

CARNEGIE COUNCIL *for Ethics in International Affairs*

Michael Doyle on Nonintervention and the Responsibility to Protect

Ethics & International Affairs Interviews, Global Ethics Forum TV Series

Michael W. Doyle, John Tessitore

Transcript

JOHN TESSITORE: Hello. Welcome to another of our series of interviews sponsored by the Carnegie Council and by the Council's journal, *Ethics & International Affairs*. I'm John Tessitore, editor of the Journal, and it's my pleasure to be the host of this series.

I'm delighted to have with me Michael Doyle, the Harold Brown Professor of U.S. Foreign and Security Policy in the Department of International and Public Affairs at Columbia Law School and in the Political Science Department. Professor Doyle specializes in international relations theory, international security, and international organizations.

Welcome, Michael. It's a great pleasure to have you with us today.

MICHAEL DOYLE: Thank you, John. It's great to be here.

JOHN TESSITORE: I should also tell the audience that prior to your arrival at Columbia you served as assistant secretary-general and special advisor to UN Secretary-General **Kofi Annan**, I believe, from 2001-2003—am I right about that?

MICHAEL DOYLE: That's correct.

JOHN TESSITORE:—where your responsibilities included strategic planning, outreach to the international corporate sector, and relations with Washington, which was not an easy brief.

MICHAEL DOYLE: These were tough years for all of us.

JOHN TESSITORE: Professor Doyle's recent publications include *Making War and Building Peace: United Nations Peace Operations*, with Nicholas Sambanis, and *Striking First: Preemptive and Prevention in International Conflict*, both from Princeton University Press.

But today I want to focus on another of Professor Doyle's publications, and that is his article in the Winter 2009 issue of *Ethics & International Affairs*, entitled "**A Few Words on Mill, Walzer, and Nonintervention.**"

So, Michael, let's begin with an anecdotal comment, if I may.

MICHAEL DOYLE: Sure.

JOHN TESSITORE: I recall about a dozen years or so ago being at the annual dinner of the United Nations Association, with 150 or more UN ambassadors sitting in the audience, everybody in their pretty black ties, and Secretary-General Kofi Annan of course addressed the audience. But, rather than delivering the kind of polite social address one would expect in such a venue, he delivered a rather remarkable policy speech in which he said, in effect, that it was time for the international community to put the peoples of the world ahead of the governments of the world—in effect, challenging the sacred principle of sovereignty.

Of course this was long before the notion of "responsibility to protect" got coined and came into public venue. I can tell you that the response from those 150 or so ambassadors was a stony silence.

My question: What would happen—what would be the response of those ambassadors today if the Secretary-General were delivering that same message?

MICHAEL DOYLE: It's a good question. It was a very important speech. In many respects, it was one of the major sources of what became the responsibility to protect doctrine.

But times have changed. The idea that there is a responsibility to protect—that is, that governments have a duty to protect their own citizens; and then, if they fail, the international community has a residuary responsibility to step in—has become much more normalized.

At the [Global Summit of the General Assembly in 2005](#), a unanimous resolution established this responsibility to protect in just that kind of a concept.

But they limited it in two ways that would reflect, let's call it, a normalization of this concept of responsibility. One is they limited it to a series of specific harms—war crimes, crimes against humanity, ethnic cleansing, and genocide—so only those crimes were sufficient to constitute a good reason to, if necessary, override domestic sovereignty. And then, they also limited it to the equivalent of the Security Council, so that, again, this norm couldn't be exploited for national narrow self-advantage.

So the concept was striking and shocking when Kofi Annan addressed it at that meeting, but over time it has become more specific, made clearer, but at the same time garnered a great deal of support. That resolution of 2005 was unanimous. Over this past summer, when the issue was looked at again by the General Assembly, support was very wide indeed for the principle of R2P.

The principle is great. Now, we might want to ask: Will they ever deliver on it? That's another question.

JOHN TESSITORE: That of course is the follow-up question, yes. Principles are wonderful, but how does one translate—

MICHAEL DOYLE: It's a good question.

JOHN TESSITORE:—and will there be the political will to make that transition from principle to actuality?

