

## HUMANITARIAN INTERVENTION AND A COSMOPOLITAN UN FORCE

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*Abstract:* The current mechanisms and agents of humanitarian intervention are inadequate. As the crisis in Darfur has highlighted, the international community lacks both the willingness to undertake humanitarian intervention and the ability to do so legitimately. This article considers a cosmopolitan solution to these problems: the creation of a standing army for the United Nations. There have been a number of proposals for such a force, including many recently. However, they contain two central flaws: the force proposed would be, firstly, too small and, secondly, too dependent on major states. Accordingly, I argue that, to be a substantial improvement on the current situation, such a force would need to be, firstly, much larger and, secondly, in the hands of cosmopolitan democratic institutions. This two-part solution would solve the problems faced by current interveners, but is unlikely to be realised soon. Accordingly, I argue that our immediate efforts should instead be concentrated on improving regional organisations' ability to intervene.

*Keywords:* Cosmopolitan democracy, humanitarian intervention, regional organisations, responsibility to protect, United Nations

At the 2005 UN World Summit, the heads of the member states agreed, in the phraseology of the International Commission on Intervention and State Sovereignty (ICISS 2001a), that there is a universal 'responsibility to protect' populations from egregious violations of human rights. In doing so, they indicated their preparedness to undertake humanitarian intervention 'should peaceful means be inadequate' and when 'national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity' (UN 2005: 30). Despite this agreement, the international community lacks the tools necessary to discharge effectively this responsibility to

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protect. That is, the current agents of humanitarian intervention have a number of significant flaws. These flaws are well known, so a brief sketch here will suffice.

To start with, humanitarian intervention by the UN is dependent on UN Security Council agreement. This means that the permanent five Council members can block humanitarian intervention whenever they choose. When the Security Council *does* agree to intervene, the UN does not have its own troops or standing army to undertake intervention. It instead relies on ad hoc contributions of troops from member states. But member states have been increasingly reluctant to commit their soldiers, so UN missions often do not have enough troops to fulfil their mandates. Moreover, the troops provided by member states frequently lack the necessary equipment, have trouble coordinating, and are deployed extremely slowly. The UN therefore runs into serious difficulties when tasked with missions that go much beyond traditional peacekeeping.

By contrast, many mid- and large-sized Western, liberal democratic states have the military and non-military resources to intervene, and this increases their chances of being effective. But this effectiveness is limited: a number of these states would face a high level of resistance. For instance, Daniele Archibugi (2005: 224) argues that, after the war in Iraq, the US does not have the credibility in the eyes of the world to carry out humanitarian intervention. It is likely to face extreme local opposition, which decreases its chances of achieving of a successful outcome. Conversely, non-western states may face less resistance, but tend to be limited to intervention in nearby or neighbouring states at best, given their lack of air- and sea-lift capacity. Moreover, nearly all states are highly selective interveners, choosing to stand by on many occasions (most notably in Rwanda).

Moving on, regional and sub-regional organisations lack the military infrastructure to intervene effectively. The EU is by far the most capable regional organisation. The Helsinki Headline Goal, adopted in 1999, requires the EU to develop a 60,000-strong military force, to be deployable within sixty days, and sustainable for at least one year in the field (Terriff 2004: 152). But this force has not yet been established; the EU seems instead to have scaled back these proposals to the less ambitious ‘battlegroups’ concept.<sup>1</sup> At the moment, then, the EU lacks the ability to deploy a significant force. It is a similar story for the African Union (AU). Article 4(h) of the Charter of the AU permits it to intervene in grave circumstances (war crimes, genocide, and crimes against humanity). There are also proposals for an African Standby Force, in the control of the AU, to be in place by 2010. But, although a great improvement on its predecessor, the Organisation of African Unity, the AU suffers from massive shortfalls in funding and equipment, which severely limit its ability to intervene effectively. Other regional organisations, such as ASEAN, explicitly reject the notion of intervention to protect people against large-scale abuses of human rights (Emmers 2004: 145).

Overall, there are two central problems with the current agents and mechanisms of humanitarian intervention. First, there are too many occasions

when humanitarian intervention should be undertaken, but is not. The result is that a number of mass violations of human rights continue unabated. Second, when humanitarian intervention does occur, it is likely to have some significant flaws. For instance, the intervener may lack the resources to tackle the causes of the humanitarian crisis or not have the support of those in the target state. Although humanitarian intervention might be morally justified *all things considered* if it successfully halts or prevents mass killing, rape, and forcible displacement, any intervention will still be morally lacking *to some extent* because of these flaws.<sup>2</sup>

The inadequacies of the situation have been highlighted by the humanitarian crisis in Darfur, where, until 2007, there was only a very limited AU presence. The AU force struggled for enough money to keep running, with its troops going unpaid for months at a time, and it perpetually ran short of basic supplies, such as fuel and food (Polgreen 2006: 14). In the few places where it was deployed, it had some success. But in the vast swathes of Darfur where there was no AU presence, the *janjaweed* (with the support of the Sudanese government) continued to terrorise and to murder the local population. The Security Council passed a number of resolutions on the crisis, but these were watered down at the insistence of the Chinese, who have significant oil interests in Sudan (Farer 2005: 246). Although in 2007 the Council did agree in principle to send a UN peacekeeping force, this has been slow to deploy, and has been blocked by the Sudanese government at every turn. There has been little appetite to impose a force on Sudan. This is despite a number of states condemning the mass killing and some of the most capable states (such as the US) calling it ‘genocide’, and therefore being legally obliged to intervene under the Genocide Convention.<sup>3</sup>

