FOREIGN HUMANITARIAN INTERVENTION IN AFRICA: LEGITIMACY AND LIMITS. THE CASE OF "FRAGILE", "FAILED", OR "COLLAPSED STATES"[*]

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1. Introduction

Although relatively recent the theoretical production on the issue of humanitarian intervention[1] and, to some extent, to its successor, the so-called doctrine

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[1] Cf. among others, Hoffmann, S.; Johansen, R. C.; Sterba, J. P.; Vayrynen, R., 1996, *The Ethics and Politics of Humanitarian Intervention*, Notre Dame: University of Notre Dame Press; Murphy, Sean D., 1996, *Humanitarian Intervention: The United Nations in an Evolving World Order (Procedural Aspects of International Law)*, Pennsylvania: University of Pennsylvania Press; Weiss, T. G.; Collins, C., 1996, *Humanitarian Challenges and Intervention: World Politics and the Dilemmas of Help*, Boulder, CO: Westview Press; Garret, A., 1999, *Doing Good and Doing Well: An Examination of Humanitarian Intervention*, Westport, CT: Praeger Publishers; Gerald, M., 2002, «Relentless Humanitarianism. (Global Insights)». *Global Governance*, (8) 2: 149: 154; Wheeler, N. J., 2002, *Saving Strangers: Humanitarian Intervention in International Society*, Oxford: Oxford University Press; Maxine, M. I., 2002, «Humanitarian Intervention without Borders: Belligerent Occupation or Colonization?» *Houston Journal of International Law*, (25) 1: 99: 105; Orford, Anne, 2003, *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law*, Cambridge: Cambridge University Press; Holzgrefe, J. L.; Keohane, R. O. ed., 2003, *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, Cambridge: Cambridge University Press; Welsh, J. M. ed., 2006, *Humanitarian Intervention and International Relations*, Oxford: Oxford University Press; Weiss, T. G., 2007, *Humanitarian Intervention: Ideas in Action*, Cambridge: Polity Press; Ricobom, Gisele, 2010, *Intervenção Humanitária – a Guerra Em Nome dos Direitos Humanos*, Forum: Belo Horizonte.

of "responsibility to protect"[2], is significant. In relation to this doctrine, for example, Wladimir Brito[3] tells us that the concept of responsibility to protect:

Imposes on States and the international community as a whole to prevent conflicts that may result in human catastrophes caused by the practice of *mass atrocity crime* – (...) (*responsibility to prevent*) – the duty to respond, responding to these crimes with new and acceptable forms of intervention, quite different from those that are part of the "classic" and much criticized humanitarian intervention – (...) (*responsibility to react*) – and the obligation to rebuild societies affected by armed violence – (...) (*responsibility to rebuild*).

One can assert that today we observe two main theories or perspectives on the multilateral "humanitarian interventionism":

1. One of them defends the maintenance of the traditional neutrality and impartiality of the intervention, not engaging in the unfolding of the civil conflicts. In this perspective, interventions stand out as the military defence of the humanitarian assistance distribution. However, as proven by conflicts in Bosnia-Herzegovina (1992-1995) and Somalia (1991), not to mention the conflict of Biafra in Nigeria (1967-1970), the neutrality of humanitarism is not but a myth, once the military defence of the assistance is very problematic, ending up to require an active participation of troops intervening in the conflict. Nevertheless, the intervening States, mainly the Western ones, before the impact that the death of soldiers from their countries can have on the inconsistent "international public opinion", adopt the option of "zero casualty" and the protection of intervening troops end up prevailing over any other humanitarian consideration, taking into account, in these cases, that the "humanitarian interventionism" limits itself to the defence of the humanitarian access for the victims, acts only on the symptoms and not on the causes of conflict, so it cannot prevent the suffering of victims or stop the violations of human rights as expected by the so-called international public opinion.

2. The other strand supports the view that multilateral humanitarian action must be more encompassing in order to impede the massive violations of human rights, to arrest their responsible and to act on the causes of the humanitarian crises.

