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'You Break It, You Own It': 30 Years of Foreign-Imposed Regime Change.

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Abstract

This thesis assesses the foreign-imposed regime change (FIRC) phenomenon as it has occurred in the past three decades, and in doing so highlights the important contradictions between liberal states' global ambitions and the problematic realities of FIRC. It rejects the often-heard 'Pottery Barn' analogy (i.e. 'you break it you own it') in favour of an 'orthodox' or 'Walzerian' Just War Theory perspective. As the Pottery Barn Rule leaves many aspects of FIRC unexamined, its unquestioned acceptance results in an impoverished understanding of modern-day regime change, the thesis emphasises FIRC's moral complexity as well as the ethical challenges its practice poses.

The thesis argues that since the end of the Cold War, the prominence of liberal discourse has facilitated the US-led world order's distinction between democratic states, which are perceived as legitimate, and 'illiberal' or 'rogue' states, which are not. This has resulted in attempts to overthrow and replace these states' regimes, ostensibly in the name of global security and humanitarian concerns. In examining this phenomenon, the thesis employs a casuistic 'historical illustrations' approach, which is used to propose a distinction between superficial and radical variations, and which highlights the importance of interveners' intentions and motives. Subsequently, the potential for a just regime in the presence of a regime's culpability for the large-scale violation of basic human rights is examined. In assessing potential interventions to halt such abuses, the thesis splits the overarching responsibility concept (including the 'Responsibility to Protect') into aspects of 'duty' and 'obligation', which also relate to postwar responsibilities in imposing 'minimally just' regimes. Ultimately, since the majority of recent regime change attempts have been nothing short of cautionary tales, establishing the conditions for a regime change which is both more just and more effective is crucial to an improved understanding of both liberal interventionism and post-conflict ethics.

School of Government and International Affairs

'You Break It, You Own It':

30 Years of Foreign-Imposed Regime Change

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Contents

This thesis is the result of my own work. Material from the published or unpublished work of others which is used in the thesis is credited to the author in question in the text.

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*

To my Parents

Chapter I: Contemporary Regime Change Interventions

This thesis sets out to examine 'foreign-imposed regime change', a phenomenon commonly defined along the lines of "the use of military coercion to depose the government of another state" (Paris 2015: 139). It argues that the 'liberal order' which has dominated the course of international relations for the past three decades has permitted powerful states to reshape the politics of sovereign members of the international community. This development is in line with Whitehead's assessment (2009: 223) that from as early as the 1970s, there has been "a surge of 'liberal internationalism' according to which the best long-term interests of the democratic West would be served by promoting democracy – even taking risks in order to accelerate the disintegration of authoritarian and totalitarian regimes where the rulers were resisting democratization – in order to produce a more uniformly free and accountable global order." In addition to these significant developments, the thesis asserts that advocates of modern regime change generally appeal either to a global 'humanitarian' sentiment and the protection of human rights, or the preservation of a safe and stable 'world order'.

In this context, the thesis addresses both the potential causes for intervention and the potentially devastating consequences of unjust regime change. The thesis' central arguments revolve around the notion that foreign imposed regime change cannot be understood outside of its political and temporal context. This not only affects our moral judgement of individual cases, it also points at better ways of managing postwar imposition. Past interventions have often operated under the assumption that more radical change leads to more successful democratisation and stabilisation in the targeted countries. Subsequent chapters show that, contrary to these assumptions, the imposition of 'Western' systems of governance often leads to long-term instability. In the course of the following eight chapters, the project consequently highlights the important contradictions between liberal states' ambitions and the problematic realities of the often-heard 'Pottery Barn' analogy ('you break it you own it') in favour of a more structured perspective grounded in the Just War tradition. In doing so, the project makes a distinct contribution to knowledge in several key ways. Primarily, it proposes a simple taxonomy of cases in the form of radical and superficial regime change, and highlights key

criteria and conceptual distinctions which should inform our thinking about forcible regime change. In addition, it makes the case for an approach balancing ethical concerns with the demands of the political framework and argues that we cannot understand forcible regime change apart from its context in the liberal order or without relation to real-life challenges. Ultimately, it argues that a more structured focus on these principles will not only enhance our understanding of past interventions, but has the potential to limit the negative consequences of future regime change attempts.

Accordingly, the aim of the present chapter is to begin the examination of forcible regime change by first setting out the context in which the thesis will operate and delineating the phenomenon against other concepts, including humanitarian intervention and military occupation. As is shown below, it does this through an initial discussion of the regime change concept in relation to the Iraq War.

1.1 Context: The 2003 Iraq War

Few other early 21st century events have been subject to as much debate as the 9/11 attacks and the subsequent US-led military interventions in the Middle East. From the outset, the 2003 invasion of Iraq, and especially the subsequent removal of its Ba'athist regime by the United States and its allies, was surrounded by controversy regarding the relation between state sovereignty, global security, and fundamental human rights. In marking the day of the official 'handover of sovereignty' from the occupying powers to a new Iraqi government in June 2004, United States President George W. Bush celebrated the demise of the old regime as both a military and a *moral* victory. He famously stated that

> [t]his day [...] marks a proud moral achievement for members of our coalition. We pledged to end a dangerous regime, to free the oppressed, and to restore sovereignty. We have kept our word. Fifteen months ago, Saddam's regime was an enemy of America and the civilized world; today Iraq's government is an ally of both. Fifteen months ago, Iraq was a state sponsor of terrorism; today Iraq's leaders, with our support, are systematically fighting terrorists across their country. Fifteen months ago, we faced the threat of a dictator with a history of using weapons of mass destruction; today the dictator is a threat to no one [...]. Fifteen months ago, the regime in Baghdad

was the most aggressive in the Middle East, and a constant source of fear and alarm for Iraq's neighbors; today Iraq threatens no other country and its democratic progress will be an example to the broader Middle East. [...] Iraq was ruled by a regime that brutalized and tortured its own people, murdered hundreds of thousands, and buried them in mass graves. Today Iraqis live under a government that strives for justice, upholds the rule of law, and defends the dignity of every citizen (2004: para. 3).

This (mostly symbolic) handover of sovereign power to a new, ostensibly more democratic and legitimate regime which replaced 'an enemy of the civilized world' did not put an end to the controversy attached to the intervention as a whole, however. It continues to be discussed, not because of its initial military success, but rather in relation to the subsequent failure of seemingly 'straightforward' regime change operations. The metaphorical quagmire of postwar stabilisation and state-building in Iraq confirms yet again that "[t]he termination of war is rife with traps. Wars are notoriously easier to start than to end" (Rodin 2015: 675).

Indeed, we now know that the violent demise of Saddam Hussein's regime created an unexpected power vacuum. Neither the Coalition Provisional Authority ('CPA') nor other allied planners seem to have fully anticipated the potentially catastrophic consequences of replacing a decades-old and deeply-entrenched authoritarian Ba'athist dictatorship with a comparatively weak and divided, albeit more 'democratic' government. As Dodge (2005: 707) has written, "once the institutions of government had collapsed, the task facing the occupation became much more complex and potentially contradictory." Overall, an intervention which was thought to bring stability and democracy to the region ended in a post-invasion period which saw years of political destabilisation. This has been accompanied by an increase of sectarian violence between Sunni and Shia Muslims. The new Iraqi government's weak grip on the state apparatus, including the re-established Iraqi armed forces, made it difficult to combat the resulting insurgencies. Ultimately, these tensions have culminated in the catastrophic emergence of the 'Islamic State' group, whose defeat (but not its final destruction) in Iraq was only claimed in 2017, as well as a steady rise in Iranian influence in the country and the wider region.

The forcible toppling of Saddam Hussein's Ba'athist government in Iraq, as well as the intervention against the Taliban regime in Afghanistan in 2001, are commonly described as notable failures and have been compared in scope to the disastrous intervention in the Vietnam conflict, in which military and political quagmires significantly damaged the global reputation of the United States of America (e.g. Dumbrell & Ryan 2007). These past conflicts underline the notion that whether it is waged for motives of political gain or for ostensibly humanitarian purposes, warfare remains as complex as its outcome is unpredictable. While this evidently affects its practical experience for the belligerents 'on the ground', it also poses challenges regarding our ethical judgment before, during, and after the fighting. While none of this is likely to come as a particular surprise to anyone with an interest in armed conflict, the interventions of the past twenty-five years have added another important dimension to this debate: more than once, the 2003 Iraq War and its aftermath have been described as constituting a 'foreign-imposed regime change' (occasionally abbreviated to 'FIRC').

This thesis argues that this form of contemporary foreign-imposed regime change is more than an unanticipated 'byproduct' of intervention. Nor should it be seen as 'merely' a severe violation of the conventions concerning military occupation. Indeed, given its pivotal role in underpinning the justification for recent high-profile conflicts, the lack of more widespread and detailed examination of this type of regime change is both surprising and problematic. In response, the thesis examines the development of the phenomenon from the 1990s to the recent past. It argues that it is important to treat foreign-imposed regime change as a separate construct which is intimately related to, but ultimately separate from similar concepts such as humanitarian intervention and military occupation. As will be seen, a more detailed conceptualisation of contemporary regime change is affected by three competing pressures, namely

- The tensions between nominally equal states' sovereign rights and the fundamental human rights of their inhabitants.[1]

- The emergence of a US-led 'Liberal World Order' at the end of the Cold War.

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[1] As Donaldson has clarified, what we call 'rights' are generally understood as "principles that assign claims or entitlements to someone against someone [...]" (1995: 153). In the case of the human rights discussed in the thesis, these are mainly populations' claims to not be victims of state-sanctioned abuse.

- A lack of clarity regarding the legal, but more importantly the moral, authority to intervene in security crises or humanitarian emergencies.

In light of these important constraints, and especially considering the postwar complications of 21st century interventions in the Middle East, foreign-imposed regime change must be examined further, in particular as "much of the Western world's conventional political discourse has been stretched, distorted, and even misappropriated, to serve the mobilizing and disciplining purposes required for a so-called global 'war on terror'" (Whitehead 2009: 233).

The accompanying controversial appropriation of 'liberal', democratic, and human rights-related discourse, in addition to the potential future practice of a 'humanitarian regime change' wars, faces important moral objections on several counts. These range from its infringement of national sovereignty and its effects on international stability to debates on the problematic status of forcible democratisation. Accordingly, it is necessary to first define modern FIRC and set it apart from similar, but ultimately different, historical instances of regime change.

1.2 The Contemporary FIRC Concept

While 'FIRC' is a modern term, there have been numerous historical precedents for forcible 'regime change' in the broadest sense. Evidently, "[f]or centuries stronger powers have intervened along their peripheries to establish politically acceptable forms of order" (Rubin 2006: 178), including, but not limited to, the many facets of colonialism, imperialism, or the imposition of obedient puppet regimes.[2] For instance, Owen (2010: 2-3) has noted that "[o]ver the centuries, states have forcibly promoted domestic regimes in Europe, Asia, Latin America, and Africa. Depending upon time and place, they have promoted established Catholicism, Lutheranism, and Calvinism; absolute monarchy, constitutional monarchy, and republicanism; communism, fascism, and liberal democracy; and secularism and Islamism." More recently, the

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[2] 'Puppet' regimes include countries such as Manchukuo up until 1945, whereas 'satellite states' for example refer to the Soviet Union's European allies during the Cold War, such as the German Democratic Republic.

well-known postwar occupations and democratic restructuring of Imperial Japan[3] and National Socialist Germany[4] have time and again been brought up by proponents of FIRC to illustrate the potentially successful outcomes of regime impositions. To be sure, these wars did ultimately culminate in the rehabilitation of states as fully-independent and democratic members of the international community. Nonetheless, it is crucial to note that, in spite of its eventual success, "regime change was the consequence, not the cause of the war" (Walzer 2006 [a]: ix) and that thus, FIRC "was not a stipulated goal at the outset of World War II. As the war went forward, regime change came into focus as a compelling and legitimate war aim", as Elshtain has correctly noted (2007: 135).

The overthrow of regimes as a *byproduc*t of intervention rather than a *central aim* sets most 'historical' instances of regime change apart from the current conceptions which this thesis sets out to discuss. Furthermore, while contemporary regime change missions have been regularly framed as taking place within the wider context of supposedly humanitarian action, a forcible change of regime poses additional challenges. Accordingly, it is necessary to dispel some of the common misconceptions which have hitherto hindered a more systematic assessment of the modern FIRC phenomenon. These misunderstandings often figure in the 'popular imagination' of the regime change concept, but also occur in academic discourse. As a consequence, it is essential to first clarify *what FIRC is not.*

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[3] Regarding the regime imposition after Allied victory in the East, Monten notes that in order "[t]o convert Japan into a stable liberal democracy, the United States established an extensive occupation structure under the Supreme Command of the Allied Powers (SCAP), led by General Douglas MacArthur. The SCAP agenda included not only framing a new constitution and organizing elections, but a wider array of institutional and economic reforms aimed at creating the conditions for a sustainable liberal democracy and pluralist society. These directives were implemented and administered through the Japanese national bureaucracy, which the United States allowed to remain intact despite the Japanese defeat" (2014: 174). This contrasts sharply with the attitude of the occupying forces to the Iraqi national bureaucracy, as later chapters highlight.

[4] While the postwar success of the Federal Republic of Germany is often hailed as a notable result of democratisation efforts, this ignores the country's previous experiences with democracy. It also downplays the very specific circumstances (which cannot be recreated) that allowed Germany to regenerate (for a discussion on [West] Germany, see for example Boehling 1996). In the case of post-war (West) Germany, the imposition was arguably a case of re-introduction of democracy, since Germany had already experienced a brief period of democratic rule from 1919 to the National Socialist takeover of 1933. Walzer (2006 [b]: 103) has referred to this as "a restoration of democracy, not a creation *ex nihilo* - the Weimar republic lay only twelve years in the past." For a more critical assessment of the early postwar treatment of Germany, see MacDonogh (2007).

1. Foreign-imposed regime change is not identical to traditional conceptions of military occupation (MO) of one sovereign state by another, although this sort of occupation is by necessity a major element of beginning forcible regime change attempts. In addition to its emphasis on military control and the temporary exercise of authority, the rules on military occupation are vehemently opposed to politically invasive acts. This especially precludes the far-reaching regime change that is the main focus of the thesis. As is shown later on (Chapter VI), however, states have on occasion been able to minimise the duration of 'official' occupation and circumvent these rules, in part through agreements to 'support' the newly established government. Indeed, the laws of military occupation have increasingly been set aside, as even before the interventions in Afghanistan and Iraq, Walsh & Peleg (1998: 65) have stated that it "is common for occupations to last a decade or more. The law of occupation originally anticipated much shorter occupations, lasting one year or less; therefore, these legal standards do not adequately address the issues which often arise during modern occupations." Many modern-day occupations do not only seek to supplant a political power structure temporarily, but to entirely and permanently replace it. However, it will be noted that, while it goes far beyond the commonly-accepted limits of military occupation frameworks, this permanent replacement does not necessarily equate to a conception of 'nation building' either, as many regime change interveners are invariably reluctant to take on the accompanying long-term responsibilities.

2. Similarly, equating acts of foreign-imposed regime change to other, more sweeping concepts such as 'humanitarian intervention' further muddles the debate. The term has been defined as "a paradigm that permits a state to intervene into the territory of another state, by employing military force, for humanitarian reasons: to stop large-scale atrocities committed against innocent human beings - the citizens of the target state" (Lechner 2010: 437). It is evident that, positioned as it is at the intersection of theory and praxis, the wider field of International Relations has become increasingly concerned with concepts of 'human security' and the potential for intervention, in addition to the traditionally dominant focus on the importance of states' interests. Concurrently, the violation of sovereignty on behalf of humanitarian intervention has

increasingly come to be perceived as legitimate. Nonetheless, humanitarian intervention itself is not entirely devoid of controversy. As will be shown in this thesis, while both humanitarian intervention and forcible regime change can ostensibly be aimed at alleviating regime-inflicted human suffering, humanitarian intervention has also been used as a pretext for FIRC, to the extent that it has been claimed that "the term humanitarian intervention provides legitimacy for illegal interventions" (Jahn 2012: 55). The relation between humanitarian intervention and foreign-imposed regime change is, without a doubt, complex and occasionally contradictory. This raises difficult additional ethical questions, not least because of the latter's much more controversial violation of sovereignty.

3. In spite of important conceptual alignments, the foreign-imposed regime change phenomenon does not constitute an established element of the current Responsibility to Protect concept (commonly abbreviated to 'R2P'/'RtoP'). However, it will be argued that, since the Responsibility to Protect challenges traditional conceptions of sovereignty in the name of human rights, this has led to an appropriation of R2P discourse in the pursuit of regime change. At the same time, McMillan and Mickler (2013: 316) claim that

> there is [...] a need for a more robust discussion about what constitutes 'regime change' and when R2P [...] can and should be used to this end. That is, the ambiguity and inconsistency [...] is a symptom of a broader political and legal uncertainty about, first, how to define regime change (and hence how to define problematic and legitimate external intervention in a state's domestic affairs), and second, the extent to which the new global humanitarianism should undermine traditional notions of sovereignty in the face of state-perpetrated harm.

4. Crucially, and especially in the context of the early 21st century military operations in the Middle East in the course of the 'War on Terror', the thesis emphasises that forcible regime change should not be seen as a valid extension or replacement of states' counterterrorism ('CT') or counterinsurgency ('COIN') operations. In Afghanistan in particular, but also in Iraq and elsewhere, the goals of FIRC, the fight against

international terrorism, and local counterinsurgency missions have often become all but indistinguishable from each other, very much to the detriment of their respective efficacy. Indeed, as this thesis will highlight in Chapter VII, states' engagement in regime change in support of the (potentially endless) 'Global War on Terror' has worsened the global security situation, not least because it has presented terrorist and insurgent groups with unprecedented recruitment opportunities.

Given that the various misconceptions outlined above are both important and common, it is important to note that the FIRC concept cannot be termed a global 'norm', especially since "the decisive aspects of the process of ideas becoming internationally accepted norms are: the international recognition of legitimacy; prominence and quality of the norm, including some high-minded aim; and, finally, its characteristics, clarity, and specificity" (Matejkova 2008: 91). Clearly, the modern FIRC concept does not meet these requirements, in particular the essential demand for clarity and specificity. Indeed, the current regime change debate is composed of competing narratives and weakened by inherent conceptual tensions, which results in a phenomenon 'in flux'. This general lack of agreement means that there are multiple important opportunities for deepening our knowledge of contemporary regime change interventions. The thesis addresses these opportunities by highlighting the importance of contextualising and further delineating the FIRC phenomenon.

An important first step towards an improved understanding of the concept and its underlying logic is to locate it within the interactions between 'sovereign' states.[5] This sovereignty is a 'Westphalian' one, which Krasner (1999: 20) has described as "an institutional arrangement for organizing political life that is based on two principles: territoriality and the exclusion of external actors from domestic authority structures. Rulers may be constrained, […] by the external environment, but they are still free to choose the institutions and policies they regard as optimal. Westphalian sovereignty is violated when external actors influence or determine domestic authority structures." Accordingly, sovereignty is invariably taken to

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[5] Political regimes have long served as representatives for the state, to the extent that 'regime' and 'state' are often equated. While the thesis acknowledges the distinction between the regime and the state, various terms describing the state, such as country or nation, will be used interchangeably in going forward.

include both a right to independent agency and a strong presumption against outside interference. This perception continues to be the 'default' way of interpreting the current international setup. Since so much significance is attached to this understanding of sovereignty, the imposition of a regime by outside force is a matter of considerable importance, and should be treated accordingly.[6]

In this context, regimes' internal behaviour, including the widespread violation of human rights, has only more recently come to be seen as sufficient grounds for questioning or even infringing on a state's claims to sovereignty or even their legitimacy *as a state* (see Chapter III). Consequently, a key challenge in addressing the practice of FIRC stems from the recurring narrative of military intervention and forcible regime change as an act of human rights defence. The accompanying focus on a sovereign state's relation with its own citizens (as opposed to their relations with other states) as a justification for war marks a departure from many past conflicts' underlying assumptions, in particular those about norms of sovereign non-intervention. In particular, "a consensus that forced expulsion ('ethnic cleansing') and mass enslavement can also justify military intervention" has been forming for the past decades (Dobos 2016: 498).

This notion has underpinned the development of doctrines of humanitarian intervention, but also the more wide-ranging Responsibility to Protect, which "embodies a political commitment to end the worst forms of violence and persecution. It seeks to narrow the gap between Member States' pre-existing obligations under international humanitarian and human rights law and the reality faced by populations at risk of genocide, war crimes, ethnic cleansing and crimes against humanity" (UN Office on Genocide Prevention and the Responsibility to Protect nd: para. 1). Accordingly, the 2005 *World Summit Outcome Document* affirms that in defending these rights, states should be "prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to

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[6] At the same time, it is of course also the case that the (regularly misunderstood) Peace of Westphalia of 1648 did *not* in fact set anything resembling an unquestionable standard for non-interventionism. Consequently, what is commonly referred to as a 'Westphalian' understanding of sovereignty has never been entirely unassailable.

protect their populations [...]" (2005: §139). Nonetheless, despite the moral appeal and obvious importance of the R2P, concerns have arisen that "inconsistent, selective and controversial uses [...] have the potential to promote a perception of R2P [...] as biased and political" (McMillan & Mickler 2013: 315). What is more, there are legitimate concerns that its principles are either ignored, or worse, are misused by powerful states in pursuing regime change.[7]

Apprehension about the potential 'abuse' of the Responsibility to Protect in justifying the forcible overthrow of regimes has only been reinforced by the reality of the United States' global power. Its current hegemony, and to a lesser extent the continued international influence of other allied 'Western' states such as the United Kingdom, has long been notable for being of a military and political nature. Its role is also ideological, however, in that the US-led global order emphasises the supposedly universal importance of liberal values (such as an emphasis on the opportunities of the 'free market' and human freedoms) to the peaceful coexistence of states. However, this pervasive and superficially stable post-Cold War order has also been at the root of increased volatility. Peterson for example (2018: 31) asserts that

> intensified intrastate conflict was an almost inevitable consequence of the end of the Cold War. States whose boundaries had been more or less randomly drawn in the past – Yugoslavia, Somalia, Rwanda and Iraq – descended into civil wars (in the case of Saddam Hussein's Iraq, forestalled only by brutal internal repression). For a time, US-led humanitarian intervention to try to limit the bloodshed of internecine conflicts appeared to become something like a norm of the liberal order. It even provided a (flimsy) measure of liberal political cover to the US-led invasion of Afghanistan after the terrorist atrocities in New York and Washington on 11 September 2001 (9/11).

Thus, an improved understanding of foreign-imposed regime change in Afghanistan, Iraq, Libya and elsewhere is inherently linked to an appreciation of the concept of a post-Cold War 'liberal international order', which has played an important role in shaping the permissibility of global interventionism.

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[7] NATO has been accused of doing so in Libya, for example (cf. Chapter IV).

1.3 Post-Cold War Regime Change in the 'Liberal International Order'

It is true that a generalised notion of a "world order is regularly invoked by IR scholars but is rarely defined" (Duncombe & Dunne 2018: 26). Mearsheimer clarifies (2019: 9) that in the field of International Relations, "[a]n 'order' is an organized group of international institutions that help govern the interactions among the member states. Orders can also help member states deal with nonmembers, because an order does not necessarily include every country in the world. Furthermore, orders can comprise institutions that have a regional or a global scope. Great powers create and manage orders." In the late 20th and early 21st centuries, the United States has fulfilled this great power role as the sole 'hyperpower' of the international system. However, there is more to the current order than the institutionalisation and interaction between members and nonmembers described by Mearsheimer. Indeed, the US-led order is built on the notion that its ideals are not only worth defending, but that they are *universal* and that consequently "states are no longer legitimate *ipso facto*, but must embrace the political theory of liberal democracy; legitimate statehood is no longer presumed but must be earned" (Buchan 2007: 41).

The underlying notion that sovereignty can in some way be contingent on states' behaviour has emerged since the end of the Cold War, and has been at its most prominent in the new millennium. In the context of the military interventions in Afghanistan and Iraq, a situation had arisen in which "[t]he sovereignty of states in the so-called 'developing world' was now dependent upon their ruling elites meeting US-defined responsibilities. It was only after these responsibilities had been met that the right to non-intervention would be granted. Regime change in Iraq was meant to herald the beginning of this new era of international relations" (Dodge 2006: 198). The type of liberal interventionism observed in the Middle East,[8] i.e. the military interference by Western democracies in the name of values such as security,

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[8] In Lipsey's (2016: 416) understanding, for instance, "the doctrine of liberal interventionism states that national and international goals can be advanced by decisions by countries, individually or collectively, to intervene militarily in the internal affairs of other states. Such interventionism, moreover, can be justified not only when the intervening powers or powers' national interests are at stake, but also in the interests of the people of the country concerned. In particular, intervention can be right when human rights are being denied, either by repressive state authorities or as a side-effect of internal conflict."

stability, and democracy,[9] has therefore become an increasingly important part of state-to-state interactions. Thus, it is increasingly considered to be a viable way of addressing the dangers of international instability by its proponents. Miller (2010) has referred to the supposed legitimacy of such interventions, as well as the subsequent efforts at forcible democratisation, as a type of 'Offensive Liberalism' which perceives armed force as a viable means of imposing its worldview.

Consequently, "the corollary is that autocratic regimes do not enjoy immunity from external interference" (Buchan 2007: 41), especially if they fall foul of powerful liberal states' expectations. In part, this notion reflects some of the assumptions underlying Francis Fukuyama's 1992 'End of History' premise, which suggested the eventual global triumph of liberal democracy in the aftermath of the Cold War. However, rather than the 'natural evolution' towards these goals implied by Fukuyama, the currently dominant view of liberal interventionism suggests that when regimes actively 'resist' this course, or restrict human freedoms by force, intervention may be warranted. Reus-Smit has criticised the accompanying trend towards a more hierarchical[10] ordering of states. He argues (2005: 76) that this development is influenced by four essential principles underpinning the Liberal Order's self-understanding, namely

> (1) that 'liberal democracies' are distinguished by a set of empirical characteristics, principal among which are their passivity toward one another, their constitutional commitment to the protection of civil and political rights, and their 'comparative moral reliability'; (2) that these characteristics make liberal democracies the most advanced historical form of polity; (3) that because of their distinctive qualities and historical standing, liberal democracies ought to have special rights in international society, both in international decision-making and with regard to domestic autonomy; and (4) that granting such rights would necessarily reintroduce a form of legal hierarchy into international society.

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[9] For the purposes of this thesis, democratic states are understood to be "those states in which political leaders are held accountable to the public through mechanisms such as regular, free, and fair elections" (Monten 2014: 177).

[10] In some ways, this informal hierarchy also extends to the core members of the Liberal Order itself. For example, Donald Rumsfeld disparaged France and Germany, who were unwilling to join the Iraq War coalition, as a part of 'old Europe', as opposed to other (Eastern) European states more supportive of the United States' global ambitions (Hooper & Black 2003).

Whereas this final point has not led to substantial progress, e.g. with regards to UN Security Council reform, a more 'unofficial' yet no less powerful hierarchy has developed over the past decades. Embedded within this conception of the Liberal Order is the implicit threat that the United States (or other powerful Western states) may intervene if certain 'requirements' are not met, including by removing and imposing more 'acceptable' regimes.

In the wake of the 9/11 attacks in particular, Western actors have perceived regime change intervention as a legitimate way of defending the security, stability, and continuation of the Liberal Order, as "citizens [...] in the US, the UK and European states (as well as elsewhere) were encouraged to evaluate the legitimacy of war in terms of a 'regime change' that went beyond mere questions of security. The idea of democratization had been an important general theme in the public statements of Tony Blair and George Bush [...]" (Finlay 2007: 556). Through the accompanying appropriation of the rhetoric of stabilisation, democratisation, human rights, and ultimately the ideal of a 'just war' itself, regime change has moved beyond states' immediate security concerns into a global challenge for the 'international community'. However, although the term was used to encourage public support for interventions in the Balkans in the 1990s, and served as part of the convoluted justification for the later regime change in Iraq, the International Community concept remains subject to interpretation. This is especially important in debates regarding who exactly is to be part of the community, or for instance how potential responsibilities for intervention (or even regime change) are to be allocated amongst its members.

1.3.1 The 'International Community' in the Liberal Order

While the current world order is still firmly rooted in a state-centric view of the world and its primary actors,[11] these states are understood to interact within the context of an 'international

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[11] The current order remains firmly rooted in assumptions on the importance of states' territoriality in the form of recognised national borders (as opposed to, for instance, more cosmopolitan conceptions of a global society). For example, "[e]ven when secession or state dissolution has proved impossible to prevent, most notably in the period since 1989, the international community has made great efforts to insist that previously internal borders, such as those of the federal republics of the former Yugoslavia and Soviet Union, provide successor states with their international, sovereign borders. Territorial aggrandisement, such as that attempted by Iraq in 1990 or Serbia between 1991 and 1995 has been rejected as an acceptable form of international political conduct" (Williams & Roach 2006: 5).

community'. Sovereign states are the main representatives, beneficiaries, and protectors of this order. As has been famously stated by United Nations Secretary General Annan in 1999,

> [s]ome people say the international community is only a fiction. Others say it is too elastic a concept to have any real meaning. Still others say it is a mere vehicle of convenience, to be trotted out only in emergencies or when a scapegoat for inaction is needed. Some say there are no internationally recognized norms, goals or fears on which to base such a community. Op-ed pages refer routinely to the "so-called" international community. […]. I believe these sceptics are wrong. The international community does exist (para. 12-13).

Unsurprisingly, Annan considered the United Nations to be the chief incarnation of this community. However, even at the time of Annan's statement, "the United Nations' position as legitimate proxy for the international community [had become] seriously eroded by its notable failures in Somalia, Rwanda, and Bosnia" (Lucas 2003: 130). The result is an ambiguous conception of the community, both regarding its membership criteria and what it *can* and *should* achieve. Indeed, the concept has increasingly come to be seen as comprising a subset of United Nations member states, namely those who are both able and willing to promote the Liberal Order and its 'demands' of economic liberalism, democratisation, and human rights protection.

Hence, to the 'international community' concept's critics such as Chomsky (2002: 34), "[t]he literal sense is reasonably clear; the U.N. General Assembly, or a substantial majority of it, is a fair first approximation. But the term is regularly used in a technical sense to describe the United States joined by some allies and clients", i.e. those countries who share the United States' political ideals and global ambitions. These ambitions are also in evidence in the concept's interpretation by former British Prime Minister Tony Blair. Blair (2009 [b]: para. 1) has understood the community as both a concept and as an agent in itself, which can "justify intervention, including if necessary military intervention, not only when a nation's interests are directly engaged; but also where there exists a humanitarian crisis or gross oppression of a

civilian population."[12] Indeed, in Blair's conception these military interventions can, in extraordinary cases, include measures amounting to forcible regime change.

As this thesis discusses, the relation between intervention, regime change, and liberal understandings of international order and community is as ambiguous as it is problematic. To an extent, the rejection of FIRC should be understood in relation to the humanitarian interventions of the recent past. Certainly, even before the turn of the millennium and the controversial interventions in the Middle East, "the idea that interventions might be morally acceptable provoke[d] suspicion because some past interventions by Western powers have had imperialistic purposes and have produced enormous suffering" (Miller 2000: 5). The possibility of waging post-Cold War 'humanitarian wars' (Roberts 1993), is distinctly (and uncomfortably) reminiscent of the '*mission civilisatrice'*-type justifications of colonial powers' forcible expansion. The paternalistic way in which regimes have been introduced after intervention in the past thirty years has reinforced these concerns, since even "UN missions to 'save strangers' often end up with the imposition of imperial modes of governance" (Duncombe & Dunne 2018: 26).[13] Habibi (2008: 6) claims that this has inevitably "led many to suspect or denounce human rights as absolutist, a liberal conceit, or an ideological tool in the service of Western imperialism", which has ultimately weakened their appeal to universal validity. Thus, as is seen in the course of this thesis, the approach to justifying intervention and imposition often clashes with the very principles which interveners claim to defend, raising important questions regarding its permissibility and, in the end, its overall 'justice'.

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[12] It is notable that Blair's subsequent claims to his role in developing the concept "is typically hubristic. Blair did not invent the philosophy of liberal interventionism, which began to take shape at least two centuries ago" (Lipsey 2016: 417). Nonetheless, it is undeniable that Blair's statements have done much to popularise the concept.

[13] Partly as a consequence of these uncomfortable connotations, this liberal order has to some extent become contested by powerful non-Western states in an increasingly multipolar order. For example, it has been noted that "Russia's normative position, aimed at strengthening its international and regional influence and affirming its legitimacy in the changing global order, has been increasingly accompanied by values-based narratives which fundamentally challenge western liberalism" (Averre & Davies 2015: 814). Similarly, Barelli (2018: 199) notes that "China oscillates between the desire, or temptation, to soften its stance on nonintervention and the preoccupation that doing so unreservedly could undermine, against its own interests, the essence of sovereignty" (for further examples and a discussion on non-Western approaches to the R2P and FIRC, see Chapter VIII).

1.4 Thesis Research Questions

Given the scope of the contentious aspects outlined above, it is clear that the practice of modern FIRC must be discussed in more detail. In doing so, the thesis addresses recent debates' lack of structure by proposing a number of distinctions within the concept itself. This will ultimately aid in moving the discussion from a purely descriptive account of past FIRC attempts to a more analytical examination of the concept within its contemporary context.

First, highlighting an initial conceptual difference between 'foreign-imposed' and 'foreign-assisted' varieties of regime change is essential.[14] The foreign-assisted type of regime change consists, for example, in the support of subversive movements within a country by another state. This can take the form of financially supporting insurgent groups, aiding them through the covert involvement of intelligence services etc. It is consequently an 'indirect' action. Conversely, this thesis will focus on the *direct* external regime change by military force. Furthermore, the phenomenon is best understood when this direct interference is 'split' into two sequential stages, namely a regime 'removal' stage and a subsequent attempt at 'imposition'. As the thesis will discuss in later chapters, this is especially relevant if the victorious power has the final say on the 'type' of political regime left behind after the occupation. The United States of America, for example, has long been seen to favour the imposition of economically liberal systems of government as a part of maintaining and spreading the liberal order. Thus, since we aim to discuss "regime-change and not merely regime-toppling" (Biggar 2013: 305), the thesis defines foreign-imposed regime change as

> a *contemporary approach to military intervention which imposes a democratic system of government on regimes in the name of human rights and global security.*

In light of the contentious status of the recent regime change missions outlined earlier, it is important to understand under which circumstances this type of forcible change is likely to

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[14] Attempts to topple regimes through indirect means have become an integral part of post-1945 state competition. For instance, it has been noted that "since the 1950s, the United States has tried to oust governments in the broader Middle East once every decade, on average" (Gordon 2020: para. 1). However, for the most part these efforts have taken the form of 'indirect' influence rather than overt military intervention.

occur, which sort of regimes are most likely to be the target of such interventions, and conversely which actors bear the responsibility for carrying out the operation and ensuring an equitable aftermath. In addressing these challenges, the thesis' argumentation is underpinned by a 'Just War Theory' framework. Finlay (2018: 101) rightly points out that the core of this Just War approach consists of "three objectives that are often in tension with one another: first, to permit war in those cases where it is justified; second, to prohibit war in all other cases; and, third, to insist on maximum possible restraint in its execution. Just war theory, then, is centrally about striking the right balance." Accordingly, this thesis clarifies where this balance lies with regards to regime change wars. In doing so, it also establishes which normative questions arise in addressing the modern foreign-imposed regime change concept. Bearing in mind the often contentious nature of FIRC missions, the fundamental research question of the paper can be articulated as follows:

> *How can foreign-imposed regime change missions' violation of sovereignty be justified; and which actors bear a moral responsibility to effectuate this change and consequently manage its outcome to ensure* post bellum *justice and stability?*

While this research question outlines the central thrust of the thesis, it inevitably raises additional challenges. As a result, the thesis also considers the following:

- *Which conditions must sovereign states' regimes fulfil in order to be liable to be forcibly toppled and replaced?*

- *How can responsibilities to intervene be distributed amongst the members of the international community?*

- *If governments are forcibly replaced, which 'type' of new regime ought to be put in place instead of the old?*

Past answers to these questions have in part remained unsatisfactory because the topic is generally under-researched and conceptually under-structured. To a large extent, these weaknesses result from methodological approaches which have failed to take into account the specific historical and political context of the past 30 years of FIRC.

1.4.1 Methodological Considerations

Given the breadth of approaches within the Just War Tradition itself, there is a notable but unsurprising absence of a commonly-accepted methodology.[15] The thesis acknowledges this absence while making the case for a historical illustrations approach which echoes Michael Walzer's methodology in his seminal *Just and Unjust Wars*. In doing so, it defends the status of FIRC as a separate aspect of modern warfare, and uses empirical cases to illustrate the evolution of liberal expectations of international interaction. These expectations have evolved from the desire to create an ostensibly depoliticised framework for global cooperation to a more recent reassertion of national security concerns.

In discussing cases of FIRC, the thesis also highlights the important distinctions between superficial and radical change. For instance, it will be argued that the wars in Iraq and Afghanistan have most often been described as clear-cut cases of 'radical' foreign-imposed regime change, whereas Libya is best described as a case of 'superficial' or incomplete regime change. Finally, the cases of Somalia and of Bosnia & Herzegovina will be addressed as they raise significant questions regarding sovereignty, national self-determination, and protectorate systems, especially in the creation of the Office of the High Representative (OHR). In spite of their obvious differences, the cases do share certain basic characteristics: all were subject to foreign-imposed regime change which was justified by appeals to global security and the protection of human life. Furthermore, in all cases the United States has played a major part.[16]

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[15] While the majority of research into foreign-imposed regime change is of a qualitative nature, there have also been attempts at examining the phenomenon from a more quantitative angle, such as in Downes and Monten (2013), and its criticism by Ruolin Su (2017). Other quantitative approaches have been suggested by Lo, Hashimoto, & Reiter (2008) in the cases of foreign-imposed regime change and peace duration, and Peic and Reiter for the relations between foreign-imposed regime change and subsequent Civil Wars, who for example suggest that regime change "may make civil war more likely, through their effects on state infrastructural power and political institutions" (2011: 453).

[16] While the central reason for this involvement is largely due to the United States' leadership of the Liberal Order, Walldorf also points out the interesting observation that "the three largest and most controversial cases of forceful regime change in United States history—Korea, Vietnam, and Iraq—share something important in common. They all resulted from presidential decisions that were deeply impacted by domestic political pressures associated with broad, public expectations or beliefs that were prominent at the time. Leaders felt pushed to act, in short, by the anticipated political costs at home of appearing out of step with these beliefs, these powerful narratives that emerged around troubling events and carried lasting public expectations for certain kinds of action abroad" (2019: 2).

Due to its scope and goals, the thesis only provides a relatively cursory overview of these individual cases' political intricacies. Nonetheless, they form a suitable point of reference for the thesis' arguments and will aid in highlighting the occasional disconnect between the deliberations of international political theory and state praxis. By reaffirming the advantages of a Walzerian orthodox approach in this way, the thesis highlights the relation between abstract notions, normative claims and empirical cases. It consequently rejects attempts at separating methodology from the subject of investigation, as is often the case in quantitative analyses, but also in attempts which seek to reduce the moral challenges of warfare to questions of analytical philosophy. Instead, the continuous engagement with key cases and debates serves to highlight the context-dependent nature of military ethics. Since this methodological approach is inseparable from the process of the successive chapters' argumentation, the thesis does not contain a distinct methodology chapter, although its approach to casuistry is discussed in more detail in Chapter II.

It is useful here to point out some of the ambitions and limitations of the proposed approach. Owing to the scope of the paper, this approach also means that a number of debates must be left aside. In particular, this means the exclusion of the debate on forcibly imposed regime change in fields which do not focus on states as the primary actors, as well as the debate about its permissibility in international law. Indeed, the 'jurisprudential' (i.e. the set of rules found in International Humanitarian Law and International Human Rights Law) aspects of the justice of warfare and of intervention do not always fully align with our common expectations of global justice. As Bain points out, "legal realities are often confounded by philosophical problems" (2010: 45). Especially in the case of foreign-imposed regime change the legal basis is, for the most part, too underdeveloped to provide much guidance. Indeed, "the laws of war are radically incomplete", as Walzer has insisted (2006 [a]: 288). What is more, while the fact that forcible political restructuring is not a part of post-war international law has been decisively summed up in the pointed statement that "regime change is illegal: end of debate" (Palmer 2005: para.1), this seemingly conclusive condemnation has evidently not prevented countries from engaging in it. Thus, well-meaning attempts to mitigate the effects of global 'anarchy' (i.e. the lack of authority 'beyond' the state) by constructing legal frameworks have long suffered from the crucial weakness that international law can only meaningfully exist as

long as the international order's most powerful states agree to abide by it. The fact that the United States-led intervention in Iraq was decried as 'illegal' by its numerous critics did not stop the alliance from proceeding. This and other cases highlight that within the Liberal Order, international law is applied inconsistently to nominally equal actors. Overall, whereas judicial approaches aim to provide rather clear-cut answers as to what is legal and what is illegal, the Just War Tradition sets out to consider the notions of international (in)justice as such. Consequently, it has rightly been claimed that "Walzer strongly resists the idea that the moral vocabulary of war is determined (or even informed) by international legal argument. He wants to distinguish what he is doing from the work of international law, both as a language and as a way of relating to the world" (Orford 2013: 85).

As subsequent chapters show, the primary ambition of a 'Walzerian' approach to cases of FIRC is to reveal the real-life consequences of military action, both for the interveners and the targeted states. In addition, by highlighting the importance of context, the cases show that many commonly-employed concepts, e.g. the R2P, have grown out of the challenging practice of state interaction. At the same time, there are of course limitations to this approach, the most important of which is that a reflection on past cases cannot tell us 'what to do' with the prescriptivist confidence found in international law or 'revisionist' approaches to the justice of war. As the next section shows, the strengths and weaknesses inherent in this approach are also reflected in the way that subsequent chapters will examine FIRC's ethical challenges.

1.5 Brief Chapter Outline

In suggesting a more structured approach to the topics introduced above, the thesis is roughly divided into two halves. The first part identifies a range of challenges which have affected the theory and practice of forcible regime change, whereas the second section examines in more detail the elements necessary for a just FIRC operation. Accordingly, the thesis' argumentation proceeds as follows.

The present chapter, as well as **Chapter II,** serve as an introduction of the argumentation and explore the thesis' overall objectives and approaches. The second chapter will reject the 'Pottery Barn' approach to armed regime change. Nonetheless, it argues that

despite its flaws, the Pottery Barn Rule is nevertheless a convenient framework around which to construct the thesis' argumentation. This means that the rule can be employed to query under which circumstances states are liable to be 'broken', i.e. to have their sovereignty violated by military force. The chapter subsequently introduces the Just War framework which underpins the thesis, emphasising the continued relevance of 'orthodox' (and particularly, 'Walzerian') approaches despite theory's revisionist challengers. It affirms that Just War Theory benefits greatly from the study of 'real-world' examples and from clarifying theoretical positions with empirical illustrations. Consequently, it will be argued that in spite of revisionists' widespread "claim that war is morally continuous with private action" (Parry 2017: 170), the practice of war often cannot be reduced to examples drawn from the interpersonal sphere.

Chapter III further examines the primary challenges which affect an improved conceptualisation of modern FIRC. The chapter emphasises that due to differences in scope, motivation, and execution, FIRC's infraction of national sovereignty goes far beyond conceptions of 'mere' humanitarian intervention or temporary occupation. In addition, it argues that there is an important contradiction in the current Liberal Order's self-understanding. This lies in the competing claims to sovereign rights to non-intervention which sometimes sits uneasily alongside human rights' claim to universality. Since sovereignty remains an elementary aspect of the global state system, its violation by force inevitably destabilises the international order. The common 'sovereignty as responsibility' concept only partly addresses this challenge. However, even before the development of the Responsibility to Protect, "agreement on the substantive principles, which justify humanitarian intervention, is no guarantee of agreement in specific cases" (Wheeler 2001: 566). The chapter mitigates this problem by defending an understanding of human rights as minimal, or 'thin' rights, the violation of which is an important step in establishing a states' liability to intervention. In further addressing the FIRC concept, **Chapter IV** will argue that it is best understood when further refined and classified. To this effect, it proposes 'types' of regime change, ranging from superficial (i.e. only changing the upper echelons of a political regime while leaving the broad institutional base intact) to radical forms (including a complete change of government, constitution, etc.). In doing so, it highlights the important differences between humanitarian, 'punitive', and other motives for regime change. These challenges are subsequently illustrated

by looking at the undeniably controversial interventions in Iraq in 2003, as well as in Libya in 2011. The subsequent chapters then set out to suggest a Just War-inspired approach to assessing FIRC by answering three crucial questions: *'When is foreign-imposed regime change warranted, who should act in carrying it out, and what should this process look like?'*

Consequently, **Chapter V** will discuss in more detail the requirements which actors must meet for a just intervention. It argues that in advance of a regime change intervention taking place, actors must ascertain that the state/regime is culpable for substantial human rights violations. These challenges, as well as the ambiguous link between culpability and state failure, are then illustrated with reference to the results of interventions in Bosnia-Herzegovina and Somalia, both of which have undergone very different attempts at intervention. While military action in Bosnia has, broadly speaking, been considered a legitimate intervention, the subsequent efforts at regime imposition have faced continued criticism. The democratic system of government that was imposed on the fledgling country in 1995 has ever since been tightly controlled by representatives of the international community. Conversely, in the absence of more sustained and robust international action, it has been noted that "Somalia's hope for an end to conflict cannot emerge quickly or effectively" (Stupart 2011: 71). This verdict underlines the notion that the aftermath of international action is just as important to our assessment as the initial recourse to intervention.

Chapter VI discusses which actors can legitimately initiate forcible regime change operations, assessing the three interconnected principles of their legitimacy, authority, and responsibility. It contends that beyond a general responsibility, various actors will additionally have different duties and obligations in relation to regime change operations. However, establishing the identity of potentially legitimate actors for intervention does not mean that regime change should be carried out in accordance with these actors' ideological convictions, especially in relation to the explicit intent of democratising formerly authoritarian states.[17] This is further discussed in **Chapter VII**, which elaborates on the prospect of efforts at imposing

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[17] Naturally, these 'democratisation wars' raise a host of additional and invariably difficult questions beyond the ethics of foreign-imposed regime change, e.g. *jus in bello* challenges regarding the validity of potentially killing (presumably innocent) human beings in the pursuit of human rights protection. However, these debates are outside the scope of the present thesis.

democratisation, again exemplified by the case of Bosnia and Herzegovina. It examines in how far the post-war 'Dayton Agreement' effectively placed the newly independent Bosnia under a form of governance reminiscent of historical trusteeship arrangements, including what Bischoff terms a "slide towards trusteeship" (2003: 115), which is somewhat unanticipated initially, but whose dynamics are difficult to escape once set in motion. The section also assesses the apparent lack of success of more recent exercises in democratic nation-building in Iraq and in Afghanistan. Indeed, both have suffered endemic and long-term instability in the aftermath of Western regime change intervention.

Finally, **Chapter VIII** will sum up the foregoing arguments, and examine the future viability of the Liberal Order and regime change interventions in the light of increased global multipolarity. The chapter reiterates the thesis' contribution to the debate while making the case for a continued engagement of Just War scholars with the controversy of a permissible foreign-imposed regime change. In doing so, it also discusses the key challenges in developing the thesis' argumentation. Overall, the chapter highlights that these hurdles also offer important opportunities for future research into the problematic status of contemporary liberal FIRC.

1.6 Conclusions

This chapter has introduced the pressing questions which arise from three decades of military intervention. In doing so, it has highlighted the controversial status of interventions in Iraq and Afghanistan and has argued that these are emblematic of a particular type of modern 'foreign-imposed regime change', or 'FIRC'. This phenomenon can be contrasted with historical wars of conquest, but must also be understood in relation to other concepts such as humanitarian intervention and states' rights to self-defence. The Iraqi case in particular has often been presented as an illustration of US-American 'overstretch', leading to claims that the United States' post-9/11 FIRC operations have hurt its national security in the long term rather than ensuring it. Ultimately, liberal interveners' assumption that the thoroughness of regime imposition is an indication of its successful outcome is rarely substantiated by the examined cases. In turn, this raises questions regarding both the United States' global hegemony and ongoing developments in the relations between states' and citizens' rights.

In spite of these challenges, the further conceptualisation of the regime change phenomenon has hitherto been neglected. This is likely due to its equation to other concepts, but also to concerns about its reputation as a 'tool' of Western power projection or catalyst for instability. It has for instance been noted that "externally imposed regime change represents the proverbial *Strange Case of Dr Jekyll and Mr Hyde*: it is glorified as a virtue, and renamed a 'democratisation' process when it succeeds, whereas it is stigmatised as an 'unwanted mistake' when it fails" (Malito 2019: 105). As a consequence, while this thesis highlights the assessment that "failure to establish stable, friendly regimes in Afghanistan, Iraq, and Libya has led scholars and politicians alike to question the wisdom of foreign-imposed regime change" (Willard-Foster 2018: 1), it contends that a more sophisticated understanding of pre- and post-FIRC challenges is both needed and possible. This must take into account the competing pressures and realities of the emergence of humanitarian intervention, the status of sovereign equality, and the controversial imposition of 'Western' liberal democracy.

The context for further discussion has now been set. The examination of FIRC in the course of the upcoming chapters will ultimately provide a more structured and conceptually distinct appreciation of FIRC. In advancing this assessment, the following pages will address the thesis' wider conceptual and methodological outlook which, in accordance with Michael Walzer's work, is based on a casuistic 'historical illustrations' approach, which ultimately underpins his conceptions of an "orthodox just war theory, [which] in Walzer's formulation, invokes and expresses our considered intuitions in moral argument about war" (Long 2012: 218).

Chapter II: The Just War Framework

Building on the introductory chapter, the subsequent pages address the thesis' conceptual framework as well as its underlying assumptions. While the methodological approach has been introduced earlier, the present chapter defends in more detail the casuistic method of illustrations which sets it apart from revisionist approaches grounded in analytical philosophy. In doing so, it provides an overview of key debates within the Just War Tradition and argues for its continued importance to the discussion of armed conflict, including FIRC.

Indeed, the thesis defends the view that, in spite of its undeniably contentious status, foreign-imposed regime change cannot be condemned out of hand, e.g. by dismissing it as an example of traditional power politics, or as a convenient euphemism for a continuation of 20th century imperialism. Indeed, although it is inherently related to the power dynamics between states, foreign-imposed regime change is not simply an amoral exercise in crude power projection. Rather, contemporary cases raise significant questions concerning the morality of forcible intervention, including if and when such an intervention can be morally justified. The thesis approaches the topic from a 'Walzerian' approach to the concept of 'Just War'. This does not mean that it focuses solely on the work of Michael Walzer, but while it draws on a range of authors and sources, it subscribes to the fundamental assumption that "war is a social practice that has a 'moral reality'", as Orford (2013: 87) has accurately described Walzer's outlook. The subsequent assessment of this moral reality is grounded in inductive reasoning about the casuistic realities of warfare.

Accordingly, the thesis maintains that reductivist attempts at 'simplifying' the moral challenges of war, which ultimately fail to capture the full complexity of the emerging foreign-imposed regime change concept. This is largely due to their identification of questions of the international sphere with those of the interpersonal or domestic realm. This approach can also be observed in relation to discussions on the moral challenges of FIRC: a basic example of this reductive mindset is the so-called 'Pottery Barn Rule', which is almost inevitably referred to in relation to the 2003 Iraq intervention. As is argued below, although the rule serves as a (supposedly) intuitive response to problems of postwar responsibility allocation, its actual

applicability in informing our judgment of the intricate problems of states' responsibilities is dubious.

2.1 The 'Pottery Barn' Approach to Armed Intervention

The Pottery Barn Rule (PBR) is a commonly referenced answer to questions of postwar justice, especially those regarding the aftermath of foreign-imposed regime change. It makes its point in the form of an analogy which is intended as a warning about the perils of military intervention and the responsibilities that follow it. Ultimately, the PBR highlights that while states might be tempted by the potential benefits of intervention, their initial enthusiasm should often be tempered by reflecting on the inevitable moral and material costs of action. For example, Kurrild-Klitgaard (2004: 28) has noted that

> [m]any might prefer that the U.S. had never led a coalition against Iraq in order to oust Saddam Hussein, but the question now is what to do for the future, and as the columnist Thomas Friedman has argued, in this case U.S. foreign policy should adhere to what he has called 'The Pottery Barn Principle': If you break it, you buy it. In other words, in the situation that is post-Saddam Iraq those in charge must make sure that the institutional framework that is designed is such that it will do the most to support peace, liberty and prosperity.

The exact origins of the phrase are disputed: while it is occasionally linked to Thomas Friedman's column, it has since been associated more generally with Colin Powell's term as Secretary of State, to the extent that he is often credited with popularising it. According to Powell, he used the expression to emphasise the possible long-term consequences of military action to President Bush (Gilsinan 2015). The rule essentially asserts that if '*you break it, you own it*' or '*you break it, you buy it*'. As such, it appears to be a sensible maxim at first, if it is taken to mean that responsibility for stabilisation and reconstruction of a defeated state falls to the victorious belligerent, i.e. that the victor incurs at least some moral burdens by engaging in regime change warfare. After all, if a person breaks one of our possessions, it is not abnormal that this person may be expected to 'make up' for the damage caused. Likewise, in the domestic setting, if someone injures us physically, she might (in some jurisdictions at least) also be legally liable to bear the cost of medical treatment.

According to the Pottery Barn Rule's proponents, a similar principle would apply to states subjected to foreign invasion and regime change. The rule's well-meaning intent is evidently to dissuade actors from engaging in rash interventions, and to ponder the severe consequences of military action even in cases where recourse to conflict might seem justified. As Blake (2014: 134) has stated,

> the Pottery Barn rule is best understood as a piece of first-person moral guidance, useful for would-be interveners who are subject to the same cognitive errors and biases as the rest of us. It is not that we ought to hold interveners more responsible than others for the task of rebuilding a society after intervention; it is, instead, that we should not think ourselves licensed to intervene, unless we have both the means and the will to rebuild that society [...].

Nonetheless, even the comparatively widespread agreement on the existence of positive postwar duties does not necessarily entail similar consensus on the identity of the actors expected to carry them out. Neither does the PBR specify what specifically this 'rebuilding' would consist in, as historical interventions demonstrate. Accordingly, while it is clear that rather than a literal meaning of ownership (i.e. the *annexation* of the defeated state) the Pottery Barn Rule variously refers to the moral responsibility for the reconstruction of infrastructure, to the bringing to justice of war criminals, or indeed even to the imposition of a new political regime. This creates a host of derivative problems. Primarily, of course, the Rule seems to assume that the imaginary clumsy 'visitor to the shop' breaks an object *by accident*. While it is perfectly reasonable that damaging an expensive vase by bumping into it makes one liable to pay for it, the situation is (rather obviously) much less straightforward in terms of international war. It goes without saying that much of the severe damage caused by armed conflict is decidedly *not* an unfortunate byproduct, but rather the result of an intentional choice by the actors involved.

Consequently, this thesis argues that ultimately, warfare, and especially foreign-imposed regime change, cannot be reduced to 'interpersonal' examples: states are not inanimate objects which can be 'broken' by accident. They have specific histories and identities which inform their actions on the global stage. Unlike an item of pottery, states act independently, of their own volition, and make *moral choices*. While breaking a fragile vase by accident is unfortunate

but not unusual, the invasion and occupation of a sovereign state takes lengthy preparation, and most importantly, *intent*. The defeat and dismantling of a governing regime by force is the central objective of regime change interventions, not some unforeseen or 'accidental' occurrence. Hence, the Pottery Barn concept oversimplifies matters while at the same time making rather wide-ranging assumptions which are not borne out in reality. It subsequently fails to address the ethical problems identified with regime change, including whether 'fixing' the country includes ultimately reinstating elements of the deposed regime. Most victorious actors will neither be willing nor expected to reinstate their former adversary, especially in cases where the latter has threatened global security or has been carrying out mass killings of civilians. Thus, the thesis takes into account states' nature as moral actors, and provides a more complex assessment of post-war justice.

Accordingly, the next pages elaborate on the current state of the Just War debate. It stands to reason that thinking about war solely in the abstract risks turning the complex nature of conflict into a sterile, and ultimately unsatisfactory, concept. As a consequence, there is much to be gained by the casuistic approach which is often associated with a 'traditional' or 'orthodox' understanding of Just War Theory.

2.2 Adapting the Just War Theory as a Conceptual Framework

The location of foreign-imposed regime change at the intersection of post-Cold War US hegemony, tensions between sovereignty and globalisation, and the global prominence of human rights discourse places it within a wider field of interventionist practice and theory. This includes the broad concept of 'humanitarian' intervention through warfare, concerns about human security, and discussions surrounding states' supposed Responsibility to Protect. While the foundational theories of International Relations (the broadly defined 'Liberal' and 'Realist' traditions, for instance)[18] can help to further an understanding of some of the reasons why

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[18] Two major schools of International Relations theory, (Neo-)Liberalism and (Neo-)Realism, take markedly different approaches to the occurrence of regime change missions. This largely depends on their view of 'Anarchy' and the nature of the state system. For instance, Geller and Travlos (2019: 1-2) have stated that

> [n]eoliberal institutionalism holds that the effects of anarchy and the use of force in international politics can be minimized through the development of international norms and rules, the spread of

states might engage in foreign intervention (e.g. out of ideological or security concerns), they do not address the many other factors affecting foreign-imposed regime change in sufficient detail, including the problematic task of judging the many *moral* considerations of armed conflict. Accordingly, an approach which takes into account the enduring appeal of Just War Theory is the most appropriate way of assessing the challenges of the FIRC concept.

The Just War approach seeks to address both age-old and modern questions surrounding warfare. As Michael Walzer has stated, it "provides the crucial framework, the vocabulary and the conceptual scheme, with which we commonly argue about war. This is the way war has to be explained and defended […]" (2004 [b]: 37). For the sake of simplicity, the thesis treats the terms 'Just War Theory' or the 'Just War Tradition' (both commonly abbreviated to 'JWT') as interchangeable. However, although the terms are often used in this way, it is important to note that in O'Driscoll's words, "[t]o insist on thinking about just war as a tradition entails rejecting the idea that it reduces to a single, coherent, axiomatic theory. Approaching the Just War in this way involves conceiving of it as a historically continuous collection of closely related but often competing voices that, when viewed in concert, form a sustained body of thought and practice" (2018: 234). This approach also allows the framework to retain an important degree of flexibility in adapting other concepts to its needs. In addressing a wide range of questions about armed conflict, the tradition discusses, amongst other things, when it is permissible to go to war, which actions are allowed in engagements, and what the aims of postwar justice ought to be. Generally speaking, then, the approach acknowledges that war should, whenever possible, be subject to rules, albeit imperfect ones. In the understanding of the Just War employed by Walzer, these rules are not always based on supposedly immutable moral truths, but rather on the experience of centuries of warfare.

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intergovernmental organizations, and the coordination of foreign policies among major powers through international institutions and congresses. While structural realism rejects these factors as significant causes of nonviolent international processes, neoliberal theory predicts that high levels of major power policy coordination channeled through international institutions should be associated with the absence or infrequent occurrence of war.

The Realist tradition in particular is often perceived to be opposed to the Just War approach, insofar as questions of morality are expected to play only a marginal role in the conduct of state actors. States are assumed to act in their own interests. In this view, going to war and even 'fighting dirty' are the prerogatives of sovereign states and should not be subject to the moral standards expected of other actors. Hence, realism remains popular with proponents of so-called *Realpolitik.* However, some elements of the Realist schools of thought, especially international applications of 'Christian Realism', do allow for a partial overlap with the Just War tradition (see Carlson 2008).

Whereas ethical frameworks addressing the justice of armed conflict are in evidence in numerous cultures and religions, it is undeniable that the historical Just War Tradition has been predominantly influenced by Christian (particularly Catholic) theological concerns.[19] Reichberg (2010), for instance, recalls the fundamental contributions made by Saint Thomas Aquinas to the Just War debate. Saint Thomas, along with the earlier Saint Augustine of Hippo, have often been credited as the most eminent early theologians to address the moral environment of warfare. In later centuries, prominent early-modern contributors to the developing framework include Francisco de Vitoria, Emer de Vattel, Samuel von Pufendorf and many others (Brunstetter & O'Driscoll 2018). Yet another contributor, Hugo de Groot, commonly referred to as Grotius, has played a prominent role in the development of both the Just War and early modern legal theory in particular (Forde 1998).[20] More recently, and into the present day, political scientists, moral philosophers, legal scholars, etc. can all make a claim to be contributing to the wider debate on the justice of war. Common to all is a sincere concern for the deplorable real-life consequences of war, paired with the understanding that violent conflict is, occasionally, inevitable in an imperfect world.

It is worth noting that the theory has not always been equally popular, especially once international legal approaches had become more prominent. However, although many elements of the Just War approach had receded in importance through much of the 19th and 20th centuries, making it a "marginal doctrine" (Makang 2015: 106) save for the realm of theology, its resurgence in the latter half of the 20th century began in the aftermath of the Second World War. Its further development has since been prompted by the controversies over other conflicts. In the case of Michael Walzer himself, the ill-fated American involvement in the Vietnam War was a major impetus, whereas more recent scholars have found ample material in the United States-led interventions in the so-called 'War on Terror'.

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[19] Just War Theory has in part developed out of a desire to combine the early Christian principles of non-violence with the often unavoidable military conflict in the late Roman Empire. This concern for the right conduct and spiritual wellbeing of the Christian statesman and soldier persisted into the Middle Ages and continues to influence Christian Churches' approaches to warfare today.

[20] His *De Jure Belli Ac Pacis*, published in 1625, has been credited with initiating an important move away from theological concerns and towards the creation of international law. Thus, whether he is counted primarily as a Just War theorist or as a legal scholar, his work on the *Jus Gentium* has without a doubt "enabled international law to grow into the discipline that we know today" (Neff 2012: xxxv).