So, in light of the egregious violations of human rights in Darfur, and mass killing elsewhere, it is clear that the international community needs to improve the mechanisms and agents of humanitarian intervention so that it can discharge the responsibility to protect, that is, so that it can legitimately tackle egregious violations of human rights on a more frequent basis. But what can we do to ensure this? One option, which I focus on in this article, is a cosmopolitan solution: to develop a UN standing army to undertake humanitarian intervention.

In the first half of the article, I examine the details of such a force, as proposed by a number of theorists and practitioners, and consider two common objections. The second half of the article argues that, for a cosmopolitan UN force to have significant utility, two amendments to these proposals would be necessary. These two amendments, however, make the creation of such a force much less likely in the short to mid-term. As a result, I argue that, in the immediate future, we should look instead to improving regional organisations’ ability to intervene.

### **The Creation of a (Small) Cosmopolitan UN Force**

There have been many proposals for a UN standing army, from Trygve Lie (the first UN Secretary-General) in the 1950s, Brian Urquhart (a former UN Under-Secretary-General) in the early 1990s, to a number of proposals more recently.<sup>4</sup> Although these proposals differ in detail, most of them share the same core ideas. Essentially, what is envisaged is a standing military force of around 5,000–10,000 troops to undertake humanitarian intervention. This force would be authorised by the UN Security Council and deployable within a few days. The troops would be truly cosmopolitan in character: they would be volunteers (rather than conscripts, although still paid); they would not have any national allegiance; and they would be motivated by considerations of humanity (Kinloch-Pichat 2004). They would also be an elite force, similar to the French Foreign Legion, and have a strong *esprit de corps*.

The attractiveness of such a cosmopolitan force is clear: rather than the current situation where the UN has to beg, often unsuccessfully, for ad hoc contributions of troops from unwilling member states in order to fulfil its mandates, there would be a readily available standing army to deploy quickly and effectively whenever needed. The troops would also be able to train together and, as a result, would be much more integrated. Thus, this force would provide a considerable rapid reaction capability (Kinloch-Pichat 2004).

So, having seen what this force would look like, the question is this: would such a cosmopolitan UN force be the best solution to the current problems with discharging the responsibility to protect? Let me begin with two common, but unpersuasive, objections.

The first objection is that the creation of such a force is unfeasible. It is claimed that states would not agree to a cosmopolitan UN force for a number of reasons. For instance, the anti-UN stance of the Bush Administration means that it would block any moves to establish a standing army for the UN. Similarly, former Australian foreign affairs minister, Gareth Evans (1993: 58), argues that states in the South would also strongly oppose such a force, for fear it may be used against them. Thus, Marrack Goulding, a former Under-Secretary-General for Peacekeeping Operations, claims that a cosmopolitan military force ‘will continue to be a bigger pill than sovereign states will feel able to swallow’ (2004: 114).

This criticism is unconvincing. The sceptics are right to point to the current political difficulties of establishing such a force, but these problems are not innate to the international system. Moreover, the proposed force would be fairly small and, as such, its creation would not be excessively demanding. It would not take *that* much effort to achieve. Although the estimated cost of \$500 million to set up and \$200 million per year certainly raises funding issues, this expense is not so large as to be insurmountable (Kinloch-Pichat 2004: 208). Further, there is a growing realisation in the international community that a rapid response to a

humanitarian crisis before it escalates is highly cost effective, since it avoids the need for a much more extensive (and expensive) mission later on.

A second common objection concerns not the feasibility of a cosmopolitan UN force, but its desirability. The suggestion is that a UN standing army would lead to an increase in supranational governance, which, it is feared, would ultimately result in a tyrannical world state. As Peter Langille (2000) points out, if the small cosmopolitan UN force proposed gains a reputation for being successful, there probably would be moves to extend its size and power. However, even if this were true, we would still be a very long way from a world state. Furthermore, although one may rightly reject a world state, supranational governance short of this might well be desirable. As David Held (1995) and Daniele Archibugi (2004a) assert, and as I suggest below, given the current lack of democratic and effective control over a number of significant global issues, there is a need to increase the amount of (democratic) supranational governance. In sum, even if we admit that a cosmopolitan UN force sits on a slippery slope that could end in supranational governance, this is not necessarily a bad thing, and it would be an extremely long slide to a world state.

### **Too Small and Too Dependent**

Having discussed two common, but unpersuasive, objections to the proposed cosmopolitan UN force, I turn now to two criticisms that are more telling. These will show that, although the need remains for a cosmopolitan UN force, it would need to be substantially different in two respects.

