

PERCEPTIONS
JOURNAL OF INTERNATIONAL AFFAIRS

June - July 2001 Volume VI - Number 2

HUMAN RIGHTS, FOREIGN POLICY AND THE QUESTION OF INTERVENTION

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Since the emergence of the modern (European) international society of states with the treaty of Westphalia (1648), international relations have been based on the principle of sovereignty. Mutual recognition of the sovereign equality of states requires each state to refrain from intervention in the sovereign rights of the other. Yet, in the contemporary world of complex relationships, not only the scope and content of 'sovereign' rights of states but also non-intervention as a guiding principle of international relations have become debatable. The emergence of human rights as an international issue has played a significant role in bringing the conventional norms and principles of inter-state relations into debate. From a state-centric view, as will be explored in this article, the internationalisation of human rights is regarded as a conflictive approach to international politics. But, in practice, the issues of human rights have been incorporated into the foreign-policy making of major Western governments. At a theoretical level, too, one can contend that the emerging role of human rights in international politics could not be justifiably rejected by a state-centric objection. This article questions the very foundations of such a conventional resistance, common particularly among developing nations, to the internationalisation of human rights politics.

INTERVENTION, SOVEREIGNTY AND HUMAN RIGHTS

International concern over human rights aims at influencing the government that engages in human rights violations to change its attitude towards its own citizens. This concern ranges from friendly influences to political and economic pressures, and in some cases involves direct military intervention to pressure the government to take human rights seriously. The success of international pressure depends on the level of pressure exerted on the target country, the level and kind of linkages (political, economic, defence) between the centres of external pressure and the target state, and the self-confidence of the government to hold social dissatisfaction at home (efficiency of the police state to control dissenting voices). These elements determine the decision of domestic governments as to whether they should co-operate with international pressure centres. In some cases, when confronting brutal dictators, diplomatic, political and economic leverage seems to be ineffective at stopping massive and consistent violation of basic human rights. Thus, the concern that there should be moral limits to territorial sovereignty leads to a quest for an exception to the non-intervention principle that is believed to guide international relations.¹

Intervention is commonly defined as "dictatorial or coercive interference by an outside party or parties, in the sphere of jurisdiction of a sovereign state".² The elements of "dictatorial or coercive interference" include not only direct military interference but also non-military measures, especially economic ones.³ If a government takes a stand against foreign governments to promote their human

rights practice and links its relations to some economic and political bilateral relations, this may be regarded from a conventional perspective as an interventionary policy - as a move against the very essence of the sovereign states system.

The foreign policy of sovereign states has traditionally been conducted within the paradigm of the 'morality of states' that attaches a moral priority and autonomy to the state, whereas the conception of universal human rights presupposes a notion of cosmopolitan human existence on which world politics should be based.⁴ Since the moral autonomy of the state is, in practice, formulated in terms of national sovereignty, a cosmopolitan conception of human rights tends to conflict with this idea of sovereign statehood that has constituted pillar of the modern international system since the Westphalian peace. The claims of the state for domestic jurisdiction over its people and resources are in conflict with any kind of external-universal authoritative moral design for national politics, simply because it would be seen as a breach of the state's sovereign rights.⁵

Thus from a conventional viewpoint, human rights and foreign policy form an uneasy partnership as each refers to and arranges different political domains. Whereas the former essentially refers to the domestic political structure in which the individual-state relationship is constitutionally determined and practically carried out, the latter conventionally deals with interstate relations without concerning itself with the internal affairs of the other state(s), i.e. the state of human rights. Therefore relations between states, according to the state-centric view of international relations, are conducted on the basis of mutual respect for sovereignty; that is from where the principle of non-intervention is derived, "if sovereignty then non-intervention".⁶ Here the question is not the rights of individuals and groups, but states. As autonomous moral entities, states enjoy internationally recognised rights; the most basic of which is territorial sovereignty.

If the state is a moral entity, like the individual, then any external intervention will be a violation of the moral autonomy of the state that is granted by its very existence. Interstate relations thus should be based on mutual agreement on the respect for territorial sovereignty that is derived from the autonomy of states; just like individuals, states have autonomous rights and should be left alone to seek their own ends. Furthermore, in an essentially anarchical international system, there is no supreme moral authority (a sovereign) existing above states to impose a higher morality.

