

The Dynamics between Sovereignty, Security,
Intervention, and Contemporary Foreign Policy

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ABSTRACT

The recent events of the Arab Spring uprisings have brought the issues of sovereignty, security, and intervention to the forefront of international politics. Was the 2011 multilateral intervention in Libya justified? Why have there not been any significant steps taken to conduct similar operations in Syria? The two states represent a set of unique challenges for the international community. Some states believe that foreign powers cannot intervene in domestic affairs of other states. However, is the international community to disregard a humanitarian crisis in adherence to the notion of inviolable national sovereignty? If the national sovereignty of one state seems to pose a threat to the national security objectives of another state, should national sovereignty be infringed? The objectives of this paper will be to address the changing concept of sovereignty and the challenges faced by policymakers in determining a universal definition and application of the term. When, if ever, does the government lose sovereignty over its people? The paper will focus on the relationship between sovereignty, security, the justifications for interventions and the changing dynamic of the trio. The cases of Libya and Syria will be used as the main case studies.

On December 17, 2010, an act of self-immolation by Muhammad Buazizi, which could have gone unnoticed by the international community, served as a catalyst for widespread protests in Tunisia, and has now been considered as the symbolic start of the Arab Spring uprisings. The protests, which originated in Tunisia, spread to neighboring countries and continue to have significant ramifications for the region. The protests in Tunisia and Egypt succeeded in procuring the departure of their respective leaders. However, the situation in Libya escalated to a point where an international coalition was forced to intervene in an attempt to speed up the resolution of the conflict. Currently, the ongoing uprising in Syria has neared its two year anniversary, and has, more or less, devolved into an escalating civil war. Yet, unlike in Libya, the international community seems reluctant to intervene in Syria. The question arises of what motivates states to intervene in the domestic affairs of another state. Is national sovereignty an inviolable notion which inhibits any possibility of an intervention? If the concept of sovereignty has kept pace with the changing international environment over the past several centuries, to what extent does sovereignty still influence the interactions of modern nation-states? Has it become an outdated concept for an increasingly globalized and interdependent world? This paper will use Libya and Syria as case studies to attempt to analyze the links between sovereignty, intervention, and security. It will argue that despite the globalization and the growing economic integration of states, the notion of national sovereignty, although not absolute, still exercises significant influence over the actions of state, a trend that is not about to dissipate in the near future.

A sixteenth-century Frenchman named Jean Bodin first coined the term of state sovereignty (Snow 2011). As Krasner states, the term sovereignty has been used in several different ways, ranging from domestic sovereignty, which refers “to the organization of public authority within a state and the level of effective control exercised by those holding authority,” to

interdependence sovereignty, which guides the ability of states to regulate what passes through their borders. (2006). The concept of the Westphalian system of sovereignty has governed the international arena since the 17th century (Gevans 2004). It is during this period that modern nation states started to emerge and the legal basis for authority was institutionalized. More recently, the principles of sovereignty have been preserved in the 20th century constructs, such as the United Nations Charter. The sovereign equality of states is stated in Article 2.1 of the charter and the notion of non-intervention is reiterated in Article 2.7 (Gevans 2004). According to basic definitions of national sovereignty, each state reserves the right to exercise control and power within its own territorial boundaries. At the same time, other states are expected to respect and not infringe on these rights. The ideas of sovereignty are further developed and analyzed through different schools of thought.

The realist paradigm argues that states are the only important actors across the world stage. The latter school of thought adheres to the idea that states hold the sovereignty and legitimacy to deal with domestic affairs, as well as to act as arbiters of interstate disputes. Snow writes that the notions of sovereignty serve to guide behavior between state actors (2011). Essentially, the realist approach most clearly described the bipolar power structure during the Cold War. While more discussion is warranted to analyze the extent to which the realist approach applied to the latter era, the basic principle of a state-centric approach still held true. In other words, the United States and the Soviet Union acted as major players and sought to shape the world according to their respective ideologies. The two entities focused on the assumption that states hold the only power that can produce results, and so, they tried to shape the domestic situations of foreign states in order to advance their own respective interests. National sovereignty of other states suffered systematically at the hands of the two major powers and their

quest for dominance. This is apparent in the U.S. involvement in Latin America and the Soviet Union attempts to bring Eastern Europe under its influence.