The first problem with the proposed force is that it would be severely limited in what it could do. Given the size of the force envisaged, 5,000–10,000 troops, it would be too small to intervene successfully in many situations (Hillen 1994: 62; Kinloch-Pichat 2004: 142; Wheeler 2000: 306). Most humanitarian crises require a much greater number of troops. For instance: 20,000 British, American, and French troops were required to implement the no-fly zones in Northern Iraq in 1991 (ICISS 2001b: 88); 21,000 troops were needed for the multinational force in Haiti in 1994 (ICISS 2001b: 104); and over 50,000 NATO troops were needed to keep Kosovo peaceful (Goulding 2004: 106). So, the problem is this: a cosmopolitan UN force of only 5,000–10,000 troops would not be able to respond to many humanitarian crises.

To be fair, most of its proponents would accept this criticism. They tend to see such a force as having three roles: first, to deploy rapidly in the early stages of a crisis, thereby achieving a successful resolution without needing to be replaced; second, to deploy rapidly with ad hoc troops replacing it after a few months; and third, to fill gaps in ad hoc coalitions where member states have not contributed enough troops. Hence, the role of the cosmopolitan UN force, as envisaged by its proponents, would not be to replace the role of ad hoc UN

coalitions or other agents, who would still be needed, especially for large-scale missions (Kinloch-Pichat 2004: 219). Rather, it would be to fill gaps in current UN capacity, especially its lack of a rapid reaction capability.

But there would be two problems with having such a force fulfil these three roles. First, as discussed earlier, the existing options on humanitarian intervention are inadequate and offer little guarantee that effective action will be taken to halt a serious and large-scale humanitarian crisis, such as Darfur. The three roles outlined for the cosmopolitan UN force are quite limited and would seem to do little to change this situation. Second, this force would have difficulty performing even these three quite limited roles. To start with, if the force fulfilled one of its roles in one region in the world, it would not be able to intervene elsewhere. Yet it is common for there to be more than one humanitarian crisis at a time that needs tackling. Hence, Nicholas Wheeler states: 'The UN Fire Brigade could not have been sent to save Rwandans, because it would already have been committed to firefighting in Somalia or Bosnia' (2000: 304). In addition, too few of the proposals take into account the need for troop rotation (Evans 1993: 58). The need for rotation of troops means that, after undertaking one mission, the force would not be available for a number of months afterwards whilst its troops regenerate. Furthermore, if the force were used as an initial rapid reaction force, no backup troops may be forthcoming from member states to replace it (Hillen 1994: 61). This would confront the cosmopolitan force with the unenviable dilemma of either leaving, thereby letting the humanitarian crisis go unresolved, or staying, thereby depriving others of access to its protection. Lastly, having funded the force, states would most likely expect it to remove some of their peacekeeping and humanitarian intervention burden, and therefore may be less willing to provide troops themselves. As a result, the gaps in UN ad hoc missions may be much larger. The upshot is that a cosmopolitan UN force, as proposed, would be likely to have little utility.

Yet it would not be only the size of the force proposed that would limit its utility. First, it would have to rely on powerful states – especially the US – for lift capacity, communications, and logistics, which would reduce its ability to operate independently of the wishes of powerful states (Kinloch-Pichat 2004: 210–1). Second, the force would be dependent on the financial contributions of member states (again, especially the US), who could use this dependency to control the force (Kinloch-Pichat 2004: 206–11). Third, and perhaps most serious, it would be dependent on UN Security Council authorisation. The UN force would not be used against any of the permanent members of the Security Council (although this might be justified on grounds of prudence) or against any other states they wished to shield (Kinloch-Pichat 2004: 237). Indeed, the permanent members would most likely authorise its use only where they did not deem their interests to be at stake. So, even if the force were large enough and had the military, logistical, and financial resources to intervene, it would not have been deployed in Darfur, given China's opposition, or in Kosovo, given

Russia's opposition, and perhaps not even in Rwanda, given the behaviour of the permanent members at that time.<sup>5</sup> Thus the force, as proposed, would lack the political autonomy necessary to make a substantial difference.

Hence, Stephen Kinloch-Pichat (2004: 211) argues that the idea of a UN force, which was designed by its proponents to relieve the dependence of the UN on powerful states for humanitarian intervention, brings us back to square one. Its deployment is dependent on the wishes of powerful states, which are likely to block humanitarian intervention on a number of occasions, meaning that threatened populations will be left to their fate.

### **A Larger UN Force with Cosmopolitan Democratic Institutions**

We should not abandon the idea of a cosmopolitan UN force, however. There are serious problems with the current agents of humanitarian intervention and the situation clearly needs improving. Moreover, a cosmopolitan UN force would, as suggested above, certainly have some merit, such as being an elite force and providing a rapid reaction capability. Yet to have substantial moral worth – to be a significant goal worth working towards – it is necessary to make two amendments to the existing proposals.

As the first objection shows, a cosmopolitan UN force would need to be much larger. Michael O'Hanlon (2003: 85) argues that 200,000 troops would be needed to tackle all the humanitarian crises in the world at any one time, which translates into 600,000 troops after taking into account the need for rotation. Given the elite nature of the cosmopolitan UN force, it would perhaps require 75,000 troops to be available at any time, with support staff and rotation taking this to 175,000 troops (although this might still be too optimistic). Such a force would be able to intervene in larger humanitarian crises, such as Darfur, and be able to intervene in more than one place at a time.<sup>6</sup> It would also be able to continue its deployment without reliance on ad hoc troops for replacement.<sup>7</sup>

As the second objection shows, the force would also need to have the necessary autonomy. For this, it would need to be provided with financial, military, and logistical resources, and freed from the self-interested decision-making of major states.