The proposition that states are morally autonomous entities has been criticised within the tradition of natural rights theory claiming that the rights of states are derived from individual rights and therefore have no autonomous moral standing. If the ultimate justification for the existence of states is the protection of the natural rights of citizens, "a government that engages in substantial violation of human rights betrays the very purpose for which it exists"⁷. As a result, the government loses not only domestic but also international legitimacy. The liberal argument therefore concludes that the "right of autonomy for states is derived from the respect of the state for the individual's right of autonomy".⁸

What emerges from this picture is that there is an "inescapable tension" between human rights and foreign policy.⁹ The tension is actually between a liberal-universal understanding of human rights and an absolutist notion of territorial sovereignty that gives birth to a realist conception of international relations. When a state makes human rights an issue of inter-state relations, it implies that an essentially national issue is extended to the international arena where states are no longer absolutely sovereign and there is no supreme moral authority to set values for the whole community. If we take the sovereignty of the state as the absolute right to control and govern resources and

citizens, then from this we can derive the principle of non-interference as an absolute rule to govern inter-state relations. But in such an extreme conceptualisation, any expression of displeasure by foreign states about the way in which a state treats its own citizens would constitute an intervention in the sovereign rights of the state. This is so because nobody except the state is morally entitled to decide to organise its political regime as it sees fit. In this context, therefore, the internationalisation of human rights necessarily involves a clash with the concept and practice of sovereign statehood with its internal and external implications. Yet, as the former Secretary-General of the UN, Boutros Boutros Ghali, put forward in his Agenda for Peace, "the time of absolute and exclusive sovereignty has passed".¹⁰

From an international law perspective, it can be furthermore argued that the non-intervention principle is not an absolute norm in the contemporary international normative system. The UN Charter 2(7) forbids intervention in matters that are within the domestic jurisdiction of another state. But, first it should be decided which matters fall within the domestic jurisdiction of the state before applying the principle to any case. As a demarcation, Henkin and Buergethal suggested, "To the extent a matter has been internationalised, the traditional prohibition against intervention in the domestic jurisdiction of a state is inapplicable".¹¹ Many international lawyers are convinced that since the Second World War international undertakings have transformed the human rights issue from domestic jurisdiction to international jurisdiction. Therefore, any concern over human rights cannot be refuted as unwarranted intervention.

Within the international normative order, one can argue that human rights now constitute the basis on which the international legitimacy of a state is determined. To link international legitimacy to respect of the state for human rights is to link it to domestic legitimacy. That means that international legitimacy is derived from domestic legitimacy and thus states do not have an autonomous moral standing divorced from their domestic political institutions and processes, respected by the international community.

In sum, elements of contemporary international society entail a loosening of the absolutist conception of state sovereignty so that human rights are included in the discourse of international relations without endangering the very existence of the society of states. Development of a normative order of international relations, economic interdependencies and the increasing levels and importance of transnational relations have transformed an atomic view of states in world politics and, to some extent, have weakened both the autonomy and sovereignty of the contemporary state.¹² Shifting power centres in the contemporary world, alongside national, regional and international agencies have spread sovereign power to these different levels of governance. Additionally, contemporary states cannot ignore demands from domestic society for the inclusion of the human rights issue into foreign-policy making in democratic societies, but at the same time they cannot adopt a liberal-cosmopolitan stand either, for their domestic responsibilities override international moral commitments. This tension, in practice, results in a moderate inclusion of human rights in foreign policy agendas.

HUMAN RIGHTS IN FOREIGN POLICY: A PROBLEMATIC AREA

Relativity of Human Rights

The inclusion of human rights in foreign policy is, however, not free from theoretical and practical difficulties. There are strong arguments both for and against such an undertaking in foreign policy.

Despite his rather discursive recognition of the place of morality in politics, Hans Morgenthau, a classic proponent of the realist school, dismisses the inclusion of human rights in foreign policy as morally misconstrued and practically impossible. He bases his idea of morality in politics on the view that places 'prudence' as the "supreme virtue in politics" without which "there can be no political morality".¹³ He denies then the universality of human rights by invoking the concept of cultural relativism and arguing that our understanding of human rights is shaped by historical and social settings that differ from culture to culture. Therefore, to pursue a human rights policy abroad means imposing one's moral values on others, that is moral imperialism and will make things worse.¹⁴

In recent years, the idea of a 'clash of civilisation' as put forward by Mr Huntington reflects the relativist argument from a Western point of view.¹⁵ Mr Huntington argues that the West, with its values and institutions, is not universal but unique. Thus, the attempt to impose Western values and institutions on the rest is politically imprudent and practically impossible. The uniqueness of civilisations should not only be respected but also have to be put into account in policy planning and implementation. In sum, for Mr Huntington the West can not and should not try to export 'Western' values of democracy and human rights.

