The ethics of humanitarian intervention: the Rohingya and Uighurs

Samantha Kichmann explores the ethical and political factors at play in an analysis of international humanitarian intervention through a case study of the Uighurs and Rohingya.

Currently, there are two particularly pressing human rights crises attracting international attention: the state-sponsored persecution of Uighurs in China and of the Rohingya in Myanmar. Both groups are Muslim ethnic minorities who claim victimhood of various abuses at the hands of their governments. The Uighurs are an indigenous Turkic people hailing from the Xinjiang Uighur Autonomous Region, with a historically complicated relationship with China: the Uighurs have expressed a desire for independence since the 1980s, while Beijing claims that Uighur nationalists have resorted to terrorism against the government (Terhune & Jonathon 2016, 142-144). In Xinjiang, at least one million Uighurs are detained in 're-education camps' that Western powers can observe only via satellite imaging (Perlez 2019). Meanwhile, in Myanmar, the Rohingya have long been an oppressed minority, frequently subject to detention in internally displaced persons camps and to direct and structural violence, including ethnic cleansing and cultural genocide (Kingston 2015, 1167). Both cases raise the question of whether intervention is necessary and, if so, who has the responsibility and ability to intervene. The liberal West has long considered humanitarian intervention to be an essential duty (Pattison 2002, 268), but how can interventions take place without taking the form of Western-centric neo-imperialism or an imposition of Western interests over local ones?

In an attempt to answer this question, we will review relevant tenets of just war theory and Mutua's 'Savage-Victim-Saviour' conception of universal human rights in an attempt to define ethical intervention and bound it within a theoretical framework. I posit that, though a need for intervention can be rightly recognised, the actual undertaking of intervention requires testing cases through Just War Theory and through frameworks that mitigate the imposition of Western priorities and saviour narratives.

Just War Theory:

There is an effective consensus among just war theorists on the validity of at least 6 constitutive principles of jus ad bellum, which literally translates to 'right to war', denoting the preconditions that must be present in order for any declaration of war to be considered as just. Of those six, humanitarian intervention is most concerned with the following four: 1) War may only be undertaken as a last resort; 2) It must be fought with the right intentions, which include neither self-interest nor punitiveness; 3) There must be a reasonable chance of success; And 4) the war effort should be

proportionate to the threat it means to neutralise, and destruction should be as minimal as possible (Moseley).

Intervention may only be rightly used to mitigate the most egregious of threats such as state-sponsored genocide (ICISS, 31), which allows foreign governments to disregard the sovereignty of the perpetrator state: the state's failure to protect its own citizens from harm subjects it to the open possibility of foreign intervention.

Savage-Victim-Saviour Framework:

The Savage-Victim-Saviour (SVS) framework, first conceptualised by Makau Mutua in 2001, highlights some of the problems within Western interventionism and approaches to human rights. Employing the metaphorical construction of 'savages' pitted against victims and their saviours, Mutua scrutinises discourse within the human rights movement with a critical eye on the fact that contributors to this discourse are primarily 'Western states, the UN, international NGOs, and Western academics' (Mutua 2001, 202). This yields a persistent Western-centric binary of good versus evil (Mutua 2001, 202).

*The Savage***:**

First, there is the savage: normally, the 'perpetrator'. This figure is typically depicted as so unimaginably cruel that their public image becomes one of pure barbarity and amorality (Mutua 2001, 202). In human rights discourse, the perpetrator state often fills the role of the savage by being illiberal, anti-democratic, authoritarian, and resistant to guaranteeing civil rights. Mutua instead posits that it is the cultural foundations of a state that allow it to deny human rights to its people (Mutua 2001, 203).

*The Victim***:**

Those people being denied their rights are most often cast as the victim – they are the innocent and powerless humans under assault by the savage. Only one particular kind of victim is recognised by human rights doctrine: someone who suffers directly from torture or genocide, rather than, for example, someone who dies from a famine in the country (Mutua 2001, 203).

*The Saviour***:**

The final role in Mutua's paradigm is the saviour: the actor who 'protects, vindicates, civilizes, restrains, and safeguards'. The saviour promises to restore freedoms embodied in the universal human rights corpus. Mutua (2001, 204-205) points out that this corpus, while well-meaning, is fundamentally Eurocentric and firmly located within a historical and cultural context of colonialism that undermines claims of universality. He argues that his metaphorical construction 'rejects the cross-contamination of cultures'; that is to say, Western cultures attempt to make non-Western cultures align with their cultural systems whilst imagining the non-Western cultures to be inferior (Mutua 2001, 205). Western values, therefore, emerge as the panacea to all the world's human rights abuses.