Yet we should not simply place the decision on where and when to authorise the force in the hands of the UN Secretary-General and the Secretariat. Although this would reduce the influence of major states, and therefore help the force to be more autonomous, it would give much power to unelected officials, who could easily abuse it. It is important then that this force should be accountable, and, specifically, democratically accountable.

Why is *democratic* accountability in particular valuable? My reasoning here is similar to that of Held (1998). Democratic decision-making should be extended to significant decisions that are global in scope. This would

include the decision to deploy a large-scale cosmopolitan UN force, for such a deployment would have not only significant global effects, it would be undertaken by a global force in the name of humanity. More broadly, democratic decision-making is generally valuable for intrinsic and instrumental reasons.<sup>8</sup> Intrinsically, democratic decision-making maximises individual self-government. Democratic control (or, more specifically, majoritarian control) over a certain issue maximises the number of individuals who are self-governing on this issue. In addition, Thomas Christiano (1996) argues that democratic decision-making is needed for equality, particularly the equal consideration of interests. That is, democracy is required for each person's interests to be given equal consideration. Instrumentally, democratic decision-making tends to be more likely to deliver the right results. As Richard Arneson argues, 'what renders the democratic form of governance... morally legitimate (when it is) is that its operation over time produces better consequences for people than any feasible alternative mode of governance' (2003: 122). Thus, for these three reasons, having democratic control over a cosmopolitan UN force is morally important.<sup>9</sup>

A satisfactory level of democratic accountability could not come from having the Security Council in charge of the force. In addition to restricting the potential usefulness of such a force by making its deployment dependent on the self-interested decision-making of major states, both the functioning of the Council, which heavily favours the permanent five members and lacks transparency, and its composition, which includes three European permanent members but none from the South, are undemocratic. Even if the force were handed to states on a more equal basis, for instance by resolution of the General Assembly, there would still not be sufficient democratic accountability. This is because, firstly, a system based on the equality of states treats states of massively differing sizes (such as Luxembourg and India) as equals, and therefore gives much more weight to individuals from smaller states, and, secondly, because many states are currently undemocratic.

Given the problems with the democratic credentials of the current international system, to achieve a satisfactory level of democratic control over the large-scale cosmopolitan UN force we would need to develop cosmopolitan democratic institutions by reforming current institutions and developing new ones. The sort of institutions that would fit the bill include the following: a reformed UN Security Council, with regional organisations replacing the current permanent members and a watering down (and ultimate removal) of the veto; an intelligence gathering and monitoring institution to help to decide when and where intervention would be appropriate; a larger Secretariat with the ability to manage the deployment of the force; international legal institutions with greater jurisdiction and resources, including the capacity to prosecute those who commit egregious violations of basic human rights (thereby creating the need for humanitarian intervention in the first place) and the ability to ensure that the

cosmopolitan UN force follows principles of *jus in bello*; and a global parliament formed of representatives from constituencies of the same size.

These institutions would be in charge of authorising, running, and monitoring the use of force by the cosmopolitan UN standing army. Here is how they might work: The intelligence gathering institution would report to the global parliament a serious humanitarian crisis which it believes could be tackled by the cosmopolitan UN force. The global parliament would meet quickly to debate the deployment of the force in this case and perhaps resolve that the force should undertake humanitarian intervention to remedy this crisis.<sup>10</sup> The reformed UN Security Council would retain the power to block the intervention, but only if there were a level of consensus in the Council (since none of the permanent members, who would be regional organisations, would have the power of veto). The international legal institutions would make recommendations on the legality of the proposed intervention to both the global parliament and the reformed Security Council. In addition, they would review the intervention afterwards, making detailed assessments of the action and recommendations for the future.<sup>11</sup>

In fact, it is unlikely that a cosmopolitan UN force of this size could be realised without these accompanying cosmopolitan democratic institutions. Unless we create cosmopolitan democratic institutions to go alongside a UN standing army, states would be likely to oppose the force *ad infinitum* (Ryan 2004: 66). To give the UN greater jurisdiction over such matters, states will need to have more confidence in the UN, and this can come only with increased democratic accountability.<sup>12</sup> Cosmopolitan democratic institutions would therefore be an essential (and desirable) accompaniment to a large-scale cosmopolitan UN force.

But if there were such cosmopolitan democratic institutions, why would there need to be such a force? It may seem that such institutions would remove much of the need for humanitarian intervention because they could prevent conflict through measures such as the eradication of poverty, the provision of education, and demilitarisation. They would also be able to undertake a number of coercive measures short of military action, such as the freezing of bank accounts, international criminal prosecution, and arms embargoes. Notwithstanding, the existence of cosmopolitan democratic institutions might not mean that local rivalries and conflicting interests were resolved completely and instantly.<sup>13</sup> Although some of the measures available to cosmopolitan democratic institutions could help to defuse many such situations, others may still flare up to a full-scale humanitarian crisis. We need to be ready to tackle them if they do. As Held (1995: 276) argues, cosmopolitan democratic institutions require teeth. The international community learnt this lesson with the ineffectual League of Nations.