Accordingly, theorists of war have found that alongside traditional concerns, new challenges have arisen. These include questions relating to terrorism, non-state actors, and the difficulties in effectively discriminating between combatants and non-combatants. In addition to these developments, "[t]he changing character of war includes not only the use of new technology such as drones, but probably more problematically the changing temporal and spatial scope of war and the changing character of actors in war", as Davidovic has claimed (2017: 603). To be sure, the recent emergence of these challenges is significant. However, it neither means that Just War Theory as a whole ceases to be applicable, nor that its underlying principles ought to be discarded. It *does* mean that scholars continue to imagine ways in which the classical theory can be developed in order to be applied to modern questions, including the contemporary FIRC phenomenon. This is especially the case since the Just War approach is founded on the notion that "war is sometimes justifiable, provided it is initiated in the right circumstances and conducted and concluded in the right way – is, as many might think nowadays, part of our global 'common sense'" (Finlay 2018: 10).

2.2.1 The 'Two Camps' of Contemporary Just War Theory

In spite of its important role in underpinning this 'common sense', the Just War tradition itself contains numerous ambiguities and diverging opinions, which inevitably also affect discussions on regime change. In part, this ambiguity has given rise to several important strands of revisionist challenges to the more traditional 'orthodox 'approaches. O'Driscoll (2013: 47) has described this debate as an important "rift that has emerged between [...] historical and analytical approaches to the subject." Within this rift, "discussion has been mainly structured by the debate between orthodox (Michael Walzer) theory and the revisionist (Jeff McMahan) challenges" (Clark 2017: 329). Indeed, "[f]or Walzer, today's just war debate falls into two camps. First, his camp which considers just war theory to be about war and, second, the revisionist camp which considers just war theory to be about moral philosophy", as Braun further emphasises (2018: 354).[21]

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[21] Indeed, Braun writes that "[m]ost revisionists would describe themselves as working on the ethics of war, rather than, as Walzer does, on just war theory. Their main concern is to write novel philosophy on war-related issues such as the ethics of harming, the duty to save or political authority" (idem: 353). In doing so, many revisionist scholars tend to claim that the moral questions of war are "not so substantively different from ordinary peacetime morality so as to require a whole separate set of paradigms" (Davidovic 2017: 605), and indeed that "[t]he only morally

Accordingly, the revisionist approach suggests "that the morality of war is constituted solely by the moral principles that govern violence between private individuals" (Parry 2017: 170). These debates affect our understanding of the FIRC topic as well as wider questions about the general utility of reductivist examples in addressing the complex international situations which cause armed conflict. Among the representatives of revisionist scholarship, Neu has stated, "fictitious scenarios blossom, as they fit the binary just war accounts better than the real world ever could" (2013: 461). Nonetheless, this thesis joins authors such as Rigstad in arguing for "the sharp curtailment of imaginary examples in just war theory" (2017: 124). It is true that these examples are flexible, and can therefore be tailored to the argument at hand. Yet in spite of this flexibility, "imaginary examples are generally under-described or indeterminate in comparison with the fullness of factual reality" (idem: 127).[22] It is certainly possible to imagine the hypothetical examples of the sort authors such as McMahan have proposed in several impressively refined thought experiments. Ultimately, however, these often make unrealistic assumptions about the nature of interstate conflict. The severe limitations of moral reductivism mean that Walzer is rightly skeptical of such examples. He even writes (2006 [c]: 43) that

> McMahan means to provide […] a careful and precise account of individual responsibility in time of war. What he actually provides [...] is a careful and precise account of what individual responsibility in war would be like if war were a peacetime activity", and asserts that "some of it is a little too fine for my head; I don't have any clear intuition about the case of the Implacable Pursuer (except for the intuition that it isn't a likely case in the world that I know).

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significant difference between war and ordinary violence between individuals is that the former takes place on a larger and more complex scale" (Parry 2017: 172).

[22] For example, a simple revisionist approach likely begins with interrogating the parallels between foreign-imposed regime change and interpersonal ethics. The notion of 'liability to harm' is central to many aspects of Just War Theory, and starting from an assumption that there is a basic right not to be harmed, any cases where this right is weakened must involve a sense of liability. Consequently, an initial assessment might posit a regime threatening civilian populations with unwarranted violence could be reduced to the notion of Person (A) threatening Person (B). Transposed onto the regime change discussion, reductivist reasoning might frame the situation as a form of 'other-defence', where (A)'s threatening of (B) makes it liable to harm from a third actor, (C). Nevertheless, the required conceptual shift from interpersonal violence and defence to the question of regime change is a difficult one. It also raises further questions: does (C) have a right, or duty, to replace (A)? With what? What if (B) does not welcome (A)'s help, and so forth.

Overall then, reductivist approaches have the effect of leading us on a "search for moral truth which requires abstraction and thus has little to no place for the messy circumstances of real-world employments of force" (Braun 2018: 350). Consequently, this thesis rejects the reductivist approach to warfare and JWT, and maintains that a clear distinction between 'the individual' engaging in the business of day-to-day life, and 'the regime/state' as a collective political authority engaged in warfare remains essential to a better understanding of FIRC.

2.3 Just War Considerations in Assessing Foreign-Imposed Regime Change

The many armed conflicts which have marked the past decades, especially those framed as 'humanitarian' wars, have shown that "there remains a disjuncture between discourses of human rights and continuing practices of human wrongs" (Bellamy 2002: 478). Both the language of human rights and elements of the Just War doctrine have repeatedly been employed by governments in justifying regime change interventions. Inevitably, this prompts concerns about the instrumentalisation of the theory by policy makers who often seem happy to ignore the central assumption that "[t]he just war tradition is highly restrictive; it is about limiting, not legitimating, war" (Powers 2012: para. 9).

The contemporary Just War Tradition approaches the study of conflict under three different headings, commonly recognised as being the *jus ad bellum*, *jus in bello*, and *jus post bellum*. Generally speaking, the *jus ad bellum* has focused on the rights of 'Princes' and, more recently sovereign states, to go to war, whereas the *jus in bello* has shown more concern for, among other things, belligerents' and civilians' individual fates once conflict has begun. Finally, as Douglas (2003: 544) has emphasised, "[t]he virtue of continuity demands that just warriors think not only about whether and when to enter war and how to fight once they are in it, but that they do so also with an eye to getting back out." Given this goal, the distinctions as well as the links between the three components remain essential. As Lucas (2007: 249) has claimed,

> [o]ne cannot discuss *jus ad bellum* in abstraction, distinct from the expectation that combatants, proposing to defend or enforce justice, must employ only just means in the

realization of just ends (*jus in bello*). This intention must precede and thoroughly infuse combat, even as the intention to restore peace with justice and to repair a society's ability to sustain and protect its citizens (*jus post bellum*) must infuse both deliberations about war and the subsequent conduct of it.

Of course, the thesis' focus on *ad bellum* and *post bellum* questions is not meant to discount *jus in bello*'s importance to the Just War framework in general. As has been expressed appropriately by Whitman, "[i]n wartime the tension between winning and fighting morally may take on any number of forms, all involving very grave and painful decisions" (1993: 261). Nonetheless, the specific controversy surrounding FIRC stems from concerns about its underlying reasons and ulterior ambitions. Therefore, in the course of a regime change intervention, the principles of *jus in bello* remain unchanged from any other type of armed conflict. This also means that violations of the *jus in bello* during (or after, in the case of potential insurgencies) do not invalidate the reason for intervention, nor do they absolve actors from their postwar responsibilities.

While Rengger rightly points out that "[t]he just war tradition cannot tell us – and is not designed to tell us – whether this or that particular instance of the use of force is 'just' or not in the generality" (2005: 152), the demands of both *ad bellum* and *post bellum* justice will inevitably affect our understanding of the legitimacy of past and future regime change missions. The discourse leading up to military intervention in Iraq and Afghanistan, for instance, involved several claims that these states were posing a serious threat not only to their own citizens, but to international peace and stability as a whole, and that intervention was a just response. Moreover, the currently ongoing conflict in Syria (cf. Chapter VIII) and the resulting instability in the wider Middle East have yet again raised essential questions regarding the goals of humanitarian intervention, the potential for forcible removal of the Assad government, and other considerations regarding *post bellum* justice (e.g. Byman *et al*. 2012: 11). That the significance of *jus post bellum* has increasingly been accepted by Just War theorists is partly a result of past experience: states have repeatedly failed to ensure a suitably just termination of war.

Accordingly, the following pages provide an overview of the *ad bellum* and *post bellum* considerations which highlight the moral challenges of foreign-imposed regime change missions. Thus, whereas *jus ad bellum* criteria can assess the circumstances in which a FIRC war may be initiated, *post bellum* concepts can aid in addressing the subsequent military occupation and, ultimately, the imposition of a new regime.

2.3.1 The Principles of *Jus Ad Bellum*

"The *telos* of a just war is, paradoxically, peace", as Douglas has correctly stated (2003: 544). Unlike varieties of pacifism, which inevitably champion the conviction that war is morally indefensible, the Just War doctrine takes into consideration that violent conflict can, on rare occasions, be the 'lesser of two evils'. In other words, the tradition asserts that "we cannot make the general presumption that war results in more evil than not-war" (Biggar 2013: 321), and that therefore, some wars are not only politically 'justifiable', but 'just' in moral terms. In war and other pursuits, "[m]oral thinking seeks to make sense of human conduct by ordering it in terms of normative principles and rules" (idem: 4). This desire to formulate rules is reflected in "[t]he ad bellum just war criteria [...] [which] emerge from the attempt to specify the kinds of conditions in which the presumption against killing may be overridden and recourse to war justified" (Baer & Capizzi 2005: 121).

Although there is no universally-accepted list of essential *ad bellum* demands, the majority of Just War authors tend to agree on the following, occasionally overlapping, requirements:

- *A just cause is needed for initiating the conflict;*
- *The war should be declared and fought by a competent authority;*
- *It should be fought with a right intention;*
- *There ought to be a reasonable probability of success, i.e. of winning the war;*
- *The war must be considered to be a last resort to remedy injustice;*
- *It must be proportional to the injustice suffered by the actor or by others.*

While "the just war tradition does not present a series of boxes to check, and, should you get more than a given number, then war it is" (Elshtain 2006: 109), these principles play an important role in assessing the justice of foreign-imposed regime change missions. Most importantly, the traditional criterion of a just cause must be met in order to justify military action and eventual regime imposition. The identity of this cause has been debated, however, as an examination of cases in coming chapters will show. Furthermore, the traditional requirement of 'right intent' plays a significant role in this regard, as the regime change is not just another 'side effect' of the conflict, i.e. not just part of the collateral damage of interstate conflict. At the same time, the decision of intervention must of course be at least roughly *proportional* to the offence committed. However, in assessing FIRC the principle of last resort remains somewhat ambiguous. It is generally held that actors should resort to war only after other options to halt aggressive behaviour or to alleviate human suffering have been exhausted (e.g. increasing diplomatic pressure on the rights-violating state, trade embargoes and so forth). The last resort criterion tends to assume that there is a distinct 'sliding scale', with war at one end. However, as later chapters show, FIRC interventions pose challenges to this particular conception of *ad bellum* justice, especially when carried out in response to cases where large-scale human suffering is ongoing or imminent. Indeed, actions like ethnic cleansing, genocide etc. can often be foreseen. As will be seen, while the *ad bellum* requirements in such cases are clear, effective action is more often hampered by a lack of political will and failure to allocate responsibilities for action. These cases of inaction yet again highlight the importance of casuistry in assessing the 'moral realities' of the FIRC phenomenon beyond a focus on purely abstract principles.

Given the important challenges to interveners posed by the *ad bellum* principles above, it may seem tempting to avoid the resulting debates altogether and to reduce the difficult questions of forcible intervention to a more utilitarian approach. In assessing the justice of FIRC, this could for instance be attempted by focussing on the presumed overall positive or negative effects of replacing a given regime. Indeed, "[m]any of the traditional ad bellum requirements already have a consequentialist flavor, such as last resort, proportionality, and reasonable probability of success", Jenkins agrees (2017: 964). However, attempts to reduce the complex moral questions associated with waging war to calculations of an ill-defined

'greater good' (including for instance a notion of 'freedom', which is as appealing as it is vague) in this fashion are rarely a fruitful way forward in assessing armed interventions. In part, this is the case because, "as Walzer notes, considerations of utility are subordinate within the common moral world, which seems intuitively grounded in human rights" (Boyle 1997: 88), but also because a traditional Just War appraisal presents us with a structured and much more useful approach to foreign-imposed regime change.[23] This is the case precisely because it acknowledges the *complexity* of ethical reasoning about warfare, which is also apparent in discussions on the potential use of armed force to punish wrongdoers.

2.3.2 The Resurgence of 'Punitive' War

Given the 'moral high ground' which is often claimed by liberal states, punitive regime change seems at first difficult to reconcile with liberal interventionism's self-understanding as an act of protection rather than one of forceful imposition. However, "while punishment has been part of the discourse of great powers using force, it can also be found in more humanitarian discourses, though perhaps not always identified as such" (Lang 2016: 296). Certainly, within the Just War approach we encounter an old "tradition in which the use of force is justified not only in self-defense but also to punish wrongs and protect the innocent. This tradition is in some tension with modern international law and especially with the UN Charter" (Nardin 2002: 57). Throughout much of Just War Theory's long and complex historical development, punitive intentions have indeed been accepted (or even promoted) as valid reasons to go to war, by, amongst others, Saint Augustine, Saint Thomas Aquinas, Cajetan, and to some extent by Hugo Grotius (Luban 2011). In this view, punishment is understood as an act of retributive justice. As Biggar (2015: 333) notes, this does "not mean 'retributivism', the doctrine that prescribes an eye for an eye, calling for a wasteland of equal suffering. Rather, I mean it in terms of its

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[23] Indeed, while prudential and intuitive 'calculations' are certainly part of the extended Just War toolkit, foreign-imposed regime change cannot be reduced to a simple moral calculus designed to achieve the greatest safety for the greatest number of oppressed individuals, and there is little to be gained from establishing the details of such a calculus when there can be no guarantee that foreign-imposed regime change will drastically improve the lives of those affected. What is more, utilitarian ways of reasoning also ignore the many other ethical demands on states, including their duties and obligations to other countries. It may not always be in the best interests of a state to intervene in cases of human rights abuses, but it may nevertheless have a responsibility to do so (cf. Chapter VI). Overall, then, "with regard to the rules of war utilitarianism lacks creative power. Beyond the minimal limits of 'conduciveness' and proportionality, it simply confirms our customs and conventions, whatever they are, or it suggests that they be overridden; but it does not provide us with customs or conventions" (Walzer 2006 [a]: 133).

etymological origin [...] a handing or paying back of what is due. 'Retribution', therefore, means simply an appropriately and proportionately hostile reaction to an injustice, and as such it is the basic form of all punishment."

Many early Just War writers deemed warfare to be an appropriate response to 'Princes' who disobeyed the *jus gentium.* For example, Langan (1984: 25) has stated that, in part, "the attraction of the punitive model of war for Augustine is that it contributes to the restoration of a moral order in which the various goods are properly estimated and in which human passions are restrained."[24] More recently, a renewed focus on the topic of war itself as a means of punishment between sovereign actors

> assumes (1) that states or other armed groups can commit punishable wrongdoing attributable to them as corporate bodies, much in the way that under some countries' domestic law, corporations as legal persons can commit crimes (which does not exclude individual culpability for those same crimes); (2) that in the absence of a world government, individual states can assume the role of punisher; and (3) that military strikes on a wrongdoer or her property will in some cases be the only feasible form international punishment can take (Luban 2011: 301).

However, Luban further notes that in the course of the development of 'modern' Just War Theory "the punishment theory of just cause eventually disappeared, replaced by the proposition that self-defense is the only just cause for war" (idem: 312). Reichberg (2013: 175) adds that

> [j]ust war was accordingly about the avenging of wrongs; it was conceptualized around the theme of desert. [...]. Soon after, a competing theory was advanced, first discretely by Vitoria but later more explicitly by Molina and Grotius, which posited liability for wrongdoing, rather than culpability, as the foundation of just cause. Retribution lost the central position it had previously occupied. No longer was war taken to be a penal sanction that would be directed against enemy combatants. This shift away from desert opened up a space for the emergence of modern laws of armed conflict, wherein punishment, if due, is relegated chiefly to the period *post bellum*.

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[24] In later centuries, Hugo Grotius argued more directly for the right of states to intervene in the affairs of others for punitive reasons, stating that "26. [...] Kings, and those who are invested with a Power equal to that of Kings, have a Right to exact Punishments, not only for Injuries committed against themselves, or their Subjects, but likewise, for those which do not peculiarly concern them, but which are in any Persons whatsoever, grievous Violations of the Law of Nature or Nations" [quoted in T. Kochi (2013)].

Even so, the 1990s and early 2000s have somewhat surprisingly witnessed a "punitive turn in Just War literature" (O'Driscoll 2006[a]: 406). This is largely based on the assumption that, as Walzer himself states, "if states are members of international society, the subjects of rights, they must also be (somehow) the objects of punishment" (2006 [a]: 63). As future chapters will show, punitive intention has become an essential part of the 21st century's 'War on Terror'. While the post-2001 war in Afghanistan, for instance, has on occasion been justified as a 'humanitarian' war (to stop the widespread human rights abuses committed by the Taliban), it was also a punitive war (to punish the Taliban for supporting and sheltering *Al Qaeda* operatives) which highlights the complex evolution of intervention and regime change in the Liberal Order.

Nonetheless, O'Driscoll's 'punitive turn' should clearly be interpreted as an addition to, rather than a replacement of, more commonly examined motivations for war. Thus, in spite of its additional framing as a punitive and humanitarian endeavour, the intervention in Afghanistan was primarily presented as a 'classic' case of self-defence against future attacks. Indeed, the continuing validity of self-defence as a cause for war is reflected in the broad international support for US-led intervention in Afghanistan. The different ways in which the war was justified again highlight the complexity of assessing FIRC cases. Indeed, the entanglement of factors also indicates that there is more to the study of forcible regime change than simply assessing the justice of initiating it. Clearly, relegating all questions of foreign-imposed regime change to a simple aspect of *jus ad bellum,* with a focus on whether initiating the initial war was justified, runs the unwelcome risk of avoiding other questions, e.g. the various understandings of responsibility and the difficulty of reconciling democratising action and self-determination. Accordingly, many current efforts to limit both the underlying causes and the tragic effects of armed conflict have prompted renewed interest in the meaning of justice *after* war.

2.3.3 Regime Change and *Post Bellum* Burdens

In addition to the *ad bellum* assessment, a greater emphasis on the complexities of establishing a framework for *jus post bellum* is essential in raising greater awareness of the ethical challenges posed by foreign-imposed regime change. However, whereas the first two segments of the Just War framework (*jus ad bellum* and *jus in bello*) are often straightforward in their temporal cut-off point (this being either an official declaration of war or the commencement of armed confrontation), the *post bellum* phase is rather more challenging to define. Questions inevitably arise as to the temporal limit for this category, i.e. *when* conflict comes to an end. Traditionally, a military conflict is considered to have ended once the 'guns have fallen silent' and an official peace treaty or armistice has been signed (anything else would only really constitute a truce).

Although the majority of notable conflicts of the 19th and 20th centuries have been concluded by formal peace treaties (including the rare occasions where international society as a whole has been 'reshaped', for example in case of the Congress of Vienna), such relatively clearly defined distinctions between war and peace has become much less clear-cut in the 21st century. The *in bello* and *post bellum* phases overlap especially in FIRC conflicts, and often do so for a considerable duration. While this may seem counterintuitive at first, recent conflicts show that even beyond the targeted state's defeat, low or even high level insurgencies against the occupying forces or the new regime can continue for an indeterminate length of time. Indeed, once a regime change mission has been launched, the initial regime removal phase is often the most 'straightforward' component. Although the targeted states' military defences are often easily overcome by powerful interveners, these initial successes have regularly been undone in the regime imposition phase, i.e. *after the war has 'ended'*. This has led to an emphasis on the *jus post bellum*, as "[t]he lack of guidance in this area can cause nations to lengthen their strategic engagements, thereby escalating casualties and destruction" and lead to mission creep and, potentially, even to the creation of future failed states (DiMeglio 2005: 132). As has been stated rather skeptically by Allan and Keller a few years after the Iraq War, "surprisingly little conceptual thinking has gone into what constitutes a peace that is a just one" (2006: 1). Over the past decade, the *jus post bellum* has been developed by numerous authors,

and it is now generally accepted that it is just as important to a Just War as *ad bellum* and *in bello* considerations, especially as its neglect leaves the whole of Just War Theory open to attack by traditionally competing theories, particularly Pacifism and Realism (Orend 2008: 36).

Accordingly, this thesis emphasises that debates about the aftermath of regime change must be taken at least as seriously as the legitimacy for initiating it. This includes interveners' potential responsibilities to rebuild both physical and political structures which go far beyond the legal approaches to occupation. While Verdirame states that "[t]he law of armed conflict has a small but important group of rules which extend to post bellum", including military occupation (2013: 308), much of the past and current *jus post bellum* debate within the Just War doctrine is rightly sceptical of these laws (Bellamy 2008 [a]: 603), in part because, as Verdirame writes, any "obligation to reconstruct would go further than the existing law" (2013: 309). Thus, while international law and international ethics are sometimes complementary and intersecting, they have never been wholly identical, and *post bellum* responsibilities must be examined further, especially in the case of contemporary FIRC.

2.3.4 Postwar Minimalism and Maximalism

As indicated earlier, conceptual distinctions bring order into the complexity of Just War reasoning. This includes questions of *jus post bellum*. Alex Bellamy, for instance, has suggested two simple concepts which help frame the post-war justice debate, which he terms Minimalism and Maximalism. Bellamy's approach is quite flexible, especially since he (2008 [a]: 602) writes that "we can identify two quite distinct positions though it is important to bear in mind that most writers oscillate between them." However, this flexibility also blurs the line drawn between both conceptions, and they should therefore not be taken as permanently fixed categories.

Overall, Bellamy claims that "minimalists tend to view just wars in terms of rights vindication and argue that combatants are entitled to wage war only to the point at which their rights are vindicated" (*idem*). Thus, the minimalist aspect of post-war justice is twofold: once begun, conflict cannot be extended to achieve other goals, such as for example regime change, and there is only a minimal responsibility towards the defeated enemy state and its population.

In essence, the minimalist doctrine holds that "the victor may prosecute the war 'to obtain justice and to put himself in a state of security' but is entitled to choose not to [...]" (Bellamy 2008 [a]: 606). The First Gulf War would accordingly be a fair approximation of the minimalist ideal of war termination, since the victorious coalition withdrew from the invaded area after its objective of halting the Iraqi forces' aggression had been met (Walzer 2012: 36). As a consequence, minimalist approaches offer a rather 'straightforward' solution to many *post bellum* challenges which avoids many of the moral quagmires of long-term postwar involvement. Because of this appeal it has enjoyed much popularity in the development of Just War tradition and historical precursors to the minimalist tradition include, but are not limited to, authors such as Gentili, Grotius,[25] and de Vattel.

In spite of its appeal, the minimalist position does raise a number of important concerns. For instance, it furnishes victors with a welcome pretext for turning a blind eye to the often devastating effect of warfare on civilian populations. Moreover, minimalists' occasional tendency to advocate a restoration of the *status quo ante bellum* likely only offers short-term chances for peace. Simply put, it has often precisely been the contested *status quo ante* which has led to an outbreak of conflict in the first place. While minimalist reasoning facilitates a swift retreat once the mission (in this case regime change) has been accomplished, but by leaving prematurely, states often knowingly expose recently liberated populations to the dangers of an ultimately damaging power vacuum. Even Michael Walzer, who has on occasion been described as something of a minimalist, acknowledges that a victorious state has at least a modicum of responsibility towards improving their defeated enemies' fate, as Bellamy has noted (2008: 610). Whereas the conception of minimalism is, according to Peperkamp (2016: 404), "backward looking, focused on the former belligerents", maximalism focuses on creating the structures deemed necessary to create stability and thus prevent future conflict. Thus, current understandings of maximalist reasoning envisage a substantive reconstruction responsibility (such as for example the rebuilding of infrastructure destroyed during the fighting), and consequently a responsibility to ensure the basic necessities of human life. It can

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[25] However, it has also been noted that "Grotius lets political leaders off the hook the moment an effort to protect the vulnerable beyond borders proves difficult or expensive" (Glanville 2019: 121). Clearly, this does not align with the majority of current legal and moral conceptions of humanitarian intervention, including incarnations of the Responsibility to Protect.

also be more broadly understood to encompass taking over policing and other stabilisation duties while the defeated state is 'recovering' from the war. None of these reconstruction efforts explicitly envision an imposed regime change, however.

Consequently, post-FIRC challenges often transcend the simple 'minimalism-maximalism' dichotomy introduced above. Accordingly, future chapters will suggest that regime impositions occur on a 'spectrum', which ranges from the imposition of minimally just regimes to a comprehensive restructuring of the targeted state. The illustration of these theoretical challenges through a focus on relevant examples is reflected in the thesis' 'Walzerian' approach to the study of armed conflict.

2.4 A 'Walzerian' Approach

In highlighting the many contradictions of FIRC, the work of Michael Walzer whose "rich, descriptive focus on law, custom, and precedent in the history of warfare and international relations [...] has special appeal in the fields of international relations and political theory" (Lucas 2003: 129) remains essential to the discussion. Walzer's writings on global justice and modern warfare are some of the most widely known, and indeed still the most discussed, contributions to the 'orthodox' Just War Theory of the 20th and 21st centuries. Since its 1977 publication, his book *Just and Unjust Wars* has retained its relevance, and Walzer's contribution of new introductory chapters ensures that his work remains at the heart of the debate.[26] As one of the most significant contributors to contemporary Just War Theory, many authors have engaged critically with Walzer's work and have sought to expand and reassess his approach to the Just War framework. Brian Orend, for example, has engaged with Walzer's work and highlights the relationship between the former's conception of distributive justice and his writings on the Just War, and describes Walzer's Just War Theory as being opposed to the three contending philosophies of realism, pacifism, and utilitarianism (2002: 76).

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[26] Indeed, Sutch (2009: 514) points out that "[b]y the time of the fourth edition [of Just and Unjust Wars] in 2006, the introduction is startlingly new. Not only must we think about regime change and jus post bellum occupation (trusteeships and protectorates) but the category jus ad bellum needs to be extended to jus ad vim (or the just use of force short of war)."

Of course, Michael Walzer's enduring influence on the Just War debate should not entirely distract from his works' more controversial aspects. He has repeatedly been criticised on the grounds of methodological weaknesses and theoretical inconsistencies. For example, it has been pointed out that "Walzer fails to produce a theory based entirely on the individual rights to life and liberty [...] he cannot justify the tenets of his theory of jus ad bellum by appeal to the rights of individuals as he conceives them. This is why he appeals, contrary to his own description, to the overriding intrinsic value of political communities to defend his theory of jus ad bellum and produces an incoherent theory" (Parsons 2012: 664). In part, this can be explained by "Walzer's more general moral method, that moral philosophy is a matter of interpretation rather than discovery" (Long 2012: 217), and that even our most sincerely-held moral principles may end up contradicting each other when applied to an examination of the 'real' problems of warfare.

Another recurring point of criticism is Walzer's supposedly 'sovereignty-centric' approach. Rengger (2005: 151), for example, has raised the point that "by foregrounding intervention, Walzer's version of the just war has not only reinforced the state-centric and legalistic character of the dominant contemporary forms of the tradition, it has also tended to reinforce the view amongst both supporters and critics, that the purpose of 'just war theory' is to determine, by means of some kind of moral calculus, whether this or that war was 'just' or 'unjust'." This misrepresents the purpose of Walzer's focus on the state and its sovereignty, however. Walzer is right in recognising that there are few alternatives beyond these state-centric conceptions, especially in addressing the 'big questions' of large-scale political violence. States continue to shape global politics, and are often able to act unilaterally if they so choose. This is obviously the case in 'traditional' interstate warfare, but also relevant to armed humanitarian intervention, for example. In Eckert's assessment of past military interventions, "[s]tates intervened in instances where they had an interest - humanitarian or otherwise - in intervening and the power to do so. The selectivity that seems to plague action under the frameworks of both humanitarian intervention and the responsibility to protect stems from the nature of the international system, and the lack of a realistic alternative to state action in support of either principle" (2012: 87). In similar fashion, Wheeler (2002: 310) has remarked that "[g]overnments are notoriously unreliable as rescuers, but where else can we

turn to save those who cannot save themselves? At present, it is only states that have the capabilities to fly thousands of troops halfway round the world to prevent or stop genocide or mass murder."

Given these 'political' limitations to effective action, discussions of foreign military intervention and regime change are therefore best served by an 'internationalist' stance, meaning that global politics is mainly shaped by the interactions of states based on their mutual recognition as sovereign countries (cf. Dower 2009). This means that the Just War approach must recognise the continued moral challenges of armed state interaction. Boyle states that for Walzer, "the proper method for this investigation is casuistic - that is, one should reason about difficult moral cases without appeal to general moral principles. The kind of moral reasoning Walzer seems to have in mind is the consideration of cases - examples of morally problematic decisions - in sufficient detail so as to reveal their morally relevant features in ways that allow the drawing of inferences to and from other more or less similar cases" (1997: 87).[27]

2.4.1 Walzer's Casuistry

Two distinct types of casuistry are commonly employed in the relevant literature. One is a 'comparative case studies' model, through which similarities and differences are highlighted. However, a more flexible alternative is offered by the 'historical illustrations' approach favoured by, among others, Michael Walzer. It allows for the empirical 'anchor' of a case studies model while leaving more room for the theoretical discussions required by the Just War tradition. As stated earlier, the thesis' approach to FIRC relies on historical examples which illustrate the tensions between abstract principles, normative claims, and political constraints. This use of casuistry in thinking about applied ethics is central to a Walzerian approach to the Just War.

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[27] Luban (2017: 4) notes regarding *Just and Unjust Wars* that "its distinctive philosophical style, the use of 'historical illustrations' not merely to illustrate but to propel his moral argument. In his preface, Walzer describes his method as 'casuistic,' and so it is. Some cases describe single incidents, some describe entire wars, some scrutinize discrete philosophical arguments, like Mill on non-intervention or Sidgwick on in bello proportionality and necessity."

Nonetheless, in spite of his prominence, Michael Walzer is evidently not the only Just War scholar who has highlighted the importance of case-based moral argumentation. "Casuistry implies the existence of practical reasoning" (Miller 1996: 6) and, as Thaler notes, "[t]he 'practical reasoning' approach to Just War has seen a remarkable revival in recent years, especially through the works of Paul Ramsey, Jean Bethke Elshtain, and James Turner Johnson" (2014: 527). Indeed, casuistry has historically been the method of choice for those associated with the tradition. This includes 'Church Fathers' like Saint Augustine and theologians like Saint Thomas Aquinas, but also authors on the secular trajectory of Just War Theory, such as de Vattel and Grotius. Although the theory has for the most part moved away from the Catholic scholastic approach of the early tradition, and has subsequently evolved towards a secular approach to applied morality, it has not forgotten the case-based approach which marked many early Just War approaches.

Although casuistry can therefore be said to make up the 'backbone' of orthodox understandings of the Just War Tradition, this thesis' casuistic assessments also recognise that the Just War tradition's precepts are not perfected rules for warfare. Thus, despite valuable efforts in debating its permissibility, instances of foreign-imposed regime change have remained at the very least 'morally ambiguous'. Given that a morally 'flawless' regime change operation is unlikely to occur, the thesis acknowledges that the best we can hope for is one which is ethically 'satisfactory'. This concession is certainly supported by the traditional Just War understanding that human justice is inherently imperfect, but that important moral judgments about our complex world can nevertheless be made based on the principles of authority, intent, proportionality and so forth. These precepts do not exist in a vacuum, and must consequently be viewed in conjunction with other concepts in order to be fully understood. Ultimately, the casuistic approach is based on the claim that our judgment is dependent on the particulars of the situation, rather than the notion that universal principles can be uniformly applied. Accordingly, "[c]asuistic moral arguments do not pretend to work in all circumstances; they only operate in specific contexts, for specific reasons, and with specific effects" (Thaler 2014: 525).

Though it is crucial to remain aware of the ambiguous relationship between philosophical argumentation and pertinent empirical cases, several examples of forcible regime change attempts will be put forward over the following chapters. The selection of appropriate cases highlights the notion that "[n]ot all regime changes are of equal significance. A small number have proved pivotal, becoming freighted with significance to the world at large" (Whitehead 2009: 215).

The aim of the thesis is to focus on these pivotal cases. These illustrations, drawn from 20th and 21st century conflicts, serve to demonstrate the concerns for policymakers as well as the lessons that can be learned from attempts at imposing post-war regime transformation over the past thirty years. In particular, this means a particular focus on the cases of Iraq, Afghanistan, Somalia, Libya, and Bosnia. These differ from 'historical' instances of regime change in their contextualisation within the International Liberal Order of the past thirty years. Thus, while there have been many past instances of regime change which sought to topple regimes to extend imperial power, to shift a balance of power, or where regime change was simply a byproduct of military victory, the contemporary FIRC phenomenon has both different origins and other goals. As subsequent chapters argue, the liberal assumptions underlying the Liberal Order have led to an increased distinction between legitimate and illegitimate states, which has supported FIRC attempts to remove regimes in favour of democratic alternatives.

2.5 Conclusions

This chapter has built on the introductory section in several ways. Most notably, it has begun to outline the disagreements and conceptual distinctions which dominate the historical and current Just War debate, including the punitive aspect of war and the subdivision of our moral assessment into questions of *jus ad bellum*, *in bello*, and *post bellum*. In addressing the conceptual framework within which the rest of the thesis will operate, as well as its underlying assumptions, the chapter has argued that approaches like the Pottery Barn Rule deny states their agency, effectively reducing them to mere objects that can be 'broken' and 'owned'. This sense of 'objectification' ignores the fact that states can make moral decisions, and also incur

moral guilt. In other words, states have substantial control over their own destiny, as opposed to an inanimate object such as a vase, no matter how valuable.

Although simplification and abstraction are necessary parts of international political theory (e.g. Walzer's conceptualisation of the 'Domestic Analogy'), these must be balanced by an appreciation of the complexity of present-day warfare. As the chapter has noted, contemporary Just War approaches (especially those described as 'revisionist') have on occasion been criticised for a propensity to engage "with neat fictitious worlds, rather than the complex real world; it makes clinical moral judgements about large-scale killing, mutilating and suffering, and it proceeds as if absolute moral and epistemic certainty could always be obtained. Contemporary just war theorists have turned the world of war into a sterile analytic playground" (Neu 2013: 462). This weakness is best remedied by a renewed focus on the 'disordered' reality of war and on suitable case studies which highlight the role of foreign-imposed regime change in relation to the themes of sovereignty, human rights, and global order. Indeed, as Clark has for instance argued, "[t]hose interested in justness in the social practice of just war therefore acknowledge the integrated trinity of ethics, law and politics, and the quest for a set of principles to be implemented in that specific context, not in the best of all ethical worlds. Their concern is to depict an extant social reality at the moment [...]" (2017: 340). This reality is best approached from an 'orthodox' perspective. Despite its name, this 'orthodoxy' does not consist in a particular method, but rather in an overall view on the tradition and its approach to warfare: war is considered to be something exceptional, which necessitates its own rules and moral framework, and which is best understood with reference to particular cases, as the "method of practical morality is casuistic in character" (Walzer [a] 2006: xxiv).

As the next chapters will show, these cases, i.e. the FIRC attempts which the thesis examines, have increasingly become part of a global development wherein the "moral center of gravity has shifted from unrestricted state sovereignty to international human rights" (Luban 2011: 316). Whereas this development indicates that humanitarian intervention has increasingly come to be seen as legitimate, this has not led to a growing acceptance of FIRC among many members of the international community.

Part I: The Challenges of FIRC

The thesis' introductory chapters have indicated that the foreign-imposed regime change concept has emerged to become one of the most contentious aspects of contemporary international affairs. It has played a very controversial but undeniably important part in maintaining as well as expanding the United States' 'unipolar moment' of the 1990s. As Ikenberry (2018: 7) notes, since the sudden end of the Cold War,

> the world has been dominated by a western liberal order. [...] [T]he United States and its partners built a multifaceted and sprawling international order, organized around economic openness, multilateral institutions, security cooperation and democratic solidarity. Along the way, the United States became the 'first citizen' of this order, providing hegemonic leadership - anchoring the alliances, stabilizing the world economy, fostering cooperation and championing 'free world' values.

More recently, these values and regime change operations have become intertwined with the 'War on Terror', in which a regime's legitimacy has increasingly become tied to their cooperation in accordance with the expectations of the US-led world order. The resulting discussion adds to the important current debates which surround humanitarian intervention, including the violation of sovereignty and the supposed 'export' of democracy. Owen (2010: 1) has for instance written that regime change "was once a technical neologism used by social scientists to signify the alteration of a country's fundamental political institutions. Now, around the world, it is a political term, and a polarizing one." In part, this continued controversy stems from the obvious tensions between two sets of internationally-recognised rights: the traditional claim of states to non-interference from other members of the international sphere, and the emerging prominence of universal human rights.

The sovereignty principle's ongoing evolution is evidenced in the interplay between the rights of states and those of their populations in the 20th and early 21st centuries. While the claims of both "have been a central concern of the UN since its founding", the "conceptual meaning of both norms [...] has changed over time" (Booth Walling 2015: 385). This change has also influenced the concept of humanitarian intervention, the legitimacy of which was not

generally recognised until the 1990s. The underlying humanitarian sentiment has since culminated in the development (and occasional misappropriation) of the 'Responsibility to Protect'. This understanding of responsibility on a global scale, as well as the contiguous notions of 'sovereignty as responsibility', ought to be understood as

> an attempt to reconcile or at least deal with the inherent contradictions in the idea of sovereignty. This conceptualization of sovereign responsibilities suggests that, while peoples have a right to govern themselves free from outside interference, this should be conditional on their protection of human rights; the legitimate expression of the will of a sovereign people entails the protection of their individual rights. When a sovereign people prove unwilling or unable to protect their own population, they yield their sovereign right to non-intervention, and the responsibility to protect passes to international society (Glanville 2011: 249).

Clearly, while states' and populations' rights are not by necessity mutually exclusive, they have come into conflict in cases where one (sovereignty) has been infringed on behalf of another (human rights) by a third party. A traditional focus on states' rights to non-intervention has created an international system which often appears unwilling, or at the very least ineffective, in addressing human rights abuses while maintaining an ambiguous stance on the validity of regime change. What remains unclear, however, is whether such events are also sufficient for regime change attempts beyond the initial intervention. This lack of clarity has regrettable consequences: when foreign-imposed regime change occurs, it is often deemed either patently unjust or at the very least morally ambiguous, whereas in cases where armed intervention would be warranted, states are often particularly slow (and in some cases even plainly unwilling) to act in response. The resulting controversy raises three distinct ethical challenges, namely *when and how* intervention should occur, and *who* the intervening actors would ideally be. In addressing these points, the challenge of maintaining a focused approach on a complex topic such as regime change is mitigated by a systematic treatment which includes simple taxonomies and clarifications of important concepts.

Thus, the next section of the thesis highlights how the continued erosion of sovereign equality within the post-Cold War order has repeatedly facilitated the occurrence of 'regime change wars'. Finally, it will examine the roles of the motives and intentions which underlie

modern regime change attempts. This distinction will also facilitate a classification of cases into 'superficial' and 'radical' regime change outcomes in later chapters. First, however, the following pages discuss the evolving nature of the implications of sovereignty by referring to ongoing debates surrounding the permissibility of humanitarian intervention.

Chapter III: Sovereignty in an Age of Interventionism

To an important extent, the controversy surrounding FIRC introduced in previous chapters stems from its grave violation of states' rights. This chapter illustrates the accompanying challenges by contrasting the claims of states to non-interference in domestic affairs with the emerging norms and practices of humanitarian intervention, which is sometimes thought to 'undermine' many aspects of traditional sovereignty. The chapter then contextualises the shift from humanitarian intervention to regime change in the 'War on Terror', and argues that ultimately, liability to intervention should not be equated to liability to regime change.

Clearly, finding an appropriately 'just' balance between the demands of sovereignty, security, and the protection of human rights is not only a challenge for Just War theorists, but "has remained one of the most pressing yet elusive goals of the international community" more generally (Erameh 2017: 517). The subsequent section highlights this debate by examining the effects of sovereignty's continued significance within the current world order. It then contrasts the accompanying claims of states to non-interference in domestic affairs with the emerging norms and practices of humanitarian intervention and regime change, which are seen to 'undermine' many aspects of this sovereignty. Indeed, while the sovereignty concept's importance to the study and practice of International Relations is reflected in the assertion that it "is considered to be the *grundnorm* of international society" (Booth Walling 2015: 386), its evolving connotations complicate assessments of its role in contemporary interventionism.

3.1 'Westphalian' Rights to Non-Intervention

The notion of sovereignty remains integral to the Liberal Order's understanding of a global community of independent states. However, while the concept has been at the core of international affairs since the Early Modern period, its specific role remains a matter of some dispute. Glanville (2011: 236), for instance, defines sovereignty "very broadly and provisionally as a legitimated claim to political authority" but also asserts that "the content and meaning of the authority claim is not static. For example, while the right of non-intervention is often assumed to be a corollary of sovereign statehood, this principle is historically contingent." The complexity and ongoing reinterpretation of this historical contingency has in part been addressed by Krasner (1999), who has outlined four distinct, yet interrelated, types of sovereignty. He has drawn a useful distinction between the categories of 'domestic sovereignty', 'interdependence sovereignty', 'international legal sovereignty', and 'Westphalian sovereignty', all of which continue to play important parts in the current global order of states. However, the 'variety' most relevant to the Walzerian understanding of the Just War Tradition, and indeed to the challenges of contemporary regime change practices, is the Westphalian aspect of sovereignty.[28]

The prevalent understanding of sovereignty of the Westphalian type is rooted in states' long-term political and military control over a claimed territory and population. This interpretation is further reflected in the adjacent concepts of 'autonomy', 'self-determination' and 'non-intervention', which have long been considered to be inseparable from the principle of moral *equality* between sovereigns, regardless of their political regime. Reus-Smit (2005: 73) affirms that "[w]ith the codification of sovereign equality, recognised states gained a basket of rights and entitlements. Some of these were governance rights, or rights of legal standing and participation in international society [...]. Others were rights of domestic autonomy,

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[28] This is not just the case for the Just War approach, as within large parts of modern International Relations Theory, "[t]he Westphalian model is a basic concept for some of the major theoretical approaches to international relations, including neo-realism and neo-liberal institutionalism" (Krasner 1996: 121). Nevertheless, it should be noted that in the reality of interstate politics, "[r]ulers have always had the option of violating Westphalian principles. The assertion that the contemporary system represents a basic transformation because sovereignty seems to be so much at risk is not well-founded: it ignores the fact that violations of the principles of territoriality and autonomy have been an enduring characteristic of the international system both before and after the Peace of Westphalia" (idem: 123).

principally the rights of self-determination and non-intervention." Accordingly, this sentiment has also been enshrined in the United Nations' Charter: its Article 2(4) unequivocally states that "members must refrain from threat or use of force against the territorial integrity or political independence of any state" (1945).

The accompanying ideals of non-interference in states' domestic and political affairs have come to be considered keystones of the Western (and later the global) sovereignty paradigm to the extent that they have long since transcended their European origins, and have figured prominently in former colonial states' historical fights for independence. As a consequence, many states, in particular non-Western countries, have often been understandably wary of Western attempts at weakening the normative power of sovereignty, be it in the name of trade, human rights, or other causes which go beyond clear instances of self-defence against military aggression. Given the role of these rights as potential guarantors of independence and autonomy, it comes as no surprise that states remain exceptionally protective of their sovereign privileges. Aloyo (2016: 316) ties the fundamental 'sovereignty as non-intervention' paradigm's continued prominence to its aims to

> limit international aggression of powerful states against weak states. Undermining state sovereignty by permitting humanitarian intervention may allow powerful actors to further their own interests by abusing the justifications for when intervention is permissible. [...]. A second, related reason humanitarian intervention is contentious is that sovereignty permits collective self-determination. This is morally important because it allows groups to make domestic laws reflect cultural, religious, traditional, ethical, and other differences among peoples. [...] many accept that states can be legitimate to some degree in part because states allow some degree of collective self-determination. A third reason why sovereignty and nonintervention is important is because interveners almost always unintentionally although foreseeably kill and maim innocents.

3.2 Liability and Aggression

Accordingly, it bears emphasis that a basic "presumption against intervention remains in place in most cases based on the assumption that, without clear contrary indications, even authoritarian governments are sustained by at least acquiescence and even positive support"

(Finlay 2007: 576). A recourse to direct armed interference in a sovereign state's domestic affairs (regardless of its political system) in the absence of a just cause (cf. Chapter V) has traditionally been seen as a grave injustice contrary to the *ius gentium*, the common tradition of the Law of Peoples. Indeed, as Walzer has stated, in principle "every violation of the territorial integrity or political sovereignty is called aggression" (2006 [a]: 52). In turn, this means that in order for military intervention missions to be morally defensible, something (e.g. a particular behaviour) is required of a state actor to 'override' the general presumption against interference, i.e. to render it liable to harm in the form of armed external intervention.[29]

In the majority of contemporary Just War interpretations of justified intervention, both 'external' and 'internal' aggression can constitute such acts. An unprovoked military strike by one sovereign state against another is the most straightforward case of 'external aggression'. Obvious cases of external aggression are found throughout history, including in both World Wars. We might for instance think of Germany's invasion of Belgium and Luxembourg in 1914, or the Empire of Japan' attempts to subjugate areas within the entire Pacific region in the 1940s (Ienaga 1979).[30] In such cases aggressors act in a way which is deemed impermissible, and they are consequently understood to forfeit their rights to non-interference from other states.[31]

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[29] As Firth and Quong have stated, "[n]early all accounts of liability to defensive harm state that in order for a person to be liable to such harm, he or she must have fulfilled some backward-looking condition such as being morally responsible or culpable for posing an unjust threat to others" (2012: 674). Defensive harm designates the sort of harm that may be inflicted on another party in self-defence, or in defence of others. Acts of Defensive harm are therefore opposed to the aggressive harm concept. While the act (i.e. inflicting violence) is similar, its context can often change our moral perception and judgment. The notion of defensive harm implies the forfeiture of a right not to be harmed on the part of the aggressor. In other words, by attacking an innocent party, an aggressor can lose his or her own right to safety from harm.

[30] Of course, this is not meant to imply that Imperial Japan or other externally aggressive regimes did not also commit atrocities and human rights abuses. However, there is no inherent link between external and internal aggression, and states can at least in principle exhibit one without the other.

[31] This principle is not only important to an orthodox understanding of the Just War, but is recognised by many revisionist writers as well. Thus, McMahan has written that "[m]oral responsibility for an unjust threat, or a threat of wrongful harm, is [...] a basis of liability to attack in war" (2008: 227). Finlay rightly points out that "the main thought is this: if someone is responsible for a wrongful threat; and if the only (or sometimes even the best) way to diminish that threat is to harm them; then harming doesn't wrong them. At least, it doesn't wrong them so long as the harm they suffer isn't disproportionate to the threat it prevents and to the degree to which the target is responsible for the threat" (2018: 34).

However, the notion that liability to intervention is not the same as liability to regime change is central to the thesis' further argumentation. Indeed, if we look further than the high-profile cases which have prompted the ongoing regime change discussion, many contemporary conflicts between states have not ended in a substantial change of the losing side's regime. An obvious example of this is the First Gulf War of 1990 to 1991, which for Walzer contrasts sharply with the 2003 Iraq War. He (2006 [b]: 104-105) notes that "the United States and its allies fought in strict accordance with the classic just-war paradigm: they stopped fighting once the invasion of Kuwait had been decisively defeated. They did not march on Baghdad; they did not aim at the overthrow and replacement of the Baathist regime; nor did they do anything to make it possible for the Iraqi people to turn Saddam Hussein out of office." In fact, President George H. W. Bush had stated (1991[b]: para. 6) that in intervening, his administration's

> objectives are clear: Saddam Hussein's forces will leave Kuwait. The legitimate government of Kuwait will be restored to its rightful place, and Kuwait will once again be free. Iraq will eventually comply with all relevant United Nations resolutions, and then, when peace is restored, it is our hope that Iraq will live as a peaceful and cooperative member of the family of nations, thus enhancing the security and stability of the Gulf.

In hindsight, the argument could of course be made that much bloodshed could have been prevented if the coalition forces had used the momentum of their victory and continued on to Baghdad to depose Saddam Hussein from power there and then. However, this did not happen, especially given the regional destabilisation that would have followed and the continued hope of 'rehabilitating' Iraq through further UN resolutions.[32] In short, Iraq's aggression against Kuwait was considered a just cause for war, but not for a subsequent regime change.

Both the moral and political repercussions of external aggression (i.e. the impermissible military actions of one state against another) have long been a concern for Just War theorists.

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[32] It has been noted that "[t]he logic went that stability was preferred to regime change as the Bush administration and his coalition saw no reason to remove Saddam Hussein. Secretary of Defence Dick Cheney prophetically declared in 1991: If you're going to go in and try to topple Saddam Hussein, you have to go to Baghdad. Once you've got Baghdad, it's not clear what you do with it. It's not clear what kind of government you would put in place of the one that's currently there now. Is it going to be a Shia regime, a Sunni regime or a Kurdish regime?" (Burke & Matisek 2020: 8).

However, states are equally capable of 'internal' aggression against their own population (in the form of excessive human rights abuses or even mass killing). The resulting liability to intervention had been recognised in early Just War theory, but the advent of the non-intervention paradigm has often led to this understanding being relegated to the background. Nonetheless, it has since reemerged in tandem with the awareness that, as Wingfield (2004: 94) has emphasised, "[d]emocide, the intentional killing by a government of its own people within its own borders, has consumed millions of innocent human lives. In fact, it has taken more than all the international wars of the twentieth century. The rise of the modern tyranny and its proclivity to kill its own citizens has shown that the view of peace defined solely in light of external hostilities can no longer satisfy the demands of justice and human rights." The accompanying focus on states' internal aggressions has led to an expansion of discussions regarding the potential permissibility of armed intervention in the absence of direct military confrontation.

3.2.1 The Emergence of 'Humanitarian' Wars

The notion that limited but armed intervention against internally aggressive regimes might be permissible, if not obligatory, "had begun to crystallise in the 1970s when humanitarian reasons were either offered or assumed as part of the rationale for the intervention of India in East Pakistan (1971), Vietnam in Kampuchea (1978) and Tanzania in Uganda to overthrow Idi Amin (1979) - as well as for the French government's support for the coup against Jean-Bedel Bokassa in Central Africa (1979)" (Arbour 2008: 446). However, these unilateral actions were *not* 'humanitarian interventions' in the contemporary sense, but were predominantly influenced by other political and/or regional security interests. The 'ideological' interests at play in the 1970s had other repercussions as well. For example, "in the case of the Khmer Rouge, the regime kept Cambodia's seat in the UN with the support of the Western world, based on the sole argument that the regime had been toppled by Vietnam, an ally of the Soviet Union and a Communist country" (Boniface 2003: 67). Therefore, it is important to recognise that in fact these cases of "occasional unilateral uses of force, such as those by India against Pakistan in 1971, Vietnam against Cambodia in 1978-9 and Tanzania against Uganda in 1979, gave rise to limited debate over the rightfulness of humanitarian intervention, but [...] served largely to

reinforce international society's opposition to the concept rather than to herald acceptance of its legitimacy" (Morris 2013: 1268).

Both the initial rejection and the subsequently emerging acceptance of external intervention's permissibility must be understood in the context of the pervasive polarisation which affected the international community during the Cold War. Its termination, in turn, heralded the beginning of a partial reassessment of the status of sovereignty, accompanied by reinvigorated debates on the permissibility of external humanitarian interference. The prospect of overcoming the 20th century's major ideological standoff, which allowed regime-led human rights abuses to occur all too often, was an opportunity to establish an 'apolitical' system of humanitarian action. This, it was hoped, would put the focus on the behaviour of states, rather than on their political ideology or on their support by powerful allies. As a result, it would "no longer [be] necessary to put up with many of the outrages sanctioned by sovereignty simply because those committing the outrages are on 'our' side" (Brown 2006: 21).[33]

A further noticeable shift, this time from the permissibility to a potential *responsibility* regarding intervention, emerged as "the principle of non-interference in a sovereign State's domestic affairs came under intense strain in the 1990s [...] as the Rwandan genocide, the atrocities in the former Yugoslavia, and a proliferation of devastating internal wars unfolded" (Arbour 2008: 446). The disturbing reality that the world's most powerful states had repeatedly stood by in the face of ongoing democide prompted the major expansion of humanitarian discourse which has developed since the 1990s. At the core of these humanitarian ideals lies the notion that states' responsibilities extend beyond ensuring the survival and well-being of their own citizens, as well as the recognition of "the hard truth [...] that, in the world as we know it, many 'alternatives' to the use of force cannot be implemented until there is sufficient surcease from terror and danger that 'soft power' can gain a foothold" (Elshtain 2007: 137). Nicholas Wheeler's seminal book *Saving Strangers* (2002), to name a prominent example, addresses global humanitarian action before and after the Cold War, as well as the notion that

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[33] Throughout the Cold War, the efforts of the United States and its allies were focussed not only on containing the Communist threat, but on actively 'rolling back' Soviet influence across the world. This included numerous overt and covert attempts at replacing regimes with more pliable ones, but also the support of ideologically allied states, often regardless of the soundness of their human rights policies (Kinzer 2006).

states in the international community have a responsibility to halt human rights abuses (and other human security issues) on a global scale. As Wheeler himself has written, "[c]onfronted with supreme humanitarian emergencies, governments should be prepared to risk and lose soldiers' lives for primarily humanitarian reasons, justify their actions in humanitarian terms, [and] work to secure Security Council authorization" (2002: 52). While he notes the potential weaknesses of an overreliance on the UN Security Council for authorising interventions,[34] he insists on the significance of "an acceptance by governments in the West that humanitarian intervention is both morally permitted and morally required in cases of supreme humanitarian emergency" (idem: 310).

Wheeler's work further underlines the powerful emerging notion that states and their regimes which engage in human rights abuses cannot be left to hide behind their sovereignty: in 'extreme' cases, the protection of human rights can outweigh Westphalian states' traditional rights to non-interference.[35] Ultimately, *Saving Strangers* is a late reflection of the substantial optimism at the end of the Cold War. The supposed end of ideological rivalries, and the democratisation of many formerly authoritarian states, was thought to herald the eventual triumph of global liberalism, including the universal recognition of the value of human rights and the preparedness to act where these rights were threatened.

This notion also aligns with the Walzerian conception of an emerging "moral internationalism" which "has sought to justify humanitarian intervention, foreign involvement in civil wars, regime change, and, most recently, the responsibility to protect concept", as Anne Orford has described it (2013: 84). Indeed, since the end of the Cold War, this kind of moral internationalism "has defined the legitimate use of violence" (Malito 2019: 106), as well as the balance between preserving the rights of individuals and communities. The 'Responsibility to Protect' framework is the most developed result of this understanding, and its principles have indeed been influenced by Just War elements to a considerable extent. As has been noted by

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[34] These weaknesses are readily apparent in the potential for UNSC deadlock or indecisiveness, as will be discussed in Chapter V.

[35] This development also affects other current aspects of international security. Notably, in recent years "the traditional concept of peacekeeping (with the consent of parties to a ceasefire or peace agreement for managing conflict peacefully) has given way to a much broader definition, one that embraces the idea of peace operations in the absence of either a ceasefire and/or consent by all parties" (Cooper, Turner & Pugh 2011: 1998).

Elshtain (2006: 110) the "earliest formulations of the just war tradition (for example, St. Augustine's), which argued that an outside party may be justified in intervening in a state in order to prevent certain harm to the innocent. Fascinatingly, these early formulations connect directly to the current norms of humanitarian intervention and [the Responsibility to Protect]."[36]

3.2.2 The 'Responsibility to Protect' and its Limits

Whereas it is certainly the case that "the immediate catalyst for efforts to better codify the responsibility of sovereigns in situations of mass atrocity was nato's bombing of Serbia over Kosovo in 1999, it was the ghosts of Rwanda and Srebrenica that haunted advocates for clearer rules on when intervention was a moral and legal obligation", as Hopgood has written (2014: 182).[37] Like the liberal conception of FIRC, the R2P has its origins in debates about the discourse and potential ramifications of humanitarian intervention. And, again like FIRC, the development of the R2P has not been a linear process. Two key points stand out regarding its evolution: the 2001 proposal by the International Commission on Intervention and State Sovereignty (ICISS), and the later World Summit Outcome Document of 2005. While both are crucial elements in the development of R2P, they also ultimately reveal tensions between liberal ambitions and the practical reality of international interaction. The ICISS report, which coined the 'Responsibility to Protect' term, sought to balance the demands of interventionism and humanitarianism. In doing so, it incorporated elements of the Just War Theory. Averre and Davis (2015: 815) summarise the relation between JWT and the R2P as follows:

> [t]he ICISS document of 2001 elaborated three key principles for military intervention for R2P purposes. The 'just cause' threshold states that intervention may be warranted in the case of large-scale loss of life arising from deliberate state action or from neglect or inability to act (for example, in a 'failed state' situation), or from ethnic cleansing. If the 'just cause' threshold is met, the 'precautionary principles' come into play: these focus on right intention, which should be to halt or avert human suffering; on last resort, with military force being justified only when non-military options have been explored; on proportional means, with the scope of the intervention being the minimum necessary

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[36] This 'appropriation' of historical incarnations of the Just War is a further reflection of modern liberal optimism about the universal of, and inevitable progress towards, liberal norms.

[37] In light of these experiences, "the responsibility to protect norm is not, as some have suggested, a leap into wishful thinking. Rather, it is anchored in existing law, in institutions and in lessons learned" (Arbour 2008: 447- 448).

to secure the objective of protecting the population; and on reasonable prospects, meaning that the chance of success in achieving the objective should be reasonable and its consequences unlikely to be worse than the consequences of inaction. Finally, the principle of 'right authority' [...] reaffirmed the primary authority of the UNSC and stipulated that states in favour of intervention should formally request its authorisation.

Although the ICISS document was an ambitious attempt at redefining the relation between states' sovereignty and their behaviour towards their inhabitants, ultimately "much of the content of the ICISS report fell victim to the diplomatic machinations required to secure global consensus" (Morris 2016: 204). By 2005, the R2P understanding as championed by the UN limited the focus to only four cases, and re-emphasised a 'Westphalian' understanding of sovereignty, as well as the continued importance of UNSC approval for intervention. Thus, the 2005 *World Summit Outcome Document* made it clear that:

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. […] The international community should, as appropriate, encourage and help States to exercise this responsibility […].

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, […]. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

While the Responsibility to Protect remains "a radically unfinished program [...] by reconceptualizing sovereignty as responsibility and situating intervention within a broader continuum of measures designed to protect individuals from genocide and mass atrocities, the UN succeeded in reframing the debate" (Martin 2018: 94).

However, in doing so it has made important concessions to traditional conceptions of sovereign states' primacy at the expense of Just War influences and a thorough reconceptualisation of just intervention. As Francis Deng (2010: 354) has summed up the

post-2005 R2P framework's underlying aspirations, "the best assurance for maintaining sovereignty is therefore to establish at least minimum standards of responsibility, if need be with international cooperation. Thus, the role of the international community is to render complementary protection and assistance to those in need and to hold governments accountable in the discharge of their national responsibilities."

This grounding in the notion of states' 'sovereignty as responsibility' towards their inhabitants highlights R2P's role as another attempt to divorce interventionism from antagonising political restraints while retaining a focus on states' sovereign rights. The accompanying ideal of a supposedly 'post-ideological' regime of global justice has persisted into the 21st century, to the extent that "stories of progress and promises of a finer future for 'humanity' are endemic to the discourse of human rights", Denike writes (2008: 98). Indeed, Walzer (2011 [a]: 69) notes that "humanitarianism is probably the most important "ism" in the world today, given the collapse of communism, the discrediting of neoliberalism, and the general distrust of large-scale political ideologies." In light of an ostensibly widespread consensus among the leading members of the global order that extensive human rights abuses by a state are morally reprehensible, it has even been noted that a "new ideal has triumphed on the world stage: human rights. It unites left and right, the pulpit and the state, the minister and the rebel, the developing world and the liberals of the West. After the collapse of communism, human rights have become the morality of international relations, a way of conducting politics according to ethical norms" (Douzinas 2006: 355).

The Post-2005 R2P framework's insistence on the importance of global security and human rights protection is hardly controversial. Nonetheless, while it certainly represents a welcome step toward a greater emphasis on states' relation to human rights, the framework has also faced increasing criticism on several counts, including an alleged lack of clarity required to be an effective tool in the hands of the international community (Focarelli 2008), especially given actors' frequent reluctance to act. "After all", Graubart (2013: 75) affirms, "few opponents of humanitarian intervention argue that sovereignty is more important in the abstract than stopping mass atrocities. The debate lies in whether an effective and desirable regime is possible under the present global order." Consequently, the general utility and prospects of

success of the Responsibility to Protect concept has been questioned practically ever since the moment of its inception. As Hobson (2016: 434) suggests,

> [w]ith each humanitarian emergency comes a fresh round of questions about whether R2P has succeeded or failed […]. Darfur was dubbed a 'failure to protect' and 'the big let - down'; an internal report described the UN's handling of human rights abuses in Sri Lanka as a 'grave failure', and noted that […] R2P's 'meaning and use had become so contentious as to nullify its potential value'; as the Libyan intervention morphed into regime change, R2P was announced 'R.I.P.'; and in Syria, the international community has 'dismally failed to uphold its responsibility to protect'.

Thus, and "[i]n case after case – most notably including Libya, Côte d'Ivoire, South Sudan, Burundi, Iraq, Syria – the application of the R2P doctrine proved to be anything but straightforward, and amid some relative successes, more frequently an outright failure" (Simon 2020: 206). Given that "humanitarian intervention remains a rare and selective event" (Booth Walling 2015: 384), a major aspect of this critique is R2P's supposed failure to ensure action when rights are threatened.