MICHAEL DOYLE: The answer is mixed on that. On the one hand, the phraseology is "responsibility to protect." That's important. That is, it's not just a permission to do it, but a responsibility.

JOHN TESSITORE: Good point.

MICHAEL DOYLE: So that was a rhetorical step, I think, in the right direction.

But there's a big gap between rhetoric and action in these kinds of events. If, for example, Rwanda, the horrible [genocide of April of 1994](#), were to occur right now, it's not clear to me that we would have the necessary rapid action by states volunteering, Security Council quickly approving, an effective action being taken, to stop it in order to save lives.

JOHN TESSITORE: Would you say that Darfur actually suggests that that would not happen?

MICHAEL DOYLE: Yes, Darfur does, because Darfur is interesting. When we get to these conflicts, there is a desire to be sure—very commendable. But, you know, in 2003 and 2004 something that looked very like a genocide was occurring. But then the decision was "Why don't we have a study to commission it?" By the time the study reported in, a year or so later, events had become much, much more confusing. There were still crimes against humanity and war crimes occurring, but then came the issue of were they of sufficient consequence and wouldn't a peacekeeping operation be more effective; and then that took more time to come into place; and then wasn't effective. It was sort of like a rolling set of—not condoned—but tolerated abuses took place. So we still didn't get that concerted, clear, fast, effective action.

We live in a real world where all that's very difficult because events are confusing and states are very reluctant to risk the lives of their citizens for broad humanitarian purposes.

JOHN TESSITORE: That does suggest—and I don't mean to be cynical, but it does suggest—that there is a certain amount of rhetoric in the principle that does not translate into actual commitment.

Was it easy to actually just stand up and say, "Yes, I'm in favor of R2P, it's the right thing to do," knowing that in fact all of these actual impediments still existed and that the likelihood of having to actually follow up was perhaps slim?

MICHAEL DOYLE: That's a good question, and it comes to the heart of what makes ethical world politics so difficult.

But I would say, pushing back from that somewhat—because I've already agreed with you that this is rhetoric and there's a big gap between it and action—but it doesn't mean it's ineffective, in two ways.

In addition to the acknowledgement of the responsibility to take forcible action should a genocide, et cetera, occur, there is a commitment, which is developing in useful ways, to say, "Let us engage in more preventive work." Now, short of sending in the troops, what can be done to head off a likely situation where R2P might arise?

JOHN TESSITORE: Well, that's the responsibility to prevent, isn't it? Isn't that the other pillar that doesn't get quite as much attention?

MICHAEL DOYLE: That's right. But it should, because the responsibility to protect is very difficult, in the way we just discussed. The responsibility to prevent is also difficult, but it's not quite as demanding and can be more effective.

That is, you know, one can intervene diplomatically to help resolve a national crisis. Here I have in mind the activity in Kenya a couple years ago, where the international community, Kofi Annan again in the lead, came in, helped to mediate a conflict that was looking like it would turn into a genocidal conflict between ethnic groups in Kenya.

And more recently, just a few weeks ago, in Guinea, international pressure was put on to persuade the military government to move quickly to return to civilian rule and holding those responsible for a set of massacres responsible, again heading off what could have been a much more serious, escalating conflict that would have or could have produced massive crimes against humanity.

On that score, I think we should give positive ratings to the R2P effort for having put that more clearly on the international agenda. It was never precluded—you could always engage in diplomacy—but what the R2P effort did from when the report first came out in 2001 to the 2005 outcome document was to sell it, in the best sense of that term, to explain it, to explore what its implications were, and to build support for it around the world. The result of it is this responsibility to prevent, which is already having some positive effects on world politics.

JOHN TESSITORE: I'm looking at my notes, and I see that you say in your article that you place more emphasis on the consequentialist character of the ethics of both intervention and nonintervention than is commonly done. Why is this important and why have **deontological** concerns been emphasized at the expense of consequentialist ones?

MICHAEL DOYLE: Well, there are some good reasons why we care about deontological concerns. Among them is the structure of international law, based upon consent and rules, lends itself in that direction. So the fundamental principles of self-defense, for example, in violating the **UN Charter Article 2(4)** and in **Article 51**, are deontic principles—that is, individuals and states expressing their rights to form a communal society, which needs to have territory and political independence. All of this is about authenticity and autonomy. It's part of the foundation of world politics.