In this environment, no major entities existed, other than states, which could wield enough influence or power to have a large enough impact on interstate relations. In the latter world of geostrategic imperatives, states used all the resources within their power to guarantee national interests through the use of force, even at the expense of national sovereignty of other states. The most avid proponents of the realist theory were Morgenthau and Brzezinski. For instance, in "The Grand Chessboard," written in 1998 before the events of September 11, Brzezinski paints a world where geostrategic priorities are based on different pivots which drive national security policy. The latter work is based on the assumption of the dominance of nation-states and describes the relative importance of states in correlation to their geostrategic location. Ever 9/11 acted as a fault line to produce a different environment where non-state actors, such as terrorist networks, can pose real threats to states, it has been increasingly difficult for a strictly realist approach to hold true (Snow 11). However, there still exists a relationship between the realist approach and the types of intervention the theory regards as justified. In a sense, most realists are opposed to a loose interpretation of national sovereignty (Hoffmann 2006). The latter trend is in accordance with a belief that strictly national security interests should shape foreign policy. Thus, events such as stringent human rights violations perpetrated by the state against its own citizens do not merit an intervention, since these internal conflicts do not pose a vital threat to national security interests.

According to the realist ideology, interventions, especially the ones involving the use of the military, cannot be acceptable. Unless otherwise noted, the term intervention is used loosely to encompass any indirect or direct means a state can use to influence the domestic affairs of a

foreign state. As mentioned earlier, the only exception that the realist theory concedes can act as a justifiable reason for intervention is the protection of vital and essential national security objectives (Hoffmann 2006). In other words, if the protection of vital national security interests necessitates a military intervention, such infringement on the national sovereignty of the other state is justified.

Realists present two main arguments against a loose utilization of military interventions (Hoffmann 2006). The first point rests on the assumption of legal terms. The principle of national sovereignty acts as the “cornerstone of the post-Westphalian world order,” the infringement of which threatens to undermine the stability of the intervening state as well as the state of focus (Hoffmann 2006). This principle can be grasped by a comment made in 1999 by China's then Foreign Minister, Tang Jiaxuan, in response to the Kosovo intervention (Crossette 1999). He warned that disregarding national sovereignty of other states and the right of noninterference would “wreck havoc” on the world (Crossette 1999). As such, some proponents highlight the sanctity of national sovereignty, and aver that a state is the precondition of order and focus of social identity. Thus, a state that would choose to intervene on lesser causes other than a direct national security threat, would serve to undermine the world order for an insufficient excuse. The second point focuses on the political aspect. An unnecessary intervention would risk “over commitment,” would detrimentally affect “relations with other government, [and would] lead to an erosion of domestic support” (Hoffmann 2006). According to the latter ideology, states do not need “human rights or humanitarian arguments to justify their interventions” as that would constitute an insufficient threat to national security interests (Hoffmann 2006). However, this argument for nonintervention seems inconclusive.

In an increasingly interdependent and globalized world, it is becoming less and less politically viable for states to ignore the internal actions and activities of foreign states. Recent events illustrate that the world has moved away from the absolute principles of sovereignty, assuming that the international system was ever at such a juncture. The latter trend can become more apparent in analyzing the cases for or the arguments against the interventions in Lybia and Syria.

Almost two decades ago, Tang Jiaxuan criticized the arguments that gave precedence to human rights over sovereignty (Crossette 1999). The Chinese government still adheres to that view of noninterference. However, while China is currently blocking any effort in the Security Council to interfere in Syria, China simply abstained and did not veto Resolution 1973 which authorized a no-fly zone over Libya. The subsequent intervention carried out by the international coalition in Libya was one that utilized pooled military capabilities of the participating members of the coalition (Cohen 2011). Thus, states seemingly violated the national sovereignty of Libya by doing so. However, upon closer inspection, the latter statement seems inaccurate, a view that will be further expounded on later in the discussion. As to Syria, the current discussion focusing on the idea of intervention in Syria is not based so much on the issue of sovereignty as it is based on other reservations.