Even more importantly, however, critiques of the R2P tend to emphasise its potential 'misuse' in illegitimate interventions and regime change attempts. To an important extent, these developments are due to ambiguities about interventions' ultimate outcome. Thus, Dunne (2012: para. 5) writes that in spite of its relative novelty, "R2P has been tarnished by its association with regime change", whereas McMillan and Mickler (2013: 284) argue that the Responsibility to Protect and similar frameworks have come under increasing scrutiny in the context of "recent developments [which] have led to claims that the international community is now in the highly controversial business of 'regime change' in the name of humanitarian ends."

Fears concerning the potential 'instrumentalisation' of R2P principles and humanitarian discourse for regime change goals have created a growing sense that "[f]ar from offering protection from mass atrocity and being the vanguard of a progressive change towards a less violent world, the R2P serves to legitimise a moralistic form of militarism. Far from limiting, preventing and appropriately responding to mass atrocities, the R2P gives a veneer of legitimacy to military interventions [...]" (Dunford & Neu 2019: 1097). These important

developments have consequently played a major role in fuelling the past decades' growing disillusionment with forcible interventions in states' internal affairs. In fact, while "the Western world sees foreign intervention as proof of generosity and a concern to help others; other countries consider interference as a way for the Western world to challenge another country's independence" (Boniface 2003: 64).

This distrust is not solely linked to the misappropriation of R2P and humanitarian language itself, however. It is also reflective of earlier developments in the United States-led 'War on Terror', which is predicated on a binary differentiation between supposedly 'law-abiding' states on one side and illegitimate, 'rogue' regimes on the other.[38] The world order which emerged at the conclusion of the Cold War has increasingly tied sovereignty to the notion of legitimacy. In this understanding, legitimacy, and therefore sovereignty itself, can be 'lost' by regimes depending on their behaviour, leading to a situation in which "in however bizarre and unsatisfactory a fashion, moral discourses and judgements permeate the war on terror, many of them in its justification" (Burke 2004: 330).

3.3 The 'War on Terror' and the Erosion of Sovereign Equality

Whereas sovereign states have traditionally been considered to be rightful actors *per se* (albeit ones capable of *illegitimate* acts), the status of legitimacy has increasingly come to be tied to states' behaviour. For instance, on the eve of the fateful 2003 Iraq intervention, President G.W. Bush stated that "a regime that has lost its legitimacy will also lose its power." The statement highlights that regime legitimacy has become an increasingly important part of 21st century interstate relations. In Wight's (1972: 1) famous definition, which remains as accurate today as when it was written, "international legitimacy is an elusive and nebulous notion, on the frontiers of morality and law. It may be briefly described as moral acceptability [...] to the remainder of international society." In the course of the late 20th and early 21st centuries, this sense of global moral acceptability has become increasingly linked to states' adherence to the International Liberal Order's expectations.

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[38] The epithet of 'rogue state' is evidently problematic in itself, as it is often used to indicate deviance from the ideals of the US-led world order rather than any specific behaviour.

Although sovereign states formally enjoy equal rights to non-intervention and independence regardless of ideological differences or existing power inequalities, the increasingly antagonistic rhetoric of the War on Terror, (e.g. President George W. Bush's controversial statement that "you're either with us, or you're with the terrorists" [2002(c): para 13]) can be seen as an attempt at simplifying the complex political relations of the post 9/11 world by dividing the global order into two camps: those states which are legitimate, and thus have 'earned' their sovereign status, and those whose legitimacy, and therefore their sovereignty, can be called into question.

The resulting conception of the moral difference (including an informal 'hierarchy' of sovereign states, ranging from liberal to repressive) has served as a justification for powerful states to take action by assuming a punitive role 'on behalf of' the supposedly universal values of the International Community. The intervention in Iraq has been described as a punitive action, launched in retaliation for Saddam Hussein's past defiance of the United States. Accordingly, "the notion of punitive war figured prominently in the justifications President George W. Bush and Prime Minister Tony Blair offered for the invasion of Iraq and the overthrow of Saddam Hussein's regime", O'Driscoll has for example noted (2006 [a]: 405). Snyder (2003: 654) has gone as far as claiming that the motivation in intervening was not only punishing and defeating Iraq, but even included the intention of "punishing the larger Arab world for creating the conditions that gave rise to Osama bin Laden and for sympathizing with bin Laden after 9/11."

As noted earlier, the idea of punitive warfare is not unheard of in the historical Just War Tradition (cf. Chapter II). However, the understanding of punishment which was advocated by many of the early Just War scholars presupposes an 'overarching' (and ideally neutral)[39] authority capable of imposing punishment. It is clear that such a type of authority is lacking in the current global setup, leaving individual states or organizations themselves to act as judge, jury and sometimes executioner, when and where they see fit. This is facilitated by emerging

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[39] This notion has reappeared in more modern scholarship, too. Jacob Blair (2008: 306) for instance highlights Rodin's notion that "individual victim states do not have the authority to punish. In order for punishment to be legitimate, at the very least the one implementing it should be impartial towards the parties who are involved in the dispute. Justice requires that the one administering the punishment not have an invested personal interest in seeing the punishment carried out."

distinctions between legitimate and illegitimate regimes, as this sort of punitive reasoning is inherently tied to the conceptions of hierarchy. Thus, although Luban (2011: 314) is correct in asserting that at least in principle, "[i]f equals have no dominion over equals, they lack the authority to punish[40] them, including through warfare", the Liberal Order has sought to 'circumvent' this problem by promoting a framework in which 'rogue' states are not deemed equal to rights respecting democracies.[41] Consequently the rights associated with their privileged position as sovereign states can be 'lost'. The potential scope for punitive regime change interventions against 'illegitimate' regimes has also increasingly prompted comparisons to a supposed practice of 'global policing', where conceptions of global human rights would function as a quasi-legal system.

3.3.1 Intervention as Global Policing

Correspondingly, Reed has claimed that "since 1989 the use of force has increasingly taken the form of quasi-police action" (2004: 33).[42] Within this metaphorical system, the United Nations Security Council or a hegemon (e.g. the United States of America) would take on the role of a 'global policeman' within an international society. This, too, can be seen in the post-9/11 interventions. Indeed, "the idea of punishment [...] is clearly present in the justificatory reasoning with which Bush and Blair chose to legitimate the invasion of Iraq. The war, they told us, was fought as a means of law enforcement, of holding Iraq to account for its violations of international law and the writ of the United Nations" (O'Driscoll 2006 [a]: 408). O'Driscoll further states that both the US' and the UK's rhetoric had

> pressed the case quite forcefully that Iraq must be punished for its indiscretions and criminal defiance of these resolutions, so that international law and the UN system might be reaffirmed and vindicated. If Iraq escaped punishment for its misdeeds, the

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[40] This notion is also reflected in the assertion that "a punitive war [...] waged by a victim state would not be justified; the victim state would not be administering legitimate punishment" (Blair 2008: 307).

[41] Evidently, democratic regimes are not *ipso facto* exempt from undergoing a (hypothetically justified) forcible regime change. However, the nature of their political regimes means that they are generally less likely targets in the current world order.

[42] For example, as Miller (2000: 5) has written, "[i]n the case of Somalia, at least one pacifist classified the U.S. intervention as a police action instead of a war, drawing an analogy with the (acceptable) use of force in the civic realm."

credibility of international law and the whole UN system would be plunged into doubt. This war, then, would serve to vindicate and uphold the integrity of international law by censuring one of its most egregious violators - Saddam Hussein's Iraq (idem).

Therefore, as Boyle (2011: 151) has argued, in this understanding of the global order "regime change [...] makes sense under a punitive conception of just cause, since seriously unjust actions of a regime towards its own citizens or others might warrant punishing its leaders as criminals or even imposing on a community something like a communal version of capital punishment wholesale reconstitution of its way of life." Other authors have made use of similar policing analogies in past decades. Lucas (2003: 125) has for instance claimed that "the calls for preemptive military action and 'regime change' in Iraq more closely resemble the rhetoric of a frontier sheriff trying to rally a reluctant posse of citizens to place their own lives and security at risk for the sake of a common moral purpose that transcends their own, narrowly defined self-interests."

In this 'armed intervention as policing' context, O'Driscoll notes that "we understand the practice of punishment as effectively fulfilling a dual function: it reaffirms the integrity of societal laws and norms and encourages compliance with them. In a word, the practice of punishment provides a means of law enforcement and, in so doing, contributes towards upholding the social order" (2006 [a]: 407 - 408). Evidently, there are important problems with this global policing analogy. Most importantly, it vastly oversimplifies the many challenges of maintaining an international (legal) order. Primarily, of course, international law is comparatively 'weak'. In addition, policing by states acting unilaterally runs a risk of devolving into international 'vigilantism', whereas conceptions of the United Nations Security Council as an alternative would make for a very unreliable and often biased officer of the law. More importantly, the policing analogy fails in many cases, as questions about the culpability criterion remain unanswered. Indeed, as Luban (2011: 312) has written, "the fact is that warfare has no obvious domestic analogy", and that therefore all attempts to draw parallels between humanitarian intervention and the exercise of criminal justice are necessarily flawed. This is not least the case because, as Walzer acknowledges, "the police are self-appointed" (2006 [a]: 106).

As will be discussed shortly, the inevitably complex nature of actors' intentions and motives make the pursuit of global justice much more difficult than the global policing concept would lead to believe, and perceiving regime change as mere policing is consequently of limited use in furthering an understanding of the FIRC phenomenon. What the discussions surrounding policing and punishment do show, however, is the crucial shift away from 'sovereign equality' to 'sovereign hierarchy' and the increasing tensions this has created. As Buchan (2007: 41) has correctly asserted, "whereas the reverence for sovereignty created an equal world order, the emergence of this liberal/non-liberal dichotomy produces a hierarchical world order where international community projects itself as normatively superior to non-liberal states." In the context of the War on Terror, this means that there is an increasing risk that powerful states see foreign-imposed regime change as a permissible and legitimate option.

3.4 Conclusions

This chapter has primarily affirmed the continued importance of a Westphalian understanding of sovereignty, which according to Krasner (1996: 115) is "a system of political authority based on territory and autonomy." This conception of sovereign statehood has had a profound impact on the way the global order has been conceptualised as "an international society of independent states", which "has a law that establishes the rights of its members - above all the rights of territorial integrity and political sovereignty" (Walzer [a] 2006: 61). The discussion has also emphasised the continued ambiguity in the relations between the R2P and FIRC, especially due to the more recent iterations' neglect of the R2P's originally prominent Just War background.

The chapter has shown that states' rights remain an important theoretical safeguard against external intervention. At the same time, however, "[d]espite enduring commitment to state sovereignty as a principle by the international society of states, in practice the revocation, temporary suspension, or violation of sovereignty rights has been a frequent occurrence", Booth Walling states (2015: 386). These violations of sovereignty have occurred for political, ideological, and military purposes, but also for humanitarian reasons. As the chapter has seen,

whereas such "humanitarian claims were not accepted as a legitimate basis for the use of force in the 1970s [...] a new norm of UN-authorized humanitarian intervention developed in the 1990s" (Wheeler 2002: 8). The current notion of using force for ostensibly humanitarian purposes is an essential part of the post-Cold War liberal international order. In most contemporary understandings, a state must be liable to lose its sovereign rights and for a justified intervention to occur. The two commonly-accepted causes of this liability are military ('external') aggression and fundamental rights violations ('internal aggression'). Consequently, while the traditional view of sovereign statehood entails a right to non-intervention, this has increasingly become a *conditional* right.

The emergence of 'humanitarianism' as a distinct phenomenon in the late 20th century has shifted the discourse surrounding states' rights and duties towards an acknowledgment that "[e]xternally, states must respect the sovereignty of other states while internally states must respect the rights and fundamental dignity of their citizens" (Booth Walling 2015: 406). Davenport is correct in stating that "since humanitarian intervention became a central issue in just war theory in the 1990s, a broad consensus has emerged that massive violations of basic rights are a just cause for intervention" (2011: 518). The progressive shift in the common understanding of sovereignty over the past decades (from a 'state-centric' to a 'people-centric' one) is one of the most significant in the development of the ethics of international relations. Accordingly, this humanitarian ideal has been at the root of the development of the Responsibility to Protect.

In spite of states' initial skepticism, Morris (2016: 201) notes that "through an often slow and inconsistent process characterised as much by cajoling and acquiescence as by enthusiasm, the UN membership has come to adopt a more expansive, human-focused view of state sovereignty, culminating in acceptance of the R2P." While this acceptance marks the highpoint of the ideal of a 'depoliticised' intervention framework thus far, the incarnation of the ICISS' ideals in the (ultimately less ambitious) World Summit Outcome Document shows that the current framework retains many assumptions of earlier intervention debates, including its insistence on UNSC approval and rejection of regime change as a legitimate way of

addressing rights abuses.[43] Thus, "in a global legal and political system in which state sovereignty still reigns as a guiding ideal and informs the nature and content of new initiatives (such as R2P [...]), regime change can be seen as a limit point of acceptable and legitimate international intervention" (idem: 291).

At the same time, in the most extreme cases of internal aggressions, to leave the offending regimes in place seems hardly concurrent with R2P's aims to "end the worst forms of violence and persecution" (UNOGP 2020: para. 1) and as a result, the understanding of forcible regime change as an immovable 'limit point of intervention' is not shared by all. Bellamy has for instance contended that "although regime change should never be allowed as the legitimating primary goal of armed humanitarian intervention, regime change is sometimes necessary as a means for the protection of populations terrorized by their own government" (2014: 167).

Nonetheless, in spite of its rejection of measures amounting to foreign-imposed regime change, there have been claims that the Responsibility to Protect "contributes to a moral climate in which violence is framed in a particular way - as humanitarian, civilised, laudable and virtuous" (Dunford & Neu 2019: 1082). Overall, this aligns with the assessment that past instances of external intervention, in particular those for humanitarian purposes, have "had two conflicting effects: it has been seen either as a progressive principle that prevents dictators from freely abusing their own populations or as a repressive tool used by big powers to impose their rule on other nations" (Boniface 2003: 63). In the eyes of critics, understandings of 'earned' sovereignty serve to legitimise the spread of 'Western' conceptions of liberal democracy by threat or use of military force for the purpose of foreign-imposed regime change. While it is easy to agree with Orend's straightforward assessment that the "violation of human rights is a vicious and ugly phenomenon" and ought not to be tolerated (2004: 133), the various interventions of the past thirty years, humanitarian and otherwise, have not generally resulted in unambiguously positive outcomes.

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[43] Whereas the post-2005 R2P framework is clear on its rejection of FIRC, the earlier ICISS conception is somewhat more ambiguous, as it has stated that "regime change is not a legitimate objective, though it allows that disabling a regime's ability to harm its own people 'may be essential to discharging the mandate of protection'" (Bachman 2015: 57).

Indeed, humanitarian reasoning has repeatedly been 'misappropriated' in creating a moral hierarchy of states, ultimately undermining their equality and legitimising regime change wars. The important tensions between sovereignty and the defence of human rights have only intensified in recent years through the addition of a third element: politicised considerations of national and international security in the context of the 'War on Terror' and associated regime change wars, which ultimately reveal a contradiction between the Liberal Order's claims to guarantee both international stability and human freedoms, in particular when the causes for liability become conflated in pursuit of regime change. Due to these tensions, past regime changes have been subject to criticism for very different reasons, indicating that present-day FIRC is a much more complex concept than is often assumed.

The next chapter will further highlight this complexity by addressing the regime change attempts in Iraq and Libya. It has been claimed that the United States and its allies "used full-scale combat operations in the former and limited force in the latter" (Walldorf 2019: 198), and the subsequent pages argue that this difference reflects superficial and radical types of regime change. The chapter then uses this distinction to raise important questions about the *ad bellum* reasoning and *post bellum* intent underlying past FIRC attempts.

Chapter IV: Variations of Regime Change

So far, the thesis has established that foreign-imposed regime change has come to be a significant and controversial phenomenon within the current world order. The demise of Cold War polarisation had "lifted the shadow of great power conflict, significantly reduced geostrategic rationales for supporting human rights violating regimes, and heralded a period of preponderance for Western powers and the liberal values which they espoused" (Morris 2016: 203).

However, it is also notable that in the ostensible defence of such values, "the willingness of Western powers to use force for apparently moral purposes has become a central

(and worrying) characteristic of the post-Cold War settlement" (Douzinas 2006: 360). This willingness has taken on more security-focused undertones in the context of the ongoing global War on Terror. In this context, previous chapters have asserted that FIRC is conceptually distinct both from general humanitarian intervention and from the more recent 'Responsibility to Protect' framework. Although regime change interventions have been carried out in their guise, the justifications for forcible regime removal have often gone beyond humanitarian goals. What is more, even when ostensibly aimed at 'saving strangers', FIRC missions have exceeded the confines of humanitarian intervention in toppling the targeted regimes, and have repeatedly done so without the UNSC approval required by the current R2P framework. As indicated earlier, these aspects of FIRC are best understood in the context of Western liberalism's global ambitions. This is reflected in concerns for global security, but also in the emphasis on human rights defence.

Given the wide variety of cases, this chapter argues that a conceptual distinction between intent and motive is crucial to understanding why there cannot be 'one size fits all' approach to FIRC. Accordingly, subsequent pages focus on establishing two types of FIRC, as exemplified by the cases of Iraq and Libya.

4.1 Intent, Motive, and Types of Foreign-Imposed Regime Change

Powerful states' apparent instrumentalisation of liberal rhetoric in pursuit of 21st century regime change has prompted increased scepticism. This affects the hopes of creating a 'depoliticised' humanitarian framework, but also reflects concerns about actors' ulterior goals. The complexity of the debates within which discussions about regime change take place indicate that treating the topic as a uniform construct is ultimately fruitless. Therefore, the upcoming section of the thesis proposes conceptual distinctions between actors' motives and the intended 'superficial' and 'radical' outcomes of regime change. In doing so, it will refer to the 2011 intervention in Libya, as well as to the ongoing debates surrounding the United States-led interventions in Iraq eight years earlier. To be sure, the war on Iraq was subject to controversy due to its lack of Security Council authorisation. However, it is also notorious for more general discussions surrounding its original *casus belli,* as well as for its contentious

aftermath. Ultimately, it became indisputably clear that "US war aims in Iraq were primarily about change, the removal of Saddam Hussein's regime and its replacement with one less prone to diplomatic defiance, violent adventurism and domestic repression" (Dodge 2005: 707). Thus, the subsequent efforts at replacing the Ba'athist regime in Iraq is an important example of what the thesis terms a 'radical' regime change. Like the expression suggests, the radical variety of regime change seeks to 'uproot' any remnants of the former regime's power structures, often including its bureaucracies, political movements, the armed forces, and so forth. The subsequent imposition of an alternative regime also includes making major changes to, or directly impose, a state's constitution (and thus influence the future 'nature' not only of the political regime, but of the state itself; cf. chapter VII). Thus, radical FIRC does not merely separate leaders or governments from political power, it engages in the reorganisation of political structures as a whole. These invasive measures are intended to remove any remaining sympathisers of the old regime and thus prevent the return of supposedly illegitimate forms of government. Consequently, interveners tend to claim that a radical regime change facilitates a 'fresh start' for the target state. However, as the reference to the Iraqi case highlights, while it presents a chance to challenge the population's adherence to destructive ideologies, radical regime change can nevertheless also result in some thoroughly unstable situations.

This radical form of FIRC stands in stark contrast to the aims and outcome of the North Atlantic Treaty Organisation (NATO)'s contentious intervention in the Libyan Civil War (2011). Contrary to the Iraqi case, this intervention was notable as "the first time the Security Council authorized military force against a perpetrator government that was also a UN member in defense of human rights" (Booth Walling 2015: 413). However, the alliance ultimately "exceeded its original mandate and [...] R2P was misused for illegitimate and controversial regime change purposes" (Malito 2019: 115). In the end, the intervention in Libya resulted in what should be termed a 'superficial' regime change. Ultimately, this outcome should be understood in the context of the 'lessons' learned from previous Western experiences in the Middle East, but has led to an equally controversial outcome. In assessing these variations of regime change, the following pages highlight the critical distinction between regime change actors' *intent* in toppling a regime and their *motive* for doing so (i.e. the reasons for engaging in

a regime change intervention).[44] This is especially meaningful where there is a potential contradiction between the principles underpinning the two. Walzer makes this clear when he reminds us of the case of "the Red Army marching on Warsaw to create communism in Poland [which] (much like the American army marching on Baghdad to create democracy in Iraq) contradicted by its actions the principles it espoused" (2008: 354). In other words, the *intention* of removing Saddam Hussein and imposing a democratic and economically liberal government clashed with the *motives* for doing so, which ostensibly were self-defence and the 'liberation' of the Iraqi people, but which also included the punitive toppling of a regime supposedly gone 'rogue.'

The controversy of recent regime change operations inevitably raises essential questions about the intended outcome of military action. The 'right intention' criterion is an important part of the traditional *jus ad bellum,* and it has accordingly been noted that if "we think that we should require states and other belligerents to not only accidentally satisfy just war criteria but to do so conscientiously, we cannot do so without a right intention requirement" (Steinhoff 2018: 175). Indeed, while it retains its relevance today, the criterion has formed an essential part of Just War thinking for centuries. For instance, Saint Thomas Aquinas himself wrote that

> it may happen that the war is declared by the legitimate authority, and for a just cause, and yet be rendered unlawful through a wicked intention. Hence Augustine says (*Contra Faust*. xxii, 74): 'The passion for inflicting harm, the cruel thirst for vengeance, an unpacific and relentless spirit, the fever of revolt, the lust of power, and such like things, all these are rightly condemned in war' (1920 [*1485*]: Q40).

Ever since, theorists have continued to engage with the 'right intention' concept's demands, highlighting both its importance and its ambiguities. After all, when is an intention suitably 'pure' and untainted by selfishness to be permissible? Consequently some, such as Purves and Jenkins (2016) have argued that there are simply too many uncertainties surrounding the classic

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[44] As Lang (2016:291) describes the distinction, "the intention of an act is the state of affairs it seeks to bring about. A motive, in contrast, is the frame of mind in which the agent acts—the desires and other passions that propel him." While the motive is the actor's 'underlying' reasoning, actors' intentions can be described as the ultimately desired outcome. This also matters in a humanitarian context, for example: Bachman (2015: 57) reiterates Pattison's argument that the "intention of the intervening force equates to the purpose behind the intervention. For the intention to be humanitarian, the purpose of the intervention must be to prevent, reduce, or halt the human suffering resulting from the humanitarian crisis".

understanding of intention to allow it to play a decisive role in our judgment of *ad bellum* justice. Others have sought to address these ambiguities by advocating a stricter conceptual distinction between 'intent' on the one hand and 'motive' on the other. Lang (2016: 291) for example notes that "when it is discovered that a war may have been undertaken for reasons that are not morally pure, the use of military force becomes sullied. This particular form of criticism results, in part, from a confusion about the difference between motives and intentions." Similarly, Janzen (2016: 38) has made the claim that a "distinction between motive and intention merits emphasizing because commentators will sometimes deem a war unjust, or express misgivings about the legitimacy of a particular war, on the grounds that it contravenes the right intention condition, but since they have conflated motive and intention, what they really mean is that the war is unjust because those who initiated it did so from malicious motives."

It is clear that the conceptual distinction between intent and motive advocated here is also crucial to the assessment of foreign-imposed regime change. This is especially the case given the wide variety of cases. Even a cursory glance at past instances of FIRC and other interventions reinforces the notion that there can be no 'one size fits all' approach to global injustices, whether they involve the containment of militarily aggressive regimes or the violation of human rights by citizens' own governments. Almost inevitably, then, every instance of regime change includes different motives and intentions. After all, the various discernable motives and intentions underlying the 1990s intervention and regime imposition in Bosnia & Herzegovina are markedly different from those pertaining to the 2003 Iraq War, or from the intended outcome of a potential intervention in the Syrian Civil War (cf. Chapter VIII). Several taxonomies have been proposed to reflect the variety of intentions and approaches. For example, reflecting on the case of the 2003 Iraq War, Borneman (2003: 32) has suggested three general "interpretations of regime change - overthrowing the government, colonial military occupation, and caring for the enemy", which "have been employed at various times by members of the Bush administration [...]".

Although this distinction is certainly useful in recognising interveners' potentially diverging ambitions in deposing a hostile regime, its narrow focus on the Iraq intervention likely inhibits its translation to other cases. Conversely, Willard-Foster (2018) has chosen to put less emphasis on actors' intentions and has proposed a straightforward conceptual distinction between 'full' and 'partial' regime change which can be applied to various cases. The latter of these "involves removing the target state's leader or top policymakers, whether by convincing regime insiders to launch a coup or by pressuring the leader to resign" (idem: 8). Clearly, this conceptualisation, too, has its limits. On the one hand, it is exceedingly broad in scope, as it aims to encompass both internal and external attempts at changing a regime. It therefore neglects the critical distinction between 'direct' and 'indirect' regime change. What is more, it is likely to neglect many of the particular challenges of military action which is highlighted in the Just War Tradition.

As a consequence, it is ultimately helpful to make a distinction between the intervener's *ad bellum* and *post bellum* considerations, respectively. Thus, when discussing actors engaged in regime change interventions, we must take into account the following:

- *Their ad bellum motives, e.g. defensive, punitive or humanitarian reasons for intervention.*

- *Their post bellum intent, in the form of a 'superficial' and 'radical' regime change outcome.*

These proposed distinctions can in principle be applied to any case of regime change. However, they should not be understood as permanently 'fixed categories'. Rather, they are 'ideal types' of FIRC, intended to simplify the complex phenomena they describe. Indeed, real-life operations have a tendency to exist along a spectrum, and consequently they do not always entirely match the abstract parameters of the taxonomy proposed here. There has been, and likely will be, substantial overlap between the various motives and intentions attributed to actors which ultimately decides much of the 'character' of a regime change intervention.[45]

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[45] The elements suggested above can of course occur in different constellations. A particular regime change attempt might be intended to be superficial, but is guided by humanitarian motives. Importantly, this does not mean that other motives are by definition excluded from the intervener's actions, and any intervention will be propelled by multiple factors.

These 'types' are not only helpful in judging actors' *ad bellum* considerations, however. They also directly influence our assessment of post-FIRC justice, as later chapters show. The distinction between superficial and radical change also prompts the question whether regimes' impermissible actions would ultimately determine the type of regime imposition, i.e. whether, hypothetically, relatively minor infractions (disenfranchisement which stops short at killing, perhaps) would result in only a superficial regime change, whereas more extreme violations would lead to more severe 'punishment' in the form of radical regime change.[46]

However, it is crucial to note that these assumptions are not necessarily borne out in the reality of recent regime change wars. The reason for this is that the interveners' motives and intentions favour either a very superficial intervention or a radical regime imposition, but discourage compromise. Through the aforementioned distinction between supposedly legitimate and illegitimate regimes which has become a major element of the liberal interventionist discourse of the past decades, interveners feel the need to 'validate' the justice of their motives. Especially in the context of the existential 'War on Terror', compromise itself is seen as making unacceptable concessions. Thus, in ostensibly defending global security and 'democratising' authoritarian states, the majority of the pivotal post-Cold War regime change operations have aimed at a refusal to accept anything less than radical transformation of the targeted state. As will be argued later on (Chapter VII), the radical approach to regime change is often thought to have a higher probability of success, but instead has the potential to create a highly volatile situation. This has the adverse effect of ultimately worsening the global security situation and necessitating interveners' long-term involvement in stabilising the target state.

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[46] Though this correlation is evidently 'tricky' to determine, tying the type of regime change to the transgressions of a regime would seem plausible at first sight, especially if the actions are due to the regime's ideological nature. For instance, we might consider the case of the German 'Third Reich'. Due to the severity and ideological nature of the regime's transgressions, a more 'superficial' postwar settlement in which the upper echelons of the state and ruling party would have been deposed, but the broad base of National Socialist institutions would have been left in place, seems morally unacceptable on an intuitive level. On the other hand, other cases might see a superficial regime change followed by a substantial compromise between the victors and the remnants of the old regime. Whether the illicit nature of a state's actions is linked to the severity of the imposition prompts questions about proportionality. However, as with most Just War requirements, there are no strict guidelines which would lend themselves to some sort of 'calculation' of proportionality.

Before we can examine the outcome of interventions, *ad bellum* considerations must first be discussed. The multifaceted nature of reasoning leading to FIRC can be highlighted by assessing the impact of interveners' varying motives in pursuing the intended outcome in a particular case: the radical regime change in Iraq.

4.2 Iraq: Disparate Motives and Radical Intentions

Without a doubt, the FIRC intervention in Iraq marks a turning point, both politically and in the reemergence of Just War concerns. The initial post-Cold War "optimism of the early 1990s that world politics was being remade, and that the threat of serious conflict was receding, vanished along with the twin towers that were so much a symbol of that world", as Rengger has aptly stated (2005: 143). The subsequent regime change wars in Afghanistan and Iraq constituted a major part of the 'Global War on Terror' and have since come to be considered to be amongst the most prominent (and indeed the most controversial) military operations of the past decades. This notoriety stems from the open admission that regime change was the intent of military action, but also from a particularly dubious part of post-9/11 rhetoric, namely the conflation of states' authoritarian systems of governance with a tacit or even overt support of international terrorism.

Ultimately, whether through pointing at offensive capabilities or associations with global terror groups, the interveners sought to discredit regimes by presenting them as posing a direct threat to the security of the United States and indeed to the wider world. Whereas the political situation in Afghanistan was highlighted as an 'indirect' threat due to its Taliban regime knowingly harbouring international terrorists, the Iraqi regime was additionally depicted as a more 'traditional' direct threat to global security. Ultimately, it was accused of both acting as a state sponsor of terror and being in possession of weapons of mass destruction (e.g. G.W. Bush 2002 [a]). In spite of worldwide protests, and indeed in the absence of UN Security Council authorisation, the United States, together with the United Kingdom, Australia, and Poland, launched an invasion of Iraq in March 2003. Baghdad had fallen in April, and the offensive, also known as 'Operation Iraqi Freedom', had come to an end within little over a month. To be sure, the "(il)legality of the invasion, the motivations behind it, the conduct of

operations in terms of civilian casualties, the political ramifications for the states involved in the coalition, the fate and state of the United Nations, the impact on terrorism and anti-proliferation and a host of other issues could, and have been, discussed" (Williams & Roach 2006: 2). Many Just War scholars, including Michael Walzer himself (e.g. 2002; 2004), have come to differing verdicts on the overall 'justice' (or more often, the lack thereof) of the conflict. As a result, the following paragraphs do not seek to provide an in-depth overview of the military aspect of the conflict or of its protracted aftermath, but focuses on highlighting the motives for the intervention's culmination in a 'radical regime change'.

For instance, in the 2002 'Authorisation for Use of Military Force Against Iraq Resolution', the United States offered a range of reasons to engage in the war, all of which reflect the American self-understanding of its leading position in the liberal world order. Porter writes that

> the invasion was supposed to be a stride towards the spread of free markets and democracy, and the emancipation of the Greater Middle East, to correct the conditions that spawned security threats. The Congressional authorisation of force included twenty-three writs justifying Saddam's forcible removal, ranging from illicit WMD to sponsorship of terrorism, human rights violations and genocide, and his flouting of international accords (2018: 335).

These underlying motivations for intervention in Iraq are best understood as *'security-based'* and *'humanitarian'* motives.[47] The United States' obvious military superiority notwithstanding, Iraq was primarily claimed to pose a significant and unacceptable future threat to national and regional security, and ultimately to the global order as a whole. US Secretary of State Colin Powell had even claimed that Saddam Hussein "is determined to get his hands on a nuclear bomb. He is so determined that he has made repeated covert attempts to acquire high-specification aluminum tubes from 11 different countries", at the same time adding that

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[47] Freedman (2005: 93) has claimed that "[t]hree different types of arguments were used to justify the 2003 Iraq War. The first was based on the requirements of national security. Iraq was believed to be developing deadly weapons which it might use against neighbouring states or hand over to terrorist groups such as al-Qaeda. A second argument was based on international security. Iraq was supposed to comply with a series of UN Security Council Resolutions and was failing to do so, thereby undermining the credibility of the leading international institutions. The third argument was based on human security. The Iraqi people had suffered too long under a tyrannical regime and this was an opportunity to overthrow it and replace it with something much better."

"Al Qaeda affiliates based in Baghdad now coordinate the movement of people, money, and supplies into and throughout Iraq for his network, and they have now been operating freely in the capital" (Powell 2003, quoted in Pan 2005: para. 4).[48] Saddam Hussein's persistent obstruction of the United Nations' weapons inspectors was, in turn, highlighted as a further strong indication for the presence of unspecified weapons of mass destruction. Given their potential presence, the security-based reasoning underlying the decision to intervene militarily was in accord with a more 'traditional' *ad bellum* conception of self-defence (cf. Chapter V).

Although it is unclear whether it was aware of the serious consequences of its actions, he Iraqi regime's stubborn persistence in defying both the United States and the United Nations gave rise to an increasing sense of liability to intervention. US President George W. Bush (2002[d]: para. 20-21) had taken care to emphasise that "this is a regime that has something to hide from the civilized world. States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger." This generalised sense of threat was further amplified by the Ba'athist regime's supposedly unpredictable character. As Walzer confirms,

> all the reasons suggested the need, this time, to march on Baghdad and replace the Baathist regime. The most important reason was the danger that Iraq possessed, or in the near future would be capable of producing, weapons of mass destruction. But the fact that France (say) possessed weapons of mass destruction was never imagined as an occasion for war. It was the character of its regime that made Iraq dangerous: the U.S. government claimed that Saddam's was an inherently aggressive and an inherently murderous regime (2006 [b]: 105).

The interveners ultimately conflated a *legal* argument (the alleged illicit possession of WMD) with a *moral* one (an unpredictable, oppressive, and evil 'rogue' regime willing to use them). Faced with this purported menace, the United States and its allies were in agreement "that the old policy of containment was no longer adequate to meet the security challenges of the twenty-first century" (Snyder 2003: 653). In the logic underlying the intervention, the agents

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[48] Similarly, "the UK government has seemed so keen to make it clear that Saddam Hussein's Iraq was in the category of outlaw and failed states, that it was portrayed as being both a highly authoritarian state bent on the acquisition of weapons of mass destruction [...] and a state where lawlessness would see such WMD proliferate to Al Qaeda or other Islamic fundamentalist trans-national terrorist organisations" (Williams & Roach 2006:14).

acting on behalf of the 'civilised world' cannot compromise in defence of its norms. Thus, the end of Saddam Hussein's rule was increasingly seen as the only suitable outcome. In light of the regime's characterisation as a rogue, irrational, and inherently violent actor, the allied forces sought to make it clear that only the most radical form of regime change would suffice in response. When it was established after the invasion that Iraq's military capability was less advanced than had initially been claimed, and the suspected large caches of Weapons of Mass Destruction did not in fact exist (e.g. Pilger 2004; Betts 2007), Roth confirms that "the Bush administration's principal justifications for the war lost much of their force. No weapons of mass destruction were ever found. No significant pre-war link with international terrorism was ever discovered" (2006: 84).

However, other, secondary, justifications for intervention also influenced the intended radical regime change outcome. Both prior to the intervention and in its aftermath, the administration also claimed to act out of a genuine concern for justice and the protection of human rights. However, in the absence of both "a humanitarian crisis in Iraq of the sort that had existed in places such as former Yugoslavia, Somalia, Rwanda and East Timor where the language of humanitarian intervention was deployed" (Williams & Roach 2006: 6), or alternatively a credible military threat, the interveners had to frame their mission in another way in order to justify attacking a sovereign (and at that time, non-aggressive) state. As has been noted by Falk (2004: 43), for example, a

> possible argument for humanitarian intervention existed, but it was far weaker than in prior years, especially during the early 1990s; there was no current urgency, the interventionists had previously supported the Baghdad regime during its period of worst atrocities, and there were grounds to suspect that humanitarianism was invoked as a pretense designed to hide the pursuit of oil and the military establishment of regional control. When the war in Iraq ensued over the opposition of the UN Security Council and the validating claim of removing improperly possessed weapons of mass destruction soured, the Bush administration emphasized the liberating impact of its intervention.

The President himself had stated that "some worry that a change of leadership in Iraq could create instability and make the situation worse. The situation could hardly get worse for world security and for the people of Iraq." Indeed, he continued, "the lives of Iraqi citizens would

improve dramatically if Saddam Hussein were no longer in power, just as the lives of Afghanistan's citizens improved after the Taliban" (Bush 2002 [a]). Thus, by highlighting the generally repressive and authoritarian nature of Saddam Hussein's rule, "both US President George Bush and British Prime Minister Tony Blair sought to justify their military operations in Iraq by arguing that the eventual result would be to trigger a new surge of democratization in what was referred to as the 'Greater Middle East'" (Whitehead 2009: 220). Indeed, as the Prime Minister (2003; quoted in Porter 2018: 344) had written to the American president, "[o]ur fundamental goal is to spread our goals of freedom, democracy, tolerance and the rule of law. Though Iraq's WMD is the immediate justification for action, ridding Iraq of Saddam is the real prize."

The above outline of justifications for the invasion highlights the lack of one single, specific motive for the war, but also that the relative weight accorded to the disparate *ad bellum* motives for intervention varied as the intervention developed. Though multifaceted, the intervention illustrates the underlying tensions identified earlier, in particular the uneasy relation between sovereignty, security, and human rights within the current World Order. The wide range of motives at the root of the intervention inevitably influenced its ultimate *intent*, namely a radical change of the Iraqi regime, which was emphasised as being the only option remaining to the international community. In the end, the regime change in Iraq also reflected the allied leaders' view of their countries' role in maintaining a liberal global order. Indeed, the intervention echoes the assumptions of Blair's 'doctrine of the international community' (cf. Chapter II), but more importantly aligns with those of the so-called 'Bush Doctrine'.

This Bush Doctrine should be understood as an evolution of the earlier 'Clinton Doctrine'. This, too, was used in justifying armed interventions, but has ultimately been described as "a hotchpotch: not strategic realism, not just war, not liberal internationalism. It established no clear grounds for humanitarian intervention or political rescue, offering instead a melange of ideas and desiderata that were so murky it was nearly impossible to glean from it any clarity for either intervening or refraining from intervening in situations of humanitarian catastrophe" (Elshtain 2001: 9). Conversely, in the wake of the 9/11 attacks, G. W. Bush's understanding of US power moved away from concerns about 'humanitarian catastrophe' to

those more aligned with global security and the beneficial results of American global power projection. The Bush Doctrine has consequently been described as "an idealistic approach to international relations that imagines a world transformed by the promise of democracy and that sees military force as an appropriate means to utilize in pursuit of this goal" (Fiala 2007 [a]: 28).

Indeed, in the Iraq War's aftermath, Bush had claimed that ''the survival of liberty in our land increasingly depends on the success of liberty in other lands. The best hope for peace in our world is the expansion of freedom in all the world. America's vital interests and our deepest beliefs are now one'' (Bush 2005, *quoted in* Porter 2018: 335). It is difficult to overstate the significance of this understanding. Bush's statement indicates that even in the absence of military aggression or humanitarian emergencies, the unilateral recourse to regime change against governments whose performance is deemed repressive, illegal or dangerous, has become a legitimate cause for a 'just' war. Consequently, the Bush Doctrine even "uses the language of the just war tradition in its defence of an expanded use of warfare as a means for pre-empting emerging threats and disseminating freedom and democracy" (Fiala 2007 [a]: 28-29). Thus, it has increasingly come to adapt the *ad bellum* requirements as justifications for, rather than as restraints on, warfare. As Fiala (idem: 31) has further pointed out, "the larger worry is that the rhetoric of the Bush Doctrine (and of American foreign policy in general) can lead us to think that military intervention in pursuit of regime change (in the absence of egregious human rights violations) is justifiable."

In spite of its common association with the Bush administration, the doctrine's elemental notions remain an essential part of the United States' current self-understanding as the leader of the liberal order. These assumptions continue to influence successive administrations. It has been noted that initially, the Obama Presidency ostensibly sought to deviate from the Bush administration's foreign policy, and "US foreign policy rhetoric was marked by a shift away from Bush-era crusading both as Obama recognised the material limits

to US power and as he espoused less a utopian vision of human perfectibility than a more pragmatic stress on human imperfections" (Widmaier & Glanville 2015: 376).[49]

Nonetheless, while the new administration appeared less willing to wage war in the name of democracy and 'freedom', it ultimately retained many of its predecessor's convictions about America's role in the world as well as its instrumentalisation of Just War rhetoric. For instance, it has been noted that "President Obama's much-acclaimed Nobel Peace Prize address referred to the notion of just war, albeit in a truncated version. Placing the idea in the context of a developmental account of humanity's experience with armed force, the president explained the concept as requiring that certain conditions be met; these serve to distinguish between just and unjust fighting" (Kelsay 2013: 268). Indeed, Wester claims that the "decision-making process within the United States administration shows that, ultimately, President Obama was largely guided by the principles of the 'just war'" (Wester 2020: 185).

Successive US Presidents' adoption of the Just War language merely reinforces concerns that the theory has been appropriated to lend a veneer of moral justification to controversial interventions. Rather than a misunderstanding of the Theory's precepts, this is more likely due to a wilful appropriation of the doctrine in support, rather than limitation, of warfare. Consequently, the theory's inclusion in interveners' rhetoric ultimately rings hollow to those with a deeper concern for the theory's application. Indeed, in spite of his earlier calls for a more restrained and multilateral foreign policy, and his reference to the ideals of the Just War, the US President soon "shifted back to adopt a more assertive stance on democracy and humanitarian concerns" (Widmaier & Glanville 2015: 377) which directly influenced the United States' role in the 2011 intervention and regime change in Libya, both in its role as NATO's leading power and in its individual contribution to NATO's military efforts.

As the following pages aim to show, the superficial nature of the regime change in Libya was likely influenced by the desire to avoid the complications which interveners

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[49] Walldorf (2019: 194) illustrates the more restrained approach of the Obama administration by pointing out that "at the time of the Libyan regime crisis, the United States still had approximately 150,000 troops in Iraq and Afghanistan - a far smaller number of overseas deployed personnel than in 2003 when the Iraq War started." Of course, this partial withdrawal should not be understood as the end of American attempts to exert its influence in the Middle East and the wider world.

encountered in both Afghanistan and Iraq. However, in intervening, "NATO's ulterior motives had a detrimental effect on the intentions behind NATO's use of force" (Bachman 2015: 57).[50]

4.3 Libya: From Humanitarian Intervention to Regime Change

In many ways, the Libyan intervention had been unanticipated. The 2003 overthrow and replacement of Saddam Hussein had demonstrated to the world that the traditional principles of non-intervention were no longer a guarantor of regimes' survival, and had led to a number of authoritarian regimes seeking to improve their relations with the United States and its allies. This was the case for Libya, where Colonel Muammar Gadaffi had been holding on to power for several decades, defying both external and internal pressures (Zoubir 2006). Davidson (2017: 96) writes that "[d]espite the failed plots to remove him and the apparent self-sufficiency afforded by Tripoli's oil wealth, by the early 2000s Muammar Qadhafi had tried to improve his relations with the Western powers" both economically and politically. Subsequent to the events of 9/11, Libya had (unlike Saddam Hussein's Iraq) attempted to regain a role in the US-dominated order after years of marginalisation. Presumably as a result of Hussein's toppling, Gadaffi had also given up on pursuing Libya's Weapons of Mass Destruction programme. At the time, these actions had even prompted Blair (2003; CNN) to state that "Libya's actions entitle it to rejoin the international community."[51]

However, this process of rapprochement was brought to an abrupt halt in the succession of events affecting the MENA region which have since come to be described as the 'Arab Spring'. Gaddafi's forceful resistance to domestic calls for his removal changed the perception of Libya from a relatively stable (albeit repressive) state to one of a borderline anarchic country. Once the clashes between regime loyalists and rebel factions intensified, and mass slaughter seemed imminent, the rapidly worsening situation prompted calls for intervention and

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[50] In part, it has been argued that President Obama ultimately chose to support intervention because he "worried that inaction might kill the Arab Spring uprisings as well as hurt U.S. credibility and his own reputation given his promises about defending human rights" (Walldorf 2019: 191).

[51] At the same time, in spite of the rhetoric about improved relations, the "regime continued to be blamed for a 1984 gun attack on demonstrators outside its London embassy that had led to the death of British policewoman Yvonne Fletcher, and of course for the downing of Pan Am Flight 103 over Lockerbie, Scotland, in 1988" (Davidson 2017: 97). It is not unlikely that these grievances played at least some role in British Prime Minister David Cameron's support for the 2011 intervention.

increased pressure on the international community to take military action in order to prevent further civilian casualties. While it did *not* call for forcible regime change, UNSC Resolution 1973, which authorised military intervention in the form of a no-fly zone, is notable as "the first time that the United Nations Security Council explicitly mandated the use of force against a functioning state to prevent imminent atrocity crimes" (Brockmeier *et al*. 2016: 113).

While this has set an important precedent for future interventions,[52] it is also notable as the first time that intervention was widely seen as occurring within the context of the Responsibility to Protect. This arguably facilitated deliberations in the Security Council: Booth-Walling has argued that "[b]y appealing to sovereignty as responsibility and locating sovereign authority in the Libyan people, Security Council members could defend the sovereignty and territorial integrity of the Libyan state while simultaneously protecting the human rights of the Libyan population" (2015: 411). What is more, this relatively rare agreement in the Security Council, especially on something as momentous as armed foreign intervention, was aided by "the fact that relevant regional organizations, in particular the League of Arab States, had consented to, indeed appealed for, the adoption of such a resolution. In this instance at least, skeptical states accepted that the opposition of a state to interference in its sovereign affairs could be trumped by the approval of relevant regional organizations" (2013: 326).

Undeniably, many of the early motives underlying the military intervention in Libya seemingly conformed to the key requirements of the R2P and Just War principles more generally: the military action had a *just cause* in acting as a last resort to protect innocent civilians, the establishment of no-fly zones seemed to be *proportional* to the threat, and, given its Security Council authorisation, intervening states possessed an additional layer of *right authority*. All in all, neither the wording of the UNSC resolution nor other leading states openly supported regime change beyond the immediate intervention. President Obama had stated that "there is no question that Libya – and the world – will be better off with Gaddafi out of power. I, along with many other world leaders, have embraced that goal, and will actively pursue it

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[52] However, there are other explanations for the Security Council's acquiescence. Thus, Walzer notes that "Russia and China, who opposed the intervention, abstained on the final Security Council vote, perhaps because they can't imagine an outcome that better suits their interests in the Middle East and Africa" (2011 [b]: para. 3).

through non-military means. But broadening our military mission to include regime change would be a mistake" (quoted in Hendin 2011: para. 9).

The NATO-led intervention ostensibly sought to prevent Gadaffi's forces from taking the embattled rebel-held city of Benghazi (Kuperman 2013). To be sure, an eventual regime victory would likely have cost many innocent civilian lives, as Gadaffi had explicitly threatened to show no mercy to the insurgents defying his continued rule (Tharoor 2011). As Lang affirms (2016: 296) "the reasons for the resolution are many, but perhaps the one that galvanized members of the international community to act was the speech by Qaddafi on February 22, 2011, in which he described the rebels as 'cockroaches' and said that those resisting his regime should be hunted from house to house. It would seem clear that one of the reasons for the intervention was to punish Qaddafi for such statements and for his previous behaviour." Of course, as has been noted previously, the view of military action as punishment is controversial but not new,[53] and an underlying punitive motive seemed to be at least tacitly accepted by the coalition of states engaged in the intervention. All things considered, the intervention in Libya initially seemed to be something of a mirror image of the intervention in Iraq: it had the broad backing of the United Nations and regional organisations, it was carried out in response to a credible threat, and it did not appear to envisage the toppling of the regime.

As the chapter has discussed earlier, the distinction between motive and intention is crucial in improving our understanding of cases of FIRC. Whereas the various *motives* underpinning the Libyan intervention appeared fairly straightforward, the interveners' overall *intentions* remained unclear. Walzer himself (2011 [b]: para. 1) had noted at the time that "there are so many things wrong with the Libyan intervention that it is hard to know where to begin" He argued that, ultimately,

> it is radically unclear what the purpose of the intervention is—there is no endgame, as a
> U.S. official told reporters. Is the goal to rescue a failed rebellion, turn things around,

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[53] As (Boyle 2011: 148) states, "Thomas Aquinas, citing Augustine, affirms the necessity for a just cause, and in doing so provides an implicit definition: a just cause is required, namely that those who are attacked, should be attacked because they deserve it on account of some fault. Wherefore Augustine says (QQ. in Heptateuchum, Q10, super Jos.): 'A just war is wont to be described as one that avenges wrongs, when a nation or state has to be punished, for refusing to make amends for the wrongs inflicted by its subjects, or to restore what it has seized unjustly' [Aquinas 1947: 13590-60]."

use Western armies to do what the rebels couldn't do themselves: overthrow Qaddafi? Or is it just to keep the fighting going for as long as possible, in the hope that the rebellion will catch fire, and Libyans will get rid of the Qaddafi regime by themselves? Or is it just to achieve a cease-fire, which would leave Qaddafi in control of most of the country and probably more than willing to bide his time? (idem: para. 2).

In spite of the interveners' declared goal of establishing no-fly zones for civilian protection, and the ostensible rejection of any ulterior FIRC, Davidson notes that "[a]lmost as soon as the dust had settled after the first NATO strikes, evidence began to mount indicating that the participating air forces had little intention of sticking to their UN mandate of enforcing a no-fly zone and protecting civilians" (2017: 108). The alliance's subsequent involvement indicates that, contrary to the writ of the UN Security Council resolution, it aimed to do whatever it could to support rebel advances against the regime's forces. By the time that several states had officially expressed their growing uneasiness with NATO's subsequent role in bringing about an end to Gadaffi's long reign, the alliance had openly "ignored the restrictions against targeting Gaddafi directly in a transparent effort at regime change, spurned hints of any willingness by the Gaddafi regime to negotiate a ceasefire, intervened in the internal civil war, and broke the UN's arms embargo by supplying weaponry to the rebels'", as Thakur has noted (2013: 70). Indeed, "[w]here regime change fits among NATO's early set of priorities is open to debate; however, that NATO was intent on regime change in Libya is not" (Bachman 2015: 60). Predictably, the alliance's overwhelming military force proved to be the decisive factor in the rebel's victory, in part because, as Dunne notes, "when coercive power is unleashed against a regime that is committing atrocities, it is impossible to discretely isolate means and ends; protecting civilians from the air is bound to alter the balance of forces on the ground" (2012: para. 12). Having lost their initial air superiority over rebel fighters, the initial advance of regime troops was swiftly halted by NATO forces.[54] After Gaddafi's convoy had been targeted by airstrikes, the Colonel was eventually ignominiously killed by his countrymen near the town of Sirte.

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[54] Ronzitti sums up the military engagement as follows: "two days after the enactment of Resolution 1973, the US, UK and France launched the first strikes against Libya: France employed its air force in operation *Harmattan*; the US and UK hit Libyan soil with missiles from ships and a submarine navigating close to the Libyan coast. Subsequently, military operations were conducted by a coalition of willing participants (operation *Odyssey Dawn*) and within a few days these were brought within NATO, since a number of European countries – among them Italy – did not want France and the UK to have superior roles at the forefront of the coalition" (2011: 6).

On the whole, the intervention in Libya not only differs from Iraq in the nature of the motives leading to intervention, but also in the intended *post bellum* outcome. In spite of subsequent 'capacity building' efforts, it is clear that NATO's initial avoidance of 'boots on the ground' or substantial postwar commitment to reforming Libyan politics and society make for what has earlier been termed a 'superficial' regime change. This sets the case apart from many of the other post-Cold War regime change wars. Both the rejection of the radical regime change outcome and the embrace of R2P reflects lessons learned by Westerns powers from regime change in Iraq (Davidson 2017). Walldorf (2019: 193) notes that the appropriation of the rhetoric of the R2P did not only facilitate making the case for intervention, but that the mission's

> humanitarian justification limited the U.S. role and responsibilities in ways that ensured the United States did not 'own' Libya once Gaddafi was ousted. Multilateralism meant the invasion was not just a 'U.S. thing,' while the limited humanitarian goal (and not regime change) meant that what came after the coalition prevented a slaughter in Libya (i.e. satisfied the mission's humanitarian justification) was not Washington's responsibility, either.

The experience of long-term engagements in Iraq and Afghanistan led interveners to forego opportunities to impose even a minimally just regime (cf. Chapter VII). However, this reluctance to get drawn into another occupation resulted in a chaotic *post bellum* situation. Whereas Kuperman states that in the intervention's immediate aftermath, "Western media and politicians praised the intervention as a humanitarian success for averting a bloodbath in Libya's second largest city [...]" (2013: 105), he is nevertheless forced to conclude that

> [o]verall, NATO intervention significantly exacerbated humanitarian suffering in Libya [...], as well as security threats throughout the region. The only apparent benefit is that Libyans have been able to vote in democratic elections, but the elected government has little authority in a country now controlled by dozens of tribal and Islamist militias accountable to no one (idem: 132).[55]

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[55] Similarly, Bachman (2015: 63) states that "while celebrating the death of Qaddafi, the same NATO powers that had facilitated the rebels' success turned their backs on Libya. Post-intervention Libya was consumed by rampant lawlessness. Some of the most horrific human rights violations were perpetrated by the rebels against both real and perceived Qaddafi loyalists."

Hobson (2016: 435) largely agrees with this analysis, and writes that "[i]nitially it was hailed as a great success, a clear example of how the international community could act decisively to protect civilians and use force for humanitarian ends. Yet it was not long before such optimistic prognoses were revised, with Libya falling into anarchy, split apart by competing militias." This had famously prompted President Obama to state that although the intervention had "averted large-scale civilian casualties, we prevented what almost surely would have been a prolonged and bloody civil conflict. And despite all that, Libya is a mess" (2016). Other observers have agreed with this sombre assessment in subsequent years. Thus, while it has rightly been claimed that the intervention's controversy should not obscure "the democracy-affirming nature of the events of the Arab Spring and its accompanying grant of a new dignity to the peoples of this region" (Phillips 2012: 62), it is ultimately also the case that "Gaddafi's Libya was ghastly. Post-Gaddafi Libya has most of its faults plus a new one of its own: a breakdown of security and therefore of the nation" (Lipsey 2016: 420). Instead of the hoped-for democratic surge, the demise of the authoritarian government precipitated a power vacuum which led to clashes between different factions, ultimately leading to two opposing governments claiming legitimacy, a sharp rise in terrorist activity, and further civilian casualties and suffering (Pedde 2017). Only more recently, with the efforts of the UN-led UNSMIL mission and repeated attempts to stabilise the country, a tentative peace process, including a ceasefire and the scheduling of further elections, has perhaps begun to put an end to the Libyan Civil War.

In the context of this thesis' discussion of the phenomenon, the Libyan intervention highlights key challenges of contemporary FIRC, namely the potential appropriation of humanitarian motives for regime change, and the unforeseen and potentially catastrophic consequences of adequate *post bellum* planning. Accordingly, it prompts important questions about interveners' postwar duties. As chapter VII will argue, after removing a regime, these responsibilities likely take the form of a temporary duty of care for the affected population, which results in the need to impose at least a rudimentary 'minimally just' regime. In addition, regime change in Libya exemplifies the invariably slippery slope from intervention to regime change, especially when this regime change involves the misappropriation of the R2P for

political interests. Ultimately, the NATO alliance "took actions that were unnecessary or inconsistent with protecting civilians, but which fostered regime change" (Kuperman 2013: 113), which "poses a dilemma for those who support the principle of humanitarian intervention but oppose foreign-imposed regime change, given that one tends to evolve into the other" (idem: 136). The many controversies surrounding past interventions, including the occasional 'misuse' of both humanitarian concerns and Just War rhetoric in pursuit of regime change, raise the crucial question whether a threshold can be established beyond which not only intervention, but *regime change* will be appropriate. As future chapters of the thesis will argue, defining the justified reasons for initiating regime change either too broadly or too narrowly leads to different objections, but is nonetheless fundamental to a more cogent FIRC framework.

4.4 Conclusions

This chapter has added to the thesis' discussion of contemporary liberal FIRC by highlighting the importance of distinguishing between regime changers' intent and motive. It has argued that this distinction can help to understand operations' outcome in the form of superficial or radical regime change. But it has also shown that the notion of intent is one of the most important but also most challenging aspects of a theoretical assessment of FIRC. This has been illustrated with reference to regime change missions in Iraq and Libya. Whereas in Iraq interveners attempted a radical restructuring of the country's political and economic outlook, the intervention in Libya is notable for an attempt at regime removal without a subsequent imposition. Ultimately, both of these controversial interventions illustrate interveners' often contradictory motives and intentions, both of which "should not be taken at face value and deserve morally critical scrutiny" (Biggar 2015: 336). As a direct consequence of these ambiguities, each intervention is inevitably accompanied by wide-ranging debates surrounding the nature of principles which ought to guide the conduct of regime change wars.

In further building on these debates, the thesis' second part aims to establish which elements would be required for an approximately 'just' FIRC. In doing so, it follows the logic underlying the Pottery Barn Rule dismissed earlier. Although the quality of its moral guidance

is questionable, we can retain its basic structure[56] in the form of asking *'when is action appropriate, who should act, and what should the result look like?'*

In suggesting answers to these important questions, subsequent chapters argue that the evolving view of the intricate relationship between states' sovereignty and responsibility, as well as the global moral outrage about state-sanctioned mass killings, indicate that there are values, in this case the fairly straightforward right to not be a victim of such killings, which transcend national borders and whose violation should spur the international community to action. Consequently, it will be argued that a clearer focus on a 'thin' conception of human rights allows for near-universal applicability of these rights, and there are strong peremptory norms against their violation. As it is correct that "[p]osing the question about the permissibility of humanitarian intervention in terms of what is legally established or widely acceptable within what Walzer calls the common moral world seems unlikely to provide an unambiguous answer" (Boyle 2006: 34), the next chapter aims to strike a balance between the competing demands of sovereignty and human rights. It does this by setting up a liability - culpability distinction. It argues that foreign-imposed regime change is justified only in the presence of a 'culpable' regime. In other words, states which systematically violate their citizen's basic rights are liable to have their sovereignty violated through the imposition of a political regime by force of arms.

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[56] I.e. *something* is 'broken' by *someone*, which subsequently leads to a sense of responsibility for the aftermath of the act.

Part II: A JWT Approach to FIRC

The previous chapter concludes the first section of the thesis, which has assessed the many challenges raised by the foreign-imposed regime change phenomenon, as well as the competing pressures which continue to affect it in practice. In doing so, it has established that the sovereignty paradigm's near-universal recognition reflects its essential function as the foundation of the contemporary international community. This status is reflected in the 'Westphalian' tradition of non-intervention, which has dominated the common understanding of international relations up until the latter half of the 20th century. As has been noted, in the wake of the Cold War, the non-intervention principle has increasingly been set aside both in theory and in practice, illustrating the important shift from a notion of 'sovereignty as nonintervention' to one of 'sovereignty as responsibility', which has become an important part of many current understandings of statehood. Nonetheless, in spite of its obvious appeal, this approach is complicated by numerous uncertainties, including the need for clarifying which human rights can be defended by military force (i.e. when to respond to internal aggressions by external means), or whether their violation can open up the possibility for potentially justified regime change interventions, especially in the absence of *externally* aggressive behaviour on the part of states.

Indeed, the past decades have seen a notable increase in intrastate (as opposed to interstate) war and conflict (Lejbowicz 2000: 427), and since the end of the Cold War, "the overwhelming majority of [...] killings were perpetrated outside the context of an international or even civil war", and we must consequently address the problem that "a legal and moral system which begins to operate only after the first tank has crashed across an international border leaves much to be desired. If the [...] victims of tyranny who are not victims of war are not to be merely written off, then an application of the just war doctrine toward the change of such regimes is in order (Wingfield 2004: 114). However, both the liberal FIRC interventions of the past thirty years and notable failures to act underline the need for greater clarity on the situations which would warrant a regime change intervention. Indeed, when states *do* act in

removing other regimes, they almost invariably face heavy and sustained criticism for the accompanying violation of sovereign rights.

This essentially leaves the permissibility of FIRC at a point of some uncertainty, especially given interventionist actors' claims to the language of the Just War in justifying their actions. The misunderstanding and misrepresentation of the Just War doctrine, coupled with the even more recent misappropriation of the Responsibility to Protect discourse has inevitably resulted in an increasing distrust of Western interventionism. Thus, Everett notes that "the use of humanitarian rhetoric by several P5 powers to justify regime changes and other interventions in Iraq, Libya and eastern Europe has understandably fueled distrust of stated humanitarian motives for military operations" (2019: 283). At the same time, however, we should note that Just War Theorists themselves have often been inconsistent on the topic. This includes Michael Walzer, whose treatment of the regime change problem in *Just and Unjust Wars* is unsatisfactory. Accordingly, he has been heavily criticized for his unresponsiveness concerning military intervention against tyrannical governments. Indeed, "why should a state that represses its citizens deserve to be protected from external intervention? Would it not be better to relate the entitlement to sovereignty of a state to the issue of whether it respects the rights to life and liberty of its citizens?", as Moszkowicz (2007: 287) has asked.

Consequently, the second part of the thesis sets out to examine whether a more just foreign-imposed regime change is possible. In doing so, it first asks in which cases regime change interventions can be warranted, before addressing the actors who can be entrusted with carrying it out. Finally, it proposes to examine the 'imposition' part of regime change. In doing so, subsequent chapters engage both *ad bellum* and *post bellum* considerations, highlighting again the importance of the traditional Just War Theory's constituent parts.