There are, then, two parts to my proposal. First, there should be a new agent to *undertake* humanitarian intervention – a large-sized cosmopolitan UN force. Second, existing institutions should be reformed and new international institutions should be created to *authorise* humanitarian intervention.<sup>14</sup> In the

hands of such cosmopolitan democratic institutions, a large cosmopolitan UN force could intervene effectively to prevent mass violations of human rights in challenging situations on a much more frequent basis and with much greater democratic control.<sup>15</sup> Accordingly, this two-part proposal would be a highly desirable solution to the problems faced by the current mechanisms and agents of humanitarian intervention.

### **Tyranny of the Global Majority**

One frequently voiced objection to the idea of global institutions is the danger that such institutions would be tyrannical. A particular variant of this objection can be made against my two-part proposal: these institutions might authorise the cosmopolitan UN force to undertake abusive intervention. This situation could arise if these institutions fell into the hands of a single leader or corrupt elite. But the more pertinent objection is that abusive, nonhumanitarian intervention would be authorised by the global demos. In short, there would be a danger of the tyranny of the global majority. Individuals (through their representatives) in a global parliament may vote to intervene to repress vulnerable minorities (such as the Romany). Alternatively, the converse problem could arise: the global demos may not approve humanitarian intervention that *is* warranted.

Both situations would be more likely to arise if the global public, when voting on such issues, were uninformed or misguided. In this context, Robert Dahl (1999: 24) argues that within the current international system, the complexity of a number of international matters puts them beyond the immediate capacities of most citizens. In his words: ‘many citizens are confused, hold weak opinions, or have no opinions at all’ (Dahl 1999: 27). This problem, Dahl argues, is likely to be worse at the level of global democratic institutions.

In response, we should take steps to ensure that the cosmopolitan democratic institutions would authorise humanitarian intervention in the right cases and not in the wrong ones. I have already indicated that the global parliament’s decision to deploy the cosmopolitan UN force could be blocked by the reformed UN Security Council. A further check on the power of the global demos would be the codification of certain normative criteria (such as those typically found in Just War Theory) in international law to restrict when humanitarian intervention can be legally authorised. Such legal criteria, if subject to independent judicial review (by strengthened international legal institutions), would limit the opportunities that the global parliament would have to authorise abusive intervention.<sup>16</sup>

Ultimately, though, whether we find this tyranny of the global majority objection persuasive depends on whether we think that democratic decision-making is instrumentally justified. As suggested above, there is good reason for thinking that it is. Any demos may sometimes support the wrong options and

Dahl is mistaken to highlight international issues in particular. Domestically, individuals often hold mistaken, misguided, and immoral views, yet, as I suggested earlier, democracy, on the whole, seems to be the best way of producing the right results.<sup>17</sup> The same can be said for the global demos in control of a large-scale cosmopolitan UN force: although they might make the wrong decision sometimes, these occasions would probably be outweighed by the times they get it right. Furthermore, they would be more likely to perform better in this regard than any other potential arrangement that works with the current international system. This response points to an important feature of my proposals for cosmopolitan democracy: these institutions are best judged not simply on their own merits (or shortcomings). They are instead better judged in comparison with current arrangements and other possible alternatives. Let me explain.

In *A Theory of Justice*, John Rawls (1999) distinguishes between two sorts of theorising: ideal theory and nonideal theory. The former, ideal theory, ‘assumes strict compliance and works out the principles that characterise a well-ordered society under favourable circumstances’ (Rawls 1999: 216).<sup>18</sup> By contrast, nonideal theory is concerned with ‘the principles that govern how we are to deal with injustice’ (Rawls 1999: 8). The proposals for a cosmopolitan UN force and accompanying cosmopolitan democratic institutions should be treated as an exercise in nonideal theory, not ideal theory. Their aim is to tackle a far-from-well-ordered international society where injustice is widespread. Indeed, any theory of the legitimacy of a humanitarian intervener will inevitably be an exercise in nonideal theory, given that it is concerned with grave circumstances (i.e. egregious violations of basic human rights).

Accordingly, any non-ideal theory will still have some potential drawbacks – after all, it is not ideal. Although potential drawbacks are undesirable, these are unavoidable given the degree of injustice that a nonideal theory must work with. Therefore, it would be mistaken to reject a nonideal theory, such as my proposal for cosmopolitan democratic institutions and a large-scale cosmopolitan UN force, because of the (small) possibility of abuse by the global demos. We should instead compare it to other nonideal theories. One leading alternative is a statist order. Yet compared to the proposals outlined above for cosmopolitan democratic institutions, the likelihood of egregious abuse of power in such an order is much greater. As Simon Caney asserts, the statist system ‘grants states untrammelled power to persecute their peoples. Unlike a multilevel system of cosmopolitan governance, the rights and interests of the people are entirely dependent on the conduct of their state’ (2005: 165).