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[2] Cf. among others Bierrenbach, A. M., 2011, *O conceito de Responsabilidade de Proteger e o Direito Internacional Humanitário*, Brasília: Funag; Fonseca Jr, G.; Belli, B., 2013, «Desafios da Responsabilidade de Proteger», *Política Externa*, 21 (4): 11-26; Brito, Wladimir, 2017, *Responsabilidade de Proteger no Direito Internacional*. Coimbra: Almedina.

[3] Brito, id., pp. 10-11. Translation of the author. Para uma leitura sobre a responsabilidade internacional no direito internacional, cf. também Brito, Wladimir, 2008, *Direito Internacional Público*. Coimbra: Coimbra Editora, pp. 456-494.

While some supporters of this approach maintain the linking of humanitarism to the eradication of war, others advocate international society's duty to put an end to the conflict and assure the well-being of populations in a more durable and effective manner. These former even defend the creation of "international protectorates" which facilitate the resolution of conflicts. As it is obvious, the consolidation of this last trend would have large scale implication for the international system. The most important among them would, perhaps, be the possibility of the very international society to decide the result of conflicts.

This article does not intend to analyse the actions of major international actors (United Nations Organization, intergovernmental organizations, NGOs, etc) and of other interpreters of multilateral foreign interventions which aim to deal with the so-called "fragile", "failed" or "collapsed" States (FFCS), but rather to briefly assess the emergence of unilateral foreign interventions, particularly in Africa, from a critical theoretical perspective compared to the traditional IR approaches of the issue, seeking specifically to go beyond the idealist and realist Western canon through the application of Postcolonial Studies' epistemological tools[4].

2. The Emergence of Unilateral Foreign Intervention: Oscillating between "Humanitarism" and Hegemony

The two traditional approaches that justify the unilateral foreign interventionist action, that is, an intervention without UN Security Council's consent (the resort to the "just war" doctrine and the assumption that a customary law of "humanitarian intervention" was put in place) are limited since they do not provide a perspective that reconciles the principle of non-intervention with that of international protection of human rights, which provoke a structural division within International Law. However, the defence of unilateral foreign interventions by some international actors found a considerable space of manoeuvre due to the clear indifference that the international society has showed before increasing cases of State failure – using the classic theory of non-intervention present in articles 2.4 and 2.7 of the UN Charter as an excuse – causing that unilateralism increasingly emerges as the second type of response usually adopted in its framework.

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[4] HILL, J., 2005, 'Beyond the other? A postcolonial critique of the failed state thesis', *African identities*, 3(2): 139-154; JONES, B. G., ed., 2006, *Decolonizing International Relations*, London: Rowman & Littlefield Publishers; SCHOEMAN, A., 2008, «The dilemma of the failed state thesis in post-9/11 world affairs», *Koers*, 73(4):751-770; BARROS-VARELA, O., 2017, *Mestiçagem Jurídica? O Estado e a Participação Local na Justiça em Cabo Verde: Uma Análise Pós-Colonial*, Lisboa: Camões.

The occasional impassive attitude of the international society is found in the equally apathetic position of some authors conniving with Western dominance, or euro-centrism, of international political agenda responsible for the uneven distribution of knowledge production which spread, for instance, in the field of International Relations. One of them is Robert Jackson[5] who, inserted in the logic of international pluralistic ethics[6], contends that it is up to the populations of "failed State" to react before such situations, arguing truly, that "it's their business".

In general, the major powers have also adopted an indolent attitude. However, this position has been nonlinear or apparently ambiguous, since, in some cases, they adopt an insensible attitude and reject the possibility of having multilateral foreign intervention; and, in other cases, they advocate the occurrence of unilateral foreign interventions or in the margins of UN that would obviously be led by them. As to the US's case, it's possible to make a clear analysis of this position. Despite the indifference shown in the Rwandan case, in the National Security Strategy of 1999, President Clinton put the "humanitarian interests" in third place in the ranking of "national interests", after the "vital interests" and the "most important interests"[7].