In justifying the use of force, the proponents of liberal interventionism and regime change have on occasion appropriated the language of the Just War Theory, but have failed to acknowledge its characteristically cautious and critical approach to armed conflict. Conversely, it will be argued that an actually *just* FIRC mission is only possible in very rare cases. Namely, it is permissible in situations where states' political regimes are not only liable to intervention

(e.g due to widespread human suffering), they also must be deemed *culpable* for intentionally and consistently abusing human rights on an unacceptable scale. This means that opportunities for a justifiable regime imposition are severely restricted: the continued importance of the sovereignty principle, as well as the inevitably severe consequences of warfare mean that the 'bar' that is set for liability to military humanitarian intervention and regime change must be set very high indeed. Thus, in going forward, the thesis will suggest that sovereign states can only rightly undergo regime change in cases where the following requirements are met:

- *The regime is liable to intervention, i.e. it is unable or unwilling to fulfil its 'duty of care' for its inhabitants.*

- *The regime is culpable, i.e. it acts with the manifest intent to harm large numbers of its own citizens, or it foresees that its actions will lead to widespread suffering.*

- *This large-scale threat to life is either already ongoing or imminent.*

- *The war is roughly proportional to the harm inflicted, i.e. military intervention will not foreseeably make the situation worse for civilians.*

In elaborating on these requirements, the following chapters address the requirements of just cause, right intention, and legitimate authority. It will be argued that states' responsibility is accompanied by moral duties relating both to the state itself and to its relation with its inhabitants, which in turn affects its *legitimacy* as an international actor. Indeed, contemporary "notions of international legitimacy [...] are not within the control of individual agents", as Wheeler has stated (2002: 6), but are in fact determined by the contemporary global order within which states operate. Within the span of three decades, regimes' legitimacy has become intimately linked to their rights to sovereign statehood. As a consequence, the claim that "[t]he politics of legitimacy permeates almost all aspects of international relations, from the use of force and diplomatic practice to [...] the codification and implementation of human rights norms" should be taken seriously (Reus-Smit 2014: 348). First, however, the following pages must examine the criterion of 'just cause', which remains a central element of *ad bellum* reasoning.

Chapter V: The 'Just Cause' Criterion and Regime Removal

In order to establish when FIRC may be permissible, this chapter discusses the *ad bellum* requirement of 'just cause'. It then connects this concept to debates about preemptive strikes, which are a result of condemning regimes for their *potential* rather than their actual behaviour. In light of the controversy surrounding past interventions, the chapter highlights the need for distinguishing between the liability to intervention and that to regime change. This ultimately depends on establishing a threshold for the permissibility of FIRC.

As the thesis has emphasised earlier, contemporary foreign-imposed regime change should be understood within the context of a global order of states. In the late 20th and early 21st centuries, this has been a 'Liberal Order' dominated by the United States. While this apparent liberal hegemony is often defended by its proponents as an important guarantor of peace and stability, it has increasingly been perceived as being at the root of continuous international conflict, especially in the aftermath of the 9/11 attacks. This raises concerns that the recourse to intervention, including regime change, has become an extension of the foreign policy of leading states. Indeed, it highlights the notion that states may consider these interventions to be an 'inevitable' part of ensuring global security. For instance, it has been asserted that an

> important feature of the 2000s is the insistence by the United States that the two major military interventions it has led, into Afghanistan and Iraq, have been wars of necessity as much as choice, with a primary purpose of national security although clear benefits for international and human security. The case for war was based on the need to prevent further, and even more devastating, terrorist attacks, following the outrage of September 2001. They came under the umbrella heading of a 'global war on terror' as declared by President Bush (Freedman 2005: 106).

In this context, the regime change interventions in the Middle East and Northern Africa have commonly been interpreted as an effort to "demonstrat[e] American power and resolve in order to deter terrorists and 'rogue states' [...]" (Snyder 2003: 654). The accompanying discourse has

highlighted the expected beneficial results of armed intervention not just for the intervener, but for the targeted states as well: FIRC in Afghanistan and Iraq would both aid in ensuring global security and enable the 'liberated' citizens to prosper under more liberal regimes. As established in Chapter IV, several key explanations had underpinned the notion that Saddam Hussein's regime was illegitimate and 'had to go'. According to Porter (2018: 335), the United States-led alliance had

> struck Iraq partly in the name of counter-proliferation, to destroy an arsenal of Weapons of Mass Destruction (WMD) that turned out to be non-existent. It struck partly to disrupt a potential nexus between terrorism, destructive weapons technology and ''rogue states''. Washington also expressed high liberal intentions. Iraq was one front in the ''Global War on terror'', declared after the 9/11 terrorist attacks, to bring an end to ''terrorism'' itself by spreading a liberating alternative. The invasion was supposed to be a stride towards the spread of free markets and democracy, and the emancipation of the Greater Middle East, to correct the conditions that spawned security threats.

This declaration indicates that while improving civilian lives in the short term, intervention would also ensure regional stability and security in the long term. In the end, the combination of these elements led the interveners to believe that the Iraqi regime fulfilled the conditions of "[r]esponsible agency [which] is a necessary condition for liability to attack" and ultimately regime removal (Barry: 2011: 462). Thus, the interveners considered themselves to be in possession of a *'just cause'* for engaging in war and in regime change.

The traditional Just War requirement of a just cause for the use of armed force is clearly closely related to, but ultimately distinct from, the criteria of right intentions and motives which the thesis has discussed earlier. As the Just War Tradition is bound to the conviction that might does not make right, it has traditionally been asserted that the only just cause for war stems from an injury or injustice done to actors. Thus, the tradition "holds that there are two just causes for war: self-defence and 'other-defence''" (Beard 2019: 883). It is clear, therefore, that the criterion's chief purpose is to *limit* the acceptable reasons for going to war. Thus, as Boyle (2011: 150) for example writes, "not all reasons for undertaking warfare are responses to wrongdoing: going to war for the sake of maintaining or establishing a balance of power is not as such a response to evil. Nor is imperialistic expansion at the expense of one community

because of competition with another. Nor, I think, is ideologically based war to establish in another community a preferred form of governance or religion."

Ultimately, the key problem here is not a lack of agreement on the requirement for a just cause itself. Indeed, it is widely acknowledged that without a just cause, a war cannot be legitimate. Rather, the source of disagreement lies in what exactly, i.e. *which* injustices and injuries, would qualify. In the terms of the Pottery Barn Rule, there is no consensus on the circumstances in which a state can legitimately be 'broken'. Consequently, this chapter aims to highlight the lasting importance of the just cause criterion to the FIRC debate. In questioning under which circumstances a forcible regime change can be justified, it first rejects both considerations of preemption and democratisation as permissible catalysts for armed intervention.

5.1 Just Causes for Sovereignty Infringement

As established previously, cases of unprovoked and overt military aggression by states against others are considered to be self-evident arguments for war in response. Since aggression is impermissible, it therefore creates liability to intervention. The justice of defence against an explicit use of military force has been fairly uncontroversial and straightforward to assess. More controversial are considerations of 'military threats short of war' and their preemption or prevention, which have increasingly influenced the 21st century discussion on the threat of 'rogue' states. A "state preempts when another state is poised to strike; it prevents another state from striking (through disarmament) where that strike is a future, but not immediate, risk", as Snyder has clarified (2003: 654). While in practice, both terms have been used interchangeably, Beard (2019: 892) adds that "the difference should be understood as between the criteria of evidence required for justified attack: preventive war requires that the attack be possible or likely, and that the harm from the attack – if it occurred – be significant; pre-emptive war on the other hand demands certainty that the attack will occur. The former cannot be justified morally, the latter, however, is within the rights of a state."

Yet again, the ongoing War on Terror can help illustrate these debates. The 2003 FIRC intervention in Iraq highlights the controversial role of preemption and prevention as just causes. In actively seeking to topple Saddam Hussein's regime, but also in striking in the absence of overt aggression, it marks a clear departure from US policy in the First Gulf War (cf. Chapter III). Indeed, both in the case of Iraq and elsewhere, since the 9/11 attacks "the United States government has argued for a broadened understanding of the Article 51 right, contending, for example, that it should be construed to permit 'self-defence' in a range of circumstances in which an armed attack neither has occurred nor is imminent" (Delahunty 2007: 871). The concept of prevention has been used to frame states as threats to global security even in the absence of overt military aggression, for example when their regimes are thought to abet terrorism. Thus, it has been claimed that "should a brutal regime, like that of the Taliban, become a sponsor of terrorism and openly support it, that takes us into the zone of war – and for the United States, post-9/11, into legitimate self-defense" (Elshtain 2007: 503).

The possibility of preemptive or preventive warfare has also been debated in terms of states' more 'traditional' offensive military capabilities, especially in relation to Iraq's supposed Weapons of Mass Destruction (WMD) programme. For instance, Finlay (2007: 555-556) has clearly emphasised the Iraqi intervention's supposedly 'preemptive' nature, stating that "[o]fficial accounts at the time, of course, spoke in terms of international law and were framed in terms of two kinds of pre-emption case, namely, that since Iraq was an immediate military threat (the '45 minute' claim) and constituted a threat to international security and order (a claim which invokes Ch.VII of the United Nations Charter), attack was the most appropriate form of defence." Framing the invasion as a form of 'self-defence' has, unsurprisingly, been widely contested. Beard (2019: 885 - 886), for example, has clearly stated that

> Article 4 of the UN General Resolution on the Definition of Aggression, which states that 'No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.' An 'anticipatory defensive attack' (and it is worth noting the paradox – or perhaps oxymoron – in the term 'defensive attack') such as that of the US in Iraq, based on suspicion of WMDs and fear of their future use, cannot be considered a just cause. Nor, according to Article 4, could

a desire for regime change in light of the antagonistic and unstable regime such as Hussein's Iraqi leadership be seen as a just cause.

The thesis takes the view that ultimately, prevention cannot be condoned as a just cause either for military strikes or for more sweeping regime change interventions. This is the case because it is simply too open to controversy and lack of agreement. The concept of a 'potential threat' itself is problematic, and there is no agreed-upon cut-off point at which a threat would somehow become sufficient to automatically justify a recourse to military action. Given the severe consequences of warfare, its justice lies in a reaction to an *actual*, not a potential attack.

Consequently, while a general presumption of peaceful intentions should in principle apply to all states until their aggressive intent is established beyond all reasonable doubt, a crucial aspect of the current FIRC debate is that the sort of reasoning which eventually led to attack in the case of Iraq also lends itself to acts of regime change more generally. After all, in this logic the potential threat emanating from a rogue regime is ever present, a metaphorical 'Sword of Damocles' which can only really be removed by deposing the regime itself. Indeed, the notion of preemption in combination with a categorical condemnation of (invariably non-Western) regimes for their *potential* rather than their actual behaviour is also present, albeit more subtly, in debates surrounding the justice of interventions aimed at forcibly 'democratising' authoritarian states. Modern foreign-imposed regime change is increasingly going hand in hand with forcible democratisation. What is more, Evans (2005) has warned of an increasing conflagration of the Just War Theory with the forcible imposition of democratic regimes. In other words, two entirely distinct concepts, that of a 'just war' and that of a 'war on behalf of democracy', are perceived to be one and the same. This too is directly related to the liberal understanding of the present world order's goals. Under the impression of past and current large-scale human rights abuses and global security threats, the traditionally accepted moral equality between established sovereign states has been increasingly rejected by powerful liberal actors, to the extent that liberal democracy has emerged from one regime type amongst many to the supposed 'standard'. Against this ideal all other regimes are measured, and often fall short.[57]

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[57] Similar understandings have influenced the so-called Democratic Peace Theory, to which even some Just War authors subscribe. Orend, for instance, has affirmed that "rights-respecting societies do not go to war against each other" (2006: 53). This assumption is not unproblematic, since its underlying ideology might actually encourage

Leading Western powers' substantial promotion of human rights beyond their own borders has increasingly come to be supplemented by a conviction that certain regimes, i.e. liberal democracies are best placed to safeguard these rights. These liberal and democratic political regimes are, in this understanding, not only more peaceful actors, but ultimately *morally superior* to other, less 'civilised' states, which is reflected in the assertion that "America speaks with one voice and it is determined to make the demands of the civilized world mean something" (Bush 2002). As a result, the Liberal Order's leading members, first and foremost the United States, are no longer content with peacefully advocating the virtues of democracy. The notion that these must be expanded, if necessary by force, resulting in 'liberal wars'. Milevski (2020: 300) accurately states that

> various liberal values may not only be mutually contradictory, but may even result in the real or perceived need to wage war, either to defend or to promote those same liberal values. This leads to liberal war, an ironic concept developed to grapple with the relationship between force and policy in the liberal conscience; that is, between liberal ends and the illiberal ways of war which may be required – or seem to be required – to achieve those ends.

This 'liberal' conception of warfare also has a defensive aspect, which is discernible in arguments in favour of protecting democratic regimes where these come under threat by undemocratic forces. For instance, Buchanan and Keohane (2011: 52) have suggested that "a coalition of democratic states" could ensure a type of "Precommitment Regime for Democracy-protecting Intervention" (idem: 55). The crucial point here, however, is that they conclude that this "is not designed in the least to expand democracy to societies that have not experienced it - certainly not by force - but only to help maintain it where the people of a country have already managed to institute it themselves" (idem: 55). Despite its very real potential for legitimising armed interventionism, the defence of democratic regimes from

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'missionary' warfare in the name of spreading democracy. After all, it may be tempting to go to war in the hopes of securing a more peaceful future for all. As Fiala has put it, "[a]n uncritical acceptance of the regulative ideal of the democratic peace can lead to aggressive wars aimed to create democracy" (2009: 95) whereas the "Kantian principles" favoured by Orend would "preclude expansive wars aimed at regime change in the name of democratization", for example (idem: 96) [for a discussion of Kantian approaches to intervention see for example Franceschet (2010) and Wilson & Monten (2011)]. This selectivity in assessing the supposed superiority of democracy is particularly problematic as "liberal democratic systems have proven readily compatible with aggressive, self-serving military-security policies" (Graubart 2013: 77).

external threats is relatively uncontroversial compared to the much more hotly debated issue of forcible democratisation of undemocratic states.

Owen (2010: 21) has for instance noted that "[s]ince the demise of the Soviet Union, American governments have continued to promote liberal-democratic regimes by force." This crucial development has gained further momentum in the new millennium. Under the post-9/11 Bush administration, the United States has "expand[ed] the ordinary understanding of just cause by claiming that military force may be used to transform the domestic political arrangements of non-aggressive sovereign states. This idea is grounded in the view that undemocratic nations - by definition - pose a threat to democratic nations and global peace" (Fiala 2007 [a]: 33). Inevitably, he writes (idem: 36), this then raises

> the question of the legitimate means for bringing about the ideal of a liberal international peace. Liberals in general (whether progressive or neoconservative) share a long-run ideal that has been described by Rawls as follows: 'the long run aim of [decent well-ordered societies] is to bring all societies eventually to honour the Law of Peoples and to become full members in good standing of the society of well-ordered peoples.'

Consequently, Merkel has for example posed the question "whether war may be waged, and whether it can be successfully waged, in the name of humanity and democracy" (2008: 488). Ultimately, this question must be answered in the negative. While it is conceivable that a democratic regime change occurs in the course of a justified war of self-defence, as was the case in the aftermath of Allied victory in 1945, Just War theorists should resist the temptation to accept democratisation in itself as a just cause for regime change. Not only is it likely to lead a proliferation of armed conflict, it would also give even more opportunities to those who would use the Just War ideal to rationalise wars, rather than following the theory's intention of limiting unjust conflict. Thus, we should agree, as Walzer (2008: 351) adds, that sovereign states

> can never rightly use force to create a democratic regime in someone else's country. The old arguments for ''nonintervention,'' first made by John Stuart Mill, still hold. But once states have used force for some other legitimate purpose, to defeat the Nazis, for example, or (hypothetically, since we did not do it) to stop a massacre in Rwanda, they

can continue to use it; they may even be obligated to continue to use it, for political reconstruction.

This 'other legitimate purpose' (i.e. the just cause) should be understood either as the defence against direct military aggression or as the prevention of large-scale human suffering. This aligns with the prevalent notion, addressed in earlier chapters, that the right to nonintervention is a *conditional* right, which rests on compliance with certain moral norms and thresholds. Thus, as Orend notes, "regimes which fail the conditions of minimal justice are not legitimate and thus have no state rights, including the right to not be attacked and overthrown" (2006: 97). The vast majority of current authors writing on the ethics of humanitarian intervention locate this threshold of minimal justice in substantial, i.e. 'excessive' violations of human rights which have been described as "the demands of all of humanity on all of humanity" (Luban 1980: 174). In such cases where political regimes refuse to protect these rights, or even intentionally violate them, coercive remedial action is legitimate. Since such regimes are unlikely to give up the reins of power of their own volition, it follows that forcible removal and replacement can, in exceptional circumstances, be an appropriate response. As the following pages argue, however, a just cause for humanitarian intervention is not by necessity a just cause for a subsequent regime change, as distinct thresholds apply to each.

5.1.1 The Humanitarian Threshold

The attention which has traditionally been accorded to the just cause requirement highlights the exceptional nature of armed conflict, including regime change interventions. What is more, the controversial status of recent interventions stems not only from their infringement of states' sovereign rights, but also from the repeated reference to humanitarian language in doing so. While "[t]he use of military force to 'save strangers' from atrocities in other countries is not new" (Bellamy & McLoughlin 2019: 334), it is vital to note that "few adherents to this view provide a philosophically persuasive or clearly argued moral rationale for why some forms of human suffering are permissible grounds for humanitarian intervention and others are not" (Heinze 2006: 283). In cases where humanitarian discourse underlies attempts at toppling and replacing regimes, this is particularly important. Interveners' appeals to selfless motivations

and human solidarity are common, but inevitably subject to widespread criticism. For instance, in the case of Iraq, Roth (2006: 91) has stated that in hindsight,

> [t]he killing in Iraq at the time was not of the dire and exceptional nature that would justify military action. In addition, intervention was not the last reasonable option to stop Iraqi atrocities. It was not motivated primarily by humanitarian concerns. It was not conducted in a way that maximized compliance with international humanitarian law. It was not approved by the Security Council. And while at the time it was launched it was reasonable to believe that the Iraqi people would be better off, it was not designed or carried out with the needs of Iraqis foremost in mind.

Since so much depends on this abstract threshold (after all, it is supposed to tell us when situations are 'dire and exceptional' enough for military action), its parameters must be clearly defined: if requirements are too narrow, many state-sanctioned human rights abuses will go unchallenged. On the other hand, given the basic but compelling presumption against war, state sovereignty should not be infringed upon carelessly.

Thus, as "the very real risk that any war will lead to large-scale loss of life, humanitarian intervention should be reserved as a threshold matter only for situations of ongoing or imminent mass slaughter" (Roth 2006: 85). This notion of imminence and humanitarian disaster is also acknowledged by other frameworks, such as the Responsibility to Protect. Walzer has for instance noted that intervention under the R2P cannot be "engaged by the ordinary brutality of authoritarian governments. What is necessary in such cases is local opposition, political struggles that can legitimately be encouraged from the outside by state and non-state actors but can't legitimately be supported by an army marching across the border. Nor is the responsibility engaged by civil war" (2013: para. 8).[58] Therefore, while it is already the case that "a wide array of human rights have been codified as international norms, including the Universal Declaration of Human Rights (UDHR) and other conventions which are expected to be followed by signatories" (Erameh 2017: 519), the numerous rights listed in the Universal Declaration cannot all legitimately be defended by armed force (and certainly not by means of foreign-imposed regime change). Clearly, then, something 'extraordinary' is

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[58] Similarly, the 2005 R2P *World Summit Outcome Document* itself "expressly rejects any intervention for 'human rights violations falling short of outright killing or ethnic cleansing' such as systematic discrimination, systematic imprisonment or systematic political oppression" (Deb 2015: 310).

required to trigger states' recourse to a justified regime change, something which likely involves mass killings perpetrated, or at least actively sanctioned, by a state's political leadership. Indeed, Heinze rightly notes that "[v]irtually all serious works that deal with the subject of humanitarian intervention argue, and sometimes assume, that it should only take place under the most 'extreme' or 'severe' of human rights violations" (2006: 283).

The emphasis on the extreme and exceptional nature of rights abuses also serves as a defence against the sort of moral relativism which would conceivably hinder effective humanitarian action, as various states and cultures likely have different notions of the characteristics of global (in)justice. Although there have been claims that "proposals for universal ethics or common standards of humane governance are always culturally biased" (Bellamy 2002: 476), such moral relativism is ultimately detrimental to human rights protection as, "if there is no natural moral law or basic moral reality, then the now widely popular rhetoric of universal human rights is just that: rhetoric" (Biggar 2013: 160). In response, theorists' emphasis and defence of the importance of universal human rights should be accompanied by an awareness of the important cultural limits to a (Western) claim to universality. It is for instance notable that "[m]any Western theorists take the European experience of the Second World War, primarily the Holocaust, as the (often sole) catalyst for the development of the modern international human rights law framework. However, in other parts of the world, it is rather the revolt against colonialism, and all of its attendant forms of gross human rights violation, and the struggle for self-determination, which are often the major referents for concepts of human rights" (Bennoune 2002: 248).

Accordingly, it is imperative to establish a humanitarian 'baseline' which is able to take such cultural differences into account while acknowledging the universal impermissibility of large-scale abuses. These basic rights are considered to be universal, i.e. applicable regardless of culture or context. In the words of Rodin, "the basic rights that are plausible candidates for a universal global ethic do not present themselves as discretionary [...]. First, there is considerable global agreement on the existence of these basic rights. Second, though there certainly exist groups who deny each of these rights, we do not regard this denial as reasonable

variation; rather, we see it as evidence of ignorance or iniquity" (2012: 39).[59] Therefore, although the global violation of these fundamental human rights is observed all too often, this does not in fact "count against their universality because the universality is normative, not descriptive" (Orend 2006: 53). Indeed, he states, "[i]t is about what we should believe and how we should act, and this cannot be dislodged or undermined by the behaviour of rights-violators" (ibid.). It is no coincidence that these descriptions echo the natural law tradition which underpinned the writings of many early Just War theorists. Indeed, Bain notes that "the high tide of legal positivism has since receded and with it natural law has experienced something of a revival [...]" (2010: 34).[60] In part, this revival can be credited to the success of Michael Walzer's approach to the discussion of war's relation to human rights.

5.1.2 Walzer's 'Thin' Rights, and Liability to Intervention

In light of their claim to a universal appeal, basic human rights have also been conceptualised in Michael Walzer's understanding of 'minimal' rights, for instance in his writings in *Thick and Thin* and *Just and Unjust Wars*. Boyle (1997: 85) has stated that to Walzer,

> there is a body of moral doctrine that is widely accessible, that profoundly influences even those who would prefer not to notice it, and that exists independently of a particular moral theory or an attachment to a particular moral community. While he does not claim that everyone accepts or should accept the entirety of this body of moral doctrine, he seems to think that it is hard for most people to avoid accepting part of it.

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[59] Heinze claims that "[t]he reason that permitting humanitarian intervention only in situations concerning deprivations of basic human goods serves a utilitarian concern for human security has to do with the "fundamental" nature of basic goods as they relate to human security" (2006: 291).

[60] Even before this recent resurgence, the continued importance of natural law can for instance be observed in the so-called Martens Clause, an addition to the 1899 Hague convention. It states that "in cases not included in the Regulations [...], populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity and the requirements of the public conscience" (quoted in Ticehurst 1997: para. 2). The clause implies that "the idea of a 'humanity' capable of being shocked by the infliction of severe harm on persons plays a significant role in the development of the international legal order" (Sutch 2012: 10). Thus, according to Bellamy "[p]ositive international law only partly reflects Western traditions of moral reasoning about war that are bound together in the multifaceted 'just war' tradition" (2004: 132). However, he also asserts that "natural law and positive law should not be understood as separate traditions but as complementary sets of ideas, the occasionally competing claims of which must be balanced in particular cases" (idem).

Seeking to avoid misunderstandings as to the meaning of the term, Walzer affirms that his understanding of moral minimalism "does not describe a morality that is substantively minor or emotionally shallow. The opposite is more likely true: this is morality close to the bone" (1994: 6). Consequently, he has later maintained that "our understanding of the moral vocabulary is sufficiently common and stable so that shared judgments are possible" (2006 [a]: 20). In spite of this affirmation, his conception of human rights has been subject to some debate, especially in their influence on his writings on war and intervention. While Lund (2011: 656) has argued that Walzer's "basic judgments about the justice of war and its conduct are grounded in concerns for human rights", Luban (2017: 9) contends that a notion of "human rights actually plays a smaller direct role in the argument of *Just and Unjust Wars* than this language would lead us to expect." This is not necessarily a contradiction, however, given Walzer's understanding of these human rights as 'moral expectations' rather than necessarily methodologically derived and legally enshrined precepts. According to Walzer "the theory of justice in war can indeed be generated from the two most basic and widely recognized rights of human beings - and in their simplest (negative) form: not to be robbed of life or of liberty" (1983: xv).[61] Consequently, Walzer "expresses ignorance about the foundations of ethics and notes the apparently unending controversy about such matters" (Boyle 1997: 85). Nonetheless, he affirms that "we have moral expectations about the behaviour not only of our fellows but of strangers too" (1994: 17), including the behaviour of states towards their citizens, as the rights of states "derive ultimately from the rights of individuals, and from them they take their force" (2006 [a]: 53). Thus, his "justification of humanitarian intervention can be interpreted as an interesting and subtle mix of both (liberal) 'cosmopolitan' individual rights and collective 'communitarian' rights" (Moszkowicz 2007: 296). In the end, regardless of these rights' origins, it is difficult to deny that their defence is essential to a Just War conception of FIRC.

As the chapter has established beforehand, sovereign states can become *liable* to intervention if they cannot guarantee minimal human rights. This notion underlies the majority of current understandings of humanitarian intervention. These rights therefore constitute what is the *minimal* 'just cause' threshold for legitimate military humanitarian action such as limited

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[61] Here, Walzer echoes Article III of the *Universal Declaration of Human Rights* (1948), which states that "[e]veryone has the right to life, liberty and security of person" (UN n.d. [d]).

humanitarian intervention, the creation of no-fly zones, safe zones, etc.,[62] which are aimed at preventing unjust harm done to an innocent actor. In extreme cases, i.e. where the state's regime is actively engaged in extreme abuses, intervention may necessitate the removal of the culprit (in this case, the oppressive regime) from the situation once and for all. However, as regime change exceeds humanitarian intervention in its violation of sovereignty, it requires more than simple liability to intervention in order to be proportional to the potential harm it inflicts. In other words, the bar for the just cause for FIRC must be set even higher than that for humanitarian intervention. It is justified only when liability to intervention is the result of regimes' *culpability* for imminent or ongoing violations. The subsequent section of the thesis assesses the capability criterion in relation to the state's 'duty of care' for its inhabitants. First, however, it establishes that the moral 'nature' ascribed to the regime alone is not sufficient to establish this culpability.

5.2 The Culpability Criterion

Authors working within the wider Just War tradition have been far from unified in their views on the implications of regimes' possibly 'criminal' nature. Walzer explains that it "is a feature of just-war theory in its classic formulations that aggression is regarded as the criminal policy of a government, not as the policy of a criminal government - let alone a criminal system of government" (2006 [b]: 103). In response, however, Elshtain (2006: 109) has contended that "it may not be a rule, but there is a very strong probability that a criminal regime - whether Fascist, communist, or Baathist - will engage in criminal policies externally and internally." Given this supposedly increased likelihood of abusing their citizens and attacking their neighbours, the debate is one of whether the *nature* of a regime (as opposed to its actions) could make it culpable, and thus in itself be an acceptably 'just' cause for intervention under *jus ad bellum.*

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[62] Thus, Aloyo states that "there is a just cause for humanitarian intervention whenever leaders are unable or unwilling to minimize prospective violations [of] individuals' human rights. This holds whether one views human rights or collective self-determination as more important, because certain individual rights are necessary to exercise collective self-determination" (2016: 326).

As a modern state's legitimacy is commonly considered to be intricately tied to its responsibility towards its citizens' rights, it has been claimed that, ultimately, "tyranny causes the collapse of sovereignty" (Tesón 2011: 194). However, since it is the case that endogenous change away from tyranny is slow and often uncertain, regime change has been presented as a 'shortcut' towards the collapse of illegitimate regimes. Indeed, as only legitimate states are thought to 'deserve' the rights to autonomy and non-intervention, attempts at delegitimising them is often an important first step in initiating punitive intervention and forcible regime change. Strachan (2020: 53) has recently noted that

> [i]n order to explain to their nations why their armed forces are engaged in faraway places of which their peoples know little, they use the vocabulary of mass mobilisation borrowed from the Second World War. They are ready to let these wars be called 'wars of choice', but they employ phrases borrowed from 'existential' conflict, which suggest they are 'wars of necessity'. George W. Bush compared the 9/11 attacks with Pearl Harbor, and Tony Blair cited the appeasement of Adolf Hitler when calling for action against Saddam Hussein.

In fact, as Downes aptly remarks, "[a]lmost every target of U.S. intervention in the post–Cold War world has been labeled another Hitler" (2011: para. 8), with the aim of eliciting an emotional response from the public and laying the groundwork for not just a political, but a moral justification for intervention. By marking the targeted regimes as 'criminal', 'rogue' and ultimately 'evil', i.e. intrinsically morally *unacceptable* actors, interveners are able to justify 'punitive' action even beyond initial human rights protection. Again, the particular narrative which underpinned the interveners' actions in Iraq illustrates this. As Walzer (2006 [b]: 105) sums up,

> the war was not a response to aggression or a humanitarian intervention. Its cause was not (as in 1991) an actual Iraqi attack on a neighboring state or even an imminent threat of attack; nor was it an actual, ongoing massacre. The cause was regime change, directly - which means that the U.S. government was arguing for a significant expansion of the doctrine of jus ad bellum. The existence of an aggressive and murderous regime, it claimed, was a legitimate occasion for war, even if the regime was not actually engaged in aggression or mass murder. In more familiar terms, this was an argument for preventive war, but the reason for the preventive attack wasn't the standard perception of a dangerous shift in the balance of power that would soon leave "us" helpless against "them." It was a radically new perception of an evil regime.

Although no mass killings were ongoing, which would have justified unilateral humanitarian interventions (such as those in Kosovo in the 1990s, for instance), the regime was presented as one which was inherently 'evil', whose past behaviour was claimed to indicate a potential for morally unacceptable acts in the future. For instance, a "conception of punishment present in Bush and Blair's arguments for military action against Iraq is attached to the concept of evil, and the imperative to punish it wherever it may be found" (O'Driscoll 2006 [a]: 410).

To the interveners, the Iraqi regime was not only a potentially lethal threat and an oppressive tyranny: it had to be chastised for 'recklessly' turning its back on the values of civilisation itself. In the months preceding the intervention, terms such as 'rogue states' and the infamous 'Axis of Evil' terminology propagated by United States officials mark states as aggressive outcasts from a supposedly 'civilised' peaceful international society (Miles 2013). On this view, a regime which is 'evil' and 'criminal' *per se* does not have to be engaged in actual harm at the moment of intervention: it is culpable by its very nature. Elshtain (2007: 137) has argued that if we

> suppose that a state has engaged in genocidal activity in the past; that its leaders have not foresworn such activity; and that the regime in question has perpetrated other forms of culpable mass killing. A case can surely be made that a regime's political culture, its documented past brutalities that have not been renounced, and its possession of the means to inflict massive harm on others, even if, at that moment, such activities are not going on en masse, makes it culpable under just war and humanitarian law.

In his efforts to highlight the 'immoral' nature of the Iraqi regime, President Bush had for example insisted that "[w]e have seen their kind before. They are the heirs of all the murderous ideologies of the 20th century. By sacrificing human life to serve their radical visions - by abandoning every value except the will to power - they follow in the path of fascism, and Nazism, and totalitarianism" (2001: para. 27). The President's allusion to the regime's "radical visions" unmistakably emphasised the hypothetical present and future threat to human life and global stability emanating from Iraq. By drawing parallels to totalitarian and genocidal regimes of the past, President Bush expressly linked the invasion of Iraq to the near-universal acceptance of the 'just cause' for war against Nazi Germany as a 'quintessential' Just War.[63]

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[63] Nazi Germany was both an externally and internally aggressive and 'criminal' regime. Beyond launching unprovoked military attacks on numerous other states, it also committed uncountable acts of aggression against the civilian populations under its control, which ultimately culminated in genocidal crimes. While Germany's forcible

The crucial problem with this type of rhetoric, of course, is that 2003 Iraq was *not* Nazi Germany. Elshtain's type of 'retroactive' culpability does not hide the fact that at the time of intervention, Iraq was not poised to attack its neighbours or the United States, was not actively seeking weapons of mass destruction, was not cooperating with terrorist groups, and was not engaging in genocide. To be clear, this should not be taken to mean that Iraq was in any way under a particularly just, liberal, or peaceful regime. Nonetheless, Saddam Hussein's regime was kept in check by a framework of sanctions which had been in place since Iraq's aggression against Kuwait. Coupled with its military containment, this was sufficient in preventing the Iraqi regime from any internal or external aggressions resembling those of the Third *Reich*. In light of these factors, the intervention in Iraq has often been considered disproportionate to the threat emanating from the regime.

Since culpability is therefore tied to a sense of 'imminence' regarding human rights abuses, a regime which may have done wrong in the past, but which has since refrained or externally deterred from rights abuses cannot be 'retroactively' culpable in a sense of liability to intervention. Since it is not the 'nature' of a regime which can make it liable to regime change, culpability can only be located in its actual behaviour. Thus, in order to undergo foreign-imposed regime change, a state must be deemed culpable through an *active* engagement in extensive human rights abuses. This culpability can only be established through the regime's intentions of abandoning its 'duty of care', which is inherently tied to its legitimacy as a sovereign state: "[f]or Walzer, the state exists to protect the individual lives and the common life of the people within a territory. If the state fails to fulfil that function, it will no longer qualify for the principle of non-intervention – the defence of such a state will have no moral justification", as Orford has noted (2013: 90).

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annexation of large parts of Europe was illegal, the overwhelming 'moral' condemnation of the regime surely rests on its absolute disregard for basic human rights. Many fanatical National Socialists' sincere belief in the superiority of the Aryan race and its right to rule other peoples, ultimately does not make the results of this belief any less condemnable. Therefore, such basic norms cannot be challenged by 'true believer' excuses such as ideological conviction. In such cases, there are no imaginable cultural explanations or exceptions which would somehow render impermissible acts acceptable. As Walzer (2004 [b]: 36) himself notes, "a humanitarian crisis is, as it were, independent of history and culture." Thus, acts of genocide/democide are immoral *per se*, regardless of their motivation and ulterior intentions.

5.2.1 States' Duty of Care

Walzer writes that "the moral standing of any particular state depends upon the reality of the common life it protects and the extent to which the sacrifice required by that protection are willingly accepted and thought worthwhile" (2006 [a]: 54). The principle underlying this understanding can be described as a state's 'duty of care' for its inhabitants. Of course, the notion of a duty of care has been employed in other fields (e.g. medical and legal ethics), but is applicable to the thesis' regime change debate, too. As Miller (1996: 47) has for instance clarified, "in a medical context, the duty of care 'trumps' the duty not to injure", and similarly, "just-war theorists argue that war constitutes an analogous situation of moral conflict. Here, too, the idea is that when someone needs protection against aggression, the duty not to harm may conflict with other duties, like the duty to defend or protect. The duty not to harm may be overridden by the obligation to protect oneself or third parties from aggression."

When applied to the Just War debate, therefore, "the underlying assumption in both the practice and theory of the duty of care is that the state sees society and its citizens as objects of protection" (Tsinovoi & Adler-Nissen 2018: 230). Walzer's statement above illustrates that in the modern understanding of sovereignty, the duty of care which is incumbent on states is also tied to their legitimacy as sovereign actors. Thus, the continued neglect of the duty of care, whether through malice or incompetence, ultimately erodes the states' legitimacy, both morally and practically. States which are unable or unwilling to care for their own populations are thus seen as lacking an elementary aspect of sovereign statehood. In other words, human rights were not violated merely by omitting to act: the regime is actively involved in directing the abuse. This violation of basic human rights must have been an end in itself, not an unforeseen side effect: a lethal famine as a result of mismanagement, for instance, does not make the state culpable, whereas the targeted withholding of food from the population certainly could.

Consequently, an actors' intent is crucial in determining culpability, as "[o]ne good feature of accounts of liability to attack that require culpability is that they emphasize something that obviously has moral significance: culpable agents intend, foresee or at least should foresee that their conduct will make them responsible for wrongful threats of harm"

(Barry 2011: 463). In the context of regime change interventions, states' *intentional violation* of this duty of care results in regimes' culpability, and thus a liability to be overthrown by external force. However, actors' culpability is not always equally straightforward to establish, particularly in states which are disintegrating or are in the throes of civil war.[64] In other words, what becomes of culpability and liability to intervention in cases where there is no functioning state to fulfil a duty of care?

5.3 Civil War, State 'Failure', and Regime Imposition

Many of the past decades' conflicts have taken place within states, and have been fought not by traditional standing armies but by militias, insurgents etc. The end of the Cold War has led to a focus on a number of states which, now lacking the support of an allied superpower, have disintegrated. In many, severe ethnic and/or religious tensions have been at the root of violent civil wars. Others suffer from endemic poverty, and lack of basic human security. Cases of civil conflict, or even the full disintegration of state authority are simultaneously detrimental to its citizens and to international stability. In these cases, questions arise not only as to regime toppling, but also as to direct regime imposition in the absence of a functioning regime. Indeed, the necessary clarity of judgment on culpability is especially difficult to achieve during an internal, i.e. non-international armed conflict.[65] The sheer complexity of many countries' internal strife makes it especially hard to point to a particular culpable perpetrator, and often many of the parties involved are guilty of human rights abuses. Since it seems unlikely that a lack of culpability should prevent interventions in genuine humanitarian emergencies, we must also think about aspects of regime imposition in cases of civil war and in so-called 'failed states', where this imposition may be necessary to prevent future suffering.

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[64] To reassure observers, states may maintain that they are simply upholding law and order within their borders, and protecting their populations from terrorist groups: by designating its victims as unlawful combatants, states can call into question the legitimacy of its victims as 'innocent civilians'. Nevertheless, it is generally the case that "[w]hen a government has to proceed against its own subjects without judicial process, we could argue, it has clearly lost authority. Civil war is a measure to which governments resort only when they can no longer call on the ordinary procedures of judicial control", as O'Donovan has accurately written (2003: 21).

[65] It has been stated that "[u]nder Article 3 common to the Geneva Conventions of 12 August 1949, non-international armed conflicts are armed conflicts in which one or more non-State armed groups are involved. [...] hostilities may occur between governmental armed forces and non-State armed groups or between such groups only" (ICRC Casebook 2020: para. 1). In addition, "[b]anditry, unorganized or short lived insurrections or terrorist activities are [...] excluded from the applicability of the 1949 Geneva Conventions" (RULAC 2017: para. 9).

5.3.1 Intervention in Bosnia & Herzegovina

The challenges of culpability allocation as well as its effects can be illustrated with reference to the bloody fighting surrounding Bosnia and Herzegovina's emergence as a sovereign state. The Bosnian War's (1992-1995) notoriety as the most brutal of several notable conflicts which followed the breakup of multiethnic Yugoslavia stems from the conflict between opposing armies and irregular militias, but also from the widespread torture and killing of civilians amounting to ethnic cleansing and genocide. It is worth noting that the multifaceted conflict was both a war between states (i.e. an *interstate* war) and as a civil war (i.e. an *intrastate* engagement), as it involved both state actors (the former constituent republics of Yugoslavia) and semi-independent militias formed by different ethnic groups. In light of the ambiguities in establishing culpability in a multifaceted conflict, the international community was hesitant to intervene. The unexpectedly rapid disintegration of the state combined with the competing and incompatible claims to legitimacy of the various ethnic groups resulted in the often uncoordinated actions of Western states and international organisations due to a lack of consensus on the issue of culpability. Due to the complexity of the situation, the early

> UNSC response to Bosnia was ambiguous and inconsistent. Lack of agreement about the character of the conflict among Council members prevented unity on the appropriate response. Council members disagreed about the appropriateness of humanitarian intervention because they disagreed on the sovereign authority of Bosnia, whether the conflict was a civil war or an external aggression, and the identities of perpetrators and victims (Booth-Walling 2015: 397).

The situation was complicated by a lack of a government capable of fulfilling its duty of care. None of the ethnic groups involved in the fighting could lay an uncontested claim to sovereign legitimacy. Thus, the allocation of culpability hindered the formation of a consensus on the region's liability to intervention or even regime imposition. The important effects of allocating culpability in facilitating intervention becomes clear in the subsequent interventions against Serb forces. Elements of the international community became progressively more decisive in its efforts to identify, and subsequently address, the Bosnian Serbs not only as the main aggressors of the conflict, but also as perpetrators of human rights violations, including ethnic cleansing of territories under their control. While the actual question of Bosnian sovereignty

itself was relegated to the background, Security Council Resolution 819 (1993) asserted that the Council's members were

> [c]oncerned by the pattern of hostilities by Bosnian Serb paramilitary units against towns and villages in eastern Bosnia and in this regard reaffirming that any taking or acquisition of territory by the threat or use of force, including through the practice of 'ethnic cleansing', is unlawful and unacceptable [para. 8].

More importantly, it singled out "the continued deliberate armed attacks and shelling of the innocent civilian population by Bosnian Serb paramilitary units" (idem). The apparent lack of cooperation from (Bosnian) Serb actors with United Nations peacekeeping forces had already been noted. However, reports of continued killings shaped a consensus that Serb forces were culpable, and that their advances had to be stopped by military means. After the killings in and around Srebrenica, "most Security Council members characterized the Bosnian Serbs, aided by Serbia, as the perpetrators and the Bosnian Muslim government and the people it represented as the victims" (Booth Walling 2015: 399). This assessment of culpability also established a 'just cause' and served as the much-needed impetus for more rigorous intervention. As Abe (2016: 76) has noted, "the movement for military sanctions rapidly accelerated—first, a Rapid Reaction Force was sent to Bosnia in June, designed to protect the UNPROFOR, [...] and second, from late August, a massive military campaign was initiated by NATO,[66] which consequently produced a military balance among local (para)militaries on the ground and opened the way for peace negotiations. Through this process, the crisis in Bosnia came to an end with the signing of the Dayton Accord [...]" which paved the way for the radical regime imposition discussed in more detail in chapter VII. Thus, while initial confusion about culpability hindered intervention, the assignment of culpability to the Serbian factions

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[66] United Nations Secretary General Boutros Ghali stated that if "Bosnian Serb military leaders persist in their intransigence, the United Nations will continue to support the sustained use of NATO air power to ensure that the suffering of civilians in the safe areas is not further prolonged" (quoted in CNN 1995: para. 4). In the organisation's own statement, "at the request of the United Nations, NATO provided close air support to the UN Protection Force (UNPROFOR) on the ground and carried out air strikes to protect UN-designated safe havens. […]. NATO's air operations against Bosnian Serb positions […] helped pave the way for a comprehensive peace agreement. The operation […] helped shift the balance of power between parties on the ground. It also helped persuade the Bosnian Serb leadership that the benefits of negotiating a peace agreement outweighed those of continuing to wage war" (2019: para. 34-35).

ultimately led to an intervention which stopped "one of the most horrific wars to have taken place in Europe since World War II" (Milovich & Ossewaarde 2013: 75).[67]

In spite of their prominence, the interventions in the Balkans are not the only cases which shaped the debate on intervention and regime change in the 1990s. The developments in Bosnia & Herzegovina echo some of the United Nations' and the United States' challenges in addressing the Somali Civil War in the early 1990s. Here too, the problem was one of establishing the culpability requirement in the absence of a functioning state.

5.3.2 Intervention in Somalia

Somalia is often highlighted in relation to the issue of 'failed' states' sovereignty. However, it is clear that a failed state does not 'spontaneously' lose the rights related to its sovereignty. After all, it is not the political regime itself which is sovereign, so its absence does not signify the absence of sovereignty *per se.* Chan (2013: 408) writes that "under the Westphalian system, the 'State' does not (and arguably, cannot) fail." At the same time, it is obvious that a 'regime-less' state, or one embroiled in a long-term struggle between competing factions, runs a much greater risk of creating the volatile situations which are the cause of power vacuums, civil war, and atrocities against civilian populations. Kuperman (2013: 136) has noted that the "deliberate killing of civilians [...] is relatively rare in civil conflicts that prompt calls for intervention. Typical cases more often resemble that of Libya, where noncombatants are caught in the crossfire, rather than being targeted." Evidently, the important questions of liability and culpability raised previously are more difficult to address in such situations, as the case of Somalia in the 1990s illustrates.

For much of the 1990s, there was no clear-cut 'central authority' present in Somalia to which a duty of care, or even overall culpability for human rights violations in the country could have been allocated. Following the outbreak of civil war, the civilian population suffered

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[67] Comparisons between the war in Bosnia and the Second World War are surprisingly common. For instance, in highlighting the moral responsibility of states to halt the killings of civilians, British Prime Minister John Major stated that "there had been nothing like it in Europe since the second world war" (1995: para 4). In the aftermath of intervention, Chesterman (2004: 52) has noted that "the presence of large numbers of foreign troops, an international war crimes process, and summary dismissal of its politicians by an international administrator in Bosnia bore more than a passing resemblance to occupied Germany of 1945–1949."

heavily from the effects of violence and hunger. This suffering was compounded further by the fact that most humanitarian aid did not reach them (Clark 1993). This made for a strong case for international humanitarian intervention, which was supported by the United Nations Security Council. The *Security Council Resolution 794* (1992: para 3) unequivocally notes that "the magnitude of the human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to international peace and security." Consequently, the United Nations and the United States resolved to intervene in order "to restore peace, stability and law and order with a view to facilitating the process of a political settlement under the auspices of the United Nations" (ibid.). Crucially, beyond the humanitarian motives for intervention, an ideological background is discernible: it has been noted that President George H. W. Bush "saw the intervention as a gesture towards his publicly articulated vision of a peaceful 'new world order', in which Cold War politics as usual had been suspended. Somalia was to be the poster child of this new order, as, in contrast to the recently won Gulf War [...], the US had no obvious national (strategic or energy-related) interest at stake here" (Kapteijns 2013: 424). Thus, the intervention in Somalia can be interpreted as being one of the first in the long line of 'liberal' wars which have continued into the present day.

The intervention is often discussed for its infringement on the sovereign rights of a nominally autonomous state. It has been noted that "unusual about [the UNSC] resolution was not just the authorization of the use of all necessary force but also its disregard of Somali national sovereignty, justified, also under Chapter VII, in terms of the threat the Somali crisis posed to 'international peace and security'" (Kapteijns 2013: 424). In this case, the lack of a culpable actor was not seen as an obstacle. Rather, it even *facilitated* the argument for intervention: Booth-Walling argues that "[w]ithout a legitimate government, Somalia's very viability as a state was in question, easing the perceived tension between Article 2.7 of the UN Charter and human rights principles'" (2015: 395). She further notes that "Somalia was a failed state with no sovereign government, and thus no sovereignty to be undermined" and "[b]ecause sovereign authority was absent in Somalia, the Council was able to undertake early forcible military action there in defense of human rights and humanitarian principles" (idem: 396).

5.3.3 Compounding State Failure

The lack of certainty surrounding the sovereign rights of 'failed' states facilitated an initial humanitarian intervention, but subsequently also prevented a successful intervention or even the imposition of a new regime. From the outset, the intervention suffered from a lack of unified vision for a post-conflict Somalia, and the complexity of the situation on the ground. In other words, while the motives for intervention were clear, its intentions were not. Although the professed aim was to facilitate the delivery of humanitarian aid and to stabilise the overall situation, how exactly this would be achieved in the long term. Indeed, whether something akin to regime imposition was a future option was left unclear. Thus, the United Nations insisted on "[r]ecognizing that the people of Somalia bear ultimate responsibility for national reconciliation and the reconstruction of their own country" (UNSCR 794: para. 15). Similarly, George H. W. Bush, in his 'Address to the Nation on the Situation in Somalia' of December 4, 1992, stated that "to the people of Somalia I promise this: We do not plan to dictate political outcomes. We respect your sovereignty and independence" (1992: para. 14). Later, his successor President Bill Clinton (1993 [b]) had yet again insisted that

> [w]e have no interest in keeping any clan or subclan or group of Somalis out of the political process affecting the future of their people. The clan structure seems to be the dominant structure in the country. It is not for the United States or for the United Nations to eliminate whole groups of people from having a role in Somalia's future. The Somalis must decide that with the help and guidance, I believe, primarily of the African states and leadership around them, first of all (para. 29).

However, the mission soon turned from a humanitarian intervention into something which much more resembles the counterinsurgency campaigns of 21st century regime change wars. After one of the many factions in the civil war, General Mohammad Aideed and his Somali National Alliance faction were held responsible for attacks on United Nations personnel (Gordon 1994), the UN and the United States clearly began to perceive General Aideed's forces as the main destabilising, i.e. culpable, factor in the Somali civil unrest. This shift marked a distinct change in the overall intent of the mission. President Clinton confirmed that "the Special Representative of the Secretary General, acting pursuant to Security Council Resolution 837, ordered the arrest of General Mohammed Farah Aideed for alleged criminal

acts against UNOSOM II peacekeeping forces […]" (1993 [a]: para. 5). Indeed, as the former US ambassador, Robert Oakley has noted, "[o]nce events deteriorated to the point where the UN Security Council Resolution was passed and Aidid was clearly the enemy even though it wasn't specified in the Resolution itself, it put everybody in an extremely difficult dangerous situation because confrontation was there" (1995: para. 44). The allocation of culpability to a particular actor transformed the stabilisation mission into a direct *military intervention* which was to be led by the United States. Thus, it has been concluded that ultimately "the intervention was undermined by the lack of strategic coherence and cooperation, but also by the fact that international forces became an active part of the conflict, exacerbating and legitimising the existing factional conflict" (Malito 2017: 291).

In response to the steadily deteriorating security situation, 'Operation Gothic Serpent' was launched to locate and, if possible, capture Aideed in Mogadishu. However, the mission objective's abject failure, and more importantly, the death of United States military personnel in the Battle of Mogadishu led to a complete withdrawal of US forces from the conflict, which caused the collapse of the entire intervention (Lorch 1994). Thus, Stupart asserts that after "the intervention of the United Nations in Somalia in the early 1990s having been a colossal failure in terms of conflict prevention and resolution, precious little effort has been made other than World Food Programme shipments being transported regularly through the pirate-infested waters" (2011: 53), adding that "since the UN's departure in 1995 following the failure of UNOSOM I and II, Somalia has suffered virtually constant civil war at the hands of several clan warlords vying for their own segment of power in the region" (idem: 54). In the absence of a commitment to substantial regime imposition, the intervention in Somalia has been widely regarded as an important failure to act on the ideals of the US-led new world order, and cast doubt on the advantages of liberal interventionism in promoting global stability.

After years of being largely ignored by the rest of the international community during the remaining years of the 1990s, "the notion of Somalia as an area of chaos endangering global security became prevalent after 2001 when the phenomena of radical Islamist movements in Somalia and piracy gained new significance" (Kapteijns 2013: 438). Indeed, in Somalia and elsewhere, "one of the major causes of pandemic violence in the world today is

state failure", as Walzer (2004: [b] 38) has acknowledged. Similarly, Chan (2013: 396) has noted, that "in the 'post-9/11 era', failed states became the 'bogeyman of the international order', looming threats of vastly immeasurable strength that represented the new and uncharted waters of the modern security epoch [...]." Thus, in the context of the War on Terror, interventionist states have increasingly emphasised the threat from the internal conflicts afflicting failed (and failing) states. Failed states' internal conflicts have been shown to attract (frequently radicalised) foreign fighters who can have a long-lasting negative influence on the state's stability as a whole (e.g. Bosnia and Herzegovina; cf. de Roy van Zuijdewijn & Bakker 2014). Furthermore, insurgents and terrorist groups exploit the weakness of the state to launch incursions into neighbouring states or terrorist attack, while to an extent being protected by the sovereignty of their (involuntary) host country, e.g. the *Al Shabaab* militia's presence on Somali territory, or *Al Qaeda*'s collusion with the Taliban government in Afghanistan. Although the notion of state 'failure' should be acknowledged as problematic, it has come to be seen as something that must be contained and remedied by the international community, if necessary by force and through an imposition of 'better' structures of governance, i.e. through foreign-imposed regime change. Since failed and failing states have once again come to be a key concern, Walzer (2004 [b]: 38) states that "there is a sense in which the practice of humanitarian intervention aims to turn the decrease in sovereignty into an increase." Thus, Chan (2013: 408) adds that

> the breakdown envisioned is not of the State (at least, not when considered from a juridical or political viewpoint), but of government and its annexed institutions. When this happens, in cases like Afghanistan, Iraq and Somalia, both the internal and external sovereignty of such governments have been treated as if they are no longer present (or have been substantially mitigated).

Asargued later on, this dismissal of supposedly failed state's sovereignty has important consequences not only in the decision to intervene, but ultimately in perpetuating instability and insecurity through the mismanagement of post FIRC settlements.

5.4 Conclusions

This chapter has added several important clarifications to our discussion of the past decades of liberal FIRC. Primarily, it has argued that while regime change should not be dismissed as impermissible *per se*, there are several important hurdles which must be addressed before a justified regime change intervention can be considered. It was argued that an important distinction between the liability to intervention and that to regime change must be made, where liability to intervention is a necessary, but not sufficient, condition for undergoing an enforced regime change. Instead, a regime's culpability must be based on its intentional violation of its 'duty of care' for the population under its control.

The foregoing pages have established that while states can be liable to intervention through certain impermissible acts, such as internal or external aggression, claims to intervene preemptively or in the name of democracy cannot be considered 'just causes' for intervention. This is important, since as Fiala (2007 [b]: 126) has warned us, a potential "war to defend the idea of democracy abroad can easily end up justifying wars in a variety of places. And since democratization requires regime change, these wars will involve invasion, long-term occupation, and large-scale social upheaval." Overall, then, the imposition of any ideology, even of an ostensibly benign liberal democracy, cannot be considered a 'just cause' for launching a war. A clear refusal to equate Just War Theory with attempts to promote democracy by force has the additional benefit of defending it against potential accusations of being in league with 'Western imperialism'.

As the chapter has indicated, the pivotal regime change conflicts in the Middle East have prompted important questions regarding the demands of the *jus ad bellum*, as in many cases, "a regime's wrongs do not make military action right" (Boniface 2003: 61), in particular when this action aims at deposing and replacing the regime in question altogether. We should be wary of imparting certain moral properties on political regimes. Even if we consider liberal democracy to be the most favourable system in terms of stability and human rights preservation, democratisation should not qualify as the right intent for waging war. A democratic state does not automatically commit morally good acts while an autocratic state is

not in and of itself a moral evil. The strength of Just War Theory is to reserve moral judgments to states motivations and actions rather than their political nature. Since the most vociferous criticism of interventionism (and regime change in particular) derives from the supposed erosion of states' privileges and equal status in the name of supposedly universal Western ideals of humanitarianism, this chapter has sought to outline under which circumstances a regime might be, in terms of the Pottery Barn analogy, 'broken'.

Evidently, a certain threshold is required to minimise the occurrence of too many unjust interventions, and the question arises as to which rights ought to be defensible through intervention. States' representatives regularly declare their unambiguous support for human rights, but their perception on what these rights include and how to ensure them often differs enormously. The chapter has then proposed that the only just cause for a FIRC intervention arises when a regime is culpable, i.e. complicit in the abuse of 'minimal' human rights. This addresses some of the challenges in establishing a benchmark which allows for effective action in emergencies, while at the same time preventing the abuses of power which are all too often seen in state interaction. Agreement upon these basic rights is possible "in the presence of deep theoretical disagreements about their justification" (Boyle 1997: 89). The chapter has argued that in order to undergo regime change, state actors must be deemed directly culpable for human rights abuses, as "it isn't only aggressiveness [...] but also murderousness that makes a political regime a legitimate candidate for forcible transformation. Still, the primary cause of the intervention is to stop the killing; regime change follows from that purpose. An authoritarian regime that is capable of mass murder but not engaged in mass murder is not liable to military attack and political reconstruction" (Walzer 2006 [b]: 104). The sole exception to this rule is found in interventions in failed states. In this context, the challenges and potentially negative consequences of culpability allocation have then been illustrated with reference to conflicts in Bosnia and Somalia in the 1990s. Whereas the Bosnian intervention resulted in a long-term regime imposition, the withdrawal from Somalia compounded its status as a 'failed' state, highlighting the need to clarify actors post-intervention responsibilities (cf. Chapter VII).

In light of the numerous episodes of human suffering in both authoritarian and failed states, it has been argued that "[i]t is a measure of how far just war theory has moved away

from the Westphalian model has focused on whether, on nationalist grounds, he gives too much weight to the presumption of state sovereignty against action to stop unjust regimes" that much of the contemporary debate about Walzer's influential Just and Unjust Wars (Davenport 2011: 523). Ultimately, if we accept that excessive violations of explicitly universal human rights should have consequences on the perpetrator state's sovereign immunity, the international community cannot stand by while its members commit egregious rights abuses. However, it is equally clear that the "use of force - no matter how benevolent, enlightened, or impartial in intent - has dramatic consequences" (Thakur 2013: 61).

Chapter VI: Authority, Legitimacy and Responsibility

Now that the previous sections of the thesis have focused on the threshold for intervention, this chapter discusses the particular responsibility of members of the international community to avoid human rights violations, and even to intervene militarily where needed. If such rightful actions (in the form of foreign-imposed regime change) exist, then there are also appropriate actors who can be held responsible for carrying them out. Consequently, the following pages address actors' authority and legitimacy, and argues that a distinction between states' general and special responsibilities underlines the importance of context in judging FIRC interventions. Thus, Toni Erskine writes that "judgments of moral responsibility must be directed toward entities capable of responding to ethical imperatives. In other words, they must be directed toward moral agents, or those bodies that possess capacities to contemplate, recognize the significance of, and ultimately execute different courses of action" (2014: 118). In following the logic of the Pottery Barn example, this means that since we have established *when* a state may be broken, we must also examine *which actors* can be held responsible for handling the intervention and, perhaps, influence the post-war reconfiguration of the regime. In other words, after discussing *when to intervene*, the next chapter asks *who should act.*

Despite the fact that numerous liberal heads of state and international organizations continue to highlight the importance of global justice and human rights protection, few seem prepared, or able, to take significant steps in acting on these ideals. Indeed, it has been claimed

that "[w]ithout effective military intervention by states willing and able to enforce these rights [...] the rights themselves become meaningless" (Aronofsky 2007: 318). Accordingly, in cases of democide and similarly grave transgressions against 'thin' conceptions of human rights, intervention is often preferable to inaction, and can in some rare cases even pave the way for a justified regime change. Indeed, as McMillan and Mickler (2013: 286) have pointed out, "seeking to protect civilians through on-going cooperation with a genocidal regime, rather than removing it, clearly undermines the effectiveness, if not the very notions, of both the responsibility to protect and combating sovereign impunity." This understanding is also reflected in the ideals of the Liberal World Order which has emerged following the Cold War. In this context, regimes' legitimacy, and consequently states' sovereignty, is linked to their cooperation with this order. If they do not comply, for example by exhibiting internally aggressive behaviour, they can become liable to forcible intervention by, or on behalf of, the 'international community'.

The resulting debates about humanitarian intervention, and the inevitable parallel discussions about FIRC, raise questions regarding states' legitimacy and their global responsibilities, as well as the role of the UN Security Council in authorising armed intervention. Orford has noted that "[t]hroughout the 1990s, international executive action in response to humanitarian crises expanded dramatically. With that expansion in the scope and complexity of international operations, it became clear that existing political and legal concepts could not fully grasp the nature of this form of rule or address the questions about legitimacy, authority, and credibility to which it gave rise" (2013: 98). There have been numerous 'humanitarian' interventions since the end of the Cold War, both "those authorized as exceptional Chapter VII missions by the Security Council and those that continue to defy authorization, such as the U.S.-led invasions of Afghanistan and Iraq" (Denike 2008: 96). A lack of UNSC backing is not in itself cause for condemnation, however, as it is also the case that

> meaningful outside military interventions in genuine humanitarian emergencies (as in Cambodia, East Pakistan, Uganda, and Haiti) have been conducted very effectively on behalf of the 'international community' by unilateral actors and regional security organizations. By contrast, as in Rwanda and initially in Bosnia, the United Nations, as

the putative representative body of 'the international community', has not been nearly as effective as these unilateral and collective regional actors in rising to the challenge that humanitarian intervention imposes (Lucas 2003: 126).

6.1 The 'Legitimate Authority' Requirement

In potential cases of an ostensibly 'humanitarian FIRC', debates on agency unsurprisingly raise the question as to whether it even truly matters *who* acts in global emergencies. Walzer's point that 'whoever can' act in halting massive rights abuses should in fact also do so (2017) is appealing. Nonetheless, it ultimately clashes with the classical Just War tradition's aim to restrict the number of actors who can justifiably use lethal force, and so avoids important concerns about the nature of legitimate agency. The Just War Tradition has long held that a 'legitimate authority' must be present to engage in warfare.[68] Although their conflation is common, the legitimacy and authority concepts are ultimately not entirely identical. As will be argued, the authority to act implies a sense of moral (and often legal) eligibility for action, whereas legitimacy is derived from the nature of the intended act. Thus, the thesis addresses the demand that actors must fulfil the requirements of both the 'authority' and 'legitimacy' to engage in armed conflict. Ultimately, the aim is again to *limit*, rather than expand, the pool of potentially acceptable belligerents.

Actors in possession of authority are considered to be capable of moral agency, and Parry notes that possessing authority "means that one's belligerent activities are 'eligible for justification" (2017: 170).[69] Many of the early iterations of Just War Theory derive temporal authority from the eternal authority of God. Traditionally, only 'Princes', and later, the regimes of sovereign states are held to be invested with the authority needed to conduct war. In the more recent past, actions by international organisations such as the UN and NATO are

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[68] Pabst (2007: 738) has for instance written that any "truly just war requires [...] a genuine cause and a rightful authority."