What is true in the case of Syria is that when foreign states discuss the possibility of intervening in Syria, they discuss how this might affect not the legitimacy of the Syrian government, but the people of Syria. What has happened is that the Syrian government has lost the legitimacy by committing unjustifiable acts against its own citizens. The initial concept of national sovereignty, as it was established during the Peace of Westphalia, gave sovereignty to the government. In today's democracies, governments are elected by the people and so, it should

follow that the legitimacy endowed on a secondary entity, the government, should in fact remain with the source, the people. Most analysts agree that there has been a shift towards the acceptance of the idea that it is the people who ultimately hold the national sovereignty of a state (Snow 2011). While the latter principle might seem a little simplified, the underlying principle holds true; which is that governments can no longer continue to retain legitimacy and act as the representatives of national sovereignty without being accountable to their people. In other words, by merely existing, governments do not hold the legitimacy to be the arbiters of sovereignty. Since a government can lose its privilege as the keeper of national sovereignty, it follows that foreign states would not automatically be infringing on another state by going against the government of that state.

From one perspective it can be argued that national sovereignty is never even infringed by an intervention in these cases. This case can be argued in instances where the acting government commits actions that discredit its legitimacy and power, thus stripping itself of the role of holding national sovereignty. In democratically elected governments, government officials only retain power as long as the citizens accord them legitimacy. In effect, it is the people who are the originators of national sovereignty. The latter concept becomes clearer in analyzing the situations in Libya and Syria. Faced with an uprising that it was unable to halt, the government of Libya resorted to extreme measures and threats to repress its populace. It was during this frustration that Col. Muammar el-Qaddafi of Lybia vowed to go “house by house” to track down and kill protesters (Fahim 2011). Protests which had start in February, 2011 had escalated to such a level of violence by March 22, that the international community feared that Qaddafi would actually carry out the threat against Benghazi (Fahim 2011). Thus, by waging war against its citizens, the government of Libya lost legitimacy with Libyans as well as most of the

international community. Kofi Annan's Nobel Peace Prize Lecture in Oslo that "the sovereignty of States must no longer be used as a shield for gross violations of human rights" seemed to come true in Libya (2004). However, since it can be argued that at the time of the intervention, the Qaddafi government did not hold the mandate for national sovereignty, the intervention succeeded in curbing current and potential human rights violations in a state without quite infringing on Libya's sovereignty. The importance of sovereignty can be gauged from the type of the intervention.

The intervention in Libya was supported by a strong United Nations Security Council mandate, the support of the Arab League, and willingness of states to commit resources to Libya. However, the intervention stopped short of deploying ground troops in the region. It can be accurately argued that the ground troops were not deployed due to the reluctance of states to get unnecessarily involved in Libya. Cultural and historic implications also added another dimension to the viability of a more direct military intervention than a no-fly zone. While the latter issue merits its own in depth analysis, the basic principle is that while the international community interfered in Libya, it sought out a broad support base and the legitimacy of the United Nations. The latter fact illustrated the importance states allocated to perceptions of Libya's national sovereignty. It was symbolic in that the participating member states of the coalition sought to make sure that the sovereignty of the Libyan people would be upheld. They wanted to minimize the possibility that the intervention would be construed as a small group of states seeking to advance their own national interests (Hoffmann 2006).

Thus, the national sovereignty concept itself is inviolable, but the governments that hold them are not. A government can lose the privilege of representing the national sovereignty of a state. It follows from this argument that the Syrian government of al-Assad does not hold

national sovereignty and so, undertaking measures to undermine the current Syrian government does not in itself constitute a breach of Syrian sovereignty.