The increasing importance of this third arena of interests during Clint Administration, shown by the role of military forces in the cases of Bosnia-Herzegovina (1995) and Kosovo (1999), has to do with the equally increasing presumption that this constitutes a way to spread the Western constitutional democracy, namely in the considered "fragile", "failed" and "collapsed" States. In the post-Clinton era, this trend was continued though in a more perverse way, that is, despite the fact that the humanitarian interests began to be formally considered vital interest, the option for the use of unilateral military interventions as a way of arguably combating the violations of human rights hide other objectives, as shown by the recent events in Afghanistan (2001), Iraq (2003) and Libya (2011).

The main mark of the successive American administration has been the defence that the extensions of the constitutional democracy principles as well as free market, reduce the probability of other States to threaten US territory and the promotion of the country's economic welfare, both being vital interests.

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[5] Jackson, Robert, 2000, «A Few Thoughts on the Pluralist of Ethics of World Politics», *'Failed States' Conference*, Purdue University, Florence.

[6] Barros-Varela, O., 2012, «Ética Internacional Pluralista *Versus* Ética Internacional Solidarista. Uma Abordagem Sobre a 'Fragilidade', 'Falhanço' ou 'Colapso' Estatal», in De Pina, L.; Silva, M.; Monteiro, P. eds., *Estudos Comemorativos do 5º Aniversário do ISCJS*, Praia: ISCJS.

[7] Jackson, id.

According to this view, if the protection of these US interests involves the establishment of conditions in which, supposedly, the representative democracy can flourish, it seems logic that in the "fragile", "failed" and "collapsed" States, where human security – the freedom of fear of coercion – is absent, employing military forces is not merely an auxiliary or additional duty, having to imply or involve a significant military mission. The fact is that some authors end up legitimizing such attitude, as is the case of Robert H. Dorff, by asserting that:

> [...] taking into account that issues of political will and of national interests will determine whether the response of the international community will be coherent and appropriate, these responses must begin to consider the US's strategic interests and these must serve to anchor the coordination with the European Union (EU) and OECD (Organization for Cooperation and Economic Development) countries and eventually the UN[8].

One can then see that these theorizers ended up contributing for the legitimation of a trend or view that also feeds the purpose of consolidating – resorting to military force if necessary – a neoliberal global governance that, in turn, sustain itself, in part, through expanding representative democracy.

Anyway, doors were opened for future unilateral foreign military interventions which ended up happening as shown by the emblematic bombardment of Serbia by NATO (North Atlantic Treaty Organization) in 1999. Here, some authors as Habermas considered that the military intervention can be seen as an effort to tame the state of nature existing in the relations among States in an anticipation of States' universal union, imagined by Emanuel Kant.[9] However,

> [...] the imposition of general norms agreed by a group of States acting outside UN still work as an effort of hegemony, so the perception of war outside NATO's countries differ so surprisingly from that existing inside that Organization[10].

Imbued with the logic of solidary international ethics, Lothar Brock still maintains that Western countries must avoid, with a greater effort, the emptying of UN and of the ideas about its reform, and that it is necessary to reinforce

[8] Dorff, R. H., 1999, «Responding to the Failed State: What To Do and What To Expect», *'Failed States' Conference*, Purdue University, Florence.
[9] Habermas, J., 2001, «Constitutional Democracy: A Paradoxical Union of Contradictory Principles?» *Political Theory*, 29 (6): 766-781; See also Brock, L., 2000, «Enforcement and Intervention *vis à vis* Failing States: Pro and Contra», *'Failed States' Conference*, Purdue University, Florence.
[10] Brock, id.

legal analysis of political results of peace-making and peace-keeping, both by governments and International Governments[11]. However, other identical situations emerged in the 2000s, as the quoted cases of Afghanistan and Iraq and of more recent interventions in Africa, namely Libya (2011) and Mali (2013).

Focusing briefly on the first situation, we qualify the foreign military intervention as unilateral though the resolution 1373, 28 September 2008, of UN Security Council has "legitimised", *a posteriori*, NATO's intervention in that country, under US's leadership, in the aftermath of September 2001 attacks. Curiously, this resolution was approved 16 days after the approval, by the same body, of the resolution 1368, 12 September 2001, which did not proceed to the mentioned legitimation and focused on the condemnation of said attacks.