[69] While the Just War Theory continues to play a crucial part in interrogating the ethical implications of such use of force, "there is no explicit discussion of multinationalism or of moral cosmopolitanism in the treatment of 'right authority' in the classical just war tradition" (Lucas 2003: 127).

generally considered to ultimately derive their authority from that of their state members.[70] This also means that in the current state-centric system, nongovernmental organisations are excluded from this moral agency: the various non-state agents which are part of the international sphere (multinational companies, terrorist groups etc.) are not generally seen as 'qualified' to engage in war.[71] This restriction of international authority to states and to the organisations they have established is not universally accepted. Many revisionist scholars "conclude that the authority requirement lacks moral foundations" (Finlay *et al*. 2017: 167). Cecile Fabre's 'cosmopolitan' conception of authority, for instance, includes calls for a radical broadening of the number of actors with the authority to declare and wage war. She criticises the prevalent state-centrism's supposed clash with the cosmopolitan ideals which underpin our understanding of humanitarian intervention, even arguing up to the conclusion that "a cosmopolitan account of the just war must renounce the requirement that a war be declared by a legitimate authority in order to be just" (2008: 968).

However, in outlining the agents of FIRC this chapter argues that the 'state-centric' view of international authority should be retained. Given Just War's widely-acknowledged aim to limit the number of (unjust) wars and regime changes, broadening or even eliminating the need for legitimate authority inevitably muddles an already complex debate, and ultimately has the potential to precipitate more, rather than less, conflict. The prominence accorded to the requirement of authority is meant to *reduce* the number of those capable of permissibly waging wars to select actors, i.e. the international community and the individual states which constitute it. In addition, any intervention, and especially one which aims at regime change, is unlikely to succeed without actors which are capable of such a commitment. In the case of regime removal

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[70] In the 21st century, agency is not exclusively limited to individual states: Toni Erskine (2014: 120) contends that "one might argue that most states and many intergovernmental organizations (including the United Nations and, perhaps, some regional alliances of states such as NATO and the Arab League) possess the sophisticated, integrated capacities for deliberation and action that allow them to qualify as institutional moral agents."

[71] In contrast to most Just War approaches, "in international law, there is no single overarching concept of authority to use military means. Instead, there exists authority to do different things for different purposes, allocated to different actors who base their authority on different characteristics (state legitimacy, level of representativeness, military power, or control)", as Wrange notes (2017: 208).

and a subsequent imposition, only states have the resources required for intervention.[72] This is the case because

> the victims of internal conflicts and egregious violations of human rights - marginalised, excluded, often persecuted - have little capacity to hold their national authorities accountable. Only the international community - including subregional, regional, and international organisations - has the leverage and clout to persuade national governments and other concerned actors to discharge their responsibilities in this regard, or otherwise face the consequences of the vacuum left by irresponsible or unresponsive sovereignty (Deng 2010: 370).

Whereas both state actors and international organisations have the potential *authority* to act, they do not necessarily possess the *legitimacy* to do so. The basic premise discussed earlier, namely that actors have a responsibility to halt atrocities, logically entails that there is a 'pool' of potentially legitimate agents unto whom this responsibility can be allocated in times of crisis. Reus-Smit writes that "[w]hen we describe something as legitimate we are saying that it is normatively acceptable; that it is consistent with our established beliefs about rightful agency and action" (2014: 345). Consequently, in assessing legitimacy in FIRC, it is tied both to actors' motives and intentions, and to the underlying 'just cause' for action, but is also more generally applied to the legitimate nature of states.

As indicated earlier, contemporary views of legitimacy are best understood within the context of a global order, which is embodied in the notion of an international community. Thus, as Clark writes, "just as there is no concept of legitimacy outside of community, it can equally be held that a community does not exist without its own sense of legitimacy" (2003: 80). The contemporary Liberal Order is built on the influential notion of a legitimate international community of states, which "is presumed to possess agency, the ability to act in the world. Moreover, this agency is often assumed to be explicitly moral, insofar as a characteristic usage is to suggest that the international community has a moral duty to do such-and-such - come to the aid of famine victims, protect the human rights of the East Timorese, or whatever" (Brown

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[72] Kurth (2006: 90) clarifies that "[t]he possible military forces have varied from standing expeditionary forces (e.g., the military forces of, again, the United States or Britain), through temporary coalitions of similar military forces under the leadership of one of them (e.g., the NATO forces in Bosnia and Kosovo), to ad hoc multinational forces composed of disparate military units drawn from several different states (e.g., the UN peacekeeping forces in the initial phase of the interventions in Somalia, Bosnia, and Sierra Leone)."

2001: 87) and, as Denike has noted, "the apparent willingness of the so-called 'international community' to affirm the aspirations of human rights is truly exceptional" (2008: 96). The United Nations, its Security Council, and its various agencies are often seen as the chief 'representative' of this international community, and accordingly, they are often ascribed a particularly powerful sense of both legitimacy and authority.

6.1.1 The United Nations and the UN Security Council

The year 2020 marked the seventy-fifth anniversary of the founding of the United Nations. In the decades since its establishment, both its expectations and its ambitions have shifted. Some early proponents of the United Nations system had expected "that by absolutely prohibiting the use of non-defensive force, the UN Charter would usher in a new era of peaceful relations among states, in which force would no longer be necessary to maintain that peace. Furthermore, it was thought that peace itself would foster the conditions necessary for justice to flourish" (Brown 2011: 125). While this sense of global justice evidently proved to be elusive throughout the Cold War, Everett notes that "[t]he 1990s opened with great optimism about the UN's capacity to improve international peace and security absent the constraints of the Cold War superpower competition" (2019: 259). Thus, any intervention would ideally be sanctioned by a UN Security Council now supposedly 'freed' from its Cold War deadlock. Indeed, "after the Cold War", Kinacioglu writes, "with revitalization of the Security Council, the Security Council authorized collective action to restore democratically elected government in two cases - Haiti and Sierra Leone - whereby it determined the existence of a threat of international peace and security" (2012: 41). The multilateral nature of UNSC decisions is amplified by "[t]he classic argument in favour of *multilateral* approval [which] holds that it is desirable because it signals compliance with widely-accepted international norms and comes close to expressing the 'general will' of international society" (Recchia 2017: 52). These presumed advantages of the UNSC system have also influenced more recent developments, including the Responsibility to Protect.

It is evidently not the thesis' aim to be drawn into the wider debate about the particular strengths and faults of the current United Nations system, or indeed about its future capacity for global peacekeeping. However, when discussing intervention and the legitimacy required for a potentially just FIRC, we cannot help but acknowledge that the UN's successes are often overshadowed by its failure to prevent war and human suffering, giving rise to increasing criticism of the United Nations system in general and the Security Council in particular.[73] Despite its ambitions, the UN "sometimes pretends that it already is what it has barely begun to be" (Walzer 2006 [a]: xx). Thus, it continues to rely on member states to take up the burden of intervention, including FIRC, while conferring upon them the legitimacy of acting in the name of the community. This includes the possibility of actors acquiring legal legitimacy after acting by forms of *ex post facto* Security Council legitimisation (Kassab 2017). However, this 'delegation' of authority has also been criticised more recently, especially in relation to its reliance on NATO. As Carati (2017: 299) notes, "[t]he practice of 'delegated authority' by the UN was consistent with another normative change: a reinterpretation of the Just War theory that saw the normative requirement of the Right Authority fading in favour of other criteria including just cause, right intention, proportionality, prospect of success." He goes on to argue against this reinterpretation and the increased role played by NATO, and rightly states that "[e]ven when acting according to a Security Council resolution, NATO is not an executive branch of the UN. The Alliance is not accountable to it, it cannot be sanctioned by it and arguably, the UN does not have the power to detail or withdraw the mandate" (idem: 301).

What is more, it has often been the Security Council itself which has been the target of sustained criticism, especially for the perceived inaction or deadlock of the UNSC in humanitarian emergencies, including where foreign-imposed regime change would have been a possibility. Since effective UN action rests on Security Council agreement, it is clear that the need for UNSC approval constitutes the 'Achilles Heel' of many potential interventions. For example, Pabst (2007: 738) has pointed out that while "in principle, the United Nations is the only credible vehicle for these endeavours [...] an unrepresentative Security Council is at the mercy of the major nations who may veto any majority action. National self-interest can thwart

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[73] Indeed, "the Security Council's failure to act effectively, for years in the former Yugoslavia, and with devastating consequences in Rwanda, drew much more criticism than its authorization of peacekeeping actions in troubled societies ranging from Angola and Mozambique to Guatemala" (Buchanan & Keohane 2011: 49).

collective global justice. In the absence of majority voting within an expanded Security Council, the UN (like NATO) remains fatally hidebound by its veto-wielding members." Etzioni has added that it would be "hard to regard a body as legitimate when its ruling can be vetoed by any of the five permanent Security Council members" (2006: 82).[74] However, even in cases where the veto has not been used by its members, the UN Security Council, and by extension the UN itself, have failed to prevent mass atrocities where intervention and even regime change would have been justified, as is illustrated by the now-infamous case of the genocide in Rwanda.

6.1.2 Failure to Act: The Rwandan Genocide

The Rwandan Genocide has been described as "the most murderously efficient bout of mass killing in the twentieth century" (Berdal 2005: 117), ultimately involving the loss of hundreds of thousands of lives. The ruling Hutu government and its allies clearly fulfilled the requirements of culpability established earlier, and thus rendered themselves liable to removal and replacement in order to halt the large-scale killings. The failure to act in Rwanda is routinely considered to have been a grave mistake, and an occasion where the international community would have had a particularly clear mandate not only for armed intervention but for actions amounting to a forcible regime change. The regime was clearly culpable for violating its duty of care, and while 'counterfactual' considerations should be treated with skepticism, earlier and more robust action by the United Nations against the regime in Rwanda would likely have forestalled at least some of the mass killings.

Although the simmering tensions in the country were a direct legacy of its colonial past,[75] neither former colonial powers nor other leading states appreciated the significance of

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[74] Of course, the veto system had been created in the context of an emerging Cold War, and arguably continues to play a role in avoiding great power confrontation and in minimising the chance of unjust wars. Nonetheless, as is argued later in this chapter, in cases of obvious human rights abuses the P5 have the duty to uphold the commitments to human rights which they have made upon the creation of the Security Council.

[75] Pieterse (1997: 82) has summed up the origins of the conflict by arguing that "differences between Hutus and Tutsis had been fluid and fuzzy - at one stage they amounted to no more than the number of cattle in a family's possession. But they were frozen into a "tribal matrix" during the period of German colonialism and particularly during the Belgian mandate period from 1916 to 1960. Identities were fixed, and fuzzy communities transformed into sharply delineated communities, through the issue of tribal identity cards, a practice continued after Independence."

the developments towards open and increasingly violent conflict between ethnic groups, and the UNAMIR peacekeeping force failed to stabilise the situation and prevent the slaughter. From the start, "the early UN presence did not have the right mandate. There is no reason to assume that greater capacity without improved political analysis and appropriate mandates would make a difference, other than making matters proportionally worse (Pieterse 1997: 89). Even when it became clear that large-scale killings were a clear prospect, Simon argues that "there was practically zero support among the P5 for more robust UN peacekeeping engagement. Russia and China were tepid, at best, towards the very concept of multilateral interventions, wary of allowing operations that seemingly allowed Western powers to challenge global norms of sovereignty" (2020: 204).

Ultimately, the international community which was emerging in the post-Cold War era failed to commit decisively to protect civilians, which in turn severely damaged the UN's position as a principal advocate of human rights.[76] While a few years later, then-Secretary General Annan "claimed for the first time that the principle of neutrality was overcome by the necessity of dealing with humanitarian crises in a more active way: 'Impartiality does not - and must not - mean neutrality in the face of evil" (Malito 2017: 283), the UN itself has done little to adequately address the concrete problems which have lead to its past inaction. Of course, a focus on failure to the failure to halt the genocide in Rwanda has also played a role in the development of the R2P. However, the "RtoP requires that the use of force or other forms of coercion to protect populations from genocide and mass atrocities be authorized by the UN Security Council" (Bellamy 2014: 172) and ultimately faces similar concerns surrounding the UNSC both in termsof inaction and its members' veto powers. Thus, as Simon (2020: 213) states, even today the Security Council

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[76] It is interesting to note that in the aftermath of the conflict, several political parties have been banned by the government in attempts to cement an 'internal' form of regime change. Niesen (2010: 709) notes that "The first wave comprises the immediate post-genocidal bans on the former state party Mouvement Révolutionnaire Nationale pour le Développement (MRND) and the radical Hutu party Coalition pour la Défense de la République (CDR) in 1994. The second wave consists of a single case, the outlawing of the formation of a new party, Party for Democracy and Regeneration (PDR) 'Ubuyanja', in 2001. In a third wave, the largest opposition party, Mouvement Démocratique Républicain (MDR), was banned in 2003 and a successor organization barred from registering in the upcoming elections."

is unlikely to authorize either a protection-driven intervention mission or a punitive procedure. So long as the country in question can claim a measure of friendship with one of the five veto-holding permanent members, it will neither be prevented from nor held accountable for the commission of atrocity crimes. As much as the R2P framework attempts to spell out criteria and procedures for intervention, it does nothing to address the issue of will. It fails to produce a case for a country to subsume even relatively minor national interests to a logic of joint collective action in the name of civilian protection.[77]

The many violent political events and widespread human rights abuses which have occurred since the end of the Second World War clearly illustrate that the "Security Council rarely acts effectively in crises, not only because of the veto power of its leading members but also because its members do not have a strong sense of responsibility for global security, for the survival of minority peoples, for public health and environmental safety, or for general well-being. They pursue their own national interests while the world burns", as Walzer has noted (2011 [a]: 75).

6.1.3 Legitimate Action beyond the UN

The widespread notion that the UN is often either unwilling or unable to act efficiently, has prompted Kurth's (2006: 90) assessment that "the political authority with the greatest legitimacy among the widest number of states is the UN. However, almost any proposed humanitarian intervention is likely to be viewed by one of the five permanent members of the UN Security Council as a threat to its particular interests [...] and the proposed intervention will likely be vetoed. Thus, the most legitimate political authority is also likely to be the least efficacious one." However, "there is no essential, normative moral principle that one can cite from the standpoint of JWT to confirm the United Nations' (or any other collective entity's) place as the sole legitimate exemplar of the 'international community'" (Lucas 2003: 130). As the debate about the legitimacy, authority, and even a potential duty to act in human rights emergencies continues, the thesis argues that in such cases where resolutions are vetoed due to

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[77] This strongly affects the Responsibility to Protect, as "the most widely accepted proposals for RtoP still require Security Council authorization for forceful intervention, and strictly limit the conditions under which such intervention may take place" (Buchanan & Keohane 2011: 41).

competing national interests, or where the members of the Security Council are simply too slow to act, the moral legitimacy of intervention should trump the Security Council's authority.

Clearly, interventions without UNSC authorisation are not without precedent. Indeed, "the examples of India in Pakistan, Tanzania in Uganda, Vietnam in Cambodia, the United States in Haiti and Somalia, and some NATO states (acting on behalf of all European nations) in Kosovo all collectively indicate that the importance of seeking prior approval of 'the international community' diminishes to the point of vanishing if the humanitarian tragedy is sufficiently grave" (Lucas 2003: 127). For example, the "intervention in Kosovo, undertaken following decisions by NATO, has been referred to as legitimate but illegal, because while many have deemed it morally appropriate, it was not approved by the UN" (Etzioni 2006: 82). Thus, waiting for UN Security Council approval is morally unacceptable in the face of ongoing killings. Thus, while "it is argued that there is no exception to the requirement for UN authorization [...], some suggest that this obligation is not absolute in cases of exceptional humanitarian emergencies" (Badescu 2007: 52). This is in accordance with Roth's assessment that "in extreme situations, Council approval should not be required. In its current form, the Council is too imperfect to make it the sole mechanism for legitimizing humanitarian intervention" (2006: 91). This means that alternative actors possess both the authority and the legitimacy to act. If Security Council authorisation for intervention against a regime is not forthcoming, the legitimate authority to act should be found elsewhere. There are essentially two alternatives: multilateral or unilateral action carried out by sovereign states. Multilateral action likely takes the forms of either established international organisations or *ad hoc* coalitions. Erskine notes that alliances have repeatedly acted militarily without United Nations authorisation, in the form of 'coalitions of the willing', i.e. "self-selected (and often self-authorized) constellations of states and sometimes nonstate and intergovernmental actors (including, for example, nongovernmental organizations and regional alliances of states, respectively) that come together to respond to a specific crisis and [...] act outside the control of any formal, overarching organization to which they might already belong" (2014: 121). On a more practical level, actors are likely to be more enthusiastic about risking regime change intervention if they do not have to shoulder all burdens themselves (e.g. Wolford 2015; Mansoor & Murray 2016). By joining a coalition, a state is not only able to spread the risks and

costs associated with intervention, but may also be swayed by the sense of legitimacy which multilateral action suggests.

6.1.4 Regional and Unilateral Action

The interventions by the US and NATO in the past three decades have repeatedly raised concerns about the supposedly 'imperialistic' nature of regime change wars whereas UNSC deadlock has repeatedly prevented effective action. One alternative which can assuage these concerns is a renewed focus on the role that regional organisations can play in ensuring stability and security, but also their role in halting neighbouring regimes which are culpable for rights violations. Thus, as, Badescu suggests, "instead of lamenting that interventions can only take place when the Council authorizes them, we should regard regional organizations as legitimate alternatives to UN authorization when the Security Council is at a deadlock" (2007: 74).[78] It has for instance been claimed that the most effective actor in such a situation would ideally be

> a regional organization directing a standing, modern military force whose units are drawn from the region. As an example, the EU, the organization with the greatest potential capability in this regard, could direct a standing force drawn from its member states that would be available to intervene [...]. The organization that could address the greater potential need would be the 53-member African Union, if it developed a standing force equipped and trained up to modern standards, which would require substantial financial and logistical support from the EU and the United States (Kurth 2006:101).[79]

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[78] It is important to note that this focus on regional actors as *alternatives* to the UN system is conceptually different from the periodic co-option of regional organisations by the UN. This latter understanding is expressed by the assessment that "[s]ince the end of the Cold War, the demands placed upon the UN for peace support operations have increased to the stage where a further development in the nature of peacekeeping deployment has been necessary to offset the UN's over-stretched capability. This has resulted in the emergence of a possible new paradigm in the mechanisms of collective security which has seen the delegation of peacekeeping/ peace-enforcement operations to regional organizations and defence alliances" (Dee 2001: 1-2).

[79] Similarly, it has been noted that "[a]ssuming adequate consensus among Security Council members on the purpose for any intervention, the United Nations provides the most suitable institutional framework for most nation-building missions, one with a comparatively low cost structure, a comparatively high success rate and the greatest degree of international legitimacy. Other possible options are likely to be either more expensive, for example, US, European Union or NATO-led coalitions, or less capable, for example, the African Union, the Organization of American States, or ASEAN" (Dobbins 2004: 100).

Part of the appeal of regional coalitions and organisation involves the 'proximity criterion': their geographical, and potentially cultural, proximity means that regional organisations are likely better placed to engage in 'monitoring' their immediate neighbourhood and are aware of human rights violations much earlier than the wider international community, allowing them to act more efficiently. In addition, they may also have a better knowledge of the offending regime and its weaknesses. Finally, regional organisations likely enjoy more legitimacy in the opinion of the people on behalf of whom they claim to act in cases where it does come to regime change. This prevents the controversy attached to 'Western' interventions. Consequently, it has been noted that "Walzer sometimes favors the proximity criterion: humanitarian intervention is 'probably best carried out by neighbors'" (Davenport 2011: 526). Other authors have also emphasised regional actors' potential. Glanville (2013: 340) addresses regional organisations and their relation to the universality of human rights, stating that

> [t]he tentative shift toward reliance on the opinions of regional organizations in international deliberations about civilian protection points to the fact that, while the society of states is global in scope, different regions interpret different norms and values in different ways. Willingness to be guided by regional opinion would seem to be one way of attempting to uphold universal norms and values in such a pluralist world. [...]. While regional differences may well demand respect, the efficacy of this cautious shift toward accepting that regional opinion should guide international action will be at least in part dependent upon the extent to which regional organizations can consistently respond to crises in ways that facilitate timely and decisive action to protect civilians from mass atrocities.

Nonetheless, regional organisations are not a 'solution' to problems of agency as such. Indeed, regional action "is currently a dead letter in international relations; there is little operative expectation based on proximity. Our experience in Bosnia and Kosovo should be decisive in showing that proximity criteria will not solve the collective action problem" (Davenport 2011: 526). Thus, it has been argued that

> [t]he question is ultimately one of designing international institutions that combine both 'legitimacy' and 'effectiveness.' None of the currently favored mechanisms for stabilization through the use of force manage to combine legitimacy and effectiveness in satisfactory ways. These defective mechanisms include the Charter system itself, the use of regional security alliances such as NATO, and ad hoc 'coalitions of the willing'

led by the United States. Pending a satisfactory solution to the problem of designing an acceptable international regime governing the use of force, the United States' policy of acting 'multilaterally if possible, [but] unilaterally if necessary' will and should continue to be followed (Delahunty 2007: 872).

Thus, the challenges of collective action have seen the continued occurrence of unilateral agency by states, in response to humanitarian and security crises, but also in pursuit of controversial forcible regime change interventions in the course of the 'War on Terror'. While a potential 'right' to unilateral intervention without UNSC approval, humanitarian or otherwise, has remained "highly controversial" (Williams 1999 [a]: 3), the United States' desire to never again allow attacks similar to 9/11 has prompted an all-encompassing attempt to confront the opponents of the US-led world order. Successive US administrations have taken the view that in order to defend international 'law and order', it may be necessary to break the very rules it is built on, including the violation of state sovereignty in pursuit of regime change. This has cemented the conviction that "that there can be exceptions it must pursue in its own interest—a notion embodied in the famous formula 'multilateral if we can, unilateral if we must'" (Boniface 2003: 70). What is more, O'Driscoll notes that authors like Elshtain have argued that "the United States must assume the lion's share of responsibility for the maintenance of law and order in the post-Cold War era. In terms designed to echo Saint Augustine, Elshtain declared that this is the burden of American power in a violent world" (2006 [b]: 387).

Of course, unilateral action remains problematic, not solely because of its occasionally 'imperial' undertones, but also because such "actions undermine the ideal of collective security and feed the pessimism of those who harbour concerns about the normative capacity of the UNSC to constrain the hegemon" (Morris & Wheeler 2007: 229). What is more,

since the U.S. experience in Iraq and Afghanistan, strong democratic nations will be even more hesitant to respond to humanitarian emergencies without a prior guarantee of wide multilateral support. Unless an institution capable of generating that kind of guarantee is in place before the crisis arises, it is unlikely to materialize in time. The same goes for proposals to divide responsibilities among strong nations by region, by historical connections, or by anything else. Without a clear prior consensus on who is responsible and sufficient assurance of broad international support, inaction is likely (Davenport (2011: 525).

Ultimately, compared to either UN-led interventions or the actions of regional organisations, unilateral action is the least preferable option, especially since "the use of disproportionate unilateral force outside the auspices of the UNSC, particularly in support of one party to a conflict leading to regime change, does not alleviate the suffering of the population but risks precipitating the country into a full-scale civil war" (Averre 2015: 823).

Nonetheless, although in principle, a Security Council consensus is the optimal outcome, this is not always the most realistic expectation, of course. A certain pragmatism is unavoidable in judging interventions, and the Just War approach has long recognised that truly unambiguous situations are rare indeed, and that the best which mankind can aim for is an approximation of (divine) justice. As Pabst has noted, from the early beginnings of the Just War canon, including "[f]or the Church Fathers and medieval theologians, 'just war' was a matter of practical judgement" and not just of abstract theology (2007: 723). This practicality must also guide our views on cases of regime change wars. Nonetheless, this leaves us in an ambiguous situation. Given that so many actors are *potentially* legitimate, interventions cannot be qualified as just or unjust based solely on the actor's identity. Indeed, as Orford has stated, "the question whether any actor – whether the UN, the US, or a coalition of the willing – can act both as the representative of collective conscience and as the guarantor of peace and security remains an open one" (2013: 104).

Some of the many ambiguities of international action beyond the 'legitimate authority' criterion can be addressed by a more detailed focus on the concept of international responsibility. Walzer emphasises that "[i]nternational humanitarianism is an imperfect duty. In any crisis situation, different states are capable of acting, but no single state is the designated actor" (2011 [a]: 78), and the same is true for regime change missions. This highlights the problems in "reconcil[ing] the complex institutional duties prescribed by international law with the more primitive, noninstitutional, duties of common morality" (Nardin 2002: 70). Thus, when addressing questions of responsibility, we must clarify not only who *can* act, but who *should* do so.

6.2 Global Responsibilities to Act

Bain (2010: 30) has argued that "it is with reference to responsibility that expressions of praise and blame are communicated; and to that extent the idea of responsibility and the related concept of accountability are deeply entangled with judgements that interrogate conduct in light of expectations presupposed in shared normative standards." At the same time, however, it is not always clear what this responsibility entails in an international context. Wheeler has emphasized that any "notion of common humanity/human solidarity is diametrically opposed to the statist paradigm which is predicated on the contention that state leaders and citizens do not have moral responsibilities or obligations to aid those beyond their borders" (1997: 10). Indeed, it may be difficult to find an agent who is disinterested, yet also willing to take significant risks in launching a military intervention. Altruism and *raison d'état* do not always go well together. Even though Walzer (2004 [b]: 37) has claimed that "whether to intervene is a decision determined by the perception of human suffering", it is clearly the case that the presence of suffering alone is often not enough to persuade states to act, let alone engage in regime change interventions, especially since he later states that "the lives of foreigners don't weigh that heavily in the scales of domestic decision-making" (Walzer 2006 [a]: 101 - 102).

Unsurprisingly, states tend to act in ways that benefit them, and often avoid actions which are detrimental to their interests. Regime change is particularly costly, risky, and often offers little tangible reward even if it succeeds. Whilst it is not surprising that "[m]ost states do not self-identify as 'cosmopolitan' and are bound to place their own interests – and those of their populations – above those of outsiders" (Bellamy & McLoughlin 2019: 343), such statements obscure the fact established earlier that global responsibilities to stop human rights abuses have become an integral part of the liberal world order's self-understanding. The humanitarian discourse emerging since the Cold War has expressed the notion that in emergencies, halting human rights violations is not only a question of (moral) *authority* to intervene in sovereign states, but also of moral and political *responsibility*, both for international organisations and for individual states. For instance, as US President Clinton had stated in 1999,

[i]t's easy, for example, to say that we really have no interests in who lives in this or that valley in Bosnia, or who owns a strip of brushland in the Horn of Africa [...]. But the true measure of our interests lies not in how small or distant these places are, or in whether we have trouble pronouncing their names. The question we must ask is, what are the consequences to our security of letting conflicts fester and spread. We cannot, indeed, we should not, do everything or be everywhere. But where our values and our interests are at stake, and where we can make a difference, we must be prepared to do so (quoted in Klare 1999: para. 8).

Nonetheless, the 'responsibility' label which has become a significant part of the 'liberal' narrative of 20th and 21ˢᵗ century International Relations is often used in a rather non-binding sense. Indeed, it often implies little positive duty to act. After all, engagement in international action remains voluntary. Thus, whereas states may acknowledge their responsibility to protect etc. in the abstract, this responsibility is not, indeed often *cannot* be, enforced by other members of the international community if states fail to act. What is more, the 'Responsibility to Protect' paradigm discussed earlier does not do enough to further locate this responsibility in any one actor. Rather, it envisages the international community as a whole, i.e. all actors constituting it, as the bearers of responsibility. Accordingly, all states are in principle equally responsible both for their own conduct and for discouraging unacceptable behaviour by other states' regimes. The key challenge regarding the current responsibility discourse can be stated as follows: an overgeneralised conception of responsibility makes it all the more difficult to identify one or multiple legitimate actors.

Conversely, it stands to reason that certain actors can, on occasion, be *more* responsible than others. Moreover, an agent's responsibility is context-specific, for instance when its responsibilities depend on the sort of historical or legal ties it has with another state. The following pages highlight this by focussing on the notion that different actors in the international order will likely have different 'types' of responsibility regarding regime change interventions, suggesting an important distinction between a generalised idea of responsibility on the one hand, and obligation and duty on the other.

6.2.1 Facets of Responsibility: Obligation-Duty Distinctions

"Conceptual differentiation of aspects of responsibility is essential to bring clarity and open up space for articulating concepts that are more adequate for practice," as Visoka and Doyle have rightly stated (2014: 688). This important distinction is best understood as one of 'general' and 'special' responsibilities, respectively. A general responsibility (as is reflected in the Responsibility to Protect framework) has been described as "one held by all members of a social order, or by all participants in a particular regime of social cooperation. The responsibility not to kill is a general responsibility […], just as the responsibility not to commit aggression is a responsibility of all of today's sovereign states. Special responsibilities, in contrast, are held only by select members of an order" (Reus-Smit 2014: 354). The two primary incarnations of these special responsibilities can be termed 'duty' and 'obligation'. Although they are clearly closely linked, these distinctions each have a different connotation with regards to regime change discourse.[80]

Of course, it is true that "there are shades of linguistic meaning complicating these definitions, and a global discussion of the issue necessarily involves trans-cultural interpretations and evaluations of the concepts", and that "concepts of duty, obligation, and responsibility are deeply embedded in the diverse historical, cultural, social, political, and ethical contexts in which they arise" (Saul 2001: 582). Although they are generally treated as near-synonymous in day-to-day usage, the differences between these terms are as subtle as they are important. The distinction can be more readily apparent in other languages, such as in the approximately equivalent German terms of *Verantwortung, Pflicht,* and *Verpflichtung,* respectively.

The suggested distinction between responsibility, duty, and obligation can be summed up as follows: the generalised concept of Responsibility applies to all states equally, regardless of their status, history etc. Unlike such 'generic' forms of responsibility, duties are always context-specific, or as Miller has stated, "prima facie duties point us in the general direction of

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[80] Of course, it is important to note that often,"[d]efining and allocating special responsibilities does not obviate legal sovereign equality; it overlays such equality with a mode of hierarchy that has benefits for materially strong and weak actors alike" (Reus-Smit 2014: 356).

what is morally correct, but what is *finally* imperative may differ, depending on a fuller account of the situation in question" (1996: 47), and the same is evidently true for states' obligations. The variety of potential duties and obligations highlight that even though there is a large pool of potential regime change actors, there are often specific actors to which our expectations of responsible action should be directed. Indeed, when actors fulfill their special responsibilities, this likely increases the legitimacy of their actions.

The term 'duty' (the German *Pflicht*) conveys a sense of morally compulsory behaviour which exists regardless of particular circumstances. The term also suggests the existence of an overarching moral framework to which actors are bound by their very nature. The aforementioned 'duty of care' is intrinsically tied to the contemporary common understanding of sovereign statehood, is an example of this. More importantly, it raises the question whether a responsibility to safeguard human rights abroad also entails a positive duty to do so. This is less unthinkable in the supposed 'age of intervention' and of the R2P than it had been previously. Lango (2001: 183) has for instance suggested that

> among the prima facie obligations of nonmaleficence there is a prima facie obligation not to extremely violate basic human rights. Because of the great importance of human rights - and especially because of the qualifications "basic" and "extremely" - this prima facie obligation is most definitely sufficiently strong. Therefore, by applying the intervention principle, we determine that there is a prima facie obligation to stop people from extremely violating the basic human rights of other people. And so there is, in particular, a prima facie obligation to intervene to stop mass killing.

If the supposedly global human rights have any substantial meaning beyond mere rhetoric, states not only have the responsibility to uphold the rights within their own territories, but also a positive duty to monitor other states' human rights regimes and, if necessary, to act in order to halt rights abuses. Regarding humanitarian intervention, Davidovic has succinctly argued that "permissibility implies obligation" (2008: 137). Employing the concept of a 'minimally decent Samaritan', she claims that "if all just war conditions have been met, then an intervention is a minimally decent action and is obligatory" (idem: 140) and accurately states that "there seems to be something odd about human life has so much worth that one can breach sovereignty when innocents are dying, but that on the other hand there is no requirement to do

so" (idem: 141). Consequently, it appears "is inconsistent to simultaneously claim that there are negative duties when it comes to human life, but that the concomitant positive duties […] are not binding" (idem: 141).

Various origins for these duties have been suggested. James Pattison (2013 [b]), for example, has given several arguments in support of duties to act under certain conditions. While his 'negative duty argument' (based generally on Pogge's arguments to that effect) and 'correlation argument' are not entirely convincing, his 'positive duty' argument relates to our earlier defence of basic human rights. He states that "positive duties stem from the basic premise that we possess duties to those beyond our borders simply in virtue of their common humanity (e.g. their universal human rights or moral equality) […]." He also posits that "we have duties to undertake humanitarian intervention in virtue of the common, global institutional background that establishes principles of justice" (idem: 571). This background also affects duties incumbent on the UN and the UNSC. One is an 'institutional' duty which allows others to act. For instance, this means that the UN arguably has a duty to authorise humanitarian intervention, or at least giving retroactive authorisation to an ongoing intervention to give the war a legal basis. Another variation of this logic is found in discussions surrounding a potential duty incumbent on UNSC members to avoid using their veto in cases of humanitarian emergencies. For instance, such a 'Responsibility not to Veto' or 'RN2V' "has been advanced as one of the mechanisms that can operationalise the notion of the R2P, particularly this notion's third pillar which calls upon the international community to react in a timely and decisive manner, through the Security Council, when a state manifestly fails to protect its populations from mass atrocities" (Essawy 2020: 300). Indeed, the notion "that the P5 should voluntarily refrain from using their veto in the event of atrocities developed after NATO's Kosovo intervention (1999), and was revived with the war in Syria (since 2011)" (Vilmer 2018: 331). Such a duty would be in line with Davidovic's earlier arguments. If the Security Council has a duty to act in cases where action would be *permissible*, even if this might conflict with their own political agendas, this clearly includes a 'lesser' duty to avoid blocking others' actions. Nonetheless, the implementation of such duties is hindered by the reality that "the P5 have blocked practical attempts to introduce any restraints on veto rights" (Essawy 2020: 301).

Beyond such potential institutional duties, individual states also have duties which are the result of a historical or cultural bond e.g. the relationship between former imperial powers and their now independent former colonies. Consequently, historical acts of oppression and exploitation conceivably results in a 'duty to redress past injustices', such as providing foreign aid or paying reparations for slavery, obviously in combination with a more general responsibility to prevent similar forms of exploitation in the future. Duties are overarching responsibilities which can in principle last indefinitely, and which exist regardless of whether oral or written commitments are made. This sets the concept apart from another form of responsibility, namely that of obligation.

An obligation (*Verpflichtung*) is a special responsibility which follows *a 'commitment' to something*. Consequently, obligations are more context-specific. This includes obvious engagements stemming from being signatories of international treaties and membership of alliances, but also other commitments such as declarations of political support e.g. as the recognition of a government or political movement as legitimate. This can have foreseeable yet unintended consequences. For instance, the premature call for Iraqis to rise up and topple the Ba'athist regime (i.e. accomplish an internal regime change) in the wake of the Gulf War included the statement by President George Bush that "there's another way for the bloodshed to stop. And that is for the Iraqi military and the Iraqi people to take matters into their own hands -- to force Saddam Hussein, the dictator, to step aside, and to comply with the United Nations resolutions and then rejoin the family of peace-loving nations" (1991[a]: para 5). Although segments of the Iraqi population certainly had a 'just cause' to revolt against an oppressive government and to enforce regime change *from within*, American declarations of support acted as a final catalyst for violent action. However, as Walzer (2006 [b]: 104-105) himself has noted, "having called for rebellions against Saddam's rule, they failed to come to the aid or, only a short time later, to the rescue, of the rebels." Since the United States could have anticipated this course of events (and its low probability of success), by urging on the dissidents it had incurred an indirect obligation to aid them when it became clear that they would soon be overwhelmed by security forces (for example by committing to arms deliveries, to a further extension of no-fly zones etc. [cf. Cohen 2009]).

The German recognition of Croatian and Slovenian independence in 1992 is another case which might illustrate this understanding of obligation. Germany notably insisted on this course of action in spite of resistance by other states who deemed the recognition of both nascent countries to be 'premature'.[81] Hodge has added that the German "Kohl government made the great error of championing the wrong precept with its recognition diplomacy, passing up the opportunity to promote individual human rights as the animating principle behind the legitimacy of statehood in post–Cold War Europe" (1998: 17). Instead of helping to resolve the developing territorial disputes, the act of recognition and the reliance on a state-centric conception of international order only intensified the ongoing fragmentation of Yugoslavia, paving the way for further violence and instability. Since Germany's insistence on political commitment to recognition had partially foreseeable negative consequences, it had a moral obligation to help remedy a situation whose escalation it indirectly supported. For example, it could have made earlier and stronger peacekeeping commitments to the region, or emphasised the need for swift international action.

Ultimately, it is clear that considerations of both duty and obligation must influence a more structured FIRC debate. Their distinction indicates that despite Walzer's proposal that 'whoever can, should act', viewing regime changes in their political context likely points to actors who through various circumstances have a more distinct responsibility than the 'international community' as a whole. When actors do act according to these expectations, their actions are more likely to meet the requirements of just motives and causes discussed earlier. Nonetheless, there is another important responsibility which affects our appreciation of regime change cases, namely one which arises in the aftermath of intervention.

6.2.2 The Responsibility to 'Rebuild'

While the facets of responsibility discussed above clearly address intervention more generally, duties and obligations also influence our perception of cases of foreign-imposed regime change

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[81] Similarly, Mirkovic claims that "[i]n Bosnia and Herzegovina, the US actively supported independence even before the beginning of armed conflict in 1992" (2009: 142). This too created important obligations, which were ultimately only belatedly addressed. Indeed, Daalder writes, "[f]or over four years following the breakup of Yugoslavia and the onset of war, first in Croatia and then in Bosnia, the United States refused to take the lead in trying to end the violence and conflict" (1998: para: 1).

more specifically. Given that numerous innocent human lives and even the future stability of the global system are at stake, forcible regime change inevitably comes with important responsibilities for states who choose to engage in it. This is particularly the case in questions regarding the potential 'responsibility to rebuild', which in the case of FIRC indicates a responsibility to rebuild not only the physical, but the political structures of a state. As we have stated earlier, regime change, and particularly the regime imposition following an intervention, should be clearly distinguished from the separate concept of 'military occupation.' Although military occupation involves a complex web of ethics, law, and politics, Peter Stirk has emphasised that "[t]here is a semblance of stability in international law insofar as the Hague Resolutions of 1907 continue to form a point of reference" (2004: 531). These clarify that "[t]erritory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised" (quoted in ICRC 2012: para. 1). The implication is that, following a regime change intervention, the occupying power ought to ensure a minimum of law and order, but that it is the target population's own responsibility to (re)establish a viable and more just society in the long term. In principle, this basic conception of military occupation is not compatible with regime change missions.

Past interventions in Bosnia, Iraq, Afghanistan etc. have all gone far beyond the legal limits of military occupation, and have consequently prompted continued discussion about actors' responsibilities once intervention has been successful. Clearly, the questions of legitimate authority, as well as actors' rights and duties, are as important after war as before. One solution to these problems is, of course, the Pottery Barn Rule. Adherents of the PBR envisage that at this point the intervening party becomes responsible for 'owning' the situation, understood as taking on the responsibility for the target state's future viability and/or its citizens' wellbeing. At the same time, the Pottery Barn concept cannot be taken to mean that actors may do as they please: evidently, the potential permissibility of regime change action does not imply full license to determine its aftermath in 'owning it'. This important check on interveners' powers clearly sets the contemporary FIRC attempts apart from historical instances of regime imposition which often took the 'ownership' aspect literally (in the case of

Imperialism) or at least sought to impose ideologically similar and subservient regimes (e.g during the Cold War).

FIRC's contextualisation within the Global Liberal Order means that rather than creating pliable puppet regimes or satellite states, there is an expectation that interveners aim to minimise the duration of occupation while establishing the prerequisites for democratic governance and popular self-determination.[82] This high bar sets contemporary regime change apart from its historical predecessors, but also raises important questions about the identity and further involvement of interveners in postwar impositions. Evidently, the PBR assumes that the intervener is the primary agent responsible for postwar restructuring, and implies the existence of further responsibilities without ever making them sufficiently clear. Thus, while the notion that '*you break it, you own it*' is an appropriate response to the average clumsy customer, it is rather less useful in matters of violent interstate conflict, and the devastating wars of the past decades have shown the necessity for establishing viable post-conflict peace. However, the PBR does capture the fact that after the initial euphoria of victory has faded, interveners may often find themselves suddenly and at least initially shouldering the responsibility for the millions of civilians affected by the war. Thus, the post-war situation of past regime change interventions highlights the need, by analogy to the PBR, to 'repair' what was broken, in this case the state whose political institutions have been deposed by the interveners.

It certainly stands to reason that once war ends, victorious powers have at least some sort of responsibility towards the state which is now 'at their mercy', and it is clear that "the duty to remedy post-war deprivation does not shift to an indeterminate 'everybody else' or 'international community'" (Peperkamp 2016: 429). However, *who* should be charged with overseeing this repair, and what exactly it should consist of, remains contested. It is consequently clear that further clarification is needed regarding actors' responsibilities to ensure stability after intervention.

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[82] Of course, this expectation is not always realised, as the subsequent chapter illustrates. Indeed, given the long-term involvement of interveners in the fate of the targeted states like Bosnia and Afghanistan, the distinction between historical puppet regimes and those imposed by liberal interveners is blurred.

Peperkamp is correct in pointing out that the notion of post bellum justice "can only be considered a fully-fledged third branch of Just War Theory if it is clear who bears the responsibility for it" (idem: 408). Initially, this responsibility lies with the original intervener(s). By forcibly removing the primary agent responsible for citizens' wellbeing (even if this agent has previously neglected to do so), interveners incur an obligation towards the population, as "by disabling the actor who has the primary responsibility to protect and to fulfill human rights, they inherit that primary responsibility in the occupied areas for as long as they exercise effective control over them" (Lafont 2015: 76). In other words, the 'duty of care' established earlier will temporarily reside with the occupier(s). Accordingly, Rodin (2011: 362) has claimed that "having invaded those two countries and overthrown their respective governments, the United States and its allies were obligated to remain as occupying powers - at least for a period - first, in order to prevent a catastrophic descent into anarchy and, second, to restore (at the minimum) basic services and functional government." This is further confirmed by Blake (2014: 139), who writes that that

> what the United States has acquired is a duty to make the situation in Iraq no worse than it was before it entered. The United States has not, on this analysis, become the sole country with an obligation to make Iraq a functioning rights-respecting country; all countries continue to have that general obligation. But the United States has a particular obligation as well; it, unlike other countries, has the obligation to reverse the specific damages made during the course of its invasion, so as to make the country no less rights-respecting (no more dangerous, no more anarchic) than it was prior to that invasion.

These responsibilities encompass not only the short-term stabilisation of a targeted country, but also entail a longer-term and more abstract *duty* of 'commitment' to the targeted state's future stability. Intuitively, this is especially the case in those regime change operations which do not develop as initially hoped. When countries decide to take up the heavy burden of regime change, they also gain a moral duty to not abandon the process if they encounter unexpected challenges.

Nonetheless, while it is generally agreed that the interveners do have responsibilities towards targeted states, the particular scope of these responsibilities has been contested, especially regarding the ambitions of FIRC. As seen in earlier chapters, Just War scholars

roughly fall into two categories according to their intuitions on postwar justice: minimalists and maximalists. Bellamy (2008 [a]: 602) affirms that "[m]inimalists envisage jus post bellum as a series of restraints on what it is permissible for victors to do once the war is over", whereas maximalism embodies the opposing position that amongst the fruits of victory are not only rights, but also more wide-ranging responsibilities.[83] At least since the second half of the 20th Century, the majority of Just War theorists have promoted a maximalist rhetoric of increased responsibility for a more 'just' treatment of defeated enemies. This includes substantial postwar duties, ranging from efforts to stabilise and rebuild, but often also takes the form of attempts to reshape political regimes along democratic precepts in line with the expectations of the Liberal Order. Indeed, it has been argued that "the maximalists' views on regime change not only justify 'political reconstruction' as morally permissible, but also endorse both a wide ranging-scope for its activities and a strong role for the victor and for external actors in this process" (Melandri 2011: 245).

However, rebuilding efforts which are led by a former enemy, no matter how well-meaning, are unsurprisingly controversial. Pattison (2013 [a]: 658), for example, has claimed that "there should be a presumption against belligerents rebuilding. It seems that in some cases (although not all) they will lack the right to rebuild and, even if they do have the right, other agents may be in a better position to rebuild. This is particularly the case for post-war occupation, when the warring parties' involvement in the conflict can lead to significant antagonism among the local population and therefore mean that effective rebuilding may be difficult [...]". Another challenge to the rule's appeal lies in situations where the defeated state, or more specifically, its newly 'liberated' population, might not actually want the victor (the clumsy 'shop visitor' in the Pottery Barn example) to 'own' the situation, i.e. to bear the responsibility of further post-war duties. To their occasionally reluctant hosts, even objectively just victors can be seen as invaders whose reconstruction efforts are not welcomed. While the imposition's success depends on the amount of trust placed by the population into its occupiers, and vice versa, this sort of trust is likely absent following a military confrontation:

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[83] According to the more minimalist versions of the Just War, Bellamy affirms, "victors are entitled to protect themselves, recover that which was illicitly taken, punish perpetrators and [...] prevent, halt and/or punish those who gravely violate natural law by, for instance, committing genocide against their own" (2008 [a]: 605). However, this does not include substantial imposition of new government structures, purging the latter from adherents of the old regime, etc.

the civilian population may see the intervening forces as mere occupiers intent on exploiting its former adversary, while occupying soldiers have to be wary of insurgents hiding amongst civilians. In short, the trust which is required for an equitable post-War settlement is often wholly absent.

What is more, there are other important limits to interveners' responsibility to rebuild. Few states, even when acting with the 'just cause' required by the Just War Tradition (cf. Chapter V), would accept being burdened with the sole 'ownership' of, i.e. responsibility for, an occupied and often volatile country. Indeed, although it is impossible to determine a cut-off point, i.e. saying when interveners' obligations and duties come to an end, it is conceivable that this takes a long time. This is especially the case for FIRC, where it may take "minimally two generations, 40 to 50 years, for a shift in authority and for time to stabilize the transfer of power to sons and daughters", as Borneman has claimed (2003: 39).

In this context, and although he remains critical of current attempts at establishing a viable *post bellum* framework, Seth Lazar addresses the specific question of regime change and argues for a restructuring undertaken by the entire international community, not just the belligerent parties (2012: 18). As earlier chapters have argued, the United Nations is generally upheld as the chief representative of this community. Concurrently, Jenkins points out that, "[r]ightly or wrongly, the failure for the rule of law to take root in Iraq is routinely blamed not on foreign occupation as such, but on occupation by an external actor widely seen as motivated by imperial ambition. By comparison, the UN now oozes legitimacy" (2006: 73). This conception is in line with Pattison, who for example states that "it seems that the rebuilding process should not only be authorized by the UN Security Council, but also generally be carried out by it (for example, by UN peacekeepers or a UN transitional administration)" (2013[a]: 658).

Earlier, the thesis highlighted important problems with seeing the United Nations as the sole legitimate actor in regime removal. Nonetheless, this does not mean that it cannot play a key role in supporting reconstruction efforts. As a consequence, and "assuming adequate consensus among Security Council members on the purpose for any intervention, the UN

provides the most suitable institutional framework for most nation-building missions", Jones and Dobbins note (2006: 723). Indeed, the United Nations have repeatedly played a major role in post-conflict restructuring, coming to

> assert some or all government powers on virtually every continent. These responsibilities included staging elections in Namibia in 1990 and Cambodia in 1993, restoring a democratic government in Haiti in 1994, administering the eastern Danube region of Croatia (Eastern Slavonia) from 1996 to 1998, assuming control of the Serbian province of Kosovo for an indefinite period from 1999, and ultimately running the entire territory of East Timor from 1999 (Chesterman 2004: 51).[84]

The next chapter contends there are also important problems with the UN's efforts at creating postwar stability, however, as will be illustrated by the cases of the type of 'neotrusteeship' exhibited in its role in Bosnia and Herzegovina. At the same time, it will argue that unilateral efforts at stabilisation and imposition such as in Iraq have been equally controversial, to the extent that Etzioni cautions that "[e]xpanding the mission of humanitarian intervention from stopping atrocities to rebuilding nations unwittingly puts barriers in the way of the international community's fulfilling its responsibilities to protect and prevent" (2006: 81). Thus, the challenge lies not only in finding a suitable actor who can aid in restructuring a post-intervention state, but in what this restructuring would ideally look like. As the subsequent chapter will show, the expectations of liberal FIRC often hinder, rather than promote, the emergence of a suitably stable and secure regime.

6.3 Conclusions

This chapter has continued the discussion of what the Just War approach understands as the *jus ad bellum*, i.e. the requirements for launching a justified war. It has contributed to our understanding of FIRC by highlighting the conceptual distinction between obligations and duties. Thus, the chapter has shown that, in accepting the potential permissibility of regime

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[84] Dee states that in the case of East Timor, "an international Australian-led International Force East Timor (INTERFET) was sent under a United Nations (UN) mandate to restore order and provide protection and security to the East Timorese people. The strength of this force ultimately reached over 13,000 [...]". (2001: 1-2). It ought to be clear that there are important differences in past initiatives. For example, "UN action in Namibia and East Timor was a way of dealing with the unfinished business of decolonization. The UN's role in Cambodia from 1992-1993 was confined mainly to overseeing the conduct of multiparty elections" (Jenkins 2006: 72).

change in humanitarian emergencies, we often run into problems which are very similar to more general discussions on humanitarian intervention: it is often far from clear which actors are best-placed in halting human rights abuses, and how their claims to legitimacy relate to their potential responsibilities.

The Liberal World Order's explicitly universal ambitions notwithstanding, consensus on the issue of international intervention has proven to be elusive, especially in questions of justified regime toppling. Here, much hinges on the question of *who* can be responsible for, and capable of, enforcing regime change, as well as which further rights and duties this would impose both during and after the operation. Consequently, the chapter has distinguished between conceptions of duty and obligation, and ultimately addressed two essential questions: who *can* act and who *should* act?

The near-universal regret at the ineffective response of the International Community in Rwanda has directly influenced the emergence of a general notion of global responsibility to halt extreme human rights abuses. Indeed, the "genocide against the Tutsi in Rwanda elicited consternation about the hollowness of the post-Holocaust commitment to the mantra 'Never Again.' It also ushered in volumes of genocide studies scholarship and efforts at public policy reforms. Yet in the quarter century that has passed since the genocide in Rwanda, genocide and mass atrocity have continued", as Simon notes (2020: 199). The lack of humanitarian intervention in these cases inevitably raises questions about regime change. After all, it is hard to support the notion that a political regime which commits human rights abuses on a scale of the Holocaust or the Rwandan Genocide should be left in power even after a potential intervention. While the previous chapter has discussed when foreign-imposed regime change is a possibility, finding appropriate actors to carry it out successfully remains an important challenge. Although the legitimacy of actors engaging in non-consensual intervention has often been questioned, it is worth bearing in mind here that "we should not dismiss talk of legitimacy in a global order because it appears nebulous" (Clark 2003: 93).

Accordingly, this section of the thesis has addressed important questions revolving around the authority, legitimacy, and responsibility of FIRC actors. It has argued that in principle, there is no preferred type of actor, as many possess the required authority, but that the legitimacy of their actions is often context specific. Similarly, the distribution of obligations and duties will differ between states according to specific circumstances. This means that instead of a single 'Responsibility to Protect', it is more appropriate to conceptualise a variety of responsibilities attached to statehood. Accordingly, it should be emphasised that duties to act in emergencies are dependent on the particular emergency's context, and instead of Walzer's 'whoever can, should', it is rather the case that 'whoever can act *legitimately,* must act *according to their responsibility'*.

This chapter's final section has begun to draw the discussions' focus toward the field of *jus post bellum*. It is certainly worth emphasising that Just War considerations do *not* cease to apply when armed hostilities between belligerents 'officially' end. The *post bellum* framework is consequently less concerned with either the existence or the absence of formal peace treaties between the belligerent parties. Melandri (2011: 242) is correct in stating that this wider *post bellum* framework

> has been used by various authors to indicate different sets of principles intended to apply in different contexts and at different times. The variance of meanings being attributed to this notion is in fact so broad that, at this stage, it might even be imprecise to speak of a single concept of jus post bellum. In general terms, however, [...] discourses on jus post bellum deal with questions such as what are the criteria that constitute a just peace and which principles should guide the actions of a just combatant in the aftermath of war; whether the belligerent states hold any moral obligation towards the defeated state; when and to what extent it is possible for just combatants to change the political structure of a defeated aggressor; and who should be responsible to enact such restructuring.

Past FIRC interventions have shown that even in such cases where an appropriate actor for regime change can be identified, its execution can still 'make or break' the justice of the whole enterprise. Indeed, "the call for a jus post bellum, or justice after war, in addition to the traditional cause and means pillars of just war theory gained traction especially with the chaos that developed after immediate military victories in Afghanistan and Iraq" (Banta 2017: 438).

The 'just cause' that is required of any actor wanting to provide a convincing account of their right to intervention (in this case, saving citizens from state-sanctioned harm) is therefore at least partially linked to the justice of the eventual *post bellum* settlement (ensuring that citizens are not harmed in the future). Of course, claims by interveners notwithstanding, regime change efforts are not always welcomed by the targeted population with the expected enthusiasm, especially when imposing the occupier's vision of Western liberal democracy. Democratisation efforts have been a major aspect of several recent interventions, and these processes should therefore be scrutinised.

Chapter VII: The Challenges of Regime Imposition

In order to highlight the numerous challenges of achieving a just postwar outcome, this chapter will focus on the cases of postwar Bosnia-Herzegovina, Afghanistan, and Iraq, and uses them to highlight the contradictions and paternalism inherent in supposedly 'liberal' attempts to impose democracy by force. Their *post bellum*, i.e. 'post-FIRC', experience indicates that regime change and forcible democratisation are no panacea to state instability and human suffering. Ultimately, as Knowles states, they "have shown that victory in war and 'regime change', followed by military occupation, do not necessarily lead to the creation of politically stable and economically prosperous democracies" (2013: 84).

Accordingly, the chapter begins from the assumption that a successful military intervention against a regime has taken place and the targeted state is now, in terms of the Pottery Barn analogy, 'broken'. Although both belligerents' and the UN's potential role in the reconstruction of states has been assessed earlier, we should acknowledge that the actual intervener does not always conform to our ideals of legitimate agency. The foregoing pages ended on the indication that, even in such interventions where the ultimate intentions were controversial, this does not absolve actors of the need to strive for a just outcome. The previous chapter has also established distinctions between a generalised sense of responsibility and special responsibilities, i.e. duties and obligations. A range of responsibilities also applies in a *post bellum* setting, albeit in a different manner. Regardless of the identity of the actors involved, they incur a temporary duty of care for the population, which is acquired by toppling

the old regime. The question of responsibilities beyond this initial duty is much less apparent, however. For instance, Walzer (2013: para.12) has noted that "if protection is necessary against a murderous regime, and that regime is overthrown, the responsible agents do acquire additional responsibilities. They must at least begin the political reconstruction of the country whose people they have rescued. But they have no business imposing their own design on the reconstructed state."

The debate has been reinvigorated by the aftermath of regime change interventions in the Middle East. Many of the questions of legitimacy, sovereignty and security which prompted the interventions in the first place were not resolved with the interveners' victory. Rather, the debate has only intensified as new challenges have arisen, including the many challenges in imposing more 'legitimate' regimes on states, and it is no coincidence that the emergence of the FIRC phenomenon runs parallel to the rise of more sustained engagement with the *jus post bellum*. Indeed, although it is correct that "[t]he observation that international interveners may be predisposed to project their own political and ideological biases into the states they conquer or occupy – or, for that matter, that they may also do so in more consensual, post-conflict peacebuilding operations – is not new" (Paris 2015: 140), the specific relationship between the Liberal Order and the imposition of regimes on sovereign states has hitherto remained underdeveloped.

Ultimately, this debate links to the thesis' earlier discussions on the two 'types' of FIRC, namely superficial and radical change. As has been argued earlier, the majority of interventions which have taken place in the context of a Global Liberal Order have aimed at radical change, including the imposition of liberal democratic regimes. As the subsequent pages show, however, in many cases of FIRC the clash between normative ambitions and practical realities show that liberal assumptions about the link between deepgoing change and positive outcomes is rarely substantiated. In the vast majority of potential cases, the forcible imposition and supervision of radical FIRC in the form of liberal democratisation is neither just nor ultimately beneficial to the target state in the long term. As noted earlier, since the end of the Cold War, postwar regime imposition has increasingly taken the form of attempts at 'democratising' formerly authoritarian states. The controversy surrounding this practice lies not

only in its impermissibility under the traditional laws of occupation (see Chapter VI). It also raises important questions as to its effects on the long-term stability of postwar societies. Consequently, the following pages first assess the ways in which post-FIRC actors have attempted to impose regimes since the Cold War, arguing that ultimately, the insistence on creating liberal democratic regimes is at best unnecessary and likely counter-productive. This is the case because occupiers' expectations of 'Western' liberal democracy cannot easily be transposed onto polities which have not undergone the same historical and political evolution as many states in the West,[85] but also because the imposed postwar regimes can actively stifle democratic developments.

As a result, this chapter submits that in engaging in FIRC, an actor incurs an obligation to engage in a minimum of stabilisation and state building, but that this is accompanied by an overarching duty to avoid imposing political structures which might inhibit populations' self-determination. These responsibilities are plausible for two reasons. The first is that it further reduces the likelihood of interventions for inadmissible motives. As we have seen earlier, intervening for the purpose of imposing a more agreeable political regime does not constitute a just cause for warfare. The second reason is more practical, but no less important. The Just War tradition often notes that belligerents' actions should meet a reasonable requirement of probability for success. Compared to the past and current efforts of liberal interveners to impose 'ideal' (and frequently *idealised*) forms of government on war-torn states, the likelihood of success is greatly enhanced by imposing 'minimally just' regimes.

The continued international 'administration' of the Republic of Bosnia and Herzegovina's political landscape under the postwar 'Dayton framework' illustrates these concerns. Contrary to the expectations of minimal justice and popular involvement, Chandler (2006: 18) has for example argued that "the Dayton agreement has, in fact, created an 'informal trusteeship' which has made opaque the relations of authority and accountability. The framework created at Dayton was an extremely flexible one, which has enabled international actors, unaccountable to the people of Bosnia, to shape and reshape the agenda of post-war

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[85] Indeed, advocates of this transposition often tend to conveniently ignore the troubled, non-linear, and exceptionally bloody history of Western democracy's emergence.

transition." Although this type of supervision has been remarkably effective in halting human rights abuses, it has not matched the international community's expectations of creating a democratic 'Bosnian' identity and the accompanying ownership of, and allegiance to, the new state. Ultimately, the Dayton Accords have "created Serb and Muslim-Croat mini-states and a weak national government" (Eland 2005: para. 7). This national government remains dependent on the authority of the Office of the High Representative. Indeed, only a few years after the Dayton framework was established, "the term of the international administration was extended for an indefinite period of time and OHR's powers were substantially broadened to cover key aspects of institutional reform" (Dimitrova 2005: 45). Ultimately, in seeking to fulfil the international community's responsibilities to the emerging state, the OHR has been "equipped [...] with additional powers that allowed this office to become an integral institution of governance. Henceforth, key decisions were not indigenously generated but instead were imposed on Bosnia by the international community" (McMahon 2004: 575).

In assessing the repeated failures of democratisation efforts, the chapter also returns to the pivotal cases of radical FIRC in Iraq and Afghanistan. Contrary to interveners' overly optimistic expectations, regime change has created unanticipated power vacuums in both states, which further diminished the probability of successful imposition. In Afghanistan, this has resulted in a weak and ineffective government which has been unable to exercise a monopoly on the use of force, whereas the Iraqi government has failed to resolve the country's sectarian and ethnic tensions almost two decades after the fall of Saddam Hussein's regime.[86] Ultimately, the failure to impose viable regimes after intervention has benefited the United States' opponents and has undermined global stability in the long term. This unanticipated outcome is particularly relevant to the initial framing of both wars as important parts of the 'Global War on Terror', which has added another element to consider, i.e. that of 'rehabilitation'. The notion of rehabilitating states and the paternalistic way of regime imposition which accompanies it ultimately reflects the unequal, contradictory, and increasingly illiberal, relationship between regime change actors and targeted states.

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[86] For example, Katz has stated about the postwar arrangements that "while the United States created the conditions that have allowed Iraq to hold two national elections for its parliament, the United States has not been able to persuade or cajole important Iraqi groups to fully - or even less than fully - cooperate with one another" (2017: para. 8). Without this important cooperation between citizens, a democratic government which is both able to safeguard the stability of the country and enjoys the support of all ethnic and religious groups is unlikely.

The cases examined in this chapter highlight the importance of the considerations suggested earlier, in particular the proposed conceptual distinctions, i.e. between types of FIRC, motive and intention, and facets of responsibility. These distinctions and clarifications highlight the difficulties which liberal FIRC actors face in establishing regimes which are both stable and just, as well as conform with liberal expectations of legitimacy. Thus, the chapter adds important elements to the assessment of FIRC in the context of the *jus post bellum*.

