however, would be 'where the West meets the East' as it offers an exit from the hegemonic policies and discourse that has functioned to reinforce the existing postcolonial order.[491] Like this research, Mahdavi finds 'a selective and arbitrary enforcement of international law' from Western powers particularly in West Asia. This, in turn, has reproduced an image of the region as a place for the 'orient' other that is only a passive beneficiary recipient of Western charity with Western intervention.[492]

The R4J conceptualization from Mahdavi can be used as a lens to reinterpret the existing MHI conceptualization. Though R2P advocates have long sought to distance the paradigm away from MHI, R2P has nonetheless – fairly or unfairly – connoted the idea of MHI in instances of mass-atrocity entailing humanitarian crises as its last resort practical application. The R4J conceptualization, on the other hand, would succeed where R2P failed to become distinct from the MHI conceptualization by considering Global South grievances to R2P and acknowledging the active vis-à-vis bystander complicity problem of MHI-selectivity. Upon the introduction of R2P in 2005, delegates from Cuba, for instance, stated that 'in the present world's condition… [R2P] would only facilitate interference, pressures and intervention in the internal affairs of our States by the big powers, in over and constant threat to our peoples' right to self-determination'.[493] Delegates from the IRI similarly skepticized R2P by arguing that its introduction had 'no basis in the Charter [of human rights] or in international law' and could 'pave the ground for certain powers to pursue their political agenda under the pretext of

[490] Mahdavi (2015), p.27.
[491] Mahdavi (2015), p.28.
[492] Mahdavi (2015), p.7.
[493] Nonaligned Movement Statement on R2P (April 2005).

humanitarian intervention and protection'.[494] The findings of this research has corroborated much of these concerns.

R4J as a replacement for R2P, however, instead reflexively engages with the role of Global North TIA powers themselves by shining a light onto the policies and actions that produced or perpetuated mass-atrocity entailing humanitarian crises. Currently, the R2P conceptualization's key focus rests on the potential for 'the international community' – most typically assumed as Global North actors – to breach the sovereignty of a lesser power state 'if it is unable or unwilling' to fulfill its responsibility 'to uphold its citizens' human rights'.[495] The focus here is squarely on the shortcomings of the 'lesser power', with the onus on this 'other' to uphold its responsibility to protect. The 'otherized' 'failed' state outside of the Global North is understood as lesser not only in terms of power, but also in ideological terms, with liberal democracy as the ultimate good. The conceptual opposition of this lesser power 'other' is the 'civilized' set of Global North actors who paternalistically and gratuitously are prepared to deliberate intervention to alleviate the suffering of a foreign population at a moment's notice. Even in its preventative prescriptions, R2P focuses on the limits of the 'lesser power' in its attempts to prevent future crises. As Bohm & Brown (2020) put it, the R2P 'report urged states to become more serious at addressing root causes of the problems', but it defines these root causes as purely internal factors that:

> '… include poverty, political repression, and uneven distribution of resources and are problems within the structure of a society, which predispose a society to violence if they remain unaddressed.'[496]

[494] Nonaligned Movement Statement on R2P (April 2005).
[495] Pattison (2010), p.3.
[496] Bohn & Brown (2020), p.64.

Critically, these preventative measures entirely ignore the role of TIAs in violent humanitarian crises. They reflect the paradigm that views humanitarian crises as faraway events in a perpetually unstable terrain disassociated from the policies and actions of Global North actors. R4J therefore functions as a sorely needed destabilization of this paradigm under R2P. Instead of assuming Global North disassociation from the development or perpetuation of crises, R4J instead straightaway skepticizes it by very much entangling MHI discussions with the foreign policies and actions of TIAs. R4J emphasizes a difficult but necessary reevaluation and restructuring of the policies and positions of Global North actors in lieu of humanitarian crises.

The consequence and call for action then here is for TIAs to drastically change their policies and actions if they truly value the ethics of humanitarianism. This entails halting a series of policies and actions that are inherently linked to the different types of active complicity. This includes halting 1) support to humanitarian crisis perpetrators, 2) attempts at regime change in pursuit of advancing interests, 3) hegemonic power plays and replacing these with more diplomacy and refraining from foreign interference, 4) respecting the sovereignty of even adversarial states, and 5) valuing all human lives equally, regardless of their identity. This latter point may seem shallow and basic to function as a major reform at first glance. However, to illustrate the pervasiveness of this conceptualization of the 'other', European Union High Representative of Foreign Affairs Joseph Borrell only recently echoed the longstanding civilized-barbarian sentiment of many Global North actors by calling Europe a 'garden' and most of the rest of the world a 'jungle' as he urged for 'gardeners… to go to the jungle' to civilize the barbarous Global South.[497]

[497] Borrell (EU External Action Transcript , October 13, 2022).