This supports the fact that, right from the start, when NATO invaded Afghanistan, the UN did not meet the position taken by NATO and US – that they would be acting in "legitimate defence" – adopting an opposite position, that is, that it was not the case of an action of legitimate defence against the Afghan State, but rather a preventive action typified as an "aggression war", according to resolution 3314, 14 December 1974, of UN General Assembly, aiming to combat and defeat the terrorist group Al Qaida, taken as the responsible for the attacks.

Therefore, when critically reading the recent developments on the issue of "legitimate defence", the idea that emerges is that UN's giving up is linked more to the strong power and influence that US has within the Organization as it is because we consider the action as a right to use force. According to Souto e Galvão,

> With this, we can see that NATO's intervention, North Atlantic Treaty Organization, in the Afghan State, was carried out in the opposite way to what UN Chart says, whose use of force is only acceptable in case of legitimate defence. Even after the UN having accepted the intervention, one can say that the use of force by NATO in Afghanistan was not legitimate, as it is not assured by any law or norm in the international scenario. In the case of its legality, in the first moment, with no support by NATO, the situation was seen as illegal, yet after its acceptance and support in the intervention, the case was / is being seen as legal[12].

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[11] Ibid.

[12] SOUTO, E.; GALVÃO, D., 2010, *A atuação da OTAN diante da crise regional do Afeganistão após o atentado ao World Trade Center em 2001*, available at http://www.ambito-juridico.com.br/site/index. php?n_link=revista_artigos_leitura&artigo_id=7800, accessed 02 March 2019.

With regard to the episodes taking place in Libya and Mali, they demand, in our view, two immediate analyses:

1. Serving the interests of the leading power, the USA, one sees that NATO, after the intervention in Afghanistan, consolidates the trend to act outside its initial area of action – strategic change operates after the end of Cold War[13] – by intervening militarily in the country ruled at the time by Muammar al-Gaddafi. Despite being supported by the resolution 1973, 17 March 2011, of UNSC – which authorizes its Member States to use military force in order to establish a buffer zone to protect civilians targeted by the attacks of the Libyan regime –, such as the Afghanistan case, we include this incursion in Libya in the list of the unilateral military foreign interventions, provided that the intervention was full of illegality, considering that NATO intervening countries made an extensive interpretation (better saying, "interested" interpretation) of the resolution, going from the simple air exclusion, but carrying out massive air strikes, aiming the fall of the regime, which was not foreseen by the Security Council's deliberation. It is worth adding that South Africa – regional power and then non-permanent member of UNSC – voted in favour of resolution 1973, which provoked some controversies within African Continent, particularly in the African Union (AU). Of the remaining African countries, one also stresses, the fact that Gabon and Nigeria, being this former the ECOWAS leading power (Economic Community of West African States) – have publicly supported the resolution. Nigeria's position can, according to the perspective adopted in this research, be linked to the fact that the relations between Libya and Nigeria have not been the best during Gaddafi's rule due to the fact that he defended the division of the latter into several independent states as a way to end the instability existing in the country, caused, namely, by the religious conflicts. However, for Nigerians the real purpose of the Libyan leader would be to send away an adversary or a strong competitor to its intention to dominate the Continent by establishing, within the AU, its plan to create the "United States of Africa", an idea that was copied from one of the precursors (forefathers) of the Pan-Africanism, Kwame Nkrumah, the historical leader of Ghana. The support of the resolution would thus be a sort of revanche.

2. Concerning Mali, on December 20, 2012, the 15 members of UNSC, approved by unanimity, the Resolution 2085 which authorizes the deployment of a join African force (AFISMA – African-led International Support Mission in Mali) in

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[13] CORREIA, P. P., 2004, *Manual de Geopolítica e Geoestratégia, Vol. II – Análise Geoestratégica de um Mundo em Conflito*, Coimbra: Quarteto; BARROS-VARELA, O. B., 2007, «A Encruzilhada da Defesa e Segurança no Atlântico Médio: Cabo Verde entre a 'Espada' da NATO e a 'Parede' Africana?», *Direito e Cidadania*, 7 (25/26): 219-248.