7.1 Regime Imposition and the *Jus Post Bellum*

In spite of interveners' claims to the contrary, (e.g. the assertion that their military victory is also a *moral* triumph), the foreign-imposed regime change missions of the 20th and 21st centuries are a powerful reminder that military success does not always equate to substantial political or ethical progress. The evaluation of FIRC necessarily involves the third facet of Just War Theory, the *jus post bellum*, which assesses the rights and duties of both the victor and the vanquished. Whereas re-establishing the status quo ante bellum and/or the provision of reparations to the victim has been a key concern for past peace settlements, the devastating wars of the 20th century have reinforced the necessity for establishing what constitutes a viable post-conflict peace. While it is clear that the *jus post bellum* "seeks to regulate the ending of wars, and to ease the transition from war back to peace" (Orend 2005: para. 36) this often includes another transition, namely from a supposedly illegitimate regime to a 'rehabilitated' member of the international community of states. What this means in practice, however, has repeatedly been shown to be far from straightforward. Just War theorists, including Michael Walzer, have held a wide variety of opinions on the anticipated outcome of military interventions, regime imposition and the challenges of postwar 'management'. Indeed, Walzer's own views of *jus post bellum* have in the past been described as rather "short, spotty, and unsatisfying" (Orend 2000 [b]: 135). However, Nardin (2013: 78) has noted that Walzer has more recently taken the view that

> when a government is engaged in murdering many of its own people, its murderousness makes it 'a legitimate candidate for forcible transformation'. And the intervening power necessarily takes on 'some degree of responsibility for the creation of an alternative government'. A new regime must be put in place and enforced until it can maintain

itself without outside assistance. How this can be done effectively depends on the circumstances, but it is clear that the responsibility to protect includes a responsibility to replace or reform the government that so signally failed to perform its own responsibilities.

In reality, however, this type of deceptively simple 'government reform' has been the source of continued controversy in discussions of FIRC. Recent Western-led regime change attempts have sought to replicate in part or as a whole the liberal institutions favoured by the US and its allies. Yet, in doing so they have failed to establish the functional and stable democracies which they had anticipated. This shows that, more often than not, the intended outcome of radical FIRC can be counterproductive and ultimately prolong violent conflict.

7.1.1 The Challenges of Postwar Democratisation

Earlier chapters have established that prominent members of the Liberal Order, first and foremost the United States, have increasingly pursued a controversial hierarchisation between supposedly rights-respecting democratic states on the one hand and authoritarian 'rogue' regimes on the other, wherein a regimes' legitimacy is tied to its political nature. In turn, this means that once a regime has been overthrown, Western actors have repeatedly attempted to impose their vision of a legitimate form of government. Invariably, this legitimate government has been cast in the form of a democratic regime. To briefly return to the Pottery Barn metaphor, the democratisation of governments and society is thought of as the 'glue' which is supposed to mend the country that was 'broken' in the conflict. Since the end of the Cold War, these attempts at democratisation have taken three key forms: the imposition of new constitutions designed to provide states with a stable democratic foundation, the use of elections to lend legitimacy to newly-imposed regimes, and, rarely, the long-term 'supervision' of the postwar state by external actors.

As is common in discussions on foreign-imposed regime change, the recourse to the imposition of constitutional legislation is almost invariably justified with reference to the successes in the wake of the Second World War (cf. Chapter I). The postwar evolution of Japan and West Germany are commonly presented as validating foreign-imposed constitutional change. However, this undeniable success of radical FIRC in the past distracts from the

important challenges faced in more recent cases (cf. McCready 2009), and the supposedly 'archetypal' form of imposition is not easily transferred to more current experiences, as the cases of Iraq, Afghanistan and others have repeatedly shown. Nonetheless, constitutional imposition has become a popular approach to anticipated post-conflict instability. As Querimi (2018: 3) has stated, a

> particularly unique characteristic of constitution-making in the twenty-first century—albeit certain more contemporaneous cases date back to the down [*sic*] of the twentieth century—is the involvement of the international community, or powerful segments of it, in shaping the new state constitutions; a domain traditionally regarded to be part and parcel of a state and its people. The variety of instances where the international community or parts of it have 'induced, accompanied, steered, or even installed new state constitutions' could be evidenced in such cases as the constitutions of Cambodia (1993), Bosnia and Herzegovina (1995), South Africa (1996), East Timor (2002), Afghanistan (2004), Iraq (interim Constitution of 2004), and Kosovo (2008).

Western interveners often emphasise that these constitutional frameworks should be founded on liberal and democratic understandings of just rule, but simultaneously be sensitive to local cultural and political customs. What this means in practice is far from evident, however. Walzer has for instance taken the position that "just wars and humanitarian interventions will often be an occasion for forcible and justifiable democratisation, and that will sometimes require an attack upon traditional hierarchies and customary practices" (2006 [a]: xi), but later adds that "the intervening forces have a mandate for political, but not for cultural, transformation" (idem: 104). Given that states' political and cultural transformation are likely to go hand in hand, this is problematic. After all, the political reconstruction which Walzer seems to envisage must necessarily lay the foundation for the future development of the state in question.

FIRC interveners have repeatedly attempted to resolve some of these apparent contradictions by emphasising the crucial importance of democratic elections. Elections are thought to confer a sense of 'ownership' and accountability of the new regime to the population, and thus convey a sense of legitimacy to both the political and cultural changes enshrined in new constitutions. Consequently, they are presented as key milestones on the way to regaining the legitimacy that had been lost by 'rogue' regimes: the first elections after intervention are thus considered a turning point in the postwar phase, and as the beginning of a

process of reconciliation and rebuilding. For example, Greene (2017: 570) has pointed out that "[w]hile not all decision-makers and their supporters in the policy community were convinced that democratisation in Iraq would be a simple task, there was a widespread strategic assumption that elections would at a minimum instil broad legitimacy in new governments." Nonetheless, it is clear that democratic elections in and of themselves do not 'automatically' confer legitimacy on newly-imposed regimes.

Indeed, externally-imposed elections have repeatedly been observed to be at the root of further instability as the population is likely to be heavily polarised in the aftermath of a FIRC conflict. Thus, Greene (2017: 570) writes that "many Afghans and Iraqis did not understand elections as imputing their government with the legitimacy that leads men and women to risk their lives to defend. Indeed, elections in both states may have served to heighten rather than diminish sectarian and factional divisions as elections took on zero-sum meanings." Not only do elections often encourage further instability, they are also an opportunity for insurgents to cause civilian casualties while simultaneously destabilising and delegitimising the 'imposed' democratic electoral process, as has been the case in both Afghanistan and Iraq. Furthermore, although the occupying authority often chooses to exclude certain political parties or candidates from elections in an effort to prevent the rise of radical parties or to block the re-emergence of the deposed regime, this likely only serves to further fuel dissatisfaction among the occupied and undermine the legitimacy of the new regime. This is certainly in line with Phillips' assessment that "[i]n post-conflict Iraq, the much-trumpeted test was that elections had taken place. This criterion is similarly beset with difficulty. The holding of elections says nothing about corruption, the deadening hold of tribal and clan loyalties or of the protection of civil liberties (especially the protection of the rights of women and of religious and racial minorities)" (2012: 57). Therefore, the occurrence of democratic elections in and of itself tells us very little about the states' stability and future prospects, nor does it necessarily infuse imposed governments with the legitimacy required to cement its control over the state.

The ubiquitous instability encountered in many post-conflict societies has on occasion led to proposals for long-term international supervision or even administration, in accordance with the assessment that "[o]ne might overthrow a government within a day, but the

neutralization of a regime is never enough to effect regime change. One also needs to change culture and social organization, and such changes rarely occur within a single generation" (Borneman 2003: 39). Accordingly, in such cases a political superstructure would remain in place to enforce the peace, supervise elections, but also impose the goals of a new constitutional framework and thus 'guide' the state in question towards regaining its full sovereignty. The notion that variations of this type of international administration can offer a potential solution to the problem of unstable states has been periodically evoked by both academics and practitioners. For instance, faced with the moral and practical challenges of FIRC missions in Middle East and elsewhere, there have once more been suggestions

> that the UN system of trusteeship should be revived to provide a framework for UN interventions in failed states — a framework that is both legally viable and politically advisable. [...] While the Security Council should continue to control the military and police aspects of UN intervention, the Trusteeship Council should assume exclusive responsibility for the governance tasks that fall within the category of postconflict peacebuilding (Mohamed 2005: 812).

The term 'trusteeship' here refers to the temporary 'sharing' of sovereign privileges between an emerging state and the international community until the former has built the capacity for full independence. Butler (2012: 86) adds that "[t]hough specific translations of the concept differ, it is almost universally associated with third-party multilateral initiatives to design and steward political, social, and economic institutions within societies transitioning from conflict, as a part of (or subsequent to) peace operations." It thus echoes the goals of the historical League of Nations mandate system, as well as those of later UN-led trusteeship, which "were to promote the advancement of the inhabitants of Trust Territories and their progressive development towards self-government or independence" (United Nations n.d. [c]: para. 2).

The very notion of extraneous administration itself is understandably controversial. Its negative connotations are amplified by the colonial relationship inherent in many former trustee relations, but also more generally by the implication that some states are simply not ready or able to be fully independent. Accordingly, such states are thought to require a more established (and historically speaking, a powerful Western) state to 'guide' them towards full membership of the international community. The negative perception of this understanding

underlined by the stance of the UN itself. Indeed, recent publications have noted that "that the eradication of colonialism has been one of the priorities of the United Nations and continues to be one of its priorities" (UNGA 2018: 1). Consequently, the United Nations has "declared the period 2011–2020 the Third International Decade for the Eradication of Colonialism" (idem: 2). Ultimately, the UN's position is based on the 1960 *Declaration on the Granting of Independence to Colonial Countries and Peoples,* which unequivocally asserts that

> 1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.
>
> 2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Nonetheless, in the regime imposition attempts of the past three decades this fundamentally 'liberal' focus on popular self-determination has increasingly been relegated to the background. Indeed, despite its seemingly unambiguous condemnation of colonialism, imperialism, and other international hierarchies, the UN has arguably been involved in practices of 'neotrusteeship' which, while lacking the global institutionalisation and colonial overtones of its predecessor, retains many of its problematic and illiberal assumptions. Ultimately, this aligns with the assessment that "contemporary practice of peacebuilding may be viewed as a modern rendering of the mission civilisatrice - the colonial-era belief that the European imperial powers had a duty to 'civilise' their overseas possessions. Although modern peacebuilders have largely abandoned the archaic language of civilised versus uncivilised, they nevertheless appear to act upon the belief that one model of domestic governance - liberal market democracy - is superior to all others" (Paris 2002: 628). This underlying notion of 'superiority' has not only influenced attitudes towards regime imposition in Afghanistan and Iraq, but is also at the heart of the UN's 'supervision' of Bosnia and Herzegovina.

7.2 Bosnia: An Experiment with 'Neotrusteeship'

Since the end[87] of the historical practice of Trust Territories, the closest the international community has come to embracing the notion of what can be termed 'neotrusteeship' is represented by the Office of the High Representative (OHR)'s continued efforts of regime imposition in Bosnia and Herzegovina, where, "[f]rustrated by local opposition, the OHR has increasingly implemented a "trusteeship model" of imposing peace from above. The evolving de facto practice has been to override Bosnian sovereignty in the short term" (McMahon 2004: 587), although ultimately at the expense of an emerging 'Bosnian identity'.[88] In 2009, High Representative Valentin Inzko claimed that Bosnia and Herzegovina "remained stable and secure, but the State was not yet fully viable", and added that "its sovereignty, constitutional order and territorial integrity were under challenge by leaders of the Republika Srpska, who, in a series of attacks on State powers, had referred to the possibility of unilateral self-determination" (UNSC 2009: para. 2). Such an assessment is particularly striking in a country which has had so much international attention devoted to establishing a thriving democratic state, and that for over a decade. Thus, while it is undeniable that "the Dayton Accord is a blueprint for the ambitious political reconstruction of an infant state" (Caplan 2000: 216), and has been largely effective in stabilising the country[89] it has also been noted that "with the investment of billions of dollars, the erection of extensive parallel administrative structures, and with extensive legal powers at its disposal, the international authorities in Bosnia have largely failed in their efforts to create and install elites they deemed desirable" (Manning 2006: 732).

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[87] The final remaining territories under supervision by the UN Trusteeship Council became fully independent in 1994 and the supervisory body was pronounced inactive.

[88] The lack of cooperation between ethnic groups and the failure to establish a Bosnian identity has also affected the work of the International Criminal Tribunal for the former Yugoslavia (ICTY), which was in operation from 1993 to 2017. In the end, the tribunal found itself "caught between Serbian and Bosnian Serb obstructionism on the one hand and inadequate support from the international community on the other" (Hoare 2011: 85).

[89] As Paddy Ashdown himself had pointed out in 2003, we ought to "consider that it is only eight short years since the trauma of that war; the 225,000 killed and the 2 million driven from their homes" (2003: 2). He added, speaking of the Bosnian population, that "[i]n the winter of 2003, they live in fear of their livelihoods, but no longer in fear of their lives" (idem: 4).

As the thesis has established earlier, in fulfilling its duty to halt the ongoing killings in Bosnia, the international community had a just cause to intervene with military force and impose FIRC. In doing so, it also took on a responsibility to prevent further violence between ethnic groups. Nonetheless, Western involvement in the war in Bosnia-Herzegovina is a contentious instance of post-war regime imposition. In trying to establish conditions that went far beyond minimal justice and attempting to create a liberal multiethnic Bosnia, the international community exceeded its postwar rights and responsibilities. Ultimately, this has forced it to defend its achievements by 'illiberal' means, which has resulted in a postwar settlement which has become more controversial than the intervention itself. The 'Dayton Accords' of 1995, which are at the heart of the system currently in place in Bosnia, achieved several notable things. Evidently, the treaty put an end to a brutal war which had affected the region for years and established "a single, democratic and multi-ethnic state with two entities: the Federation of Bosnia and Herzegovina and the Republika Srpska" (NATO 2019: para. 36). As Bischoff has stated, at the end of "a war in which 200 000 were killed and 2 million displaced, the Dayton agreement had all signatories agree to provide the population of Bosnia-Herzegovina with the opportunity to rebuild their lives in an atmosphere of peace and allow for economic reconstruction" (2003: 110). But it had also set the stage for a complex political settlement. Influenced by the liberal ideals of the post-Cold War period, it emphasised the international community's responsibility in preserving the fragile peace between the three ethnic groups in newly-independent Bosnia, as well as in implementing the principles of the country's new constitution. This constitution was externally imposed, i.e. it

> was quite literally prescribed by the Dayton Peace Accords [...]. Annex 4 of the Agreement contained the Constitution of Bosnia and Herzegovina. Besides the provision for the institutional mechanisms of the legislative, executive and judicial powers, the Bosnian Constitution also contains a catalogue of human rights and fundamental freedoms, and a list of directly applicable international human rights instruments annexed to it (Querimi 2018: 3).

While the system imposed on Bosnia was nothing if not ambitious, ultimately "the final product [...] is a complex, even inconsistent document plagued by ambiguity and highly dependent on the will of the international community" (McMahon 2004: 584). This external control, while certainly successful in 'keeping the peace' between the former enemies, has

faced extensive criticism over the many years of its existence. Seeking to ensure the implementation, the United Nations imposed an extensive post-war regime under the Office of the High Representative (OHR) on the new state, which was intended to prevent further war by reinforcing its democratic institutions. The Office of the High Representative has since evolved, and accumulated more power over the years, especially through the so-called 'Bonn powers', which "provide the OHR with nearly unchecked power, including the authority to impose legislation and dismiss from office any public official who stands in the way of the implementation of Dayton and interethnic cooperation" (idem: 587). Similarly, ten years after McMahon's assessment, Banning (2014: 261) has stated that "the OHR's involvement in Bosnian domestic politics is still far-reaching and includes, inter alia, the imposition of substantial legislation, the amendment of Bosnian legislation, the dismissal of elected government officials, and the annulment of decisions of the Bosnian Constitutional Court." Former High Representative Paddy Ashdown in particular has repeatedly been criticised, having "promulgated laws and subsidiary instruments, amended and repealed legislation adopted by local institutions and issued executive decisions based on the final interpretation of his own mandate" (Knoll 2007: 359). A range of ethical shortcomings have been identified by Knaus & Martin (2003), who have compared Bosnia to a 'European Raj' and have critically highlighted "the unlimited authority of an international mission to overrule all of the democratic institutions of a sovereign member state of the United Nations" (idem: 60).

Ultimately, the OHR's enthusiasm in using the Bonn powers has reinforced the sense of 'paternalism' inherent in FIRC attempts, and in neotrusteeship projects in particular. As Barnett clarifies, paternalism should be understood as "the substitution of one actor's judgment for another's on the grounds that it is in the latter's best interests, welfare, or happiness" (2017: 66). In Bosnia, this has resulted in the restriction of political freedoms by the OHR in seeking to steer the country on its ostensible course towards full self-government. Thus, in seeking to ensure peace and stability, interveners have effectively placed the country under a form of international stewardship by an appointed High Representative who "is empowered to promulgate law, invalidate elections and dismiss public officials, even those at the highest level, all in the interest of promoting the creation of a multi-ethnic democratic society fit for membership in the European family of nations" (Bain 2006: 535).

The result is fraught with contradictions: the Dayton framework presumes that the democratic process must be controlled to ensure that democratic voices will prevail, and that the right to self-determination must be restricted to ensure the survival of a multiethnic state. The Bosnian case thus illustrates Barnett's assessment that "many otherwise autonomy-defending liberals resolve this tension by justifying interference on the grounds that the trustee has a duty to help with both short-term shortfalls and the longer-term goal of creating the conditions for liberty and the capacity for reasoned choice" (2017: 85). Ultimately, this echoes historical trusteeship's assumption that some populations do have a right to autonomy and self-determination, but cannot be trusted to use these rights 'wisely'. Bain (2006: 534) points out that

> [t]he dilemma, then, is clear for all to see: the international administrator is responsible for promoting and protecting human rights, including a right to liberty that presupposes the authenticity of human choice; but, cast as a trustee, he is able to do so only by withholding or suspending the principle that human beings should be free from coercion save where they have given their consent. In other words, the promotion and protection of human rights [...] must involve, albeit temporarily, the violation of at least some of the rights that are to be promoted.

Thus, while it has been noted that "Democracy (in modern terms, at least) assumes that the people are sovereign and therefore have a right to govern themselves" (Etzioni 2006: 72), the prospects for self-determination have repeatedly been hindered by regime imposition, and populations have been consistently denied any substantial say in postwar allocation of political power. The principle of self-determination and the idea of local 'ownership' is often neglected as "[i]nternational intervention has tended to marginalize local institutions and bypass the local political process, thus disregarding and undermining the very democratic process and democratic culture that the international community purports to be nurturing in Bosnia" (Dimitrova 2005: 45).

As a result, the Dayton approach to FIRC has ultimately failed to resolve the continued ethnic tensions, which ultimately increases the potential for future instability or the redrawing of battle lines.[90] Bosnia and Herzegovina is held together despite substantial opposition from its

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[90] One example includes the recent event of Bosnian Serbs' celebration of a "public holiday that has been declared illegal by the country's top court [...] because it celebrates an action that triggered the country's devastating war in the 1990s" (AP 2020: para 1). The Bosnian state has evidently not been able to establish its legitimacy among part

Serbian community. It has even been argued that "the last several years demonstrate not only that the OHR is unable to resolve Bosnia's ethnic dilemmas but also that its involvement in the country's governance has created further disincentives for local leaders to cooperate with each other and has, in the process, further weakened the Bosnian state" (McMahon 2004: 586). Bosnian Serb groups in particular have begun to question the OHR's grip on the state apparatus, and indeed the future of the multiethnic state itself (see Kovacevic 2019). The Dayton agreement has seemingly only 'frozen' the conflict in place, instead of attempting to resolve it permanently, while taking much of the democratic process out of the hands of the population which it was supposed to benefit. Inevitably, this has affected the country's future development, as "a state such as BiH, which is fragmented into different societies, economic interests, and political factions, finds that any effort to forge a consensus on the state's future strategic orientation is undermined" (Herd & Tracy 2006: 554).

Borger (2015: para. 10) has emphasised that 'Dayton' has become "a noun, a verb, an adjective – a synonym for inertia, neglect and despair." The 'Dayton model' of regime imposition has encouraged inefficiency, a widespread disillusionment with politics, and has done little to alleviate the lingering mistrust between former enemies. Whether the Dayton arrangement's view of regime imposition is a long-term guarantor of peace between ethnic groups remains contested, and Caplan has noted that it "is also an obstacle to peace, or at least to the establishment of peace on the basis of values and mechanisms which arguably are required to overcome the forces of division still operating in the new climate" (2000: 222). Ultimately, according to Butler (2012: 101) the so-called

> neo-trusteeship approach seems better characterized as the latest, and most egregious, manifestation of the profound disalignment between ambition and capacity that has long impeded and undermined UN peace operations. Though in the end neo-trusteeship may indeed take on an imperious face, this face represents the outward visage of a bureaucratic culture defined by endemic resource constraints and typified by risk aversion. The apparent 'imperialism' of the UN's major role in administering Timor-Leste (and, similarly, Kosovo, Haiti, and beyond) might be better understood as an unintended and incremental, though no less problematic, assumption and retention of sovereign control over post-conflict societies.

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of the Bosnian Serb population. In part, this is due to the continued existence of the two entities which make up the country, as "Dayton's major flaw was to recognise the two ethnically cleansed entities, the Federation and Republika Srpska" (Bischoff 2003: 117).

This problematic situation is amplified by the lack of a clear 'exit strategy'. The paternalistic restriction of political freedoms has encouraged the rise of a self-perpetuating system: the disillusion resulting from decades under external management makes it only more likely that the multiethnic state would ultimately disintegrate at the end of external supervision. Thus, as the Bosnian experience shows, external control over a state 'for its own good' can in principle last indefinitely. Consequently, Bain (2006: 526) has submitted that "the rights and wrongs of international administration [...] are merely assumed, having been accorded the status of a priori truths that are placed safely beyond the searching eye of moral scrutiny" and that "in some circumstances international administration might itself be morally objectionable; for it seems as if international administration must be good because it is instituted for the sake of good ends" (idem: 527).

Although the Office of the High Representative claims that it "is working towards the point where Bosnia and Herzegovina is able to take full responsibility for its own affairs" (2015: para. 2), this crucial milestone has evidently not been reached as of 2020, Indeed, without more concrete benchmarks, it is likely to remain elusive. These benchmarks also raise questions as to the nature of the liberal project more generally, especially regarding the ambition of simply transposing 'Western' expectations unto other regions and cultures. Thus, Perry asks "if a multinational, heterogeneous country functioning according to a system of guaranteed human rights, power sharing, and civic citizenship and participation cannot be established and consolidated in Europe—with its resources, economic strength, and relative regional stability and order—then the future of much of the rest of the developing and transitioning world will be bleak" (2009: 51).[91] The supposed 'benchmarks of civilisation'

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[91] Similar concerns regarding external supervision are visible in other states, too. Similar to Bosnia & Herzegovina, the Republic of Kosovo emerged from the disintegration of Yugoslavia and was eventually placed under international administration following a short but brutal civil war. Indeed, it has been argued that the "Dayton Accords which settled the Bosnian War spurred the Kosovars to outright rebellion after their previous attempt at nonviolent noncooperation with the Serbs failed to lead to consideration of their complaints at Dayton. By turning to violence, the Kosovars hoped to trigger a disproportionate Serb reaction that would, in turn, cause the West to intervene, politically if not militarily" (Milevski 2020: 309-310). Subsequently, as Grasten and Uberti state, "the former province of Serbia came under the administration of an international transitional authority (ITA) following the 1999 NATO-led humanitarian intervention"(2015: 163). This transitional authority was supported by KFOR, which "is a peace enforcement operation. Today, KFOR consists of approximately 3,500 troops provided by 27 countries. It continues to help maintain a safe and secure environment and freedom of movement for all people and communities in Kosovo" (NATO 2020 [a]). Unlike Bosnia, Kosovo remains an only-partially recognised state,

which the Liberal Order seeks to establish cannot simply be imposed on populations without their input, and ultimately, the international responsibilities to prevent suffering should not be used as a pretext to stifle populations' self-determination. Much like later interventions in the Middle East, the regime imposition in Bosnia and Herzegovina raises questions about the quest for ideal outcomes which results from the liberal optimism of the universal appeal of its values, and therefore about the possibility for 'rehabilitation' in the absence of substantial progress towards popular ownership of the post-FIRC democratic process.

7.3 Shifts in Liberal FIRC and the Problem of 'Rehabilitation'

In light of the lengthy process of restructuring Bosnia and Herzegovina, "[p]olicymakers have been feeling the pangs of Balkan fatigue [...], and this tendency has increased as resources and attention has shifted to theaters in Afghanistan and Iraq" (Perry 2009: 51). Indeed, the challenges of the Bosnian regime imposition have ultimately also prevented international administration from being seriously considered in the aftermath of subsequent FIRC interventions. But it is not only disillusionment with progress which distinguishes the approach to later interventions with that of Bosnia: the different approaches also indicate shifts within the aims of the liberal order in the past thirty years. The 'neotrusteeship' approach reflected the post-Cold War optimism of a more 'enlightened' international community which would enable multilateral peacebuilding and liberalisation and could assist emerging and war-torn states until their sovereignty could be achieved. In the new millennium, FIRC in Afghanistan and Iraq, shows the influence of security priorities of the War on Terror, resulting in a more unilateral approach which sees liberalisation as an essential precondition for global security. This also involved a reinterpretation of postwar responsibilities, which entailed a shift from nation building to the notion of rehabilitating formerly 'rogue' states.

Kosovo formally declared its independence in February 2008 (Tansey 2009: 153). However, its "political status remains unclear, and its progress uncertain" (idem), especially as much like in Bosnia, "the interim administrators have partially failed in their aim to transform individual interests into a collective identity. Kosovo Serbs still perceive themselves to be an inherent part of the Republic of Serbia and refuse to incorporate themselves into Kosovo society" (Ondrovic 2013: 131). Thus, as in Bosnia, ethnic conflicts have only been 'paused', while the development of legitimate and sovereign statehood remains elusive. This has prompted some to see "the Balkans are a "laboratory" for blueprints of societies and Statebuilding after interventions, and that Kosovo is something like the independent non-sovereign state as a result from such interventions" (Daxner & Riese 2011: 24).

Earlier chapters have discussed how the regimes of Afghanistan and Iraq were depicted as 'illegitimate' prior to intervention, which to the interveners meant that they had lost their privileges as fully sovereign members of the international order. In the case of Iraq, for instance, O'Driscoll (2006 [a]: 409) has pointed out that UK Prime Minister Blair "shied away from the notion of retribution, tending instead to emphasise the rehabilitative effect a war upon Saddam Hussein's Iraq might have upon that country." This principle of rehabilitation sets contemporary foreign-imposed regime change apart from the imperial annexations experienced for much of the preceding two centuries, and is an essential part of the current liberal understanding of FIRC. It presupposes that once a culpable regime has been removed from power, further steps are necessary to complete the return of the targeted state to the fold of the civilised community.

However, how this rehabilitation is supposed to be achieved is generally left unclear. As indicated earlier, Western powers have invariably sought to replace the deposed regimes with alternatives modelled after Western democracies. This was expected to facilitate the countries' stabilisation and consequently to set an appealing example to be emulated by states in the wider region. Indeed, in the view of interveners, forcible democratisation was not seen as an *imposition* at all, but rather as a *liberation* from the old regime. Nonetheless, the principle of rehabilitation is much more similar to historical instances of external imposition by 'enlightened' states than liberal interveners are likely to want to admit. Postwar rehabilitation efforts have invariably approached legitimacy from a Western perspective, which emphasises the ostensibly universal legitimacy of liberal democracy. As a consequence of this perceived universality, any failures are not ascribed to the imposition itself, but rather to the target population's obstinacy in refusing to cooperate in their 'liberation'. This view of the universality of liberal values is also encountered in the United States' frequently inconsistent approach to the responsibilities for regime imposition and state building[92] in Afghanistan and Iraq.

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[92] State/nation building is often thought to be necessary "under conditions where states lack not only capacities to provide security and services but also legitimacy" (Rubin 2006: 183).

7.4 Inconsistent 'State Building' in the War on Terror

Unlike Bosnia & Herzegovina, post-intervention Afghanistan and Iraq did not 'benefit' from a tightly-regulated, long-term framework of oversight. However, despite avoiding the challenges associated with international administration, the interventions have been no less controversial in their quest for radical regime change. Ultimately, despite meeting many of their initial operational goals, it is generally agreed that "[t]he American Military occupations of Afghanistan and Iraq have been neither military nor political successes", as Goldstein (2012: 2) has pointed out almost a decade ago. To a large extent, these failures stem from tensions between interveners' motives and intentions, as well as from seeking to meet two apparently conflicting goals: the limitation of long-term occupation and the rapid transition to stable and democratic self-government. Seeking to avoid the type of lengthy and costly commitment evident in Bosnia, planners took an inconsistent approach to the challenges of rebuilding. In doing so, they imposed regimes which failed to be accepted as legitimate by large parts of the population. The occupiers ultimately did not meet their responsibilities in ensuring popular self-determination and in building a minimally just and stable state.

Indeed, their intentions, though seemingly straightforward, were contradictory from the start. As discussed earlier, the interveners aimed for a radical regime change outcome, including the imposition of 'liberal' forms of governance. However, they also aimed to do so with a minimal commitment to long-term involvement. Thus, as President George W. Bush had already stated in 2000, that "if we don't stop extending our troops all around the world in nation-building missions, then we're going to have a serious problem coming down the road. I'm going to prevent that" (quoted in Schneider 2001: para.1). This sentiment was later echoed by other senior functionaries in the administration, including Donald Rumsfeld, who famously affirmed that the United States of America 'doesn't do nation building'. He claimed that the concept "does not have a brilliant record across the globe. It's a very hard thing to do. It's a hard thing for the people in a country to make a nation work well, and it's even harder for foreigners, strangers, to go into a country and think that they know what the template, what the model ought to be for that country" (2001: para. 14). This assumption has consequently directly influenced the course of the two major post-9/11 regime change interventions. Thus, "in both

Afghanistan and Iraq", Thierney (2014: 82) has asserted, "the Bush administration's aversion to nation building undermined planning for the endgame by encouraging the belief that extensive stabilisation operations would be imprudent and unnecessary."[93] Accordingly, after initial military successes, interveners failed to predict the unstable postwar situation in Afghanistan.

7.4.1 Afghanistan

The case of Afghanistan was the first instance of a post-9/11 FIRC war. In stark contrast to the later war in Iraq, Rubin claims that, initially at least, "intervention in Afghanistan enjoyed international legitimacy (no state opposed it) and considerable support in Afghanistan, where Afghans saw it less as destroying sovereignty than as potentially restoring it after years of interference by neighbouring countries" (2006: 183). This restoration of sovereignty through regime change was thought to increase the prospect of establishing a safe and democratic state. Falk (2004: 43) notes that the intervention

> emphasized 'regime change,' but the justification strongly stressed the abysmal human rights record of the Taliban regime as grounds for disregarding its sovereign status. In this instance, the fact that only three states accorded diplomatic recognition to the Taliban, two of whom broke relations after September 11, added weight to the view that intervention was justified, or in the earlier language, at least 'legitimate', and possibly 'legal'.

Although there was no ongoing large-scale campaign of government-sanctioned murder that would have been a legitimate cause for rapid intervention and regime change, the country's fundamentalist Taliban regime was doubtlessly repressive. The group had carried out acts of ethnic cleansing in the past and persisted in ruthlessly punishing anyone deemed in violation of its laws. In enforcing its strict interpretation of Islamic law and indigenous practices, the Taliban mostly relied on decentralised tribal governance and informal networks rather than an effective centralised regime (whose removal could have had the potential to halt the oppression

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[93] Monten notes that "assumptions about democracy promotion and the state were all brought to bear in the planning and execution of Operation Iraqi Freedom in 2002 and 2003, as well as in the postconflict military operations and political strategy that followed. The result was a postwar plan that de-emphasized the importance of state institutions and minimized the role of the United States as the central state authority in Iraq. U.S. planning was driven by the assumption that a democratic transition could be achieved with minimum central direction" (2014: 188).

in one fell swoop). Ultimately, the US and its allies intervened to disrupt, and if possible destroy, the Al Qaeda network which relied on the safe haven the Taliban provided them. However, "despite the fact that the US-led war in Afghanistan was explicitly not a humanitarian intervention, American policy-makers would come to embrace the language and rhetoric of a humanitarian cause" (Ayub & Kouvo 2008: 647).

As soon as the dust had settled, it became clear that the United States had a distinct view of their postwar responsibilities: establishing an environment for a transfer of power to their Afghan allies (the Northern Alliance) while continuing the fight against a growing Taliban insurgency. Ultimately however, planners refused to countenance that the type of centralised regime they sought to impose could be inappropriate to the Afghan case. Thus, "post-Taliban Afghanistan saw the coming together of the state-building imperative of the liberal peace and a political environment marked by chronic insecurity and the failure of the new government to extend its monopoly of violence" (Mac Ginty 2010: 578). In light of the persistent threat by insurgents, "the United States and the broader international community sanctioned the renewed activity of individuals and factions with unsavoury pasts in the name of stability and state building" (Ayub & Kouvo 2008: 650). That these individuals were not necessarily on board with the liberal ideals of humanitarianism or indeed democratic governance was largely ignored in the pursuit of security and counterinsurgency measures. Indeed, the worsening security situation highlighted the need for a more permanent military presence by the United State and its NATO allies. This was contrary to early expectations, which were ultimately "based on the overly optimistic assumption that these forces would face a benign security environment" (Khalilzad 2010: 48). Indeed, while the eventual 2014 transfer of security responsibility from the multinational 'International Security Assistance Force' (ISAF) to the Afghan government and its security forces was highlighted as an important milestone, similar to the earlier sovereignty 'transfer' to the new Iraqi regime, there was no doubt amongst planners that without a substantial foreign military presence a Taliban resurgence was unavoidable. Overall, day-to-day security concerns have largely replaced the goal of establishing in Afghanistan a democratic and legitimacy government, which "has resulted in a state-building process hampered by competing and largely incompatible agendas" (Ayub & Kouvo 2008: 647).

Thus, in spite of their reluctance to engage in state building, interveners were ultimately forced to concentrate "both on expanding the scope of the Afghan state and on building the strength of Afghan institutions, but failed to make significant progress in accomplishing either goal" (Monten 2014: 183) which confirms the assessment that "encouraging the conditions for peace within a multiethnic society, scattered over a vast territory and with long traditions of insular local governance, should focus not only on elite leadership and on a supposed centre of power, but on consultation, participation and sustainable policies of decentralization" (Ayub & Kouvo 2008: 656). In the end, after two decades of supposed 'capacity building' and hundreds of counterterrorism and counterinsurgency operations, many Afghan civilians live under an illiberal centralised regime which has been unable to expand its authority and suppress the Taliban insurgency. Overall, it has been estimated that "[a]s of October 2019, more than 43,000 civilians are estimated to have died violent deaths as a result of the war" (*Costs of War* 2020: para. 6). Although it is premature to state that Western actors have 'given up' on Afghanistan, disillusionment with the country's progress has been a main driver behind a potential future deal between the United States and the Taliban who were the target of the initial intervention. In addition, it has been emphasised that "while a US agreement with the Taliban is an important step toward peace, such a deal will not be enough by itself" (Pilster 2020: 121). Accordingly, Pilster adds that "sustainable peace through power-sharing in Afghanistan will require sustained international community engagement. Such an investment may be justified to preserve regional stability, prevent terrorist havens, maintain human right gains, and forestall a migratory crisis. At the same time, continued engagement in Afghanistan will be challenging and costly" (idem: 138).

The case of Afghanistan serves as a further illustration of the contradictory relation between interveners' idealism regarding the possibility of radical FIRC on the one hand, and the realities of an unstable postwar country on the other. The fact that the US and its Western allies ultimately resigned themselves to an increasingly illiberal Afghan government, as well as the increasing likelihood of a peace settlement with the Taliban shows the many challenges to liberal FIRC's success in the early 21st century. The often disappointing results of interveners' preference for radical imposition are also evident in Iraq, where the occupiers' assumptions about postwar responsibilities and state building led to similar problems of instability.

7.4.2 Iraq

When the US-led intervention brought a decisive end to Ba'athist power in Iraq, this victory seemed at least initially to provide a welcome opportunity for the imposition of a more stable and democratic regime. Prior to the Iraq intervention and regime change, its planners assumed that "establishing a democratic regime in Baghdad [...] could serve as a model in spreading liberalism to other parts of the Middle East" (Snyder 2003: 654).[94] This assessment also reflects interveners' erroneous assumptions about the benign effects of radical regime change and their intentions in imposing liberal frameworks. As stated earlier, it was assumed that a thorough restructuring of the Iraqi state apparatus would stabilise the country, making long-term occupation and monitoring unnecessary.

However, as was the case in Afghanistan, interveners in Iraq sought to impose a regime while neglecting to ask important questions about the nature of minimal justice and its link tot Iraqi self-determination. The intervention again reflects the unmistakably paternalistic undertones in imposing substantial change without popular consent 'for their own good'. At the same time, interveners' reluctance to engage in sustained state-building efforts was based on their perception of the intervention as an act of liberation, not one of imposition. As Deputy Secretary of Defence Paul Wolfowitz had stated, intervention did not "mean that we are suddenly going to go changing governments by force, imposing democracy, as though democracy is something you impose on people, but that we are going to work to give Arabs the chance to build the kinds of free institutions that we have lived under and benefited from for so long" (2004: para. 73). Indeed, in providing the freedom to build these institutions, planners seemed to have vastly underestimated the potential for instability following the collapse of the regime. This is further reflected in Donald Rumsfeld's attempts to downplay widespread looting and unrest was merely a part of transition to freedom, stating that "freedom's untidy, and free people are free to make mistakes and commit crimes and do bad things" (quoted in Loughlin 2003: para. 3).

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[94] In fact, it is notable that "US invasion of Iraq in March 2003 marked the second time in Iraq's 85 year history that foreign intervention, justified in the name of state-building, has failed to deliver on the promise of creating stable, sustainable and democratic governing institutions. While widely neglected in contemporary debates about state-building, Britain's failed attempt in the 1920s and early 1930s to build a liberal state out of three former provinces of the Ottoman empire is the historical backdrop against which the birth and violent evolution of the Iraqi state has to be understood" (Dodge 2006: 187).

In light of the miscalculation of the complexity of regime change, the ambitions were contradictory from the start. Interveners seemed to both envision some relatively minor restructuring *and* a thorough democratisation. Consequently, according to Dodge (2006: 188), "[t]he working assumption underpinning plans for post-war Iraq was a belief that invading US troops would race to Baghdad and seize the Iraqi state intact. They would then use its institutions to impose order on and then rule over the country. Occupation would entail the limited reform of a dictatorial state, a form of coercive structural adjustment"', more in line with the superficial regime change described earlier in the thesis. However, this relatively limited reform quickly spiralled out of control. The Coalition Provisional Authority (CPA) took over the governance of Iraq in the period following the ousting of Saddam Hussein and his ministers (Dobbins 2009). During its relatively short tenure, its "primary goal was to restore the central state as an effective apparatus of rule, albeit one that would embrace the principles of electoral democracy and freemarket capitalism" (Paris 2015: 150). As the planners saw Iraq's political and economic system as "bloated and inefficient", they favoured "the introduction of a series of free market-oriented reforms, including privatizing state-owned companies; rolling back the state sector; and eliminating a vast network of state subsidies" (Monten 2014: 182). This aim to liberalise the economy, accomplish democratisation and avoid nation-building at the same time was inconsistent and ultimately doomed to fail. The former head of the Coalition Provisional Authority in Iraq, L. Paul Bremer *et al.* (2008: 54) have noted that

> [i]t has been rightly said that no war plan survives first contact with the enemy. It is also true that no post-war plan is likely to survive first contact with the former enemy. The true test of any planning process is not whether it accurately predicts each successive turn in an operation, but whether it provides the operators the resources and flexibility to carry out their assigned tasks. This the planning process for post-war Iraq failed to do.

Similarly, Lipsey (2016: 415) writes that, after all, "the prime lesson of the Iraq war was clear to all: do not go into battle unless you have some plausible vision of the ultimate outcome you are after. The American bungling of the post-Saddam reconstruction led to the situation in Iraq being turned from victory to defeat."

As stated previously, interveners have an initial obligation to establish the basis for a minimally just government but also a wider duty to consider the wishes of the population in doing so. In Iraq, a failure to address the latter ultimately led to a failure of the former. Indeed "the CPA never understood - or even listened to - the people it was seeking to help. Instead, it adopted an ex cathedra approach by which Bremer alone dictated what mechanisms would be taken" (Stover et al. 2005: 856).[95] Beyond the efforts at de-ba'athification and the power transition to the new government (an 'Interim' Government which was followed by a 'Transitional' Government) there was little effort on behalf of the United States (or the other actors involved) to resolve the historical tensions between Sunni, Shia, as well as Kurdish Iraqis, which left a post-regime change legacy of increased destabilisation which is still felt today.[96]

Of course, this should not be taken to mean that it was the interveners' responsibility to permanently 'resolve' these tensions. Nonetheless, the intention of creating a multiethnic Iraq within its existing borders caused interveners to avoid creating a framework within which these debates could have been addressed. Failure to create this opportunity resulted in unanticipated consequences. Ultimately, as Godfroy and Collins (2009: 140) have argued, "[t]he power vacuum generated by the elimination of a repressive government and American lack of preparedness for governing an entire country created near perfect conditions for long-standing rivalries and hostile armed groups to wreak havoc on the Coalition military and the Iraqi state." In part, this was the case because planners "overlooked important features of the Iraqi political system, including the role of religious leaders (Sunni and Shia), ethnic groups (Arabs and

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[95] Essentially from the day of its inception, the Provisional Authority immediately issued several controversial orders which were aimed at regime transformation. 'Order 1' spells out that "[o]n April 16, 2003 the Coalition Provisional Authority disestablished the Ba`ath Party of Iraq. This order implements the declaration by eliminating the party's structures and removing its leadership from positions of authority and responsibility in Iraqi society" (CPA 2003a). The Coalition Provisional Authority has been consistently criticised for many of its early actions, but especially for its controversial decision to disband the influential Iraqi armed forces. "Possibly the most disastrous mistake of the US administration was dismantling the army by decree on 23 May 2002 after Paul Bremer took over as Administrator of the Coalition Provisional Authority" as Barakat has pointed out (2005: 579). The CPA's intent was to recreate the successes of regime change in post-war Germany (Naftali 2004; Dobbins et al. 2009). Unfortunately, in deviation from the West German experience, the radical purge of institutions only destabilised the country further, leading to unemployment and a rising disaffection among the population (Dobbins 2009).

[96] Thus, Paris claims that while "US policy downplayed the political role of Sunni tribes and local governance, focusing instead on killing insurgents and building up the institutions of the central government, violence in the country worsened, leading to the deaths of 30,000 Iraqis in 2006 alone" (2015: 152).

Kurds) and tribes and tribal confederations (mainly in Sunni Arab rural areas) in the informal governance of the country" (Paris 2015: 151).[97] Indeed, it is true that "America's ending of Arab Sunni dominance [...], combined with its inability to establish peace among Iraq's three main communities [...] suggests that stable democracy is not likely to take root in Iraq any time soon" (Katz 2017: para. 16).

Similar to the Afghan case, interveners' insistence on imposing the trappings of liberal democracy without encouraging broad popular participation has ultimately had adverse effects. Indeed, the illiberal and "authoritarian government in Iraq under Maliki would eventually become more entrenched and beholden to Iranian interests, which seeded resentment in the Sunni population, laying the foundation for the Islamic State in Iraq (ISIS). Far from aiding US national security interests, Iraq became a haven for the same terrorist activities the invasion was designed to eradicate" (Godfroy & Collins 2009: 166).[98] Of course, in terms of geopolitics the rise of Iranian influence is far more significant to the United States' ambitions than the threat posed by ISIS. Ottaway has (2015: 9) confirms that Iraq "today has been shaped more deeply by Iran than by the United States. The Iranian version of nation-building, based on building up organizations that share its goals, has trumped that of the United States, which depends on superimposing on Iraq institutions the U.S. thinks the country should have and training people to staff them." As of 2020, "[r]ather than curbing Iranian influence, the United States helped facilitate Tehran's inroads to eclipse Washington all while pouring billions of dollars into supporting a government already compromised" (Abdulrazaq 2020: para. 7).

Therefore, although strictly speaking "Iraq was a regime change success [...] both ideologically and geopolitically the success and results of its democratisation has been far more mixed" (Milevski 2020: 311). If the goal was 'merely' to remove Saddam Hussein and the Ba'athist party from power, then this has clearly been achieved. The regime was defeated and

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[97] As Paris notes, "[a]lthough the Baghdad authorities agreed to create a new organization to determine which Sunni groups they were prepared to work with, once the US presence in the country started to wane, the Iraqi government arrested and imprisoned many of the local Sunni leaders who had come forward" (2015: 154).

[98] Incidentally, this assessment highlights the shift in motives for intervention. As stated earlier, once the search for Iraq's WMD proved to be fruitless, the intervention's secondary role in combating terrorism was emphasised. Ironically, while there is little evidence that the Iraqi regime ever colluded with Islamist terrorism, the intervention fostered the conditions for the rise and spread of ISIS and thus proved a major setback in the 'War on Terror.'

swiftly deposed. If, however, the main objective was to substantially improve the lot of the Iraqi people in the long term and to make the wider region 'safe for democracy', the end result is invariably frustrating. Many Iraqi citizens may indeed have welcomed the demise of Saddam Hussein's dictatorial and rights-violating regime, but felt more than dissatisfied with the United States-led efforts at subsequently imposing their vision of a 'free' Iraq. Thus, Dodge has stated that "[t]he military task of defeating the Ba'athist regime proved to be comparatively straightforward, but the political task of reconstituting the state has been complex, unpredictable and costly" (Dodge 2006: 197). Iraq's future stability is not only dependent on the relation between ethnic and religious groups, but also on the roles the United States and Iran choose to play in the future of the country, whereas the Afghan case highlights the complex relationship between War on Terror and foreign-imposed regime change and the problems of a mission aimed at achieving both. This 'muddling' of key objectives exacerbated problems of bringing the conflict to a decisive conclusion. As the following section will argue, the interventions in the Middle East and the case of Bosnia call into question the liberal principles underlying post-Cold War FIRC by undermining the very sovereignty which would be required for states' rehabilitation.

7.4.3 Incomplete Sovereignty after FIRC

Earlier, the thesis has established the continuing importance of 'Westphalian' sovereignty to legitimate statehood, but also highlighted the important shift from views of sovereignty as non-intervention to one of sovereignty as responsibility. In seeking to help states address this responsibility, "intervention is seen not only as a mechanism for the protection of human rights, but also as a vehicle for the recovery of full sovereignty" (Mohamed 2005: 837). However, the examination of Bosnia, Afghanistan and Iraq in this chapter indicate that FIRC is likely to affect sovereignty long after the end of the initial intervention, often leading to a sense of 'incomplete' sovereignty. The result is long-term instability and dependence on external support, ultimately resembling the 'failed state' concept discussed earlier. In the case of Bosnia, sovereignty is hampered by continuous and invasive supervision by the OHR, whereas in Afghanistan and Iraq the imposed regimes' survival depends on being propped up by other states, be it the US, NATO or America's rivals like Iran.

The resulting lack of legitimacy in the eyes of large parts of the population is exacerbated by the new regimes' lack of monopolies on many of the essential prerequisites for sovereign statehood. Krasner has emphasised the position that "if one state successfully coerces or imposes on another changes in the latter's institutions, policies, or personnel, then the target is no longer a Westphalian state: its policy is constrained not simply by the external power of other states, but also by the ability of others to change the nature of the target's internal politics" (1995: 136). In the cases highlighted in this thesis, new regimes have been unable to assert many of their sovereign rights against their states' 'liberators', especially regarding the powers of policing, defence (i.e. the monopoly on the use of force). Even when states have nominally 'regained' their sovereignty after occupation, their monopoly on the use of force has regularly been usurped in part by the US and its allies in the name of continuing the War on Terror, often through the negotiation of SOFA Agreements.[99] Given their postwar instability, new regimes are likely unable to refuse these agreements, even if they would want to.[100] For example, in the case of Afghanistan, Jenkins accurately noted that "the Kabul regime's tenuous hold over its territory (the *sine qua non* of domestic sovereignty) depends on a NATO force that operates under a UN mandate" (2006: 72). Currently, two distinct ongoing operations remain in place, one involving NATO, the other carried out by the United States.[101] The NATO 'Resolute Support Mission' is a non-combat operation focused on providing training and other support to the Afghan security forces, while the United States' 'Freedom's Sentinel' mission is a part of continued American efforts to wage the War on Terror. Though both share the eventual goal of cementing regime change and stability in Afghanistan, their relation to each other, and to the ostensibly sovereign Afghan government, remains ambiguous.

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[99] "A SOFA is an agreement that establishes the framework under which armed forces operate within a foreign country" (Mason 2009: 1), and the SOFA agreement in Afghanistan essentially established a significant cooperation between the United States, NATO, and Afghan security forces in a bid to prevent a Taliban resurgence.

[100] Thus, Mason states that "[o]n May 23, 2005, President Hamid Karzai and President Bush issued a "joint declaration" outlining a prospective future agreement between the two countries. It envisions a role for U.S. and NATO military troops in Afghanistan to 'help organize, train, equip, and sustain Afghan security forces' until Afghanistan has developed its own capacity, and to "consult with respect to taking appropriate measures in the event that Afghanistan perceives that its territorial integrity, independence, or security is threatened or at risk" (2009: 9).

[101] The (sometimes confusing) overlap between missions (who share the same commander, General Miller) has not been conducive to the overall situation on the ground. The two concurrent missions in Afghanistan differ in their size, composition, and ultimate goals, but have been unable to resolve many of the underlying problems of the country. Thus, in spite of consistent efforts by the combined United States military, NATO forces, and Afghan army, the Taliban have continued their insurgency.

In fact, it has been noted that "the countries and groups involved in the current conflict have acted with callous disregard for Afghanistan's sovereignty. Foreign armies crisscross the country free of any legal or statutory constraints. They are able to imprison, kill, and even torture with impunity. The Kabul government is too feeble and dependent to demand the respect of its sovereign rights, assuming that it is aware of them" (Akram 2012: para. 8). Eight years after this assessment, there is little progress towards a substantial reassertion of the central governments' power, as continued instability and the aforementioned potential deal with the Taliban illustrate. Similar concerns about the lack of the monopoly on the use of force have been noted in the case of Iraq, where the United States continues to maintain a military presence but has also conducted military operations without the knowledge of the increasingly Iran-aligned government in Baghdad. This interference has culminated in the assassination of Iranian General Qasem Soleimani on Iraqi soil, prompting increased tension between Iran and the US and exacerbating the decreasing popularity of US influence in Iraq and the region.[102] The assassination and other violations of Iraqi sovereignty by the United States has even led to calls for a complete withdrawal of all American forces remaining in the country (CBS 2020).

For the past three decades, but especially in the context of a post-9/11 world, the targets of regime change intervention have increasingly become new battlegrounds rather than examples of successful democratisation and rehabilitation. Ultimately, this reflects the sense of objectification and lack of agency which we earlier dismissed in the Pottery Barn Rule. Thus, as indicated earlier, the probability for successful FIRC is often undermined by Western insistence on a contradictory agenda which seeks the imposition of liberal regimes, the avoidance of state building, and the combatting of terrorism and insurgencies, all at the same time. Consequently, the final part of this chapter emphasises the importance of pragmatism and 'minimal justice' in regime imposition.

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[102] Of course, Iran has been subject to US-sponsored regime change in the past, and its continued rivalry has marked it as a potential future target. Thus, Tarock notes that "[f]or the past quarter of a century the question whether to engage or confront Iran militarily has been debated at the highest levels of government in Washington" (2006: 81), and that "the US has several courses of action available to it. They include the invasion and occupation of Iran, bombardment of its nuclear energy facilities, sanctions, assisting opposition groups, or engaging Iran. [...] perhaps the best option would be engaging Iran, if Washington's real intention of 'regime change' were to bring democracy to the country" (idem: 99).

7.5 From Liberal Democratisation to 'Minimally Just' Regimes

While it has been claimed that "the appeal of democracy stems in part from its association with the advancement of the quality of life for all human beings" (UN n.d. [a]), the aftermath of recent attempts at democratisation have called into question in how far the quality of life of the affected citizens has actually improved, and in how far this has furthered the prospect for peace in the targeted states. Attempts at establishing international stability through forcible 'democratisation' have faced mixed fortunes in the past decades. Brown has noted (2006: 21) that "the ending of the Cold War has allowed for political action in support of the principles of sovereignty and self-determination to take place without reference to the consequences of such action for a global power struggle. But what this freedom of action has revealed is that these principles, however politically attractive and legally sound, do not, in practice, 'cash out' in ways that are always comfortable, or always solve more problems than they create." Indeed, past interventions have shown that forcible change can turn into protracted occupations if stabilisation goals are not achieved. In pursuit of these goals, the precepts of Western liberal democracy seem 'self-evident' to the occupying state but are much less readily accepted by the targeted population. Accordingly, it has been claimed that many of the recent attempts at imposing democratic structures may have floundered due to "Enlightenment over-optimism" (Biggar 2013: 304), especially since states are not 'black boxes' to which neat, abstract solutions can be applied, and democratisation is no panacea to postwar instability.

Time and again, turning authoritarian regimes into more or less liberal democratic republics has been shown to be beset with problems which are both ethical and practical. Thus, in Iraq but also in many other cases, in the end "the US settled for the thinnest veneer of democracy, which proved to be a mask for yet another authoritarian government" (Godfroy & Collins 2009: 165). This also raises more deepgoing questions, especially regarding the type of regime which ought to be imposed after intervention instead. Thus, as Reus-Smit argues, if "an autocratic state were about to engage in genocide, it would be reasonable for democratic states (or any states, for that matter) to judge that the will of the threatened people favoured humanitarian intervention. But this is very different from democracies making judgments about how subject peoples would view the general allocation of political rights within international

society" (2005: 91). This has prompted some to state that "common morality can allow some actions outside established authority, but common morality can not authorize an intervening state to do what it cannot do", and this includes "remaking a regime or, more radically, a constitution and political culture, [which] appear to be among the things intervening powers can not successfully carry out by warfare and so should not undertake to do" (Boyle 2006: 53). This assessment illustrates the problematic nature of the assumption that radical regime change is preferable to alternative, less invasive, solutions. Accordingly, and contrary to interveners' expectations, FIRC is often more successful the less it attempts to achieve. This means that from the start of the intervention, actors should bear in mind that the ultimate intent of imposition is to fulfil the requirements of minimal justice.

7.5.1 Responsibilities for Minimal Justice

Regime change actors are often faced with a dilemma. Democratisation is an uncertain endeavour, and the accompanying efforts will likely take years and substantial commitment. On the other hand, by simply removing a supposedly culpable regime but avoiding further responsibilities, it creates a potential power vacuum and further instability, as the superficial regime change in Libya shows. In light of the resulting controversies, the Just War Tradition's practical and pragmatic approach to conflict remains essential. A key precept of Just War teaching is that military action must have a high probability of success: an attack should be avoided if one is not confident of bringing it to a decisive conclusion.

Evidently, this probability for success is equally important in cases of FIRC. The failure of radical attempts at imposition in the past indicates that a more pragmatic view of postwar justice is necessary. Ultimately, this aligns more with the traditional minimalist conceptions of postwar justice than the more maximalist responsibilities associated with victory. This is ultimately in line with the pragmatic outlook offered by traditional Just War approaches, and ensures that postwar situations are not made worse by overzealous attempts at replicating the ideals of the Liberal Order. Post-intervention measures should be based on ensuring the protection of the 'thin' human rights whose defence caused intervention (or should have done so) in the first place. Thus, in those very rare cases where regime change is actually warranted,

there is no necessary basis for the imposition of 'Western-style' liberal democracies. Consequently, it has been argued that "[w]hile democracies tend inherently, but not inevitably, toward this human rights orientation on behalf of their citizens, it is not impossible or even improbable that other forms of political organization - a well-disposed monarchy, or even a benign authoritarian dictatorship, such as that of Tito in Yugoslavia - might reveal such an orientation (once again, in both policy and practice) and thus reveal itself to be 'minimally just'" (Lucas 2007: 250). Indeed, it has been noted that

> [t]he necessary connection between a just and lasting peace and a democratic form of government is a tenuous one. Of course, democratic governments, in comparison with other forms of government, do have an impressive track record when it comes to keeping the peace. Nevertheless, the U.S. will have done a satisfactory job if it can simply create space for a decent and honorable Iraqi government. A democracy would be ideal, but what John Rawls refers to as a mere 'well-ordered regime,' is a much more reasonable goal, and that is enough for success (Cole 2011: 182).

Thus, a "legitimate government [...] need not be an ideal government or even a good government" (Lackey 1982: 537). They need only be minimal rights respecting and tolerable to the population, i.e. what in Rawlsian terms can be called a 'decent hierarchical society'. This is simultaneously less costly for the intervening state(s) and allows for flexibility in the face of culturally dissimilar approaches to government. In addition, this minimally just regime must take into account local authorities and decision makers, leaving increasing freedom for peoples' self-determination. This sort of minimal imposition could ultimately mean long periods of negotiation or even the end of multiethnic states' territorial integrity, so should not be seen as a 'straightforward; alternative to more maximalist assumptions. Nevertheless, as Boyle (2006: 53) writes, "when one goes beyond stopping atrocities, preventing ethnic cleansing, protecting refugees, and perhaps deposing a tyrant, what is needed to establish the rights under threat involves many steps and much decision making. This process can not be carried out by appeal to the authority of the moral law alone but also requires the discretion and authority of local political leaders." What exactly the result might look like depends on the stakeholders involved, but ultimately avoid many of the pitfalls of forcible centralisation and democratisation.

7.6 Conclusions

The discussions above illustrate how the thesis' conceptual framework can aid in assessing instances of FIRC by highlighting the contradictions between intentions and outcomes. In the reality of FIRC, more substantial change does not guarantee a more desirable outcome. Indeed, the cases of Bosnia, Iraq, and Afghanistan above illustrate the many pitfalls of both regime removal and regime imposition. They indicate that regardless of the system of government which is imposed in the end, the justice of 'post-conflict' situations cannot easily be determined by singling out any particular point in time. Regime change interveners have been drawn into lengthy military occupation, bloody counterinsurgency campaigns, or long-term oversight of target states. This shows our Just War understanding of regime change for what it is: a complex process of evaluating decisions and their voluntary and involuntary consequences.

By emphasising the importance of *jus post bellum* considerations, Just War approaches strive for the recovery of "tranquillitas ordinis — a concept reflecting the importance not merely of national sovereignty, but also of fundamental human rights and the relative legitimacy of various governments" (Wingfield 2004: 120). Achieving a return to this state is the key challenge for all attempts at foreign-imposed regime change, but has often proven to be elusive. Thus, as stated at the beginning of this chapter, FIRC actors do have an obligation to engage in minimal state building, but also the duty to facilitate the population's influence on the ultimate outcome.

The chapter has shown that postwar mismanagement can cause further instability in civil society, especially when post-FIRC priorities shift from the promotion of democratic institutions to a strategy of counterinsurgency and counterterrorism. As is the case with the rest of the Just War approach, *post bellum* justice cannot be reduced to a checklist approach. Each instance of warfare raises complex questions about the road to peace. This creates new ethical challenges: in discussing the Afghan and Iraqi cases as well as the Bosnian 'solution' to post-intervention instability, the chapter has considered the notion that forms of neo-trusteeship are a solution to post-imposition instability. Ultimately, without the substantial involvement of

the targeted population in the democratic process and self-determination, both neotrusteeship and other forms of imposition represent little more than a 'temporary fix' to the latent instability in a country. Consequently, they often fail to address the underlying tensions which prompted instability in the first place. However, there is an even more important, underlying problem, namely an inconsistent approach to regime legitimacy and national sovereignty. This inconsistency ultimately illustrates the shifts in understandings of legitimacy and sovereignty.

As the thesis has illustrated, 'Western' states' expectations of sovereignty have evolved over the past decades, and have encompassed ideological, humanitarian, and security concerns. That is to say, whereas during the Cold War regimes were supported for their perceived anti-communism, in the 1990s this expectation made way for a more sustained focus on the 'humanitarian' aspect of liberalism. In the wake of the 9/11 attacks, this has again shifted towards imposing and supporting regimes whose liberal credentials are questionable, but which play important roles in fighting global insurgencies against the US-led Western order. These shifts highlight yet again the thesis' emphasis on the need to understand phenomena in their wider context, instead of relying on reductivist abstractions.

Past cases of FIRC, from Bosnia to Iraq, show that a 'just' outcome is not by necessity tied to the 'type' of regime change. Few, if any, instances of FIRC can be seen as unambiguous success stories. This calls into question the empirical claims by liberal interveners that the imposition of liberal democratic regimes is the best, or even the only, way of ensuring peace and prosperity for the targeted population. The contradictory liberal conceptions of 'imposed freedom' have ultimately both encouraged the pursuit of FIRC and hindered a more successful conclusion to these interventions. Indeed, as past cases show, these paternalistic assumptions have more often than not resulted in impositions which have either been problematic due to their long-term interference in the democratic process, or due to their adverse effects on national, regional, and ultimately global security. The liberal approach to regime imposition has often had adverse effects and has led to an increasing backlash in the form of terrorism, insurgencies, and even more importantly, the undermining of the liberal order itself, to the extent that "this is nevertheless a rare moment in International Relations (IR), in which all

mainstream theories concur that the hegemony of the liberal world order is over" (Duncombe & Dunne 2018: 25).

Accordingly, the final chapter of the thesis assesses the potential effects of this ostensible 'end', or at the very least decline, of this liberal order. In doing so, it summarises preceding chapters and highlights their contribution to the thesis' overall goals, while showing how obstacles faced in formulating a Just War approach to FIRC present important opportunities for future research and debate.

Chapter VIII: Conclusions

This chapter concludes the thesis' argumentation. Before recalling the project's key contributions to knowledge and potential opportunities for further research, the coming pages discuss the advent of a 'post-American' world order and its potential effects on the future of the FIRC phenomenon.