At the same time, the latter argument is not conclusive. Assuming that the government in Syria has lost legitimacy and the Syrian people hold the national sovereignty of Syria in their hands, it is unclear as to how one is to judge what the Syrian people want. In Libya, it was fairly clear as to what the people of Libya sought to accomplish and what they asked of foreign states. In Syria, the situation is different, since there exists no unified body to speak for Syrians. Assuming that the Syrian people would like foreign aid, what type of foreign aid are they seeking? The situation on the ground in Syria remains too complicated for simplification, but assuming that the Syrian opposition were to unite and ask for a no-fly zone, would they be able to achieve it? On the other hand, if the Syrian people were to clearly and unanimously articulate that they are not seeking any international involvement, any state that does so would be infringing on Syria's national sovereignty. However, such an alternative is near impossible due to the foreign involvement from such states as Iran, Saudi Arabia, Russia, Turkey, etc (BBC News 2012). What remain are an atmosphere of disunity and the presence of multiple actors that strive for different goals (Abrams 2012). To try to differentiate where sovereignty stops and national security interests begin proves near impossible to clearly demarcate. Given the geostrategic importance of Syria and an already high involvement of both state and non-state actors, situation in Syria appears more complicated than the uprising in Libya. The nature of ambiguous sovereignty borders can be apparent in the fact that the supposed internal conflict in Syria has not remained confined within the territorial borders of Syria's national sovereignty (The Economist 2012).

For instance, Turkey and Syria have exchanged fire near the Turkey-Syria border (The Economist 2012). Neither Turkey nor Syria seeks an overt conflict. Since Turkey is a member state of NATO, any threat leveled at Turkey would be a threat leveled at all the member states of NATO. It is clear that Syria in no way seeks to even intentionally provoke Turkey. But suppose that the Syrian conflict escalated to a point where the internal conflict in Syria posed a vital security threat to Turkey. Suppose the separatist elements from Syria spilled over to Turkey and incited the Kurds to stage uprisings in Turkey, thus undermining the unity and well-being of one of the most stable secular Islamic states in the region. Then suppose that Turkey had both the willingness and the military capability to undertake a direct intervention in order to neutralize the threat. Would Turkey be justified in infringing on the national sovereignty of Syria and its people? Would national security interests of one state trump the national sovereignty prerogatives of another? The same escalating trend of events can be envisaged for either of Syria's neighbors, especially with Israel. However, as is the case with the inviolability of national sovereignty, there exist no absolutes.

The basic principle that one must draw is that there does not exist and there should not exist a blueprint of agenda that can be applied to diverse situations with the same consistency as if the unique problems and complexities were identical. The United States believed that Iraq posed a vital threat to national security interests and thus it undertook a military intervention for the protection of national security interests. As the event pertains to this discussion, whether the United States was right or wrong in pursuing the latter course of action is irrelevant. The underlying principle is that national security prerogatives of one state trumped the national sovereignty of another state. In other instances, where interventions could potentially have been justified, states failed to take any action. The clearest examples that spring up are the cases of

Rwanda, Kosovo, and Somalia. This is coupled with the perceived inconsistency over the lack of intervention in Syria as opposed to the one in Libya.

It is precisely the inconsistency and selectivity of interventions that the realist paradigm opposes (Hoffmann 2006). In a world of limited resources, states cannot undertake every effort that might necessitate intervention. In light of the finite number of resources, the adherents of realism argue that the humanitarian justifications for interventions be disregarded, like Libya for example. They seem to argue that since states cannot maintain a consistent record, it would be better to ignore the problems of humanitarian crises altogether. So what if their assessment is accurate? Every action has drawbacks, and in the case for intervention on strictly humanitarian concerns, the benefits outweigh the costs.