Mutua urges the human rights movement to become 'multicultural, inclusive, and deeply political,' rather than based solely on Western ideology and worldview (Mutua 2002, 13).

Additional considerations: where the West has gone wrong:

Western interventions have been subject to great scrutiny before, which further complicates considerations for future interventions by outside states – it is difficult to set rules for correct justification and conduct of foreign interventions without any accepted precedent for such. Considering intentions, Johanna Damboeck's analysis of intervention in Darfur (2012, 296) found that the UK, USA and France 'were the leading actors in the decision to intervene militarily' and both the UK and the USA's attitudes were influenced by other foreign policy decisions, rather than by human rights alone. Damboeck concluded that while humanitarian responsibility was used as the legal justification, states were largely influenced by their national interests (Damboeck, 296). This outside

influence calls into question the reasons behind the timing of intervention; it also jeopardises jus ad bellum because states go to war with the wrong intentions.

Another case, the 2003 US and UK joint invasion of Iraq, was 'justified' by the aggressors citing humanitarian concerns. However, it is now clear that it would have been more prudent in the long run to tolerate Saddam Hussein, or at least to commit more firmly to exerting diplomatic and economic pressure on his regime, rather than risk the toll of death and destruction that resulted from the invasion (Heinze 2007, 177) and the regional instability that persists even today. Additionally, this war demonstrated that the intended beneficiaries must actually be in favour of foreign intervention and that they receive it only from states of their choice (Altman and Wellman 2008, 243). This links back to the principles of proportionality, 'last resort', and 'reasonable chance of success', none of which were satisfied in the case of the Iraq War.

More broadly, Just War scholar Jean B. Elshtain (2001, 4) claims that 'no one can intervene without getting blood on their hands', meaning that the interveners must proceed with care to not becoming an aggressor themselves, causing the least possible harm while also ensuring that their own combatants are not at unsustainable risk. This caution connects to the cautionary note about overreach within the Just War tradition, reaffirming proportionality and non-combatant immunity (Elshtain, 4).

Case studies: Rohingya and Uighurs:

These frameworks are first applied here to the case of the Rohingya, a community recognised by the international community as victims of an ongoing genocide. Unfortunately, in this case, there is little political will to spur intervention (Kingston 2015, 1170). Without political motivation and multilateral support (especially within the UN Security Council), intervention is unlikely to occur. China and Russia, both holding permanent membership on the UN Security Council (which often discourages significant international response to any of their actions), seldom support interventionist measures. This creates a catch-22 of intentions: without political interests supporting, Western governments have little individual motive to intervene, but if they did have such interests, the purity of their humanitarian intentions would be jeopardised. However, overreach and problematic motivations can be uprooted by multilateralism, that is, an alliance of multiple countries pursuing a common goal, and, in turn, reduce nationalist resistance from Myanmar (Dobor 2015, 501). Unfortunately, most multilateral actions are still determined by Western societies, thus posing the risk of imposition.

Furthermore, it is uncertain if this crisis has reached the threshold of 'last resort'. Recently, Gambia accused Myanmar of genocide in the Rakhine state at the International Court of Justice (ICJ), which launched an investigation into these allegations (Bowcott 2019). This investigation allows Myanmar to respond, as well as offering potential justice for the victims. It is also a step taken towards 'last resort': if Myanmar does not respond accordingly, the impetus for intervention increases. Moreover, the ICC case will focus on prosecuting individual, rather than state, responsibility (International Criminal Court, 2019), placing the case more firmly within the purview of Mutua's framework. Additionally, it must be noted that Gambia is a non-Western state, which indicates that inclusive multilateral interests might effectively mitigate the potential primacy of Western imperialist motives.

Based on her research on media coverage of human rights in Myanmar and using Mutua's framework, Lisa Brooten has argued that Western media covers the crisis in a highly selective way. Brooten determined that the Rohingya Community Facebook page, often used as a source by journalists, illustrates Rohingya suffering whilst portraying the Rakhine Buddhists, the Arakan security forces, Bangladeshi officials, and the Burmese police and military as savages (Brooten et al 2015, 725). The saviours are depicted as the international human rights corpus from Mutua's framework alongside various Muslim groups. Additionally, 'justice, rule of law, democracy, freedom, and restoration of ethnic rights emerge as more metaphorical saviours' (Brooten et al., 725). This has then been reflected in Western media coverage of the Rohingya, which tends to characterise the US as the patriarchal saviour of both global and local victims, as well as presenting various roles for foreign investment and Myanmar's media (Brooten et al., 728). Interestingly, she found that the Inter Press Service (IPS) assigns agency to the Burmese themselves in solving such problems, whereas the New York Times reinforces the responsibility of the US and its allies, invoking common humanity to justify a framework with very specific saviours (Brooten et al., 733).