Mali to recover the control of the North of the country in the hands of terrorists, extremists and armed groups, since March of the same year. The Resolution stipulates that the military force will be deployed for an initial period of one year with the mandate to train Mali Army and support the Government of Bamako in the taking back the integral part of its territory. However, 20 days later, on January 11, 2013, France intervenes militarily in Mali in a unilateral manner- without being under the orders or waiting for the effectuation of AFISMA – using as official justification an impeccable diplomatic argument: that Paris responded to the appeal of the "legitimate" Chief of State of a friend country, due to the territorial advance of Islamic extremist group[14]. Nevertheless, the fact that it led the diplomatic efforts for an international action in the north of this African country which culminated in the said Resolution – but whose implementation was blocked due to the absence of consensus among ECOWAS and AU Member States – represent one of the undeclared or not formally assumed explanations but that illuminates clearly the geostrategic interests of France in the region[15].

Still regarding the French argument, Samir Amin[16], in a sharp way, raises the following question: "so in what the appeal of Syrian Head of State – undoubtedly less legitimate – to Iran and Russia is 'unacceptable'? Following up on this question, we launch another: which reasons – other than those of geostrategic nature – make, unlike in Libya and Mali, two members of UNSC – China and Russia – to veto, on February 4th, 2012, a UNSC draft resolution which sought a solution for the Syrian crisis? This project does not even focus on the possibility of a military foreign intervention but rather on the following points: support to the Arab League transition plan, condemnation of violence by the Damascus regime against civilian population, and solicitation for the Syrian president Bashar al-Assad to resign.

Edward Hallet Carr, one of the precursors (forefathers) of the realist school of thought of international relations, and whose assertions still dominate the Realist canon, advanced the idea that *welfare States* as USA, Great Britain and France on the eve of World War II, generally, enjoy a preponderance of power and resources over *power States* and that, because of this, they normally tend to use more economic power in international politics over other two types of power – "military" and "about opinion" – on which they also hold hegemony. On the side of power States (as Soviet Union, Germany, Italy and Japan in the

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[14] Amin, S., 2013, *Mali : Análise de Samir Amin*, available at http://www.buala.org/pt/a-ler/mali--analise-de-samir-amin accessed 05 March 2019.
[15] Id.
[16] Ibid.

same period), as they only hold military power, they will use it in international politics in order to get access to other types of power[17].

Although the context is entirely different, today it would mean, in practical terms, that welfare States (as USA, Great Britain and France) in defending their interests would most use economic power – mainly in their relations with African countries –, while power States (as Israel, Pakistan, North Korea, Nigeria, China, India), would only use military power in these relations. However, the reported unilateral foreign military interventions in Africa by welfare or Western States, in this century end up contradicting Carr's view.

If after the wave of African independences in the 1960s of 20th century up to the late 1980s and 1990s of the same century, the use of economic power or, if we prefer, the economic conditionalities (commonly known as, neo--colonialism) imposed the rules – without forgetting, however, the so-called proxy conflicts in the Cold War – in the beginning of the second decade of the present century, we have been witnessing a change of scenario: States seen as welfare States by Carr, for instance, France, are behaving as "power States" as they are most using military rather than economic power in their relations with African counterparts. In turn, States seen as "power States" as China and India (which are nuclear powers) are most using economic power in their relations with States in the African Continent.

The Ugandan political scientist, Mahmood Mamdani, reinforces our view by asserting that:

> The Chinese role on the continent has grown dramatically. Whether in Sudan and Zimbabwe, or in Ethiopia, Kenya and Nigeria, that role is primarily economic, focused on two main activities: building infrastructure and extracting raw materials. For its part, the Indian state is content to support Indian mega-corporations; it has yet to develop a coherent state strategy. But the Indian focus too is mainly economic. The contrast with Western powers, particularly the US and France, could not be sharper. The cutting edge of Western intervention is military. France's search for opportunities for military intervention, at first in Tunisia, then Cote d'Ivoire, and then Libya, has been above board and the subject of much discussion. Of greater significance is the growth of Africom, the institutional arm of US military intervention on the African continent[18].