The reason I wanted to introduce more of a concern about consequences is that those rules work well, and they should work well, for most usual normal interactions, but at some point the rules don't work and we need to go below the surface of authenticity and consent and legal authorization to some of the deeper human concerns that arise. Some of those concerns are also deontic—what is the nature of autonomy?—but they concern basic issues of life and death. The rules are rules for normal activity, but in extreme circumstances we do want to take into account how many people will die as a consequence of following them. So we have a rule against the use of force across borders, but if a horrible set of massacres is taking place within a country, at some point our basic human solidarity cries out to try to do something about it, because if we can avoid those deaths we feel a moral compunction to try to do so.

That's where I think consequences come in as a way to both supplement and understand the rules, why in general they're good, and at the same time think about those exceptions where they need to be overridden or disregarded. That's where I think the role comes in, and **John Stuart Mill**, as you see, inspires me in that direction.

JOHN TESSITORE: Okay. Let me follow up on that, Michael. How do we employ consequentialist reasoning about military intervention when our short-term actions are very likely to cause significant harm, such as, for example, the kinds of civilian casualties we hear about all the time going on in Afghanistan, while only possibly accruing long-term benefits—i.e., political stability? This seems like there has to be some kind of balance here or a calculation. Is it an equation? Do we figure out that X is better than Y? What's the thinking that goes on in the international community before going forward?

MICHAEL DOYLE: Part of it is an equation. That is, you know, we're always talking about future events. That is, they're all being anticipated. We are anticipating with great concern the possibility of casualties—our own soldiers, noncombatants—in any warlike situation; and we are concerned about possible benefits that might accrue—that is, ending a genocide, helping a people free itself from colonial oppression, or stopping a persistent, continuing civil war that year after year simply grinds out civilian casualties. So it's always a product, as our economist colleagues tell us, of expected utilities—that is, we have certain probabilities we attach to a likely outcome and values we place on it, positive and negative.

Part of the task is to, in a loose sense of that term, do those calculations, to subtract the negative expected utilities from the positive expected utilities and see where the net balance lies. Now, that sounds very mechanical for things that have to do with real-world lives.

We also have immense uncertainties attached to all of these, always. So that, even though it is a calculation, any image of cranking some numbers into a computer and pushing a button and adding and subtracting is the wrong image. Really, the process is agonizing, as it should be. So that's one step, its calculation.

The other step is taking actions that will reduce the likely bad consequences and increase the likely good ones. For example, if you are engaged in an armed conflict, the responsibility of both sides, but I think especially for a side that conceives of itself to be engaging in a humanitarian enterprise, to try to do good for others, is not only to be very concerned about the likely collateral civilian casualties, but to take active measures, including risks upon yourself, to reduce their likelihood.

So that, for example, one can talk about the intervention in Kosovo as a reasonable response to a likely massive ethnic cleansing. But the idea that one would do it in a way that imposed casualties on innocent Serbs, civilian Serbs, is unfortunate.

There have been many criticisms of the idea of high-level bombing, for example, as the right way to put pressure on [Milosevic](#). Pressure needed to be put upon him, but the risk should not have been transferred so readily, many people think, to civilian Serbs, which would be the likely result if bombing took place at a very high level.

So we should take active measures to reduce the negatives and active measures to increase the positives. If you were to intervene in a country to stop a genocide, let us say, as in Rwanda, it's really important that that country have a stable government so that it can reestablish its self-determination and rule on the basis of a respect for human rights. So it would be very irresponsible to engage in that kind of a humanitarian intervention if you weren't also concerned about helping them rebuild the country.

JOHN TESSITORE: And that's post-conflict reconstruction.

MICHAEL DOYLE: That's right.

JOHN TESSITORE: It's the responsibility to reconstruct.

MICHAEL DOYLE: Exactly. That has to be an essential element of any action that is of a genuinely humanitarian character in my view.

JOHN TESSITORE: Again I'm going to look at my notes. I made a note that Mill and Walzer reason from the presumption that nonintervention is a norm or principle.