As has been argued throughout the thesis, the liberal order emerging in the post-Cold War period has increasingly come to see sovereign equality as a hindrance to propagating its ideals. As this paper has sought to show, the underlying justifications for violating states' have changed over the years and have increasingly taken into account both security concerns and humanitarian challenges. However, foreign-imposed regime change has since gone from being perceived as a potential last resort in protecting human lives to a controversial and distrusted 'Western' tool. As a consequence, in the post 9/11 world, it appears as though "policy instruments such as pre-emption and regime change, are not so much transgressions of state sovereignty as instruments to preserve and protect a 'well-ordered system of sovereign states'" (Acharya 2007: 276).

8.1 The End of the Liberal Order?

The evolution of liberal foreign-imposed regime change as a distinct phenomenon has proceeded in three phases since 1945. Whereas the Cold War phase was marked by debates surrounding the legitimacy of overt intervention in sovereign states, the second phase, under the impression of the seeming triumph of liberal values, led to a widespread acceptance that such interventions can be warranted in humanitarian emergencies. However, the third and current phase, has seen increasing concerns about the instrumentalisation of FIRC by leading Western states in pursuit of their own political and security interests. These "offensive liberal wars characterised by strategic motive and humanitarian intent illustrate that any political actor has myriad other considerations besides simply the constitution of its government" (Milevski 2020: 311). As a result, the regime change phenomenon's infringement of sovereignty is symptomatic of the multitude of pressures. These pressures have multiplied in the aftermath of the 9/11 attacks. Speaking just before the intervention Iraq, British Prime Minister Tony Blair (2003) had stated that

> [t]he outcome of this issue will now determine more than the fate of the Iraqi regime and more than the future of the Iraqi people [...]. It will determine the way Britain and the world confront the central security threat of the 21st century; the development of the UN; the relationship between Europe and the US; the relations within the EU and the way the US engages with the rest of the world. It will determine the pattern of international politics for the next generation (para. 10-11).

Blair's words were certainly prophetic, though perhaps not in the way he had originally intended. Overall, the ongoing debates about the justice and effects of interventions in the Middle East, combined with the lack of progress in Eastern Europe have severely dampened the enthusiasm for similar undertakings in the future. Thus, we have seen that in Iraq, "internal conflict has trumped the initial triumph of Saddam Hussein's overthrow. But Afghanistan, after initial successes, is hardly a exemplar of a successful liberal intervention, and Libya has been reduced to ungovernability. A doctrine that leads to such results is not self-evidently one to which we should continue to adhere" (Lipsey 2016: 416). This increased scepticism about the viability of regime change as a political instrument has had important repercussions on the international community's willingness to intervene in the ongoing civil war in Syria.

Since 2011, the Syrian conflict has raised important questions regarding humanitarian intervention, regime change, and other considerations regarding *post bellum* justice (e.g. Byman *et al*. 2012: 11) as well as states' responsibilities beyond their borders. Buckley writes that "[t]hough most states in the international community oppose the violence being committed by Assad's regime against the opposition, the international community has been at an impasse. Toppling Assad is not simple because of the sectarian divisions in Syria, complications introduced by Syria's alliance with Iran, and Russia and China's opposition to military intervention in Syria" (2012: 97).[103] Whereas Western powers have generally supported opposition forces' calls for Assad's resignation, others (first and foremost the Russian Federation) have supported the Assad government's claim to be the sole legitimate government.[104] In spite of the Syrian regime's repeated transgressions against sections of its own population, there has been no full-scale humanitarian intervention against it, and "amid reports of a chemical weapons attack carried out by the Assad regime in Douma, there arose a familiar call for the international community, and 'the West' in particular, to 'do something'" (Dunford & Neu 2019: 1081). A number of earlier 'red lines' suggested by the United States, such as the alleged use of chemical weapons, have done little to dissuade the regime from other rights abuses,[105] and neither the successive Obama nor Trump administrations have seriously

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[103] Indeed, in the Syrian question, "China actively intervened to ensure that a firm line against non-consensual intervention would be held, and in this case alone, China committed to three diplomatic innovations: casting multiple, successive veto votes; rebranding to delegitimize intervention as 'regime change', and engaging in norm-shaping of the 'responsibility to protect' regarding the use of force" (Fung 2018: 693).

[104] For instance, it has been pointed out that "[i]n February 2012, Russia and China each vetoed a second draft UN Security Council resolution aimed primarily at halting violence against civilians that had erupted in Syria a year earlier as part of the Arab Spring uprisings" (Mcmillan & Mickler 2013: 283). It is conceivable that this veto may have emboldened the Syrian regime to continue its assault. Thus, Abe notes that in conflicts like "Syria and Ukraine, the dire situation may also provoke calls for 'something to be done', but intervention would trigger heated debate over fear of involvement and potential confrontation with Russia, which would only make the situation more complicated" (2016: 81).

[105] Naqvi has stated that "[t]he international response to the use of chemical weapons in 2013 – the crossing of US president Barack Obama's famous "red line" – led to the removal and destruction of Syria's declared stockpile of chemical weapons, implemented and overseen jointly by the Organisation for the Prohibition of Chemical Weapons (OPCW) and the UN" (2017: 961). However, on the other hand it is clear that "[t]here have been a myriad of international humanitarian law violations committed during the war in Syria. The United Nations (UN) Special Envoy for Syria estimated that 400,000 people had been killed during hostilities by May 2016. Many of these deaths have reportedly been the result of war crimes, such as indiscriminate attacks, disproportionate civilian harm, targeting of medical facilities and murder. Other atrocities such as systematic rape, torture, persecution and inhumane acts have been widely documented and reported" (idem: 960).

contemplated a regime change response since. Hence, while in the initial stages of the conflict saw discussion on the possibility of FIRC, the current military stalemate and political situation makes it exceedingly unlikely that the Assad government will fall through any overt external interference.

The lack of armed response to human rights abuses by the Syrian government has highlighted the United States' reluctance to be drawn into yet another full-scale military confrontation in the Middle East, but also a broader reconsideration of its global position and interests: Donald Trump had campaigned on the promise to 'end America's endless wars'. Thus, since his election, "[i]n challenging the U.S. commitment to NATO and the trading rules of the North American Free Trade Agreement (NAFTA) and the World Trade Organization, Trump has called into question the United States' traditional role as the leader of the liberal order" (Deudney & Ikenberry 2018: 22). This marks a radical departure from previous administrations' policy of global power projection, and in how far subsequent administrations will reverse this decision, remains to be seen: they too, will have to wrestle with the notion that US-led interventionism of the past decades has achieved much less than was hoped for. Accordingly, it is true that "whatever one's opinions of the wars in Iraq and Afghanistan, it is clear that Western populations have no taste for new forms of military interventionism and lasting engagement in the global borderlands" (Evans 2011: 754), leading to the assertion that "it is widely agreed that the US-led liberal international order [...] is at the very least in transition, if not in crisis" (Parmar 2018: 151).

Indeed, it has been claimed that the conflict in "Syria poses the first humanitarian crisis of the post-American world order" (Duncombe & Dunne 2018: 36). The potential end of US hegemony (or at least a global withdrawal) has important knock-on effects, both regarding its conceptualisations of global responsibility and the emergence of competing non-Western and 'non-liberal' narratives of intervention. Ultimately, it likely means the end of the liberal FIRC idea. Thus, following interventions in Afghanistan, Iraq, and Libya, "it is highly unlikely that China, Russia and powerful members of the Global South will sanction similar Western-led 'regime change' interventions in the near future" (Adebajo 2016: 1199). While the conceptualisation of regime change has mainly taken into account the traditionally Western

views on human rights and sovereignty (including the apparent tension between universal human rights and Westphalian non-interference), other perspectives have increasingly affected global discourse. It is undeniable that many non-Western states harbour a sense of distrust about Western countries' motivations, having had first-hand experience of Western interference during the age of imperialism, the Cold War, and beyond. Interventions in the Middle East have done little to assuage fears that the United States and its allies employ human rights defence as an expedient excuse for military dominance. The Iraq War in particular has prompted the development of an increasingly multipolar understanding of both FIRC interventions and global justice more broadly. In general, these competing narratives are advanced by powerful non-Western states such as the BRICS countries,[106] most notably the UN Security Council members Russia and China (Stuenkel 2014).[107]

8.1.1 Emerging Challenges and the Future of Liberal FIRC

In aiming to be more assertive on the global stage, Russia has increasingly sought to influence the debate about international interventionism. And simply put, "Moscow does not believe the Security Council should be in the business of either implicitly or explicitly endorsing the removal of a sitting government" (Charap 2013: 36) which, as illustrated by Russia's actions in Crimea, indicates distrust in the UNSC rather than regime change as a political option. Russia's distrust of Western UNSC member's motives and intentions is in part reflected by its continued support for Assad in Syria. In 2015 Russia deployed troops into Syria which helped stem the advance of both the Islamic State insurgents (ISIL) and the rebel groups supported by the West, and turned the tide in favour of the Syrian government. At the same time, however, it has succeeded in appropriating much of the liberal discourse underlying FIRC for its own ends. Although United States-led interventions have been the main subject of the thesis, Russia has

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[106] In the case of Libya, for instance, "the BRICS countries (Brazil, Russia, India, China, South Africa) objected strongly to the shift from the politically neutral posture of civilian protection to the partial goal of assisting the rebels and pursuing regime change" (Thakur 2013: 70).

[107] These countries' relation to the UNSC is ambiguous and often influenced by national interests. Thus, "the link between China's interest in Sudanese oil and arms sales and its obstinate refusal to impose sanctions or other measures on that country's government despite its clear responsibility for crimes against humanity and possibly even genocide in Darfur is well known. More recently, Russia's decisions to repeatedly block UN action on Syria were prompted by its interest in preventing the spread of radical Islamism to its southern Caucasus region and protecting a friendly regime" (Bellamy & McLoughlin 2019: 344).

itself been involved in foreign-imposed regime change in the post-Cold War period, especially within its traditional 'sphere of influence', notably in Georgia, and Ukraine. It is also remarkable that "[a] close reading of Russia's justifications for its military assertiveness reveals a strategy of emulating NATO's interventions in its own 'near abroad', be it Kosovo (1999) or Libya (2011)" (Duncombe & Dunne 2018: 29). The annexation of the Crimean Peninsula in the course of the war between Russia and Ukraine which began in 2014, for example, was claimed not to be an occupation, but rather an intervention to 'protect' the self-declared republics of Donetsk and Luhansk. Of course, it is also the case that

> Moscow's questioning of the legitimacy of the Georgian and Ukrainian governments and its exaggeration of the abuses suffered by the peoples of South Ossetia and Crimea/ eastern Ukraine to justify its interventions - and its drawing of parallels to the Kosovo case - appear no more than a claim to the right to defend selectively its own regional order. This suggests that it is prepared to disregard the costs of defection from the norms of international society when its own perceived vital interests are at stake, and indeed has the added purpose of drawing attention to the West's own disregard of international legal norms [...] (Averre & Davies 2015: 831).

Compared to other P5 Security Council members such as the United States and the Russian Federation, the People's Republic of China (PRC) has been much less conspicuously involved in regime change, and it has been noted that "[n]on-interference is a basic principle of China's foreign policy. In the Chinese context, the principle generally means that a country shall not interfere/intervene in other countries' internal affairs, which in essence come under domestic jurisdiction" (Zheng 2016: 351). It has chosen to refrain from intervention in international conflicts such as Syria,[108] focusing instead on increasing its influence by more subtle means. There are several reasons for this apparent reluctance to engage in international military intervention. Primarily, the Chinese leadership has emphasised the importance of national sovereignty and nonintervention, and has promoted them as cornerstones of the international system's stability in Security Council debates. In part, this emphasis stems from concerns that have been raised about the PRC's own human rights record. Although this does not necessarily mean that the People's Republic will not engage in regime change in the future, the motivation

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[108] In doing so, it has joined Russia in its suspicion of Western-led regime change. For instance, in February 2012 as UNSC Draft Resolution on Syria was "vetoed on the grounds that it was unbalanced and a thinly-/veiled attempt to impose regime change in Damascus through armed struggle" (Thakur 2013: 71).

for this will most likely stem from reasons of state rather than a commitment to 'Western' conceptions of human freedoms. Thus, as Zheng (idem: 374) notes,

> [i]n the past few years, changing situations and growing self-confidence have pushed Beijing to innovate and explore policy options that stretch the previously known limits of the non-interference principle. Its behaviour is hence becoming more and more pragmatic and flexible. For instance, China has participated in certain international involvements in the domestic conflict resolution of other countries, but avoids use of the term 'intervention'. The emergence of new concepts like 'creative involvement' facilitates this gradual change, and equips Beijing with more leeway to pursue an increasingly engaged foreign policy posture. [109]

This raises the issue "of an illiberal China in a liberal world order and one which is highlighted by the interpretivist analysis of R2P is whether the link between human rights and a liberal vision of world order continues to be a dominant feature of how legitimacy is achieved" (Odgaard 2020: 244).

The increasingly public questioning of liberal conceptions of legitimacy by Russia and China signals that, after only thirty years, the age of liberal interventionism may already be coming to an end. This decline is exacerbated both by a lack of actual global leadership by liberal states and the increased questioning of the liberal order itself by emerging and increasingly confident non-Western states. Indeed, while "(m)uch of the post-Cold War scholarship on sovereignty debated whether the world was entering a post-Westphalian era [...] observers have noted the apparent reaffirmation of Westphalianism and the efforts of many countries to 'reclaim' Sovereignty" (Paris 2020: 483). Thus, claims of a 'post-Westphalian' world tend to ignore the continued importance of state autonomy and the practice of general nonintervention. Nonetheless, while it is clear that current global power dynamics are shifting, these transformations are slow and not linear. Therefore, proclaiming the permanent demise of liberal interventionism is premature. While the global appeal of a post-1990 '*Pax Americana*' has clearly worn off, the United States remains by far the most powerful actor on the

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[109] It has recently been stated that to some extent, "signs of a more fundamental challenge may be found in its willingness to compromise with the principles of sovereignty and regime consent when UN-based regional institutions with formal universal legitimacy endorse the need for intervention in their home region. In addition, Chinese R2P implementation has demonstrated that there are cracks in China's claim to not interfere in the domestic affairs of other states without consent, which suggests that this position may not be sustainable in the long run" (Odgaard 2020: 244).

international stage, and in spite of increasing multipolarity, this is unlikely to change in the near future. The fact that Western intervention in Syrian Civil War continues to be discussed highlights that in spite of mounting criticism in the wake of the other interventions highlighted earlier, foreign-imposed regime change has not yet been relegated to the proverbial 'dustbin of history'. It has been pointed out that "[s]tating that there is no alternative to liberal peacebuilding is tantamount to arguing that those who oppose it or criticise it are holding up the locomotive of history or forcing it off the main track into a siding. This is unjustifiably deterministic" (Cooper, Turner, & Pugh 2011: 2007). At the same time, Ikenberry argues that "there is simply no grand ideological alternative to a liberal international order. China does not have a model that the rest of the world finds appealing. Neither does Russia. These are authoritarian capitalist states. But this type of state does not translate into a broad set of alternative ideas for the organization of world order" (2018: 23). The discussion about the future of United States-led FIRC and the survival of the liberal order itself is consequently far from over.

8.2 Thesis Contribution

In joining this discussion, the thesis has made several key contributions to knowledge by raising questions about the theoretical assumptions underlying the contemporary regime change and its practical effects on both the interveners and the targeted states. The project has questioned both the justice and the effectiveness of post-Cold War FIRC operations. As the majority of research on this topic has been argued to be inadequate, the thesis has proposed a number of questions which should guide a more structured approach to modern-day regime change. In short, it has provided structure to the debate, both by making conceptual distinctions and emphasising a number of key points about the importance of the supposedly liberal context in which FIRC occurs. This context is not only helpful in understanding the motives for regime change, but improves our Just War approaches to the topic of intervention as a whole. The need for contextualisation has also informed the thesis' rejection of 'revisionist' approaches to contemporary conflict, which also affects our understanding of both the traditional Just War criteria and the proposed conceptual distinctions, several of which stand out in the assessment

of FIRC. The more these different factors coincide, the greater the likelihood that a regime change operation can be described as 'just'.

Thus, in light of the discussion highlighted in the previous seven chapters, it stands to reason that a *legitimate* actor, whose *motivations* and *intentions* allow it to act, according to its *responsibilities* and for the *just cause* of halting the actions of a *culpable* regime, is acting according to the demands of a just FIRC. Needless to say, these occasions are rare but not inconceivable, which yet again point at the paramount importance of interventions' historical and political context.

The thesis has therefore argued that the notion that instances of foreign-imposed regime change over the past 30 years have been more than random occurrences in interstate conflict, and that FIRC is a significant subject of inquiry in and of itself. In doing so, it has argued that the emergence of the notion of conditional sovereignty means that regime legitimacy is no longer a basic assumption of sovereignty. Accordingly, a situation has arisen where only legitimate states are seen to possess rights to nonintervention, but where this legitimacy is increasingly decided by the most powerful proponents of the liberal world order. In this context, the discussion of the permissibility of regime change wars within broader Just War Theory plays a small, but nonetheless important, part in a much greater discussion about the morality of 21st century warfare. The phenomenon's examination as an independent concept highlights the contrast with other, more established, types of military action, including variations of humanitarian intervention. Regime change has been carried out for ostensible security and humanitarian purposes, yet current approaches (including the work of some Just War authors) tend to underestimate the many moral problems that accompany a forcible change of political regime and the myriad factors which influence our moral judgments.

Accordingly, the foregoing chapters have highlighted that while FIRC's treatment as a uniform concept belies its moral complexity, this does not mean that moral assessment of such interventions are impossible. The many ethical 'grey areas' surrounding forcible regime imposition underline the need for clearer distinctions between types of FIRC, including a more nuanced appraisal of the responsibilities which accompany them. In response, and given the

inevitably controversial relationship between intervention, regime imposition, and states' rights, the thesis has argued that FIRC benefits from further conceptualisation, in particular with regards to its typologies and the responsibilities of states once regime change occurs. As overly 'simplistic' approaches do little to clarify the complex assessments which are needed for just military action, this thesis has rejected the 'Pottery Barn' analogy of post-war responsibility (i.e. 'you break it, you own it'). While this represents an intuitive reaction to postwar justice, it has too many flaws to be considered a viable approach. As the Iraq example highlights, most regime change scenarios do not allow for easy and clear-cut moral assessments. Indeed, many Just War scholars acknowledge that there are rarely any straightforward answers in the study of armed conflict and, as Williams has stated, "[d]efinitive answers to these great philosophical and normative questions are, of course, elusive, but that is what makes the questions so important and the pursuit of answers such a rewarding, enlightening and stimulating form of intellectual activity" (2011: 1241).

In examining contemporary FIRC, the thesis has emphasised the continued importance of the Just War Tradition. In doing so it has addressed important claims that the "contemporary just war theory has become both ahistorical and apolitical" (Neu 2013: 461), in particular in its 'revisionist' incarnations. The translation of the interpersonal analogy to the interstate sphere, and the logical 'jump' required to do so (e.g. from the principles of self-defence to the rights of states to non-intervention) is not always beneficial, since the supposed analogy between the interactions of states and those of individuals is unsatisfactory and, on occasion, far-fetched. Ultimately, as Walzer correctly asserts, "wars and battles are not 'cases' to which the law and morality of everyday life can be applied; by definition they don't take place in civil society" (2015: 337). Thus, the paper's argumentation and its theoretical background have been substantially influenced by a 'Walzerian' conception of the Just War. This had led the thesis to drawn on a number of historical illustrations selected from post-Cold War regime change interventions, while bearing in mind the central notion underlying Walzer's works that "'the moral world' is not easily avoided, even by the resolutely immoral, realist, or manipulative" (Boyle 1997: 84). Although firm foundations for this moral world are not always obvious, he further argues that "practical morality is detached from its foundations, and we must act as if that separation were a possible (since it is an actual) condition of moral life" (Walzer 1977: xv).

Thus, ethical principles are indispensable, and their application to cases can reveal some of the contradictions and inconsistencies which invariably affect the study of morality of warfare. The selected illustrations have allowed the chapters to examine the particular challenges inherent in FIRC attempts. These challenges have been addressed by following the logic of the Pottery Barn Rule, prioritising the goal of identifying actors who are liable to regime change, finding others who are capable of remedial action, and highlighting the challenges of the postwar period.

This thesis has made important conceptual distinctions which aid in constructing a framework for assessing the potential justice of FIRC operations. It has first distinguished between two types of regime change, i.e. superficial and radical FIRC. In assessing these, the thesis has argued that it is helpful to distinguish between interveners' intentions and motives for engaging in regime change. Ultimately, the thesis argues that states' legitimacy as FIRC actors is rooted in their authority as sovereign actors (or in the case of organisations, their constitution by sovereign actors) to which is added a just cause for action and the presence of right intentions and motives. The focus was then shifted toward the target of the intervention.

In determining the justice of FIRC, the thesis has argued that we must make a distinction between liability and culpability. This means that while liability to intervention is necessary, it is not sufficient for a just FIRC. A state's regime must be culpable, i.e. it must play a direct and ongoing role in the large-scale violation of 'minimal' human rights and so abandon its 'duty of care' for its population. In halting these abuses, the members of the international community have a range of responsibilities, and the thesis has argued for a split of the overarching responsibility concept into aspects of 'duty' and 'obligation'.

Finally, the paper has discussed the aftermath of regime change interventions, i.e. post war regime imposition, discussing such efforts in Bosnia, Afghanistan and Iraq. The many factors which affect the justice of regime change operations. In the end, this raises the question as to what a just regime change would ideally look like, which the previous chapter has identified as a form of minimal regime imposition. Although this type of superficial regime change runs contrary to liberal interveners' expectations, it has a much higher probability of

success than ambitious but ultimately flawed efforts at replicating Western democratic institutions. Accordingly, the thesis has sought to reconcile the ethical demands of the Just War Tradition with the 'muddled' realities of regime change missions. It occupies a part of the wider debate surrounding non-consensual intervention and the evolving status of sovereign statehood. While no radical paradigm shifts or reappraisals of traditional orthodoxy have been suggested in the foregoing pages, the thesis strengthens Just War Theory's claim to continued relevance to current debates. Nonetheless, as the subsequent section notes, there are some unavoidable limitations to a Just War conceptualisation of the FIRC phenomenon.

8.3 Limitations, and Opportunities for Future Research

Inevitably, the thesis has had to restrict its focus of enquiry to foreign-imposed regime change itself, as opposed to wider debates, such as those regarding the future development of the Responsibility to Protect or more general questions of the moral basis for humanitarian intervention. In addition, the main focus has been on the United States, and to a lesser extent the United Kingdom and the United Nations as key actors. While these have played a major role in almost all instances of FIRCover the past decades, either through their involvement or their inaction, this also means that the thesis' selection of examples cannot encompass the full spectrum of *all* instances of externally-enforced regime change in the past thirty years. In addition, while the thesis has focused on a number of elementary aspects e.g. the difficulties in establishing culpability and identifying an appropriate actor for intervention, each case must to some extent be considered individually both with regards to *ad bellum* and *post bellum* justice. This means that a direct comparison between cases is often impossible.

Thus, according to Daalder, many observers of the early post-intervention situation in Iraq had been "pointing to Bosnia and the Dayton Peace Accords as the way to go. But Iraq isn't Bosnia, which is why a Dayton-like solution isn't likely to work" (2006: para. 1). 'Iraq isn't Bosnia' is a pithy statement, which nevertheless contains within itself the core truth that regime change concepts cannot be uniformly compared between, and applied to, diverse polities. As a result, casuistic approaches sometimes face accusations of moral subjectivity and questions whether an objective assessment can ever be reached if judgment is dependent on the

setting. However, this criticism arguably misrepresents the chief aims of casuistic reasoning. The efficacy of casuistic methods depends not only on the choice of cases, but also on the way in which these are related to the theory underlying the enquiry. As Miller (1996: 47) has written, "by examining the anomalous features of this war, casuistry of a more inductive sort might deliver us from an ahistorical application of just-war tenets, requiring us to operate self-consciously, and pragmatically, by joining history and ethics."

Thus, while it is true that Just War theory is "as old as Western civilization but consonant with our most recent knowledge on the nature of tyranny, [and] provides us with the foundations of a moral and effective response to well-armed evil" (Wingfield 2004: 122), it must be acknowledged that "using just-war criteria cannot guarantee a consensus about the morality of any particular war" (Miller 1996: 44) and "that as there is no necessary correspondence between knowledge and reality there is no guarantee that even our most firmly held beliefs would never need revision" (Bellamy 2002: 489). Even when Just War requirements are met, no single element can 'make or break' the assessment of armed conflict. As such, there is rather frustratingly no linear progression to a successful outcome, but rather a series of twists and turns which interveners must navigate. Consequently, whether they subscribe to orthodox or revisionist approaches, Just War theorists are not consistently able to pass judgment with the same conviction as that of international legal scholars. To this we must add that the thesis is located within the context of a Western-centric understanding of international affairs. Its critics are correct in pointing out that overall, Just War Theory is a historically Western-centric approach to the ethics of conflict, and focused on judging the actions of mostly Western states against Western standards. However, the thesis has sought to argue that many of these standards have strong claims to universality as part of the basic concepts accepted by the actors who make up the international community of states. Ultimately, while "the just war tradition is thick with the soot of history and cannot be wrenched free from particular cases, as Walzer insists" (Elshtain 2006: 109) the traditional tenets of Just War Theory are as relevant in the 21st century as they have ever been.

Of course, Just War Theory does not lend itself to a simple 'checklist' approach to moral evaluation (Crawford 2003: 7).[110] The awareness that most interventions are ultimately rooted in a balance of political expediency and normative concerns has always been a key concern for the orthodox strand of Just War Theory, which emphasises that it is preferable to fight wars by imperfect guidelines than fighting by no rules at all. As it does not propose to apply a 'yardstick' approach to the morality of war, the Just War lends itself to constant reinterpretations of its precepts. This allows it to adapt to the current practices of warfare, and to take the realities of international politics into account without becoming 'politicised'. This results in an appropriately pragmatic outlook, which combines a concern for human rights with the acceptance of a morally imperfect world, in which 'grey areas' are an integral part of many conflicts. Ultimately, "[t]here can be no claim that the Just War tradition has evolved to a point of perfection" (Roberts 2006: 62). However, in light of Walzer's "meta-ethical objection against theories of justice with universalistic pretensions" (Moszkowicz 2007: 283), this imperfection is not necessarily detrimental. Indeed, it offers important opportunities for further inquiry into warfare in general and the FIRC phenomenon in particular.

Perhaps the most obvious of these opportunities is to include additional cases in future assessments. This would likely improve and nuance the proposed taxonomies, enabling theorists to categorise regime change operations more comprehensively. This must also include a more detailed engagement with some contentious aspects of forcible regime imposition, including the role which self-determination might play in post-intervention settings. Doppelt has remarked that "once people have formed a political community through 'consent', only they have the right to alter its terms, transform its political institutions, carry through a revolution, or resolve a civil war." He adds that in his past writings, "Walzer's view is an outlier on this point, as he seems to imply 'a duty of self-determination' stronger than a mere right" (1978: 10). Although the rhetoric of self-determination has been a key element of the decolonisation process, there is no clear consensus on what exactly constitutes the 'people' in which this right is supposedly vested (one might think of questions of ethnic homogeneity, of the numbers of individuals required, etc.).

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[110] Ultimately, we should heed Walzer's caution that "[a]ll the obvious prudential calculations about the costs of intervening, the probability of winning, and the likely aftermath are morally necessary. They are part of the set of factors that determine whether a use of military force is just" (2004 [b]: 37).

More work on the relation of popular self-determination to the FIRC phenomenon is also likely to raise additional questions about the conceptual relation between regime change and the Responsibility to Protect. The R2P and the FIRC phenomenon represent 'two sides of the same coin', as the potential for instrumentalisation of the Responsibility illustrates. Both are symptomatic of the momentous shifts in the understanding of state sovereignty since the Cold War. While proponents of the R2P tend to focus on the positive aspects of this transformation, i.e. the opportunities for the emergence of a global concern for human rights protection, the hierarchisation of states and the accompanying occurrence of regime change wars represents a much more problematic aspect of contemporary global interaction.[111] Overall, the debates on intervention by (or on behalf of) the international community suffer from the fact that "the question of moral authority remains a tortuous one in an era when the UN is hamstrung by its Security Council procedures and the only force seemingly capable of supplying much of the strength in intervening - the US - has a highly problematic status in the eyes of people in many states" (Finlay 2007: 576).[112]

The future of foreign-imposed regime change also raises questions about the potential for a wider engagement with the 'Responsibility While Protecting', as it includes "a clearer statement of interventionist motivations and means, and ongoing monitoring of interventionist practice against mandate" (McMillan & Mickler 2013: 316). Ultimately, this also indicates that further research is required as to the link between such interventionist frameworks and the nature of the minimally just regimes which have been proposed, and which measures offer the most promising way forward in making sure that intervention benefits above all else, the targeted population.

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[111] It has also been noted that the "central problem for R2P" is "the fact that whilst, in extremis, forcible intervention may offer the only chance to alleviate gross violations of human rights, it nevertheless remains apparent that for a large proportion of international society support for the concept is inversely proportionate to the probability that its invocation will result in recourse to such force" (Morris 2016: 206).

[112] As is in part illustrated by the complexity of the Syrian conflict, this discussion is further complicated by the possibility of 'counter-interventions' by powerful states disapproving of the initial FIRC attempt.

8.4 Concluding Thoughts

From Afghanistan to Syria, discussions of foreign-imposed regime change have played a defining role in many of the pivotal events shaping International Relations in a still young 21st century. Given the results of past interventions, recent US policy has been more cautious. Thus, while President Obama had stated in (2011) that "the future of Syria must be determined by its people, but President Bashar al-Assad is standing in their way", two years later he clarified that "I don't think we should remove another dictator with force — we learned from Iraq that doing so makes us responsible for all that comes next" (quoted in Lafont 2015: 76). Ultimately, this shows that Powell's Pottery Barn warning still echoes in the minds of Western governments. Nonetheless, as has recently been noted,

> [r]egime change will always tempt Washington. So long as there are states that threaten American interests and mistreat their people, U.S. leaders and pundits will periodically be pulled toward the idea that Americans can use their unparalleled military, diplomatic, and economic power to get rid of bad regimes and replace them with better ones (Gordon 2020: para. 18).

As this thesis has argued, the practice of Western-led regime change is fraught with apparent contradictions. It wages war to achieve peace and stability, it infringes on sovereign rights on behalf of sovereignty, and it restricts political rights in the name of democracy. This illustrates the important tensions between sovereign equality and sovereign hierarchy which continues to pose a challenge to advocates of the liberal world order seeking to reconcile them. The notion of legitimate sovereignty which is contingent on a responsibility for universal human rights, sees foreign-imposed regime change as the ultimate, albeit fallible, deterrent against right-abusing regimes. Nonetheless, any states considering engaging in regime change wars must consider the many ethical pitfalls of a seemingly straightforward solution. Otherwise, it will invariably be the very same civilian population that should be saved which ultimately suffers most from attempts at its rescue.

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Bibliography

Abdulrazaq, T. 2020. 'The U.S. Has No Friends Left in Iraq'. *Washington Post*. [online] Available at: washingtonpost.com/opinions/2020/01/02/us-has-no-friends-left-iraq/ (Accessed 23.04.2020).

Abe, Y. 2016. 'Norm Dilemmas and International Organizational Development: Humanitarian Intervention in the Crisis of Bosnia and the Reorganization of North Atlantic Treaty Organization', *Contemporary Security Policy*, 37(1): 62-88.

Acharya, A. 2007. 'State Sovereignty after 9/11: Disorganised Hypocrisy', *Political Studies*, 55(2): 274–296.

Adebajo, A. 2016. 'The Revolt against the West: Intervention and Sovereignty', *Third World Quarterly* 37(7): 1187-1202.

Akram, A. 2012. 'Respecting Afghanistan's Sovereignty', *Middle East Institute*. [online] Available at: mei.edu/publications/respecting-afghanistans-sovereignty (Accessed 17. 02. 2018).

Allan, P. and Keller, A. (eds.) 2006. *What is a Just Peace?* Oxford: Oxford University Press.

Aloyo, E. 2016. 'Reconciling Just Causes for Armed Humanitarian Intervention', *Ethical Theory and Moral Practice* 19(2): 313-328.

AMISOM (African Union Mission in Somalia) 2020. *AMISOM Background*. [online] Available at:https://amisom-au.org/wp-content/cache/page_enhanced/amisom-au.org/amisom-background/_index.html_gzip (Accessed 23.04.2020).

Annan, K. 1999. 'Secretary-General Examines 'Meaning of International Community' in Address to Dpi/Ngo Conference'. *United Nations. Meetings Coverage and Press Releases*. [online] Available at: un.org/press/en/1999/19990915.sgsm7133.doc.html (Accessed 23. 09. 2019).

Aquinas, T. 1920 [1485]. 'The Summa Theologiæ of St. Thomas Aquinas. Second and Revised Edition, 1920. Literally translated by Fathers of the English Dominican Province', in K. Knight (2017) *New Advent*. [online] Available at: www.newadvent.org/summa/ (Accessed 2.9.2019).

Arato, A. 2004. 'Interim Imposition' in *Ethics & International Affairs*,18(3): 25-50.

Arbour, L. 2008. 'The Responsibility to Protect as a Duty of Care in International Law and Practice', *Review of International Studies* 34(3): 445-458.

Aronofsky, D. 2007. 'The International Legal Responsibility to Protect Against Genocide, War Crimes and Crimes Against Humanity: Why National Sovereignty Does Not Preclude Its Exercise', *Ilsa Journal of International & Comparative Law* 13(2): 317-319.

Ashdown, P. 2003. 'Peace Stabilisation: The Lessons from Bosnia and Herzegovina', *The Centre for the Study of Global Governance.* [online] Available at: https://core.ac.uk/download/pdf/95113.pdf (Accessed 15. 08. 2017).

Associated Press (AP). 2020. 'Bosnia's Serbs Celebrate Action that Triggered 1990s War'. [online] Available at: apnews.com/ca7e29bc300398c1098d0aa7bf77cab6 (Accessed: 5.4. 2019).

Averre, D. and Davies, L. 2015. 'Russia, Humanitarian Intervention and the Responsibility to Protect: The Case of Syria', *International Affairs*, 91(4): 813-834.

Aybet, G., and Bieber, F. 2011. 'From Dayton to Brussels: The Impact of EU and NATO Conditionality on State Building in Bosnia & Hercegovina' in *Europe-Asia Studies*, 63(10): 1911-1937.

Ayub, F. and Kouvo, S. 2008. 'Righting the Course? Humanitarian Intervention, the War on Terror and the Future of Afghanistan', *International Affairs* 84(4): 641-657.

Bacevich, A. J., Diehl, J., Hayden, M.V., Laqueur, W., O'Sullivan, M. L., Perle, R., Rieff, D. & Wolfowitz, P. D. 2013. 'Lessons Learned: The Iraq Invasion', in *World Affairs* 176 (1): 8–34.

Bachman, J. 2015. 'R2P's "Ulterior Motive Exemption" and the Failure to Protect in Libya', *Politics and Governance* 3(4): 56-67.

Badescu, C. G. 2007. 'Authorizing Humanitarian Intervention: Hard Choices in Saving Strangers' in *Canadian Journal of Political Science* 40 (1): 51-78.

Baer, H. D. and Capizzi, J. E. 2005. 'Just War Theories Reconsidered: Problems with Prima Facie Duties and the Need for a Political Ethic' in *Journal of Religious Ethics* 33(1): 119-137.

Bain, W. 2003. *Between Anarchy and Society: Trusteeship and the Obligations of Power.* Oxford: Oxford University Press.

Bain, W. 2006. 'In Praise of Folly: International Administration and the Corruption of Humanity', *International Affairs* 82 (3): 525-538.

Bain, W. 2010. 'Responsibility and Obligation in the 'Responsibility to Protect'', *Review of International Studies*, 36 (1): 25-46.

Bajoria, J. and McMahon, R. 2013. 'The Dilemma of Humanitarian Intervention'. *Council on Foreign Relations.* [online] Available at: cfr.org/backgrounder/dilemma-humanitarian-intervention (Accessed 23.04.2020).

Balázs, L. 2008. 'Bosnia and Herzegovina: "Transition, Times Two"' in *L'Europe en Formation* 3 (349-350): 99-118.

Banning, T. 2014. 'The 'Bonn Powers' of the High Representative in Bosnia Herzegovina: Tracing a Legal Figment' in *Goettingen Journal of International Law* 6 (2): 259-302.

Banta, B. R. 2017. 'Leveraging the Idea of 'Humanitarian War'', *International Relations* 31(4): 426-446.

Barelli, M. 2018. 'Preventing and Responding to Atrocity Crimes: China, Sovereignty and the Responsibility to Protect', *Journal of Conflict and Security Law* 23 (2): 173-201.

Barnett, M. 2017. 'Hierarchy and Paternalism' pp. 66-94 in A. Zarakol (ed.), *Hierarchies in World Politics*. Cambridge: Cambridge University Press.

Barry, C. 2011. 'A Challenge to the Reigning Theory of the Just War', International Affairs 87(2): 457-466.

Bass, G. J. 2004. 'Jus Post Bellum' in *Philosophy & Public Affairs* 32 (4): 384-412.

Beard, M. 2019. 'Risking Aggression: Toleration of Threat and Preventive War', *Heythrop Journal* 60(6): 883-894.

Beehner, L. 2006. 'U.S. Intervention in Iraqi Politics'. *Council on Foreign Relations* [online]. Available at: cfr.org/backgrounder/us-intervention-iraqi-politics (Accessed 25.4. 2017).

Beetham, D. 2009. 'The Contradictions of Democratization by Force: The Case of Iraq' in *Democratization* 16 (3): 443-454.

Bellamy, A. J. 2002. 'Pragmatic Solidarism and the Dilemmas of Humanitarian Intervention', *Millennium - Journal of International Studies* 31 (3): 473-497.

Bellamy, A. J. 2004. 'Ethics and Intervention: The "Humanitarian Exception" and the Problem of Abuse in the Case of Iraq', *Journal of Peace Research*, 41 (2): 131–147.

Bellamy, A. J. 2006. *Just Wars. From Cicero to Iraq*. Cambridge: Polity Press.

Bellamy, A. J. 2008 (a). 'The Responsibilities of Victory: "Jus Post Bellum" and the Just War', *Review of International Studies*, 34 (4): 601–625.

Bellamy, A. J. 2008 (b). 'The Responsibility to Protect and the Problem of Military Intervention', *International Affairs* 84 (4): 615–639.

Bellamy, A. J. 2009. 'When is it Right to Fight? International Law and Jus ad Bellum', in *Journal of Military Ethics*, 8 (3): 231-245

Bellamy, A. J. 2011. *Global Politics and the Responsibility to Protect: From Words to Deeds*. New York: Routledge.

Bellamy, A. J. 2014. 'The Responsibility to Protect and the Problem of Regime Change', pp. 166-186 in Scheid, D. E. (ed.) *The Ethics of Armed Humanitarian Intervention*. Cambridge: Cambridge University Press.

Bellamy, A. J. and McLoughlin, S. 2019. 'Human Protection and the Politics of Armed Intervention: With Responsibility Comes Accountability', *Global Responsibility to Protect* 11(3): 333-361.

Bennoune, K. 2002. '*"Sovereignty vs. Suffering"?: Re-Examining Sovereignty and Human Rights Through the Lens of Iraq*', *European Journal of International Law* 13 (1): 243–262.

Berdal, M. 2005. 'The United Nations, Peacebuilding, and the Genocide in Rwanda', *Global Governance* 11(1): 115-130.

Betts, R. 2007. 'Two Faces of Intelligence Failure: September 11 and Iraq's Missing WMD'. *Political Science Quarterly* 122(4): 585-606.

Bieri, M. 2016. 'Bosnia: Standstill Despite New Strategic Significance'. *CSS Analyses in Security Policy* 190: 1-4.

Biggar, N. 2013. *In Defence of War*. Oxford: Oxford University Press.

Biggar, N. 2015. 'In Response', *Studies in Christian Ethics* 28(3): 328-342.

Bischoff, P.-H. 2003. 'Intervention in Bosnia-Herzegovina: Lessons of Peace-Maintenance for Africa?', *South African Journal of International Affairs*, 10 (2): 109-126.

Blair, J. 2008. 'Tensions in a Certain Conception of Just War as Law Enforcement', *Res Publica* 14(4): 303-311.

Blair, T. 2003. 'Full text: Tony Blair's speech.' *The Guardian*. [online] Available at: theguardian.com/politics/2003/mar/18/foreignpolicy.iraq1 (Accessed 12.08.19).

Blair, T. 2009 (a). 'Removing Saddam was right, even without WMD - Blair'. *BBC*. [online] Available at: http://news.bbc.co.uk/1/hi/uk_politics/8408918.stm (Accessed 27.9.2019).

Blair, T. 2009 (b). 'Tony Blair: Ten Years On, I Still Believe in the Need for Western Intervention'. *The Independent* [online] Available at: independent.co.uk/voices/commentators/tony-blair-ten-years-on-i-still-believe-in-the-need-for-western-intervention-1673382.html (Accessed 7.10. 2018).

Blake, M. 2014. 'The Costs of War', pp. 133-147 in D. Scheid (ed.), *The Ethics of Armed Humanitarian Intervention*. Cambridge: Cambridge University Press.

Boehling, R. L. 1996. *A Question of Priorities: Democratic Reforms and Economic Recovery in Postwar Germany*. New York: Berghahn Books.

Bohman, J. 2008. *War and Democracy*. Cambridge: Cambridge University Press.

Boniface, P. 2003. 'What Justifies Regime Change?', *The Washington Quarterly* 26(3): 59-71.

Boon, K. E. 2014. 'Jus Post Bellum Symposium: What's in a Name? The Great Definitional Debate over Jus Post Bellum'. *Opinio Juris* [online] Available at: http://opiniojuris.org/2014/05/05/jus-post-bellum-symposium-whats-name-great-definitional-debate-jus-post-bellum/ (Accessed 06.08. 2018).

Booth-Walling, C. 2015. 'Human Rights Norms, State Sovereignty, and Humanitarian Intervention', *Human Rights Quarterly* 37 (2): 383-413.

Borger, J. 2015. 'Bosnia's Bitter, Flawed Peace Deal, 20 Years On.' *The Guardian*. [online] Available at: theguardian.com/global/2015/nov/10/bosnia-bitter-flawed-peace-deal-dayton-agreement-20-years-on (Accessed 27.7. 2019).

Borger, J. 2020. 'Bill Clinton Pushed 'Appeasement' of Serbs after Srebrenica Massacre', *The Guardian* [online] Available at: theguardian.com/world/2020/jul/26/srebrenica-bill-clinton-bosnia-appeasement-documents?fbclid=IwAR3CiAwBkoFFIlL2kgZlD1pSd0BY2dFLUVSNYrUR8H7CdH8DJ2IFTSxU1Bc. (Accessed 15.11.2020)

Borneman, J. 2003. 'Responsibility after Military Intervention: What is Regime Change?', *Political and Legal Anthropology Review* 26 (1): 29-42.

Bosnia and Herzegovina (the Republic of), Croatia (the Republic of) and Yugoslavia (the Federal Republic of). 1995. 'The General Framework Agreement for Peace in Bosnia and Herzegovina'. *OSCE*. [online] Available at: osce.org/bih/126173?download=true (Accessed 22.3. 2019).

Boyle, J. 1997. 'Just and Unjust Wars: Casuistry and the Boundaries of the Moral World' in *Ethics & International Affairs,* 11 (1): 83-98.

Boyle, J. 2006. 'Traditional Just War Theory and Humanitarian Intervention', *Nomos* 47: 31-57.

Boyle, J. 2011. 'Waging Defensive War: The Idea and its Normative Importance', *Journal of Military Ethics* 10(3): 148-159.

Boyle, J. 2013. 'The Necessity of "Right Intent" for Justifiably Waging War', pp. 181-196 in Lang A., O'Driscoll C., and Williams J. (eds.), *Just War: Authority, Tradition, and Practice*. Washington, DC: Georgetown University Press.

Braun, C. N. 2018. 'The Historical Approach and the 'War of Ethics within the Ethics of War', *Journal of International Political Theory,* 14 (3): 349-366.

Bremer, L. P., Dobbins, J., and Gompert, D. 2008. 'Early Days in Iraq: Decisions of the CPA', *Survival,* 50 (4): 21-56.

Brockmeier, S., Stuenkel, O., and Tourinho, M. 2016. 'The Impact of the Libya Intervention Debates on Norms of Protection', *Global Society* 30(1): 113-133.

Brown, C. 1996. 'Back to Normal? Some Reflections on Sovereignty and Self-Determination after the Cold War', *Global Society* 10(1): 11-23.

Brown, C. 2001. 'Moral Agency and International Society', *Ethics & International Affairs* 15(2): 87-98.

Brown, D. 2011. 'Introduction: The Just War Tradition and the Continuing Challenges to World Public Order', *Journal of Military Ethics*. 10(3): 125-132.

Brown, C. 2016. 'Ethics, Diversity and World Politics: Saving Pluralism from Itself. By John Williams', *International Affairs* 92(4): 993-994.

Brunstetter, D. R. and O'Driscoll, C. (eds.) 2018. *Just War Thinkers: From Cicero to the 21st Century.* London: Routledge.

Buchan, R. 2007. 'International Community and the Occupation of Iraq', *Journal of Conflict & Security Law* 12(1): 37-64.

Buchanan, A. and Keohane, R. O. 2006. 'The Legitimacy of Global Governance Institutions', *Ethics & International Affairs,* 20(4): 405–437.

Buchanan, A. and Keohane, R. O. 2011. 'Precommitment Regimes for Intervention: Supplementing the Security Council', *Ethics & International Affairs,* 25(1): 41-63.

Buckley, C. 2012. 'Learning from Libya, Acting in Syria', *Journal of Strategic Security* 5(2): 81-104.

Bureau of Near Eastern Affairs. 2019. 'U.S. Relations with Iraq'. *U.S. Department of State.* [online] Available at: https://www.state.gov/u-s-relations-with-iraq/(Accessed 7.10. 2018)

Burke, A. 2004. 'Just War or Ethical Peace? Moral Discourses of Strategic Violence after 9/11', *International Affairs* 80(2): 329-353.

Burke, R. and Matisek, J. 2020. "The Illogical Logic of American Entanglement in the Middle East", *Journal of Strategic Security* 13(1): 1-25.

Bush, G. W. 2001. 'Text of George Bush's Speech'. The Guardian. [online] Available at: https://www.theguardian.com/world/2001/sep/21/september11.usa13 (Accessed 24.7.2017)

Bush, G. W. 2002 (a). 'Transcript: George Bush's speech on Iraq.' *The Guardian.* [online] Available at: https://www.theguardian.com/world/2002/oct/07/usa.iraq (Accessed 1.8.2017)

Bush, G. W. 2002 (b). 'Bush: U.S. Will Move on Iraq if U.N. Won't'. *CNN.* [online] Available at: http://edition.cnn.com/2002/US/09/12/bush.speech.un/index.html (Accessed 23.4.2017).

Bush, G. W. 2002. (c). President Promotes Compassionate Conservatism. *The White House. Office of the Press Secretary.* [online] Available at: https://georgewbush-whitehouse.archives.gov/news/releases/2002/04/20020430-5.html (Accessed 23.6.2019).

Bush, G. W. 2002. (d). President Delivers State of the Union Address. *The White House. Office of the Press Secretary.* [online] Available at: https://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html (Accessed 17.9.2019).

Bush, G. W. 2004. 'President Bush Discusses Early Transfer of Iraqi Sovereignty'. *United States Department of State*. https://2001-2009.state.gov/p/nea/rls/rm/34080.htm (Accessed 22.8.2019).

Bush, G. H. W. 1991 (a). 'Remarks to the American Association for the Advancement of Science.' *George H. W. Bush Presidential Library and Museum. Public Papers.* [online] Available at: https://bush41library.tamu.edu/archives/public-papers/2709 (Accessed 14.9.2020).

Bush, G. H. W. 1991 (b). 'Address to the Nation Announcing Allied Military Action in the Persian Gulf'. *George H. W. Bush Presidential Library and Museum. Public Papers.* [online] Available at: https://bush41library.tamu.edu/archives/public-papers/2625 (Accessed 7.12. 2019).

Bush, G. H. W. 1992. 'Address to the Nation on the Situation in Somalia.' *The American Presidency Project.* [online] Available at: presidency.ucsb.edu/documents/address-the-nation-the-situation-somalia (Accessed 2.02.2017).

Butler, J. 2014. 'Responsibility for Regime Change', *Columbia Law Review*, 114(3): 503–581.

Butler, M. J. 2012. 'Ten Years After: (Re) Assessing Neo-Trusteeship and UN State-Building in Timor-Leste', *International Studies Perspectives*, 13(1): 85-104.

Byman, D., Doran, M., Pollack, K. and Shaikh, S. 2012. 'Saving Syria: Assessing Options for Regime Change'. *Saban Center at Brookings – Middle East Memo* 21 [online] Available at: brookings.edu/~/media/research/files/papers/2012/3/15-syria-saban/0315_syria_saban.pdf. (Accessed 7.10.2018).

Calhoun, L. 2001. 'The Metaethical Paradox of Just War Theory', *Ethical Theory and Moral Practice* 4 (1): 41-58.

Caplan, R. 2000. 'Assessing the Dayton Accord: The Structural Weaknesses of the General Framework Agreement for Peace in Bosnia and Herzegovina' in *Diplomacy & Statecraft* 11(2): 213-232.

Carati, A. 2015. 'No Easy Way Out: Origins of NATO's Difficulties in Afghanistan'. *Contemporary Security Policy,* 36(2): 200-218.

Carlson, J. D. 2008. 'Is There a Christian Realist Theory of War and Peace? Reinhold Niebuhr and Just War Thought', *Journal of the Society of Christian Ethics,* 28(1): 133-161.

Carlson, J. D. 2013. 'Just War as Punishment.' *First Things*. [online] Available at: firstthings.com/web-exclusives/2013/10/just-war-as-punishment (Accessed 20.7.2019).

Carroll, R. 2004. 'US Chose to Ignore Rwandan Genocide'. The Guardian. [online] Available at: theguardian.com/world/2004/mar/31/usa.rwanda?fbclid=IwAR1J4skVU01I8A7ZuYWLL8VZsY ShfbGoSe4zkUTmBvik2kvKxWJnB8020FE (Accessed 23.10.2020).

CBS News. 2020. 'Thousands Protest in Baghdad to Demand U.S. Troop Withdrawal.' [online] Available at: cbsnews.com/news/iraq-protests-baghdad-demand-us-withdrawal-anger-donald-trump-iran-qasse m-soleimani-2020-01-24/ (Accessed 24.8.2020).

Chan, K. 2013. 'State Failure and the Changing Face of the Jus ad Bellum', *Journal of Conflict and Security Law*, 18(3): 395–426.

Chandler, D. 2000. *Bosnia: Faking Democracy After Dayton*. London: Pluto Press.

Chandler, D. 2006. 'State-building in Bosnia: The Limits Of 'Informal Trusteeship', *International Journal of Peace Studies*, 11 (1): 17-38.

Charap, S. 2013. 'Russia, Syria and the Doctrine of Intervention', *Survival* 55(1): 35-41.

Chesterman, S. 2004. 'Occupation as Liberation: International Humanitarian Law and Regime Change' in *Ethics & International Affairs*, 18(03): 51–64.

Chivvis, C. 2013. *Toppling Qaddafi: Libya and the Limits of Liberal Intervention*. Cambridge: Cambridge University.

Chomsky, N. 2002. 'The Crimes of 'Intcom'', *Foreign Policy* 132: 34-35.

Christiano, T. 2012. 'Authority'. *Stanford Encyclopedia of Philosophy.* [online] Available at: https://plato.stanford.edu/entries/authority/(Accessed 7.10. 2018).

Clark, J. 1992. 'Debacle in Somalia'. *Foreign Affairs,* 72(1): 109-123.

Clark, I. 2003. 'Legitimacy in a Global Order'. *Review of International Studies,* 29: 75-95.

Clark, I. 2005. *Legitimacy in International Society.* Oxford: Oxford University Press.

Clark, I. 2017. 'Taking 'Justness' Seriously in Just War: Who are the 'Miserable Comforters' Now?', *International Affairs* 93(2): 327-341.

Clinton, W. J. 1993 (a). 'Letter to Congressional Leaders on Somalia'. *The American Presidency Project.* [online] Available at: presidency.ucsb.edu/documents/letter-congressional-leaders-somalia (Accessed 14.9.2018).

Clinton, W. J. (b). 1993. 'The President's News Conference.' *The American Presidency Project.* [online] Available at: presidency.ucsb.edu/documents/the-presidents-news-conference-1224 (Accessed 7.3.2019).

CNN. 1995. 'Bombing Halt Up To Bosnian Serbs.' [online] Available at: https://edition.cnn.com/WORLD/Bosnia/updates/sep95/9-05/ghali/ (Accessed 26.3.2017).

CNN. 2003. 'World Welcomes Libya WMD Move'. [online] Available at: https://edition.cnn.com/2003/WORLD/africa/12/20/libya.main/ (Accessed 28.5.2018).

Coalition Provisional Authority (CPA). 2003. 'Order 1'. *CPA Official Documents.* [online] Available at: https://govinfo.library.unt.edu/cpa-iraq/regulations/#Orders (Accessed 15.11.2017).

Cohen, M. 2009. 'Moral Burdens: Iraq and the Ghosts of 1956', *World Affairs* 171(3): 84–95.

Cole, D. 2011. 'War and Intention', *Journal of Military Ethics* 10(3): 174-191.

Cooper, N., Turner, M., and Pugh, M. 2011. 'The End Of History And The Last Liberal Peacebuilder: A Reply To Roland Paris', *Review of International Studies,* 37(4): 1995-2007.

Costs of War 2018. 'Iraqi Civilians'. *Watson Institute for International and Public Affairs.* [Online] Available at: watson.brown.edu/costsofwar/costs/human/civilians/iraqi (Accessed 7.10. 2018)

Costs of War 2020. 'Afghan Civilians'. *Watson Institute for International and Public Affairs.* [online] Available at: watson.brown.edu/costsofwar/costs/human/civilians/afghan (Accessed 20.06.2020).

Crawford, N. 2003. 'Just War Theory and the U.S. Counterterror War', *Perspectives on Politics* 1(1): 5-25.

Crossley, J. 2010. '"Just War" and the Contemporary Art of Justifying the Unjustifiable'. *Political Theology,* 11(3): 335-351.

Daalder, I. H. 1998. 'Decision to Intervene: How the War in Bosnia Ended'. *Brookings* [online] Available at: brookings.edu/articles/decision-to-intervene-how-the-war-in-bosnia-ended/ (Accessed 1.3.2019)

Daalder, I. H. 2006. 'Iraq isn't Bosnia'. *Brookings Institution.* [online] Available at: brookings.edu/opinions/iraq-isnt-bosnia/ (Accessed: 16 February 2019).

Davenport, J. J. 2011. 'Just War Theory, Humanitarian Intervention, and the Need for a Democratic Federation', *The Journal of Religious Ethics,* 39(3): 493-555.

Davidovic, J. 2016. 'Should the Changing Character of War Affect Our Theories of War?', *Ethical Theory and Moral Practice,* 19(3): 603-618.

Davidson, C. M. 2017. 'Why was Muammar Qadhafi really removed?', *Middle East Policy,* 24(4): 91-116.

Daxner, M. and Riese, S. 2011. 'Long-Time Effects from Kosovo, Little Ado About Bosnia-Herzegovina', *Sicherheit und Frieden (S+F) / Security and Peace* 29(1): 24-30.

Deb, A. 2015. 'Jus ad Bellum and r2p', *Journal of International Humanitarian Legal Studies* 6(2): 306-344.

Dee, M. 2001. ''Coalitions of the Willing' and Humanitarian Intervention: Australia's Involvement with INTERFET', *International Peacekeeping,* 8(3): 1-20.

Delahunty, R. J. 2007. 'Paper Charter: Self-Defense and the Failure of the United Nations Collective Security System', *Catholic University Law Review* 56: 871-957.

Demello, K. P. 2005. 'A Method of Direct Action: The Humanitarian Justification for Regime Change in Iraq', in *Suffolk University Law Review* 38(4): 789-809.

Denike, M. 2008. 'The Human Rights of Others: Sovereignty, Legitimacy, and "Just Causes" for the "War on Terror"', *Hypatia* 23(2): 95-121.

Deng, F. 2010. 'From 'Sovereignty as Responsibility' to the 'Responsibility to Protect'', *Global Responsibility to Protect* 2(4): 353-370.

Deudney, D. and Ikenberry, G. 2018. 'Liberal World: The Resilient Order', *Foreign Affairs* 97(4): 16-24.

Devetak, R. 2007. 'Between Kant and Pufendorf: Humanitarian Intervention, Statist Anti-Cosmopolitanism and Critical International Theory', *Review of International Studies,* 33(1): 151-174.

DiMeglio, R. 2005. 'The Evolution of the Just War Tradition: Defining Jus Post Bellum' in *Military Law Review* 186: 116–163.

Dimitrová, G. C. 2005. 'Democracy and International Intervention in Bosnia and Herzegovina' in *Central European Political Studies Review,* 7(1): 45-71.

Dobbins, J. 2004. 'The UN's Role in Nation-Building: From the Belgian Congo to Iraq', *Survival* 46(4): 81-102.

Dobbins, J. 2005. 'Iraq: Winning the Unwinnable War', *Foreign Affairs,* 84(1): 16–25.

Dobbins, J., Jones, S. G., Runkle, B., and Mohandas, S. 2009. *Occupying Iraq: A History of the Coalition Provisional Authority*. Santa Monica: RAND Corporation.

Dobos, N. 2016. 'Idealism, Realism, and Success in Armed Humanitarian Intervention', *Philosophia* 44(2): 497-507.

Dodge, T. 2005. 'Iraqi Transitions: From Regime Change to State Collapse', *Third World Quarterly* 26(4-5): 705-721.

Dodge, T. 2006. 'Iraq: The Contradictions of Exogenous State-Building in Historical Perspective', *Third World Quarterly*, 27(1): 187-200.

Donaldson, T. 1995. 'International Deontology Defended: A Response to Russell Hardin', *Ethics & International Affairs* 9: 147-154.

Doppelt, G. 1978. 'Walzer's Theory of Morality in International Relations'. *Philosophy & Public Affairs*, 8(1), 3-26.

Douglas, M. 2003. 'Changing the Rules: Just War Theory in the Twenty-First Century', *Theology Today*, 59(4): 529-545.

Douzinas, C. 2006. 'Postmodern Just Wars and the New World Order', *Journal of Human Rights* 5 (3): 355-375.

Dower, N. 2009. *The Ethics of War and Peace: Cosmopolitan and Other Perspectives.* Cambridge: Polity.

Downes, A. 2009. 'Catastrophic Success? Assessing the Effectiveness of Foreign-imposed Regime Change'. *APSA 2009 Toronto Meeting Paper*. Available at: papers.ssrn.com/sol3/papers.cfm?abstract_id=1449308 (Accessed 6. 2. 2017).

Downes, A. 2011. 'Regime Change Doesn't Work', *Boston Review* [online] Available at: https://bostonreview.net/downes-regime-change (Accessed 7.10. 2018).

Downes, A. and Monten, J. 2013. "Forced to be Free? Why Foreign-Imposed Regime Change Rarely Leads to Democratization" in *International Security* 37 (1): 90–131.

Dumbrell, J. and Ryan, D. 2007. *Vietnam in Iraq: Tactics, Lessons, Legacies and Ghosts.* London: Routledge.

Duncombe, C. and Dunne, T. 2018. 'After Liberal World Order', *International Affairs*, 94 (1): 25–42.

Dunford, R. and Neu, M. 2019. 'The Responsibility to Protect in a World of Already Existing Intervention', *European Journal of International Relations* 25(4): 1080–1102.

Dunne, T. 2012. 'R2P, Libya, and the Myth of Regime Change', *Lowy Interpreter* [online] Available at: archive.lowyinstitute.org/the-interpreter/r2p-libya-and-myth-regime-change (Accessed 7.10. 2018).

Eckert, A. E. 2012. 'The Responsibility to Protect in the Anarchical Society: Power, Interest, and the Protection of Civilians in Libya and Syria', *Denver Journal of International Law and Policy*, 41(1): 87-100.

Economides, S. 2011. 'The Making of a Failed State: The Case of Kosovo', *European View*, 10(2): 195-200.

Eizenstat, S. E., Porter, J. E., and Weinstein, J. M. 2005. 'Rebuilding Weak States', *Foreign Affairs*, 84(1): 134–146.

Eland, I. 2005. 'The Failure of Nation-Building in Bosnia and Iraq'. *The Independent Institute.* [online] Available at: independent.org/news/article.asp?id=1620 (Accessed 7.10. 2018).

Elshtain, J. B. 2001. 'Just War and Humanitarian Intervention', *Proceedings of the Annual Meeting* (American Society of International Law) 95: 1–12.

Elshtain, J. B. 2002. 'Just War and Humanitarian Intervention', *American University International Law Review* 17(1): 1–25.

Elshtain, J. 2003. *Just War against Terror: The Burden of American Power in a Violent World.* New York: Basic Books.

Elshtain, J. B. 2006. 'Jean Bethke Elshtain Responds', *Dissent* 53 (3): 109-111.

Elshtain, J. B. 2007. 'Terrorism, Regime Change, and Just War: Reflections on Michael Walzer', *Journal of Military Ethics*, 6(2): 131-137.

Elshtain, J. B. 2008. 'The Ethics of Fleeing: What America Still Owes Iraq', World Affairs, 170(4): 91–98.

Emerson, M. 2011. 'The Responsibility to Protect and Regime Change'. *Centre for European Policy Studies.* [online] Available at:
ceps.eu/wp-content/uploads/2013/02/Dec%20ME%20on%20R2P.pdf (Accessed 23.4. 2020).

Erameh, N.I. 2017. 'Humanitarian Intervention, Syria and the Politics of Human Rights Protection', *The International Journal of Human Rights*, 21(5): 517-530.