The political élite of many non-Western countries embrace both the idea of cultural relativism and the inviolability of the state's sovereign rights over its domestic jurisdiction. They are resistant to any idea or move that may seem to compromise the sovereign rights of the state and that may warrant any kind of interference. Many repressive regimes may incline to invoke the particularities of their history and culture, and attempt to justify policies that violate civil and political rights as understood in the West and expressed by the UN Universal Declaration and the covenants.¹⁶

Once cultural relativism is accepted as to confine moral considerations at national borders, state sovereignty and the principle of non-intervention will set political and practical limits for an international politics of human rights in the face of neo-imperialist charges. However, to object to human rights concerns in foreign policy on the grounds of cultural relativism seems a weak argument. From a political and legal perspective, not an anthropological one, it can be argued that the UN member states' acceptance of international human rights documents refutes any argument for cultural relativism. Despite different understandings about the content of these documents among international actors, there still exists an almost universal consensus that genocide, arbitrary arrest and execution, systemic torture and racial discrimination are violations of basic human rights. No governments that violate human rights can or would defend their abuses on the basis that their particular culture justifies torture, mass killings, arbitrary arrest, etc.

Thus, authoritarian governments are likely to uphold cultural relativism to justify their oppressive regimes by referring to indigenous cultural and moral values and thereby attempt to secure the silence of the international community. But, at least as far as the physical integrity rights are concerned, there could be no moral, economic or political grounds that would justify the absence of their provision in any human community.

Priority of Domestic Imperatives: the National Interest

It is also argued that, even if the universality of human rights is accepted, states should not take up human rights as a project because it is a moral fault "for they neglect thereby their citizens".¹⁷ The

prime responsibility of the government is towards its own people. The rights and needs of compatriots come first; any universalist responsibility claim for national governments disregards the immediate rights of the compatriots. Especially in a democratic regime, the government is accountable to the people for what it has done for the security and welfare of its nationals, not those of the international community. People may approve a human rights policy in principle, but not at the expense of their own interest.

From a utilitarian perspective, promotion of the rights of people in foreign countries may seem rather peripheral to foreign-policy making because the purpose of the state is to advance the security and welfare of its citizens, which are not brought about through pursuing a human rights policy abroad. Instead, the security and economic interests of the state are best served by pursuing a pragmatic foreign policy. Criticism of the domestic human rights record of a government would cause reaction, and harm to bilateral relations. Not only will diplomatic relations, which are designed to keep communication channels open to maintain "good relations" between governments, be put in jeopardy, but economic and political relations will also suffer.¹⁸

But the problem in this line of argument is that the pursuit of human rights in foreign policy does not necessarily hamper the interest of the citizens at large; it will not directly put people's interest in jeopardy. An international awareness about the rights of every individual threatened by his or her own government does not harm the interests of people in democratic countries. Diplomatic protests and cutting off military and economic assistance are not necessarily pursued at the expense of citizens' interests. Quite contrary to the argument that democracy and international concern about human rights are not compatible, the very existence of democracy forces governments to take an international stand against the violation of human rights in other countries. International human rights are a reflection of democratic principles and values, and a product of the democratisation process through which domestic interest and pressure arose to include human rights concern in foreign policy. In this context, one can observe that the presence and activities of NGOs in liberal democracies have played a very significant role in the process of including human rights concerns in the foreign-policy making of major Western governments.¹⁹

A related group of arguments against human rights in foreign policy is based on the view that such a policy may constrain the pursuit of national interest as the primary goal of foreign policy. Economic and strategic considerations must always be given priority in the conduct of foreign policy. Therefore, human rights should not be allowed to upset the stability of interstate relations and the pursuit of strategic interests. National security interests also compel the treatment of allies and adversaries differently. Hence, we can not put all violations of human rights in foreign countries in one basket.²⁰ Once the human rights issue conflicts with other foreign policy objectives, the priority should be given to the latter.

As for the argument that security and economic interests override all other secondary concerns, it could be maintained that both security and economic interests and the objectives of human rights policy can be obtained at the same time. One can even argue that there is an interdependency between international peace and security, on the one hand, and respect for human rights on the other. A political regime based on the values of human rights reinforces international security and facilitates global economic integration providing the framework for national welfare.

Furthermore, when economic and strategic interests are set within a long-term perspective in foreign policy, the advancement of human rights in a foreign country may serve the other objectives too. The

case of the transformation of Eastern Europe is a relevant example. Though we cannot exclusively attribute the liberal revolutions that took place in Eastern Europe to Western human rights policy vis-à-vis the East, democratisation of Eastern Europe served both Western economic and strategic interests and the betterment of human rights conditions for the local peoples.

Primacy of International Order and Security

Another group of arguments against the inclusion of human rights in foreign policy is based on the idea of the primacy of international order. Once the maintenance of international order is set as a priority in international relations, international promotion of human rights is believed to lead to some consequences that are not compatible with this priority.

International order is defined as "a pattern of activity that sustains the elementary or primary goals of the international society".²¹ The two elementary or primary goals of international society are to preserve both the society of states itself and the external sovereignty of its constituent units. Here human rights emerge as a challenge to international society with its emphasis on the rights of individuals, not that of the state, and its prescription for a recognition and protection of the rights of man on a transnational base.