MICHAEL DOYLE: That's right.

JOHN TESSITORE: Thus, the burden of proof rests on the intervening state to justify its actions. However, according to Mill, and I think subsequently refined by Walzer, there are exceptions that override, quote/unquote, the principle of nonintervention, as well as exceptions that disregard this basic principle.

I'm going to ask you to tell us what are those exceptions and what is the difference between those exceptions that allow you to override and those that allow you to disregard?

MICHAEL DOYLE: It is a distinction that is in Mill himself. Michael Walzer in his very good study makes less of it; he is concerned more about the disregarding options. But Mill looks at both the overriding and the disregarding ones. It's a conceptual difference that he thinks is relevant.

JOHN TESSITORE: Is it from an ethical perspective or a moral perspective?

MICHAEL DOYLE: Yes. They're both making ethical law argument.

The argument is that the rule is a very strong rule of nonintervention, for good reasons, legal as well as ethical. But there are some circumstances in which other considerations, other than the ones that lead you to adopt the rule of nonintervention, come into play and are of ethical significance and let you override the rule.

For example, the rules of nonintervention are strongly reflective of principles of self-determination plus the international legal principle of consent. But if one sees one's own national security being essentially and vitally threatened, then under those circumstances one might override the rule of nonintervention, Mill argues.

JOHN TESSITORE: Okay.

MICHAEL DOYLE: In other circumstances, if you see enormous and persistent and seemingly unstoppable casualties, the principle of human solidarity—

JOHN TESSITORE: In another country?

MICHAEL DOYLE: In another country.

JOHN TESSITORE: The result of perhaps domestic tyranny?

MICHAEL DOYLE: It could be, or an ongoing civil war, for example. Under those circumstances, you can then override. So it's overriding taking other considerations into play.

The second Millean argument is that self-determination is the foundation of the principle of nonintervention, but if self-determination isn't the relevant circumstance—that is, rather than a country struggling to define its political essence, even through conflict, if instead it is a case of a genocide, just a massive slaughter; or one nation, a big nation, oppressing a small nation, the process of struggling, which is their own right and duty to do, will not be an effective representation of self-determination—it doesn't hold. Under those circumstances, nonintervention can be disregarded because the self-determination that is its foundation doesn't apply in those circumstances.

JOHN TESSITORE: Let me follow up. We know that it is the Security Council that has to make the ultimate decision in terms of going forward with a UN-sponsored mission to protect.

MICHAEL DOYLE: Yes.

JOHN TESSITORE: Do you believe that the Security Council sees it as the way Mill sees it, or would it lean toward one or the other? Would it accept both of these as sufficient cause for a possible intervention?

MICHAEL DOYLE: No. The Security Council doesn't do philosophy.

JOHN TESSITORE: Okay.

MICHAEL DOYLE: They do distilled either legal principles or political principles, rules of thumb.

JOHN TESSITORE: So tell me how it would look through the eyes of the Security Council.

MICHAEL DOYLE: If an emergency of some sort arose and it was a potential R2P situation, they would first go: Does this emergency fit within the four elements that they have been, let's call it, loosely authorized by the General Assembly to consider as circumstances under which the use of force might be taken on-board. Those are of course the war crimes, crimes against humanity, genocide, and ethnic cleansing. So the first thing they would ask themselves is does it fit in one of those four?

If it does not, they would then be in a position, to the extent that they are operating within the normative obligations to protect international law and international peace and justice, to say that the case doesn't hold.

To give you an example, there was the Hurricane [Nargis](#) that affected Myanmar (Burma) a number of years ago. The question then arose—it was raised by the French foreign minister—as to whether or not this was an R2P situation—

JOHN TESSITORE: I remember that very well, yes.

MICHAEL DOLYE:—because there were likely to be very large casualties, extensive destruction. The government looked as if it wasn't adequately responding from what we were seeing from the

outside. The question then arose: Should the international community now step in?

There was a debate specifically in R2P terms there. The key thing that was missing in the view of many of the observers who felt it was not an R2P situation was that the government was not engaged in intentional harm to its own citizens. It faced a lack of capacity.