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[17] CARR, E. H., 2001, *Vinte Anos de Crise: 1919-1939. Uma Introdução ao Estudos das Relações Internacionais,* Brasília: UNB, p. 156.
[18] MAMDANI, M., 2011, *What does Gaddafi's fall mean for Africa?* Available at http://www.aljazeera.com/indepth/opinion/2011/08/201182812377546414.html, accessed 30 August 2018.

What one can see is that the emergence of candidates to become welfare States, such as China and India, and the competition and concurrence they have put on the traditional welfare States in Africa, provokes that the latter clearly lose the race in recent years due to, fundamentally, the fact that the so-called pretenders do not use, unlike them, political conditionalities (commonly known as interference in the domestic political life of countries upon, for instance, the imposition of the Western model of representative democracy), in exchange of economic agreements or more favourable commercial exchanges. Thus, as a way to try to revert this situation, some Western countries opt to use military power not only to support the rebel groups or opponents to the targeted African regimes – generally supported by them – but rather to, in last instance, intervene themselves under the cover of humanitarian argument (save the civilians from the blood dictators), though the intention is essentially to (re) implant friend regimes, in the light of what happened during the Cold War, which will enabled them to recover the economic dominance then lost or under the risk of disappearance.

Another author, the British Dan Glazebrook[19], considers that this is the AFRICOM (United States Africa Command) mission insofar as besides NATO – which traditionally raises mistrust among African countries due to its engagement in the civil conflicts during the Cold War – the US has AFRICOM as a new branch which promotes what has been called subcontract of conflicts, that is, the sponsorship of foreign military intervention using African soldiers as in the case of Ugandan troops in Somalia.

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We believe there are other ways to solve the so-called State weakness, failure or collapse which cannot imply the increase of violence that the emergence or threat of another foreign force would, inevitably, provoke; not to mention that this would imply an increase of means of violence (especially through arms), which can contribute to perpetuate the conflict and transform it into a vicious cycle of extreme violence. Put differently, unlike one defends, most of times, they are unilateral foreign military interventions led by Western States. Libya provides us with the most recent and tragic case. Wasn't Libya the EU safest border to the South and an ally against human trafficking? Was it worth to

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[19] GLAZEBROOK, D., 2012, *The imperial agenda of the US's 'Africa Command' marches on*, available at http://www.guardian.co.uk/commentisfree/2012/jun/14/africom-imperial-agenda-marches--on?INTCMP=SRCH, accessed 01 March 2013.

destroy a country to guarantee an easier access to oil and serve the geostrategic interests of Israel and USA?

For us, the mentioned forms must, for example, to asphyxiate the resources (arms and drug trafficking) used by the "warlords" to sustain themselves and to reinforce the means of emancipation of civil society, State and/or other alternative forms of domestic political and social organization. It is evident that in order for this to happen, there must be a serious effort of several actors (neighbouring States, remaining States and other international actors) which, however, seems to be difficult because of the current international politics configuration wherein despite some transformations, it's still States – most of them Western – that set the rules of the game.

3. Concluding remarks: The Negative implications of Interventionist Unilateralism

The unilateralist predilection for foreign interventions over a collaborative and multilateral stance, which reflects the behaviour of some Western countries before cases of post-conflict in the "fragile", "failed" and "collapsed" States, has given rise and will, certainly, cause serious consequences. One of the most significant gaps of unilateral military interventions have to do with the fact that one cannot define the role and place of the soldiers in the resolution of the problem at stake, being Iraq and Libya clear examples of this. Because the military intervention is supported by the "public opinion" (resulting, sometimes, from the manipulating job of the media) and is able to end the military conflict or confrontation between the parties, it doesn't authorize the thought or the conclusion that the military intervention will serve to build peace and post-conflict "reconstruction" in the long term.