If human rights assume not only a moral but also a legal form that justifies interference in the domestic jurisdiction of a sovereign state to protect the human rights of its citizens, "the basic rules of the society may be undermined".²² Thus, the priority of order in the international system overrides demands for universal human rights. Order and justice, like foreign policy and universal human rights are taken as contending paradigms. Referring to the formative years of the modern international system, Bull asserts, "In an international society of this sort, which treats the maintenance of order among states as the highest value, the very idea of human or natural rights...is potentially disruptive."²³

Against the argument for the international order, it may simply be asserted that a concern for human rights in foreign policy does not necessarily lead to an interventionist policy and endanger peace and stability. The order of interstate relations depends on many other variables. There is a chain of interdependence with regard to political, economic and defence issues that can not be broken easily because of resentment caused by an expressed concern for human rights from another country. There has also developed an understanding among states that the human rights issue has become an international concern. Therefore, many states are increasingly getting prepared for compromise on their human rights policies at home in the face of external criticism or pressure.

Furthermore, international peace and order are sustained better in an international system that consists of countries respectful of human rights. Therefore, it is not convincing that in the long run all cases of humanitarian concern via foreign policy are likely to create international instability and unlikely to result in positive domestic changes. One can also argue that the universal acceptance of the legitimacy of intervention, within a UN mandate for example, may deter states from engaging in consistent massive violation of human rights and raise standards of observation of human rights world wide.

There is also a correlative relationship between peace at home and peace in the world. Global stability and peace cannot be separated from stability and peace within the states that comprise the international system. In other words, there is an undeniable connection between domestic political

structure and the attitudes of the state vis-à-vis the external world. The behaviour of a state in the international arena cannot be separated from the way in which it treats its own citizens at home. This is to say that the kind of political regime prevalent domestically strongly influences its policy towards the outside world. A government that does not respect its own people's basic human rights may well also be a source of tension and conflict in world politics. Therefore, threats to world order do not come from the internationalisation of human rights, but in the long term, from tyrannical sovereign states. As a result, the inclusion of human rights issues in foreign-policy making would not necessarily increase tension in world politics, on the contrary it may stabilise and standardise the behaviour of states at home and abroad.

Furthermore, an international human rights regime with mechanisms to uphold human rights globally and a genuine interest in the fate of human rights in interstate relations may also contribute to international peace and stability through the formation of a politically homogeneous international system composed of states respectful to human rights. As Aron puts it, a homogeneous international system based on the society of states sharing common principles, i.e. democratic international society, is more conducive to security, peace and order.²⁴ From a Kantian standpoint, it has also been argued that "perpetual peace" can only be achieved in an international system consisted of "republics". Such a moral proposition can be supported by empirical data confirming that "democracies are unlikely to go to war against each other".²⁵

Lastly, violations of human rights do not only harm individuals, groups or the people in the country concerned but may well endanger others, particularly regional countries, for repercussions of human rights violations cannot be confined within national borders. For instance, the flow of refugees that is one of the most tragic outcomes of human rights violations may reach a massive scale in some cases, with grave security implications for the sending and receiving countries, damaging both regional and international security.²⁶ In fact, in recent years, the Security Council of the United Nations in its resolutions has come to make a linkage between international peace and security and humanitarian crises.

Therefore, the search for global peace and security starts with improving human rights conditions at a domestic level since there exists a clear-cut linkage between national and international security. Therefore, while the respect for human rights enhances national security the state that is involved in systematic violations of human rights endangers not only national but also international peace and security.

CONCLUSION

There is no doubt that the state-centric view of international politics has not faded away completely, but it is also obvious that this view is unsustainable in its traditional form. The traditional view of state sovereignty and the principle of non-intervention have been challenged by economic interdependencies, transnational organisations and movements, and legal obligations undertaken by states that raise the individual as a subject of international politics and law. In the face of emerging awareness for transnational protection of the rights of individuals in global politics, the rights of states are not as central to international politics and law as they used to be.

While liberal-democratic states respond and contribute to the internationalisation of human rights through their foreign policy, the illiberal states try to resist to the activities of transnational civil society and liberal states by invoking an absolutist notion of national sovereignty and the principle of

non-intervention. Yet, the process of globalisation in the realms of politics, economics and communication technology weakens the ability of both liberal and illiberal states to control the national space, thus eroding the conventional sovereign power of the state. The sovereign realm of the state has come to be shared both by global actors and regional-local centres of power at national level. Along these lines, demands for human rights, with their cross-national characteristics, forces the conventional notion of sovereignty to transform itself so as to allow some degree of economic and political intervention. Growing global awareness for protecting the rights of individuals through transnational norms, institutions and processes, limits the sovereign rights of states at national and international levels.

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