R4J is also to practice consistency in the moral outrage of mass atrocities. More specifically, as part of a R4J, this means that Global North actors are in no position to decry foreign leaders for mass atrocities when it suits their interests when they themselves maintain unequivocal support for the KSA and Israeli regimes that commit war crimes against Yemenis and Palestinians, for instance. Thus, able entities, be they international organizations or state powers, must themselves reflect justice in their policies and positions if they intend to be taken seriously as legitimate entities for a MHI. Though admittedly unlikely to be adopted in practice, this R4J prescription to the MHI-selectivity problem is critical towards alleviating the legitimate concerns of the Global South and the root causes of wars that are justified on humanitarian grounds.

Beyond functioning as a prescription for TIA 'nonintervention' in terms of legitimacy, R4J is also critical in a practical sense. As the prior chapters discussed, TIAs have a poor track record in cases where they do intervene in managing their consequential active complicity. If we agree that strategic interests sometimes drive TIAs to sacrifice humanitarian concerns, then the idea of TIAs practicing a MHI to intentionally destabilize (or further destabilize) an adversarial state or conduct regime change while also benefiting from conducting the MHI in other terms must also be acknowledged, and therefore the consequential active complicity cannot be assumed as accidental. Thus, as Tesón & Vossen (2017) frame their solution to the question of appropriate response to crises with mass human suffering, 'most of the time, the truly humanitarian thing to do, the thing that really respects human life, is to refrain from using military force'.[498] Again, it is important to clarify this prescription for 'humanitarian nonintervention', as they have it, as applying to a refraining from the destabilizing policies and

[498] Tesón & Vossen (2017), p.262.

actions that contribute to the set of conditions which engender or perpetuate crises as well by Global North actors. Of course, the citizens of TIAs are also responsible for practicing 'responsible political participation' to hold their governments' political injustices accountable.[499] If we are to take the prime case study of this research in Yemen as an example, an R4J application would be for TIAs to practice (and have practiced) a foreign policy of justice relative to the crisis' development and perpetuation, and for the citizens of TIAs to practice responsible political participation in doing so. It would mean to put an end to the types of practices that contributed towards a TIA's active complicity in the crisis. Most obviously in Yemen, this would mean putting an end to all weapons sales to the KSA, particularly following the 2015 onset of the crisis, but also having done so far earlier than this given the KSA's longstanding history of human rights abuses. Indeed, 'the abstention from rendering aid or assistance' to belligerents of a crisis is the bare minimum that TIAs must practice to prevent the further destabilization a crisis.[500] It is true that there is no 'correcting' imperial active complicity, and no action can correct the century-long imperial legacy the UK, US, and other powers left in Yemen. However, the fact that the US and other Global North actors have persisted in their weapons sales to the KSA, as 'Biden's administration has mirrored both Trump and Obama administration policies by continuing to provide assistance and arms to the Saudi-UAE coalition',[501] highlights how distant Global North actors are in practicing this research's prescribed R4J outlook on MHI. Instead, US intervention in Yemen 'has ensured the smooth operation of Saudi war jets through spare parts and maintenance, supplied weapons, and provided diplomatic, as well as logistical and

[499] Zakaras (2018), p.192-218.
[500] Lanovoy (2016), p.29.
[501] Al-Adeimy (April 21, 2022).

intelligence, support to the coalition', and has been part and parcel to not only engendering the crisis, but consistently worsening it for over seven years.[502]

TIAs will undoubtedly experience economic and political costs with such drastic policy shifts in this R4J application, particularly in the miliary-industrial complex sector. However, the costs must not dissuade them. Once more, if the same actors who discursively promote the protection of human rights and assume a position of moral authority in the international sphere in supposedly striving to ensure that other 'lesser powers' protect their citizens do not themselves practice policies that are congruent with such normative endeavors, then their self-proclaimed positions of moral authority cannot be taken seriously by other actors. Moreover, their heightened 'concern' to undertake a MHI to alleviate the suffering of a foreign populace cannot be taken seriously if their policies contribute to or altogether cause the suffering of the foreign populace. To illustrate, the US would be in no position to consider a MHI in Venezuela if its humanitarian crisis ever hypothetically started to entail mass atrocity killings given the US's crisis escalation and precrisis active complicity. In its economic complicity, US economic sanctions on Venezuela as a collective punishment for its government's noncompliance to US policies resulted in a massive scale of suffering for ordinary Venezuelans, including the deaths of 40,000 civilians from 2017-2019. Parenthetically, the function of these sanctions as part of a broader effort by the US to destabilize the Venezuelan state could not and should not be escaped from MHI discussions. Additionally, hypocrisy in condemning a hypothetical authoritarian ruler that represents a hinderance to strategic interests while simultaneously supporting despotic governments in the region that have committed major human rights abuses against civilians from the state, such as in Honduras and Brazil, would be highlighted.

[502] Al-Adeimy (April 21, 2022).

It is important to note in these discussions that it is far too easy to fall prey to the 'either-or' trap – also known as the disjunctive syllogism in discussions of logic – as a knee-jerk resistance against considering an implementation of R4J from TIAs. Advocacy for Global North actors to withdraw themselves from interventionist roles does not automatically entail a support for autocratic leaders in a zero-sum sense. It does, however, invite a practice of selective consistency that is grounded in both the policies and positions of the onlooking actors so that at most, their complicity to a crisis becomes that of an onlooker instead of an actively complicit one.

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