It is notorious that the "public opinion" suffers from a huge deficit of information about the role and place of the soldiers (or of the army) in solving these problems. The following question emerges: how a State or group of States, which intervene unilaterally and militarily in another, expects to build peace or rebuild that country, if it is not in the image and similarity of the intervening through peaceful or non-military means? These cases show how the lack of control and international impunity of the intervening soldiers can lead to serious human rights violations. Paradoxically, the intervening country ends up entering "a blind alley", that is, the report of the abuses provoke that they cannot be loved by the "public opinion", and non-resolution of the problems that justified the intervention and/or its aggravation, provoke that it becomes desirable, not to mention avoidable, the posterior "forging of a multilateral solution", in this case under the umbrella of the UN. Otherwise, the perpetuation of violence cycle is a quite likely scenario.

However, even the mitigation of an unilateral intervention upon a posterior multilateral solution does not justify the legitimation of a solution of this kind, nor impedes the consideration that it is a very negative precedent, being able to contribute to the emergence of cases of re-colonization and to the fragmentation of the international system; that is, the conception of UN as the centralized global institution which regulates the use of international force is, in our view, completely discredited.

The dilemma about the best way to preserve the International System has been reflecting on different choices that States have taken when faced with the so-called cases of State weakness, failure and collapse. These options have illustrated that only in the face of a threat to the stability of the current international system, is that the possibility of a unilateral intervention becomes probable. This is the attitude of the major world powers. In other words, the intervention is guided less by the need to save lives and to contribute for the "construction" and "reconstruction" of a State, as it is by the geostrategic interest to preserve an international order that these powers control, as clearly shown by the intervention in Kosovo and Libya, and by its absence in Rwanda and Syria. Going further, and in a speculative analysis, that evidence shows that, even in the absence of motives for intervention, any temptation to threaten the current International System which, as shown, has been illegitimate, as its structure is not compatible with the way(s) of life of the majority of world population; or replace it by a more solidary and just, can face – as Hedley Bull explains for other historical periods in his seminal work *The Anarchical Society*[20] – a strong resistance which can even lead to a unilateral military intervention.

The performance of world powers in order to reinforce its *status quo* reaches a status of "cynicism", often remarkable. While, on the one hand, they avoid taking part in a multilateral foreign intervention in the "fragile", "failed" and "collapsed" States in favour of the non-intervention principle, they use, on the other, private actors to create and implement their policies in these States, configuring an element of subcontract. The instrumentation, for instance, of private oil companies, mine extraction and security companies, as a way to influence events, contributes to perpetuate the situation of "failed" or "failing" State and its resulting international dependence, once these actors become the only channels through which State "governance" "works", as State bureaucracy has collapsed or it is very incipient (The Great Lake region in the African continent is an example of this).

One of the intrinsic dilemmas about the issue of unilateral foreign intervention deals with the fact that this can lead to abuses of the intervening over

[20] Bull, H., 2002, *A Sociedade Anárquica*, Brasília: UnB.

the targeted State and thus reinforce the exclusionary side of the international order harming the majority of States that want a more just international system and, though it is not zero-sum game, benefiting generally the strongest ones. On the other hand, the total absence of intervention (assuming that the omission of multilateral intervention will lead to unilateral intervention) end up not only undermining the current international order (which is not the best, but what exists) as the possibility of any just international order in the future, establishing, purely and simply, the law of the strongest.

With this we want to assert that we are not apologists, whether of the intervention done in the frame it has been done or in the absolute principle of non-intervention. We beforehand advance, in a simple way, that we defend specificity in addressing each case. The rule of specificity would be framed, as defined hereby, in a world system, wherein the modern State must coexist with other forms of political and social organization. The most important point to bear in mind is that before such coexistence it is possible not to endanger the integrity of each formula, contributing to reduce the existing international inequality and inequity[21].

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[21] Barros-Varela, 2017, id.; Barros-Varela, O., 2018, *Crítica da Razão Estatal: O Estado Moderno em África nas Relações Internacionais e Ciência Política. O Caso de Cabo Verde.* Praia: Pedro Cardoso.