There are two responses then to the challenge that the global majority could use the UN force to undertake an abusive intervention against a minority. The first is that we could insist on a system of checks and balances to help guard against abuse. The second is that a permanent UN force in the hands of cosmopolitan democratic institutions should not be judged absolutely, but

instead judged in comparison with the alternatives – it would be better than an international system of states.

### **Improving Regional Organisations: the Best Short-term Option**

A further objection to my proposal is that both aspects, the intervening force and the authorising institutions, are unattainable. This is because states will never relinquish their dominant position in international relations.

There are four points to make in response. First, it is important to note that this proposal is a long-term normative goal to work towards rather than a policy prescription that can be implemented instantaneously. As such, concerns over immediate feasibility are largely irrelevant. As Held argues, 'The question of political feasibility can't simply be set up in opposition to the question of political ambition' (1995: 285).

Second, states may not have any choice in whether they maintain their dominant position. Indeed, in the past three decades there has already been considerable erosion of state sovereignty as the forces of cosmopolitanism (e.g. individual human rights and human security) and the forces of globalisation (e.g. transnational trade) have challenged the moral and political significance of state borders. As Archibugi notes, 'There is a perceptible tendency towards widening the international community, which implies an irreversible shift towards a progressive *de facto* reduction of the sovereignty of individual states' (1998: 157).

Third, a development of a large UN force with accompanying cosmopolitan democratic institutions is certainly *possible* in the long-term. The existence of the EU and the UN proves that transnational institutions can be created (Held 1998: 28). There is little reason to think that, given time, global democratic institutions with a cosmopolitan UN force could not be created as well. As Falk and Strauss (2001) assert, even the most ambitious part of this proposal – a global parliament – is achievable. They argue that, like the early European Parliament, a relatively weak assembly, created by global civil society and business leaders (perhaps with the endorsement of a relatively small number of countries to start with), and initially equipped with largely advisory powers, could begin to address concerns about democratic deficit, whilst posing only a long-term threat to the realities of state power. Formal powers could follow as the assembly becomes the practical place for clashing interests to be resolved.

Fourth, the creation of a large-scale, permanent UN force with accompanying cosmopolitan democratic institutions is unlikely to happen overnight. This proposal is best seen instead as a mid- to long-term solution to the problems with the current agents and mechanisms of humanitarian intervention. As the desirability of a cosmopolitan UN force is increased by making the two changes suggested above (by increasing its size and by putting it under the control of cosmopolitan democratic institutions), the likelihood of achieving this goal in

the short-term diminishes. Creating a small-scale cosmopolitan UN force, such as that proposed by Urquhart and others, is more likely to be attainable, yet its lack of autonomy and utility limit the desirability of this reform.

For this reason, it may be more fruitful to concentrate our immediate efforts elsewhere. To that extent, a better short-term option would be to strengthen certain regional and sub-regional organisations so that they have a greater ability to undertake effective humanitarian intervention within their regions. This has more immediate political viability than a small-scale standing UN force (given the likely opposition to this force). It is also more desirable. As argued above, a small-scale standing UN force would have limited utility (for instance, it would be able to tackle only one humanitarian crisis at a time) and would be reliant on major states. By contrast regional organisations, if improved, could intervene without being subject to the whims of major states and could provide the capacity to tackle a number of different humanitarian crises in different regions across the world at the same time.

The proximity of regional interveners means that they typically have a vested interest in resolving the crisis (ICISS 2001b: 210). A nearby humanitarian crisis may cause border incursions, an influx of refugees, financial hardship, and political instability for the whole region. Indeed, it would be odd if the member states of regional organisations did *not* benefit from humanitarian intervention within their regions. This element of self-interest makes the necessary commitment – as well as the willingness to undertake intervention – more likely to be forthcoming. The problem though with regional organisations at the moment is that they lack the resources to undertake humanitarian intervention successfully. The suggestion, then, is to utilise the potential willingness of regional organisations to undertake humanitarian intervention by strengthening their capabilities to do so.<sup>19</sup> There are a number of potential improvements that might be made. The most obvious is to develop the military resources of regional organisations. This would not require an enormous effort; regional organisations will rarely require extensive air- and sea-lift capacity to intervene within their own regions. Particular attention should be paid to the strengthening of African regional organisations, such as the AU and ECOWAS, given the large number of humanitarian crises on this continent and the general reluctance of other agents to intervene in what are regarded as African quagmires. In this context, practical measures of improvement include assistance with funding and the further training of African troops with programs such as the Global Peace Operations Initiative.<sup>20</sup> In addition, proposals for the African Standby Force under the control of the AU should be put into place, and the 15,000 troops projected for this force would probably need to be increased, given the number of conflicts in Africa.

Such reforms place much trust in regional organisations. A potential objection here is that this trust would be abused by regional hegemony that would use the cover of humanitarianism to engage in abusive intervention. For the

reasons given above, the trust in regional organisations would be more justified if regional organisations were reformed so that they were more democratic, both in composition (by the democratisation of member states) and in functioning (by increasing transparency and by ensuring a large role for regional parliaments). However, although these proposals for improving the *authorising* mechanism of regional organisations are desirable, the immediate aim is to improve the capacity of regional organisations to *undertake* intervention within their regions.