The escalating violence in Libya did not pose a vital threat to U.S. national security interests. A vital threat in this instance is assumed to mean an imminent and direct threat aimed at undermining the U.S. national security. While the regional implications of the internal outcome in Libya would have far reaching consequences for the rest of the world, it is likely that no single state felt threatened by the escalating violence in Libya. However, even in light of the lack of underlying national security concerns, foreign states formed a coalition and undertook a direct military intervention in Libya by utilizing a no-fly zone (United Nations 2011). The fact that no state particularly sought to get involved in Libya is inherent in the previously discussed measures states took to ensure the legitimacy and the transparency of the intervention. As stated before, international ground troops were not deployed in Libya, an action that might have led some actors to incorrectly assume that the foreign states were attempting to shape events in Libya vis à vis their own national security interests. While some states, “particularly among developing countries, . . . saw it as a ploy by Western powers to meddle in the internal affairs of

weaker countries,” such scrutiny does not seem likely in the case of Libya (Bolo pion 2011).

Thus, it could be successfully argued that the principal reason for the intervention was the humanitarian crisis unfolding in Libya. This raises a question of whether a response to human rights violations in Libya was a responsibility of foreign states or whether such an intervention was voluntary and as easily withdrawn as the strength it took to undertake it.

In 2005, as a response to “failure by states in the 1990s to protect civilian populations in conflict area,” the United Nations established a notion of the Responsibility to Protect, or RtP (Desker 2011). Particularly affected by the human rights violations in Yugoslavia and Rwanda, RtP authorized the use of force in four specific situations: genocide, war crimes, crimes against humanity, and ethnic cleansing (Desker 2011). By some accounts, the intervention in Libya represented the first utilization of RtP as a basis for intervention. Critics might point out that, even though RtP seems straightforward, the latter concept still contains ambiguities that can be construed to suit the interests of individual states. Samantha Power alludes to the situation in Rwanda, in which the United States seemed reluctant to classify the conflict in Rwanda as genocide in order to avoid the political implications of such a classification (2007). Thus, even though RtP should have theoretically urged states to intervene in response to gross violations of human rights, nothing was done to avert or contain the disaster. However, just because interventions cannot alleviate all the conditions of humanitarian crises in the world, does not imply that states should not respond to human rights violations in the states that they are able to do so. While the former French President Nicolas Sarkozy did state that the reaction of the international community and of Europe would remain the same, as compared to the reaction in Libya, such consistency seems highly unlikely (Rettman 2011). Furthermore, the Report of the International Commission on Intervention and State Sovereignty highlights the disagreement that

still exists more than a decade after its publication as to “whether, if there is a right of intervention, how and when it should be exercised, and under whose authority” (2001). One might assume that the lack of overarching consensus would undermine the notion that interventions represent viable options to tackle human rights violations. However, that is not the case.

For some, humanitarian interventions constitute an “alarming breach” of an international state order (ICISS 2001) that violate the principles of the inviolability of the sovereignty of states. For others, “new activism has been the overdue internationalization of the human conscience” (ICISS 2001). While there still remain unresolved issues of whether direct interventions can be efficient and successful, it is true that the concept of humanitarian intervention will remain. This paper has sought to analyze links between sovereignty, national security interests, and interventions. While the topic has only been lightly broached, one can still draw some overarching principles.

Deker stated that the “traditional lines of sovereignty” would “be blurred as problems of one state became “concern of neighboring states” (2011). The recent uprisings of the Arab Spring demonstrate that it is no longer feasible to assume that intrastate conflicts will remain confined by the national sovereignty jurisdictions defined by territorial boundaries. However, the notions of sovereignty have also changed in an effort to adapt to the changing environment of modern nation states. Thus, if it becomes necessary to safeguard basic human rights principles, states should be willing to intervene in the domestic affairs of other states. While the latter intervention might not be classified as a vital national security interest, this inclusion does not negate its importance. Furthermore, since national sovereignty essentially resides with the people, states would not necessarily be violating the sovereignty of other states by taking actions

in opposition to the government of the state. Granted the latter concepts are more complex and require a deeper analysis for a more comprehensive understanding, the basic principle of humanitarian intervention still remains. The latter argument does not intend to be taken as a blueprint, but rather as an overarching principle that can be used and applied on a case by case basis.

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