Erskine, T. (ed.) 2003. *Can Institutions Have Responsibilities?: Collective Moral Agency and International Relations*. Basingstoke: Palgrave Macmillan.

Erskine, T. 2014. 'Coalitions of the Willing and Responsibilities to Protect: Informal Associations, Enhanced Capacities, and Shared Moral Burdens', *Ethics & International Affairs* 28(1): 115-145.

Essawy, R. 2020. 'The Responsibility Not to Veto Revisited under the Theory of 'Consequential Jus Cogens'', *Global Responsibility to Protect* 12(3): 299-335.

Etzioni, A. 2006. 'Sovereignty as Responsibility' in *Orbis,* 50(1): 71-85.

Evans, M. (ed.) 2005. *Just War Theory: A Reappraisal.* Edinburgh: Edinburgh University Press.

Evans, B. 2011. 'The Liberal War Thesis: Introducing the Ten Key Principles of Twenty-First-Century Biopolitical Warfare', *South Atlantic Quarterly* 110(3): 747–756.

Evans, G. 2013. 'Ending Mass Atrocity Crimes: A Hopeless Dream?' [*Lecture*] [online] Available at: http://gevans.org/speeches/ speech513.html (accessed 19. 05. 2018).

Everett, A. L. 2019. 'Humanitarian Military Action in the 21st Century: Three Trends Shaping the Contemporary Landscape'. *Global Responsibility to Protect,* 11(3): 257-283.

Fabre, C. 2008. 'Cosmopolitanism, Just War Theory and Legitimate Authority' in *International Affairs*, 84(5): 963-976.

Fabre, C. 2014. *Cosmopolitan War.* Oxford: Oxford University Press.

Fabre, C. 2015. 'War Exit' in *Ethics*, 125(3): 631–652.

Fabre, C. 2016. 'Moral Responsibilities When Waging War'. *OUPblog* [online] Available at: http://blog.oup.com/2016/09/moral-responsibilities-waging-war/ (Accessed: 2.1.2017).

Falk, R. 2004. 'Legality to Legitimacy: The Revival of the Just War Framework', *Harvard International Review*, 26(1): 40-44.

Feldman, N. 2006. *What We Owe Iraq: War and the Ethics of Nation Building.* Princeton: Princeton University Press.

Fiala, A. 2007 (a). 'The Bush Doctrine, Democratization, and Humanitarian Intervention: A Just War Critique', *Theoria* 114: 28-47.

Fiala, A. 2007 (b). *The Just War Myth: The Moral Illusions of War.* Lanham: Rowman & Littlefield Publishers.

Fiala, A. 2009. 'The Democratic Peace Myth: From Hiroshima to Baghdad', *The American Journal of Economics and Sociology* 68(1): 77-99.

Field, A. 2000. 'The Legality of Humanitarian Intervention and the Use of Force in the Absence of United Nations Authority', *Monash University Law Review* 26(2): 339-361.

Finlay, C. J. 2007. 'Reform Intervention and Democratic Revolution', *European Journal of International Relations* 13(4): 555-581.

Finlay, C. J. 2018. *Is Just War Possible?* Cambridge: Polity.

Finlay, C. J., Parry, J. and Wrange, P. 2017. 'Introduction: Legitimate Authority, War, and the Ethics of Rebellion', *Ethics & International Affairs* 31(02): 167-168.

Firth, J. and Quong, J. 2012. 'Necessity, Moral Liability, and Defensive Harm' in *Law and Philosophy* 31(6): 673-701.

Fitzpatrick, M. 2013. 'North Korea: Is Regime Change the Answer?', *Survival*. 55 (3): 7-20.

Focarelli, C. 2008. 'The Responsibility to Protect Doctrine and Humanitarian Intervention: Too Many Ambiguities for a Working Doctrine' in *Journal of Conflict & Security Law,* 13(2): 191-213.

Forde, S. 1998. 'Hugo Grotius on Ethics and War', *The American Political Science Review,* 92(3): 639–648.

Franceschet, A. 2010. 'Kant, International Law, and the Problem of Humanitarian Intervention', *Journal of International Political Theory,* 6(1): 1–22.

Freedman, L. 2005. 'The Age of Liberal Wars', *Review of International Studies* 31(1): 93-107.

Fritz, P. 2015. 'Imposing Democracy to Ensure the Peace: The Role of Coercive Socialization', *Foreign Policy Analysis* 11: 377–396.

Fukuyama, F. 1992. *The End of History and the Last Man*. London: Penguin.

Fung, C. J. 2018. 'Separating Intervention from Regime Change: China's Diplomatic Innovations at the UN Security Council Regarding the Syria Crisis', *The China Quarterly* 235: 693-712.

Geller, D. S. and Travlos, K. 2019. 'Integrating Realist and Neoliberal Theories of War', *Peace Economics, Peace Science and Public Policy,* 25(2): 1-29.

Gewirth, A. 1960. 'Meta-Ethics and Normative Ethics', *Mind* 69(274): 187-205.

Gheciu, A. and Welsh, J. 2009. 'The Imperative to Rebuild: Assessing the Normative Case for Postconflict Reconstruction', *Ethics & International Affairs*, 23(2): 121–146.

Gibney, M. 2011. 'Universal Duties: The Responsibility to Protect, the Duty to Prevent (Genocide) and Extraterritorial Human Rights Obligations', *Global Responsibility to Protect* 3(2): 123-151.

Gilsinan, K. 2015. 'The Pottery Barn Rule: Syria Edition'. *The Atlantic*. [online] Available at: theatlantic.com/international/archive/2015/09/the-pottery-barn-rule-syria-edition/408193/ (Accessed 10.09.2019).

Glanville, L. 2011. 'The Antecedents of 'Sovereignty as Responsibility'', *European Journal of International Relations* 17(2): 233–255.

Glanville, L. 2012. 'The Responsibility to Protect Beyond Borders', *Human Rights Law Review* 12(1): 1–32.

Glanville, L. 2013. 'Intervention in Libya: From Sovereign Consent to Regional Consent', *International Studies Perspectives* 14(3): 325-342.

Glanville, L. 2019. 'Grotius and the Marginalization of Cosmopolitan Duties', *Grotiana* 40(1): 102-122.

Godfroy, J. and Collins, L. 2019. 'Iraq, 2003–2011: Succeeding to Fail', *Small Wars & Insurgencies* 30(1): 140-175.

Goldstein, C. S. 2012. 'Just War Theory and Democratization by Force: Two Incompatible Agendas' in *Military Review* 92(5): 2-8.

Gordon, P. H. 2020. 'The False Promise of Regime Change'. *Foreign Affairs*. [online] Available at: foreignaffairs.com/articles/middle-east/2020-10-07/false-promise-regime-change (Accessed 10.11. 2020).

Gordon, R. 1994. 'United Nations Intervention in Internal Conflicts: Iraq, Somalia, and Beyond', *Michigan Journal of International Law* 15(2): 519-589.

Grasten, M., and Uberti, L. J. 2017. 'The Politics of Law in a Post-Conflict UN Protectorate: Privatisation and Property Rights in Kosovo (1999–2008)'. *Journal of International Relations and Development*, 20(1): 162-189.

Graubart, J. 2013. 'R2P and Pragmatic Liberal Interventionism: Values in the Service of Interests', *Human Rights Quarterly 35*(1): 69-90.

Greene, S. R. 2017. 'Pathological Counterinsurgency: The Failure of Imposing Legitimacy in El Salvador, Afghanistan, and Iraq', *Third World Quarterly* 38(3): 563-579.

Haass, R. N. 2005. 'Regime Change and its Limits', *Foreign Affairs* 84(4): 66–78.

Habibi, D. A. 2008. 'Two Utilitarian Approaches to Human Rights'. *UC Berkeley: Kadish Center for Morality, Law and Public Affairs*. [online] Available at: https://escholarship.org/uc/item/7pp5z07p (Accessed 15.10.2017).

Hathaway, O. A.; Crootof, R.; Levitz, P.; Nix, H.; Perdue, W.; Purvis, C. & Spiegel, J. 2012. 'Which Law Governs During Armed Conflict? The Relationship Between International Humanitarian Law and Human Rights Law', *Minnesota Law Review* 96(6): 1883-1943.

Hayman, P. A. and Williams, J. 2006. 'Westphalian Sovereignty: Rights, Intervention, Meaning and Context', *Global Society* 20(4): 521-542.

Heinze, E. A. 2004. 'Humanitarian Intervention: Morality and International Law on Intolerable Violations of Human Rights', *The International Journal of Human Rights* 8(4): 471-490.

Heinze, E. A. 2006. 'Maximizing Human Security: A Utilitarian Argument for Humanitarian Intervention' in *Journal of Human Rights* 5(3): 283-302.

Heinze, E. 2009. *Waging Humanitarian War: The Ethics, Law, and Politics of Humanitarian Intervention*. Albany: State University of New York Press.

Hendin, R. 2011. 'Obama Offers Forceful Defense of Libya Action.' *CBS News*. [online] Available at: cbsnews.com/news/obama-offers-forceful-defense-of-libya-action/ (Accessed 9.7.2020).

Herd, G. P. and Tracy, T. 2006. 'Democratic Civil-Military Relations in Bosnia and Herzegovina: A New Paradigm for Protectorates?', *Armed Forces & Society*, 32(4): 549-565.

De Heusch, L. D. 1995. 'Rwanda: Responsibilities for a Genocide', *Anthropology Today* 11(4): 3-7.

Hiebert, M. S. 2011. 'MARO as the Partial Operationalization of R2P', *Genocide Studies and Prevention* 6(1): 52 - 58.

Hiebert, M. 2015. 'Genocide Prevention and Western National Security: The Limitations of Making R2P All About Us', *Politics and Governance,* 3(4): 12- 25.

Hilpold, P. 2015. 'Jus Post Bellum and the Responsibility to Rebuild – Identifying the Contours of an Ever More Important Aspect of R2P', *Journal Of International Humanitarian Legal Studies,* 6(2): 284–305.

Hoare, M. A. 2011. 'A Case Study in Underachievement: The International Courts and Genocide in Bosnia-Herzegovina', *Genocide Studies and Prevention: An International Journal* 6(1): 81–97.

Hobson, C. 2016. 'Responding to Failure: The Responsibility to Protect after Libya', *Millennium* 44(3): 433–454.

Hodge, C.C. 1998. 'Botching the Balkans: Germany's Recognition of Slovenia and Croatia', *Ethics & International Affairs* 12: 1-18.

Hooper, J. and Black, I. 2003. 'Anger at Rumsfeld Attack on 'Old Europe''. *The Guardian.* [online]. Available at: theguardian.com/world/2003/jan/24/germany.france (Accessed 14.6.2020).

Hopgood, S. 2014. 'The Last Rites for Humanitarian Intervention', *Global Responsibility to Protect* 6(2): 181-205.

ICRC (International Committee of the Red Cross). 2012. *Contemporary challenges to IHL – Occupation: Overview.* [online] Available at: icrc.org/en/doc/war-and-law/contemporary-challenges-for-ihl/occupation/overview-occupation.ht m (Accessed 2.2.2017).

ICRC (International Committee of the Red Cross). 2020. *Non-International Armed Conflict.* [online] Available at: casebook.icrc.org/glossary/non-international-armed-conflict (Accessed 23.04.2020).

Ienaga, S. 1979. *Japan's Last War: World War II and the Japanese, 1931-1945.* Oxford: Blackwell.

Ikenberry, J. G. 2018. 'The End of Liberal International Order?', *International Affairs* 94(1): 7-23.

International Coalition for the Responsibility to Protect (ICRtoP). 2005. *Paragraphs 138-139 of the World Summit Outcome Document.* [online] Available at: responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/398-general-ass embly-r2p-excerpt-from-outcome-document (Accessed 26.8.2019).

Inzko, V. 2009. 'Divisive Rhetoric Threatens Sovereignty, Integrity of Bosnia and Herzegovina, High Representative Says in Briefing to Security Council'. *Meetings Coverage and Press Releases.* [online] Available at: un.org/press/en/2009/sc9665.doc.htm (Accessed 21.12.2019).

Jahn, B. 2012. 'Humanitarian Intervention - What's in a Name?', *International Politics* 49(1): 36-58.

Janse, R. 2006. 'The Legitimacy of Humanitarian Interventions', *Leiden Journal of International Law* 19(3): 669-692.

Janzen, G. 2016. 'A Critique of the Right Intention Condition as an Element of Jus ad Bellum', *Journal of Military Ethics* 15(1): 36-57.

Jawad, S. N. 2016. 'Iraq from Occupation to the Risk of Disintegration', *Contemporary Arab Affairs* 9(1): 27–48.

Jeffrey, A. 2007. 'The Politics of 'Democratization': Lessons from Bosnia and Iraq' in *Review of International Political Economy*, 14 (3): 444-466.

Jeffrey, J. F. 2017. 'How to Get Regime Change Right'. *The Washington Institute.* [online] Available at: washingtoninstitute.org/experts/view/james-jeffrey (Accessed 7.10. 2018).

Jenkins, R. 2006. 'Collateral Benefit: Iraq and Increased Legitimacy for International Trusteeship', *Dissent* 53 (2): 72-75.

Jenkins, R. 2017. 'William R. Shaw: Utilitarianism and the Ethics of War', *Ethics* 127(4): 963-967.

Johnson, J. T. 1999. *Morality & Contemporary Warfare.* New Haven; London: Yale University Press.

Jones, B. D. 2001. *Peacemaking in Rwanda: The Dynamics of Failure*. Boulder: Lynne Rienner Publishers.

Jones, S. G. and Dobbins, J. 2006. 'The UN's Record in Nation Building. (Symposium: UN Reform)' in *Chicago Journal of International Law* 6(2): 703-723.

Juzdan, P. 2013. 'Humanitarian Intervention in Syria: Regime Change by Another Name', *Jurist* [online] Available at: jurist.org/dateline/2013/09/paul-juzdan-syria-intervention.php. (Accessed 12.10.2018).

Kapteijns, L. 2013. 'Test-Firing the 'New World Order' in Somalia: the US/UN Military Humanitarian Intervention of 1992–1995', *Journal of Genocide Research* 15(4): 421-442.

Kassab, S. 2017. 'When the Security Council Fails to Intervene in Mass Atrocities, Who Else Can Act?' in *Michigan Journal of International Law* [online] Available at: mjilonline.org/when-the-security-council-fails-to-intervene-in-mass-atrocities-who-else-can-act/ (Accessed 7.4.2019).

Katz, M. N. 2017. 'The U.S. and Democratization in Iraq'. *Middle East Policy Council*. [online] Available at: mepc.org/commentary/us-and-democratization-iraq (Accessed 22.05.2018).

Kelsay, J. 2009. 'James Turner Johnson, Just War Tradition, and Forms of Practical Reasoning', *Journal of Military Ethics* 8(3): 179-189.

Kelsay, J. 2013. 'The Triumph of Just War Theory and Imperial Overstretch' pp. 267-282 in A. F. Lang, C. O'Driscoll, and J. Williams (eds.) *Just War: Authority, Tradition, and Practice*. Washington, DC: Georgetown University Press.

Khalilzad, Z. 2010. 'Lessons from Afghanistan and Iraq', *Journal of Democracy* 21 (3): 41-49.

Kinacioglu, M. 2012. 'Forcing Democracy: Is Military Intervention for Regime Change Permissible?' in *All Azimuth: A Journal of Foreign Policy and Peace* 1(1): 28-48.

Kinzer, S. 2006. *Overthrow: America's Century of Regime Change from Hawaii to Iraq*. New York: Times Books/Henry Holt.

Klare, M. T. 1999. 'The Clinton Doctrine'. *The Nation*. [online] Available at: thenation.com/article/archive/clinton-doctrine/ (Accessed 5.10.2019).

Klepper, H. 1995. 'Justification and Methodology in Practical Ethics', *Metaphilosophy* 26(3):

201-219.

Knaus, G. and Martin, F. 2003. 'Travails of the European Raj', *Journal of Democracy*, 14(3): 60–74.

Knoll, B. 2007. 'Bosnia: Reclaiming Local Power from International Authority', *European Constitutional Law Review* 3: 357–366.

Knowles, C. 2013. 'The British Occupation of Germany, 1945–49', *The RUSI Journal* 158(6): 84-91.

Kochi, T. 2013. 'Problems of Legitimacy within the Just War Tradition and International Law', pp.115 - 134 in A. F. Lang, C. O'Driscoll, and J. Williams (eds.) *Just War: Authority, Tradition, and Practice*. Washington: Georgetown University Press.

Kolb, A. S. 2012. 'The Responsibility to Protect (R2P) and the Responsibility while Protecting (RwP):Friends or Foes?', *GGI Analysis Paper* 6: 1-25.

Kovacevic, D. 2019. 'Bosnian Serb Lawmakers Claim Right to Self-Determination', *Balkan Insight*. [online] Available at: https://balkaninsight.com/2019/11/12/bosnian-serb-lawmakers-claim-right-to-self-determination/ (Accessed: 2.3.2020).

Krasner, S. D. 1995. 'Compromising Westphalia', *International Security* 20(3): 115-151.

Krasner, S. D., 1999. *Sovereignty: Organized Hypocrisy.* Princeton: Princeton University Press.

Kühn, F. P. 2015. 'Military Intervention in Alliances: NATO, Afghanistan, and the Age of Interventionism', *Journal of Intervention and Statebuilding* 9(4): 551-561.

Kuo, R. 2008. 'Occupation and the Just War', *International Relations* 22(3): 299-321.

Kuperman, A. J. 2013. 'A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign.', *International Security* 38(1): 105-136.

Kurrild-Klitgaard, P. 2004. 'Blood, Baath and Beyond: the Constitutional Dilemma of Iraq', *Public Choice* 119(1): 13-30.

Kurth, J. 2006. 'Humanitarian Intervention After Iraq: Legal Ideals vs. Military Realities', *Orbis*, 50(1): 87-101.

Lafont, C. 2015. 'Human Rights, Sovereignty and the Responsibility to Protect'. *Constellations*, 22(1): 68-78.

Land, R. 2007. 'Human Rights, Genocide, and National Sovereignty: Just War Theory - Help or Hindrance?', *Criswell Theological Review,* 4(2): 39-52.

Lang, A. F. 2016. 'Just War as Political Theory: Intention, Cause and Authority', *Political Theory* 44(2): 289-303.

Langan, J. 1984. 'The Elements of St. Augustine's Just War Theory', *The Journal of Religious Ethics* 12(1): 19-38.

Lango, J. W. 2001. 'Is Armed Humanitarian Intervention to Stop Mass Killing Morally Obligatory?', *Public Affairs Quarterly*, 15(3): 173-191.

Lazar, S. 2012. 'Scepticism about Jus Post Bellum', pp. 204-222 in L. May and A. Forcehimes (eds.), *Morality, Jus Post Bellum, and International Law*. Cambridge: Cambridge University Press.

Lazar, S. 2016. 'War'. *Stanford Encyclopedia of Philosophy*. [online] Available at http://plato.stanford.edu/entries/war/#HistVsContJustWarTheo (Accessed 21.3.2018).

Lechner, S. 2010. 'Humanitarian Intervention: Moralism versus Realism?' in *International Studies Review*, 12(3): 437-443.

Lejbowicz, A. 2000. 'Le Droit International et la Guerre Aujourd'hui', *Archives de Philosophie*, 63: 423–443.

Lipsey, D. 2016. 'Liberal Interventionism', *Political Quarterly,* 87(3): 415-423.

Lo, N., Hashimoto, B., and Reiter, D. 2008. 'Ensuring Peace: Foreign-Imposed Regime Change and Postwar Peace Duration, 1914–2001'. *International Organization* 62(4): 717-736.

Long, G. 2012. 'Disputes in Just War Theory and Meta-Theory', European Journal of Political Theory 11(2): 209-225.

Lorch, D. 1994. 'Last of the U.S. Troops Leave Somalia; What Began as a Mission of Mercy Closes with Little Ceremony.' *The New York Times*. [online]. Available at:

nytimes.com/1994/03/26/world/last-us-troops-leave-somalia-what-began-mission-mercy-closes-with-little.html (Accessed 20.4.2019).

Loughlin, S. 2003. 'Rumsfeld on Looting in Iraq: 'Stuff happens'.' *CNN International Edition.* [online] Available at: edition.cnn.com/2003/US/04/11/sprj.irq.pentagon/(Accessed 26.11.2020).

Luban, D. 1980. 'Just War and Human Rights', *Philosophy & Public Affairs,* 9(2): 160–181.

Luban, D. 2011. 'War as Punishment', *Philosophy & Public Affairs* 39(4): 299-330.

Luban, D. 2013. 'Will Syria Redefine the Just War?' *Just Security* [online] Available at: www.justsecurity.org/1035/syria-redefine-war/ (Accessed 23. 07. 2017).

Luban, D. 2017. 'Prefaces and Postscripts: Walzer's Just and Unjust Wars at Age 40', *Georgetown University Law Center.* [online] Available at: scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1015&context=fac_lectures (Accessed 1.9.2018).

Lucas, G. R. 2003. 'The Role of the 'International Community' in Just War Tradition - Confronting the Challenges of Humanitarian Intervention and Preemptive War', *Journal of Military Ethics,* 2(2): 122-144.

Lucas, G. R. 2007. ''Methodological Anarchy': Arguing about War - and Getting it Right. Brian Orend, The Morality of War', *Journal of Military Ethics,* 6(3): 246-252.

Lund, William R. 2011. 'Reconsidering "Supreme Emergencies": Michael Walzer and his Critics', *Social Theory and Practice* 37(4): 654-678.

MacDonogh, G. 2007. *After the Reich: The Brutal History of the Allied Occupation.* New York: Basic Books.

Mac Ginty, R. 2003. 'The Pre-War Reconstruction of Post-War Iraq', *Third World Quarterly,* 24(4): 601–617.

Mac Ginty, R. 2010. 'Warlords and the Liberal Peace: State-Building in Afghanistan'. *Conflict, Security & Development* 10(4): 577-598.

Major, J. 1995. *Hansard,* HC Deb. vol. 260 col. 999 (31 May 1995) [online]. Available at: https://publications.parliament.uk/pa/cm199495/cmhansrd/1995-05-31/Debate-1.html (Accessed 8.4.2018).

Makang, J. M. 2015. 'Review of "The Morality of War (2nd Ed.)"', *Essays In Philosophy*, 16(1): 106–114.

Malito, D. V. 2017. 'Neutral in Favour of Whom? The UN Intervention in Somalia and the Somaliland Peace Process' in *International Peacekeeping* 24(2): 280-303.

Malito, D. V. 2019. 'Morality as a Catalyst for Violence: Responsibility to Protect and Regime Change in Libya', *Politikon* 46(1): 104-121.

Manning, C. 2006. 'Political Elites and Democratic State-Building Efforts in Bosnia and Iraq', *Democratization,* 13:(5): 724-738.

Mansoor, P., and Murray, W. (eds.). 2016. *Grand Strategy and Military Alliances.* Cambridge: Cambridge University Press.

Margulies, P. 2004. 'Making "Regime Change" Multilateral: The War on Terror and Transitions to Democracy'. *Denver Journal of International Law and Policy*, 32(3): 389-420.

Martin, A. 2018. 'Human Security: From Humanitarian Intervention to Responsibility to Protect', *Cogito* 10(2): 87-95.

Mason, R. C. 2009. 'Status of Forces Agreement (SOFA): What Is It, and How Has It Been Utilized?'. *Report. June 18, 2009; Washington D.C.* University of North Texas Libraries [online] Available at: digital.library.unt.edu/ark:/67531/metadc26278/(Accessed 7.4.2020).

Matejkova, S. 2008. 'Establishing the Norm of Humanitarian Intervention in International Relations', *Central European Journal of International & Security Studies*, 2(2): 76-91.

McCourt, D. 2013. 'Embracing Humanitarian Intervention: Atlanticism and the UK Interventions in Bosnia and Kosovo', *The British Journal of Politics and International Relations* 15(2): 246-262.

McCready, D. 2009. 'Ending the War Right: Jus Post Bellum and the Just War Tradition' in *Journal of Military Ethics* 8(1): 66-7.

McMahan, J. 2008. 'Debate: Justification and Liability in War', *Journal of Political Philosophy,* 16(2): 227-244.

McMahon, P. C. 2004. 'Rebuilding Bosnia: A Model to Emulate or to Avoid?', *Political Science Quarterly*, 119(4): 569-593.

McMahon, P. C. and Western, J. 2009. 'The Death of Dayton: How to Stop Bosnia From Falling Apart' in *Foreign Affairs* 88 (5): 69-83.

McMillan, N. and Mickler, D. 2013. 'From Sudan to Syria: Locating 'Regime Change' in R2P and the ICC', *Global Responsibility to Protect*, 5(3): 283-316.

Mearsheimer, J. 2019. 'Bound to Fail: The Rise and Fall of the Liberal International Order' in *International Security* 43(4): 7-50.

Mednicoff, D. M. 2006. 'Humane Wars? International Law, Just War Theory and Contemporary Armed Humanitarian Intervention' in *Law, Culture and The Humanities*, 2(3): 373–398.

Melandri, M. 2011. 'The State, Human Rights and the Ethics of War Termination: What Should a Just Peace Look Like? A Critical Appraisal', *Journal of Global Ethics*, 7(3): 241-249.

Merkel, W. 2008. 'Democracy through War?', *Democratization* 15(3): 487-508.

Meyer, K. 2002. '"Regime Change" and Other Enigmas', *World Policy Journal, 19*(3): 92-94.

Miles, A. 2013. *US Foreign Policy and the Rogue State Doctrine*. Abingdon: Routledge.

Milevski, L. 2020. 'Modern Liberal Wars, Illiberal Allies, and Peace as the Failure of Policy', *Defense & Security Analysis* 36(3): 300-313.

Miller, R. 1996. *Casuistry and Modern Ethics: A Poetics of Practical Reasoning*. Chicago: University of Chicago Press.

Miller, D. 2007. 'Two Concepts of Responsibility', pp. 81-110 in D. Miller (ed.) N*ational Responsibility and Global Justice.* Oxford: Oxford University Press.

Miller, R. B. 2000. 'Humanitarian Intervention, Altruism, and the Limits of Casuistry', *Journal of Religious Ethics*, 28(1): 3-35.

Miller, B. 2010. 'Democracy Promotion: Offensive Liberalism versus the Rest (of IR Theory)', *Millennium* 38(3): 561-591.

Milovich, L. and Ossewaarde, R. 2013. 'The Public Administration Reform in Post-War Bosnia and Herzegovina: A Reform Process Embedded in a Sovereignty Paradox', *International Journal of Public Administration* 36: 75-83.

Mirkovic, D. 2009. 'First Do No Harm: Humanitarian Intervention and the Destruction of Yugoslavia (Book Review)', *Peace Research*, 41(1): 141-144.

Moellendorf, D. 2011. 'Jus Ex Bello in Afghanistan'. *Ethics & International Affairs*, 25(2): 155-164.

Moellendorf, D. 2015. 'Two Doctrines of Jus Ex Bello', *Ethics* 125(3): 653-673.

Mohamed, S. 2005. 'From Keeping Peace to Building Peace: A Proposal for a Revitalized United Nations Trusteeship Council', *Columbia Law Review* 105(3): 809-840.

Monten, J. 2014. 'Intervention and State-Building: Comparative Lessons from Japan, Iraq, and Afghanistan'. *The Annals of the American Academy of Political and Social Science* 656: 173-191.

Morris, J. 2013. 'Libya and Syria: R2P and the Spectre of the Swinging Pendulum', International Affairs, 89(5): 1265-1283.

Morris, J. 2016. 'The Responsibility to Protect and the Use of Force: Remaking the Procrustean Bed?', *Cooperation and Conflict*, 51(2): 200–215.

Morris, J. and Wheeler, N. J. 2007. 'The Security Council's Crisis of Legitimacy and the Use of Force', *International Politics*, 44(2-3): 214-231.

Moszkowicz, D. 2007. 'Michael Walzer's Justification of Humanitarian Intervention: Communitarian? Cosmopolitan? Adequate?', *Political Theology* 8(3): 281-297.

Naftali, T. 2004. 'Berlin to Baghdad: The Pitfalls of Hiring Enemy Intelligence (Book Review)', *Foreign Affairs* 83(4): 126-132.

Naqvi, Y. 2017. 'Crossing the Red Line: The Use of Chemical Weapons in Syria and What Should Happen Now', *International Review of the Red Cross* 99(906): 959-993.

Nardin, T. 2002. 'The Moral Basis of Humanitarian Intervention'. *Ethics & International Affairs*, 16(1): 57-70.

Nardin, T. 2013 'From Right to Intervene to Duty to Protect: Michael Walzer on Humanitarian Intervention', *European Journal of International Law*, 24(1): 67-82.

Neff, S. C. (ed.). 2012. *Hugo Grotius on The Law Of War and Peace.* Cambridge: Cambridge University Press.

Neu, M. 2013. 'The Tragedy of Justified War', in *International Relations*, 27(4): 461–480.

Niesen, P. 2010. 'Political Party Bans in Rwanda 1994-2003: Three Narratives Of Justification'. *Democratization* 17(4): 709-729.

Nomikos, W. G., Downes, A. B. and Monten, J. 2013. 'Reevaluating Foreign-Imposed Regime Change' in *International Security* 38(3): 184-195.

North Atlantic Treaty Organisation (NATO) 2019. *Peace Support Operations in Bosnia and Herzegovina*. [online] Available at: nato.int/cps/en/natohq/topics_52122.htm (Accessed 7.10.2018).

North Atlantic Treaty Organisation (NATO). 2020 (a). *NATO's Role in Kosovo*. [online] Available at: nato.int/cps/en/natolive/topics_48818.htm (Accessed 18.11.2020).

North Atlantic Treaty Organisation (NATO). 2020 (b). *Resolute Support Mission in Afghanistan.* [online] Available at: nato.int/cps/en/natohq/topics_113694.htm. (Accessed 19.11.2020).

Oakley, R. 1998. 'Ambush in Mogadishu' (Interview). *Public Broadcasting Service.* [online] Available at: pbs.org/wgbh/pages/frontline/shows/ambush/interviews/oakley.html
(Accessed 04.07.2019).

Obama, B. 2011. 'President Obama: "The future of Syria must be determined by its people, but President Bashar al-Assad is standing in their way."'. The White House. [online] Available at:https://obamawhitehouse.archives.gov/blog/2011/08/18/president-obama-future-syria-must-be-determined-its-people-president-bashar-al-assad (Accessed 20.11.2019).

Obama, B. [Goldberg, J.] 2016. 'The Obama Doctrine'. (interview) *The Atlantic.* [online] Available at: theatlantic.com/magazine/archive/2016/04/the-obama-doctrine/471525/(Accessed 3.3.2020).

O'Donovan, O. 2003. *The Just War Revisited*. Cambridge: Cambridge University Press.

O'Driscoll, C. 2006 (a). 'Re-negotiating the Just War: The Invasion of Iraq and Punitive War', *Cambridge Review of International Affairs* 19(3): 405-420.

O'Driscoll, C. 2006 (b). 'The Just War Tradition: Confronting the Burden of Order in an Age of Terror', *Cambridge Review of International Affairs* 19(3): 387-388.

O'Driscoll, C. 2013. 'Divisions within the Ranks? The Just War Tradition and the Use and Abuse of History' in *Ethics & International Affairs* 27(1): 47-65.

O'Driscoll, C. 2018. "Keeping Tradition Alive: Just War and Historical Imagination", *Journal of Global Security Studies* 3 (2): 234-247.

Odgaard, L. 2020. 'Responsibility to Protect goes to China: An Interpretivist Analysis of How China's Coexistence Policy Made it a Responsibility to Protect Insider', *Journal of International Political Theory*, 16(2): 231-248.

Office of the High Representative. 2015. 'General Information.' [online] Available at: ohr.int/about-ohr/general-information/ (Accessed 14.7.2018).

Ondrovic, P. 2013. 'A Fatal Defect of Interim Administration? Case Application: Kosovo', *Stredoevropske Politicke Studie* 15(2/3): 123-135.

Orend, B. 1999. 'Crisis in Kosovo: A Just Use of Force?' in *Politics*, 19(3): 125–130.

Orend, B. 2000 (a). 'Michael Walzer on Resorting to Force', *Canadian Journal of Political Science* 33(3): 523–547.

Orend, B. 2000 (b). *Michael Walzer on War and Justice.* Cardiff: University of Wales Press.

Orend, B. 2001. 'Just and Lawful Conduct in War: Reflections on Michael Walzer', *Law and Philosophy*, 20(1): 1–30.

Orend, B. 2002. *Human Rights: Concept and Context.* Peterborough, Ontario: Broadview Press.

Orend, B. 2004. 'Just Wars and Cosmopolitan Hope', *Theoria: A Journal of Social and Political Theory* 104: 128-149.

Orend, 2005. 'War'. *Stanford Encyclopedia of Philosophy.* [online] Available at: https://plato.stanford.edu/archives/fall2008/entries/war/ (Accessed 20.2.2017).

Orend, B. 2006. *The Morality of War*. Peterborough: Broadview Press.

Orend, B. 2007 (a). 'Jus Post Bellum: The Perspective of a Just-War Theorist' in *Leiden Journal of International Law* 20(3): 571-591.

Orend, B. 2007 (b). 'The Rules of War', *Ethics & International Affairs*, 21(4): 471–476.

Orend, B. 2008 (a). 'Jus Post Bellum: A Just War Theory Perspective' pp. 31-52 in C. Stahn & J.K. Kleffner (eds.) *Jus Post Bellum. Towards a Law of Transition from Conflict to Peace*. The Hague: T.M.C. Asser Press.

Orend, B. 2008 (b). 'The Key to War: How "the Metaphysics of Morals" Unlocks Kant's Just War Theory', *Jahrbuch für Recht und Ethik / Annual Review of Law and Ethics*, 16:183–201.

Orford, A. 2011. *International Authority and the Responsibility to Protect*. Cambridge: Cambridge University Press.

Orford, A. 2013. 'Moral Internationalism and the Responsibility to Protect'. *European Journal of International Law* 24(1): 83-108.

Österdahl, I. and van Zadel, E. 2009. 'What Will Jus Post Bellum Mean? Of New Wine and Old Bottles', *Journal of Conflict and Security Law* 14(2): 175–207.

Ottaway, M. 2015. 'Nation-building in Iraq: Iran 1, the United States 0', *Insight Turkey* 17(2): 9-19.

Owen, J. 2010. *The Clash of Ideas in World Politics: Transnational Networks, States, and Regime Change, 1510-2010*. Princeton: Princeton University Press.

Pabst, A. 2007. 'Can There Be a Just War Without a Just Peace?', *New Blackfriars* 88(1018): 722-738.

Palmer, A. 2005. 'Regime Change is Illegal: End of Debate'. *The Telegraph*. [online] Available at:telegraph.co.uk/comment/personal-view/3616571/Regime-change-is-illegal-end-of-debate.htm (Accessed 18.6.2018).

Palmer, E. 2014. 'ISIS Encroaches on Ultimate Prize in Iraq'. *CBS News*. [online] Available at: cbsnews.com/news/isis-within-8-miles-of-baghdad-airport-and-armed-with-manpads/(Accessed 6.11.2019).

Pan, E. 2005. 'Iraq: Justifying the War'. *Council on Foreign Relations*. [online] Available at: www.cfr.org/backgrounder/iraq-justifying-war (Accessed 22.9.2020).

Paris, R. 2002. 'International Peacebuilding and the 'Mission Civilisatrice'', *Review of International Studies* 28(4): 637-656.

Paris, R. 2015. 'States of Mind: The Role of Governance Schemas in Foreign-Imposed Regime Change', *International Relations*, 29(2): 139–176.

Paris, R. 2020. 'The Right to Dominate: How Old Ideas About Sovereignty Pose New Challenges for World Order', *International Organization* 74(3): 453-489.

Parmar, I. 2018. 'The US-led Liberal Order: Imperialism by Another Name?', *International Affairs* 94 (1): 151–172.

Parry, J. 2017. 'Legitimate Authority and the Ethics of War: A Map of the Terrain', *Ethics & International Affairs* 31(2): 169-189.

Parsons, G. 2012. 'The Incoherence of Walzer's Just War Theory', *Social Theory and Practice* 38 (4): 663-688.

Pattison, J. 2008. 'Whose Responsibility to Protect? The Duties of Humanitarian Intervention', *Journal of Military Ethics*, 7(4): 262–283.

Pattison, J. 2009. 'Humanitarian Intervention, the Responsibility to Protect and Jus in Bello', *Global Responsibility to Protect*, 1(3): 364–391.

Pattison, J. 2011. 'The Ethics of Humanitarian Intervention in Libya', *Ethics & International Affairs* 25(3): 271-277.

Pattison, J. 2013 (a). 'Jus Post Bellum and the Responsibility to Rebuild', *British Journal of Political Science* 45(3): 635-661.

Pattison, J. 2013 (b). 'Is There a Duty to Intervene? Intervention and the Responsibility to Protect', *Philosophy Compass*, 8(6): 570-579.

Pattison, J. 2016. 'Jus Post Bellum Symposium: The Responsibility to Protect, Jus Post Bellum, and the Duty to Rebuild after War'. *Opinio Juris.* [online] Available at: http://opiniojuris.org/2014/05/09/jus-post-bellum-symposium-responsibility-protect-jus-post-bellum-duty-rebuild-war/ (Accessed: 2.1.2018).

Pearcey, M. 2016. 'A Survey of High School Students' Views of Modern War and Just War Principles' in *The Journal of Social Studies Research* 40: 281–293.

Pedde, N. 2017. 'The Libyan Conflict and its Controversial Roots', *European View* 16(1): 93-102.

Peic, G. and Reiter, D. 2011. 'Foreign-Imposed Regime Change, State Power and Civil War Onset, 1920–2004', *British Journal of Political Science* 41(3): 453-475.

Peperkamp, L. 2016. 'On the Duty to Reconstruct after War: Who is Responsible for Jus Post Bellum?', *Canadian Journal of Law & Jurisprudence* 29(02): 403–430.

Perry, V. 2009. 'At Cross Purposes? Democratization and Peace Implementation Strategies in Bosnia and Herzegovina's Frozen Conflict', *Human Rights Review* 10(1): 35–54.

Peterson, J. 2018. 'Present at the Destruction? The Liberal Order in the Trump Era', *The International Spectator* 53(1): 28-44.

Pfiffner, J. P. 2010. 'US Blunders in Iraq: De-Baathification and Disbanding the Army', *Intelligence and National Security*, 25(1): 76-85.

Phillips, E. 2012. 'The Libyan Intervention: Legitimacy and the Challenges of the Responsibility to Protect Doctrine', *Denning Law Journal*, 24: 39-64.

Pieterse, J. N. 1997. 'Sociology of Humanitarian Intervention: Bosnia, Rwanda and Somalia Compared', *International Political Science Review*, 18(1): 71-93.

Pilger, J. 2004. 'The Iraq WMD Rationale Was 95% Charade', *Peace Research* 36(2): 89-92.

Pilster, U. 2020. 'Afghanistan: Peace Through Power-Sharing?', *The Washington Quarterly* 43(1): 121-141.

Porter, P. 2018. 'Iraq: A Liberal War After All: A Critique of Dan Deudney and John Ikenberry', *International Politics* 55(2): 334-348.

Powers, G. 2012. 'Humanitarian Intervention in Syria: A Classic Just War?', *Huffington Post*. Available at:
huffingtonpost.com/gerard-powers/humanitarian-intervention-and-just-war-in-syria_b_1707436.html (Accessed: 27.12.2016).

Purves, D. and Jenkins, R. 2016. 'Right Intention and the Ends of War', *Journal of Military Ethics* 15(1): 18-35.

Querimi, Q. 2018. 'Construing Contemporary Cosmopolitan Constitution-Making: A Comparative View', *Global Jurist* 18(2): 1-11.

Recchia, S. 2009. 'Just and Unjust Postwar Reconstruction: How Much External Interference Can Be Justified?', *Ethics & International Affairs,* 23(2): 165-187.

Recchia, S. 2017. 'Authorising Humanitarian Intervention: A Five-Point Defence of Existing Multilateral Procedures', *Review of International Studies* 43(1): 50-72.

Redmond, A. D. 1993. 'The War in Bosnia: Operation Irma Acted as a Catalyst', *British Medical Journal* 307:1425.

Reeves, J. and May, M.S. 2013. 'The Peace Rhetoric of a War President: Barack Obama and the Just War Legacy', *Rhetoric & Public Affairs* 16(4): 623-650.

Reichberg, G. M. 2010. 'Thomas Aquinas between Just War and Pacifism', *The Journal of Religious Ethics,* 38(2): 219–241.

Reichberg, G. M. 2013. 'Culpability and Punishment in Classical Theories of Just War', pp.157-180 in A. F. Lang, C. O'Driscoll, and J. Williams (eds.) *Just War: Authority, Tradition, and Practice.* Washington: Georgetown University Press.

Rengger, N. 2002. 'On the Just War Tradition in the Twenty-First Century', *International Affairs* 78(2): 353-363.

Rengger, N. 2005. 'The Judgment of War: On the Idea of Legitimate Force in World Politics, *Review of International Studies,* 31(1): 143-161.

Rengger, N. J. 2013. *Just War and International Order: The Uncivil Condition in World Politics.* Cambridge: Cambridge University Press.

Renzo, M. 2017. 'Rights Forfeiture and Liability to Harm', *Journal of Political Philosophy* 25(3): 324-342.

Reus-Smit, C. 2005. 'Liberal Hierarchy and the Licence to use Force', *Review of International Studies* 31(1): 71-92.

Reus-Smit, C. 2014. 'Power, Legitimacy, and Order', in *The Chinese Journal of International Politics*, 7(3): 341-359.

Rigby, V. 1994. 'Bosnia-Hercegovina: The International Response'. *Government of Canada Publications* [online] Available at: publications.gc.ca/Collection-R/LoPBdP/BP/bp374-e.htm#PRESSURE (Accessed 18.1.2017).

Rigstad, M. 2017. 'Putting the War Back in Just War Theory: A Critique of Examples', *Ethical Perspectives* 24 (1): 123-144.

Roberts, A. 1993. 'Humanitarian War: Military Intervention and Human Rights', *International Affairs* 69(3): 429-449.

Roberts, A. 2006. 'Just Peace: A Cause Worth Fighting For', pp. 52-89 in P. Allan & A. Keller (eds.) *What is a Just Peace?* Oxford: Oxford University Press.

Roberts, P. 2012. 'The Supreme Emergency Exemption: Rawls and the Use of Force', *European Journal of Political Theory*, 11(2): 155-171.

Roberts, H. 2011. 'Who said Gaddafi had to go?', *London Review of Books* 33(22): 8-12.

Rocheleau, J. 2010. 'From Aggression to Just Occupation? The Temporal Application of Jus Ad Bellum Principles and the Case of Iraq', in *Journal of Military Ethics* 9(2):123-138.

Rodin, D. 2011. 'Ending War. (A Response to Richard W. Miller)' in *Ethics & International Affairs* 25(3): 359-367.

Rodin, D. 2012. 'Toward a Global Ethic', *Ethics & International Affairs*, 26(1): 33-42.

Rodin, D. 2015. 'The War Trap: Dilemmas of Jus Terminatio', *Ethics.* 125(3): 674 - 695.

Ronzitti, N. 2011. 'Nato's Intervention in Libya: A Genuine Action to Protect a Civilian Population in Mortal Danger or an Intervention aimed at Regime Change?', *The Italian Yearbook of International Law* 21(1): 1-20.

Roth, K. 2006. 'Was the Iraq War a Humanitarian Intervention?', *Journal of Military Ethics* 5(2): 84-92.

De Roy v. Zuijdewijn, J. and Bakker, E. 2014. 'Returning Western Foreign Fighters: The Case of Afghanistan, Bosnia and Somalia', *ICCT Research Papers* 5(2): 1-12.

Rubin, B. R. 2006. 'Peace Building and State-Building in Afghanistan: Constructing Sovereignty for Whose Security?', *Third World Quarterly* 27(1): 175-185.

RULAC (Rule of Law in Armed Conflicts). 2017. *Non-International Armed Conflict*. [online]. Available at: rulac.org/classification/non-international-armed-conflicts (Accessed 21.8.2018).

Rumsfeld, D. 2001. 'Rumsfeld Opposed to Any U.S. Role in Nation Building.' Washington Times. [online] Available at: washingtontimes.com/news/2001/dec/2/20011202-033625-9284r/ (Accessed 4.10.2020).

Saul, B. 2001. 'In the Shadow of Human Rights: Human Duties, Obligations, and Responsibilities', *Columbia Human Rights Law Review* 32(3): 565-624.

Scheid, A. F. 2012. 'Waging a Just Revolution: Just War Criteria in the Context of Oppression', *Journal of the Society of Christian Ethics*, 32(2): 153-172.

Schmelzle, C. 2020. 'The Legitimacy of Occupation Authority: Beyond Just War Theory'. *Critical Review of International Social and Political Philosophy* 23(3): 392-413.

Schneider, W. 2001. 'Not Exactly a Bush Flip-Flop.' *The Atlantic.* [online] Available at: theatlantic.com/politics/archive/2001/10/not-exactly-a-bush-flip-flop/377745/ (Accessed 17.11.2020).

Schwarz, R. and Jütersonke, O. 2005. 'Divisible Sovereignty and the Reconstruction of Iraq', *Third World Quarterly,* 26: 649–665.

Shaw W. H. 2016. *Utilitarianism and the Ethics of War*. London: Routledge.

Simon, D. J. 2020. 'Rwanda and the Rohingya', *Journal of International Peacekeeping* 22(1-4): 199-214.

Smith, J.R. 2013. 'The Failed Reconstruction of Iraq'. *The Atlantic*. [online] Available at: http://www.theatlantic.com/international/archive/2013/03/the-failed-reconstruction-of-iraq/27404 1/ (Accessed: 2.1.2017).

Snyder, R. S. 2003. 'The Myth of Preemption: More Than a War Against Iraq', *ORBIS* 47(4): 653-660.

Spielthenner, G. 2017. 'The Is - Ought Problem in Practical Ethics', *HEC Forum* 29(4): 277-292.

Stahn, C. 2008. (a) 'Jus Post Bellum: Mapping the Discipline(s)' pp 93-114 in C. Stahn & J.K. Kleffner (eds.) *Jus Post Bellum. Towards a Law of Transition from Conflict to Peace*. The Hague: T.M.C. Asser Press.

Stahn, C. 2008. (b) 'The Future of Jus Post Bellum' pp. 231-238 in C. Stahn & J.K. Kleffner (eds.) *Jus Post Bellum. Towards a Law of Transition from Conflict to Peace*. The Hague: T.M.C. Asser Press.

Stancescu, C. 2016. 'Does R2P Cross the Mogadishu Line?', *NATO Association of Canada*. [online] Available at: http://natoassociation.ca/does-r2p-cross-the-mogadishu-line/(Accessed 22.5.2017).

Stassen, G. 1994. 'Michael Walzer's Situated Justice', *The Journal of Religious Ethics* 22(2): 375-399.

Steinhoff, U. 2018. 'Right Intention: A Reply to Janzen, Purves, and Jenkins', *Journal of Military Ethics*, 17(2-3): 172-176.

Stirk, P. 2004. 'Carl Schmitt, the Law of Occupation, and the Iraq War', *Constellations* 11(4): 527–536.

Stirk, P. 2009. *The Politics of Military Occupation.* Edinburgh: Edinburgh University Press.

Stover, E., Megally, H., and Mufti, H. 2005. 'Bremer's "Gordian Knot": Transitional Justice and the US Occupation of Iraq', *Human Rights Quarterly* 27(3): 830-857.

Strachan, H. 2020. 'Strategy and Democracy', *Survival* 62(2): 51-82.

Stuenkel, O. 2014. 'The BRICS and the Future of R2P', *Global Responsibility to Protect* 6(1): 3-28.

Stupart, J. 2011. 'Jus Ad Bellum and Intervention in Somalia: Why A Military Response Can Still Work', *Scientia Militaria: South African Journal of Military Studies* 39(2): 52-74.

Su, R., Downes, A., and O'Rourke, L. 2017. 'Reconsidering the Outcomes of Foreign-Imposed Regime Change', *International Security*, 42(3): 172-177.

Sutch, P. 2009. 'International Justice and the Reform of Global Governance: A Reconsideration of Michael Walzer's International Political Theory', *Review of International Studies* 35(3): 513-530.

Sutch, P. 2012. 'Normative IR Theory and the Legalization of International Politics: The Dictates of Humanity and of the Public Conscience as a Vehicle for Global Justice', *Journal of International Political Theory* 8(1-2): 1-24.

Sweeney, J. C. 2004. 'The Just War Ethic in International Law', *Fordham International Law Journal*, 27(6): 1865-1903.

Tansey, O. 2009. 'Kosovo: Independence and Tutelage', *Journal of Democracy*, 20(2): 153-166.

Tarock, A. 2006. 'Washington: To Engage or to Change the Regime in Iran?', *New Political Science*, 28(1): 81-100.

Teitel, R. 2013. 'Rethinking Jus Post Bellum in an Age of Global Transitional Justice: Engaging with Michael Walzer and Larry May', *European Journal of International Law*, 24(1): 335–342.

Tesón, F. R. 2005. 'Ending Tyranny in Iraq', *Ethics & International Affairs*, 19(02): 1–20.

Tesón, F. R. 2011. 'Humanitarian Intervention: Loose Ends', *Journal of Military Ethics*, 10(3): 192-212.

Teti, A., Abbott, P., and Dagher, M. 2017, 'Iraq after Isis: Continued Conflict or Rebuilding Beyond Ethno-Sectarian Identities?', *openDemocracy* [online] Available at: opendemocracy.net/en/north-africa-west-asia/iraq-after-isis-continued-conflict-o/ (Accessed 9.7.2018)

Thaler, M. 2014. 'On Time in Just War Theory: From Chronos to Kairos', *Polity* 46(4): 520-546.

Thakur, R. 2013. 'R2P after Libya and Syria: Engaging Emerging Powers', *The Washington Quarterly*, 36(2): 61-76.

Tharoor, I. 2011. 'Gaddafi warns Benghazi Rebels: We Are Coming, And There'll Be No Mercy'. *Time*. [online] Available at: world.time.com/2011/03/17/gaddafi-warns-benghazi-rebel-city-we-are-coming-and-therell-be-no-mercy/ (Accessed 14.11.2019).

Thier, A. and Chopra, J. 2002. 'The Road Ahead: Political and Institutional Reconstruction in Afghanistan', *Third World Quarterly* 23: 893–907.

Thierney, D. 2014. 'Mastering the Endgame of War', *Survival* 56(5): 69-94.

Thompson, D. 2017. 'Responsibility while Protecting (RwP) and the Intervention in Yemen'. *Ethics & International Affairs.* [online]. Available at: ethicsandinternationalaffairs.org/2017/responsibility-protecting-intervention-yemen/(Accessed 13.04.2020).

Ticehurst, R. 1997. 'The Martens Clause and the Laws of Armed Conflict'. *International Review of the Red Cross, No. 317.* [online] Available at: www.icrc.org/en/doc/resources/documents/article/other/57jnhy.htm (Accessed 7.9.2018).

Tsinovoi, A. and Adler-Nissen, R. 2018. 'Inversion of the 'Duty of Care': Diplomacy and the Protection of Citizens Abroad, from Pastoral Care to Neoliberal Governmentality', *The Hague Journal of Diplomacy* 13(2): 211-232.

Tuck, R. 1999. *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant.* Oxford: Oxford University Press.

United Nations. 1945. *Charter of the United Nations.* [online] Available at: un.org/en/charter-united-nations/index.html (Accessed 6.12.2020).

United Nations. n.d. [a] Guidance Note of the Secretary-General on Democracy. [online] Available at: un.org/democracyfund/sites/www.un.org.democracyfund/files/un_sg_guidance_note_on_democracy.pdf (Accessed 17.3.2019).

United Nations. n.d. [b] 'Overview'. [online] Available at: https://static.un.org/en/sections/about-un/overview/index.html (Accessed 7.10. 2018).

United Nations. n.d. [c] 'Trusteeship Council.' [online].
Available at: un.org/en/sections/about-un/trusteeship-council/ (Accessed 26.7.2020).

United Nations. n.d. [d] 'Universal Declaration of Human Rights'. [online] Available at: https://www.un.org/en/universal-declaration-human-rights/index.html (Accessed 8.1.2019).

United Nations General Assembly. 1960. 'Declaration on the Granting of Independence to Colonial Countries and Peoples. General Assembly resolution 1514 (XV).' The Office of the High Commissioner for Human Rights. [online]. Available at: https://www.ohchr.org/EN/ProfessionalInterest/Pages/Independence.aspx (Accessed 1.12.2020).

United Nations General Assembly. 2018. 'Resolution adopted by the General Assembly on 7 December 2018.' *A/RES/73/123*. [online] Available at:undocs.org/pdf?symbol=en/A/RES/73/123 (Accessed 1.12.2020).

United Nations Office on Genocide Prevention and the Responsibility to Protect. n.d. 'Responsibility to Protect'. [online] Available at: un.org/en/genocideprevention/about-responsibility-to-protect.shtml (Accessed 12.8.2020).

United Nations Security Council (UNSC). 1992. 'Security Council Resolution 794 (1992)' *[Somalia]   S/RES/794.   Refworld.   [online]   Available   at:* https://www.refworld.org/docid/3b00f21137.html (Accessed 12.10.2020).

United Nations Security Council (UNSC). 2009. 'Divisive Rhetoric Threatens Sovereignty, Integrity of Bosnia and Herzegovina, High Representative Says in Briefing to Security Council.' *United Nations Meetings Coverage and Press Releases*. [online] Available at: un.org/press/en/2009/sc9665.doc.htm(Accessed 14.1.2018).

United States Congress. 2002. 'Authorisation for Use of Military Force Against Iraq Resolution' H.J.Res.114.   107th   Congress   (2001-2002).   [online]   Available   at: https://www.congress.gov/bill/107th-congress/house-joint-resolution/114 (Accessed 18.5.2018).

Verdirame, G. 2013. 'What to Make of Jus Post Bellum: A Response to Antonia Chayes', *European Journal of International Law*, 24(1): 307–313.

Vilmer, J. 2018. 'The Responsibility Not to Veto: A Genealogy.', *Global Governance* 24(3): 331-349.

Visoka, G. and Doyle, J. 2014. 'Peacebuilding and International Responsibility', *International Peacekeeping* 21(5): 673-692.

Vorobej, M. 2009. 'Just War Theory and the Invasion of Afghanistan', *Peace Research* 41(2): 29–58.

De Vries, R. and Gordijn, B. 2009. 'Empirical Ethics and its Alleged Meta-Ethical Fallacies', *Bioethics* 23(4): 193-201.

Walldorf, C.W. 2019. *To Shape Our World for Good: Master Narratives and Regime Change in U.S. Foreign Policy, 1900–2011*. Ithaca: Cornell University Press.

Walling, C. B. 2015. 'Human Rights Norms, State Sovereignty, and Humanitarian Intervention' in *Human Rights Quarterly*, 37 (2): 383-413.

Walsh, B., and Peleg, I. 1998. 'Human Rights Under Military Occupation: The Need For Expansion'. *The International Journal of Human Rights* 2(1), 62-78.

Walzer, M. 1994. *Thick and Thin: Moral Argument at Home and Abroad.* Notre Dame; London: University of Notre Dame Press.

Walzer, M. 1977. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. New York: Basic Books.

Walzer, M. 1983. *Spheres of Justice*. New York: Basic Books.

Walzer, M. 2000. *Just and Unjust Wars: a Moral Argument with Historical Illustrations* (3rd ed.) New York: Basic Books.

Walzer, M. 2002. The Triumph of Just War Theory (and the Dangers of Success), Social Research, 69(4): 925-944.

Walzer, M. 2004 (a). *Arguing about War*. New Haven: Yale University Press.

Walzer, M. 2004 (b). 'Words of War: Challenges to the Just War Theory', *Harvard International Review* 26(1): 36-38.

Walzer, M. 2006 (a). Just and Unjust Wars: A Moral Argument with Historical Illustrations (4th ed.). New York: Basic Books.

Walzer, M. 2006 (b). 'Regime Change and Just War', *Dissent* 53(3): 103-108.

Walzer, M. 2006 (c). 'Response to McMahan's Paper', *Philosophia* 34(1): 43-45.

Walzer, M. 2008. 'On Promoting Democracy', *Ethics & International Affairs* 22(4): 351-355.

Walzer, M. 2011. (a) 'On Humanitarianism: Is Helping Others Charity, or Duty, or Both?', *Foreign Affairs*, 90(4): 69–80.

Walzer, M. 2011. (b) 'The Wrong Intervention'. *Dissent Magazine* [online] Available at: dissentmagazine.org/onlinearticles/the-wrong-intervent (Accessed 7.8.2019).

Walzer, M. 2012. 'The Aftermath of War: Reflections on Jus Post Bellum' pp 35-46 in Patterson E. (Ed.), *Ethics Beyond War's End*. Washington: Georgetown University Press.

Walzer, M. 2013. 'What is the Responsibility to Protect?'. *Dissent Magazine* [online] Available at: dissentmagazine.org/blog/what-is-the-responsibility-to-protect (Accessed 27.9.2017).

Walzer, M. 2015. *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (5th ed.). New York: Basic Books.

Walzer, M. 2017. 'Just and Unjust War in the 21st Century' (Religion and Foreign Policy Workshop), *Council on Foreign Relations*. [online] Available at: cfr.org/event/just-and-unjust-war-21st-century (Accessed 2.7.2020).

Warner, D. 1993. 'An Ethic of Responsibility in International Relations and the Limits of Responsibility/Community', *Alternatives* 18(4): 431–452.

Webber, M. 2009. 'The Kosovo War: A Recapitulation', *International Affairs* 85(3): 447-459.

Weinert, M. S. 2011. 'Reframing the Pluralist - Solidarist Debate', *Millennium* 40(1): 21-41.

Werner, S. 1996. 'Absolute and Limited War: The Possibility of Foreign-Imposed Regime Change', *International Interactions* 22(1): 67–88.

Wester, K. 2020. *Intervention in Libya: The Responsibility to Protect in North Africa.* Cambridge: Cambridge University Press.

Wheatley, S. 2006. 'The Security Council, Democratic Legitimacy and Regime Change in Iraq', *The European Journal of International Law* 17(3): 531-551.

Wheeler, N. J. 1997. 'Agency, Humanitarianism and Intervention', *International Political Science Review* 18(1): 9-25.

Wheeler, N. J. 2001. 'Legitimating Humanitarian Intervention: Principles and Procedures', *Melbourne Journal of International Law* 2(2): 550-567.

Wheeler, N. J. 2002. *Saving Strangers: Humanitarian Intervention in International Society.* Oxford: Oxford University Press.

Whitehead, L. 2009. 'Losing 'the Force'? The 'Dark Side' of Democratization after Iraq', *Democratization* 16(2): 215-242.

Whitman, J. 1993. 'Utilitarianism and the Laws of Land Warfare', *Public Affairs Quarterly*, 7(3): 261-275.

Widmaier, W. W. and Glanville, L. 2015. 'The Benefits of Norm Ambiguity: Constructing the Responsibility to Protect Across Rwanda, Iraq and Libya'. *Contemporary Politics* 21(4): 367-383.

Wight, M. 1972. 'International Legitimacy'. *International Relations* 4(1): 1–28.

Willard-Foster, M. 2018. *Toppling Foreign Governments: The Logic of Regime Change.* Philadelphia: University of Pennsylvania Press.

Williams, J. 1998. *Legitimacy in International Relations and the Rise and Fall of Yugoslavia.* Basingstoke: Macmillan.

Williams, J. 1999 (a). 'The Ethical Basis of Humanitarian Intervention: The Security Council and Yugoslavia', *International Peacekeeping* 6(2): 1-23.

Williams, J. 1999 (b). 'The Ethics of Borders and the Borders of Ethics: International Society and Rights and Duties of Special Beneficence', *Global Society* 13(4): 467-487.

Williams, J. 2011. 'Structure, Norms and Normative Theory in a Re-Defined English School: Accepting Buzan's Challenge', *Review of International Studies*, 37(3): 1235-1253.

Williams, J. and Roach, T. 2006. 'Security, Territorial Borders and British Iraq Policy: Buying a Blair Way to Heaven?', *Geopolitics* 11(1): 1-23.

Williams, P. D. 2018. 'Joining AMISOM: Why Six African States Contributed Troops to the African Union Mission in Somalia', *Journal of Eastern African Studies*, 12(1): 172-192.

Williams, R. E. and Caldwell, D. 2006. 'Jus Post Bellum: Just War Theory and the Principles of Just Peace', *International Studies Perspectives* 7(4): 309-320.

Wilson, J. L. and Monten, J. 2011. 'Does Kant Justify Liberal Intervention?', *The Review of Politics* 73(4): 633-647.

Wingfield, T. C. 2004. 'The Convergence of Traditional Theory and Modern Reality: Just War Doctrine and Tyrannical Regimes' in *Ave Maria Law Review,* 2(1): 93-122.

Wolford, S. 2015. *The Politics of Military Coalitions*. Cambridge: Cambridge University Press.

Wolfowitz, P. 2004. 'Remarks as Delivered by Deputy Secretary of Defense Paul Wolfowitz'. *The Coalition Provisional Authority*. [online] Available at: https://govinfo.library.unt.edu/cpa-iraq/transcripts/20040508_wolf_enormous.html (Accessed 19.4.2018).

Wrange, P. 2017. 'Does Who Matter? Legal Authority and the Use of Military Violence', *Ethics & International Affairs* 31 (2): 191-212.

Yannis, A. 2001. 'Kosovo under International Administration', *Survival* 43(2): 31-48.

Yiu, H. 2010. 'Jus Cogens, the Veto and the Responsibility to Protect: A New Perspective', *New Zealand Yearbook of International Law* 7: 207-253.

Zheng, C. 2016. 'China Debates the Non-Interference Principle', *The Chinese Journal of International Politics*, 9(3): 349–374.

Zoubir, Y. H. 2006. 'The United States and Libya: From Confrontation to Normalization', *Middle East Policy* 13(2): 48-70.

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