We need to be careful that these proposals for strengthened regional organisations – and in particular African regional organisations – would not lead to the international community completely washing their hands of crises not in their region. In anticipation of this problem, it would be a good idea, firstly, to strengthen regional organisations' capacity to intervene even further so that other agents' lack of willingness to intervene would not be too detrimental, and, secondly, for regional organisations to highlight that they may not always be able to act and that other agents still may possess the responsibility to protect.

Hence, improving regional organisations' capacity would be the most constructive short-term solution to the problem of a lack of legitimate interveners to undertake humanitarian intervention. But it may be asked here, if regional organisations were democratic and effective, why would we require a UN force with accompanying cosmopolitan democratic institutions? Indeed, given the importance that cosmopolitan democracy places on the principle of subsidiarity, it may seem that such regional solutions are preferable.

In response, it is important to emphasise that these two options are, for the most part, complementary. The provisions for increasing the ability of regional organisations to intervene effectively and democratically would be consistent with the general ethos of cosmopolitan democracy and would be an important step towards achieving a large-scale, permanent UN force with accompanying democratic institutions.

Moreover, as discussed above, there are two parts to the proposal for improving regional organisations as agents of humanitarian intervention. The first part, which should be the immediate aim, is to improve regional organisations' capabilities and therefore their *effectiveness*. The second part is to improve regional organisations' democratic accountability and therefore their *legitimacy* as mechanisms to authorise humanitarian intervention. Although it may seem that a large-scale cosmopolitan UN force with accompanying democratic institutions has little in its favour over this two-part proposal for improving regional organisations, a cosmopolitan UN force is clearly preferable to the first part by itself (i.e. improved regional capabilities without accompanying democratisation).

In fact, there are compelling practical reasons for, in the *long-term*, preferring a cosmopolitan UN force with accompanying democratic institutions to this two-part proposal to improve regional organisations. First, international stability is likely to be better served by a single, global authorising institution, with a

clear, universal legal norm for when and how humanitarian intervention is to be undertaken than by a number of regional organisations, each with the ability to authorise intervention, and each with differing perspectives on when and how humanitarian intervention should occur. Second, a large-scale cosmopolitan UN force would be more likely to be effective than regional forces because it would be a highly-motivated, elite force with rapid reaction capability, and with significant experience of intervening in humanitarian crises. Third, beyond the issue of humanitarian intervention, there are many additional reasons of cosmopolitan justice for creating cosmopolitan democratic institutions, which could not be dealt with if we were to rely simply on strengthened regional organisations. To elaborate, cosmopolitan democratic institutions are required if we are to tackle poverty, nuclear proliferation, and environmental concerns (Pogge 1992).

Thus, whilst reformed regional organisations would be a desirable short- to mid-term solution, in the long-term, to achieve fully legitimate humanitarian intervention, we would need the sort of democratic and effective intervention that can come only from a large UN force under control of cosmopolitan democratic institutions.

### **Conclusion**

To recap the argument of this article: the existing agents and mechanisms of humanitarian intervention are inadequate and there is a general unwillingness to intervene. The international community therefore currently lacks the tools to discharge the responsibility to protect. One response to this problem is a cosmopolitan solution: to develop a UN standing army to undertake humanitarian intervention. But the problem with most proposals for such a force is that the force envisaged would be too small and lack the political, financial, and logistical autonomy to make a substantial difference. For a cosmopolitan UN force to be a truly desirable goal, it would need to be much larger and in the hands of cosmopolitan democratic institutions. These two amendments to the proposals, however, make the achievement of such a force much less likely in the short-term. Accordingly, in the short- to mid-term, it would be preferable to develop regional organisations' capabilities to intervene.

It is worth noting here that the fact that there have been some recent reforms and proposals for reforms (such as for EU battlegroups and for the African Standby Force) indicates that there is at least a degree of will in the international community to reform the current systems of humanitarian intervention. But we will need to increase substantially this will to reform if we are to achieve the proposals outlined above, especially if we are to realise a large-scale cosmopolitan UN force in the hands of cosmopolitan democratic institutions. One way of improving this will is to encourage a subtle adjustment in states' perception of their national interest. In this context, Kofi Annan has called for

a new, broader definition of the national interest in which states recognise that the collective interest is identical with their national interest (Abbott 2005: 7). But even on narrow understandings of self-interest, there has been a growing realisation that the disruption caused by a humanitarian crisis far away can have significant domestic effects. For instance, a failed state can breed international terrorism and destabilise an entire region. It is important, therefore, that we emphasise these links between humanitarian intervention and national interest, thereby tapping into a potential source of political will to reform.

I do not want to overemphasise these arguments concerning national interest, however. The more salient point is that we have a moral responsibility to prevent, halt, and decrease substantial human suffering, such as that found in genocides and large-scale violations of human rights. As such, it falls on all of us in the international community to accept that we have these duties of reform and to act upon them. For these reforms are vital if the international community is to fulfil its responsibility to protect endangered populations from mass violations of human rights.