If one looks carefully into the criteria—ethnic cleansing, war crimes, crimes against humanity—

JOHN TESSITORE: It did not meet any of those particular criteria?

MICHAEL DOYLE: No. Even the one that's closest, crimes against humanity, requires a degree of intentional harming rather than unintentional inability to deal with the situation.

So there was an unwillingness to bring together an R2P movement to deal with the Nargis emergency. In the end, local states in Southeast Asia, plus with international help, eventually were able to, with the consent of the government in Burma, introduce some degree of assistance.

JOHN TESSITORE: It strikes me, though, that were one to have abused the principle—and that could have been seen as an abuse of the principle—you run the risk of basically destroying its value in the eyes of the international community. Isn't that a risk—

MICHAEL DOYLE: Definitely.

JOHN TESSITORE:—that at any point one were to err and in a sense discredit the principle?

MICHAEL DOYLE: Especially when it gets to, so to speak, the sharp end of it—that is, the authorization of the use of coercive force. There is a great deal of concern and suspicion of that principle in the international community, mostly among developing countries, a concern that it might be used in an imperial kind of fashion by the great powers. So it is very important to save that for very clear cases.

When it comes to diplomatic activity, one can be arguably a good deal looser, because most diplomatic activity is done with at least a formal consent of the government that is afflicted by the emergency.

JOHN TESSITORE: I want to stay on this basic theme but look at it in a slightly different way. In your discussion of Mill's and Walzer's views on the limits of foreign intervention, you said, fairly strikingly, that not every injustice that justifies a domestic revolution justifies foreign intervention.

What are the cases where the former is justified but not the latter? What about states—

MICHAEL DOYLE: Where revolution would be not an intervention?

JOHN TESSITORE: Yes. What about states where domestic revolution is arguably justified today, such as Iran, and you mentioned Myanmar, whether we call it Burma. Might either of these states be candidates for international intervention; and, if so, what kind of intervention, realizing that intervention as you've just said a moment ago is not always the pointed end of the stick?

MICHAEL DOYLE: Right. There are many circumstances that might justify revolution within the standpoint of the citizens or the subjects of a country. It's their determination that it's worthwhile to risk force, with all of its consequences, in order to change the government.

If the people of Iran—or name any country—were mobilized and rose up against their government after experiencing significant oppression, it would certainly be within their own rights to do so. They will, of course, dispute it domestically. Some will be usually in favor; others will be opposed. History and their own history will—

JOHN TESSITORE: Revolution then is a prerogative of sovereignty?

MICHAEL DOYLE: It's a prerogative especially of the citizens. We in the West have the [Lockean](#) tradition that eventually you appeal to heaven, which is the use of force and the call to citizens to rise, and governments in our view rest upon the consent of the citizens.

In most cases in the world, we acknowledge that the political system is to be produced by the citizens, the people who live within that country, and within their own frameworks.

But there are some rules, on the other hand, that are so widely shared and powerful that they set a limit on sovereignty. Among them are genocide, war crimes, crimes against humanity, now possibly ethnic cleansing.

JOHN TESSITORE: So exactly as defined by R2P.

MICHAEL DOYLE: That is sort of the limits, these are the circumstances that justify an intervention. But a revolution is something that one leaves up to a local population, to their own determination what is worth fighting for.

In our own revolution, the level of oppression by Britain in the United States was not extreme by international standards, but it was not tolerable to an American, at least a significant part of the American public, in the 1770s who wanted their own independent government. So under those circumstances peoples rise.

If we go back to the Solidarity movement in Poland in the 1980s, the government of the regime then, [Jaruzelski](#), was pretty oppressive, but not by international standards anything close to genocide or the other kind of harms. But it is perfectly within the right of the Polish people to rise and throw it out, to produce a government that they prefer.

JOHN TESSITORE: And that would clearly be an example where Mill would say—

MICHAEL DOYLE: Yes, revolution is fine, but not an intervention; that's a matter for locals.

JOHN TESSITORE: Let me talk about the concept of nonintervention in other than military terms. Of course we constantly think of it as a kind of forceful intervention, an actual use of troops and military power. But we know there are many others. Sometimes we forget that intervention comes in the way of economic sanctions and other forces. In fact, that is clearly the case. We read quite recently how the Russian government seems to be more willing to put additional sanctions, quote/unquote, on the government of Iran.