This study demonstrates that Western news should be viewed with scepticism, while reinforcing Mutua's idea that the Western spectator and would-be intervener must consider the agency of the at-risk population to be decisive for the possibility of intervention. These considerations must be made alongside the complex frameworks imposed by Just War Theory. While intervention may theoretically serve to protect, it can become disproportionate, badly intentioned, and often fails to exhaust all possible routes of peaceful resolution. Furthermore, any Western intervention must work alongside multilateral non-Western groups, whilst being inclusive of the 'victims' it would like to protect. Without these considerations, intervention can become a tool of neo-imperialism that disregards cultural differences.

The situation of Uighurs in China is even more complex. Firstly, the one-party Chinese state has a poor human rights record that in theory could jeopardise international recognition of its sovereignty (Altman & Wellman 2008, 233), but the practical likelihood of this is negligible due to China's immense economic and geopolitical power. Furthermore, Uighur separatists have been labelled by China as terrorist threats linked to the West's 'War on Terror' (Clarke 2008, 271), which permits the state to exercise 'defensive' force against them and discourages the West from intervening for fear of being perceived to act in aid of terrorism.

Another element of this problem is that the ongoing conflict in Xinjiang has been labelled a cultural genocide (Clarke, 274). A cultural genocide seeks to diminish or destroy a culture but does not necessarily involve mass murder or ethnic cleansing. Instead, the Chinese have placed Uighurs in so-called 're-education camps', urging them to assimilate into what they call 'Han Chinese' culture. They have also run a program of Han in-migration to the region. While the conditions in these camps are notoriously inhumane – the worst reports describing torture, sexual abuse, and forced abortions and contraception (Maizland 2019) – this genocide does not fulfil the necessary prerequisites to be considered mass crimes against humanity and remains unaddressed as a justifiable case for humanitarian intervention.

Furthermore, China's position as one of the most powerful nations in the world makes the cost of intervention outweigh any potential material or political benefit for the intervenors. This is an unfortunate facet of the global system: the risks of intervening in the affairs of highly powerful nations severely limit the reasonable chance of success, or even potential for a multilateral mission. Furthermore, while the UN and EU have called on China to end the crackdown, Muslim-majority nations have largely remained relatively silent, prioritising economic and strategic relationships with China (Maizland 2019).

As Myanmar is a less powerful nation, intervention and assistance from Muslim organisations is possible and even encouraged. China's global influence makes organising similar aid and action strategically difficult, as many groups would prefer a positive relationship with China. For now, all that anyone can expect to be done in China are the Human Rights Watch recommendations of 'publicly challenging Xi; sanctioning senior officials, such as Chen; denying exports of technology that facilitates abuse; and preventing China from targeting members of the Uighur diaspora.' (Maizland 2019) It is possible that with enough non-violent pressure, China's actions will cease – however, given the brutal nature of the crackdown, this is highly unlikely.

Conclusions:

Just War Theory maintains various dictates, since all war involves a human cost. Humanitarian intervention is, at best, a difficult justification for war. Politically, humanitarian intervention is highly complicated and can only occur under specific circumstances with both parties' consent. Furthermore, when we consider Mutua's SVS framework, it becomes clear that even with mostly good intentions, Western interventionism runs the risk of neglecting other cultures' needs and prioritising cultural imperialism.

Going forward, human rights discourse must consider both of these frameworks and account for factors such as multilateral non-Western approval, the desires and agency of those whose rights are being violated, the intervenor's responsibility to minimise damage, and the media's power to spin public narratives. Additionally, it is imperative that humanitarian intervention remains a last resort, as otherwise it can be easily corrupted to justify wars predicated on non-humanitarian interests.

The two cases we see here offer differing accounts of when intervention can occur. In the case of the Rohingya, minimal international support for intervention makes a political case for it difficult, even when there appears to be a strong moral case. This is why the current ICC case is the best course of action before arriving

at the use of intervention as a last resort. It involves multilateral interests as well as the investigations of individuals, rather than the state as a whole, thus satisfying many ethical dilemmas.

In the case of the Uighurs, China's political power and the reduced severity of the accusations make it improbable, if not impossible, for countries to intervene. If this were to progress to genocide and ethnic cleansing, the case could be re-evaluated, but there would need to be a mass multilateral consensus with a reasonable chance of success to intervene on the Uighurs' behalf. Again, because of China's power, this would be nearly impossible to develop.

Yet, humanitarian intervention remains a compelling ideal. It must be reworked so that the system benefits the many rather than a few specific interests. A new framework should be highly international (non-Western) and seek to minimise the political justifications of intervention, appealing solely to acting in the best and most diverse way possible. Only when the framework is modified as such can it accomplish what it seeks to do.

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