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### **Notes**

- <sup>1</sup> This is for 13 battlegroups, each consisting of 1,500 soldiers (plus support), rapidly deployable and sustainable in the field for up to 120 days.
- <sup>2</sup> Note that, for the purposes of this article, I assume that humanitarian intervention can be justified when certain criteria are met. This is hardly a controversial position. Indeed, it is much harder to find an absolute noninterventionist nowadays. Even those who are deeply suspicious of humanitarian intervention and sceptical about its prospects of success will probably still admit that it might, in theory, be justified when there is a serious enough humanitarian crisis.
- <sup>3</sup> Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide states: 'The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.'
- <sup>4</sup> These include: Caney (2005), Conetta and Knight (1995), Held (1995, 1998), Langille (2004), Smith (1998), Tan (2006), Urquhart (1993), and Woodhouse and Ramsbotham (2005). See Kinloch-Pichat (2004) for a detailed history of the proposals for a UN standing army. A slightly different yet interesting proposal (although largely heuristic) is made by Bernard Williams (1995: 3–4). He suggests the creation of an international rescue army of private relief agencies such as Oxfam, which would be funded by billionaire philanthropists, consist of idealistic soldiers, and be guided by a committee of reputable international figures.
- <sup>5</sup> See Pogge (2006).

- <sup>6</sup> This was the sort of size of force envisaged originally under Article 43 of the UN Charter, which, although never implemented, was meant to provide a large number of troops readily available to the UN Security Council. The US estimated that it would provide 300,000 troops under this Article (Urquhart 1993: 3).
- <sup>7</sup> Having a large number of troops and extensive capability to intervene is not, however, sufficient to guarantee successful humanitarian intervention. An effective intervener will also need to possess (amongst other qualities) sufficient non-military resources, an appropriate mandate and rules of engagement for its mission, and a strategy for halting the humanitarian crisis and for establishing and maintaining peace. It will also need to intervene in a timely manner and win the hearts and minds of those in the political community in which it intervenes. Perhaps the best way that it can do this, apart from effectively tackling the crisis, is by respecting principles of *jus in bello* (principles of just conduct in war).
- <sup>8</sup> Space precludes a more detailed discussion of these reasons here.
- <sup>9</sup> The compatibility of these three sorts of justifications is subject to much dispute. Indeed, Christiano (1996) rejects the argument from self-government and Arneson (2003) makes a purely instrumentalist defence of democracy. Nevertheless, it is not altogether clear why these different justifications should conflict and therefore why we should reject a plural justification of democracy.
- <sup>10</sup> Archibugi (2004b: 10) also believes that a world parliament is the ideal institution to deliberate on humanitarian intervention. He also goes on to propose the creation of a UN army. However, his proposal, unlike mine, is for a *standby* rather than a *standing* army. The (main) problem with such standby arrangements is that, as evidenced by the UN Stand-By Arrangements System (UNSAS), states retain the prerogative on whether or not to deploy troops, and this means that, on many occasions, states choose not to commit, leaving the UN mission short. See, further, Langille (2000).
- <sup>11</sup> To be sure, I am not endorsing world government. The role of these institutions is limited to global issues, such as serious humanitarian crises that require humanitarian intervention. On local and national issues, cosmopolitan democracy requires the decentralisation of decision-making. See Archibugi (2004a) and Pogge (1992: 65).
- <sup>12</sup> Certain states (i.e. the US) may oppose increasing the democratic credentials of the UN because this would create a rival, legitimate institution. Although this might be the case, it is unlikely that other states would agree to increase significantly the capacity of the UN to govern without such reform.
- <sup>13</sup> As I will argue below, these proposals are part of non-ideal theory.
- <sup>14</sup> An additional benefit of such institutions is that they would be able to act as legitimate authorising institutions. That is to say, they would also be able to authorise other agents' humanitarian interventions and the stamp of approval from these institutions would legitimise the authorised agents.
- <sup>15</sup> Note here that my argument, unlike Archibugi's (2005) cosmopolitan proposal, for this two-part solution does not revolve around the claim that multilateral intervention is preferable to unilateral intervention because the latter is likely to be self-interested. On the contrary, there is good reason for thinking that the motivation of a humanitarian intervener does not play a significant role in its legitimacy (Pattison 2007; Tesón 2005). Instead, my argument is that this solution is the best way to ensure that the responsibility to protect is, one, effectively, and, two, democratically discharged when there is a humanitarian crisis that needs tackling.
- <sup>16</sup> See Archibugi (2004b) for further discussion on drawing legal guidelines on humanitarian intervention. It is important to note here, however, that the codification of legal criteria on humanitarian intervention is not without its problems. Specifically, it would be difficult to achieve agreement on which particular criteria should be included, with the danger of a legal proscription that is either too permissive or too restrictive.
- <sup>17</sup> For a detailed discussion of how democracy is instrumentally justified, see Weale (1999).
- <sup>18</sup> Rawls's domestic theory in *A Theory of Justice* is an example of an ideal theory.
- <sup>19</sup> Kinloch-Pichat (2004: 235) also proposes improving regional organisations' capabilities to intervene. My proposal differs from his in that he proposes creating a UN standing army *before*

pursuing regional options. This gets things the wrong way round: it would be far simpler and more beneficial to improve regional organisations' capabilities first.

<sup>20</sup> This US-initiative aims to provide 75,000 extra peacekeepers worldwide, most of them African (Gompert 2006: 7).

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