What is the nature of this kind of intervention? And what is the decision process? How is it different—or is it different—from the concept of military intervention? In other words, what goes into the thinking—again, let's put ourselves in the Security Council—in terms of making those determinations?

MICHAEL DOYLE: The first principle I think we need to start with is the principle of necessity. There should never be an armed intervention if, so to speak, a lesser intervention would be equally effective for dealing with the harm. So necessity, proportionality, these kinds of broad just war principles, should enter into any responsible statesmanship I think.

The reason why we focus so much on military intervention is, number one, the grave consequences that usually attach to it in terms of the likely casualties; second of all, the interference with political independence or territorial integrity; thirdly, the illegality of it—it's illegal under Article 2(4) of the UN Charter unless the Security Council approves it for peace and security or other issues. So it's that issue.

So we draw a line. In international law the line is relatively clear in customary law—that is, states can do all sorts of things on their own, some of which are even harmful to another country: they can cut off foreign aid, they can refuse to trade—now, if they refuse to trade they may be violating the [WTO](#) [World Trade Organization] or other obligations—but it's within the sovereign discretion of a country to conduct its foreign policy according to its own best lights. All of these things are legal, even though they're sometimes consequential.

The line in international law gets drawn at a blockade—that is, anything short, so to speak, of a blockade is an act within the framework of peace.

JOHN TESSITORE: Such as the U.S. embargo on Cuba?

MICHAEL DOYLE: That's right. All of those things are short of a blockade. But when a blockade comes into play this is now an act of war that has to be justified.

JOHN TESSITORE: By definition under law.

MICHAEL DOYLE: That's where war begins. But embargos, sanctions, et cetera, are all short of war. So that's one of the reasons. We draw that line there.

Now, that said, there are some sanctions that are the equivalent of a blockade—for example, multilateral sanctions. When the UN Security Council imposes economic sanctions on a country, they are binding upon all states. It's the equivalent as if you put a naval cordon around, if it were an island, and preventing anything from coming in or going out, if they were 100 percent sanctions. Those kinds of sanctions also need Security Council approval. They are equivalent to an act of war.

Other kinds of sanctions, unilateral sanctions or regional ones, are all within the discretion of states.

But when we come to the ethical point of view, this distinction, this bright line—blockade no, anything sort of it yes, the legal distinction—

JOHN TESSITORE: Including multilateral sanctions?

MICHAEL DOYLE: Multilateral sanctions that the Security Council approves. But national sanctions, all those are okay from the legal point of view.

That is not persuasive from the ethical point of view, because we know that if a country depends, let's say, for 70 percent of its budget on U.S. foreign aid or conducts 80 or 90 percent of its trade with the United States, and we suddenly impose sanctions on trade and aid, it will be devastating, the equivalent of a blockade, from an ethical or moral point of view.

That's why those who look at the ethics of sanctions have to look at **just war** kinds of principles when they think about them, even though they are within the legal discretion of a particular country if it wants to sanction another country.

We have to be concerned about who is being affected by it, which is a strong argument for targeting sanctions against the person, regime, group within the regime, that is most responsible for the harm. Therefore, sanctions against Iran, for example, are being targeted at the **Revolutionary Guard** and the parts of the government that are engaged in the nuclear program, under the view that they are most responsible. The average Iranian certainly is not responsible for the actions of the government.

So these kinds of principles of targeting—that is noncombatant immunity, of proportionality, of necessity—come into play when we look at sanctions from an ethical point of view, even though legally that's not the regime that they're under.

JOHN TESSITORE: In your personal opinion, you seem to sound more in favor of the legally condoned, Security Council-condoned, multilateral approach than the unilateral approach, despite the fact that the multilateral approach is closer to what you could call an act of war, it's closer to a blockade. Is it because of the legality? And here we go back to consequentialism—the consequences can be just as severe, or perhaps more so, than a unilateral sanction or a regional sanction, but does it have greater moral weight because of the backing of the international community?

MICHAEL DOYLE: It does, in the sense that, number one, if endorsed by the Security Council, it is within the framework of international law, and the rule of law itself is of value.

The other thing is that if it has been endorsed by the Security Council, it almost automatically has a broader deliberative quality to it, that it has been approved not just by one country but it has been approved by the Permanent Five, including countries with very diverse views. You know, Russia, China, the United States, France, United Kingdom—they have all agreed if it has been approved by the Security Council, and four more, usually smaller, states have also been persuaded that this is a reasonable action. So the deliberative quality of it—that is, it has been tested in a court of international opinion, it has been found to be persuasive—that gives it also a higher quality.

The third reason to prefer multilateral to unilateral is effectiveness—that is, if all states are required to implement the sanctions, they will actually have some effect on the party, while in a frequent situation one state imposes unilateral sanctions because it regards the actions of some other government as wrong, immoral, illegal, et cetera, and then some other state will then fill in and substitute for the exports and imports that would otherwise have been traded with the first state, so you have ineffective sanctions.

So effectiveness, deliberation, legality—all of these things strongly favor multilateral sanctions.

Unilateral sanctions we can't eliminate because sometimes, unfortunately, the Security Council doesn't operate responsibly. Very narrow national interests come into play on votes, for example. Under those circumstances, then there are nothing but unilateral actions that can express revulsion at a particular set of actions that are harmful and, hopefully, prevent or stop them by the pressure of the sanctions.

JOHN TESSITORE: Let me finish up with one last question. You note that in international law intervention refers to, in the words of—I think you quote [Lassa Oppenheim](#)—any type of "dictatorial interference" in another state's affairs, but that no single treaty exists that provides comprehensive guidelines as to what delineates lawful from unlawful intervention.

So if that is the case, what do you foresee as the future of the principle of nonintervention in terms of its development in international law and in the practice of states? Are we, in other words, moving toward a world where intervention is more or less likely?

MICHAEL DOYLE: Within the framework of the law "dictatorial interference" is the essential concept. Within the law it has been shaped now by the UN Charter so that you can only use force other than self-defense with the procedural approval of the Security Council, and in the UN Charter that's limited to matters of international peace and security. That is, so to speak, hard law today.

But what we are seeing is this whole humanitarian intervention has arisen, and we now have strong norms, like R2P, that are designed to shape the behavior of the international community, but they haven't been yet incorporated in a treaty form so that they are hard law. These are softer norms that are designed to engage the Security Council rather than direct it. So we don't yet have a full treaty on, let us call it, humanitarian intervention. Someday the Charter might be revised to formally incorporate R2P, like in [Article 39\(b\)](#), as the circumstances under which the Security Council should authorize the use of force. But right now it's only, let's call it, a strong norm, a suggestion to the Security Council.

So the question then arises, as you mentioned: What happens in the future? It's very unclear.

One hopes that there will be fewer occasions. In the world that we really want to live in, we want to live in a world where countries protect their own populations and don't need external pressure to do so. That's why we would like to evolve, and to the extent that we can build up the foundations of the rule of law and addressing extreme poverty, we can move into a world that is one where interventions are less needed. That would be very desirable. The problem is, however, that is not the world we live in today.

I think there is a greater likelihood of at least the softer interventions that is a product of the success of R2P. I think we will see more Kenyas, more Guineas—that is, more diplomatic interventions to try to preclude the threat of a genocide than we saw in the past, and that's a good thing.

Whether if one actually broke out—another April of 1994 Rwanda—effective action would be taken, I still remain skeptical, and I regret that skepticism.

JOHN TESSITORE: Well, on that note, I want to say thank you so very much, Michael, for being with us.

MICHAEL DOYLE: Thank you, John. A real pleasure to speak with you.

Audio

What circumstances justify overriding sovereignty? Michael Doyle discusses the difficult questions surrounding nonintervention and the "unanimous revolution" of 2005, which led to the new norm known as the Responsibility to Protect.

Video

What circumstances justify overriding sovereignty? Michael Doyle discusses the difficult questions surrounding nonintervention and the "unanimous revolution" of 2005, which led to the new norm known as the Responsibility to Protect.

TV Show

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